

# **Senate Standing Committee on Foreign Affairs, Defence and Trade**

## **Inquiry into the main economic and security challenges facing PNG and the island states of the Southwest Pacific**

**Question taken on notice at hearing 21 November 2008**

### **Department of Immigration and Citizenship**

Nature of question	Senator	Page of Proof Hansard
1. New Zealand's experience with worker's scheme	Kroger	p. 35
2. Map of protected zone	Offered to provide	p. 38.
3. MOU with PNG – working holiday	Bishop	p. 40.



**Australian Government**  
**Department of Immigration and Citizenship**



19 December 2008

Dr Kathleen Dermody  
Committee Secretary  
Senate Foreign Affairs, Defence and Trade Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

File ref: ce2008/03241

Dear Dr Dermody,

**Responses to Questions on Notice taken at the Senate Standing Committee on  
Foreign Affairs Defence and Trade inquiry on the economic and security challenges facing  
Papua New Guinea and the island states of the southwest Pacific**

At the Committee's hearing on 21 November 2008, the Department of Immigration and Citizenship was asked to take two Questions on Notice. In addition, the Department offered to provide the committee with a map of the Torres Strait protected zone.

I am pleased to provide the Senate Standing Committee with the information in the enclosed documents.

Yours sincerely

Kruno Kukoc  
First Assistant Secretary  
Principal Advisor Migration Strategies

**people** our business

## Response to Senator Kroger

Senator Helen Kroger asked Kruno Kukoc, Principal Advisor Migration Strategies, Department of Immigration and Citizenship, upon notice, on 21 November 2008:

How many seasonal workers employed under the New Zealand Registered Seasonal Employer scheme (1) applied for permanent visas while in New Zealand, or (2) migration visas after returning home, in effect, using the scheme as “a different pathway to immigrating.” (p.35)

Mr Kukoc – The answer to the honourable Senator’s question is as follows:

I have consulted the New Zealand Department of Labour (NZDOL) regarding further visa applications by Recognised Seasonal Employment Scheme (RSE) and they have advised the following:

(1) RSE policy explicitly prevents RSE workers from being granted a different type of immigration permit while they are in New Zealand as part of the RSE scheme. It is possible for a RSE worker to apply for, and be granted, a further RSE limited purpose permit to work for a different RSE business. However this may only occur under certain circumstances, such as when the transfer of employment has been pre-arranged by both employers with Immigration New Zealand. All RSE workers must abide by the policy limiting their total time in New Zealand, regardless of whether they change employers.

There have been very few cases where workers have been granted other types of permits as exceptions to policy. These have been where unusual circumstances prevented them from continuing to work or returning home, such as (for example) undergoing emergency medical treatment.

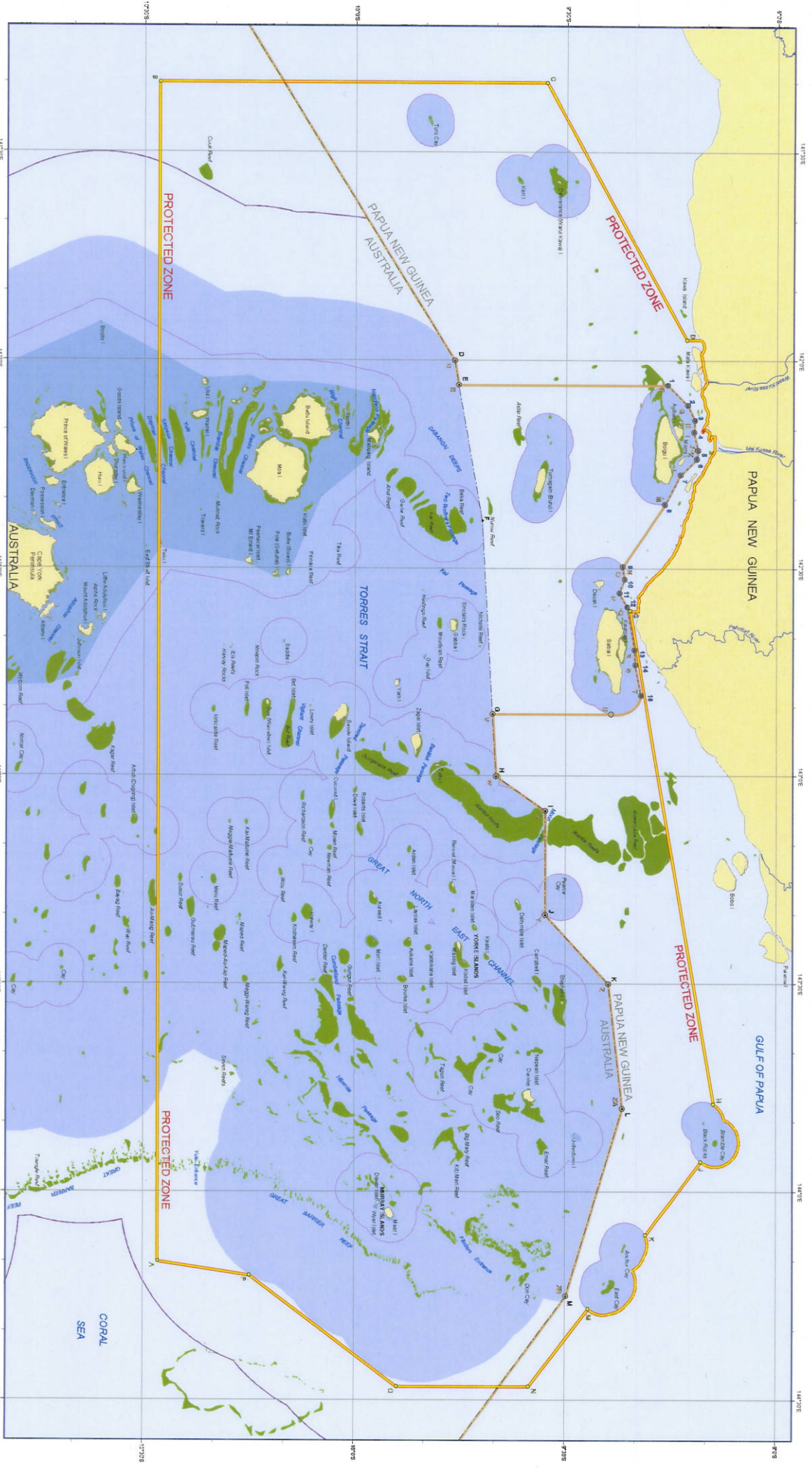
(2) RSE policy is designed to allow workers who continue to meet the relevant eligibility criteria (and who are offered employment by an accredited RSE employer) to return to New Zealand multiple times as RSE workers. Many RSE workers have already returned to New Zealand a second time.

