

REPRINT

HEALTH SERVICES ACT (CAP. 100)

As in force at: 1 October 2009

STATUS: HISTORICAL

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

AN ACT TO MAKE PROVISION FOR THE PROPER ADMINISTRATION OF HEALTH SERVICES RELATING TO HOSPITALS, PERSONAL HEALTH, AND OTHER HEALTH SERVICES AND FOR THE ESTABLISHMENT OF RULES AND REGULATIONS BY THE MINISTER OF HEALTH AND MEDICAL SERVICES FOR THE EFFECTIVE CARRYING OUT OF THOSE SERVICES

HEALTH SERVICES ACT (CAP. 100)

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HEALTH SERVICES ACT (Cap. 100)

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PART 1 ADMINISTRATION

1 Short title

This Act may be cited as the *Health Services Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“aid post” means premises within the area served by a clinic which premises provide limited primary health care services, including obstetric services in emergency and may have some residential accommodation such premises being staffed by auxiliary nurses and supervised by the Registered Nurse of the clinic in its area;

“auxiliary nurse” has the meaning assigned to it in the *Nursing Council Act*;

“clinic” means premises with some residential accommodation in which integrated primary health care services are provided such premises being staffed by one or more Registered Nurses and such other health personnel as may be required, and having referral and supervisory duties over satellite clinics and aid posts;

“health centre” means premises having some residential accommodation for the reception and treatment of persons, in which integrated primary health care services for a defined area are provided and organised, such premises being staffed by several categories of health personnel, and having supervisory and referral duties from clinics in its area;

“hospital” means an institution for the reception and treatment of persons suffering from illness, including psychiatric illness, or requiring rehabilitation, and dispensaries and out-patients departments maintained in connection with such institution;

“illness” includes psychiatric illness, or mental retardation or injury or disability requiring medical, dental or nursing services or treatment by any person appointed or recognised as being competent to give medical treatment;

“medical” includes surgical;

“primary health care services” means services required for the prevention and cure of illnesses;

“private medical practitioner” means a medical practitioner not employed by the Government;

“psychiatric illness” in relation to a person, means a person suffering or appearing to be suffering from mental disorder;

“satellite clinic” means a temporary clinic held from time to time by health personnel within the area served by a clinic, providing some of the services of a clinic but having no residential accommodation and carrying out no obstetric services.

3 Organisation of Ministry

- (1) There shall be a Ministry responsible for the provision of health and medical services which shall comprise a Permanent Secretary and such professional and other staff as may from time to time be appointed thereto.
- (2) Subject to the provisions of this Act and to such instructions and directions as he may receive from time to time from the Minister, the Permanent Secretary shall have the direction and control of the Ministry and its staff and shall administer this Act.

4 Duty of Minister

- (1) It shall be the duty of the Minister to promote the establishment in Solomon Islands of a comprehensive primary health care service designed to secure the prevention, diagnosis and treatment of illness, and for that purpose to provide or secure the effective provision of services in accordance with the provisions of this Act.
- (2) The services so provided shall be free of charge except in-so-far as

the Minister, acting in accordance with the provisions of this Act, may make Rules authorising or prescribing charges for such services.

5 Health Advisory Committees

- (1) The Minister may establish such Health Advisory Committees as he may consider necessary to advise him in carrying out his functions under this Act.
- (2) The Minister shall appoint the Chairman and members of each such Committee, which shall comprise not less than five nor more than seven members in each case.
- (3) When establishing any Health Advisory Committee in accordance with subsection (1) the Minister may prescribe:
 - (a) the terms of reference of the committee;
 - (b) the procedure to be followed by the committee at its meeting;
 - (c) the manner in which reports of the committee shall be published;
 - (d) payment of allowances to members of the committee who are not public officers.

6 Functions of Health Advisory Committees

The functions of a Health Advisory Committee shall be:

- (a) to advise the Minister on such matters concerning the operation and development of the health and medical services of Solomon Islands either generally or as prescribed by the Minister in accordance with section 5(3); and
- (b) to make recommendations to the Minister on such matters as may have been referred to it by the Minister.

