

# NAURU METEOROLOGY SERVICES

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# Nauru Meteorology Services Act 2024

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# Nauru Meteorology Services Act 2024

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## TABLE OF AMENDMENTS

The Nauru Meteorology Services Act 2024 No 6 was certified and commenced on 20 August 2024.

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
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An Act to provide for the development of meteorological, terrestrial and hydrological services by establishing basic systems regarding meteorological terrestrial and hydrological events for forecasting weather patterns to ensure public safety or protection of life and property and for other related purposes.

Enacted by the Parliament of Nauru as follows:

## PART 1 — PRELIMINARY

### 1 Short title

This Act may be cited as the *Nauru Meteorology Services Act 2024*.

### 2 Commencement

This Act commences on the date it is certified by the Speaker.

### 3 Objectives

The objectives of this Act are:

- (a) to establish the Nauru Meteorology Services, providing for its functions and the administrative and statutory framework for performing its functions and exercising its powers;
- (b) to establish the office of the Director and ensure that the Director implements the functions of the Nauru Meteorology Services;
- (c) to facilitate the use and application of relevant information, forecasts, warnings and bulletins generated and disseminated by the Nauru Meteorology Services for the purposes of public safety or protection of life and property;
- (d) for Nauru Meteorology Services to establish and issue routine and extraordinary forecast and warnings systems to be utilised by relevant stakeholders, the Council and other relevant agencies for carrying out their functions, responsibilities and duties for the purpose of public safety or protection of life and property;
- (e) facilitate the Republic's compliance with its obligations under the World Meteorological organisation and other international organisations;
- (f) to cooperate with National Meteorological Authorities of other countries in relation to the functions and powers and sharing information regionally and internationally; and
- (g) to provide for enforcement mechanisms to ensure the members of the public comply with warnings issued by Nauru Meteorology Services.

### 4 Interpretation

In this Act:

**'coastal flooding'** means a sudden and abrupt increase in water level due to storm surge and extreme tides;

**'Council'** means the National Disaster Risk Management Council established under Section 16 of the *National Disaster Risk Management Act 2016*;

**'Department'** means the Department responsible for National Emergency Services;

**'Director'** means the office of the Director of the Nauru Meteorology Services established under Section 7;

**'electronic or digital communication'** has the same meaning given to it under the *Interpretation Act 2011*;

**'forecast'** means an announcement of a prediction of a meteorological, terrestrial and hydrological event;

**'hydrological event'** means an event in land waters and an ocean-related event, a meteorological event and includes water-related disasters and emergencies;

**'hydrological event services'** includes:

- (a) issuance of routine weather bulletins, information and warnings for a hydrological event;
- (b) providing a forecast including an ocean forecast and warning of a hydrological event;
- (c) observation of a hydrological event and collection and announcement of the observation publicly;
- (d) collection and announcement of information concerning a hydrological event;
- (e) preparing statistics and studies concerning a hydrological event and providing such statistics and results publicly;
- (f) research in the pattern relating to a hydrological event; and
- (g) such other services that are required to support the hydrological event service;

**'media'** has the same meaning given to it under the *Interpretation Act 2011*;

**'meteorology'** means the branch of science concerned with the processes of the atmosphere and its phenomena, including weather and climate;

**'meteorological information'** means any meteorological observation, analysis, forecast or warning, including any other statement, relating to existing or expected meteorological, terrestrial and hydrological events;

**'meteorological event'** means an event in the atmosphere which includes:

- (a) heavy rain;
- (b) extreme temperature;
- (c) drought;
- (d) flash or extreme flooding;
- (e) strong storm or hurricane winds not associated with a tropical system;
- (f) storm surge;
- (g) thunderstorm, including lightning;
- (h) tornado or similar event;
- (i) tropical system, including a tropical disturbance, tropical depression or tropical cyclone;
- (j) El Nino; and
- (k) La Nina;

**'meteorological event services'** includes:

- (a) issuance of routine weather bulletins, information and warnings;
- (b) provision of meteorological information for the purposes of aviation;
- (c) issuances of forecast and warning of a meteorological event;



