

# BILL NO. 31 OF 2020

## A BILL

FOR AN ACT TO AMEND THE PUBLIC HEALTH ACT 1935

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Public Health (Amendment) (No. 2) Act 2020.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Public Health Act 1935 is referred to as the “Principal Act”.

*Section 68A inserted*

2. The Principal Act is amended after section 68 by inserting the following new section—

*“Definition of “station” or “isolation station”*

68A. In this Part, “station” or “isolation station” means any premises approved by the Minister for the purposes of isolation pursuant to this Part.”.

*Section 80 amended*

3. Section 80(1) of the Principal Act is amended after “shall” by inserting “, unless otherwise provided for,”.

*Section 81 amended*

**4.** Section 81(1) of the Principal Act is amended by deleting “shall be a charge” and substituting “may be a charge”.

*Section 83 amended*

**5.** Section 83 of the Principal Act is amended after subsection (2) by inserting the following new subsection—

“(3) The regulations may prescribe fees in relation to this Part, including fees for any expenses incurred pursuant to this Part.”.

August 2020

## **PUBLIC HEALTH (AMENDMENT) (NO. 2) BILL 2020**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is intended only to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 Part 7 of the Public Health Act 1935 (**'Act'**) provides for all matters relating to infectious diseases.
- 1.2 Currently, Part 7 of the Act provides that all sums of money expended by the Central Board of Health (**'Board'**) in carrying out the provisions of the Act must be chargeable to a fund provided for that purpose from the Consolidated Fund. Part 7 of the Act also provides that expenses incurred as a result of the isolation of persons, animals, goods, vehicles and vessels pursuant to Part 7 must be a charge on the Consolidated Fund.
- 1.3 The global outbreak of the coronavirus disease (COVID-19) has meant that any expenses incurred in relation to the isolation of repatriated Fijians must be a charge on the Consolidated Fund, i.e. the State is liable to pay for such expenses.
- 1.4 Given the current provisions in Part 7 of the Act, any expenses incurred in relation to the isolation of non-Fijians entering Fiji must also be a charge on the Consolidated Fund.
- 1.5 However, for prudent financial management, non-Fijians entering Fiji should pay for any expenses incurred in relation to their isolation. To implement this, amendments to the existing provisions in Part 7 of the Act are required.
- 1.6 The Public Health (Amendment) (No. 2) Bill 2020 (**'Bill'**) seeks to amend the Act so that the charge of such expenses on the Consolidated Fund is discretionary as opposed to mandatory. To that end, the Bill also empowers the Minister responsible for health and medical services (**'Minister'**) to make regulations to charge fees in relation to Part 7 of the Act, including fees for any expenses incurred pursuant to Part 7.

## **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends the Act by inserting a new section 68A to provide the definition of the terms “station” and “isolation station”.
- 2.3 Clause 3 of the Bill amends section 80(1) of the Act to provide that all sums of money expended by the Board in carrying out the provisions of the Act are to be chargeable to a fund provided for that purpose from the Consolidated Fund, unless otherwise provided for.
- 2.4 Clause 4 of the Bill amends section 81(1) of the Act to provide that the expenses incurred as a result of isolation pursuant to Part 7 of the Act may be a charge on the Consolidated Fund.
- 2.5 Clause 5 of the Bill amends section 83 of the Act by empowering the Minister to make regulations that may prescribe fees in relation to Part 7 of the Act, including fees for any expenses incurred pursuant to Part 7.

## **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Act comes under the responsibility of the Minister responsible for health and medical services.

A. SAYED-KHAIYUM  
Attorney-General