

## Modernising our Public Health Laws

Te Marae Ora Cook Islands Ministry of Health is reforming our public health laws. The reforms will deliver a new Public Health Act that better protects our community from pandemics and other health risks and addresses the health challenges we face now and into the future. We have released a draft policy paper to signal our intentions and seek the views of our stakeholders and the public.

### Why are we reforming public health laws now?

Public health laws are critical to the physical, spiritual, mental, social, and economic wellbeing of individuals and the community. They help to safeguard our community against threats to our collective health and create the conditions for us all to enjoy long, healthy lives. Our public health laws support our immunisation programmes, ensure we have safe, clean drinking water, and help us control infectious diseases and other risks to health.

The *Public Health Act 2004*, our country's core public health law, is in need of reform. It is outdated and does not provide for contemporary interventions to address current and emerging health challenges, such as rising rates of non-communicable diseases (NCDs). Moreover, it is inconsistent with other laws and fails to facilitate the whole-of-society action we need to advance our collective health. The COVID-19 pandemic brought the Act's shortcomings into sharp focus, revealing that it is not fit to protect us against threats to our health. The new Public Health Act is not intended to supplant the *COVID-19 Act 2020*, which will continue to operate with respect to COVID-19.

### When will the reforms happen?

The Government first highlighted the need to reform public health laws in the National Health Strategic Plan 2017-2021, targeting a review by 2021. Since late 2019, we have been working with stakeholders and experts at the World Health Organization to review existing laws and develop proposals for reform. A Bill for a new Public Health Act is planned to be introduced to Parliament in March 2021, to take effect later in the year.

The release of the draft policy paper is an important milestone in the reform process. The paper explains the rationale for the reforms and outlines the proposed measures to be included in the new Act. After a period of consultation, the paper will be finalised and submitted to Cabinet for approval to start drafting a new Bill. The Bill will undergo another round of consultations before going to Parliament.

### How can I get involved?

Over the next 3 weeks, we will be undertaking widespread consultations in November to ensure our stakeholders and the public get to have their say on the reforms.

There are several ways you can get involved.

**Join** the consultation sessions (via Zoom), contact [publichealthlawr@cookislands.gov.ck](mailto:publichealthlawr@cookislands.gov.ck)

**Comment** using the consultation questionnaire

**Contact** Phone: 29664 Email: [publichealthlawr2020@cookislands.gov.ck](mailto:publichealthlawr2020@cookislands.gov.ck)

# Five key aims of the proposed new Public Health Act

- 1 Outcomes-focused**

The new Act will adopt a modern, outcomes-based approach centred on risk to public health. Risk will be determined by the actual or potential harm of an activity, rather than a list of known and long-established activities thought to present a risk. It will do away with traditional public health concepts such as ‘nuisance’ and ‘offensive trades’ that reflect an outdated understanding of public health and are rarely implemented in practice. The core of the new approach will be the creation of a ‘general duty’ on all persons to protect public health and take reasonable precautions necessary to avoid or minimise any risk. Persons in breach will be required to comply and may be penalised.
- 2 Future-proof**

The new Act will equip the Cook Islands to address health challenges it faces now and into the future. The modern, outcomes-based approach will give health authorities the flexibility they need to manage current and well-understood risks to public health, such as mosquito breeding grounds, as well as new and emerging risks to health. The Act will specifically deal with significant emerging risks to health such as climate change and anti-microbial resistance, and allow regulations to be made to address future risks.
- 3 Protects Cook Islands**

The new Act will overhaul provisions in the Public Health Act and other health laws dealing with communicable diseases and health emergencies. Replacing them will be a comprehensive framework to manage communicable diseases, serious public health incidents, and public health emergencies. The framework will reflect the lessons learnt from the COVID-19 pandemic and give authorities a suite of powers that are scalable to risk and subject to accepted principles guiding their use.
- 4 Promotes health of individuals and the community**

Prevention is better than cure, and the new Act will contain measures to promote good health and provide all Cook Islanders the opportunity to live longer and healthier lives by increasing control over and improving their health. Te Marae Ora will be tasked with leading whole-of-government and whole-of-society efforts to address the risk factors that lead to noncommunicable disease, a growing public health crisis in Cook Islands. New powers will be available to warn consumers about unhealthy products and mandate standards and practices to address risk factors.
- 5 Participatory**

Individuals and communities will be empowered to participate in planning and decision-making for their health. Recognising that health is determined as much by actions outside the health sector as within it, the new Act will enable partnerships and coordination across sectors and the community to promote and protect health, including the establishment of a National Public Health Committee. The roles of key actors in public health will also be clarified to strengthen governance and leadership.