

# BILL NO. 25 OF 2018

## A BILL

FOR AN ACT TO AMEND THE PUBLIC HOSPITALS AND DISPENSARIES ACT  
1955

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

1.—(1) This Act may be cited as the Public Hospitals and Dispensaries (Budget Amendment) Act 2018.

(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 Hospitals and Dispensaries Act 1955 is referred to as the “Principal Act”.

*Section 2 amended*

2. Section 2 of the Principal Act is amended by—

- (a) in the definition of “officer in charge” after “management of a public hospital or public dispensary”, inserting “and in the case of a public private partnership hospital or public private partnership dispensary, the officer in charge shall be appointed by the private entity that is operating, maintaining or managing the respective hospital or dispensary”;

- (b) in the definition of “Permanent Secretary” after “;”, deleting “and”; and
- (c) deleting the definitions of “public hospital” and “public dispensary” and inserting the following new definitions—

““public hospital” and “public dispensary” mean respectively a hospital or dispensary operated or maintained out of public funds and includes a—

- (a) health centre;
- (b) nursing station; and
- (c) public private partnership hospital or public private partnership dispensary; and”; and

““public private partnership hospital” and “public private partnership dispensary” mean respectively a hospital or dispensary operated, maintained or managed by a private entity through a public private partnership, and includes a health centre and a nursing station, notwithstanding the ownership of the hospital or dispensary.”.

*Section 2A inserted*

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

*“Application of the Act*

2A. Notwithstanding the provisions of this Act, sections 6(3), 7(2), 8, 9, 10, 10A and 10B shall not apply to a public private partnership hospital or public private partnership dispensary.”.

*Section 4 amended*

- 4. The Principal Act is amended in section 4 by—

- (a) renumbering section 4 as section 4(1);
- (b) in subsection (1), deleting “Every person seeking admission to a” and substituting “In the case of a public hospital that is not a public private partnership hospital, every person seeking admission to the”; and
- (c) after subsection (1), inserting the following new subsection—

“(2) In the case of a public private partnership hospital, every person seeking admission for treatment therein shall, save in the case of those admitted under any of the provisions of section 5, either deposit with a person appointed by the Permanent Secretary or a person authorised in that behalf by him or her a sum sufficient to cover the cost of his or her maintenance and treatment therein for one week or give to the person appointed by the Permanent Secretary or person aforesaid such guarantee of payment of all charges and fees for maintenance and treatment as to such person appointed by the Permanent Secretary or person may appear satisfactory.”.

*Section 5 amended*

**5.** Section 5 of the Principal Act is amended by—

(a) in subsection (2), deleting “The manager of any” and substituting “In the case of a public hospital that is not a public private partnership hospital, the manager of the”; and

(b) after subsection (2), inserting the following new subsection—

“(3) In the case of a public private partnership hospital, a person appointed by the Permanent Secretary or a person authorised in that behalf by him or her may admit to the hospital any person who requires medical care and treatment but who appears to be unable by reason of poverty to pay therefor.”.

*Section 6 amended*

**6.** Section 6(1) of the Principal Act is amended after paragraph (a) by inserting the following new paragraph—

“(aa) the operation, maintenance or management of a public private partnership hospital or public private partnership dispensary;”.

July 2018

**PUBLIC HOSPITALS AND DISPENSARIES (BUDGET AMENDMENT) BILL  
2018**

**EXPLANATORY NOTE**

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

**1.0 BACKGROUND**

- 1.1 The Public Hospitals and Dispensaries Act 1955 (**‘Act’**) provides a framework for the regulation of public hospitals and public dispensaries.
- 1.2 The Public Hospitals and Dispensaries (Budget Amendment) Bill 2018 (**‘Bill’**) seeks to amend the Act by inserting the definitions of “public private partnership hospital” and “public private partnership dispensary”. The Bill also amends the Act to clarify that a public hospital or public dispensary includes a public private partnership hospital and public private partnership dispensary. The Bill also provides clarification on parts of the Act that do not apply to a public private partnership hospital or public private partnership dispensary and empowers the Minister to make regulations in relation to the operation, maintenance or management of such hospitals and dispensaries.

**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 section 2 of the Act by amending the definition of “officer in charge” to clarify that, in the case of a public private partnership hospital or public private partnership dispensary, the officer in charge will be appointed by the private entity that is operating, maintaining or managing the respective hospital or dispensary.
- 2.3 Clause 2 of the Bill also inserts the definitions of “public private partnership hospital” and “public private partnership dispensary”. A public private partnership hospital and public private partnership dispensary mean respectively a hospital

or dispensary operated, maintained or managed by a private entity through a public private partnership, and includes a health centre and a nursing station, regardless of the ownership of the hospital or dispensary. The Bill also amends the Act to clarify that a public hospital or public dispensary includes a public private partnership hospital and public private partnership dispensary.

- 2.4 Clause 3 of the Bill amends the Act to clarify that sections 6(3), 7(2), 8, 9, 10, 10A and 10B do not apply to a public private partnership hospital or public private partnership dispensary.
- 2.5 Clause 4 of the Bill amends the Act to renumber section 4 as section 4(1) and to clarify that for the purpose of section 4, in the case of a public private partnership hospital, the functions of the officer in charge will be undertaken by a person appointed by the permanent secretary responsible for health (**‘Permanent Secretary’**) or a person authorised in that behalf by the Permanent Secretary.
- 2.6 Clause 5 of the Bill amends section 5 of the Act to clarify that for the purpose of section 5, in the case of a public private partnership hospital, the functions of the officer in charge will be undertaken by a person appointed by the Permanent Secretary or a person authorised in that behalf by the Permanent Secretary.
- 2.7 Clause 6 of the Bill amends section 6 of the Act to empower the Minister to make regulations relating to the operation, maintenance or management of a public private partnership hospital or public private partnership dispensary.

### **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