

No. 12 of 2023.

National Health Administration (Amendment) Act 2023.

Certified on : 26 OCT 2023



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ARRANGEMENT OF SECTIONS.

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No. 12 of 2023.

AN ACT

entitled

National Health Administration (Amendment) Act 2023,

Being an Act to amend the *National Health Administration Act 1997*, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended -

(a) by repealing the definition of “health care system” and replacing it with the following:

““health care system” means the persons and organisations providing health care and related services in the country, including but not limited to -

- (a) health facilities, services and programmes provided by the National Government, or a Provincial Government or a Local-level Government; and
- (b) public hospitals; and
- (c) provincial health authorities; and
- (d) provincial hospitals; and
- (e) non-government health care providers; and
- (f) private health care providers; and
- (g) persons registered under the *Medical Registration Act* (Chapter 398);” ; and

(b) by inserting the following new definitions in their correct alphabetical order:

““provincial health authority” means a provincial health authority listed under Schedule 1 of the *Provincial Health Authority Act 2007*;

“provincial hospital” means a hospital controlled by a provincial health authority listed in Schedule 2 of the *Provincial Health Authority Act 2007* and includes premises occupied by a provincial hospital;”.

2. MEMBERSHIP OF NATIONAL HEALTH BOARD (AMENDMENT OF SECTION 9).

Section 9 of the Principal Act is amended -

(a) in Subsection (1) -

(i) by repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) the departmental head of the national department, *ex-officio*, or his nominee; and”;

(ii) by deleting the full stop appearing at the end of Paragraph (p) and inserting “; and”;

(iii) by inserting immediately after Paragraph (p), the following new paragraphs:

- “(q) one member representing the provincial health authorities; and
- (r) one member representing the Catholic Health Services; and
- (s) one member representing the Civil Society.”

(b) by inserting, immediately after Subsection (1), the following new subsection:

“(1A) A person is not qualified to be, or to remain, a non *ex-officio* member of the National Health Board if the person -

- (a) is more than 70 years of age; or
- (b) is not a fit and proper person to hold office; or
- (c) is not medically fit; or
- (d) is a serving officer or employee of the public service or a statutory body; or
- (e) has been found guilty of any criminal offence under the laws of Papua New Guinea or a foreign law; or
- (f) has been found guilty of misconduct in office under the *Organic Law on the Duties and Responsibilities of Leadership*; or
- (g) must not be an office holder or a candidate for election as an office holder, in a registered political party registered under the *Organic Law on Political Parties and Candidates 2003*; or
- (h) is undischarged bankrupt or insolvent.”

3. NEW SECTION 9A.

The Principal Act is amended by inserting immediately after Section 9, the following new section:

“9A. CO-OPTED MEMBERS OF THE NATIONAL HEALTH BOARD.

(1) To assist in the consideration of a particular matter or issue, the National Health Board may, co-opt a person with skills and expertise in the area of -

- (a) finance; or
- (b) management; or
- (c) law; or
- (d) governance; or
- (e) other areas of skill or expertise relevant to a matter under consideration by the Board,

as a member of the Board.

(2) A person co-opted under this section -

- (a) may only attend meetings of the Board relating to and vote on the matters or issues in relation to which he is co-opted; and
- (b) may be removed at any time by the Board.”

4. FUNCTIONS AND POWERS OF NATIONAL HEALTH BOARD (AMENDMENT OF SECTION 10).

Section 10 of the Principal Act is amended in Subsection (1) by repealing Paragraphs (e), (f), (n) and (n) and replacing them with the following new paragraphs:

- “(e) monitor and evaluate the health care system; and
- (f) maintain effective liaison -
 - (i) with Provincial Health Boards; and
 - (ii) with Provincial Health Authority Boards; and
 - (iii) with the private sector; and

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- (iv) between National Government departments responsible for health-related matters; and
- (g) at the request of the Minister or the national departmental head, conduct inquiries into the operation of health facilities and the provision of health services and programmes and make recommendations for the improvement of those facilities and services; and
- (h) carry out investigations in accordance with Section 32 or Section 33; and
- (i) carry out any other functions that are -
 - (i) delegated to the Board by the Minister or the national departmental head; or
 - (ii) necessary or convenient for carrying out, or that are ancillary to the functions set out in this subsection.”.

5. FUNCTIONS OF PROVINCIAL AND DISTRICT ADMINISTRATORS (AMENDMENT OF SECTION 23).

Section 23 of the Principal Act is amended in Subsection (1) by -

- (a) deleting the full stop appearing at the end of Paragraph (e) inserting it with “; and”; and
- (b) inserting immediately after Paragraph (e), the following new paragraph:

“(f) serving as an *ex-officio* member of any provincial health authority established in the province.”.

6. GRANT CONDITIONS (AMENDMENT OF SECTION 27).

Section 27 of the Principal Act is amended -

- (a) by repealing Subsections (2) and (3) and replacing them with the following:

“(2) The Minister may enter into an agreement with -

- (a) a Provincial Government; or
- (b) a Local-level Government; or
- (c) a provincial health authority; or
- (d) a public hospital; or
- (e) a non-government health care provider,

in respect of a grant made by the National Government for the operation of health facilities or the provision of health services or programmes.

(3) A -

- (a) Provincial Government; or
- (b) Local-level Government,

may enter into an agreement with -

- (c) a public hospital; or
- (d) a provincial health authority; or
- (e) a non-government health care provider,

to provide a grant for the operation of health facilities or the provision of health services or programmes.”.

7. **NEW SECTION 33A.**

The Principal Act is amended by inserting immediately after Section 33, the following new section:

“33A. MINISTER MAY DIRECT INVESTIGATIONS.

(1) The Minister may, direct the National Health Board to set up a special investigation team to carry out investigations across the portfolios for which the Minister is responsible, including -

- (a) the operation of a provincial health authority or a public hospital; or
- (b) any other issue of public health or national importance affecting the health sector.

(2) The directions by the Minister must be published in the National Gazette.”.

8. **DEPUTY CHAIRMAN (REPEAL AND REPLACEMENT OF SECTION 35).**

The Principal Act is amended by repealing Section 35 and replacing it with the following:

“35. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) A member other than an *ex-officio* member shall be appointed as the Chairman of the National Health Board by the National Executive Council on the recommendation of the Minister.

(2) The Chairman shall hold office as the Chairman for a term of three years and is eligible to be reappointed for a second term.

(3) The members of the Board may, appoint one of their number who is a non *ex-officio* member, to be the Deputy Chairman of the National Health Board.

(4) The Deputy Chairman shall hold office for a term of three years and is eligible for reappointment.”.

9. **COMMITTEES (AMENDMENT OF SECTION 42).**

Section 42 of the Principal Act is amended in Subsection (1) by repealing Paragraph (a) and replacing it with the following:

“(a) the following executive committees:

- (i) the provincial health authority committee; and
- (ii) the donor coordination committee; and
- (iii) the partnerships committee; and
- (iv) policy and planning committee; and
- (v) finance and budgeting committee; and”.

I hereby certify that the above is a fair print of the *National Health Administration (Amendment) Act 2023*, which has been made by the National Parliament.

Clerk of the National Parliament.

26 OCT 2023

I hereby certify that the *National Health Administration (Amendment) Act 2023*, was made by the National Parliament on 9 August 2023.

Speaker of the National Parliament.

26 OCT 2023