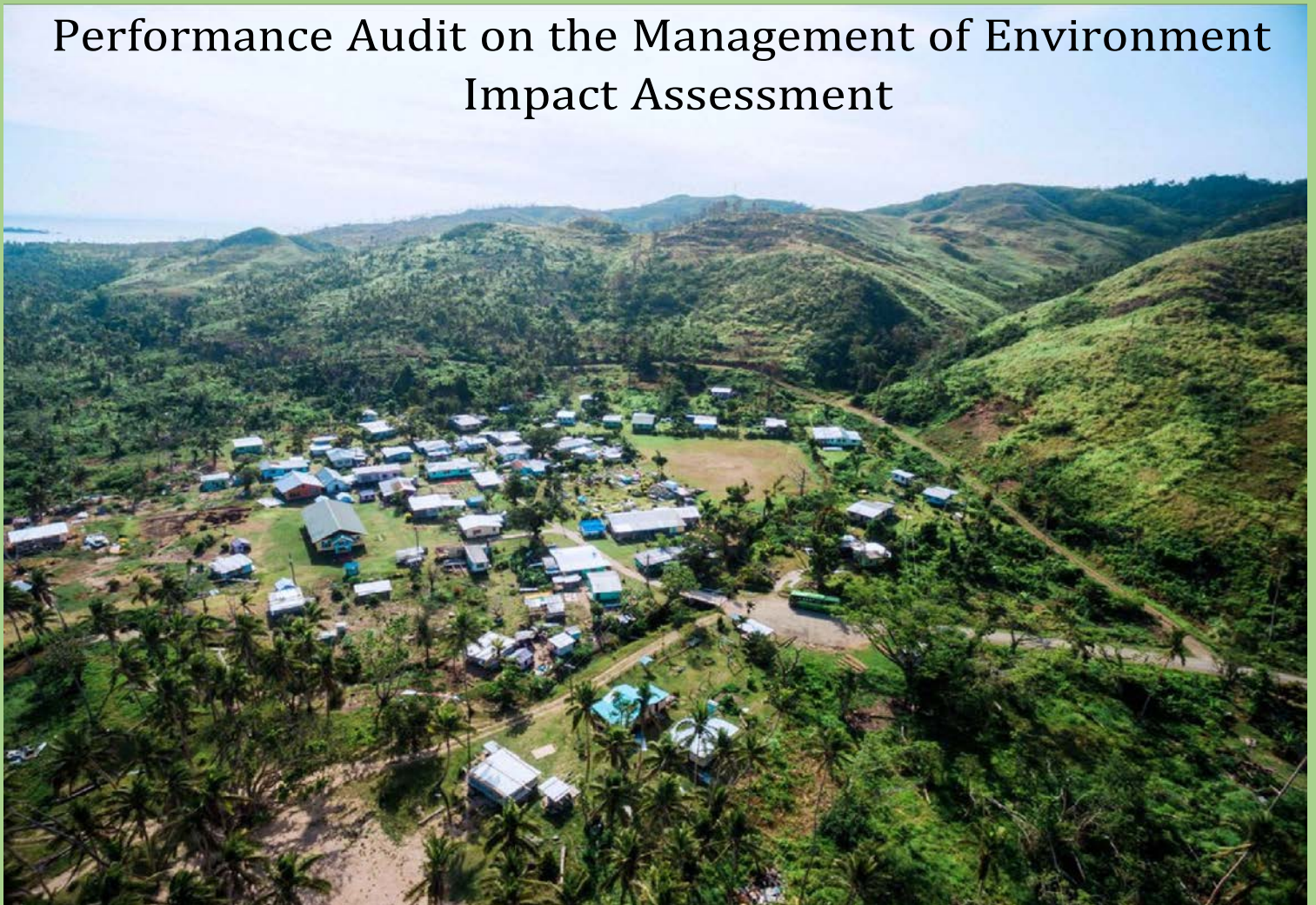




OFFICE of the AUDITOR GENERAL
Republic of Fiji

REPORT OF THE AUDITOR GENERAL OF THE REPUBLIC OF FIJI

Performance Audit on the Management of Environment Impact Assessment



PARLIAMENT OF FIJI

PARLIAMENTARY PAPER NO. 273 OF 2020



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Republic of Fiji

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File: 102

02 December 2020

The Honorable Ratu Epeli Nailatikau
Speaker of the Parliament of the Republic of Fiji
Parliament Complex
Gladstone Road
SUVA

Dear Sir

AUDIT REPORT ON PERFORMANCE AUDIT ON MANAGEMENT OF ENVIRONMENT IMPACT ASSESSMENT

In accordance with section 152(13) of the Constitution of the Republic of Fiji, I am pleased to transmit to you my report on the Performance Audit on Management of Environment Impact Assessment.

A copy of the report has been submitted to the Minister for Economy who as required under section 152(14) of the Constitution shall lay the report before Parliament within 30 days of receipt, or if Parliament is not sitting, on the first day after the end of that period.

Yours sincerely

Ajay Nand
AUDITOR-GENERAL

Encl.



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Audit Overview

Land use planning and development are important for meeting the changing needs of the growing population in Fiji. The impact of development on the environment are critical considerations in planning and development.¹

An environmental impact assessment is a tool used to predict the environmental, social and economic impacts of a proposed development, in the early stages of project planning and design. The assessment aims to find ways to reduce the negative impact of development and shape projects to suit the local environment.²

In Fiji, the Environmental Impact Assessment (EIA) of proposed development projects is conducted through the process set out in Part 4 of the Environment Management Act 2005. The Minister for Environment administers the EIA process under the Environment Management Act 2005, while the Department of Environment manages this process.

In this audit, we examined if the department is managing the EIA process efficiently and effectively for development proposals.

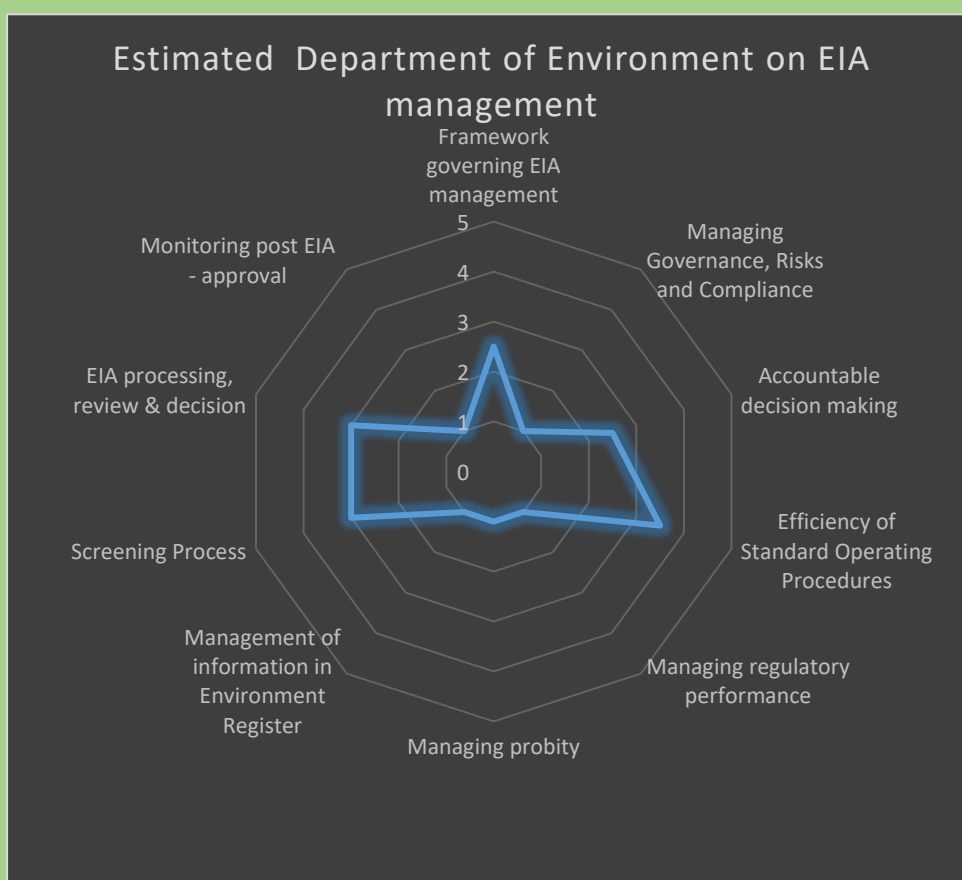
¹ Victorian Auditor General's Report Effectiveness of the Environment Effect Statement Process, 2017, p.vii

² Victorian Auditor General's Report Effectiveness of the Environment Effect Statement Process, 2017, p.vii

Audit at a Glance

Our audit focused on 10 themes covering the EIA process as administered by the Department of Environment. Figure 1 below illustrates an estimation of the Department of Environment's level in managing the EIA process over these 10 themes. It uses the value of five (5) as the highest score with zero (0) as the lowest. The highest score is for the theme Efficiency of Standard Operating Procedures at 3.5, while the lowest score is 1 for the following themes - Managing Governance, Risks and Compliance, Managing Regulatory Performance, Managing Probity, Management of Information in Environment Register and Monitoring Post EIA Approval.

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Acronyms

Abbreviation	Meaning
ADB	Asian Development Bank
BSC	Balance Score Card
CBD	Convention on Biodiversity
CSIRO	Commonwealth Scientific and Industrial Research Organisation
EIA	Environment Impact Assessment
FRCS	Fiji Revenue Custom Service
EFL	Energy Fiji Limited
EMA	Environment Management Act
EMP	Environment Management Plan
FRA	Fiji Roads Authority
INTOSAI	International Organisation Supreme Audit Institution
IUCN	International Union for Conservation of Nature
IWP	Individual Work Plan
KPI	Key Performance Indicator
MOWE	Ministry of Water ways and Environment
MSAF	Maritime Safety Authority Fiji
NGO	Non-Government Organisation
OECD	Organisation for Economic Cooperation & Development
OEMP	Operational Environment Management Plan
PEO	Principal Environment Officer
SEO	Senior Environment Officer
SPC	Secretariat of the Pacific Community
SOP	Standard Operating Procedures
USP	University of the South Pacific
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
WAF	Water Authority of Fiji
WCS	Wildlife Conservation Society
WWF	World Wildlife Fund

EXECUTIVE SUMMARY

Background

The 2013 Constitution of the Republic of Fiji establishes the rights of every person to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations, through legislative and other measures.³ The preamble to the Constitution also states Fiji's commitment to social and economic well-being, and safeguarding the nation's environment. Additionally, one of the values of the Republic of Fiji is to commit to a prudent, efficient and sustainable relationship with nature. The Constitution confers the authority to make laws to the Parliament of Fiji.

The Environment Management Act 2005 is an Act for the protection of natural resources, the control and management of development, waste management, pollution and control, the establishing of a national environment council, and other related matters.

The purpose of the Act under section 3(2), are as follows:

- To apply the principles of sustainable use and development of natural resources; and
- To identify matters of national importance for the Fiji Islands as set out in subsection (3).

Environment Impact Assessment in Fiji is governed by Part 4 of the EMA 2005. Section 28 of the Act outlines the EIA process that must be undertaken for a development proposal which includes screening, scoping, preparation of an assessment report, reviewing the report and the decisions to be made on the report. Section 32 of the Act covers EIA approval with conditions to be monitored through inspection.

The Environment Management (EIA Process) Regulations 2007 was developed as required under Section 61 of EMA 2005 in relation to the regulations of EIA and contain provisions with respect to EIA procedures.

The Department of Environment, which is part of the Ministry of Waterways and Environment, manages the EIA process. The objectives of this audit was to determine the effectiveness and efficiency of the EIA process for development proposals.

Coverage

In this audit, we examined records from 2016 to 2020 and focused on assessing whether the:

- I. legal framework and planning policies governing the management of the EIA are effectively and efficiently administered by the Ministry of Waterways and Environment;

³ 2013 Constitution of the Republic of Fiji, s40

Key Findings

- II. screening, scoping, preparation of TOR and review stages of EIA processing are managed effectively; and
- III. adequacy of post EIA approval monitoring to ensure that the project developer comply with all the conditions.

Legislative and Policy Framework Governing EIA

The Department of Environment is governed by the Environment Management Act 2005. The Act stipulates provisions in Part 4 that are related to the EIA process. The assessment of legislation revealed that key substantive provisions have been implemented through enactment of the Environment Management (EIA Process) Regulations 2007. The administration and management of processes within the EIA Unit needs to be further strengthened in order to achieve policy objectives, and reduce administrative and compliance costs. Specific areas of improvement include systematically applying risk management procedures to achieve administrative cost effectiveness, measuring and reporting regulatory performance, ensuring consistency in decision-making, and documenting key operational and regulatory decisions.

Screening, scoping, preparation of TOR and review stages of EIA processing

Managing enforcement actions can be further improved particularly in ensuring that EIA processes are effectively carried out in a sound and timely manner. There is guidance in place for the processing timelines at each stage of the EIA process. While some applications have met the required timelines, there are opportunities to address delays in development proposal applications' turnaround time.

Monitoring, Evaluation and Reporting

Programmes on monitoring can be further strengthened for planning and implementing of post -EIA approval conditions. A comprehensive system is not in place to monitor approval conditions, as the Department only monitors those developments where complaints are received from the general public. This indicates inconsistency in monitoring of approval conditions by the Department of Environment. Although some monitoring is done by the Department, strategies are not in place to guide compliance monitoring, inspection and reporting of EIA approved developments.

General Recommendation

We recommend that the Department of Environment:

1. Should extend the functions of approving authorities⁴ for a development proposal to other agencies authorised under written law to collaborate in approving development proposals;
2. Systematically review its governance structure and update them as required. This include a structured risk management approach that applies to all aspects of regulatory administration e.g. fully documented risk management policies and procedures endorsed by the Permanent Secretary, staff are trained and understand the scope of their risk management responsibilities;
3. Ensure that delegated powers are well defined, and exercised in accordance with requirements determined by the delegating authority;
4. Develop a sound performance management framework that facilitates effective internal management and external accountability;
5. Subject regulatory activities and decisions to systematic quality management processes;
6. Manage the risk of corruption and misconduct in the entire EIA process through the introduction of a conflict of interest policy, declarations of conflict of interest by EIA Unit personnel for all development proposals, and development of a Code of Practice for EIA consultants;
7. Manage data and record-keeping effectively;
8. Develop a sound monitoring strategy that is risk-based, and clearly identifies the types and frequency of monitoring activities, who will conduct them, in accordance with available resources. Additionally, ensure that a monitoring strategy is documented and includes an assessment of environmental risks, and the reason for the approaches selected to mitigate them.

Overall Conclusion

The Department of the Environment collaborates effectively with the Department of Town and Country Planning as one of the approving authorities in enforcing legislative requirements. This collaboration should be extended to other approving authorities such as town and city councils, Department of Lands, Department of Forests, Department of Mineral Resources, iTaukei Land Trust Board, in order to gain effective service delivery.

The Department has focused on the improvement of its internal processes through the introduction of operating procedures on the EIA process. It is important to note, that it also needs mechanisms to ensure the administration of the EIA Unit supports sound governance

⁴ Any public authority or person authorised under a written law to approve a development proposal e.g. town and city councils, Department of Lands, Department of Forests, Department of Mineral Resources, iTaukei Land Trust Board.

arrangements to fulfil its responsibilities and be accountable for its decisions and actions.

The legislative and organisational requirements ensure that the EIA Unit provides evidence-based information and advice to the Director of Environment on projects that should be subject to an EIA. However, inconsistencies in managing evidence-based information have risen from the EIA process which indicates the need for improvement.

The Department oversees the implementation of approval conditions for projects that are subject to an EIA. However, it has not established a comprehensive system to monitor, document and report on the current level of compliance with conditions for approval of development projects.

1.0 INTRODUCTION

The 2013 constitution of the Republic of Fiji has specific provisions on the rights of every person to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures.⁵ The preamble to the Constitution declares Fiji's commitment to social and economic wellbeing, and safeguarding the environment. The 2013 Constitution also states that the Republic of Fiji is a sovereign state founded on the values of a prudent, efficient and sustainable relationship with nature. The Constitution confers authority to make laws on the Parliament.

The development of EIA is governed by the 15-year-old Environment Management Act 2005 as the principal legislation that supports EIA in Fiji. The purpose of the Act is:

- To apply the principles of sustainable use and development of natural resources; and
- To identify matters of national importance for the Fiji Islands as set out in subsection (3).⁶

EIA in Fiji is covered under Part 4 of the Environment Management Act 2005. Section 28 of the Act provides a breakdown of EIA as a process that includes screening, scoping, preparation of an assessment report, reviewing the report and a decision on the report.

The Environment Management (EIA Process) Regulation 2007 was specifically developed and contains provisions with respect to EIA procedures. The Department of Environment within the Ministry of Waterways and Environment manages the EIA process.

1.1 Reasons for the audit

Economic development is essential to meet the changing needs of the growing population in Fiji. At the same time, development has the potential to impact on the environment, communities and the economy. It is important to balance environmental protection and community needs with cost-effective planning and development. The EIA process has a central role in getting that balance right.⁷

An ineffective EIA process has multiple implications, including a negative impact on the environment. If the process lacks certainty, it could deter development. If the process is not timely, it could create financial and emotional stress for affected communities and local councils, and increased project costs for the project developer.⁸

The Director of Environment makes most of the decisions on EIA process and the EIA Unit within the Department plays a key role in interpreting the legislation and executing operational guidelines, providing advice to the Director and coordinating the EIA process in a timely, transparent and integrated way.

