

BILL NO. 4 OF 2016

A BILL

FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND FUNCTIONS OF THE FIJI METEOROLOGICAL AND HYDROLOGICAL SERVICE AND THE EFFICIENT MANAGEMENT, CONTROL, PROMOTION AND DEVELOPMENT OF METEOROLOGICAL AND HYDROLOGICAL SERVICES TO CONTRIBUTE TO THE PROTECTION OF LIFE, PROPERTY AND ECONOMIC DEVELOPMENT FROM METEOROLOGICAL AND HYDROLOGICAL DISASTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Meteorological and Hydrological Services Act 2016.

(2) This Act comes into force on the date or dates appointed by the Minister by notice in the Gazette.

Interpretation

2. In this Act, unless the context otherwise requires—

“Director” means the Director of Meteorology;

“hydrological service” means the collection, analysis and storage of hydrological data and forecasting of unexpected hydrological events including flooding and drought;

“meteorological service” means the collection, quality control, analysis of meteorological data and provision of meteorological forecasts for routine bulletins and unexpected meteorological events;

“Minister” means the minister responsible for meteorological and hydrological services;

“Permanent Secretary” means the permanent secretary responsible for meteorological and hydrological services;

“person” means a natural or legal person, including a company, association or body of persons whether corporate or unincorporate;

“Service” means the Fiji Meteorological and Hydrological Service established under section 3;

“weather forecast” means the application of science and technology to predict the state of the atmosphere for a given location;

“WMO” means the World Meteorological Organization; and

“WMO RA-V” means the World Meteorological Organization Regional Association Five, commonly referred to as the South-West Pacific region.

PART 2—FIJI METEOROLOGICAL AND HYDROLOGICAL SERVICE

Establishment of the Service

3. For the purposes of this Act, there must be a Fiji Meteorological and Hydrological Service.

Functions of the Service

4.—(1) The Service must perform the following functions—

- (a) observe and record meteorological and hydrological data on a daily basis as required by WMO;
- (b) forecast weather and the state of the atmosphere;
- (c) monitor and issue severe weather warnings of gales, storms, tropical cyclones, hurricanes and other weather conditions likely to endanger life, property or economic development, including weather conditions likely to give rise to floods or bush fires;
- (d) supply meteorological and hydrological information for the purpose of national development;
- (e) publish meteorological and hydrological reports and bulletins;

- (f) promote the advancement of meteorological and hydrological science by research, investigation or by any other means;
 - (g) maintain and develop meteorological and hydrological observation networks;
 - (h) provide meteorological and hydrological advisory services;
 - (i) co-operate with the authority administering the meteorological or hydrology service of any other country;
 - (j) ensure due compliance with conventions, protocols and any other relevant standards and recommended practices of WMO and the International Civil Aviation Organization;
 - (k) monitor drought and appropriately advise the National Drought Steering Committee;
 - (l) monitor Fiji's climate, including climate variability and change;
 - (m) aid ships in navigation by the provision of routine marine forecasts and non-routine advisories during severe weather events;
 - (n) support movements of civil aviation aircraft within the Flight Information Region of states and selected aerodromes in the Southwest Pacific region through the provision of aviation forecasts and advisories;
 - (o) establish core divisions including—
 - (i) the National Weather Forecasting Centre to forecast and issue routine and severe weather bulletins for Fiji;
 - (ii) the Regional Meteorological Forecasting Centre to forecast and issue routine and severe weather bulletins to such Pacific island countries listed in the Schedule;
 - (iii) the Hydrological Services Division to collate, analyse and store hydrological data and forecast unexpected hydrological events, including flooding;
 - (iv) the Climatological Services Division to collate, analyse, store and forecast climate change phenomenon; and
 - (v) the Regional Specialised Meteorological Centre Nadi – Tropical Cyclone Centre (RSMC Nadi – TCC) to provide weather forecasts, cyclone and other severe weather warnings and advisory information for WMO RA-V.
- (2) A person must not promote, develop, manage, control or provide a meteorological or hydrological service to any other person.

(3) A person who contravenes subsection (2) commits an offence and is liable upon conviction to—

- (a) in the case of a natural person, a fine not exceeding \$1,000 or imprisonment for a term not exceeding 2 years or to both; or
- (b) in the case of a body corporate or unincorporate, a fine not exceeding \$10,000.

(4) Notwithstanding any other provision in any written law, the Service is solely responsible for the promotion, development, management, control or provision of meteorological or hydrological services in Fiji.

Director of Meteorology

5.—(1) The Permanent Secretary must appoint a Director of Meteorology with the agreement of the Minister.

(2) The Director is responsible for the Service and, subject to the directions of the Permanent Secretary, the general administration of this Act.

(3) The Director may be appointed for a term of up to 3 years under contract and the contract may be renewed subject to satisfactory performance.

Powers of Director

6.—(1) The Director may exercise any or all of the following powers—

- (a) establish meteorological and hydrological offices and observing stations;
- (b) arrange with any department, authority or person to take and record meteorological and hydrological observations and transmit reports and information;
- (c) arrange for the transmission and reception of meteorological and hydrological reports and information; or
- (d) arrange for the training of staff involved in the provision of meteorological and hydrological services.

(2) The departments and authorities with which, and the persons with whom, arrangements may be made include departments and authorities of the Government or any other Pacific island country listed in the Schedule.

Funds

7.—(1) The funds of the Service consist of—

- (a) any money appropriated for the Service specified in an annual national budget approved by Parliament;
- (b) fees and charges prescribed by regulations; and
- (c) any other money, including grants by the Government.