PART II HOSPITAL SERVICES

7 Provision of hospital services

The Minister may, to such extent as he considers necessary to meet

all reasonable requirements in Solomon Islands, provide hospital accommodation, together with such medical, nursing and other services as may be required to provide treatment to persons attending thereat for treatment.

8 Management of hospitals

- (1) The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular, but without prejudice to the generality of the foregoing may make regulations:
 - (a) relating to the management of public hospitals and for establishing such committees as he considers necessary for the proper administration of such public hospitals;
 - (b) with respect to the admission, discharge, control, safety and welfare of patients and other persons (including the safe keeping of properties of the patients or persons) in public hospitals;
 - (c) with respect to the attendance of visitors to public hospitals;
 - (d) for the control of, and the payment of fees for, the use of facilities of public hospitals by private medical and dental practitioners;
 - (e) relating to charges for the maintenance, and treatment of patients in public hospitals, and the supply of medicine and services to patients in such public hospitals;
 - (f) relating to charges for services performed outside public hospitals or public dispensaries by an officer attached to such hospital or dispensary;
 - (g) with respect to the powers and duties of the staff of public hospitals;
 - (h) in respect of admission, discharge and the responsibility for persons under detention who are referred to hospitals;
 - (i) prescribing matters relating to discipline of staff in public

hospitals, clinics, aid posts and area health centres; and

(j) in respect of confidentiality of patient information.

- (2) Regulations made under subsection (1) may prescribe penalties for the breach thereof not exceeding a fine of one hundred penalty units or two months imprisonment or both such fine and imprisonment.

9 Boards of visitors

- (1) The Minister may appoint for every public hospital a Board of visitors in the prescribed manner and such Board shall have such powers and functions as may be prescribed.
- (2) Where the Minister considers that the functions of the Board of visitors could be performed by the Health Committee of any Provincial Assembly, he may instead of appointing such Board, direct the Health Committee to carry out the functions of the Board.

PART III PRIMARY HEALTH CARE SERVICES

10 Primary health care Services

- (1) Subject to the provisions of this Part the Ministry shall be responsible for the provision of such primary health care services including maternity and child primary health care services, family planning services, school primary health care services, dental services, mental primary health care services and vaccination and immunisation services as the Minister may direct.
- (2) The Minister may make such arrangements as appear to him to be desirable to enable any Provincial Assembly or the Honiara Town Council to undertake any of the services included in subsection (1) as agent for the Ministry.
- (3) The Minister may provide such ancillary services as may be necessary to ensure the effective provision of all or any of the services included in subsection (1) and may, where the Ministry is unable to provide such ancillary services from its own resources arrange for such ancillary services to be provided on its behalf.

11 Provision of health centres, clinics etc.

- (1) It shall be the duty of the Ministry to provide, equip and maintain health centres, clinics, satellite clinics and aid posts at convenient locations within Solomon Islands and each such health centre, clinic, satellite clinic or aid post shall provide such of the primary health care services as may be appropriate, having regard to the needs of the area and the resources available to the Ministry.
- (2) In carrying out its duties under this section the Ministry shall act in consultation with the Provincial Assemblies.

12 Provision of additional clinics, etc.

- (1) Any Provincial Assembly or the Honiara Town Council may provide, equip and maintain clinics, satellite clinics and aid posts at convenient locations within its area.
- (2) The Ministry shall give such advice and assistance as any Provincial Assembly or the Honiara Town Council may require regarding the services provided or to be provided at such clinics, satellite clinics and aid posts and the equipment and personnel to be used thereat.

13 Agreements with voluntary bodies

The Minister may in providing primary health care services in accordance with section 10, make such agreement as he considers desirable with any church organisation or voluntary body whereby such organisation or body may be empowered to provide such personal health services as it is by virtue of its particular expertise qualified to undertake.