⁵ The 2013 Constitution of the Republic of Fiji, s 40

⁶ Environment Management Act 2005, s3(2)

⁷ Victorian Auditor General's Report Effectiveness of the Environment Effect Statement Process 2017, p.8

⁸ Victorian Auditor General's Report Effectiveness of the Environment Effect Statement Process 2017, p.8

2.0 AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

2.1 The purpose of our audit

The objective of the audit was to determine if the Department of Environment is effectively and efficiently managing the EIA process as a tool for sustainable development planning in Fiji. This is due to growing concerns on the usage of natural resources in Fiji, and the need for development to be carried out with due consideration for the environment.

2.2 What we audited

To achieve our objectives, the following EIA processes were assessed to find out whether:

- The legal framework and planning policies governing the management of EIA are effectively and efficiently administered by the Ministry of Waterways and Environment.
- Screening, scoping, preparation of TOR and review stages of EIA processing are managed effectively.
- There is adequate post-EIA approval monitoring to ensure that project developers comply with all the conditions.

2.3 How we audited

Our audit approach included examination of Departmental records and advice provided. We also conducted interview with the officer in charge of the EIA Unit and issued survey questionnaires to EIA stakeholders.

We limited our examination of projects to those that had EIA decisions made from 2016 to 2020.

We conducted this audit in accordance with section 6(a) of the Audit Act 1969 and the International Standards Supreme Audit Institutions (ISSAI) 3000; Performance Audit Standard and other guidance such as Administering Regulations, Australian National Audit Office Better Practice Guide and OECD Best Practice Principles for Regulatory Policy, The Governance of Regulators and Victorian Auditor General's report.

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3.0 LEGAL FRAMEWORK, POLICIES AND PLANNING

International understanding of how to best assess and mitigate the environmental impacts of development projects has changed significantly. International principles for good practice promote environmental impact assessment processes that are integrated, transparent, flexible and cost-effective. They also encourage opportunities for interested parties to participate.

The Environment Management Act 2005 has not undergone any substantial change over the years. The Environment Management (EIA Process) Regulations 2007, EIA Guidelines 2008 and EIA Standard Operating Procedures 2017 have been the main source of guidance for the requirements of the EIA process as stipulated under Part 4 of EMA 2005.

Theme 3.1: Framework governing EIA management

This part of the report examines the effectiveness of the Department of Environment in implementing the requirements of Part 4 of the EMA 2005 which relates to Environment Impact Assessments and its efforts to improve sound governance arrangement for administering the EIA Unit.

3.1.1 Legislative assessment of EIA processes

Audit Observation

The Environment Management Act 2005 is categorised into seven different parts. For the purpose of the administration of EIA, audit analysis was based on Part 4 - Environment Impact Assessment. The audit revealed that the Department of Environment did not fully implement some key provisions for EIA as per the EMA 2005.

Criteria

If the approving authority determines that the activity or undertaking will cause a significant environmental or resource management impact, the development proposal must be subject to the EIA process and the approving authority must-

- a. for a proposal set out in Part 1 of Schedule 2, send it to the Department for processing by the EIA Administrator;
- b. for a proposal set out in Part 2 of Schedule 2, process the proposal; or
- c. for a proposal set out in Part 3 of Schedule 2, send it to the EIA Administrator to determine whether an EIA is required.⁹

For the purposes of this Part “civic or community development” means development for purposes of-

- a. a market;
- b. a car park, taxi park or any other similar development;
- c. a bus station;
- d. a town park, swimming pool, library or any other similar development;
- e. a fire station;
- f. a police station, court house, prison or any other similar development;

⁹Environment Management Act 2005, s27(4)

- g. an animal pound;
- h. government offices;
- i. recreational facilities provided by a local authority;
- j. a parade ground or barracks for the Republic of Fiji Military Forces or for the Fiji Police Force;
- k. a radio or telecommunication installation;
- l. a library or reading room;
- m. a church, cemetery or crematorium;
- n. a school or other educational establishment and associated living accommodation;
- o. an assembly room;
- p. a kindergarten or creche;
- q. a hospital or health care centre;
- r. a social, private or sporting club registered under a written law;¹⁰

Evidence and its analysis

Environment Impact Assessment (EIA) in Fiji is governed by Part 4 of the Environment Management Act. The substantive provisions are analysed in the table under Appendix 1.

Our analysis which is shown in **Appendix 1** indicates that majority of the key provisions governing EIA under Environment Management Act 2005 are implemented.

However, more work is needed to be done in terms of implementing the requirements of Section 27 (4) (b) of the Act which require the approving authorities to make the decision on whether or not an EIA will be needed for those developments that qualify under Schedule 2 and part 2 of the Act such as:

- a proposal that requires processing only because it could endanger or degrade public health or sanitation,
- a proposal that requires processing only because it could harm or destroy important cultural resources including, but not limited to, archaeological sites, cemeteries, historic sites and landmarks;
- a proposal for a residential subdivision of not more than 10 lots;
- a proposal for civic or community development;
- a proposal for general commercial development;
- a proposal for general industrial development.¹¹

An approving authority is a public authority or person authorised under a written law to approve development proposal. Examples of approving authorities include Town and City Councils, Rural Local Authorities, Department of Lands, Department of Forest and I Taukei Lands Trust Board.

However, not all approving authorities will process the development proposals and make a determination as some determinations are done by the Department. Some examples include the construction of a school hall, a car park and a school classroom which was all determined by the Department on 03/07/2019.

¹⁰ Environment Management Act 2005, Schedule 2 - Part 2, s2

¹¹ Environment Management Act 2005, Schedule 2 - Part 2, s1

Causes

Despite the trainings and awareness sessions made by the Department on the requirements of the Environment Management Act 2005, the approving authorities are not consistently playing their role in terms of assessing the EIA requirements for proposed developments that is within their jurisdictions as the Department in some instances continue to make these assessments on behalf of the approving authorities.

Effects

The provision of Section 27(4) (b) of the Environment Management Act 2005 is not achieved. This means that in some instances the approving authority's role in terms of making the decision of whether to carry out an EIA assessment as required under the Act continues to be neglected. Thus the input of approving authorities is not taken on board for proposed developments.

Good Practices

To exercise the provision of Section 27(4) (b), the Principal–Environment Officer EIA key responsibility is to regularly organise awareness and roundtables with businesses and general public to raise awareness of the EIA processes and the requirements under the Act and Environment Management (EIA Process) Regulation 2007. The Environment Officers EIA key responsibility is to assist in awareness and capacity-building exercises.

We were provided with details of trainings conducted with Conservation officers from 14 provinces and also trainings undertaken by the Department on the Environment Management Act 2005 which involves the participation of representatives of various approving authorities. Furthermore, there was evidence of the Department of Town and Country Planning making determinations as approving authority as required under Section 27 4(b) of the Environment Management Act 2005.¹²

Recommendation

The Department should ensure the requirements of the Act is emphasised to approving authorities to make the determination on whether or not an EIA will be needed for those developments that qualify under Schedule 2 and part 2 of the Act.

Expected Benefits

The processing of EIA proposals by the approving authorities ensures that there is some independence in the decision-making process and ensures that the approving authorities also have a say in the EIA process for proposed developments which requires their determination.

¹² Matrix for Comments e-mailed by the Department on 30/10/20

Theme 3.2: Managing Governance, Risks & Compliance

Risk management is crucial for effective regulatory administration and guides the development and implementation of strategies and activities that maximise administrative efficiency subject to the resources available to the regulator.

3.2.1 Administration of risks and Other Policies

Audit Observation

The EIA Unit within the Department of Environment has not developed a risk management policy that clearly define the roles of management and any internal audit function. Management should develop, implement and review the Department's risk management and internal control system. The effective implementation of this internal control system should be reviewed annually by the management. However, the management of EIA Unit has not developed policies on risk and other related policies on the administration of EIA Unit and its operations.

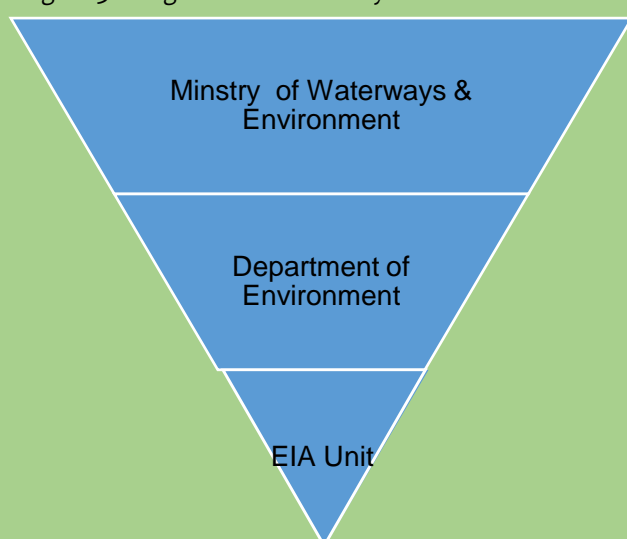
Criteria

The Environment Management Act 2005 states that the Director, with the approval of the Minister may issue written guidelines setting out any other purpose required to give effect to Part 4.¹³ Part 4 of the Act covers Environment Impact Assessments.

The Environment Management (EIA Process) Regulations 2007 also states that the Director may issue written guidelines as to any other matter in relation to the Regulations that the Director considers appropriate for guidelines.¹⁴

Evidence and its analysis

Figure 3.1: Organisation hierarchy



The Ministry of Waterways and Environment works towards addressing the fundamental issues that are placing Fijian communities at risk by enforcing current policies and legislation and developing relevant policies and framework for more effective environmental and flood management system.¹⁵

The Department of Environment is responsible for the formulation, coordination and monitoring of the implementation of legislation, environment policies and programs to ensure sustainable development. The EIA Unit examines and processes every development proposal.

(Source: Audit analysis)

¹³ Environment Management Act 2005, s62(d)

¹⁴ Environment Management (EIA Process) Regulations 2007, Regulation 43(1)(b)

¹⁵ Ministry of Waterways and Environment Strategic Plan 2020-2024,p6

The effectiveness of risk management in the Department of Environment is enhanced when risk management policies are fully documented, endorsed by the Permanent Secretary and implemented.

Causes

Discussions¹⁶ with the Department revealed that more focus is placed on EIA processing as a priority area as this is the Department's mandate. Therefore, less emphasis may be placed on risk management and developing policies around this.

Effects

Policies on risk support good corporate governance within the EIA. Hence, if EIA Officer solely focused on EIA processing as a priority, the corporate governance system in the EIA Unit may not be robust enough to prevent future losses or negative repercussions to the Department when risks are not identified and mitigated.

Good Practices

The Department in its response to the audit had indicated that a risk management policy is currently being developed.¹⁷

Recommendations

The Department should:

1. Develop and implement policies for risk management and other related policies;
2. Promote a culture of risk-based management and decision-making throughout the Department; and
3. Ensure that staff are knowledgeable about the organisation's risk management policies and procedures and are trained in their application.

Expected Benefits

A strong and robust governance framework enhances service delivery and is crucial for effective administration of the Department.

¹⁶ Dated 22/07/20

¹⁷ Matrix for Comments e-mailed by the Department on 30/10/20

3.2.2 Profiling Regulatory Risk

Audit Observation

A structured and systematic risk management methodology enables a regulator to (1) identify, analyse, evaluate and monitor regulatory risk (2) prioritise risk, based on assessments of likelihood consequences (3) plan and conduct activities to mitigate risk.¹⁸ The administration of the EIA Unit is being undertaken without having an effective profiling of regulatory risk.

Criteria

The Constitution includes the right to the protection of ownership and interest in land¹⁹ including environmental rights.²⁰ The constitution also states that “every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures”.²¹

The National Environment Law is called the Environment Management Act 2005. The EMA is an Act “for the protection of natural resources, and for the control and management of developments, waste management and pollution control and for the establishment of a national environment council and for related matters”.

Environment Impact Assessment is established under Sections 11 and 12 of the Environment Management Act 2005. The Department of Environment must have a Unit responsible for Environment Impact Assessment (EIA) consisting of the EIA Administrator and other public officers. The EIA Unit must examine and process every development proposal:²²

- which is referred to EIA Administrator by an approving authority;
- that may come to the attention of the Unit that may have a significant environment or resource management impact or;
- that causes, or in the opinion of the Minister, is likely to cause, public concern.

Evidence and its analysis

A regulatory risk is an actual or potential event or circumstances that interferes with the achievement of a regulation policy objective or administrative outcome. It can be categorised into two broad groups (1) risk that affects a regulator’s ability to effectively administer regulation (2) risk that decreases a regulated entity’s ability or willingness to comply with regulatory requirements.²³

The Department of Environment spearheads environment management in Fiji. The Department’s main objective is to promote the sustainable use and development of Fiji’s environment and efficient implementation of policies, legislation and programs. The Department administers the Environment Management Act 2005, Ozone Depleting Substances Act 1998, Endangered and Protected Species Act 2002.

¹⁸ Administering Regulations, Australian National Audit Office Better Practice Guide 2007, p 8

¹⁹ The 2013 Constitution of the Republic of Fiji, s 29

²⁰ The 2013 Constitution of the Republic of Fiji, s 40

²¹ The 2013 Constitution of the Republic of Fiji, s 40 (1)

²² Environment Management Act 2005, s12(3)(a)(b)(c)

²³ Administering Regulations, Australian National Audit Office Better Practice Guide, 2007, p 8

The following organisational Unit makes up the Department of Environment;

Figure 3.2: Department of Environment Organisational Units



(Source: Audit analysis based on MoWE Costed Operational Plan 2019/2020)

Each Unit in the Department of Environment should determine the risks it faces. Risk may include but not limited to operational, environmental, sustainability, compliance, strategic, ethical conduct, reputation or brand, technological, human capital and product or service quality, financial reporting, legal and market related risks.

The effectiveness of risk management in EIA Unit is enhanced when responsibility for determining risk is clearly understood by staff, and the delegation of responsibility are regularly reviewed to ensure they remain appropriate.

The Department of Environment is responsible for the coordination and monitoring of the implementation of legislation, environment policies and programs to ensure sustainable development. The EIA Unit is responsible for the overall management of the Unit and processing of EIAs. Review of the EIA Unit's governance structure noted that the Unit has not carried out any regulatory risk profiling.

A Principal Environment Officer manages the EIA Unit of the Department and ensures effective implementation and enforcement of relevant environment management laws and policies. To exercise this, the officer is required to carry out research and development on matters relating to EIA.

The Environment Officers in the EIA Unit assist in the effective and efficient enforcement of the Environment Management Act 2005 and the Environment Management (EIA Processes)

Regulations 2007. To exercise this, the Environment Officers (EIA) are also required to carry out research and development on policy and environmental matters.

Discussions with the Department revealed that risk profiling of the EIA Unit has never been carried out. Determining business risks of the EIA Unit and taking measure to mitigate them is important to maintain integrity in the work of the Department.

Causes

The EIA Unit is more focused on the EIA processing and less on the administration of EIA Unit such as risk profiling.

Effects

The absence of risk management for effective administration of the EIA Unit can lead to serious consequences in the future as it could lead to potential loss of reputation for the Department if the risks that comes with the processing of EIA is not mitigated.

Good Practices

The Fiji Independent Commission against Corruption (FICAC) has been providing trainings for the Department over the years 2015, 2017 and 2019 on topics including risk management, corruption and bribery to name a few.

The Department has also informed audit that they are currently in the process of developing a Regulatory risk policy.

The Department has also informed audit that the EIA Unit is mandated to examine every development proposal received by the Department for EIA processing requirements. SOPs were developed to guide officers in processing EIA applications.²⁴

Recommendations

The Department should:

1. Ensure that the risks related to the Unit is fully understood by staff.
2. Ensure that risk management strategies are incorporated into the policies and the operations of the Department.
3. Ensure that profiling of risks is undertaken after the policy has been developed.

Expected Benefits

The profiling of regulatory risks and strategies can lead to:

- Enhanced the effective risk management in EIA Unit as a regulator of EIA;
- Strengthen the system of governance in the EIA Unit.

²⁴ Matrix for comments e-mailed by the Department on 30/10/20

Theme 3.3: Accountable decision making

The Department of Environment exists to achieve objectives deemed by government to be in the public interest and operates using the powers conferred by the legislature. The Department is therefore accountable to the Minister for Agriculture, Waterways and Environment, through the Permanent Secretary for Waterways and Environment. The Department should report regularly and publicly to the legislature on its objectives and the discharge of its functions, and demonstrate that it is discharging its responsibilities with integrity, honesty and objectivity. An accountable system that support these ideals need to clearly define what the EIA Unit is to be held accountable for, how it is to conduct itself and how this will be assessed.²⁵

3.3.1 Defining and Documenting the role and responsibilities of the EIA Unit

Audit Observation

Proper management of delegations assist in ensuring that decisions to invoke regulatory powers are lawful and exercised in accordance with the requirements determined by the delegated authority. Practices that enhance the management and exercise of delegations include clearly defining and documenting the roles and responsibilities of the regulator's organisational Units and key staff. While the job description defined the key responsibilities of each officers, review of the EIA Unit's Individual Work Plan noted that the performance measures of the EIA Unit and Department of Environment is not clearly defined to ensure that individual targets are accurately identified and measured against.

