

BILL NO. 3 OF 2024

A BILL

FOR AN ACT TO PROVIDE FOR THE FIJI METEOROLOGICAL AND HYDROLOGICAL SERVICES AND THE PROTECTION OF LIVELIHOODS AND PROPERTY FROM METEOROLOGICAL AND HYDROLOGICAL DISASTERS AND HAZARDS AND FOR RELATED MATTERS

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 2024.

(2) This Act comes into force on a 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 the Service;

“hydrological services” means the collection, analysis, storage and modelling of hydrological data and forecasting of water availability, flooding and drought;

“impact-based forecast” refers to the meteorological and hydrological hazard and the exposure related to the hazard, excluding vulnerabilities and risks;

“meteorological services” include—

- (a) short, medium and long term weather forecasts, now-casts and marine forecasts;
- (b) the supply of weather information and data;
- (c) the issuance of routine weather bulletins and weather warnings;
- (d) the provision of weather services for aviation; and
- (e) the preparation of analysis and advice on weather patterns and long term climate trends as well as the impacts of weather and weather-related hazards on society;

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

“Ministry” means the ministry responsible for meteorological and hydrological services;

“Service” means the Fiji Meteorological and Hydrological Service; and

“World Meteorological Organization” refers to the specialised agency of the United Nations responsible for promoting international cooperation on atmospheric science, climatology, hydrology and geophysics.

Objectives

3. The objectives of this Act are to—

- (a) facilitate the effective and efficient provisions of the Service;
- (b) promote public-private engagement in the delivery of the Service; and
- (c) enable the issuance of an impact-based forecast that contribute to Fiji’s multiple hazard early warning system.

PART 2—FIJI METEOROLOGICAL AND HYDROLOGICAL SERVICES

Establishment of the Service

4.—(1) For the purposes of this Act, there must be a Fiji Meteorological and Hydrological Services which is managed by a Director.

(2) The Service is responsible for the day to day operations of meteorological and hydrological services in Fiji.

Functions of the Service

5.—(1) The functions of the Service are to—

- (a) gather the systematic collection, recording, management and analysis of meteorological and hydrological data and information;

- (b) establish, maintain, upgrade and overlook the renewal of networks, infrastructure and equipment for meteorological and hydrological observation and the collection of meteorological and hydrological data and information;
- (c) forecast the weather, ocean conditions and the state of the atmosphere and conduct a routine issue of public weather forecasts and shipping forecasts;
- (d) issue impact-based forecast that contribute to Fiji's multiple hazard early warning system;
- (e) issue warnings of gales, storms and other weather conditions likely to endanger life or property, including weather conditions likely to give rise to floods, forest fires, droughts or storm surges;
- (f) supply meteorological and hydrological information and promoting its use;
- (g) publish meteorological and hydrological reports and bulletins;
- (h) monitor, analyse and advise on long term climate trends;
- (i) contribute towards the safety, regularity and efficiency of air navigation within the Nadi Flight Information Region and the Flight Information Region of States and at selected aerodromes in the Southwest Pacific region through the provision of meteorological information;
- (j) promote the advancement of meteorology and hydrology by means of meteorological research and investigation;
- (k) advise on meteorological and hydrological matters to ministries, departments, public agencies or offices;
- (l) collaborate with the meteorological and hydrological service authorities of other countries;
- (m) arrange with any ministry, department, public agency, office or person to take and record meteorological observations or to record hydrological data and transmit meteorological and/or hydrological reports and information;
- (n) arrange means of communication for the transmission and reception of meteorological or hydrological reports and information;
- (o) encourage private sector investment in the provision of meteorological and hydrological services which complement the functions of the Service;
- (p) facilitate Fiji's compliance with its obligations under the World Meteorological Organization and any other international organisation; and
- (q) any other function conferred on the Service under any other written law.

(2) The Service may provide commercial meteorological and hydrological services for remuneration.

