

MINISTRY OF HEALTH AMENDMENT BILL 2019

SAMOA

Explanatory Memorandum

1.0 Object and reasons:

- 1.1 The Bill seeks to amend the Ministry of Health Act 2006 (“Principal Act”) and repeal the National Health Services Act 2014 (“Repealed Act”).
- 1.2 The object of the Bill is to:
 - (a) regulate the additional functions, roles and responsibilities of the Ministry of Health; and
 - (b) provide for the functions, roles and responsibilities of the Director General and Deputy Director General of Health; and
 - (c) transfer the role of the National Health Service to be undertaken by the Ministry of Health.

Clauses:

- Clause 1: - provides for the short title and commencement.
- Clause 2: - amends section 2 of the principal Act by inserting new definitions.

- Clause 3:** - substitutes section 5 of the principal Act with new proposed section to provide for the functions and powers of the Ministry in regulating health services.
- Clause 4:** - amends section 8(2) of the principal Act by inserting after paragraph (c) a new proposed paragraph (ca) which provides for the additional Ministerial power of the Minister to consult with the Director General before issuing general directions on government policies, objectives, priorities and requirements for the development, provision and management of the healthcare services.
- Clause 5:** - substitutes Part 4 of the principal Act by inserting a new proposed Part 4 to provide for the administration of the appointment, roles, functions and powers of the Director General and the Deputy Director General of Health.
- Clause 6:** - amends section 19 of the principal Act to repeal subsection (4).
- Clause 7:** - inserts new proposed section 21A to the principal Act which provides for confidentiality and the protection of any information held by the Ministry in providing healthcare services and administration of the health services.
- Clause 8:** - amends section 24 of the principal Act to substitute subsection (2) to provide for circumstance where Regulations can be made under the principal Act.
- Clause 9:** - inserts new proposed section 28 to the principal Act to provide for the transitional arrangements of matters saved and transferred under the principal Act.
- Clause 10:** - provides for the consequential amendments required as a result of the repeal of the National Health Service Act 2014.

- Clause 11:** - provides for the repeal of the National Health Services Act 2014.
- Clause 12:** - substitutes Schedule 2 of the principal Act by inserting new proposed Schedule 2 to provide for the Ministry's new responsibilities, functions and duties due to the merger of the healthcare services and the administration of the health service.

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(Hon TUITAMA Dr. Leao Talalelei Tuitama)

MINISTER FOR HEALTH