Criteria

The Department must have a Unit responsible for environment impact assessment consisting of the following public officers;

- An Environment Impact Assessment Administrator; and
- Other public officers

If, for any reason, the EIA Administrator or person acting in that capacity, cannot perform any powers and functions under this Act or any other written law, the Director may perform those powers and functions.²⁶

The Environment Management Act 2005 requires that the Director, with the approval of the Minister may issue written guidelines setting out any other purpose required to give effect to Part 4.²⁷

The Environment Management (EIA Process) Regulations 2007 include that the Director may issue written guidelines as to any other matter in relation to the Regulations for which the forms is not prescribed.²⁸

²⁵ OECD Best Practice Principles for Regulatory Policy, The Governance of Regulators, Accountability and Transparency 2014, p.81

²⁶ Environment Management Act 2005, s12(2)

²⁷ Environment Management Act 2005, s62(d)

²⁸ Environment Management (EIA Process) Regulations 2017, Regulation 43(1)(b)

The Council, Director or an Administrator may delegate his powers, functions and duties under this Act subject to sections 31A to 31C of the Interpretation Act.²⁹

Environment Impact Assessment is established under Sections 11 and 12 of the Environment Management Act 2005. The Department of Environment must have a Unit responsible for Environment Impact Assessment (EIA) consisting of the EIA Administrator and other public officers. The Unit must examine and process every development proposal which:

- which is referred to EIA Administrator by an approving authority
- that may come to the attention of the Unit that may have a significant environment or resource management impact or
- that causes, or in the opinion of the Minister, is likely to cause, public concern.

Evidence and its analysis

Figure 3.3: Hierarchy of planning documents



The planning documents that exists in the Ministry of Waterways and Environment consists of the 5 Year Strategic Plan 2020-2024, Costed Operational Plan, Department of Environment Annual Business Plan and EIA Annual Business Plan. These plans set the directions for EIA Unit activities during the year. It is then filtered to Individual Work Plan (IWP's) within the EIA Unit.

A good mechanism for the Department to achieve its objectives is through the development of Annual Business Plans for each of the Department's organisational Unit

(Source: Audit analysis)

The Department of Environment provided its 2016/2017 and 2020/2021 Annual Business Plan for review during the audit. Review of the annual business plan noted the following;

Table 3.1: Details of Department of Environment Annual Business Plan

Financial Year	Audit Evaluation
2016	There is no business plan developed by Department of Environment.
2016/2017	The Business plan is not endorsed by Permanent Secretary. EIA examination and processing is not a priority in the annual business plan.
2017/2018	There is no business plan developed by Department of Environment.

²⁹ Environment Management Act 2005, s59

Financial Year	Audit Evaluation
2018/2019	There is no business plan developed by Department of Environment.
2019/2020	There is no business plan developed by Department of Environment.

Discussions with the Department revealed that IWP for the Environment Officer are prepared by individual officers in the EIA Unit.³⁰ These plans are reviewed and endorsed by senior management in the EIA Unit. A review of the IWP of Environment Officers within the EIA Unit noted the following;

Table 3.2: Analysis of IWP of Environment Officers

Detail of staff	Designation – EIA Unit	Audit Evaluation
Officer A	A/SEO	<ul style="list-style-type: none"> The elements of IWP such as weighting, completion, and targeted timelines and out-performance or under performance sections are not included as part of assessment. In the IWP, Officer A's position is titled as Acting Senior Environment Officer. However, in the staff establishment listings for February 2020, Officer A's position is titled as Senior Environment Officer. The IWP does not specify if it is valid for a year.
Officer B	EO	<ul style="list-style-type: none"> The elements of IWP such as weighting, completion, and targeted timelines and out-performance or under performance sections are not included as part of assessment. The IWP does not specify if it is valid for a year.
Officer C	TA	<ul style="list-style-type: none"> The elements of IWP such as weighting, completion, and targeted timelines and out-performance or under performance sections are not included as part of assessment. The IWP does not specify if it is valid for a year.
Officer D	TO II	<ul style="list-style-type: none"> The elements of IWP such as weighting, completion, and targeted timelines and out-performance or under performance sections are not included as part of assessment.

The Individual Work Plan (IWP) for EIA officers was not clearly defined to identify measurable targets and does not include benchmarks for determining whether staffs will outperform or underperform or have achieved satisfactory performances. There was no linkage of planned activities and targets between the EIA Unit's Annual Business Plan and IWP for EIA officers.

³⁰ Discussions dated 05/03/2020

Causes

The Ministry informed audit that the EIA Work Plan is identified in the annual targets from the Costed Operational Plan of the Ministry of Waterways and Environment and the officer's job descriptions.³¹

Effects

The direction of operation and the commitment of the EIA Unit and its staff towards the Ministry's strategic plan will not be clearly defined and as a result the overall objectives of the Ministry may not be achieved.

Recommendations

It is recommended that:

1. The Department of Environment should ensure that the annual business plans are developed and approved in line with the strategic plans and other plans of the Department.
2. The staffs Individual Work Plans and outputs should be derived from the annual targets in the approved business plan.

Expected Benefits

The proper alignment of the individual staff IWP to the Annual Business Plans will strengthen accountability in resource allocation and performance management within the EIA Unit.

3.3.2 Monitoring of delegated decision-making

Audit Observation

Internal monitoring of the entire EIA process and examination of a development proposal including post EIA approval granted is a practice that enhances the whole process. The EIA Unit is responsible for examination and processing of development proposals in Fiji. Audit review of the EIA processes noted that the work performed by EIA Officers are not subject to quality assurance reviews.

Criteria

The Permanent Secretary of a Ministry is responsible to the Minister concerned for the efficient, effective and economical management of the Ministry or any Department under the Ministry.³²

In carrying out its function, the council may require the Department to carry out monitoring and enforcement of environmental standards.³³

³¹ Matrix for comments e-mailed by the Department on 30/10/20

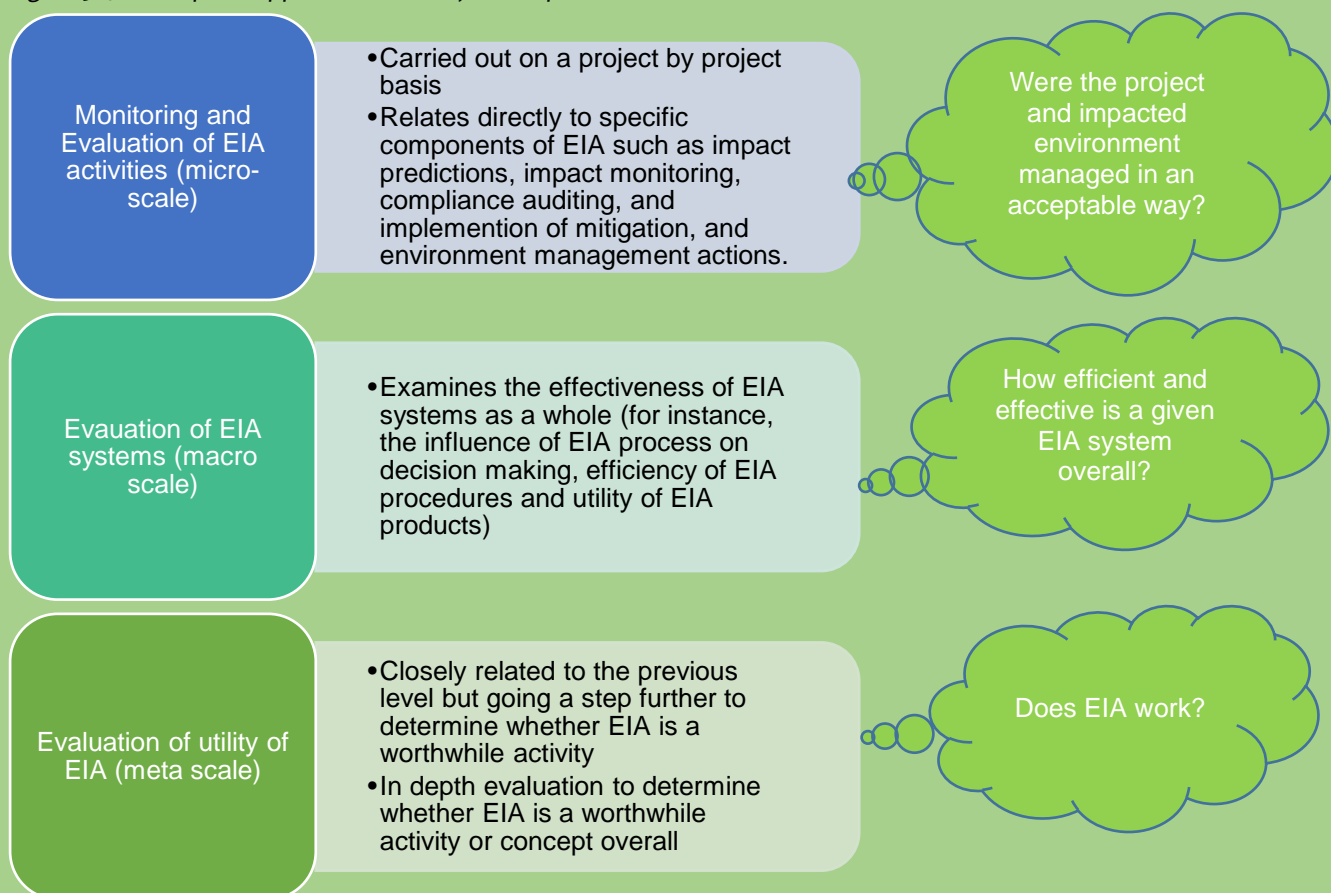
³² The 2013 Constitution of the Republic of Fiji, s127(3)

³³ Environment Management Act 2005, s11(e)

Evidence and its analysis

International Best Practice Principles define three conceptual approaches to EIA follow up based on the scale and level of analysis that can be distinguished as depicted below:

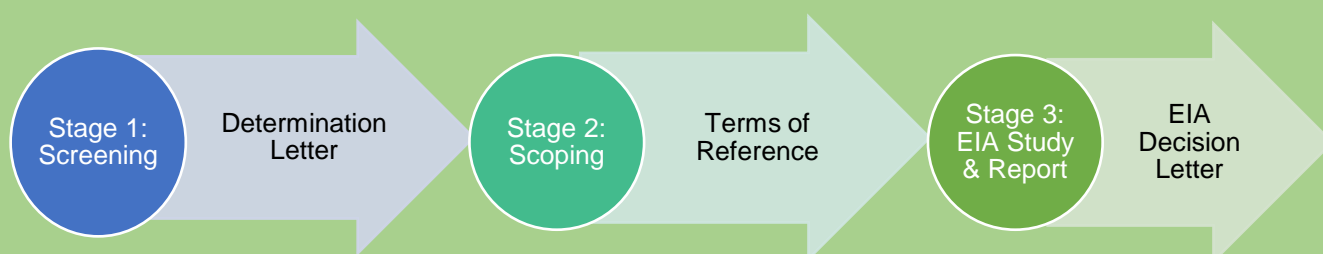
Figure 3.4: Conceptual approaches to EIA follow up³⁴



(Source: International Association for Impact Assessment, EIA follow-up International Best Practice Principles)

Environment Impact Assessment of a development proposal is a process. The process is in place to assess the impact of development on the environment and developing mitigation measures to address the environment impact. The development proposals submitted by a project development must process and examine in the following manner as depicted below:

Figure 3.5: Stages of EIA process for development proposal



(Source: Audit analysis based on EIA Process)

³⁴ https://www.researchgate.net/profile/Angus_Morrison-Saunders/publication/277853608_EIA_follow-up_international_best_practice_principles/links/58b4fd64a6fdcc6f03fe6b63/EIA-follow-up-international-best-practice-principles.pdf?origin=publication_detail

In every stages of processing, the Department of Environment must produce an outcome as depicted above. Determination Letter includes the decision on whether a development proposal is progressing to stage 2. The Terms of Reference details the requirements that project developers must fulfill in Stage 3 on the EIA study and the production of EIA reports including the development of an Environment Management Plan (EMP). The EIA decision letter is issued to project developer based on the level of predicted impact and mitigation measures addressed in the EIA reports and EMP.

Monitoring of the EIA process is significant in order to ensure that decisions made with sound judgement. Quality assurance functions is important in supporting good governance to executive management of the Department of Environment. The entire stages of EIA process is subject to quality process to provide assurance to executive management of the Department that EIA process is aligned to regulatory requirements and international best practices. The audit noted that there is no quality assurance system in place to ensure that EIA process are meeting the required environmental standards established in the EIA Unit.

Causes

The absence of a quality assurance system for EIA processing can be attributed to the fact that more focus is directed to the operational processes for EIA and as such there may be less emphasis made in terms of properly administering the whole process.

Effects

The absence of a well-functioning quality assurance system would mean that the Department would be missing out on an opportunity to further enhance its processes in terms of delivering quality services.

Recommendations

The Department should:

1. Strengthen the quality of the entire EIA process through the implementation of an effective quality assurance system; and
2. Carry out an assessment on the quality of its processes and provide a report on the findings and areas for improvement to the Permanent Secretary on a regular basis.

Expected Benefits

The implementation of a Quality Assurance System can assist in improving the service delivery EIA Unit.

Theme 3.4: Efficiency of the Standard Operating Procedures SOP's

3.4.1 EIA Screening, Processing and Report Timelines

Audit Observation

Standard Operating Procedures (SOPs) consist of step-by-step instructions that is compiled by an organisation to help workers carry out routine operations. SOPs aim to achieve efficiency, timely and quality output and uniformity of performance, while reducing miscommunication and failure to comply with industry regulations. We noted that the Department did not meet the required timeline for screening and processing of EIA as per legislative and organisational requirements.

Criteria

The Director, with the approval of the Minister, may issue written guidelines setting out the criteria to be followed by the EIA Administrator or approving authorities in approving EIA reports.³⁵

An approving authority must examine every development proposal received by it; and determine whether the activity or undertaking in the development proposal is likely to cause significant environmental or resource management impact.³⁶

A proponent who wishes to apply for screening of a proposal must apply to the approving authority on Form 1 in Schedule 1 to these regulations and pay the prescribed fee.³⁷

Screening is the decision as to whether or not to perform an EIA. The approving authorities responsible for receiving applications for the approval of any development activity must undertake screening to determine whether an EIA is required for the development.³⁸

The screening process timeline stipulates that for applications not requiring EIA must complete screening and provide determination within 12 consecutive days and for applications requiring EIA must complete screening and provide determination within 14 consecutive days.³⁹

Scoping of a development process must be done within 30 days from the date the proposals is received by the EIA Administrator or the Approving Authority.⁴⁰

The processing authority must produce a written report setting out its decision in relation to the development proposal within 35 days of the submission of the EIA report.⁴¹

³⁵ Environment Management Act 2005, s62(a)

³⁶ Environment Management Act 2005, s27(a)(b)

³⁷ Environment Management (EIA Process) Regulations 2007, Regulation 4(1)(2)

³⁸ Environment Impact Assessment (EIA) Guidelines 2008

³⁹ SOP 2 - EIA Screening Process 2017, Procedure 4

⁴⁰ Environment Management Act 2005, s28(2)

⁴¹ SOP 5- EIA Review & Decision 2017, Procedure 9.5.1

Evidence and its analysis

The screening steps for development proposals is divided into three categories as follows:

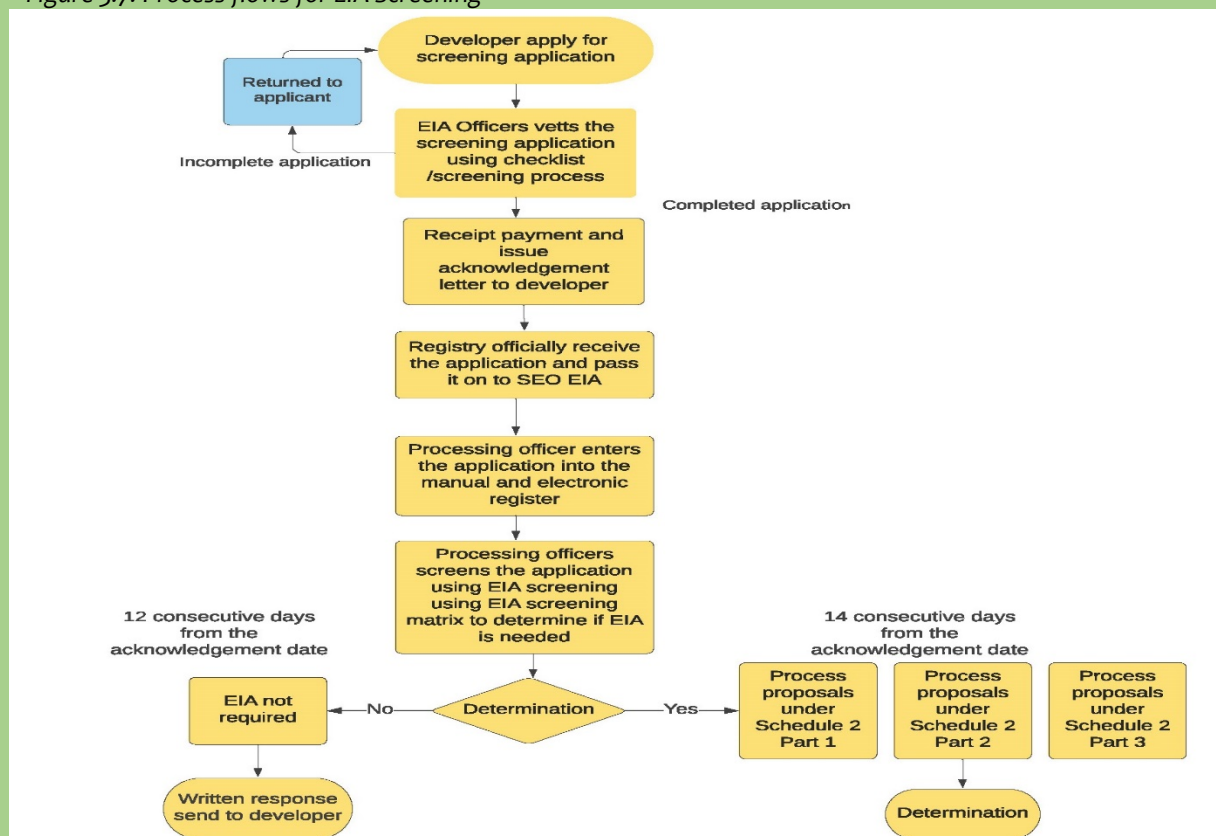
Figure 3.6: Three Categories of Processing Development Proposals

Development proposals approved by EIA Administrator	Development proposals approved by Authority	Development Proposals that may not require the EIA Process or an EIA report
<ul style="list-style-type: none"> a proposal that could result in erosion of any coast, coastline, beach or foreshore a proposal that could result in the production of any marine waters, groundwater, fresh water body or other water source a proposal that could result in the contamination or degradation of any agricultural area or land important for agriculture. 	<ul style="list-style-type: none"> a proposals that requires processing only because it could endanger or degrade public health or sanitation a proposal that require processing only because it could harm or destroy important cultural resources including, but not limited to, archeological sites, cemeteries, historic sites and landmarks a proposal for a residential subdivision of not more than 10 lots. 	<ul style="list-style-type: none"> a proposal for the construction of a single residential building in an approved residential development area, if a construction is any 30 meters from any river, stream or the high watermark a proposal for an addition to an existing residential dwelling if the addition is to be used only for residential purpose and is at least 30 meter from any river, stream or the high watermark

(Source: Audit analysis based on Schedule 2 of the Environment Management Act 2005)

The purpose of the screening phase is to determine whether a development proposal requires environmental impact assessment. The proponent must submit a screening application before undertaking any work that will alter the land. The EIA screening process flowchart is depicted as follows:

Figure 3.7: Process flows for EIA Screening



(Source: SOP for EIA Screening Process)

The EIA Administrator has the overall responsibility for the implementation of the screening procedures. The screening process timeline states that for application not requiring further EIA processing, the EIA Unit of the Department of Environment must make a determination on or before 12 consecutive days from the date the acknowledgement letter is issued to the project developer. Otherwise, the EIA Unit of the Department of Environment must make a determination on or before 14 consecutive days from the date the acknowledgement letter is issued to the project developer.