Powers of the Director

6. The powers of the Director are as follows—

- (a) establish networks, infrastructure and equipment for meteorological observation and the collection of meteorological and hydrological data and information;
- (b) operate any trading and manufacturing account established for the Service;
- (c) arrange with any ministry, department, public agency or office or any other person to take and record meteorological observations or to record hydrological data and transmit meteorological or hydrological reports and information;
- (d) arrange means of communication for the transmission and reception of meteorological or hydrological reports and information;
- (e) issue or cancel weather warnings or alerts, including flood alerts, or authorise or otherwise cause the warnings or alerts to be issued or cancelled; and
- (f) any such powers as necessary to enable the Service to perform its functions.

Weather warnings and alerts

7.—(1) Any person who issues a weather warning or alert, including a flood alert, or causes the warning or alert to be issued without the prior authorisation of the Director in consultation with the Minister, commits an offence and is liable on conviction to a prescribed fine.

(2) Where the Director has issued or authorised the issue of a weather warning or alert, the subsequent broadcasting or sharing of the warning or alert by the media or a telecommunications service provider is not an offence, notwithstanding that the media organisation or telecommunication service provider is not named in the authorisation.

Funds

8. The funds of the Service consist of the following—

- (a) money appropriated for the Service specified in an annual national budget approved by Parliament;
- (b) any prescribed fees and charges; and
- (c) income from any commercial services provided by the Service.

Technical audits

9.—(1) There must be a technical audit of the Service conducted at least once every 2 years to ensure that international standards are maintained.

(2) The technical audit must be conducted by an authorised technical auditor of a certified agency.

Indemnification from liability

10. No proceedings, civil or criminal, lie against the Service, the Director or any employee of the Service for anything it may do or fail to do in the course of the exercise or intended exercise of its powers and functions under this Act, unless it is shown that the person did not act in good faith or with reasonable care.

PART 3—MISCELLANEOUS

Regulations

11. The Minister may make regulations to prescribe matters that are required or permitted by this Act for carrying out or giving effect to this Act or for achieving the purposes of this Act, including charging of fees, prescribing offences and penalties not exceeding—

- (a) in the case of an individual, a fine not exceeding \$10,000 or imprisonment for a term of 5 years or both; and
- (b) in the case of a body corporate, a fine not exceeding \$50,000.

Consequential amendment

12. All State documents of any nature whatsoever and all written law are amended by deleting “Fiji Meteorological Services” wherever it appears and substituting “Fiji Meteorological and Hydrological Service” or “Service”, unless the context otherwise requires.

METEOROLOGICAL AND HYDROLOGICAL SERVICES BILL 2024

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Meteorological and Hydrological Services Bill 2024 (**‘Bill’**) seeks to provide for the Fiji Meteorological and Hydrological Services (**‘Service’**). The Bill also seeks to provide effective and efficient provision of the meteorological and hydrological services.
- 1.2 Given that there is currently no regulation on the provision of meteorological and hydrological services in Fiji, the Bill will provide the necessary legal framework to contribute to sustainable economic development, protection of lives, livelihoods and property from meteorological and hydrological disasters and hazards.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill provides for the definitions of certain terms used throughout the Bill.
- 2.3 Clause 3 of the Bill provides for the objectives of the Bill.
- 2.4 Clause 4 of the Bill provides for the Fiji Meteorological and Hydrological Services.
- 2.5 Clause 5 of the Bill provides for the functions of the Service.
- 2.6 Clause 6 of the Bill provides for the powers of the Director of the Service (**‘Director’**).

- 2.7 Clause 7 of the Bill empowers the Director to issue weather warnings and flood alerts, and to authorise such warnings or alerts to be issued.
- 2.8 Clause 8 of the Bill outlines the sources of the funds of the Service.
- 2.9 Clause 9 of the Bill provides for technical audits of the Service to be conducted at least once every 2 years to ensure that international standards are maintained.
- 2.10 Clause 10 of the Bill provides for indemnification of the Service, the Director or any employee of the Service from liability.
- 2.11 Clause 11 of the Bill empowers the Minister to make Regulations.
- 2.12 Clause 12 of the Bill provides for the consequential amendments.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 The new legislation comes under the responsibility of the Minister responsible for meteorological and hydrological services.

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