14 School health services

The Minister may, in consultation with the Minister responsible for education, make arrangements for the regular medical inspection of children undergoing full-time education in any school within Solomon Islands, and for the provision of medical treatment to any children whom such medical inspection reveals to be suffering from any disease or infirmity.

PART IV OTHER HEALTH SERVICES

15 Other health services

The Minister in discharging the functions conferred upon him by the *Environmental Health Act* and the *Mental Treatment Act* or any Act replacing either of them may exercise any of the powers conferred upon him by this Act, and without derogation from the generality of the foregoing, may in particular seek the advice of a Health Advisory Committee on any matter connected with the operation of the said Acts.

16 Powers of Minister

The Minister in carrying out the duties imposed on him under this Act or either of the Acts mentioned in section 15 with regard to the provision of primary health care services may:

- (a) employ such officers and provide such buildings and equipment as may be necessary to establish and maintain pathological, bacteriological, virological, radiological, analytical and pharmaceutical services designed to assist in the diagnosis, treatment and control of the spread of disease;
- (b) employ such staff, and provide such buildings and equipment as may be necessary to provide a blood transfusion service;
- (c) provide through the agency of the Ministry or any other organ of Government or through any private body, such publicity as may appear to him to be desirable relating to the prevention, treatment or control of disease and promote by similar means educational campaigns relating to the prevention, treatment or control of disease;
- (d) provide information, co-operate with and pay such grants, levies or subscriptions to such national or international organisations operating in the fields of medicine or public health as may appear to him to be desirable;
- (e) make grants and otherwise provide assistance to any person or body undertaking research into any field of medicine; and

- (f) provide such assistance as he thinks necessary to any person employed in a public hospital who wishes to undertake or is undertaking postgraduate studies necessary for the proper and efficient performance of his duties as an employee in that hospital.

PART V MISCELLANEOUS PROVISIONS

17 Financial provisions

- (1) Any expenses incurred by the Minister in the exercise of his functions under this Act shall be defrayed out of moneys provided by Parliament.
- (2) All fees levied or charges collected by the Ministry under the provisions of this Act or regular visits made hereunder shall be paid into the Consolidated Fund.
- (3) Where fees are charged in accordance with Rules made under this Act, the conditions under which any remission of such fees may be granted by the person or authority responsible for the collection thereof shall be prescribed by the Minister.
- (4) Any fee or charge payable under or by virtue of this Act and remaining unpaid after the due date for payment, may in addition to any other lawful method of recovery, be recovered as a debt due to the Crown.

18 Temporary possession of property

- (1) The Minister may, in any case where an epidemic or natural disaster has caused the breakdown of existing primary health care services or has necessitated the provision of emergency primary health care services, in writing authorise such person as he may specify therein (in this section called the “person authorised”) to take possession of any property described in such authorisation and the person authorised may take such steps as appear to him to be necessary to take and continue in possession of such property and for the removal therefrom of any person who is or remains thereon without the consent of the person authorised.
- (2) The person authorised shall take possession of the property within

seven days of the issue of the authorisation by the Minister and shall not remain in possession of the property for a period exceeding 90 days.

- (3) The person having the right to occupy any property possession of which has been taken by a person authorised may apply to the Minister at any time before the expiry of 60 days after possession of the property has been relinquished by the person authorised for the payment of reasonable compensation for the use of his property and in the event that agreement cannot be reached between him and the Minister as to the amount of such compensation or the period within which it shall be paid or as to any other matter related to the occupation of property by the person claiming compensation or the legality of the taking possession by the person authorised, the matter shall be referred to the High Court.

19 Rules and regulations

The Minister may make such rules or regulations as he may consider necessary for the management and regulation of any primary health care services in accordance with the provisions of Parts III or IV.

ENDNOTES

1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 100 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 1 October 2009.

2 LIST OF LEGISLATION

Health Services Act (Cap. 100)

Constituent legislation: 5 of 1979 (Commenced 1 October 1979)
12 of 1988

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

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3 LIST OF AMENDMENTS

s 8 amd by Act No. 14 of 2009