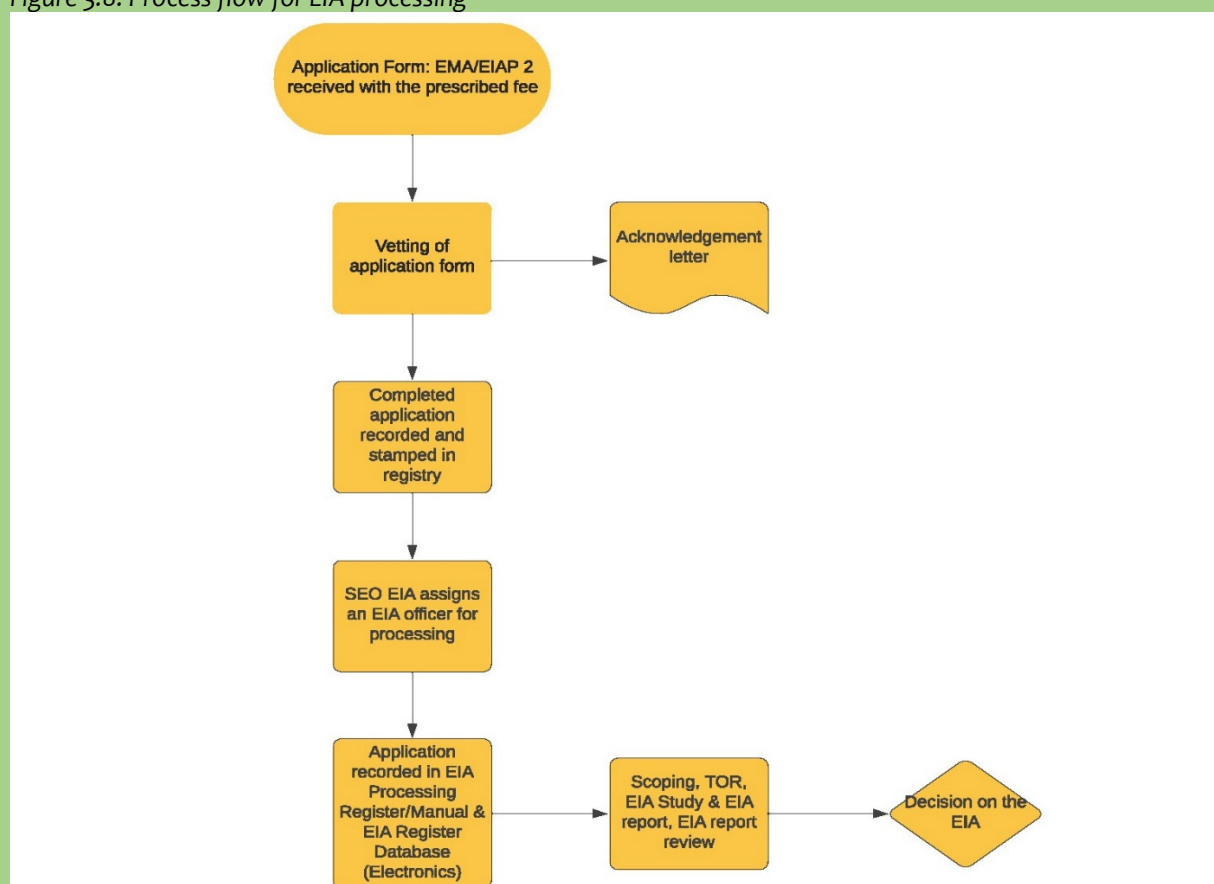
However, we noted that the stated processing timeline was not met for several applications made to the Department of Environment. Refer to **Appendix 3** for examples of applications for which the screening process timeline was not achieved. The delays in the processing timeline for screening of applications ranged from 2 to 162 days.

For every EIA processes, the initial stage consists of the screening of applications after which the scoping phase commences.

Scoping in EIA involves identifying all of the possible environmental impacts that a development project might cause, and then subsequently determining which of those impacts are likely to be significant and warrants further detailed investigations.

The scoping process itself essentially involves formal and informal meetings with people who may be affected by the proposed project either directly or indirectly or who may have special knowledge of the project area and its environment, e.g. government agencies, NGOs, private businesses, interest groups and individuals. The flowchart for EIA Processing is illustrated below:

Figure 3.8: Process flow for EIA processing



(Source: SOP for EIA Processing)

Our review of the environment register noted under that scoping did not commence for some development proposals within the 30 days' timeline. Refer to **Appendix 4** for examples. The delays in the processing timeline for scoping of development proposals ranges from 5 to 158 days.

We also noted that the 35 days' timeline for decisions to be made on the EIA report was not achieved by EIA Unit. Refer to the table below for details.

Table 3.3: Issue on 35 days cut off period

Date of Report submitted	EIA Proposed Development project	Proposal Number	35 Days cut-off Date	Actual Decision Date	Number of days delayed
05/08/2019	River Gravel Extraction part of Waidina River, Nawabena	EIA-C/6/2019	09/09/2019	30/09/2019	21
30/04/2019	Relocation of School	None	30/05/2019	09/08/2019	71
09/08/2019	Development of Wood Preservative Facility	EIA-C/61/2018	13/09/2019	17/09/2019	4

Causes

The Department in its comments dated 30 October 2020 stated that the mandated timeline is for the processing officer within the EIA Unit only and does not fully reflect the time of re-submission of incomplete application by project developers.

Effects

The process of resubmitting incomplete screening applications by project developer's resulted in the Department not achieving the required timelines.

Good Practices

While some of the proposed project did not meet the screening timeline, we noted that there were also some projects that met the screening timeline. Refer to the table below for details:

Table 3.4: Projects that met the screening timeline

Date Screening application	of the Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination
05/02/2019	EIA-C/16/2019	19/02/2019	19/02/2019
08/10/2019	EIA-C/30/2019	22/10/2019	22/10/2019
24/07/2019	EIA-C/86/2019	07/08/2019	29/07/2019
12/09/2018	EIA-C/61/2018	12/10/2018	20/09/2018
13/09/2019	EIA-C/46/2019	27/09/2019	05/07/2019
23/07/2019	EIA-C/92/2019	06/08/2019	02/08/2019
26/09/2019	EIA-C/107/2019	10/10/2019	01/10/2019
10/07/2019	EIA-C/48/2019	24/07/2019	03/07/2019
13/07/2019	EIA-C/57/2019	27/07/2019	08/07/2019
16/07/2019	EIA-C/83/2019	30/07/2019	30/07/2019
31/07/2019	EIA-C/93/2019	14/08/2019	05/08/2019
28/06/2019	No proposal number	12/07/2019	04/07/2019
08/11/2019	EIA-C/117/2019	21/11/2019	15/11/2019
05/02/2020	EIA-C/132/2019	19/02/2020	05/02/2020

Similarly, while some of the proposed project did not meet the EIA processing timeline, we noted that there were some projects that met the EIA processing timeline. Refer to the table below for details:

Table 3.5: Projects that meet EIA processing timeline

Date of Processing	EIA Proposal Number	30 Days cut-off Date	Actual Endorsement Date	TOR
10/05/2019	EIA-C/9/2019	09/06/2019	13/05/2019	
30/07/2019	EIA-C/86/2019	29/08/2019	09/08/2019	
27/08/2019	No determination	26/09/2019	17/09/2019	
16/10/2018	No determination	15/11/2018	11/05/2018	
04/07/2019	EIA-C/40/2019	03/08/2019	24/07/2019	

The Department has stated that effective from October 2020, it has reduced the processing timelines for fully complete applications. Screening timelines for these complete applications will reduce from 14 to 10 days and the Terms of Reference will be done in 20 days as compared to the previous 30-day timeline. The final review and decision on the EIA will be made within 30 days as compared to the previous 42-day timeline. This new timeline is only applicable to applications that are fully complete and that will not need to be resubmitted due to the lack of necessary information.

Recommendations

The Department should:

1. Create necessary awareness so that complete information is provided at the time of application.
2. Communicate the revised timelines with any conditions to stakeholders.

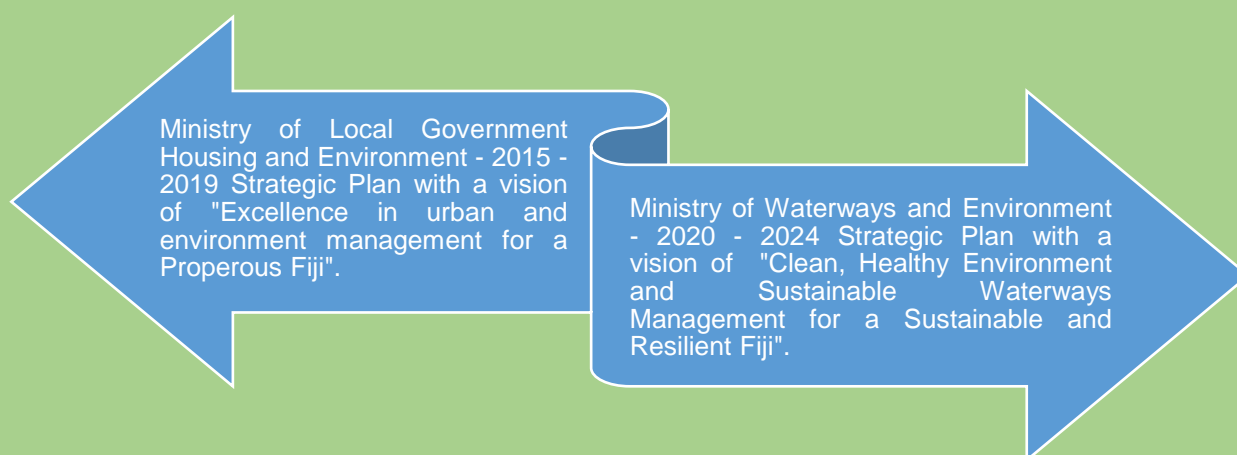
Expected Benefits

Adherence to stipulated timelines would enhance operational efficiency within the Department of Environment.

Theme 3.5: Managing regulatory performance

The vision under the previous and current strategic plan of the Ministry of Local Government, Housing and Environment and the Ministry of Waterways and Environment is depicted in the figure below:

Figure 3.9: Transition of Strategic Plan and its vision



The EIA Regulator should align its work processes in accordance to the long-term strategic objectives of the Ministry. Key Performance Indicators (KPI's) are commonly used to assist the EIA Unit to effectively manage and guide the progress. The following perspectives are considered appropriate for the enhanced KPI's in the EIA Unit.

3.5.1 Managing Budget Performance

Audit Objectives

The operation of the Department of Environment is funded through the government budget and is appropriated annually. Budgeting the use of resources for a particular purpose within a specific accounting period is an essential part of the planning and administration process. Budgets are typically subdivided into programs and activities that assist management and stakeholders to understand how money is spent. The balance scorecard methodology considers the integration of budgeting into the balance scorecard as a major performance measure for an organisation. Audit review of the Individual Work Plan (IWP) of EIA Officers noted that the scorecard does not incorporate budgeting and expenditure control as a key focused area.

Criteria

A sound performance management framework facilitates internal management and external accountability.⁴² An effective regulatory performance management framework enables strategic and operational planning to be integrated and performance to be measured and managed at all levels.⁴³

Strategic and operational planning processes that are aligned and mutually supportive provide assurance that operational priorities and activities are consistent with key regulatory outcomes

⁴² Administering Regulations, Australian National Audit Office Better Practice Guide, 2007, p.10

⁴³ Administering Regulations, Australian National Audit Office Better Practice Guide, 2007, p.10

and strategic risks. Updating and publishing annually a forward-looking corporate plan in conjunction with an annual business plan improves stakeholder understanding of the regulator's long-term and short-term administrative priorities.⁴⁴

Evidence and its analysis

Budget preparation is a process that is depicted below:

Figure 3.10: Stages of Budget Preparation

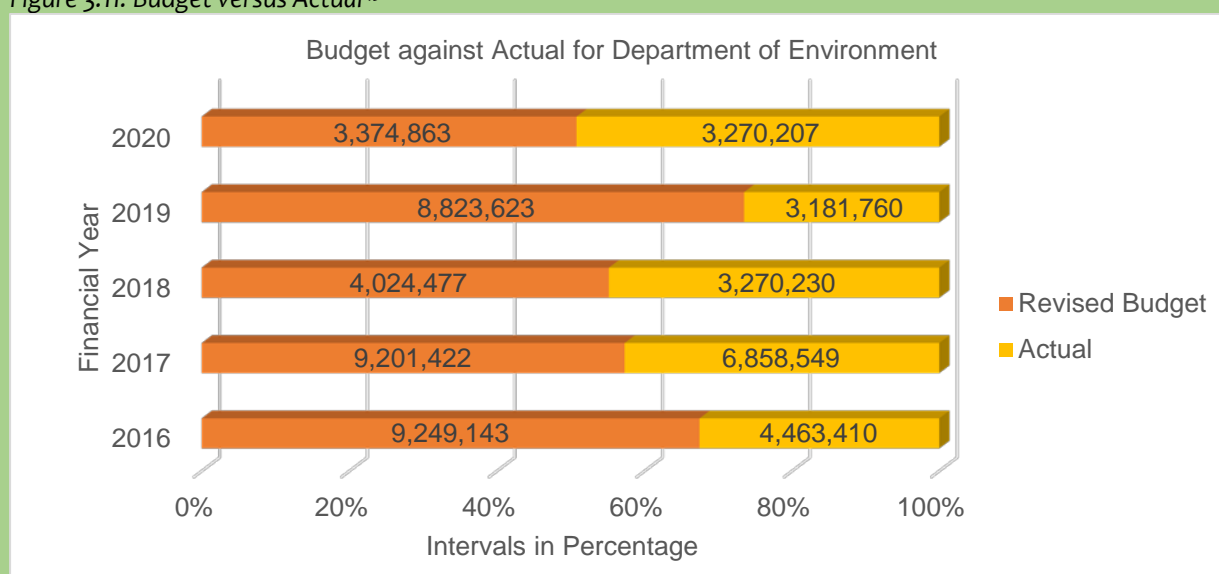


(Source: Audit analysis based on Public Financial Management, IMF)

Strategic setting stage is where strategic priorities are set and the limits on expenditures are established. The Ministry of Economy establishes budget guidelines with budget circulars which the Ministry adheres to when making their budget submissions. The Ministry of Economy reviews the budget submissions, negotiates with the Ministry and finalises the budget. This budget is then submitted to Parliament, after which it gets approved and authorised for execution.