- (d) observation of a meteorological event and collection and announcement of such observations publicly;
- (e) collection and announcement of information concerning a meteorological, event;
- (f) preparing statistics and studies concerning a meteorological event and providing such statistics and results publicly;
- (g) research in the patterns relating to a meteorological event; and
- (h) such other services that are required to support the meteorological event services;

**‘Minister’** means the Minister responsible for National Emergency Services;

**‘Nauru Meteorology Services’** means a Section established under Section 5;

**‘observation’** means observation and measurement of the meteorological, terrestrial and hydrological events by a scientific method;

**‘ocean forecast’** means a statement of expected ocean conditions relating to ocean temperature, sea level, tides and waves for a specific time and location;

**‘ocean-related event’** means:

- (a) damaging swells;
- (b) extreme ocean temperature;
- (c) extreme tide;
- (d) coastal flooding;
- (e) sea level rise;
- (f) storm surge; or
- (g) tsunami;

**‘Secretary’** means the Secretary responsible for National Emergency Services;

**‘terrestrial event’** includes an earthquake, volcano and underground meteorological event;

**‘terrestrial event service’** includes:

- (a) issuance of routine weather bulletins, information and warnings for a terrestrial event;
- (b) issuance of forecast and warning of a terrestrial event;
- (c) observation of a terrestrial event and collection and announcement of the observation publicly;
- (d) collection and announcement of information concerning a terrestrial event;
- (e) preparing statistics and studies concerning a terrestrial event and providing such statistics and results publicly;
- (f) research in the pattern relating to a terrestrial event; and
- (g) such other services that are required to support the terrestrial event services;

**‘warning’** means a forecast made to warn that a serious disaster may occur, which requires a response to minimise the risk of harm to life, damage to property or the environment; and

**‘weather’** means the state of certain variables in the atmosphere at a particular place and time.

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## PART 2 — NAURU METEOROLOGY SERVICES

### 5 Nauru Meteorology Services

- (1) The Nauru Meteorology Services is established.
- (2) The Nauru Meteorology Services shall be part of the Department responsible for National Emergency Services.
- (3) The Nauru Meteorology Services shall be responsible for the operations and provision of all information relating to meteorological, terrestrial and hydrological events' services.

### 6 Functions of the Nauru Meteorology Services

The Nauru Meteorology Services shall:

- (a) take, record, disseminate and store meteorological, terrestrial and hydrological events required for the purposes of short term and long-term meteorological, terrestrial and hydrological events' study, analysis and making decisions;
- (b) provide meteorological event services, terrestrial event services and hydrological event services;
- (c) issue meteorological, terrestrial and hydrological events warnings to reduce the risk of harm to life, property and the environment;
- (d) provide meteorological, terrestrial and hydrological events forecasts;
- (e) establish, maintain and upgrade infrastructure, instruments, equipment and other related support services for the forecasting, observation and issuing warnings relating to meteorological, terrestrial and hydrological events' services;
- (f) establish and maintain regional and international networks with other similar bodies for the purposes of monitoring, observing and providing information to Nauruans in relation to meteorological, terrestrial and hydrological events;
- (g) forecast weather and monitor atmospheric conditions and promoting its utilisation in hazard warning systems, social activities, fishing and other maritime activities;
- (h) issue and publish meteorological, terrestrial and hydrological events reports and bulletins on a regular basis and at least once in every 24 hours, except in case of emergencies where the frequency is to be as determined by the Nauru Meteorology Services;
- (i) issue warnings of gale, storm and other weather conditions likely to endanger public safety, life and property including weather conditions likely to cause floods or fires;
- (j) issue, storm, flash flooding, coastal flooding, gale, storm, drought, oceanrelated events or any other weather warning likely to endanger life or property and determine when a warning is to be lifted;
- (k) collect, compile and make available meteorological data and information required by this Act, including archiving of the data or information;
- (l) develop and implement an observations data strategy and an integrated national rainfall network;
- (m) develop and effective communication strategy to ensure that warnings or general meteorological information are disseminated;

