



*Tonga*

# **HEALTH SERVICES ACT 1991**

**Act 15 of 1991**





HEALTH SERVICES ACT 1991

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# HEALTH SERVICES ACT 1991

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## AN ACT TO PROVIDE FOR A COMPREHENSIVE HEALTH SERVICE FOR TONGA

I assent,  
TAUFA'AHAU TUPOU IV,  
4th February, 1992

[15th August, 1991]

**BE IT ENACTED** by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows: —

### PART I

#### 1 Short Title.

This Act may be cited as the Health Services Act 1991.

#### 2 Interpretation.

In this Act, unless the context otherwise requires —

“**Hospital**” includes a health centre operating as part of the Health Service;

“**Minister**” means the Minister of Health;

“**Ministry**” means the Ministry of Health;

“**Private practitioner**” means a qualified doctor, dentist, nurse, midwife, traditional birth attendant, pharmacist, and such other type of health worker as may be defined by regulation who is not in the employ of the Ministry;

“**Rehabilitation**” includes physiotherapy, speech-therapy, occupational therapy and convalescence.

## PART II - GENERAL ADMINISTRATION

### 3 Minister of Health.

The Minister of Health shall be responsible for the administration of this Act on behalf of the Government and all acts done by him or under his direction or authority shall be deemed to have been done by the Government.

### 4 Functions of Minister

The functions of the Minister shall be —

- (a) to preserve and protect the public health of Tonga;
- (b) to establish and maintain a service, available to all, to promote the physical and mental health and well being of the populace;
- (c) to provide and maintain comprehensive hospital and community health services with facilities for the investigation, diagnosis, treatment, rehabilitation from, and prevention of disease and ill-health.

### 5 Ministry

There shall be a Ministry of Health under the direction and control of the Minister.

### 6 National Health Development Committee

- (1) The Minister shall establish a National Health Development Committee to advise him upon matters affecting health.
- (2) The Minister may appoint other permanent, temporary or ad hoc health advisory committees.

## **7 Annual Report**

It shall be the duty of the Minister to present annually to His Majesty, a report on the state of the public health and the working of the health services for the year just ended.

## **8 Director of Health**

- (1) There shall be a Director of Health in the Ministry.
- (2) The Minister may give directions not inconsistent with the provisions of this Act, as to the duties and responsibilities of the Director and any other officer of the Ministry.
- (3) The Director shall be medically qualified with relevant experience at a senior level.
- (4) It shall be the duty and function of the Director to act in accordance with directions given to him by the Minister within the provisions of this Act and generally to assist the Minister and to advise him, as he may deem appropriate, on any health matter.

# **PART III - ASPECTS OF HEALTH SERVICE**

## **9 Duty to provide services**

- (1) It shall be the duty of the Minister to provide such hospitals, health centres, clinics and other establishments as are necessary to meet the needs of public health.
- (2) It shall be the duty of the Minister to provide such specialist or medical, dental, nursing, midwifery, paramedical and technical staff as are necessary to meet the needs of public health.
- (3) It shall be the duty of the Minister to provide for the registration and supervision of any hospitals, health centres, clinics, and other establishments used for private health service purposes and any person working as a private practitioner in a health profession.

## **10 Powers of the Minister**

The Minister is empowered —

- (a) to provide pathology including laboratory, blood transfusion, radiological, and pharmaceutical facilities including facilities for the laboratory study of air, water, milk and other food-stuffs.

- (b) to provide personal health services including maternal and child health and welfare, family planning, school health, dental care, ophthalmic care, pharmaceutical provision, immunization, community nursing, care of the mentally and physically handicapped, ambulance service, nutrition guidance and health education, within the limits of available finance and resources and according to the needs of the people of Tonga.
- (c) to provide facilities for the purchase, storage, supply and maintenance of equipment including transport and materials required in the provision of a comprehensive health service.
- (d) to provide such training facilities as may be required to maintain the personnel of the health services at the highest possible level of professional and technical expertise and performance.
- (e) to request, conduct, or assist research in health matters by employees of the Ministry or by such other persons or bodies as he may decide.
- (f) to establish a statistics, epidemiological and health information service.
- (g) to establish an occupational health service.
- (h) to provide a public health service of the Ministry charged with implementing the Public Health Act and other relevant legislation, and having specific responsibilities with respect to potable water, food hygiene, building standards, disease control, prevention of pollution, waste disposal, health and safety at work and such other matters as the Minister shall decide.
- (i) to require the registration of any person working as a private practitioner in a health profession and also the separate registration of any premises used for private health service purposes.
- (j) to prepare, maintain and periodically test a health emergency plan to meet any national or local disaster affecting the health and welfare of the populace.
- (k) to collaborate with national, international, voluntary health organizations, and non-governmental organizations.
- (l) to make such charges for services as may be reasonable, provided that no person be denied adequate care by reason of inability to meet the costs.

## 11 Regulations

The Minister may with the consent of Cabinet make regulations for the carrying out of the objects of this Act.

**12 Repeal and Saving.**

The Medical Services Act 1929 is hereby repealed provided that any existing rules, regulations, orders, appointments, certificates, licences or notices made or granted thereunder shall, except only so far as they conflict with the provisions of this Act, remain in force until revoked, as if they were made or granted under this Act.

Passed by the Legislative Assembly this 15th day of August, 1991.