The Department of Environment budget and actual operating expenditures for the years 2016 to 2020 are shown below:

Figure 3.11: Budget versus Actual⁴⁵



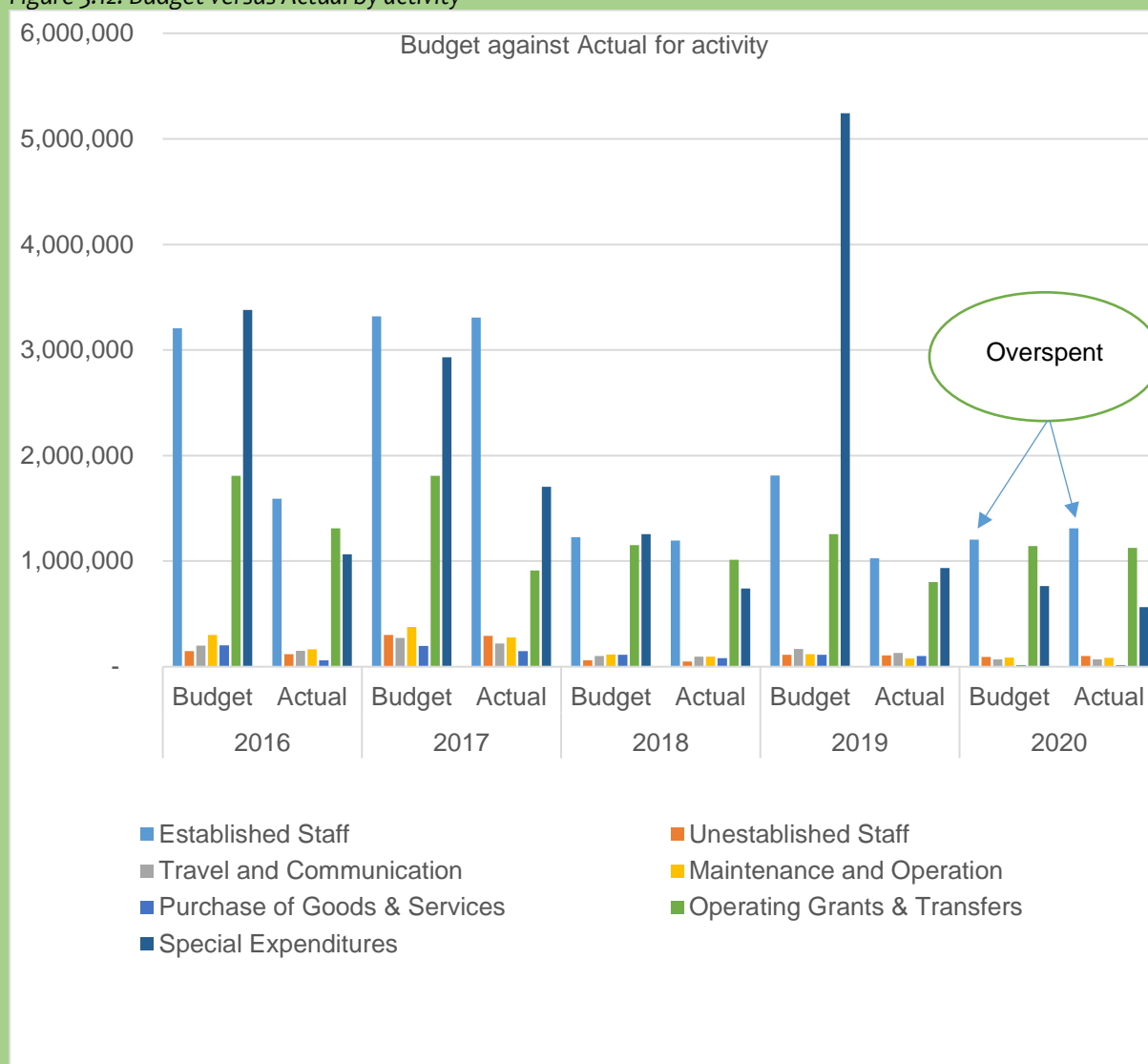
(Source: Audit analysis based on the government budget and audited figures)

⁴⁴ Administering Regulations, Australian National Audit Office Better Practice Guide, 2007, p.11

⁴⁵ Extracted from FMIS ledger excluding Vat

Overall, budget execution shows that for each year from 2016 to 2020 the Department has had budget savings. The budget for each line activity against its actual expenditure is illustrated as follows:

Figure 3.12: Budget versus Actual by activity



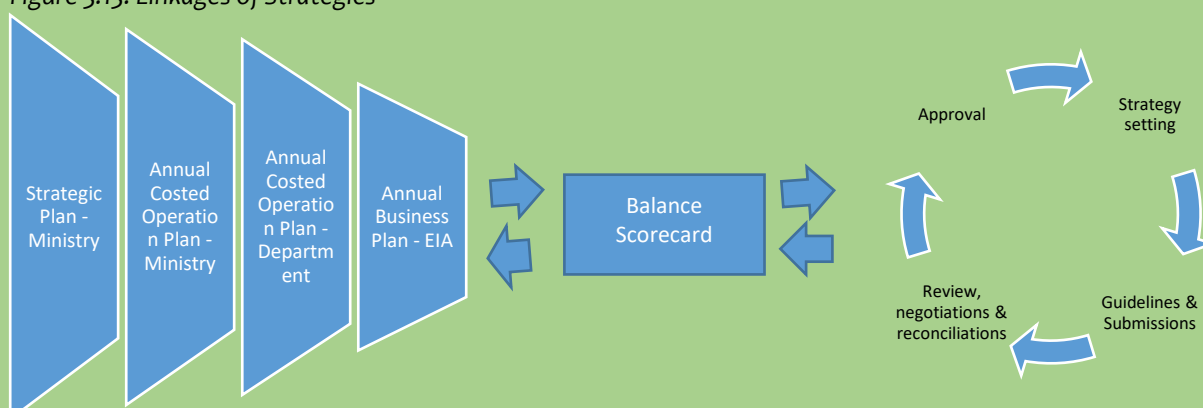
(Source: Audit analysis based on the government budget and audited figures)

Budget execution revealed a budget savings in majority of the activities while Established Staff was overspent by \$106,927 in the financial year ending 31 July 2020.

Integrating this planning and budget strategy into operational planning of the EIA Unit is important.

Figure 3.13 below illustrates the linkage of strategies and its integration in the balance scorecard:

Figure 3.13: Linkages of Strategies



(Source: Audit analysis based on Kaplan and Norton's theory of BSC and PFM)

A review of the EIA Officers Individual Work Plan (IWP) revealed that it does not include budget and expenditure control as a measure of performance. The IWP of the Acting Senior Environment Officer, Environment Officers, Technical Officer and Technical Assistant of the EIA Unit does not fully integrate the key result area to achieve at a Ministry and Department level, against the budget and funding provided to the Department. The IWP only reflects the key result area from the operational level of the EIA Unit.

Cause

The IWPs are only focussed on measuring the key result areas at the operational level in terms of the core roles of the Unit and is not linked to reflect the control of budget utilisation against the outputs produced.

Effect

The absence of a practice to identify outputs produced against the allocated budget defeats the entire purpose of preparing a budget. Budgets are planning documents and targets need to be set so that funds given are fully utilised for the purpose it was approved for. Having budgetary surpluses implies that the Department is either under performing and not fully utilising planned resources to produce required outputs, or it is over-budgeting for current outputs.

Recommendations

The Department should ensure that targets are set in order for budgeted funds for each activity is fully utilised and outputs are achieved in line with the budgeted funds.

Expected Benefits

The setting of accurate targets which are linked to budget utilisation would indicate that the Department is able to fully utilise its budget in accordance with the objectives for which the funds were requested, in the Department's budget submission.

3.5.2 Customer or Stakeholder Management Relationship

Audit Observation

A customer is a person or organisation that receives a product or service anywhere along the product's life cycle. The EIA process involves the interaction of different types of customers or stakeholders that receives the services from the EIA Unit within the Department of Environment. In order to promote operational efficiency, it is very important to recognise customer or stakeholder feedback through their service delivery. However, it was noted that the IWP of EIA staff does not capture the importance of customer or stakeholder feedback on the service delivery of the Unit.

Criteria

Inclusiveness to make societies more cohesive and resilient and democracies more vibrant, government can take active measures to design, apply and monitor participation and equality in governance and decision making. The *OECD Recommendation on Open Government (2017)* refers to open government as a culture of public governance that promotes transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth.⁴⁶

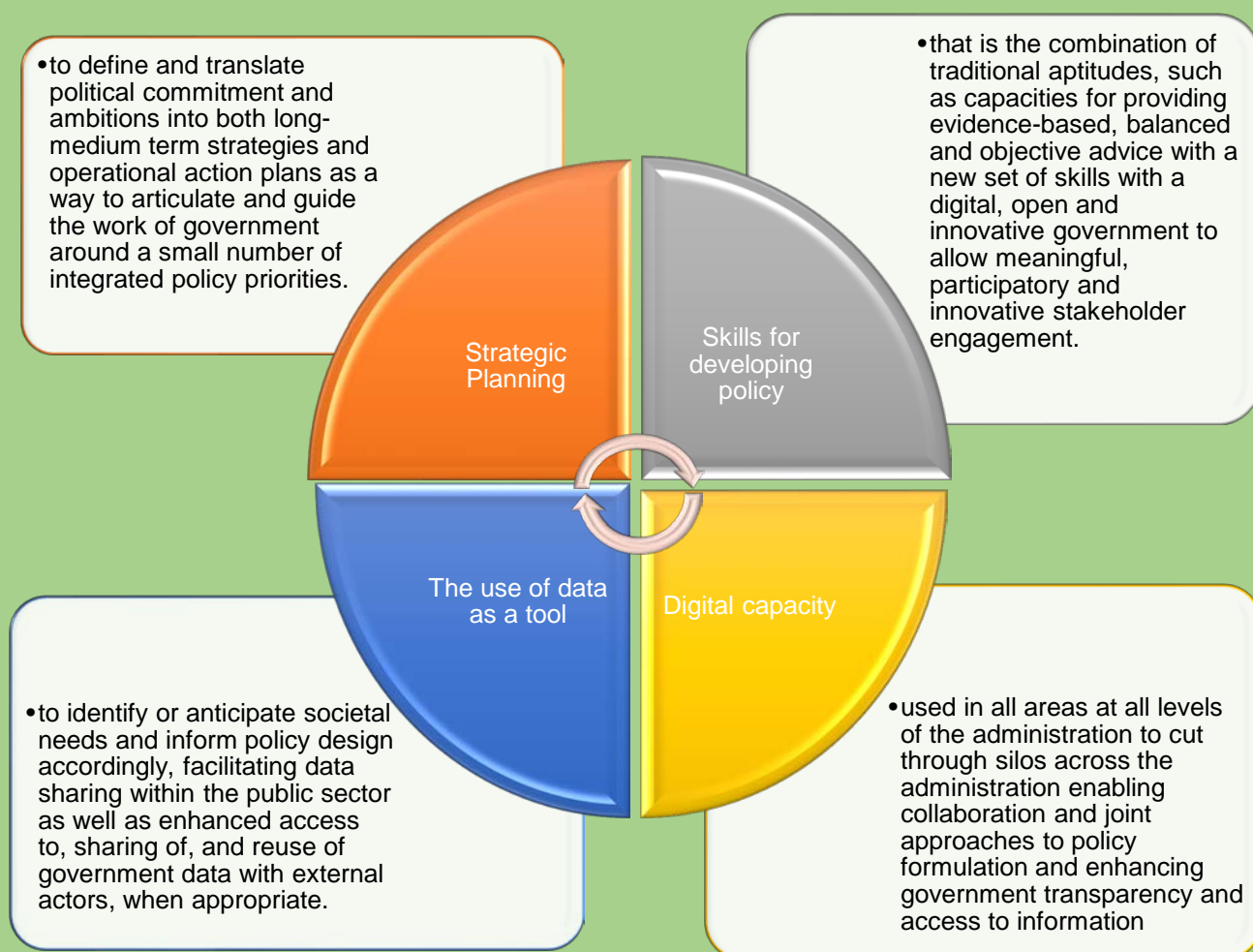
Public governance also refers to how government formulates, implements and evaluate decisions against their impact on citizen's lives. A policy challenge needs to be correctly identified, defined and framed. Once this is achieved, policy makers can determine adequate courses of action. The policy formulation stage is the process by which governments translate long, medium- and short-term policy goals into concrete courses of action. Throughout all stages of the policy process, policymakers use tools to pursue desired outcomes. Moreover, these tools can serve as a direct channel for policy implementation.⁴⁷

⁴⁶ Policy Framework on Sound Public Governance, OECD, p.6

⁴⁷ Policy Framework on Sound Public Governance, OECD, p.8

The management tools shown below can improve the quality of policy formulation and design:

Figure 3.14: Management tools for quality policy formulation



The Republic of Fiji is a sovereign democratic state founded on the values of good governance, including the limitation and separation of powers.⁴⁸

Every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislatives and other measures.⁴⁹

To the extent, that it is necessary, a law or an administrative action taken under a law may limit, or authorise the limitation of, the rights set out in this section.⁵⁰

⁴⁸ The 2013 Constitution of the Republic of Fiji, s1(f)

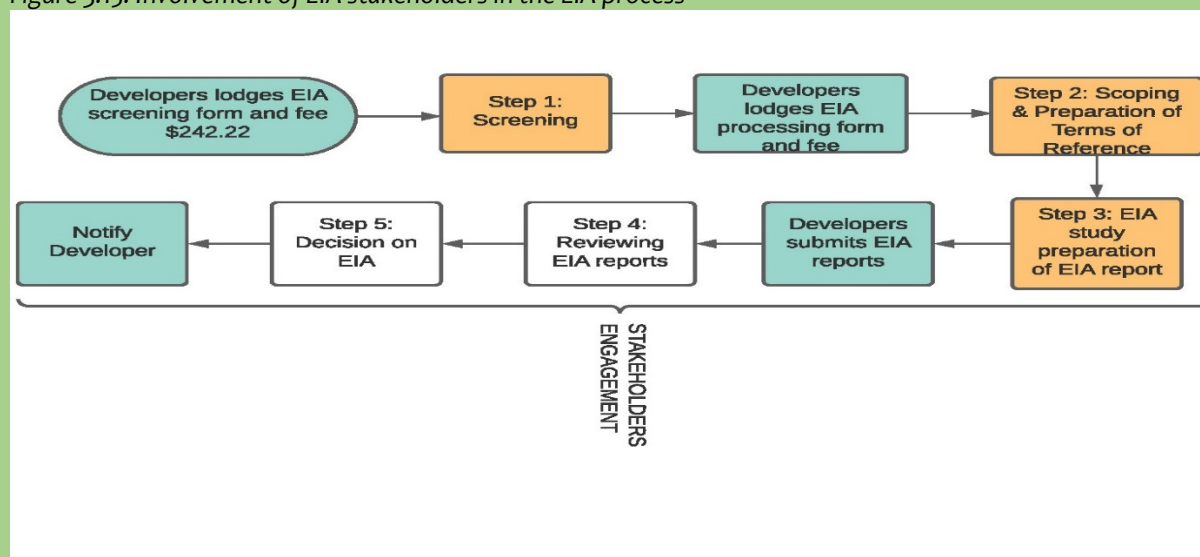
⁴⁹ The 2013 Constitution of the Republic of Fiji, s 40 (1)

⁵⁰ The 2013 Constitution of the Republic of Fiji, s40 (2)

Evidence and its analysis

Development proposals submitted to the EIA Unit undergo the following process:

Figure 3.15: Involvement of EIA stakeholders in the EIA process



(Source: Audit analysis based on EIA Process Workflows)

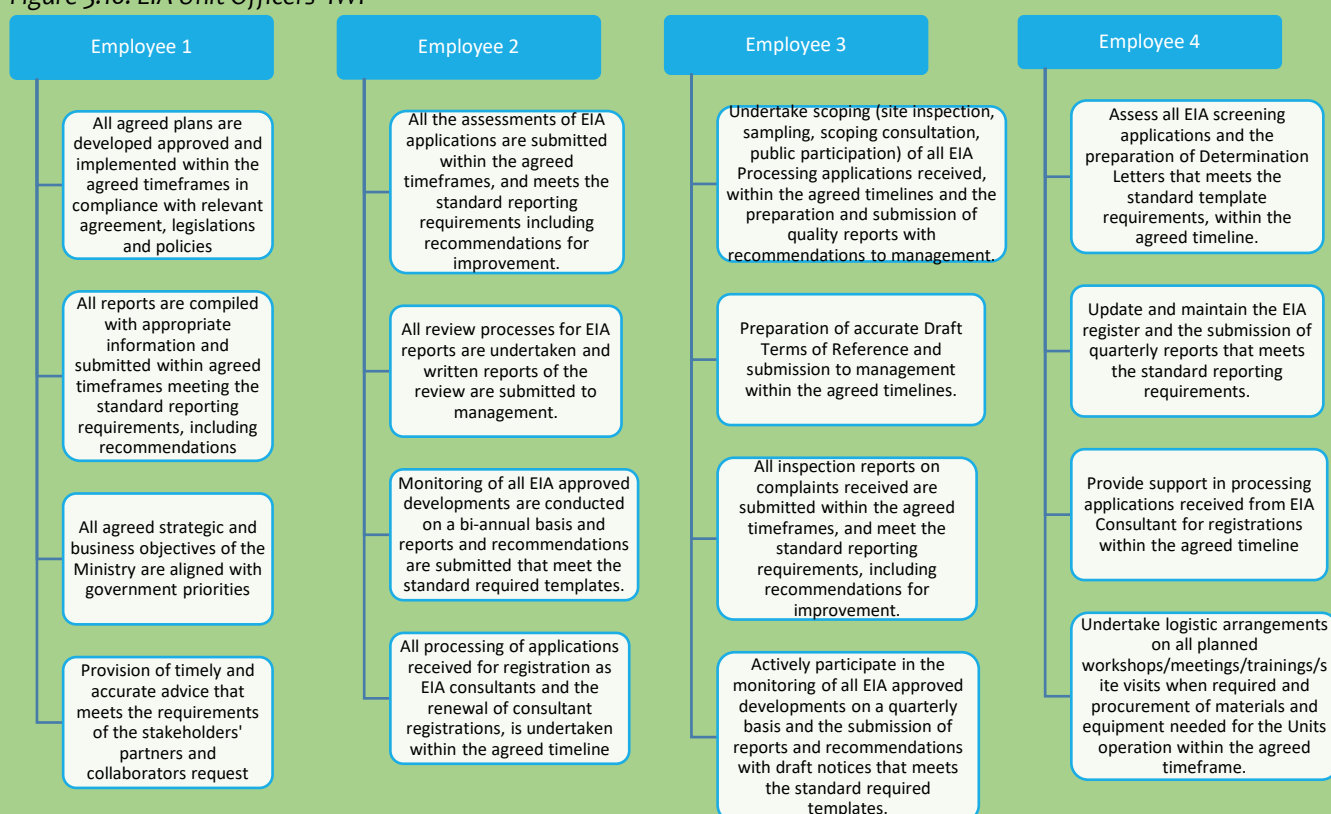
The EIA processes depicted above demonstrate the level of stakeholder engagement at each stage of the EIA process. The EIA Unit does not carry out stakeholder analysis to identify the needs of its stakeholders at different stages of the EIA process. However, stakeholder analysis carried out during the audit identified the level of interest of each stakeholder as illustrated under **Appendix 2**. These stakeholders are involved at different stages of the EIA process and each have a significant influence on the process. To improve operational efficiency, the management of EIA could translate the organisational goals on customer services into specific measures that really matter to stakeholders/customers. The audit team has discussed⁵¹ the ratings on the level of interest and the priority ratings of each stakeholder with the Department.