- (n) promote the effective use of meteorological information and arrange public awareness and education programmes;
- (o) provide general advice on matters relating to meteorology and meteorological data and advice in support of a specific national development project or any other weather sensitive economic activity;
- (p) develop, facilitate and provide training and instruction for any person whose duties and responsibilities involve meteorology-related matters;
- (q) promote the understanding and recognition of traditional weather and climate practices and knowledge through the observation of weather indicators occurring in nature and other means;
- (r) develop an effective communications strategy to ensure that warnings and forecasts and general meteorological information are distributed;
- (s) do any act that is necessary to provide effective meteorological services to reduce the risks likely to arise from adverse weather conditions;
- (t) develop programmes to support early warning systems in relation to adverse weather events;
- (u) advise on meteorological, terrestrial and hydrological events the Government, Departments and other public bodies or persons to take and record meteorological services data for the purposes of transmitting them into other important instruments and disaster and risk management;
- (v) facilitate the Republic's compliance with its obligations under the World Meteorological Organisation and other international organisations;
- (w) cooperate with the national meteorological authorities of other countries in relation to any of the functions and powers stated under this Part, and in particular, support the principle of free and unrestricted exchange of meteorological data amongst foreign meteorological services authorities; and
- (x) any other function which may be conferred on the Nauru Meteorology Service by the Cabinet or any other written law.

## **7 Director of Nauru Meteorology Services**

- (1) There shall be a Director of the Nauru Meteorology Services.
- (2) The Director shall be appointed by the Chief Secretary on the recommendation of the Secretary.
- (3) The Director reports to the Secretary on all such matters that is necessary under this Act.
- (4) The minimum qualification requirement for the office of the Director shall be prescribed by the Chief Secretary on the recommendation of the Secretary.
- (5) The Director shall be responsible for carrying out the functions of the Nauru Meteorology Services.

## **8 Powers of the Director**

- (1) The Director has the power to do all things necessary or convenient to be done for the performance of the functions of the Nauru Meteorology Services under this Act or any other written law.
- (2) The Director may delegate the functions of the Nauru Meteorology Services to other officers of the Nauru Meteorology Services.

**9 Staff of Nauru Meteorology Services**

- (1) The Secretary shall determine the number of persons to be employed under the Nauru Meteorology Services.
- (2) The terms and conditions of the staff of Nauru Meteorology Services shall be in accordance with the *Public Service Act 2016*.
- (3) The appointment of staff of the Nauru Meteorology Services shall be in accordance with the *Public Service Act 2016*.
- (4) The staff shall consist of the Director and such other persons appointed under this Section.

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## PART 3 — FORECAST AND WARNING

### 10 Issue of forecast and warning

- (1) The Nauru Meteorology Service shall issue a forecast and warning statement and bulletin to the public, based on meteorological information.
- (2) The Nauru Meteorology Service may revise, downgrade or cancel any forecast, warning statement or bulletin based on the meteorological information.
- (3) The Nauru Meteorology Service may issue any forecast or warning statement or bulletin at any time, including any actions to be taken in response to any meteorological, terrestrial and hydrological events.
- (4) A forecast and warning statement or bulletin issued under this Section shall:
  - (a) be expressed clearly and in detail in both the English and Nauruan languages;
  - (b) convey to the public any potential risk and the likely or possible impact of the potential risk; and
  - (c) be updated on a regular basis to assure the public that the risk is being continuously and accurately monitored or cancelled once the risk de-escalates.

### 11 Forecast and warning to the public to be widely distributed

Where the Nauru Meteorology Services issues a warning to the public, it shall ensure that the warning is widely distributed using available means of communication, including media, mass media and electronic or digital communication.

### 12 Compilation and issuing of periodic warnings or bulletin

The Nauru Meteorology Services shall compile and issue periodic warnings or bulletins for particular time, periods, events or areas as may be required:

- (a) when a State of Emergency is declared under Article 77 of the *Constitution* relating to meteorological, terrestrial or hydrological event;
- (b) when a State of Disaster is declared under Part 6 of the *National Disaster Risk Management Act 2016*;
- (c) by the Cabinet;
- (d) by the Council; or
- (e) by any other department or instrumentality of the Republic.