(2) Any account containing the funds of the Service must be annually audited by the Office of the Auditor-General.

Standard of audits

8.—(1) There must be regular audits of the service products of the Service to ensure that international benchmarks are maintained.

(2) The audits must be conducted by authorised auditors of certified agencies, including meteorological agencies.

PART 3—MISCELLANEOUS

Intellectual property rights

9.—(1) Section 26 of the Copyright Act 1999 applies for any data, meteorological or hydrological advisory service or computer programme generated by the Service in the fulfillment of the functions of the service.

(2) Any data, information, advisory service or hydrological or meteorological service of the Service provided to a person must not be provided or distributed by that person to another person without the written consent of the Director.

(3) Any data, information, advisory service or hydrological or meteorological service provided or distributed to another person with the written consent of the Director by way of publication, including radio, television or such other medium, must acknowledge the contribution of the Service.

Fees and charges

10. The Minister may, by regulations, prescribe fees and charges for forecasts, information, advisories, publications or any other matter provided for under this Act.

Indemnification from liability

11. The Service is not liable for any damage, loss or injury sustained or alleged to have been sustained by any person, business or investor as a result of reliance by the person, business or investor on the meteorological or hydrological information provided by the Service.

Regulations

12. The Minister may make regulations prescribing matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE
(Section 4(1)(o)(ii))

LIST OF COUNTRIES

1. Cook Islands
2. Kiribati
3. Niue
4. Tokelau
5. Tuvalu

METEOROLOGICAL AND HYDROLOGICAL SERVICES BILL 2016

EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Meteorological and Hydrological Services Bill 2016 (**‘Bill’**) seeks to provide for the establishment and functions of the Fiji Meteorological and Hydrological Service (**‘Service’**) and to provide for the efficient management, control, promotion and development of sound meteorological and hydrological services to contribute to the protection of life, property and economic development from meteorological and hydrological disasters.
- 1.2 At present, there are no written laws governing meteorological and hydrological services in Fiji.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement of the new Act. If passed by the Parliament of the Republic of Fiji, the new Act may be cited as the Meteorological and Hydrological Services Act 2016 and will come into force on the date or dates appointed by the minister responsible for meteorological and hydrological services (**‘Minister’**) by notice in the Gazette.
- 2.2 Clause 2 of the Bill provides an interpretation section where terms and phrases used throughout the Bill are defined for the purpose of clarity.
- 2.3 Clause 3 of the Bill establishes the Service. The headquarters of the Service will be based in Nadi with other stations based in strategic locations throughout Fiji.
- 2.4 Clause 4 of the Bill outlines the functions of the Service. The functions of the Service are as follows:
- (a) observe and record meteorological and hydrological data on a daily basis as required by WMO;
 - (b) forecast weather and the state of the atmosphere;

- (c) monitor and issue severe weather warnings of gales, storms, tropical cyclones, hurricanes and other weather conditions likely to endanger life, property or economic development, including weather conditions likely to give rise to floods or bush fires;
- (d) supply meteorological and hydrological information for the purpose of national development;
- (e) publish meteorological and hydrological reports and bulletins;
- (f) promote the advancement of meteorological and hydrological science by research, investigation or by any other means;
- (g) maintain and develop meteorological and hydrological observation networks;
- (h) provide meteorological and hydrological advisory services;
- (i) co-operate with the authority administering the meteorological or hydrology service of any other country;
- (j) ensure due compliance with conventions, protocols and any other relevant standards and recommended practices of WMO and the International Civil Aviation Organization;
- (k) monitor drought and appropriately advise the National Drought Steering Committee;
- (l) monitor Fiji's climate, including climate variability and change;
- (m) aid ships in navigation by the provision of routine marine forecasts and non-routine advisories during severe weather events;
- (n) support movements of civil aviation aircraft within the Flight Information Region of states and selected aerodromes in the Southwest Pacific region through the provision of aviation forecasts and advisories;
- (o) establish core divisions including—
 - (i) the National Weather Forecasting Centre to forecast and issue routine and severe weather bulletins for Fiji;
 - (ii) the Regional Meteorological Forecasting Centre to forecast and issue routine and severe weather bulletins to such Pacific island countries listed in the Schedule;
 - (iii) the Hydrological Services Division to collate, analyse and store hydrological data and forecast unexpected hydrological events, including flooding;
 - (iv) the Climatological Services Division to collate, analyse, store and forecast climate change phenomenon; and

- (v) the Regional Specialised Meteorological Centre Nadi – Tropical Cyclone Centre (RSMC Nadi – TCC) to provide weather forecasts, cyclone and other severe weather warnings and advisory information for WMO RA-V.

- 2.5 Clause 5 of the Bill provides for a Director of Meteorology to be appointed by the permanent secretary responsible for meteorological and hydrological services with the agreement of the Minister.
- 2.6 Clause 6 of the Bill outlines the powers of the Director.
- 2.7 Clauses 7 and 8 of the Bill deal with funding and audits of the Service. The use of funds by the Service will be audited on an annual basis by the Office of the Auditor-General. There will also be regular audits of the service products of the Service to ensure that international benchmarks are maintained.
- 2.8 Clause 9 of the Bill deals with intellectual property rights.
- 2.9 Clause 10 of the Bill empowers the Minister to prescribe fees and charges for forecasts, information, advisories or any other matter provided for under the new Act.
- 2.10 Clause 11 of the Bill deals with indemnification from liability.
- 2.11 Clause 12 of the Bill empowers the Minister to make regulations to give effect to the provisions of the new Act.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The new Act comes under the responsibility of the Minister.

A. SAYED-KHAIYUM
Attorney-General