Customer satisfaction is one of the core measures for the success of any well formulated and implemented strategy. This can be one of the means for assessing the impact of EIA services delivered to stakeholders. Communication with stakeholders can be enhanced if the EIA Unit captures this performance measure in the IWP of staff.

⁵¹ Discussions dated 07/11/2019

Depicted below are the KPI's in the IWP for employees within the EIA Unit.

Figure 3.16: EIA Unit Officers' IWP



(Source: Audit analysis based on IWP)

An evaluation of the KPI's for each IWP noted that customer satisfaction is not reflected as a key measure of performance for the services provided by the EIA Unit.

Cause

The work of the Unit prioritises the processing of EIA, while other important elements such as measuring the effectiveness of services from the perspective of customers/stakeholders are not taken into consideration.

Effects

The work of the EIA Unit will not be effective in terms of meeting stakeholders' expectations, and important feedback from stakeholders will not be captured in the absence of a measure to determine the level of satisfaction of stakeholders.

Good Practices

The Department of Environment has developed a concept of Gold Card membership in October 2020. Through the gold card membership, priority and privileged services will be accorded to those companies that are compliant to the Department of Environment's permitting requirements. Although the membership is valid for two years, the Permanent Secretary for the Ministry of Waterways and Environment reserves the right to terminate or renew "Gold Card Membership."⁵²

⁵² Terms and conditions for Gold Card membership e-mailed on 06/11/2020

Furthermore, the Department has indicated that a Communication Strategy is being developed.⁵³

Expected Benefits

The capturing of stakeholders needs and feedback can be used to enhance and improve the delivery of EIA services to stakeholders.

Recommendations

The Department should:

1. Capture customer satisfaction in the IWP targets as a measure of performance for EIA officers;
2. Develop and maintain stakeholder relationships and integrate them into approved annual business plans; and
3. Carry out a review of the Gold Card membership initiative to measure its success and areas which can be improved.

3.5.3 Learning and Growth

Learning and growth is another basic perspective of IWP which can be captured at organisational capacity to reflect the internal capacity building needed to improve internal processes. A mission driven scorecard system reflects the unique nature and values of an organisation. The Department of Environment draws its mission from the Ministry which is to steward and protect Fiji's environment as a prized fortune for all Fijians and future generations.

Audit Observation

Learning and growth takes place throughout the whole organisation and during the execution of the organisational strategy. The four components included in the organisational capacity perspectives are human capital, tools and technology, infrastructure and governance. The management of organisational capacity in the public sector is governed under the Fijian Civil Service Performance Management Framework and Learning and Development Guidelines. The framework applies to all employees in Ministries and Departments and where appointments are approved by the Permanent Secretary including government wage earners, temporary and project staff. Ministries and Departments are to document and publish their internal procedures ensuring adherence to the principles.

Review of learning and development undertaken by EIA officers noted that there was no documentation such as training reports and action plans in place to ensure that the knowledge gained from these trainings were applied to the work of the Unit hence making the trainings value-adding.

Criteria

The Constitution of the Republic of Fiji states that the Permanent Secretary of each Ministry, with the agreement of the Minister responsible for the Ministry, has the authority to determine all matters pertaining to the employment of all staff in the Ministry including (a) terms and conditions

⁵³ Matrix for Comments e-mailed by the Department on 30/10/20

of employment and (c) salaries, benefits and allowances payable in accordance with each budget as approved by Parliament.⁵⁴

The Constitution of the Republic of Fiji defines the values and principles for the Civil Service, including the efficient, effective and economic use of public resources and; mandates the cultivation of good human resource management and career development practices, to maximise human potential.⁵⁵

Individual Work Plans will include the key performance indicators listed in the job description and activities which are directly linked to the Ministry objectives and Operational Plan.⁵⁶

Performance is measured against the outputs and outcomes as approved in the Individual Work Plan, achievement of results will be verified against documented Ministry's outcomes.⁵⁷

Performance ratings are evidence based, relevant and moderated for consistency and fairness.⁵⁸

Performance assessments contribute to a culture of learning and development and ongoing achievement in the Ministry.⁵⁹

Learning and development is a shared responsibility to ensure that the civil service has the required capacity and capability to provide quality services to the Fijian people. Employees take responsibility for their own learning and development needs and for transferring new knowledge into their workplace. Managers lead by example, demonstrating continuous self-development and support their team in continuous improvement and knowledge transfer. Ministries regularly identify capacity gaps and encourage employees to participate in learning and development opportunities.⁶⁰

Each Ministry will report on its investment and return on investment from funded learning and development activities. Reporting will be included in the Ministry's Annual Report to Parliament, and will be linked to Ministry outcomes and Individual Performance Assessment results.⁶¹

⁵⁴ Performance Management Framework, 2018, p.1

⁵⁵ The 2013 Constitution of the Republic of Fiji, s123(d)

⁵⁶ Performance Management Framework 2018, Principle 4.2

⁵⁷ Performance Management Framework 2018, Principle 4.3

⁵⁸ Performance Management Framework 2018, Principle 4.4

⁵⁹ Performance Management Framework 2018, Principle 4.7

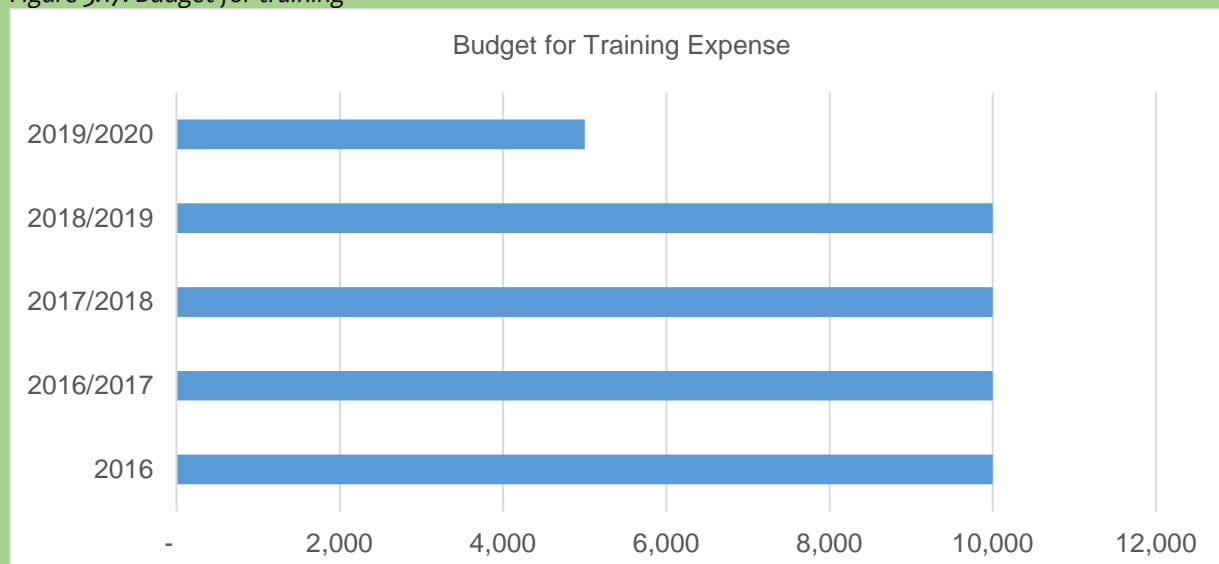
⁶⁰ Fijian Civil Service Learning and Development Guideline 2018, s5.3(1)(2)(3)

⁶¹ Fijian Civil Service Learning & Development Guideline 2018, s10(1)(2)

Evidence and its analysis

Training expense is budgeted every year by the Department of Environment. This budget caters for the cost of local and overseas training for staff capacity building on environment issues such as climate change, waste management, biodiversity conservation and environmental best practices.

Figure 3.17: Budget for training



(Source: Audit analysis based on Government Budget SEG 5, Head 37, 38 & 42)

From 2016 to 2019 the expenditure budget for training remained at \$10,000 per year except for the year 2020 when it was reduced to \$5,000. The list of trainings attended by EIA officers are as follows:

Table 3.6: Training details for the EIA Unit

Officer	Training Date(s)	Training Venue	Training Title	Training Facilitator(s)
Officer A	January 14 -15; 2020	Holiday Inn	Investigators Training	DPP
	January 28- 29; 2020	Holiday Inn	EMP Training	ADB
Officer B	March 12-14; 2019	Nadi	Second GOBI South West Pacific Bioregionalisation Workshop	CSIRO
	April 12; 2019	Nadi	EIA Process Workshop	DoE
	January 14 -15; 2020	Holiday Inn	Investigators Training	DPP
	January 28; 2020	Holiday Inn	EMP Training	ADB
Officer C	January 14-15; 2020	Holiday Inn	Investigators Training	DPP
	January 28; 2020	Holiday Inn	EMP Training	ADB
Officer D	7 May – 1 June; 2018	Government Training Centre, Nasese	Basic Prosecution Training	DPP
	7 October – 1 November; 2019	Government Training Centre, Nasese	Advanced Regulator Course	DPP
	January 14-15; 2020	Holiday Inn	Investigators Training	DPP

Officer	Training Date(s)	Training Venue	Training Title	Training Facilitator(s)
Officer E	January 14-15; 2020	Holiday Inn	Investigators Training	DPP
	January 28; 2020	Holiday Inn	EMP Training	ADB
Officer F	12-13 October ;2016	Holiday Inn Suva;	Training Program on 'Advanced Environmental Safeguards Training Course'	ADB
	7 May – 1 June ;2018	Government Training Centre, Nasese	Basic Prosecution (Regulators) Course by DPP Office	DPP
	7 October – 1 November;2019	Government Training Centre, Nasese	Advance Prosecution (Regulators) Course by DPP Office	DPP
	January 14-15;2020	Holiday Inn	Investigators Training	DPP

Environment officers are trained in areas such as investigation, environment management plan, regulators, EIA process and environmental safeguards. These trainings are facilitated by Asian Development Bank (ADB), Director of Public Prosecution (DPP), Commonwealth Scientific and Industrial Research Organisation (CSIRO) and Department of Environment. Trained staff consist of those that are directly involved in the EIA process and those that hold entry, medium and senior level positions in the EIA Unit. However, the audit noted that there is no documented policy or procedure in place to show that staff have transferred knowledge gained from training to the organisation through post-training reports, and action plans, and the implementation and monitoring of these action plans. In this way, the knowledge gained from trainings are captured in the Department's knowledge base.

Figure 3.18: Core values for service delivery



Source: Audit analysis from the 2015 – 2019 Strategic Plan

Similarly, the 2015-2019 Strategic Plan recognised core values for the delivery of all services. These core values are depicted on figure 3.18. The integration of these strategic values in the EIA Unit's operational planning service delivery through learning and development is important. These values are not natural or in-born but rather they are developed through learning and practice. When comparing these values with the training workshop that the EIA officers undertook, we noted that the areas of improvement that need to be developed and practiced are regulatory knowledge, innovative leadership, integrity and honesty, accountability and transparency, customer focus, environmental stewardship, productivity, safety and security. Other areas of improvement for EIA Officers

include review and report writing, leadership, communication skills, time management, quality assurance and risk management.

The Department should report on its investment and return on investment from funded learning and development activities to Parliament in the form of an Annual Report. It was noted that the Department has not prepared its Annual Report for the years 2016 to 2020. However, copies of the draft Annual report for the financial years 2018/2019 and 2019/2020 was provided to audit.⁶²

⁶² Evidence file provided to audit on 30/10/20 and referenced E18.1

Causes

The work of the EIA Unit is focused primarily on the processing of EIA's.

Effects

Value from training and development of EIA officers may not be fully realised if key learnings are not applied to improve the work of the Department. In these situations, the risks are high for disruption to operations, when staff who have been upskilled for a number of years leave the Department.

Good Practices

The Department commented that training needs are identified through the MYAPA assessments for every officer. Lessons learnt and skills acquired through training are applied by officers in their day to day work, although there is nothing documented for the benefit of the Department as a whole. Training Kits provided in trainings attended by officers are used by officers in EIA processing. An example is the Environmental Safeguard Information Kit and the Prosecution Handbook and Toolkits used for preparing file cases to DPP and to draft charges for environmental breaches.⁶³

Recommendations

The Department should ensure that:

1. Action plans are developed and implemented by staff undergoing training and monitored to maximise return on investment.
2. There is a documented policy or procedure in place to ensure that knowledge gained from the training is captured for the Department and to ensure that return on investment through these trainings are realised.

Expected Benefits

A well written post training report and implemented action plan would maximise knowledge of participants and would serve as a reference in the future work of any EIA or administrative activities. Therefore, the knowledge is captured for the Department and does not remain with the officer.

⁶³ Matrix for Comments e-mailed by the Department on 30/10/20

Theme 3.6: Managing Probity

Credibility is a major factor in a regulator's ability to administer regulation effectively. The Department of Environment is exposed to the risk of corruption due to the nature of the work on EIA.

3.6.1 Managing Conflict of Interest and Fraud in the EIA Unit

Audit Observation

The Department of Environment is an EIA regulator and issues approvals to project developers to commence with development. This is achieved through a due diligence process which includes subjecting development proposals to a screening process, EIA processing and scoping, review and decisions. EIA Officers are involved in the different stages of EIA until the decision on the EIA has been finalised. Inspections of a project site are also conducted by EIA officers. It was noted that there was no policy or framework to prevent and detect actual, potential and perceived conflict of interest. EIA officers are also exposed to the risk of bribery from developers who may find the EIA process a hindrance to their projects.

Criteria

The values and principles of State service include:

- a. High standards of professionalism, including professional ethics and integrity;
- b. Prompt and faithful implementation of government policies and administration of laws;
- c. Being free from corruption;
- d. Efficient, effective and economic use of public resources;
- e. Prompt response to requests and questions from the public, and delivery of service to the public, in a manner that is respectful, effective, impartial, fair, and equitable;
- f. Accountability for administrative conduct;
- g. Transparency, including
 - i. Timely, accurate disclosure of information to the public; and
 - ii. Prompt, complete and candid reporting to Parliament, as required by law;
- h. Cultivation of good human resource management and career development practice, to maximise human potential; and
- i. recruitment and promotion based on
 - i. objectivity, impartiality and fair competition; and
 - ii. ability, education and experience and other characteristics of merit.⁶⁴

The processing officer must inspect the site of the development proposal:

- a. In order to become familiar with the site and its surroundings
- b. To identify the issues that require detailed EIA study.

Site inspection may only be conducted by inspectors appointed under Section 18 of the Act, but specialist personnel from the public or private sector may participate in the inspection as advisors and to take samples.⁶⁵

⁶⁴ The 2013 Constitution of the Republic of Fiji, s123

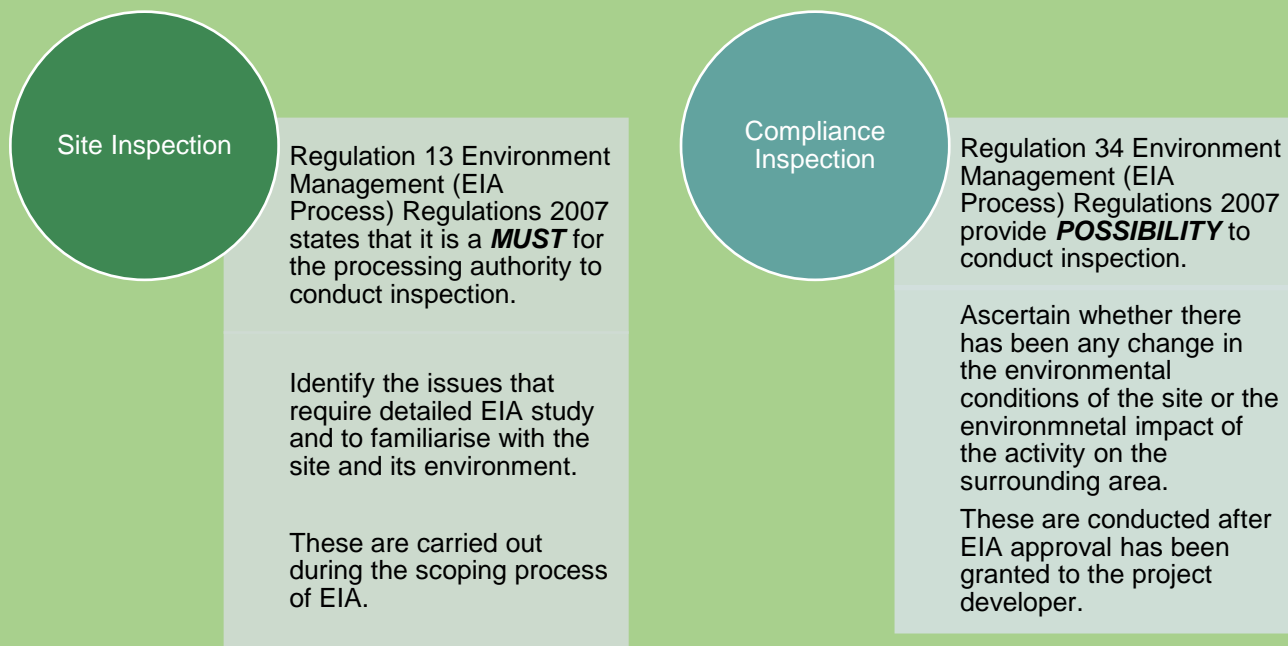
⁶⁵ SOP 4 -EIA Scoping 2017,s 8.1.2

Evidence and its analysis

The Environment Impact Assessment Unit is responsible for conducting screening, EIA processing, EIA scoping, review and decisions. The responsibilities for inspections are carried out in a twofold manner by EIA officers.