### 13 Consultation and working cooperatively

- (1) The Director shall, where necessary, consult with stakeholders in the performance of the functions of the Nauru Meteorology Services.
- (2) The Director shall work cooperatively with the Council and other relevant agencies to develop a set of protocols, processes and strategies to form an early warning system by the Nauru Meteorology Services.

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**PART 4 — OBLIGATION TO COMPLY WITH WARNINGS OF NAURU  
METEOROLOGY SERVICES**

**14 Obligations of telecommunications services providers**

- (1) Where the Nauru Meteorology Services issues a warning in respect of a meteorological, terrestrial or hydrological event which has the likelihood of affecting public safety or protection of life and property, the telecommunication service providers shall comply with the requirements of Part 17 of the *Communications and Broadcasting Act 2018*.
- (2) Where a telecommunications services provider fails to comply with the requirements of informing the public of the warning issued by the Nauru Meteorology Services in relation to a meteorological, terrestrial or hydrological event, the service provider commits an offence and shall upon conviction be liable to a fine not exceeding \$200,000.

**15 Obligations of every individual to comply with warnings of Nauru Meteorology Services**

- (1) Where the Nauru Meteorology Services issues a warning in relation to any meteorological, terrestrial or hydrological event, whether declared as a disaster or not, a person shall adhere to the warnings for the purposes of public safety or protection of life and property.
- (2) Where a person contravenes subsection (1), he or she shall be liable upon conviction to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 12 months or to both.

**16 Powers of the Nauru Police Force**

- (1) The Police shall have all such powers to, maintain public safety or protection of life and property by enforcing the warnings of the Nauru Meteorology Services.
- (2) The power under subsection (1) includes the power to arrest without warrant, investigate, charge and to prosecute any person contravening this Part.

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## PART 5 — MISCELLANEOUS

### 17 Protection from liability

The Minister, Secretary, Director or staff of the Nauru Meteorology Services shall not be liable for any act done or omitted to be done in good faith in the performance of a function or exercise of a power under this Act or any other written law.

### 18 Record keeping obligations

- (1) The Secretary or Director shall keep and maintain their respective records of any information, research, data, observation, analysis, forecast, warning or document he or she received, developed or generated in the performance of his or her functions or exercise of powers under this Act.
- (2) A record that is required to be kept under this Act shall be kept and maintained in physical and electronic form so as to enable the Secretary or Director to disseminate such information in accordance with this Act.
- (3) The Secretary or Director shall permit information under subsection (1) to be accessed by any member of the public and upon payment of the prescribed fee, cause copies of such information to be provided.

### 19 Regulations

- (1) The Cabinet may make regulations to prescribe 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 and generally for achieving the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the Cabinet may make regulations to prescribe the following:
  - (a) any fees or forms required for the purpose of this Act;
  - (b) the application of the precautionary principle to any role, function or activity to which the provisions of this Act apply;
  - (c) facilitating the implementation of any Convention to which this Act applies;
  - (d) the safety of any installation, facility or equipment used by the Department in accordance with this Act or any data collected for any purpose under this Act;
  - (e) the safety of any person performing functions under this Act;
  - (f) the implementation of projects and programmes related to climate change, geological hazards and meteorology including requirements applying to the projects and programmes;
  - (g) any matter which facilitates the sourcing and utilisation of project funding and support for meteorology and other relevant programmes and projects;
  - (h) offences and penalties exceeding:
    - (i) in the case of an individual, a fine of \$10,000 or a term of imprisonment of 6 months; and

(ii) in the case of a body corporate, a fine of \$50,000.

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**PART 6 — REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS**

**20 Repeal**

The *Meteorology Act 1906* is repealed.

**21 Savings and transitional provision**

- (1) Notwithstanding the repeal of the *Meteorology Act 1906*, any observatory established under the repealed Act continues to exist under this Act.
- (2) Any act, decision, undertaking or contract made or entered into under the provisions of the repealed Act, shall be deemed to have been made under this Act and shall remain valid unless it is varied, suspended or revoked under this Act.
- (3) Any person employed in the Department or in the Meteorology Section shall continue to hold office and carry out his or her function, duty and responsibility under this Act.
- (4) All Cabinet decisions relating to meteorological services continue to have effect.

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