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FIJI

ACT NO. 18 OF 1994



I assent.

[L.S.]

K. K. T. MARA

President

[19 September 1994]

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL ROAD SAFETY COUNCIL; ITS FUNCTIONS, STRUCTURE, FUNDING AND RELATED MATTERS

ENACTED by the Parliament of Fiji

PART I—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the National Road Safety Council Act, 1994.

(2) This Act shall enter into force on a date appointed by the Minister responsible for Road Transport (hereinafter referred to as "the Minister") and published in the *Fiji Republic Gazette*.

Establishment of Council

2.—(1) There is established a Council to be known as the National Road Safety Council which shall be a body corporate and by that name, shall have perpetual succession and a common seal with power to acquire and dispose of any real and personal property.

(2) The Council may sue and be sued in respect of matters, whether relating to contract, or otherwise, arising in connection with the exercise of its powers and functions or the carrying on of its operations under the provision of this Act.

PART II—FUNCTIONS OF COUNCIL, MEMBERSHIP AND ADMINISTRATION

Functions of Council

3. The Council shall have responsibility to—

- (a) set the goals and objectives of road safety work in Fiji;
- (b) co-ordinate the work of all organisations which are involved in the promotion of road safety;
- (c) procure sufficient personnel and finance for road safety work and control and monitor their use;
- (d) develop and recommend road safety research and measures which will lead to the improvement of road safety work in Fiji;
- (e) control and co-ordinate the planning and implementation of road safety work in Fiji taking into consideration the interests of society, user groups, trade and industry, individuals, as well as environmental aspects;
- (f) monitor and evaluate the effectiveness of the programs and strategies of organisations which are involved in the promotion of road safety;
- (g) monitor and update any Action Plan for the improvement of road safety in Fiji and to supervise its implementation;
- (h) monitor and update any National Program for the improvement of road safety in Fiji and to supervise its implementation;
- (i) establish and maintain financial control and auditing of funds to ensure that maximum benefits are derived in road safety activities; and
- (j) consider and/or implement any other aspects of road safety as may be referred to it from time to time.

Ministerial directions

4. In carrying out its functions the Council shall act in accordance with any policy directions (not inconsistent with this Act) in the national interest given to it from time to time in writing by the Minister after taking into account the views of the Council.

Membership

5.—(1) The Minister shall appoint the Council's Chairperson after consultation with the Council.

(2) The Council shall consist of the Chairperson, the Executive Director and at least ten other members, all of whom shall be appointed by the Minister and who shall hold office for such term or terms and subject to such conditions as the Minister may determine.

(3) The Minister may from time to time appoint as co-opted members of the Council any person or persons who in the opinion of the Minister possess expert or special knowledge or experience that will be advantageous or beneficial to the Council in the exercise of its functions and every such co-opted member shall be deemed to be members of the Council for the specific purpose of their appointment and with such voting powers as the Council may determine.

(4) Names of persons appointed to the Council shall upon first appointment or reappointment be published in the Fiji Republic Gazette.

(5) The Council may subject to the provisions of this Act make rules governing its procedures.

Management

6.—(1) There shall be an Executive Director of the Council and such other officers and staff as the Council shall appoint.

(2) The Executive Director shall provide guidance and advice to the Council and shall supervise the activities of the officers and staff of the Council.

(3) The Executive Director and such officers or staff of the Council shall be paid such salary as is determined from time to time by the Council and where the salary limit demands, by the Higher Salaries Commission.

Non-liability of members and employees

7. Neither the Council nor any member or employee of the Council shall be liable for any act or default of the Council done or omitted to be done in good faith in the course of operation of the Council.

Secretariat

8.—(1) The Executive Director and officers and staff of the Council shall constitute the Secretariat to the Council.

(2) The Secretariat shall—

- (a) assist the Council in studies and research;
- (b) co-ordinate practical work between various agencies;
- (c) launch and co-ordinate campaigns for the improvement of road safety and co-operation with relevant organisations;

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- (d) launch and co-ordinate special projects for the improvement of road safety in key sectors in collaboration with organisations involved in road safety;
- (e) initiate training programmes for those in charge of road safety work;
- (f) liaise with organisations involved in road safety to acquire sample publications, educational and publicity materials and educational films;
- (g) assist the Council in preparing a long term action programme for the improvement of road safety; to maintain it up to date and to keep the Council informed of its implementation; and
- (h) prepare, publish and distribute information and material on road safety in co-operation with other organisations.

PART III—FINANCE PROVISIONS

Funds of the Council

9.—(1) The funds of the Council shall comprise:

- (a) all money received by the Council out of money appropriated by Parliament for the purpose of this Act;
- (b) all money collected by way of a levy which the Minister is hereby authorised to charge after consultation with insurance companies; and other persons he deems appropriate;
- (c) all money that may be contributed or donated to the Council or that may otherwise be lawfully payable to the Council;
- (d) all accumulations of money belonging to the Council, and
- (e) with the approval of the Minister, fees and charges for services provided.

(2) The income of the Council from whatever source shall be exempt from tax.

(3) Any insurance company or other person who defaults in the payment of any money charged by the Minister in accordance with paragraph (b) of subsection (1) of this Section commits an offence under this Act.

Borrowing powers

10. The Council shall not borrow any money or mortgage or charge any of its property without the prior written consent of the Minister responsible for Finance.

PART IV—MISCELLANEOUS PROVISIONS

Accounts and annual report

11.—(1) The Council shall keep full and correct accounts of all money received and expended by it and such accounts shall be audited by the Auditor-General or such other auditors as may be approved in that behalf by the Minister responsible for Finance.

(2) The Council shall as soon as possible after its financial year prepare and furnish to every member of the Council an annual report of its proceedings and operations of the financial year including a copy of the audited accounts.

(3) The Council's report shall include a brief overview of the scale and nature of the road safety problems, including recent trends, a review of activities undertaken and recommendations on action needed to improve road safety.

(4) A copy of the report and accounts of the Council shall be laid before Parliament.

Regulations

12. The Minister may, acting on the advice of the Council, make regulations for the purposes of carrying out the provisions of this Act in respect of any matter which may be considered necessary or desirable for the furtherance of the functions conferred on the Council by this Act.

Offences

13. Any person guilty of an offence under this Act or regulations made thereunder shall be liable on conviction to a fine as stipulated in the Regulations.

Passed by the House of Representatives this Tenth day of August, in the year of our Lord one thousand, nine hundred and ninety-four.

Passed by the Senate this Eighth day of September, in the year of our Lord one thousand, nine hundred and ninety-four.