

BILL NO. 19 OF 2019

A BILL

FOR AN ACT TO AMEND THE ENVIRONMENT MANAGEMENT ACT 2005

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Environment Management (Budget Amendment) Act 2019.

(2) This Act comes into force on 1 January 2020.

Section 45A inserted

2. The Environment Management Act 2005 is amended after section 45 by inserting the following new section—

“Offence of manufacturing, selling, supplying or distributing plastic bags

45A.—(1) In this section, “plastic bag” means—

(a) a carry bag—

- (i) the body of which comprises in whole or in part, polyethylene with a thickness of less than 50 microns;
- (ii) that is used for the carrying or transporting of goods;
- (iii) that is not an integral part of a product’s packaging;

(iv) that is not a waste disposal bag; and

(v) that is not a bag that is of a kind prescribed by regulations; or

(b) a bag that is of a kind prescribed by regulations.

(2) A person who manufactures a plastic bag commits an offence and is liable upon conviction to a fine not exceeding \$500,000 or to a term of imprisonment not exceeding 7 years or both.

(3) A person who—

(a) sells, supplies or distributes a plastic bag to another person; or

(b) makes a plastic bag available to a customer for carrying goods purchased, or to be purchased, from a retailer,

commits an offence and is liable upon conviction to a fine not exceeding \$150,000 or to a term of imprisonment not exceeding 2 years or both.

(4) For the purposes of this section, any act done or omitted by an individual—

(a) as an employee must be treated as done or omitted by that individual's employer provided that the employee was acting within the course of his or her employment; or

(b) as an agent must be treated as done or omitted by that individual's principal provided that the agent was acting with the actual or ostensible authority of the terms of his or her agency,

whether or not it was done with the knowledge or approval of the employer or principal.”.

June 2019

ENVIRONMENT MANAGEMENT (BUDGET AMENDMENT) BILL 2019

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 Environment Management (Budget Amendment) Bill 2019 (**‘Bill’**) seeks to amend the Environment Management Act 2005 (**‘Act’**) to prohibit the manufacture, sale, supply or distribution of plastic bags.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 January 2020.
- 2.2 Clause 2 of the Bill amends the Act to provide for the offence of manufacturing, selling, supplying or distributing plastic bags.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for environment.

A. SAYED-KHAIYUM
Attorney-General