People who have been to New Zealand as RSE workers and returned home are also eligible to apply for other visas and to be granted temporary entry, or residence, but only if they meet the relevant policy criteria"

NZDOL further advise that more detailed figures are not available. Anecdotal information suggests that only a handful of people would be involved.



# Australia's Maritime Zones and Treaties in the Torres Strait



- Fisheries Jurisdiction Line Treaty points
- Seabed Jurisdiction Line Treaty points
- Territorial Sea Boundaries Treaty points
- Torres Strait Treaty Protected Zone ports
- Coastal Waters limit (200)
- Fisheries Jurisdiction Line
- Limit of Contiguous Zone (24nm)
- Seabed Jurisdiction Line
- Territorial Sea Boundaries
- Torres Strait Treaty Protected Zone
- Australian Territorial Waters
- Australian Territorial Sea

**Torres Strait Treaty and the Independent State of Vanuatu**

Port of Call for the Torres Strait Treaty and the Independent State of Vanuatu

Port	Latitude	Longitude
A	10° 45' 00" S	158° 00' 00" E
B	10° 45' 00" S	158° 00' 00" E
C	10° 45' 00" S	158° 00' 00" E
D	10° 45' 00" S	158° 00' 00" E
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Scale 1:800,000 at 27° 15'S

Projection: Mercator - CHAM WGS84

Author: Geoscience Australia

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NOTE: This map is a reproduction of the map published in the Australian Government Gazette, Canberra, on 14th October 2005.

**Australian Government**  
Geoscience Australia

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NOTE: The map of the Torres Strait Islands, PNG, and the Torres Strait, Australia, is a reproduction of the map published in the Australian Government Gazette, Canberra, on 14th October 2005.

The various islands, the Torres Strait Islands, PNG, and the Torres Strait, Australia, are shown in the map. The map is a reproduction of the map published in the Australian Government Gazette, Canberra, on 14th October 2005.

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## Response to Senator Bishop

Senator Mark Bishop asked Kruno Kukoc, Principal Advisor Migration Strategies, Department of Immigration and Citizenship, upon notice, on 21 November 2008.

(1) Could you provide the committee with a status report as to where the [PNG Work and Holiday] MOU is at: what are the reasons for the hold-up, if we are aware of them; what plans we have to bring it to a conclusion; the likely time frame to bring the matter to conclusion; and then the implementation processes.

Mr Kukoc – The answer to the honourable Senator's question is as follows:

(1) Australia and Papua New Guinea (PNG) initially discussed the prospect of a Work and Holiday arrangement in February 2008.

We have exchanged drafts of a Memorandum of Understanding (MOU) for a Work and Holiday arrangement. Most recently, Australia provided a revised draft for PNG's consideration in June 2008.

It is not unusual for negotiations of this nature to take place over some years. The arrangement with PNG has not progressed more quickly because PNG does not have the legislative or administrative procedures in place to provide reciprocal opportunities for young Australians. The Department of Immigration and Citizenship has offered to assist PNG to draft migration-related legislation, and is presently awaiting advice from PNG on this issue.

It will not be possible to finalise the arrangement until PNG can put in place the necessary legislative and administrative procedures to give effect to the MOU. The timing of this will depend on priorities within the PNG administration.

Once the MOU is signed each side will confirm that it has the legislation and procedures in place to receive and process visa applications from the other. The MOU is brought into effect by an exchange of diplomatic notes between the two countries.