

# HEALTH WORKERS BILL 1989

(NAME OF BILL)

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~~Authorisation from Minister of Finance under s.60 of Constitution~~

11/11/89

FROM: Attorney General's Chambers

21/11

TO: Minister  
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO: ~~Minister of Finance~~  
~~(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)~~

TO: Clerk to National Parliament *21.11.89*  
(for certificate by Speaker)

TO: Attorney General's Chambers  
(for printing)

TO: Clerk to National Parliament  
(for reference during 1st, 2nd and 3rd Readings)  
(Date passed: *27.11.89* Act No. *13/89*)

TO: Attorney General's Chambers *30/1/90*  
(for checking before Assent)

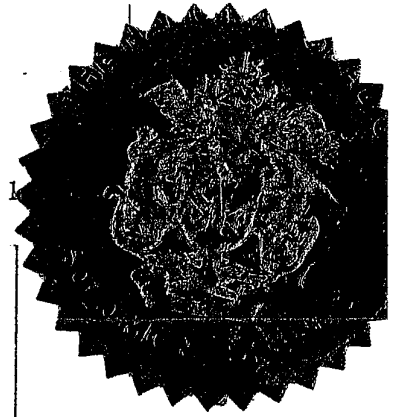
TO: Governor-General *2/2/90*  
(for Assent)

TO: Clerk to National Parliament  
(for distribution: 1 copy Attorney General's Chambers *✓ 2/2/90*  
1 copy Ministry *W. Brown*  
1 copy Parliament Office *5/2/90*  
1 copy Registrar of the High Court)



# HEALTH WORKERS ACT 1989

(NO. 13 OF 1989)





# HEALTH WORKERS ACT 1989

(NO. 13 OF 1989)

*Passed by the National Parliament this twenty-seventh day of November 1989.*

*This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.*

*J.M. Fuaika*  
Clerk to the National Parliament

*Assented to in Her Majesty's name and on Her Majesty's behalf this second day of February 1990*

*G.G.D. Lepping*  
Governor-General

*Date of commencement: date of publication in the Gazette.*

AN ACT to regulate the functions and duties of various categories of health workers, to confer on the Board powers to prescribe registration, deal with matters pertaining to discipline and other connected matters; to repeal the Health Workers Act 1982.

ENACTED by the National Parliament of Solomon Islands.

HEALTH WORKERS ACT 1989  
ARRANGEMENT OF SECTIONS

Section:

1. Short title.
2. Interpretation.
3. Establishment of Board.
4. Functions of the Board.
5. The Registrar.
6. The Register.
7. Registration.
8. Corrections in register.
9. Censure, suspension and striking off.
10. Appeals.
11. Offences and penalties.
12. Regulations.
13. Repeal of Act No. 7 of 1982 and savings.
14. Regulations to continue.

SCHEDULE

1. This Act may be cited as the Health Workers Act 1989.
2. In this Act -
  - “Board” means the Health Workers Board appointed under section 3;
  - “health worker” means a person entitled under the provisions of this Act to practise a particular category or categories of health work and perform such functions as may be prescribed;
  - “Registrar” means the person appointed as Registrar under section 5;
  - “register” means the register of health workers kept under section 6; and
  - “Under Secretary” means the person who for the time being holds the position of Under Secretary health care or health improvement in the Ministry of Health and Medical Services.
3. (1) There shall be established for the purposes of this Act a Health Workers Board (hereinafter in this Act referred to as “the Board”).
 

(2) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.
4. Subject to the provisions of this Act, the Board shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions and in particular, but without prejudice to the generality of the foregoing, the Board shall have power -
  - (a) to classify and designate various categories of health workers;
  - (b) to prescribe the respective qualifications and issue certificates of registration to health workers; and
  - (c) to exercise disciplinary control and ensure the maintenance of proper standards of professional conduct by registered health workers.
5. (1) For the purposes of this Act, the Board shall appoint a Registrar, who shall also be the Secretary to the Board.
 

(2) The qualifications required for the post of Registrar may be as prescribed by the Board.

Short  
title.

Interpre-  
tation.

Establish-  
ment of  
Board.

Functions  
of the  
Board.

The Registrar.

The Register.

6. The Board shall cause the Registrar to keep a register of the names, addresses, qualifications, and such other particulars as may be prescribed, of all persons, who are registered pursuant to section 7 and such particulars as required under section 8.

Registration.

7. (1) Any person who -  
 (a) applies to the Registrar in the prescribed form for registration as a health worker; and  
 (b) satisfies the Registrar that he -  
 (i) possesses the prescribed qualifications;  
 (ii) is of good character;  
 (iii) is a fit and proper person to practice the profession he is trained for; and  
 (c) pays such registration fees as may be prescribed, shall be entitled to be registered as a health worker in his particular profession.

(2) The Registrar shall issue to every person registered as health worker, a certificate of registration in the prescribed form.

Corrections of register.