The types of inspections undertaken is depicted below:

Figure 3.19: Two types of inspection in EIA process

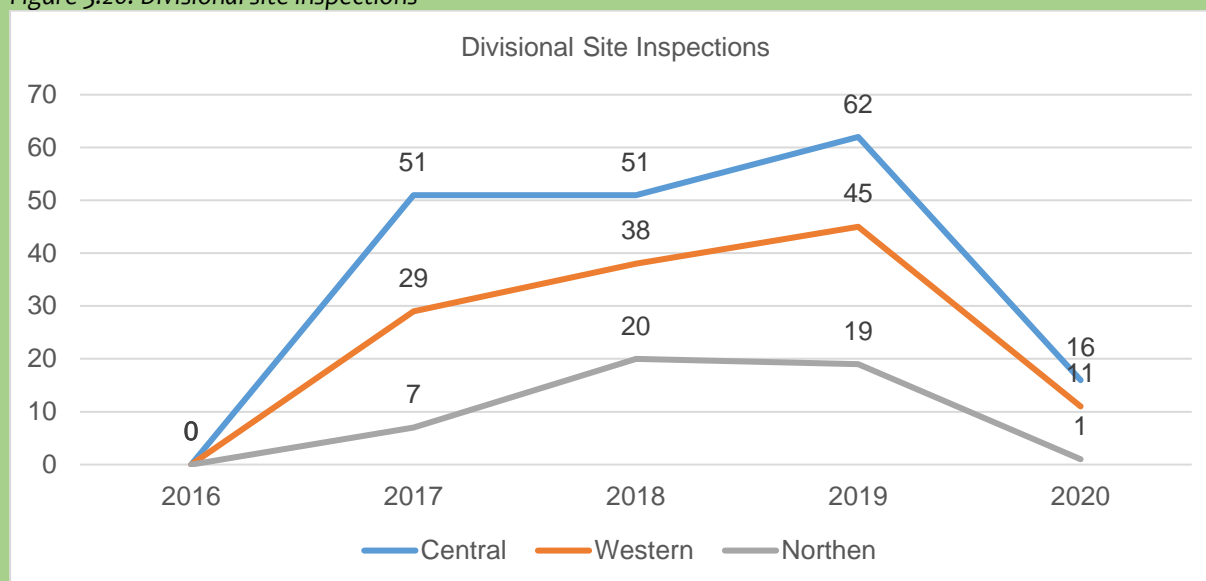


(Source: Audit analysis based on the Environment Management (EIA Process) Regulations 2007)

Site inspections are conducted when the project developer pays the EIA processing fee. The number of site inspections conducted for development proposals are illustrated in the Figure 3.20. In 2016, the EIA Unit did not record the number of site inspections conducted as an Environment Register was not maintained. However, from 2017 to 2020 the data for site inspections were recorded and maintained in the Environment Registers.

Figure 3.20 illustrates that the Central Division recorded the highest number of site inspections conducted from 2017 to 2020 followed by the Western and Northern divisions respectively. The site inspections are carried out by officers from the Department of Environment.

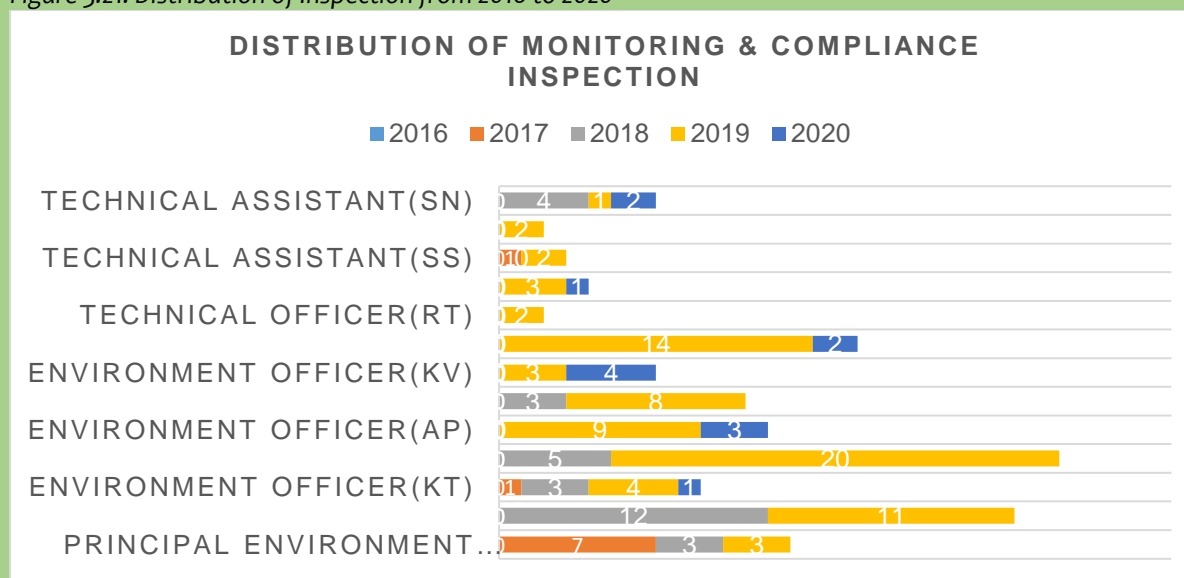
Figure 3.20: Divisional site inspections



(Source: Audit analysis based on the Department's inspection listings)

Similarly, these EIA officers also conducted compliance monitoring for post EIA approval granted with conditions for project developments. The project development allocation for individual Environment Officers from 2016 to 2020 is presented below.

Figure 3.21: Distribution of Inspection from 2016 to 2020



(Source: Audit analysis based on Department's inspection listings)

Majority of the monitoring compliance inspections were conducted in the year 2019, followed by the year 2018, with only a few in 2017, while no monitoring compliance was done in 2016 and prior years. Monitoring officers are from the EIA Unit including staff from the Western and Northern division, who also conducted divisional monitoring and compliance inspections from 2016 to 2020.

The EIA Officers work collaboratively with project developers. They also receive EIA screening and processing fees and environment bonds from project developers. The risk of corruption and bribery is present due to the nature of the work conducted. The absence of a policy or framework to detect and prevent actual, potential and perceived conflict of interest is a major weakness in the EIA Unit when conducting inspections. The mismanagement of actual, potential and perceived conflicts of interest poses a great risk for the EIA regulator.

Majority of the Environment Officers are unaccompanied when conducting inspections and this increases the risk associated with employee misconduct and corruption especially when inspectors have a high level of discretion and autonomy. Examples of unaccompanied inspections for development project are presented as follows:

Table 3.7: Examples of Unaccompanied Inspections

Date	Project Development	Name of Inspectors
12/01/17	Project Development A	Officer A
06/02/17	Project Development B	Officer A
16/05/17	Project Development C	Officer B
12/04/17	Project Development D	Officer C
12/05/17	Project Development E	Officer A
12/05/17	Project Development F	Officer A
12/06/17	Project Development G	Officer A
31/10/17	Project Development H	Officer A
17/11/17	Project Development I	Officer A
14/01/18	Project Development J	Officer D
18/01/18	Project Development K	Officer D
01/02/18	Project Development L	Officer A
04/02/18	Project Development M	Officer E
26/07/18	Project Development N	Officer F

Employees from divisional offices in the Western and Northern division are also part of inspections.

The absence of proactive and clear policies for identifying, declaring and managing all conflicts of interests is a concern. Given the stringent requirements for EIA processes, EIA officers are faced with the risk of bribery from corrupt developers.

A policy should address how to identify conflict of interests, what to do if there is a conflict of interest and the penalties for not declaring or reporting such instances.

Causes

The absence of an organisational policy or framework to prevent and detect actual, potential and perceived conflict of interest, and a focus towards the achievement of output are considered some of the key factors which have left the issue conflict of interest unaddressed. The lack of anti-bribery policies within the Ministry may have also caused the lack of awareness for staff exposed to the risk of corruption.

Effects

The absence of a policy or framework to address conflict of interest would mean that actual, potential and perceived conflicts of interest may not be addressed and can potentially lead to loss of credibility in the future, if it is not properly addressed. An officer who is not fully aware or lacks awareness on how to handle conflict of interests and bribery will be more susceptible and may respond inappropriately when confronted with these challenges.

Good Practices

The Department commented that all officers were given clear instructions to declare conflict of interest in any applications that were assigned to them. A Declaration Form has been developed and is available for officers to fill and declare any interest in files or tasks assigned to them. Other developments undertaken by the Department include trainings conducted by the Fiji Independent Commission against Corruption for staff on topics such as corruption and bribery. The Department also has a gift register. The Department is also in the process of developing a Regulatory Risk Policy to address risks associated with site inspections.⁶⁶

Recommendations

The Department should;

1. Ensure that the Regulatory Risk policy is finalised as soon as possible to address and identify conflict of interest and bribery, detail what is to be done in cases of conflict of interest and the penalties that will apply if the policy is not strictly followed;
2. Perform regular compliance audits of operations and conduct detailed and independent investigations when misconduct is suspected;
3. Implement specific monitoring and work management procedures, such as staff rotation, for high risk operational circumstances; for example, where regulatory activities are conducted in remote areas by a small number or staff.

Expected Benefits

The adoption of a policy and framework to address conflict of interest and bribery will enhance and promote good governance in the EIA Unit and Department of Environment. This will also enhance the credibility of the Department as decent business culture is developed and made known to the public.

3.6.2 Credibility of EIA Consultants

Audit Observation

EIA consultants prepare EIA reports on behalf of the project developer particularly assisting in the technical aspects of project developments. Registered EIA consultants are categorised into four categories, namely Principal Consultants, Assistant Consultants, Technical Assistant and Review Consultants. The costs for provision of services by EIA consultants to project developers are borne by the project developers. The EIA Unit plays a significant role in regulating the work of EIA consultants. It was noted that a Code of Practice for EIA Consultants was not prepared by the Department.

Criteria

For the purpose of Part 4 of the Act, accreditation of consultants will be done by way of registration. The categories of consultants are;

1. Principal consultant;
2. Technical assistant;
3. Assistant consultant;

⁶⁶ Matrix for Comments e-mailed by the Department on 30/10/20

4. Review consultant.⁶⁷

The criteria for registration in each category of consultant are as determined by the Director in writing from time to time and notified by publication in the Gazette and at the offices of the Ministry.⁶⁸

Registration is on an individual basis, but a registered consultant must provide information as to any corporation or partnership of which the consultant is a member or employee.⁶⁹

Registration is for 3 years in the first instance and is renewable for 3 years on applications, and on payment of the prescribed fee, if the Director is satisfied that the applicant remains qualified as a consultant.⁷⁰

A person wishing to change the category of registration must apply for fresh registration, paying the appropriate fee.⁷¹

The Director may issue a code of practice for consultants registered under this Regulations after seeking the advice of any relevant professional body and of individuals with extensive experience in EIA matters.⁷²

A code of practice issued under sub regulation (1) must be published in the Gazette and at the main offices of the Ministry and made available to the public for purchase at a reasonable price.⁷³

If the Director reasonably considers that a registered consultant is in breach of any registration criteria, or the code of practice, or is not performing duties as required by the Act or these Regulations, the Director may cancel, or refuse to renew, the registration of the consultant.⁷⁴

Registered EIA and review consultants must comply with EIA Consultant's Code of Conduct published by the Director from time to time.⁷⁵

If the Director proposes to deregister a consultant for any reason, the Director must give the consultant the opportunity to be heard, orally or in writing.⁷⁶

A person who is dissatisfied with the Decision of the Director under this regulation may appeal in writing to the Permanent Secretary, whose decisions is final.⁷⁷

⁶⁷ Environment Management (EIA Process) Regulations 2017, Regulation 39(1)(2)

⁶⁸ Environment Management (EIA Process) Regulations 2017, Regulation 39(3)

⁶⁹ Environment Management (EIA Process) Regulations 2017, Regulation 39(4)

⁷⁰ Environment Management (EIA Process) Regulations 2017, Regulation 39(7)

⁷¹ Environment Management (EIA Process) Regulations 2017, Regulation 39(8)

⁷² Environment Management (EIA Process) Regulations 2017, Regulation 40(1)

⁷³ Environment Management (EIA Process) Regulations 2017, Regulation 40(2)

⁷⁴ Environment Management (EIA Process) Regulations 2017, Regulation 40(3)

⁷⁵ Environment Management (EIA Process) Regulations 2017, Regulation 40(4)

⁷⁶ Environment Management (EIA Process) Regulations 2017, Regulation 40(6)

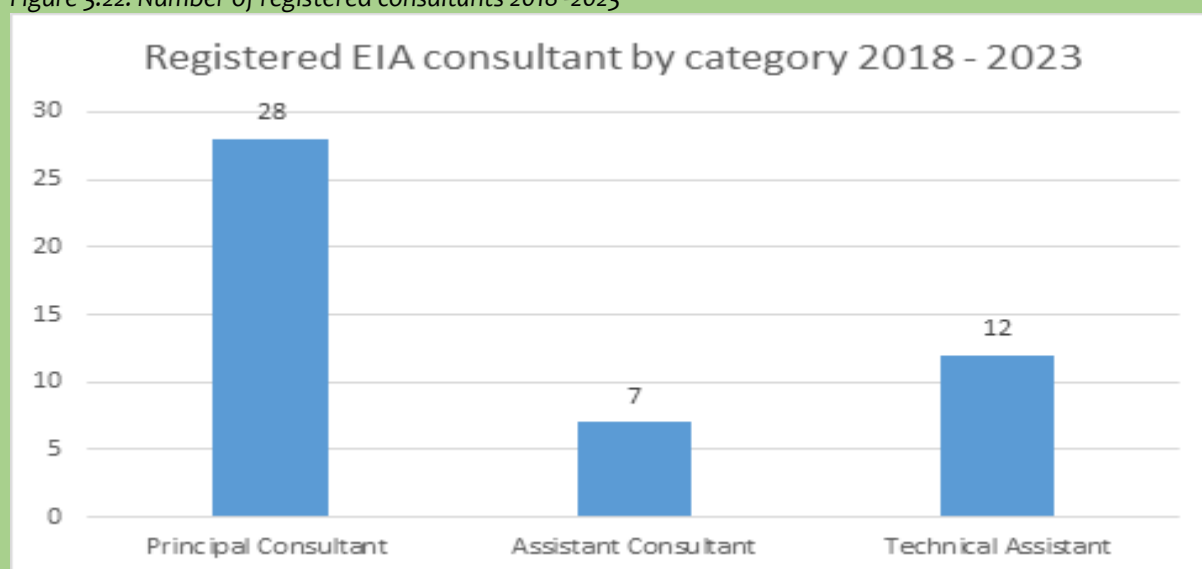
⁷⁷ Environment Management (EIA Process) Regulations 2017, Regulation 40(7)

Evidence and its analysis

The Department of Environment maintains a register of EIA consultants that are allowed to conduct EIA practice in Fiji. The register includes the details of the EIA consultant, area of expertise and registration period.

The number of registered EIA practitioners in the different categories for 2018 -2023 is shown below:

Figure 3.22: Number of registered consultants 2018 -2023



(Source: Audit analysis based on EIA consultant listings)

Figure 3.22 shows that 28 Principal consultants, eight assistant consultants and 12 technical assistants were registered from the period 2018 to 2023. Integrated into the EIA Unit's business plan is the need to formulate EIA Code of Practice. This is one of the priorities in the 2018 - 2019 EIA Unit Business Plan to achieve under Output 1 - Portfolio Leadership Plan. The Code of Practice was to be endorsed by the Permanent Secretary for Waterways and Environment or National Environment Council by 30/06/2019. However, it was noted that the Code of Practice is yet to be developed.

Causes

The absence of an EIA Code of Practice for consultants may be due to an oversight by the Department, as its roles include monitoring of consultants.

Effects

EIA consultants conduct EIA without an EIA Code of Practice to adhere to. The possibility of collusion and fraud is highly likely.

