



No. 11 of 1996.

Employment of Non-Citizens (Amendment) Act 1996.

Certified on : 18.9.96

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1996.

Employment of Non-Citizens (Amendment) Act 1996.

ARRANGEMENT OF SECTIONS.

1. Prohibition of Employment of non-citizen without work permit (Amendment of Section 4).
2. Duplicate work permit (Amendment of Section 12).
3. Employers Register (Amendment of Section 14).
4. Authorized officers (Amendment of Section 16).
5. New Section 16A.

"16A. INSTITUTION OF PROSECUTIONS OR PROCEEDINGS.

6. General penalty (Amendment of Section 19).
7. Regulations (Amendment of Section 20).
8. New Section 21.

"21. WORK PERMIT TRUST ACCOUNT".

INDEPENDENT STATE OF PAPUA NEW GUINEA

No. of 1996.

AN ACT

entitled

Employment of Non-Citizens (Amendment) Act 1996.

Being an Act to amend the *Employment of Non-Citizens Act* (Chapter 374),

MADE by the National Parliament.

1. PROHIBITION OF EMPLOYMENT OF NON-CITIZEN WITHOUT WORK PERMIT (AMENDMENT OF SECTION 4).

Section 4 of the Principal Act is amended -

(a) in Subsection (1) -

(i) in the penalty clause, by repealing the amount "K1,000.00" and replacing it with the following:-

"K5,000.00"; and

(ii) in the default penalty clause, by repealing the amount "K100.00" and replacing it with the following:-

"K500.00"; and

(b) in Subsection (2) -

(i) in the penalty clause, by repealing the amount "K500.00" and replacing it with the following:-

"K1,000.00"; and

(ii) in the default penalty clause, by repealing the amount "K50.00" and replacing it with the following:-

"K500.00".

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2. DUPLICATE WORK PERMIT (AMENDMENT OF SECTION 12).

Section 12(3) of the Principal Act is amended in the penalty clause by repealing the amount "K50.00" and replacing it with the following:-

"K500.00".

3. EMPLOYERS REGISTER (AMENDMENT OF SECTION 14).

Section 14(4) of the Principal Act is amended in the penalty clause by repealing the amount "K500.00" and replacing it with the following:-

"K1,000.00".

4. AUTHORIZED OFFICERS (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended in the penalty clause by repealing the amount "K500.00" and replacing it with the following:-

"K1,000.00".

5. NEW SECTION 16A.

The Principal Act is amended by adding after Section 16 the following new section:-

"16A. INSTITUTION OF PROSECUTION OR PROCEEDINGS.

- (1) The Secretary or any officer authorized by the Secretary, may -
- (a) institute any prosecutions or proceedings for a breach or contravention of any provision of this Act; and
 - (b) appear in any prosecution or proceeding referred to in Paragraph (a).

"(2) Where a prosecution or proceeding is instituted by an authorized officer under Subsection (1), the prosecution or proceeding shall, in the absence of evidence to the contrary, be deemed to have been instituted by the authority of the Secretary.

- "(3) Production of a telegram or facsimile purporting -
- (a) to be signed by the Secretary; and
 - (b) to authorize an officer to institute any prosecution or proceeding under this Act is admissible in the prosecution or proceeding, and shall be accepted as evidence of the authority of the officer to institute the prosecution or proceeding.

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"(4) A prosecution or proceeding under this Act may be instituted -

(a) in the National Court; or

(b) in the District Court where the penalty amount does not exceed K10,000.00.

"(5) A prosecution or proceeding under this Act may be instituted in the name of the Secretary.

"(6) The prosecution or proceeding under this Act may be commenced, prosecuted and proceeded with in accordance with rules of practice of the National Court or the District Court, as the case requires."

6. GENERAL PENALTY (AMENDMENT OF SECTION 19).

Section 19 of the Principal Act is amended in the penalty clause by repealing the amount "K100.00" and replacing it with the following:-

"K1,000.00".

7. REGULATIONS (AMENDMENT OF SECTION 20).

Section 20(d) of the Principal Act is amended by repealing the amount "K100.00" and replacing it with the following:-

"K500.00".

8. NEW SECTION 21.

The Principal Act is amended by adding the following new section:-

"21. WORK PERMIT TRUST ACCOUNT.

(1) There is established within the Trust Fund a Trust Account to be known as the Work Permit Trust Account.

"(2) There shall be paid into the Work Permit Trust Account 50% of all fees and penalties paid under this Act.

"(3) There shall be paid out of the Work Permit Trust Account such amounts as the Departmental Head of the Department responsible for labour and employment matters considers appropriate for the purposes of improving and making more effective the administration and implementation of this Act.

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"(4) The Work Permit Trust Account shall be administered by the Departmental Head of the Department responsible for labour and employment matters who shall -

- (a) authorize all payments out of the Trust Account only for the purposes specified in Subsection (3); and
- (b) maintain such records pertaining to the account as are required by the Departmental Head of the Department responsible for financial management; and
- (c) furnish monthly statements and summaries of the account to the First Assistant Secretary (Public Accounts) of the Department responsible for financial management."

I hereby certify that the above is a fair print of the *Employment of Non-Citizens (Amendment) Act 1996* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Employment of Non-Citizens (Amendment) Act 1996* was made by the National Parliament on 30 July 1996.

Acting Speaker of the National Parliament.