8. It shall be the duty of the Registrar -  
 (a) to remove from the register any entry which the Board directs him to remove;  
 (b) to correct in accordance with the Board's directions, any entry in the register, which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made; and  
 (c) to make from time to time any necessary alterations in any of the particulars mentioned in section 6.

Censure, suspension and striking off.

9. (1) If any person registered under this Act, is found upon enquiry by the Board -  
 (a) to be suffering from any physical or mental illness rendering him unfit to practice;  
 (b) to have procured his registration under this Act, as a result of any misleading, false or fraudulent misrepresentation;  
 (c) to have been convicted of a criminal offence;  
 (d) to be guilty of dishonesty, negligence, malpractice or incompetence in the performance of his functions as a health worker, or of conduct that is unprofessional or unbecoming of a health worker;  
 (e) to have had his qualifications for registration withdrawn or cancelled by the institution which awarded them; or

- (f) for any other reason which in the opinion of the Board renders such person unfit to practice, the Board may, if it thinks fit -
  - (i) admonish the person;
  - (ii) suspend the registration for a period of not more than six months;
  - (iii) remove his name from the register; or
  - (iv) impose a fine of not exceeding five hundred dollars.

(2) The Board may at any time, if it thinks just, direct the Registrar to restore to the register any name removed therefrom under subsection (1).

(3) The Board shall, as soon as practicable after -

- (a) the registration of any person has been suspended;
- (b) the name of any person has been removed from the register; or
- (c) the name of any person which was so removed is restored, cause a notice of the appropriate fact to be published in the Gazette.

(4) Whenever the name of any person has been removed from the register, the Board may in writing require such a person to return to the Registrar his certificate of registration and that person shall comply with that requirement.

10. Any person aggrieved by a decision made under sections 7, 8 or 9 may, within twenty-one days of notification to him of the decision, appeal to the High Court against such decision, and on any such appeal the Court may give such order as it thinks proper having regard to the merits of the case and the public welfare.

Appeals.

11. Any person who wilfully pretends to be or takes or uses any name, title, addition or description, or displays any uniform or badge implying that he is a registered health worker when he is not shall commit an offence and be liable on conviction to a fine not exceeding five hundred dollars.

Penalty for pretending to be a health worker.

12. The Minister may in consultation with the Board make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations -

Regulations.

- (a) prescribing the training institutes and qualifications recognised for various categories of health workers;
- (b) classifying health workers into various categories and prescribing functions in respect of each category;
- (c) prescribing fees and charges;

- (d) prescribing professional practice, conduct, etiquette and discipline; and
- (e) prescribing any other matter or thing which may be, or is required by this Act to be prescribed.

Repeal of  
Act No. 7 of  
1982 and  
savings.

13. (1) The Health Workers Act 1982 (in this section referred to as the "repealed Act") is hereby repealed.

(2) Notwithstanding such repeal from and after the date of coming into operation of this Act -

- (a) all health workers registered under the repealed Act shall be deemed to be registered under this Act until such time as regulations in that behalf are made;
- (b) all registers kept, certificates issued or other documents in use and valid on the date of coming into operation of this Act shall continue to be valid until such time as other provisions in that behalf are made.

Regulations  
to continue.

14. Any regulations made under the repealed Act shall be deemed to be regulations made under this Act by the Minister in consultation with the Board and shall continue in force and be valid until new regulations are made under this Act.



SCHEDULE (section 3)

1. (1) The Board shall consist of -
  - (a) the Under Secretary;
  - (b) three Registered Health Workers in clinical related professions;
  - (c) three Registered Health Workers in Public Health related professions; and
  - (d) two Registered Health Workers in non-government organisations.

(2) The members appointed under subparagraphs (b), (c) and (d) of paragraph (1) shall be made by the Minister on the recommendation of the bodies representing the respective categories of health workers.
2. The appointments shall be for a period of two years.
3. The Under Secretary shall be the Chairman of the Board.
4. If any member of the Board, other than the Chairman, is absent or unable to act, the Minister may appoint any person to act in the place of the member.
5. Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister, and transmitted through the Chairman, and from the date of receipt by the Minister of such instrument, that member shall cease to be a member of the Board.
6. Where any member resigns or is removed from office and a vacancy occurs in the Board such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed so, however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.
7. The Board shall keep proper accounts and other records in relation to its work and shall prepare annually a statement of accounts in a form satisfactory to the Auditor General.

Constitution  
of the Board.

Tenure of  
Office.

Chairman.

Acting  
appointments.

Resignations.

Filling of  
vacancies.

Accounts.

Procedure  
and meetings.

8. (1) The Board shall meet once every quarter and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written requisition for the purpose addressed to him by any member of the Board.

(3) A quorum shall be five (5).

(4) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a casting vote in which the voting is equal.

(5) Minutes in proper form of each meeting shall be kept.

(6) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Protection  
of members.

9. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Allowances.

10. There shall be paid to the Chairman and other members of the Board such allowances as the Minister may determine.

Members not  
public  
officers.

11. The office of the Chairman or member of the Board shall not be a public office for the purposes of Chapter XIII of the Constitution of Solomon Islands.