



SAMOA

MINISTRY OF HEALTH ACT 2006

Arrangement of Provisions

PART 1 PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Application of Act

PART 2 ESTABLISHMENT, FUNCTIONS AND POWERS OF THE MINISTRY OF HEALTH

4. Establishment of the Ministry
5. Functions and powers
6. Powers and responsibilities of the Ministry

PART 3 FUNCTIONS AND POWERS OF THE MINISTER

7. Functions of the Minister
8. Powers of the Minister

PART 4 ADMINISTRATION

Division 1 – Director General of Health

9. Appointment of the Director General of Health
- 9A. Functions and powers

Division 2 – Deputy Directors General of Health

10. Appointment of Deputy Directors General
11. Functions and powers

PART 5 MINISTRY PERSONNEL

12. Appointment and working arrangements for personnel

PART 6 ADVISORY BODIES

13. Advisory bodies established by the Minister
14. Remuneration of advisory bodies
15. Status and authority of members of advisory bodies

PART 7 DELEGATIONS

16. Delegations by the Minister
17. Delegations by the Director General
18. General requirements

PART 8 MISCELLANEOUS

19. Fees and charges
20. Appropriation of refunds

- | | |
|-------------------------------|---|
| 21. Evidence by certificate | 27. Savings and transitional provisions |
| 21A. Confidentiality | 28. Transitional arrangements |
| 22. Validity of acts | |
| 23. Protection from liability | |
| 24. Regulations | Schedules |
| 25. Schedules | |
| 26. Consequential amendments | |

2006**No. 19**

AN ACT to establish and define the functions and powers of the Ministry of Health, the Minister and the Director General of the Ministry and for related purposes.

[Assent date: 4 December 2006]

[Commencement date: 15 January 2007]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows—

PART 1 PRELIMINARY

1. Short title and commencement – (1) This Act may be cited as the Ministry of Health Act 2006.

(2) This Act commences on a date nominated by the Minister.

(3) Notice of commencement of this Act shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

2. Interpretation – In this Act, unless the context otherwise requires:

“allied health professional” has the same meaning under section 2 of the Allied Health Professions Act 2014;

“Deputy Directors General of Health” or “Deputy Director General” means a person appointed under section 10;

“Director General of Health” or “Director General” means a person appointed as such under section 9;

“eligible people” and “eligible person” means citizens of Samoa, residents of Samoa and other persons meeting the eligibility criteria for access to publicly funded health services specified by Cabinet or by regulation;

“Government” means the Government of Samoa;

“health service” includes but is not limited to:

- (a) public health services, including services to prevent, limit and suppress infections and other diseases; and
- (b) health promotion services; and
- (c) primary care health services; and
- (d) secondary health services; and
- (e) tertiary health services; and
- (f) disability health services; and
- (g) environmental health services; and
- (h) any other service or activity determined to be a health service by the Minister by Notice, acting on the advice of the Director General; and
- (i) any service, facility, institution or body concerned with or related to any health service under paragraphs (a) to (g);

“healthcare professional” has the same meaning under section 2 of the Healthcare Professions Registration and Standards Act 2007;

“land law” means any law in force relating to the acquisition, use and disposal of land and includes the:

- (a) Land, Survey and Environment Act 1989;
- (b) Taking of Land Act 1964;
- (c) Land and Titles Act 1981;

“Minister” means the Minister responsible for the Ministry;

“Ministry” means the Ministry of Health established under this Act and the Ministerial and Departmental Arrangements Act 2003 and includes the former Department of Health established under the provisions of the Health Ordinance 1959;

“personnel” includes officers, employees and servants;

“provider” means a provider of a health service and includes but is not limited to:

- (a) the Ministry; and
- (b) *repealed*
- (c) any other Government Body, Non-government body or Agency providing a health service; and
- (d) a medical practitioner; and
- (e) a dental practitioner; and
- (f) a pharmacist; and
- (g) a nurse; and

- (h) a midwife; and
 - (i) any allied healthcare professional regulated under any Act; and
 - (j) any traditional birth attendant or healer regulated under any Act; and
 - (k) any person (incorporated or otherwise) providing a health service for reward or otherwise; and
 - (l) any community group (incorporated or otherwise) providing a health service for reward or otherwise; and
 - (m) any other person or body determined from time to time to be a provider of a health service by the Minister by Notice, acting on the advice of the Director General;
- “Public Service” has the same meaning as provided by Article 83 of the Constitution;
- “public sector law” means any law in force relating to the public sector and includes:
- (a) the Public Service Act 2004; and
 - (b) the Public Bodies (Performance and Accountability) Act 2001; and
 - (c) the Public Finance Management Act 2001;
- “repealed Act” means the National Health Services Act 2014;
- “Samoa” means the Independent State of Samoa.

- 3. Application of Act – (1)** This Act binds the Government.
- (2)** This Act shall be read as subject to:
- (a) the Ministerial and Departmental Arrangements Act 2003; and
 - (b) Public sector law; and
 - (c) Land law.

PART 2

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE MINISTRY OF HEALTH

4. Establishment of the Ministry – There shall be a Department of the Government known as the Ministry of Health.

5. Functions and powers - (1) The Ministry shall have the following functions:

- (a) to administer the legislation set out in Schedule 1;
and
- (b) to administer any other enactment, subject or matter
as may be determined by Cabinet; and
- (c) to fulfil the functions and duties set out in Schedule
2;
- (d) to provide, maintain and manage –
 - (i) all National Hospitals, District Hospitals
and Community Health Centres as
prescribed by the Minister by Notice;
 - (ii) healthcare services prescribed by the
Minister by Notice; and
- (e) to be responsible for policy and general governance
and regulation of health services; and
- (f) to report to the Minister for matters it is responsible
for under this Act.

(2) The Ministry and the Director General have the powers necessary for or incidental to carry out the purpose and functions of the Ministry and may do all acts as are necessary, advantageous and convenient for or in connection with the carrying out of the purpose and functions of the Ministry.

6. Powers and responsibilities of the Ministry – (1) The Ministry shall have the power to perform all of the functions provided by this Act and any applicable law.

(2) The Ministry is responsible and accountable to the Minister through the Director General for the carrying out of its functions under this Act and any applicable law.

(3) The Government and the Ministry shall have the power to arrange for and provide any health service by or through any provider.

PART 3

FUNCTIONS AND POWERS OF THE MINISTER

7. Functions of the Minister – The Minister shall have the following functions:

- (a) to administer the legislation set out in Schedule 1;
and
- (b) to fulfil the responsibilities set out in Schedule 3; and

- (c) to provide governance and strategic leadership to the Ministry; and
- (d) to monitor the Ministry's performance, including its compliance with all applicable laws; and
- (e) to evaluate the Director General's performance, including the Director General's compliance with the requirements of all applicable laws; and
- (f) to approve the annual report on the Ministry's performance and to lay the annual report before the Legislative Assembly within 7 months of the end of the financial year to which it relates.

8. Powers of the Minister – (1) The Minister shall have the power to perform all of the functions provided by this Act and any applicable law.

(2) Without limiting subsection (1), the Minister shall have the power to:

- (a) direct the Director General in relation to high level outcomes, priorities, policies and performance requirements for the Ministry and the Director General; and
- (b) regulate or arrange for the regulation of the areas of the Minister's responsibilities set out in Schedule 3; and
- (c) subject to land law, acquire and maintain any asset, resource or physical facility, including land, which relates to or supports the functions of the Ministry; and
- (ca) after consulting with the Director General, issue written general directions on government –
 - (i) policy;
 - (ii) objectives;
 - (iii) priorities; and
 - (iv) requirements,as to the development, provision and management of the healthcare services; and
- (d) fulfil the Minister's functions as necessary.

PART 4 ADMINISTRATION

Division 1 – Director General of Health

9. Appointment of the Director General of Health - (1) A Director General is to be appointed in accordance with section 12 of the Public Service Act 2004.

(2) A person appointed as the Director General may be re-appointed and may continue to hold office after the expiry of his or her term of appointment or until an appointment has been made.

(3) the qualifications and eligibility of the Director General is to be determined by the Public Service Commission pursuant to public sector law and take into account the following:

- (a) a registered healthcare professional; and
- (b) has proven experience and knowledge of the health service; and
- (c) any other qualification and eligibility as approved by the Minister.

(4) The Director General is the Chief Executive Officer of the Ministry.

9A. Functions and powers - (1) The functions of the Director General are as follows:

- (a) to advise the Minister on the administration of the Ministry; and
- (b) to direct Ministry operations in compliance with the law; and
- (c) to ensure that the Ministry applies its resources effectively, efficiently and economically to fulfil the functions set out in section 5 in accordance with any applicable law; and
- (d) to work in collaboration where needed with relevant Government and non-government organisations; and
- (e) to represent the Ministry in a national or international forum as required by the Minister or by law.

(2) The Director General has the power to:

- (a) appoint, promote, suspend, demote, transfer, discipline or dismiss the Ministry personnel in accordance with public sector law;

- (b) engage and manage contractors, consultants and suppliers in accordance with public sector law to fulfil the functions of the Ministry;
- (c) acquire on behalf of the Ministry goods, services and works in accordance with public sector law as required to fulfil the functions of the Ministry.

Division 2 – Deputy Directors General of Health

10. Appointment of Deputy Directors General – (1) Deputy Directors General are to be appointed in accordance with the process of appointment of Assistant Chief Executive Officers under section 31A of the Public Service Act 2004.

(2) A person appointed as the Deputy Director General may be re-appointed and may continue to hold office after the expiry of his or her term of appointment or until an appointment has been made.

(3) The qualifications and eligibility of a Deputy Director General is to be determined by the Public Service Commission pursuant to public sector law.

(4) This section shall not be construed or applied to imply or deem that a Deputy Director General is an Assistant Chief Executive Officer.

(5) In this section, Assistant Chief Executive Officer has the same meaning as provided for under the Public Service Act 2004.

11. Functions and powers – (1) A Deputy Director General may carry out the functions and powers as delegated by the Director General.

(2) A Deputy Director General must assist the Director General in the exercise of the Director General's functions and powers relating to the effective and efficient management of the Ministry.

(3) Any function and power perform by the Deputy Director General is to be performed in accordance with any condition, limitation or requirement imposed or required by the Director General.

PART 5
MINISTRY PERSONNEL

12. Appointment and working arrangements for personnel – (1) All personnel of the Ministry are to be appointed, promoted, suspended, demoted, transferred, disciplined or dismissed and otherwise regulated in accordance with public sector law.

(2) All Ministry personnel shall act:

- (a) under the direction of the Director General in the discharge of their functions, powers and duties; and
- (b) under public sector law.

(3) All office holders of special positions in the former Department of Health are taken to be office holders of such special positions in the Ministry:

PROVIDED THAT these positions may be disestablished or otherwise determined.

PART 6 ADVISORY BODIES

13. Advisory bodies established by the Minister – (1) The Minister, acting on the advice of Cabinet, by Notice may appoint any advisory body that the Minister considers appropriate to assist in carrying out the Minister's or the Ministry's functions under this Act or any applicable law and may:

- (a) authorise an advisory body appointed under this section to make enquiries, conduct research or make reports that the Minister considers will assist the Minister or the Ministry to efficiently carry out the Minister's functions or the Ministry's functions, as the case may be; and
- (b) regulate the procedures in relation to any matter concerning any advisory body appointed under this section; and
- (c) appoint or dismiss any advisory body member appointed under this section; and
- (d) by notice, dissolve any advisory body established under this section.

(2) The Minister must consider the nature of the community interest and the matters to be addressed by an advisory body when determining its membership.

(3) A notice establishing an advisory body under this section shall:

- (a) specify the name of the advisory body;
- (b) specify the purpose for establishing or dissolving the advisory body, as the case may be;
- (c) for a notice establishing an advisory body, specify the advisory body membership;
- (d) be published in Samoan and English in the Savali and 1 other newspaper circulating in Samoa.

(4) The appointment of an advisory body shall not reduce or otherwise affect the accountability of the Minister and the Director General to fulfil the functions required by this or any other law.

14. Remuneration of advisory bodies – Subject to monies being appropriated by Parliament for the purpose and any directions issued by Cabinet, the Director General may:

- (a) pay such fees and allowances to members of advisory bodies established under this Act at such rates as may be approved by Cabinet; and
- (b) reimburse members of advisory bodies for authorised expenses reasonably incurred in performing any services required to be performed on behalf of such advisory bodies.

15. Status and authority of members of advisory bodies –

(1) No person is taken to be employed in the Public Service by reason of appointment to an advisory body under this Act.

(2) Except where the Minister authorises otherwise in writing, no member of an advisory body appointed under this Act has the authority to bind or speak on behalf of the Government, the Ministry, the Minister, the Director General or an advisory body so appointed.

PART 7 DELEGATIONS

16. Delegations by the Minister – The Minister may delegate to a person any or all of the functions and powers which are conferred on the Minister by this or any other Act.

17. Delegations by the Director General – The Director General may delegate to a person any or all of the functions and powers that are conferred on the Director General by this or any other Act.

18. General requirements – (1) A delegation made under this Act must be made in writing.

(2) A person who delegates a function or power under this Act may still exercise that function or power.

(3) A person who delegates a function or power under this Act may in writing revoke the delegation at will.

(4) A delegation made under this Act by a person who subsequently ceases to hold office continues in force as if made by that person's successor in office until such delegation is revoked.

PART 8 MISCELLANEOUS

19. Fees and charges – (1) Fees and charges (including the time and manner of payment) concerning any matter under this Act or any applicable law and for any goods or services provided by the Ministry or for any goods or services funded by the Ministry and provided by another person or body are to be prescribed in regulations.

(2) Subject to section 20, the fees and charges under subsection (1) are non-refundable unless approved by the Cabinet, acting on the advice of Minister.

(3) A refund of fees or charges under this Act may be made without further appropriation than this section and is a statutory expenditure payable out of the Treasury Fund.

(4) *repealed by the Act 2019, No. 2.*

20. Appropriation of refunds – (1) Are fund of fees or charges under this Act may be made without further

appropriation than this section and is statutory expenditure payable out of the Treasury Fund.

(2) In exercising a discretion concerning refunds under section 19, the Minister is subject to any Cabinet directions issued.

21. Evidence by certificate – (1) The Director General, and any personnel of the Ministry authorised in writing by the Director General, may provide a certificate stating any fact known to the Ministry, or indicating the content of any record or register maintained by the Ministry.

(2) Despite any other law, a certificate complying with the requirements of subsection (1) is admissible in Samoa or elsewhere as sufficient evidence of the fact so stated or the content so stated in the certificate before:

- (a) a court or tribunal; or
- (b) a statutory or administrative body or agency; or
- (c) a person exercising judicial or quasi-judicial or statutory or administrative authority.

(3) A certificate purporting to comply with the requirements of subsection (1) is presumed to comply with subsection (1) unless the contrary is proved.

(4) Despite any other law, the issuance of a certificate under this section and filing of such certificate with a court, tribunal or other body, authority or person shall be sufficient discharge of the Government's or the Minister's or the Ministry's or the Director General's or any Ministry personnel's obligation to answer a summons issued by such court, tribunal or other body, authority or person to give evidence or produce documents, provided that such court, tribunal or other body, authority or person may require the person signing such certificate to appear in person for the purpose of examination.

21A. Confidentiality – (1) Any information of a person stored by the Ministry for the purpose of providing healthcare services of the Ministry is confidential and must not be released for any purpose.

(2) Any information stored by the Ministry for the purpose of health service administration is confidential and must not be released for any purpose.

(3) Any person who comes into contact with information under subsection (1) and (2) who releases such information in contravention of subsections (1) and (2) commits an offence and is liable upon conviction to an imprisonment term not exceeding 12 months or to a fine not exceeding 50 penalty units.

(4) Despite subsections (1) and (2), information must be released upon the approval of the Director General for any of the following reasons:

- (a) to an authorised staff member of the Ministry when providing health services to the person; or
- (b) to a police officer approved by the Police Commissioner for the purpose of investigation of an offence or a criminal proceeding; or
- (c) to the person who is the subject of the information and in accordance with requirements approved by the Director General; or
- (d) to a person required by an Act;
- (e) the person, who is the subject of the information, has consented for the information to be released; or
- (f) where there is an order of the Court to disclose the information.

(5) For the purpose of this section, information that is confidential includes:

- (a) personal health information, such as –
 - (i) physical or mental health of the person, including information about the medical history of the person's family; or
 - (ii) any health service provided to the person; or
- (b) data obtained by the Ministry in the administration of its functions and duties; or
- (c) any other information prescribed by regulations.

22. Validity of acts – All actions and decisions of the Minister or the Director General or any personnel acting under the authority of the Minister or the Director General under this Act or any applicable law is deemed to have been validly done or made despite any defect, expiration, error or lapse in the appointment of the person taking such action or making such decision.

23. Protection from liability – (1) Claims made by or against the Ministry are to be made pursuant to the Government Proceedings Act 1974.

(2) A person exercising a function under this Act does not incur civil liability for anything done or omitted to be done in good faith:

- (a) in the exercise of a power or the discharge of a duty under this Act; or
- (b) in the reasonable belief that the act or omission was in the discharge of a duty under this Act.

24. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make regulations providing for such matters as are contemplated by or necessary for giving full effect to this Act and any legislation listed in Schedule 1, and for the due administration thereof.

(2) Without limiting subsection (1), regulations may be made to:

- (a) define who is taken to be an eligible person for the purposes of access to publicly funded health services, including medicines, and defining classes of persons who are non-residents and liable for the cost of publicly funded health services; and
- (b) provide for the arrangement and management of health services and patients including the admission, discharge and treatment arrangements for patients, the admission of visitors and the powers and duties of staff and the provision of quality control and consumer complaints systems; and
- (c) prescribe international or global commitments for the Ministry to comply with and the method of such compliance; and
- (d) prescribe fees and charges for the purposes of this Act; and
- (e) provide for the creating of offences and to pre-scribe fines of up to 100 penalty units for such offences concerning this Act and any legislation listed in Schedule 1.

25. Schedules – (1) For all purposes, Schedules 2 and 3 shall be read as subject to this Act and the specific provisions contained in applicable laws and shall not be interpreted or applied so as to extend the responsibilities and powers of the Minister or Ministry, as the case may be, beyond:

- (a) any responsibilities and powers contained in this Act and the legislation set out in Schedule 1; and
- (b) any responsibilities and powers as may be directed in writing by the Prime Minister under Article 35 of the Constitution; and
- (c) any responsibilities and powers provided under public sector law.

(2) Despite any other law, Schedules 2 and 3 shall not be used for the purpose of making the Government, the Minister and the Ministry liable by way of any prerogative writ or judicial review.

(3) The Schedules may be amended by the Minister, acting on the advice of Cabinet, by notice published in Samoan and English in the Savali and 1 other newspaper circulating in Samoa.

26. Consequential amendments – The Health Ordinance 1959 is amended:

- (a) by deleting the terms and definitions of “Board”, “Director General”, “Minister” and “Department” in section 2 and inserting the following terms and definitions in correct alphabetical order:

“Director General” has the same meaning as provided in the Ministry of Health Act 2006;

“Minister” has the same meaning provided in the Ministry of Health Act 2006;

“Ministry” has the same meaning as provided in the Ministry of Health Act 2006;”;

- (b) by deleting the words “Director-General” wherever they appear (whether in any heading, marginal notes, section or elsewhere) and substituting the words “Chief Executive Officer”; and
- (c) by deleting the word “Department” wherever it appears (whether in any heading, marginal notes,

- section or elsewhere) and substituting the word “Ministry”; and
- (d) by deleting sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 59.

27. Savings and transitional provisions – (1) All references in law to the Department of Health shall be read as referring to the Ministry unless the context otherwise requires.

(2) All references in law to the Minister of Health shall be read as referring to the Minister responsible for the Ministry unless the context otherwise requires.

(3) All references in law to the Director-General of Health and the Director of Health shall be read as referring to the Chief Executive Officer of the Ministry unless the context otherwise requires.

(4) A document and an act of authority so far as they are subsisting or in force at the time of the commencement of this Act relating to any legislation set out in Schedule 1 shall continue and have effect until such time as they are altered or amended or cancelled in accordance with such provisions or under the corresponding provisions of this Act, as the case may require.

(5) An advisory body existing at the time of commencement of this Act relating to any legislation set out in Schedule 1 shall be deemed to be an advisory body established by the Minister under Part VI.

(6) Despite this Act, all applications and other matters arising out of or under any legislation set out in Schedule 1 which are not determined or otherwise dealt with under such provisions at the date of the commencement of this Act shall be determined or otherwise dealt with under such provisions or under the corresponding provisions of this Act, as the case may require, with such modifications, adaptations and alterations as the Minister may determine in writing.

(7) Despite this Act, where this Act does not provide or provides insufficient or inadequate provision for the transition from any legislation set out in Schedule 1, the Minister by Notice may make such provisions as the Minister deems necessary in order for all matters under or concerning any legislation set out in Schedule 1 and this Act to be properly and effectively determined or otherwise dealt with.

28. Transitional arrangements – At the commencement of the Ministry of Health Amendment Act 2019 (“Amendment Act”) the following transitional arrangements apply:

- (a) except for the position of the General Manager, all employees appointed and employed under the repealed Act continue as if they were appointed as employees under this Act, and if any employee is provided and accepts a redundancy offer, the provisions of the repealed Act shall apply to the redundancy offer made; and
- (b) all contracted employees to the National Health Service under the repealed Act continue as if they were contracted under this Act; and
- (c) the contract benefits and employment benefits of all employees are saved as follows –
 - (i) for contract benefits, until the contract term expires;
 - (ii) for benefits of all other employees to continue in accordance with public sector law;
- (d) redundancy shall be determined by the Director General in consultation with the Public Service Commission in accordance with public sector law and subject to the following –
 - (i) where the employment position being made redundant is a position created under the repealed Act, the redundancy shall be determined in accordance with the prevailing redundancy policy in force under the repealed Act immediately prior to the commencement of the Ministry of Health Amendment Act 2019;
 - (ii) where the employment position being made redundant is a position created under the principal Act prior to the commencement of the Ministry of Health Amendment Act 2019, the redundancy shall be determined in accordance with the prevailing redundancy policy of the Public Service Commission;

- (e) all information, assets, certificates and liabilities of the National Health Service under the repealed Act are transferred and vested in the Ministry; and
- (f) the accounts and audit of the National Health Service are saved.

SCHEDULE 1

(Sections 5, 7, 24, 25 and 27)

LEGISLATION WHICH THE MINISTRY IS RESPONSIBLE TO ADMINISTER OR ASSIST THE MINISTER TO ADMINISTER

- Burials Ordinance 1961
- Dental Practitioners Act 2007
- Drugs Act 1967
- Food Act 2015
- Health Ordinance 1959
- Health Promotion Foundation Act 2015
- Healthcare Professions Registration and Standards Act 2007
- Medical Practitioners Act 2007
- Mental Health Act 2007
- Narcotics Act 1967
- National Kidney Foundation of Samoa Act 2005
- Nursing and Midwifery Act 2007
- Pharmacy Act 2007
- Poisons Act 1968
- Samoa Red Cross Act 1993
- Oceania University of Medicine (Samoa) Act 2002

SCHEDULE 2

(Section 5(1)(c))

1. In performing the functions set out in section 5, and subject to any applicable laws and available resources, the Ministry has the following responsibilities, functions and duties:
 - (a) to provide the Government and the Minister with advice as to strategies, policies and planning concerning the development, resourcing, provision and management of health services; and

- (b) to establish, monitor, regulate and enforce standards concerning the training, qualifications and performance required for providers in accordance with any applicable laws; and
- (c) to monitor and regulate the performance of providers; and
- (d) to establish and provide for quality control and assurance; and
- (e) to establish a consumer complaints systems for the provision of health services in accordance with any applicable laws; and
- (f) to provide healthcare services in all Hospitals, District Hospitals, Community Health Centres; and
- (g) to engage with Village Committees approved by the Minister; and
- (h) to provide Health Promotion, Preventative and curative Services; and
- (i) to provide Public Health services; and
- (j) to provide support services to assist with the implementation of the functions and duties of the Ministry.

2. In undertaking the above functions and duties the Ministry shall:

- (a) cooperate with, assist and support the Government, the Minister, other Ministries, Statutory Bodies, Government Agencies and Persons in undertaking their constitutional and statutory functions and duties under this Act, or any other applicable Act; and
- (b) assist the Government, and the Minister to arrange for and provide any health service by or through any provider where the Government determines that such provider can provide the health service most effectively and efficiently.

SCHEDULE 3
(Sections 7 and 8)

MINISTER'S RESPONSIBILITIES

In performing the functions set out in section 7(b), the Minister has the following responsibilities:

- (a) to ensure that the governance and strategic leadership of the Ministry by the Director General and staff of the Ministry are such that the resources under the Ministry's control are applied to activities to improve, promote and protect the health of the eligible people of Samoa; and
- (b) to advise the Ministry and Director General of the Government's objective, policies and priorities concerning improving, promoting and protecting the health of the eligible people of Samoa; and
- (c) such other responsibilities as provided by this Act and any other laws.

The above responsibilities are to be read subject to this Act and the specific provisions contained in applicable laws.

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 – 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “shall have” changed to “has”
 - (iv) “shall be guilty” changed to “commits”
 - (v) “notwithstanding” changed to “despite”
 - (vi) “pursuant to” changed to “under”
 - (vii) “it shall be lawful” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Numbers in words changed to figures
 - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed

“under the hand of” changed to “signed by”.Part numbers changed to decimal

The following amendments were made to this Act since its enactment:

By the National Health Service Act 2014:

Section 19 Section 19 amended by inserting a new subsection (4).

By the Health Promotion Foundation Act 2015:

Schedule 1 Schedule 1 amended by inserting “Health Promotion Foundation Act 2015” after “Health Ordinance 1959”.

Schedule 2 Schedule 2 amended by deleting the words “Promotion and” from paragraph (c) and for paragraph (c)(i) delete the words “and Health Promotion”.

By the Food Act 2015:

Schedule 1 for “Food and Drugs Act 1967” substitute “Drugs Act 1967”;
insert “Food Act 2015” in its correct alphabetical position.

By the Fees and Charges (Miscellaneous Amendments) Act 2017 No. 13:

Amendments made to this Act reflect that fees charged under this Act are to be prescribed by Regulations. Amendments were made to sections 19 and 24.

By the Ministry of Health Amendment Act 2019 No.2 (commenced 1 February 2019):

Section 2 (a) inserted new definitions, “allied health professional”; “Deputy Directors General”; “Director General of Health or Director General”; “healthcare professional”; and “repealed Act”; and
(b) omitted definitions of “Chief Executive Officer” and “National Health Service”; and
(c) for the definition of “health service” in paragraph (h) substitute “Chief Executive Officer” with “Director General”; and
(d) for the definition of “provider”:
 (i) repeal “National Health Service” at paragraph (b);
 (ii) insert “Non-government body” at paragraph (c); and
 (iii) substitute “Chief Executive Officer” with Director General at paragraph (m);

Section 5	substituted;
Section 8	new paragraph (ca) inserted;
Part 4:	substituted;
Section 19(4)	repealed;
Section 21A	new section 21A titled “Confidentiality” is inserted;
Section 24(2)	substituted;
Section 28	new section 28 titled “Transitional arrangements” is inserted;
Schedule 2	substituted; and
General amendments	substituting “Chief Executive Officer” with “Director General” wherever occurring.

*This Act is administered by
the Ministry of Health.*