

REPUBLIC OF VANUATU

Assent: 16/07/98

Commencement: 24/08/98

(2)

- 5B (1) The Commissioner of Labour must issue the work permits within 5 working days after the foreign investor complies with subsection 5A(2).
- (2) Each work permit remains in force for the period stated in the permit.
- (3) The foreign investor does not require a work permit to enable himself or herself to carry out the activities involved in the investment proposal.
- (4) If the Commissioner of Labour is unable for any reason to consider an application from a foreign investor under section 5A, one of the deputy commissioners must consider the application and issue the permit within the time specified in subsection (1).

#### TRAINING

- 5C (1) When issuing a work permit to a foreign investor, the Commissioner of Labour must tell the person in writing:
- (a) about the person's obligations to train citizens with the aim of replacing non-citizens in the positions for which the work permits are issued; and
- (b) that the Commissioner will take into account the

- (a) is in force for the remainder of the period of the original permit; and
  - (b) is issued subject to the same conditions to which the original work permit was subject.
- (3) In spite of section 3:
- (a) the foreign investor is not entitled to a refund of the work permit tax paid on the original work permit; and
  - (b) no work permit tax is payable on the issue of the replacement work permit; and
  - (c) the tax paid on the original permit is taken to have been paid on the replacement permit.

#### RENEWAL OF WORK PERMIT

- 5E (1) A foreign investor may apply for the renewal of a work permit issued under section 5A or 5D.
- (2) The foreign investor must:
- (a) lodge an application, in accordance with the Schedule, at least 30 days before the work permit is due to expire; and
  - (b) pay the work permit tax in accordance with section 3 and the application fee.
- (3) In deciding whether to renew a work permit, the Commissioner must take into account the amount of training that the foreign investor has provided for citizen workers he or she employs.

#### FEES

- 5F. The application fee payable on an application for a work permit, temporary work permit or exemption under this Act is Vt5,000.

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#### REVOCACTION OF WORK PERMIT

- 5G (1) A work permit issued under this Part is automatically revoked if the residence permit issued to the holder of the work permit is cancelled.
- (2) If the holder of a work permit fails to pay the work permit tax within 30 days of the date on which the tax becomes due under subsection 3(2):

- (a) the Commissioner of Labour must give the holder a written notice that the Commissioner will revoke the permit if the tax is not paid within 7 days of the date specified in the notice; and
- (b) if the tax is not paid by that date, the Commissioner must revoke the permit.

#### TEMPORARY WORK PERMIT

5H (1) The Commissioner of Labour may issue a temporary work permit for a worker who proposes to be employed for 4 months or less if the employer pays:

- (a) the work permit tax payable under subsection 3(3); and
- (b) the application fee.

#### EXEMPTION

5J The Commissioner of Labour may exempt an employer from the need to obtain a work permit for a worker if:

- (a) the worker is to be employed for 1 month or less; and
- (b) the employer pays the application fee.

#### APPEAL

5K (1) If the Commissioner of Labour:

- (a) refuses to issue a work permit under section 5A or 5D; or
- (b) fails to issue a work permit within the time specified

- (b) send a copy of the decision and reasons to the employer concerned and to the Foreign Investment Board within 7 days of the decision.
- (4) A person dissatisfied by a decision of the Minister under subsection (2) may appeal to the Supreme Court within 28 days of receiving the notice of the decision.
- (5) The Supreme Court has jurisdiction to hear and determine the matter.
- (6) On an appeal under this section, the Supreme Court may:
  - (a) order that the Commissioner of Labour issue the number of work permits for the positions, and for the period, specified in the order; and
  - (b) make such other order as the court thinks fit."

## SECTION 8 - DECISIONS AND APPEALS

5. Add at the end of the section:

- "(4) This section does not apply to a work permit issued under section 5A or 5D."

## NEW SECTION 9A

6. After section 9, insert the following section:

### CHANGES TO THE LIST OF RESERVED OCCUPATIONS

"9A (1) Before making a declaration under section 9 changing the list of reserved occupations, the Minister must publish a notice of the proposed changes in the ~~Gazette~~ and in a local newspaper.

- (2) The notice must:
  - (a) set out details of the proposed changes; and
  - (b) be published at least 6 months before the Minister proposes to make the declaration to change the list; and
  - (c) ask for public comment on the proposed changes; and
  - (d) set out the address to which comments may be sent, and a closing date for comments.
- (3) The Minister must have regard to the comments when deciding on the changes."

SECTION 10 - VOCATIONAL TRAINING

7. Add at the end of the section:

"(3) This section does not apply to a work permit issued to a foreign investor under section 5A or 5D."

SECTION 11 - SUBMISSION OF APPLICATIONS

8. Insert after subsection 1(1) the following subsection:

"(3A) The district labour officer must transmit the application to the Commissioner of Labour within 7 days of receiving the application."

COMMENCEMENT

9. This Act commences on the same day the Foreign Investment Act 1998 commences.

REPUBLIC OF VANUATU

LABOUR (WORK PERMITS) (AMENDMENT)  
ACT NO. 9 OF 1998

## Arrangement of sections

1. Amendment to section 1
2. Amendment to section 2 – work permits
3. Amendment to section 3 – work permit tax
4. New sections
5. Section 8 – decisions and appeals
6. New section 9A
7. Section 10 – vocational training
8. Section 11 – submission of applications
9. Commencement