



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

*Published by Authority*

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NO. 21]

THURSDAY, OCTOBER 25

[2011

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First published in the *Government Gazette*, Electronic Edition, on 23rd October 2012 at 0:00 am.

The following Act was passed by Parliament on 11th September 2012 and assented to by the President on 12th October 2012:—

### REPUBLIC OF SINGAPORE

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**No. 24 of 2012.**

I assent.

TONY TAN KENG YAM,

*President.*

*12th October 2012.*



An Act to amend the Employment of Foreign Manpower Act (Chapter 91A of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Employment of Foreign Manpower (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2 of the Employment of Foreign Manpower Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “construction works”, the following definitions:

““Appeal Board” means the Appeal Board established by the Minister under section 25H;

“authorised officer”, in relation to any provision in this Act, means any public officer authorised in that behalf by the Minister for the purposes of that provision;

“body corporate” includes a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A);”;

(b) by inserting, immediately after the definition of “Controller”, the following definition:

““debarred”, in relation to a person, means a person who is debarred under section 7(4)(d) from applying for, or being issued with, a work pass;”;

(c) by deleting the definition of “employer” and substituting the following definition:

““employer” means any person employing a foreign employee, and includes —

(a) for the purposes of an application for a work pass, any person who has the intention or purports to have the intention to employ a foreign employee; or

(b) in a case where a foreign employee has or had a valid work pass, any person specified in the work pass as the employer of the foreign employee;”;

(d) by inserting, immediately after the definition of “foreigner”, the following definition:

“ “in-principle approval” means the in-principle approval of an application for a work pass issued by the Controller under section 7(2A);”;

(e) by deleting the definition of “self-employed foreigner” and substituting the following definitions:

“ “prescribed infringement” means —

(a) any contravention of section 9(1), 25(1), (2), (3) or (4) or 25A(2);

(b) any contravention of any provision in the regulations made under this Act that is prescribed as a prescribed infringement; or

(c) the abetment, within the meaning of section 25F, of any contravention referred to in paragraph (a) or (b);

“regulatory condition” means a condition of an in-principle approval or a work pass that —

(a) is prescribed by the Minister as a regulatory condition; or

(b) is imposed by the Controller under section 7 as a regulatory condition;

“self-employed foreigner” means any foreigner who, not being employed under a contract of service, seeks to engage in or engages in —

- (a) any trade, vocation or profession, whether for the purpose of gain or otherwise; or
  - (b) any other activity in Singapore for the purpose of gain;”; and
- (f) by inserting, immediately after the definition of “train”, the following definition:
  - “ “valid work pass” means a work pass that is valid in accordance with section 12;”.

### **Amendment of section 3**

#### **3. Section 3 of the principal Act is amended —**

- (a) by inserting, immediately after the words “this Act” in subsection (1A), the words “(except the power of delegation conferred by subsection (3))”;
- (b) by inserting, immediately after subsection (2), the following subsections:
  - “(3) The Controller may delegate the exercise of all or any of the functions or powers conferred on him by this Act (except the power of delegation conferred by this subsection) to one or more authorised officers, subject to such conditions or limitations as set out in this Act or as the Controller may specify in writing; and any reference in this Act to the Controller shall include a reference to such an authorised officer.
  - (4) For the purposes of this Act, an authorised officer may be given such title as the Minister may, by notification in the *Gazette*, specify.”; and
- (c) by inserting, immediately after the words “employment inspectors” in the section heading, the word “, etc.”.

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**Amendment of section 5**

**4. Section 5 of the principal Act is amended —**

- (a) by deleting subsection (6) and substituting the following subsection:

“(6) Any person who contravenes subsection (1) shall be guilty of an offence and shall —

(a) be liable on conviction to a fine of not less than \$5,000 and not more than \$30,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) on a second or subsequent conviction —

(i) in the case of an individual, be punished with a fine of not less than \$10,000 and not more than \$30,000 and with imprisonment for a term of not less than one month and not more than 12 months; or

(ii) in any other case, be punished with a fine of not less than \$20,000 and not more than \$60,000.”;

(b) by deleting subsection (6A);

(c) by deleting the words “\$5,000 or to imprisonment for a term not exceeding 12 months” in subsection (7) and substituting the words “\$20,000 or to imprisonment for a term not exceeding 2 years”;

(d) by deleting “\$5,000” in subsection (7A) and substituting “\$10,000”; and

(e) by deleting paragraph (a) of subsection (8).

**Amendment of section 7**

**5. Section 7 of the principal Act is amended —**

- (a) by inserting, immediately after subsection (2), the following subsection: