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GOVERNMENT OF FIJI

PUBLIC HOSPITALS AND DISPENSARIES (AMENDMENT) DECREE 2012
(DECREE NO. 36 OF 2012)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE PUBLIC HOSPITALS AND DISPENSARIES ACT (CAP. 110)

Short title and commencement

1.—(1) This Decree may be cited as the Public Hospitals and Dispensaries (Amendment) Decree 2012 and shall come into force on the date of its publication in the *Gazette*.

(2) The Public Hospitals and Dispensaries Act (Cap. 110) shall be referred to as the “Act”.

Section 2 amended

2. Section 2 of the Act is amended by inserting the following new definitions—

“Board” means the Board of Visitors;

“Chairperson” means the Chairperson of the Board of Visitors;”

Section 8 amended

3. Section 8 of the Act is amended by deleting it and substituting the following—

“Appointment of the Board

8.—(1) The Minister shall appoint a Board of Visitors for each public hospital or public dispensary.

(2) Each Board shall have a minimum of three (3) members and a maximum of nine (9) members, provided however that the appointment of any member may be terminated by the Minister at any time.

(3) Each member of a Board shall hold office for a term of two (2) years and may be re-appointed for two (2) further consecutive terms.

(4) Any member of a Board may resign at any time by providing thirty (30) days written notice to the Minister.”

Section 9 amended

4. Section 9 of the Act is amended by deleting it and substituting the following—

“Particulars of meetings

9.—(1) The Chairperson of a Board shall preside at all the meetings of that Board and if the Chairperson is not present at a meeting, the members present may for that particular meeting appoint a member to preside as the acting Chairperson in the absence of the Chairperson.

(2) Two thirds of the members of a Board shall constitute a quorum for a meeting.

(3) Any issue raised shall be decided by a majority of the votes of the members of a Board present and in the event of a tie of votes, the Chairperson shall have a casting vote.”

Section 10 amended

5. Section 10 of the Act is amended by deleting it and substituting the following—

“Functions of the Board

10. Each Board shall—

- (a) in consultation with the officer in charge of the public hospital or public dispensary, ensure—
- (i) the maintenance and repair of the hospital or dispensary under its care and control;
 - (ii) the beautification of the hospital or dispensary under its care and control; and
 - (iii) that the hospital or dispensary under its care and control is well equipped and has the necessary technology to provide high quality care for patients;
- (b) subject to the approval of the Permanent Secretary, partner with private sector bodies to fulfill the functions given to it under this Act; and
- (c) assist and support the Ministry of Health in encouraging good health and preventing communicable and non-communicable diseases.”

New sections inserted

6. The Act is amended by inserting the following new sections after section 10—

“Accountability of the Board

- 10A.— (1) Each Board appointed under this Act shall—

- (a) be accountable to the Minister; and
- (b) act in accordance with the laws of Fiji and any directions issued by the Minister to the Board.

(2) Each Board shall keep proper accounts in respect of its operations and shall prepare a statement of accounts for each financial year.

(3) The accounts of each Board shall be audited annually by an independent auditor.

(4) Each Board shall submit to the Minister as soon as practicable at the end of each financial year—

- (a) a copy of the statement of accounts; and
- (b) a copy of any report made by the independent auditor.

Disclosure of interest

10B.—(1) If any member of a Board is present at a meeting of that Board where a matter is being considered and such a member has any direct or indirect pecuniary interest or other interests in the matter, he or she shall immediately disclose that interest and take no further part in the consideration of the matter.

(2) Notwithstanding subsection (1), such disclosure of interest by any member of a Board shall not affect the constitution of a quorum.

(3) Any act or omission made in good faith and without negligence in the exercise of a member of a Board's duties under this Act, or any act or omission made by the Minister, Permanent Secretary, employee of a Board or any committee of a Board, shall not subject that person to any personal legal liability.”

GIVEN under my hand this 1st day of May 2012.

EPELI NAILATIKAU
President of the Republic of Fiji