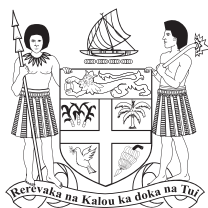


ACT NO. 31 OF 2018

I assent.

J. K. KONROTE
President

[13 July 2018]

AN ACT**TO AMEND THE PUBLIC HEALTH ACT 1935**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Public Health (Budget Amendment) Act 2018.
- (2) This Act comes into force on 1 August 2018.
- (3) In this Act, the Public Health Act 1935 is referred to as the “Principal Act”.

Section 10 amended

2. Section 10(1) of the Principal Act is amended by—
 - (a) in paragraph (a)—
 - (i) after “a city or town”, inserting “,”; and
 - (ii) after “,”, inserting “and”; and
 - (b) deleting paragraphs (b) and (c) and inserting the following new paragraph—

“(b) for any part of Fiji which is not part of a city or town, the Board or any person or body appointed by the Board.”.

Section 24 amended

3. Section 24 of the Principal Act is amended after “if of” by inserting “the”.

Part 5 deleted

4. The Principal Act is amended by deleting Part 5.

Section 66A inserted

5. The Principal Act is amended after section 66 by inserting the following new section—

“Regulations

66A. The Board may, with the approval of the Minister, make regulations to prescribe matters that are required or permitted by this Part to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Part and generally for achieving the purposes of this Part.”.

Section 80 amended

6. Section 80 of the Principal Act is amended by—

(a) in the heading, deleting “local authorities” and substituting “town and city councils”; and

(b) deleting subsection (2) and substituting the following—

“(2) All sums of money expended by a town or city council under the authority of or in pursuance of the provisions of this Act shall, unless otherwise provided for, be paid out of the funds of the town or city council.”.

Section 98 amended

7. Section 98 of the Principal Act is amended by deleting paragraph (f).

Part 17 inserted

8. The Principal Act is amended after section 141 by inserting the following new Part—

“PART 17—TRANSITION*Transfer of functions and powers of local authorities in rural districts and Board*

142.—(1) Notwithstanding any other provision in this Act or any other written law, any function or power that relates to health services and is conferred by this Act or any other written law on a local authority in a rural district existing immediately before 1 August 2018, shall be performed or exercised by the Board from 1 August 2018.

(2) Notwithstanding any other provision in this Act or any other written law, any function or power that does not relate to health services and is conferred by this Act or any other written law on a local authority in a rural district existing immediately before 1 August 2018, shall be performed or exercised by a municipal council designated under section 6A of the Local Government Act 1972 from 1 August 2018.

(3) Notwithstanding any other provision in this Act or any other written law, any function or power that does not relate to health services and is conferred by this Act or any other written law on the Board existing immediately before 1 August 2018, shall be performed or exercised by a municipal council designated under section 6A of the Local Government Act 1972 from 1 August 2018.

Regulations

143.—(1) The Minister may make regulations to prescribe matters that are required or permitted by this Part to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Part and generally for achieving the purposes of this Part.

(2) Without affecting the generality of subsection (1), the Minister may make regulations prescribing—

- (a) the definition of health services;
- (b) with respect to a local authority in a rural district or the Board, the transfer of—
 - (i) assets, interests, privileges, liabilities, rights or obligations;
 - (ii) employees; and
 - (iii) deeds, bonds, agreements, instruments or arrangements, existing immediately before 1 August 2018;
- (c) with respect to a local authority in a rural district or the Board, the continuation of any action, arbitration, proceeding or cause of action existing immediately before 1 August 2018; and
- (d) any other matter with respect to the disbandment of a local authority in a rural district existing immediately before 1 August 2018.”.

Consequential amendments

9.—(1) The Employment Relations Act 2007 is amended by—

- (a) in section 4 in the definition of “local authority”, deleting “a rural authority” and substituting “the Central Board of Health”; and
- (b) in section 185—
 - (i) in the definition of “employer” in paragraph (c), deleting “rural authority” and substituting “the Central Board of Health”;
 - (ii) in the definition of “essential service and industry” or “essential services and industries” in paragraph (c), deleting “rural authority” and substituting “the Central Board of Health”; and
 - (iii) in the definition of “worker” in paragraph (c), deleting “rural authority” and substituting “the Central Board of Health”.

(2) The Environment Management Act 2005 is amended in section 2 in the definition of “local authority” by deleting paragraph (b) and substituting the following—

“(b) for rural areas—

- (i) in relation to a non-health service, the municipal council designated under section 6A of the Local Government Act 1972; or
- (ii) in relation to a health service, the Central Board of Health;”.

(3) The Income Tax Act 2015 is amended in section 2 in the definition of “remote area” by deleting “rural local authority,”.

(4) The Land Transport Act 1998 is amended in section 2 in the definition of “stand” by deleting “or rural local authority”.

(5) The Liquor Act 2006 is amended in section 2 in the definition of “local authority” by deleting paragraph (b) and substituting the following—

“(b) for rural areas, the municipal council designated under section 6A of the Local Government Act 1972 or the Central Board of Health, as applicable;”.

(6) The Litter Act 2008 is amended by—

- (a) in section 2 in the definition of “public authority”, deleting paragraphs (b) and (c) and inserting the following new paragraph—
“(b) the relevant municipal council;”; and
- (b) in section 3(2), deleting “or (c)”.

(7) The Local Government Act 1972 is amended by—

(a) after section 6, inserting the following new section—

“Functions and powers of local authorities in rural districts and Central Board of Health

6A.—(1) Notwithstanding any other provision in this Act or any other written law, any function or power that does not relate to health services and is conferred by this Act or any other written law on a local authority in a rural district existing immediately before 1 August 2018, shall be performed or exercised by a municipal council designated under subsection (3) from 1 August 2018.

(2) Notwithstanding any other provision in this Act or any other written law, any function or power that does not relate to health services and is conferred by this Act or any other written law on the Central Board of Health existing immediately before 1 August 2018, shall be performed or exercised by a municipal council designated under subsection (3) from 1 August 2018.

(3) For the purposes of subsections (1) and (2), the Minister shall, by notice in the Gazette—

- (a) declare any rural area outside a town boundary as an area to which specified provisions of this Act apply; and
- (b) designate a municipal council to perform the functions and exercise the powers which were performed or exercised by a local authority in a rural district or the Central Board of Health immediately before 1 August 2018.”; and

(b) after section 121, inserting the following new Division—

“Division 6—Sanitary Services

Sanitary services to be approved by Council

121A. All schemes for the disposal of nightsoil, collection of garbage or other sanitary services shall, before being put into operation, be submitted to the appropriate Council for approval, and no such scheme shall be put into operation until the approval of the Council has been obtained.

Permit from Council

121B. No person shall engage in the business of carrying or removing nightsoil or garbage except with a permit from the Council and any person so engaging without such permit shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.”.

(8) The Tax Administration Act 2009 is amended in section 38(7)(c) by deleting “, including any rural local authority”.

Passed by the Parliament of the Republic of Fiji this 12th day of July 2018.