

EMALUS CAMPUS



ANALYSIS

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1995-96, No. 18

An Act to constitute the Ministry of Health

(22 July 1996)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title and commencement - (1) This Act may be cited as the Ministry of Health Act 1995-96.

(2) This Act shall come into force on the date it is assented to by the Queen's Representative.

2. Interpretation - In this Act unless the context otherwise requires -

"Minister" means the Minister responsible for Health;

"Ministry" means the Ministry of Health constituted under this Act;

"People" includes Cook Islanders, all residents, permanent or otherwise, of the Cook Islands, as well as temporary visitors;

"Secretary" means the Secretary of Health appointed under this Act.

3. Ministry of Health - There is hereby constituted a Department of State to be called the Ministry of Health which shall be charged with the general administration of this Act, and with the enactments specified in Part I of the Schedule to this Act and with such other functions as may be lawfully conferred on it.

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4. Secretary of Health - (1) There shall from time to time be appointed a Secretary of Health who shall be the Executive head of the Ministry and who shall be the principal advisor on health to the Government.

(2) The Secretary shall be appointed pursuant to the Public Service Act 1995-96.

5. Responsible to Minister - The Secretary shall report and be responsible to the Minister for complying with the requirements of this Act.

6. Principal functions of the Ministry - The principal functions of the Ministry are as follows:

- (a) to take cognizance of and to foster the preservation of health and life among the people of the Cook Islands, recognizing that the physical and social environment is an important determinant of health and of its preservation;
- (b) to recognize and reinforce the responsibility of the individual in the preservation of his own health and well-being and that of his fellows;
- (c) to encourage and facilitate the involvement of the people in the administration of their health services;
- (d) to assist the people in protecting themselves from infectious agents, injurious substances and practices likely to have a damaging effect on health;
- (e) to ensure that each individual has access to appropriate preventive, therapeutic, and rehabilitative services and care;
- (f) to use, and to encourage others in the intelligent and useful collection and use of records relevant to health.

7. Appointment of employees - (1) The Secretary shall employ such medical, dental, nursing and other health professional and employees as he considers necessary for the carrying out of the functions of the Ministry.

(2) All officers and employees of the Ministry shall be appointed pursuant to the Public Service Act 1995-96.

(3) All health professionals employed by the Ministry shall be licensed to practice their profession within the Cook Islands as follows:

- (a) medical and Dental Practitioners shall be registered or provisionally registered under the Medical and Dental Practitioners Act 1976;
- (b) nursing personnel shall be registered and licensed under the Nurses Act 1986;
- (c) other health professionals may from time to time be licensed under regulations pursuant to this Act.

(4) At the time of the coming into force of this Act, all officers and employees of the Ministry of Health as constituted under the Ministry of Health Act 1991, will become officers and employees of the Ministry.

8. Delegation of powers of the Secretary - (1) Except for those powers delegated to the Secretary pursuant to the provisions of the Public Service Act 1995-96, and except as otherwise provided in this section, the Secretary may from time to time, verbally or in writing under his hand, delegate to any employee of the Ministry all or any of the powers exercisable by him under this or any other Act.

(2) Every delegation by the Secretary under this section shall be revocable by the Secretary, and no such delegation shall prevent the exercise by the Secretary of any power that has been delegated by him.

(3) Any such delegation may be made subject to such restrictions and conditions (if any) as the Secretary thinks fit, and may be made either generally or in relation to any particular case.

(4) Every such delegation shall, unless and until revoked, continue in force according to its tenor, notwithstanding the fact, if the delegation was made in writing, that the Secretary who made it or the employee to whom it was made may have ceased to hold office, and in any such case every such delegation shall continue in force as if made by the successor in office of the Secretary or to the successor in office of the employee as the case may be.

(5) An employee to whom the Secretary has delegated one or more of his powers, in writing or otherwise, must exercise this power personally and may not delegate it in turn to another employee or other person.

9. Investigations - (1) The Secretary may with the concurrence of the Minister, order an investigation to be made in respect of any matter connected with or affecting the protection of the health of the public.

(2) For the purpose of any investigation the Secretary may, by order in writing, require any person, partnership, company or other organisation involved in any activity relating to or affecting the subject matter of investigation, to produce records for the inspection by the Secretary or its delegate or to set down in writing facts relating to the subject matter of the investigation which are within the knowledge of the person, partnership, company or other organisation and to allow copies or extracts from any such materials to be made by the person inspecting them.

(3) Any person or organisation failing to comply with any order of the Secretary under this section or deceiving or obstructing the Secretary or its designee in the conduct of any such investigation, commits an offence, and shall be liable on conviction to a fine not exceeding five thousand dollars.

(4) All information obtained by the Secretary or its designee by means of any such investigation shall be treated as confidential. Information so obtained may be published, only where such publication is made in support of the purposes of this Act, and where no privilege recognized at law is violated, and where the name or identity of persons mentioned in such information is not revealed.

10. Reports - The Secretary shall furnish such reports as are required pursuant to the Ministry of Finance and Economic Management Act 1995-96.

11. Regulations - The Queen's Representative, by Order in Executive Council, may make such regulations as are deemed necessary for the purpose of giving full effect to this Act and for the due administration thereof, including the imposition of penalties not exceeding five thousand dollars for offences against the regulations.

12. Repeal - The Ministry of Health Act 1991 is hereby repealed.

13. Consequential amendments - The enactments specified in Part II of the Schedule to this Act are hereby amended in the manner set out therein.

This Act is administered by the Ministry of Health

SCHEDULEPART I**Section 3** ENACTMENTS ADMINISTERED BY MINISTRY
OF HEALTH

Dental Act 1970-71
Food Act 1992-93
Manufacture and Sale of Food Amendment Ordinance 1959
Manufacture and Sale of Food Ordinance 1963
Medical and Dental Practices Act 1976
Medical and Dental Practices Amendment Act 1977
Medical and Dental Practices Amendment Act 1981
Mosquito Control Amendment Ordinance 1951
Mosquito Control Amendment Ordinance 1960
Notifiable Disease Ordinance 1953
Notifiable Disease Amendment Ordinance 1954
Notifiable Disease Amendment Ordinance 1963
Quarantine Ordinance 1952
Quarantine Amendment Ordinance 1961
Nurses Act 1986
Narcotics Act 1965
Public Health Regulations 1987

PART II**Section 19****CONSEQUENTIAL AMENDMENTS**

Enactments Amended	Amendment
Cook Islands Amendment Act 1957	By repealing section 24
Dental Act 1970-71	By deleting the definition of "Ministry" in section 2 (as inserted by section 14 of the Ministry of Social Services Act 1973-74) and substituting the following definition: "means the Ministry of Health" By deleting the words "Health Division of the Ministry of Social Services" (as substituted for the words "Department of Health" by section 14 of the Ministry of Social Services Act 1973-74) wherever they occur and substituting the words "Ministry of Health".
Entry, Residence and Departure Act 1971-72	By omitting in section 9 subsection (1) paragraph (b) the words "Director General of Health" and substituting the words: "Secretary of Health".
Food Act 1992-93	By deleting from the Act the word "Board" wherever it occurs and substituting the word "Secretary". By deleting from section 2 the definition of "Board". By inserting in section 2 the following definition:

Medical and Dental
Practices Act 1976

"Secretary" means the Secretary of Health for the Ministry of Health.

By deleting from section 6 the words "Chairman of the".

By deleting in section 2 the definition of "Department of Health" and substituting the following definition:

"Secretary" means the Secretary of Health for the Ministry of Health.