Good Practices

The Department in their response stated that the registration of EIA Consultants is regulated under Regulation 39 & 40 of the Environment Management (EIA Process) Regulations 2007. Warning letters have been issued to Consultants for breaching requirements in the Act and for providing

false information. The Department further stated that they will also develop a Guideline to Regularise Consultancy fees charged by Consultants. This is done to avoid overcharging of fees⁷⁸

Recommendations

The Department should ensure that the EIA Code of Practice is documented, implemented and monitored by EIA Unit.

Expected Benefits

The development of a standard Code of Practice for EIA consultants will enhance professionalism in delivering EIA services to project development businesses.

Theme 3.7: Management of Information in Environment Register

Audit Observation

Quality information is timely, reliable and comprehensive. Information is timely when it is readily available to management when decisions are being made, or is supplied to management when deviation from plans or assumptions warrant management's consideration. Information is reliable when it is recorded accurately and consistently, overtime and across entities. Comprehensive is when all relevant information required to make a balanced, informed and defensible decision is collected and made available to decision makers. The Department maintains two Environment Registers in the form of a spreadsheet and a manual book. However, review of these two records for screening, processing and reporting stages registers revealed that the records do not reconcile.

Criteria

The Department must establish and maintain an Environment Register for the purpose of this Act into which prescribed matters must be recorded.⁷⁹

A person is entitled to have access to any records or document recorded in the Environment Register.⁸⁰

The environment register maintained under section 17 of the Act must include information about:

- (a) every site inspection report produced under regulation 15;
- (b) the result of every screening of proposals under Part 2;
- (c) every EIA report produced under Part 4;
- (d) every review of an EIA report under Part 4;
- (e) every EIA Approval granted under the Act;
- (f) every compliance report produced under regulation 34;
- (g) any variation of EIA approval granted under regulation 35;
- (h) any amended of the identity of the corporate body accepted under regulation 36;

⁷⁸ Matrix for Comments e-mailed by the Department on 30/10/20

⁷⁹ Environment Management Act 2005, s17(1)

⁸⁰ Environment Management Act 2005, s17(2)

- (i) every consultant registered under this Regulations;
- (j) every environmental bond taken under these Regulation.⁸¹

The register or a copy of it must be:

- (a) kept at the offices of the Director; and
- (b) made available for inspection and copying by the public during normal office hours on payment of the prescribed fee; and
- (c) made available for inspection and copying by approving authorities without payment of a fee.⁸²

The approving authority for a proposal must keep a copy of relevant entries in the register relating to all proposals that have been submitted to it.⁸³

The register may be kept in an electronic form, but copies of extracts from it must be made available on paper if requested on payment of prescribed fee.⁸⁴

Evidence and its analysis

An effective management information system provides the right information to the right people (decision-makers) at the right time. The system must be designed so that the needs of decision makers are met, the right information is collected, information is shared across the organisation, regulatory intelligence is captured, filtered and disseminated and data is reliable.⁸⁵

The Department of Environment is a regulator of environment management in Fiji and administers the Environment Management Act 2005. The EIA Unit operates according to the regulations known as the Environment Management (EIA Process) Regulations 2007 and other relevant EIA guidelines. The EIA Unit maintains registers for screening, processing and report in the following format:

- I. MS-Excel spreadsheets; and
- II. Manual book.

The register in MS-Excel spreadsheet records EIA information for screening, processing and reports. The number of EIA screening, processing and reports are recorded in an electronic spreadsheet and manual book and are presented below:

Table 3.8: Screening records from 2010 to 2019

Types of records	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
MS-Excel spreadsheet	0	0	0	0	0	0	0	235	280	265
Manual Book	0	0	17	66	112	14	32	131	129	217
Difference	0	0	(17)	(66)	(112)	(14)	(32)	104	151	48

(Source: Audit analysis based on Department EIA register 2017-2020(spreadsheet) and 2010 to 2019 (manual))

⁸¹ Environment Management (EIA Process) Regulations 2007, Regulation 41(1)

⁸² Environment Management (EIA Process) Regulations 2007, Regulation 41(2)

⁸³ Environment Management (EIA Process) Regulations 2007, Regulation 41(3)

⁸⁴ Environment Management (EIA Process) Regulations 2007, Regulation 41(4)

⁸⁵ Administering Regulation, Better Practice Guide Australian National Audit Office 2007, p 18

We noted from Table 3.8 above, that the information recorded in the MS-Excel spreadsheet does not agree with the manual records from the year 2012 to 2019. There was no data on screening in the MS-Excel spreadsheet register and manual register from 2010 to 2011, indicating that registers may have not been maintained during this period.

Table 3.9: Processing records from 2010 to 2019

Types of records	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Excel spreadsheet	0	0	0	0	0	0	0	228	262	252
Manual Book	0	0	0	0	0	0	0	0	39	61
Difference	0	0	0	0	0	0	0	228	223	191

(Source: Audit analysis based on Department EIA register 2017-2020(spreadsheet) and 2010 to 2019 (manual))

We also reviewed records for processing of EIAs in both the registers from 2017 to 2019 and noted similar discrepancies. Refer to Table 3.9 above for details.

Table 3.10: EIA Reports records from 2010 to 2019

Types of records	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Excel spreadsheet	0	0	0	0	0	0	0	219	248	252
Manual Book	0	0	35	93	90	5	0	64	53	67
Difference	0	0	(35)	(93)	(90)	(5)	0	155	195	185

(Source: Audit analysis based on Department EIA register 2017-2020(spreadsheet) and 2010 to 2019 (manual))

Review of the information in EIA reports in Table 3.10 above revealed that the two records did not reconcile for EIA reports recorded in the MS- Excel spreadsheet compared to the manual register for the years 2012 to 2015 and 2017 to 2019.

The audit also noted that records for EIA approval granted as per MS- Excel spreadsheet compared to manual register did not reconcile for the years 2016 to 2019 as tabulated below.

Table 3.11: EIA approval records 2010-2019

Types of records	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Excel spreadsheet	0	0	0	0	0	0	0	218	234	249
Manual Book	0	0	0	0	0	0	2	3	38	71
Difference	0	0	0	0	0	0	(2)	215	196	177

(Source: Audit analysis based on Department EIA register 2017-2020(spreadsheet) and 2010 to 2019 (manual))

Site inspections, variations of EIA approval granted, registered consultants and environment bonds are separately recorded in manual registers. Manual records are prone to a high risk of manipulation, and may not always be reliable and comprehensive to support decision-making.

We noted that registers were not maintained for review of EIA reports under Part 4, and for amendments to the identity of the corporate body accepted under Regulation 36.

Causes

According to the Department of Environment, they have been working manually until electronic copy registers were updated from 2019. The Department of Environment had to ensure that it brought the legacy of information or data into a spreadsheet and have it updated.⁸⁶

Effects

Inconsistency in maintaining records in the EIA registers will have an impact on the decision making of the Department. Hence, conclusions reached and information provided to external stakeholders by decision-makers may not be reliable.

Good Practices

The Department of Environment has advised that data entry in the manual register and MS-Excel spreadsheet are now being done on a daily basis.

The Department of Environment plans to develop an e-tracker system that will track files, view records, generate reports, determine approvals and track registered consultants. It will account for storage of files, applications and reports. It will also generate reporting and real-time data to management.⁸⁷

Recommendations

The Department should:

1. Put in place data input controls to detect any discrepancy in manual and electronic registers, as well as investigate and rectify any differences;
2. Ensure that the automated e-tracker system is expedited for records to be available online, to enable the smooth processing of information.

Expected Benefits

The implementation of the e-tracker system will capture and digitise data to provide a better form of tracking, an integrated work system, efficient customer service, a faster turnaround time, and less workload. It will also be environmental friendly (paperless) and will assist in better planning.

⁸⁶ Minutes of meeting dated 17/02/2020

⁸⁷ Matrix for comments e-mailed by the Department on 30/10/20

4.0 SCREENING, PROCESSING, REVIEW AND DECISION

The screening, processing, review and decision stages are key points in the Environment Impact Assessment (EIA) process. These stages not only determine which projects will be subject to an EIA, but also the environment impacts to be investigated and the depth of investigation.

International principles of good practice state that an environment impact assessment process, such as Fiji's EIA, should be practicable, transparent, adaptable and rigorous. A process that meets these principles reduces costs to industry and the community. It also provides the transparency and certainty that local communities and businesses need when meeting the challenges and opportunities that development projects present.

Theme 4.1: Screening Process of the Environment Impact Assessment in Fiji

This Part of this report examines how effectively the Department of Environment manages the screening, processing and the review/decision stages of EIA.

4.1.1 EIA Screening Checklists

Audit Observation

The screening checklist is primarily for both the project proponents and the Department to use as a guide in ensuring that all documents are in order. We noted that EIA screening checklists used to vet the applications were not kept in some of the EIA project files. This implies that the EIA screening applications submitted by the developer were received by EIA Officers without using the checklists.

Criteria

In the standard operating procedure for conducting the EIA screening process, section 8.1.3 states that at the counter, the EIA officer must use 'Checklist/Screening Process' to vet the application. Only completed applications must be received. Incomplete applications should be returned to the applicant to complete.⁸⁸

Evidence and its analysis

We carried out a review of 13 environment impact assessment project files and noted that screening checklists were filed in only five files. Screening checklists were not filed in the remaining files.

Tabulated below is the list of project files that were reviewed during audit to ascertain whether the EIA screening checklist was used to vet the applications.

Table 4.1: Details of project files with and without screening checklists

EIA Project Files with the EIA Screening Checklist	EIA Project Files without EIA Screening Checklist
EIA-C/75/2018	-
EIA-C/30/2019	EIA-C/63/2018

⁸⁸ SOP 2 - EIA Screening Process, s 8.1.3

EIA Project Files with the EIA Screening Checklist	EIA Project Files without EIA Screening Checklist
EIA-C/82/2019	EIA-C/2/2019
EIA-C/89/2019	EIA-C/7/2019
EIA-C/105/2019	EIA-C/12/2019
-	EIA-C/21/2019
-	EIA-C/27/2019
-	EIA-C/106/2019

Causes

The Department of Environment highlighted that the checklists were created to help the developers to ensure that they submit the required supporting documents with the EIA screening applications. The reason some of the files did not have the EIA screening checklist was because these were enforced in the year 2018, therefore the older files do not have the checklists. As for the ministries, departments and statutory authorities (e.g. WAF, FRA and Ministry of Waterways) that frequently liaise with the Department of Environment for the purposes of carrying out an EIA, they are very much familiar with the documentations that should be submitted along with the EIA screening application, that is why some of these do not have the checklists. As for the other files, the Department of Environment could not provide reasons as to why the processing officer did not submit the screening checklist as part of the file documents.

Effects

In the absence of an EIA screening checklist to vet the EIA screening application, the officers may not be able to determine whether an application is complete and ready for processing.

Good Practices

The Department of Environment is commended for devising an EIA screening checklist which acts as a guide for the proponents in terms of the necessary supporting documentation that proponents must provide with the prescribed EIA screening application form in order to successfully submit their applications.

The Department has also stated that effective from October 2020 a new counter vetting checklist was developed to be used by officers when receiving applications and reports. E-mail instructions were sent to all EIA officers on 1 October 2020 instructing them to use the counter vetting checklist whilst receiving applications and reports at the counter. Only completed files should be received.⁸⁹

Recommendations

The Department should continue using the EIA screening checklist to vet all the applications received and ensure that this requirement is to be strictly complied.

Expected Benefits

Vetting of EIA screening applications with the use of the EIA screening checklist would help ensure that supporting documents which are to be submitted by the developer is not overlooked by the EIA officer. The checklist also acts as a guide for both the developer and the Department of Environment on all acceptable documents that needs to be submitted.

⁸⁹ Matrix for Comments e-mailed by the Department on 30/10/20

4.1.2 EIA Screening Matrix

Audit Observation

We noted that EIA screening matrices were not kept in some EIA project files which shows that in the process of determining whether the projects would cause a significant environmental and resource management impact, the determination was made without the use of an EIA screening matrix for assessment purposes.

Criteria

The Standard Operating Procedure for conducting the EIA screening process stated that in determining whether an activity will cause a ‘significant environmental or resource management impact’, the officer must consider both the context and intensity of the activity’s environmental impacts through using the EIA screening matrix to rate the intensity of the impacts.⁹⁰

The matrix identifies interactions between various project and the environmental parameters and components. They incorporate a list of project activities with a checklist of environmental components that might be affected by these activities. The matrix is populated using subjective (expert) judgment, or using extensive data bases. There are generally two types of matrices:

1. Simple matrix methods that simply identify the potential for interaction and;
2. Significance or importance-rated methods that require either more extensive data bases or more experience to prepare. Values assigned to each cell in the matrix is in the form of scores or assigned ratings, not on measurement and experiments. For example, the significance or importance of impact may be categorised into no impact, insignificant impact, significant impact, or uncertain.⁹¹

Evidence and its analysis

According to a publication on Environmental Impact Assessment by the INTOSAI Working Group on Environmental Auditing, it is stated that fundamental to EIA is the ability to predict the potential impacts of a proposed project. Predicting impacts and determining significance requires comprehensive scrutiny, examination, and analysis. This stage plays a critical role in designing useful impact management mechanisms and ultimately in the decision of whether or not to approve the project and the conditions under which it is to be undertaken. It is therefore important that the methods used to arrive at impact predictions and significance are rigorous, using best practicable science and a variety of proven analytical and technical methods, including public consultation to ensure the process is participative. Furthermore, methods and criteria should be clear, replicable, substantiated, and easily accessible by the public in order to ensure transparency of the process. Therefore, matrices can be used in identifying impacts from a project on the environment.⁹²

We carried out a review of 13 Environment Impact Assessment project files and noted that the EIA screening matrix was kept in only six project files. The matrix was not filed in the remaining seven files.

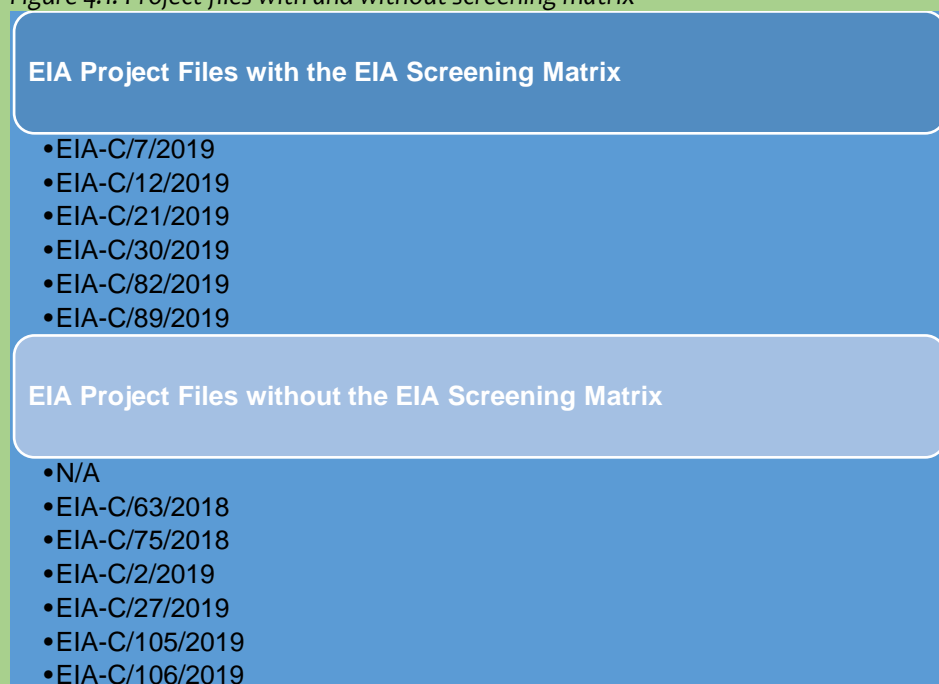
⁹⁰ SOP 2 - EIA Screening Process 2017, s8.2.4

⁹¹ Environmental Impact Assessment for Developing Countries in Asia, Chapter 3: Methodology of EIA, Section 3.2.3, Paragraphs 1 & 3, pages 15-16.

⁹² INTOSAI Working Group on Environmental Auditing, Environmental Impact Assessment, Chapter 3, Section 3.2, pages 30-31.

Detailed below are the project files that were reviewed during audit:

Figure 4.1: Project files with and without screening matrix



Causes

The Department of Environment informed audit that the screening matrix was not fully utilised until 2019. Older files will not have the screening matrices. Furthermore, in 2018 and 2019 all screening applications in the Central Division was processed by one officer. Changes have been made and all officers are now processing EIA screening applications.⁹³

Effects

The non-utilisation of EIA screening matrix to assess applications can lead to the Department of Environment to give development consent for a project without full knowledge of any likely significant impacts on the environment which may lead to potential harm.

Good Practices

The initiative taken by Department of Environment to review the use of EIA matrix is noted. As a result of the review on the matrix, the Department has now established a more comprehensive EIA screening checklist (this is an internal document which is different from the EIA screening checklist that is used by the developers when submitting EIA screening applications) that is used to rate the intensity of impact of the project development on the environment. The new template comprises of various details which are used to assess the impact of a project development through the following aspects:

- Section 1: Details of the Proposed Project
- Section 2: Size and Scale of the Proposed Project
- Section 3: Characteristics of the Proposed Project

⁹³ Matrix for Comments e-mailed by the Department on 30/10/20

- Section 4: Project Location
- Section 5: Environmental Impacts
 - Topography, geology and soils
 - Water
 - Air
 - Noise
 - Plant life
 - Animal life
 - Natural resources
 - Human communities
 - Local and national economy
- Section 6: Environmental Hazards (including hazards that are natural, human-induced or technological in nature)
- Section 7: Environmental Change
- Section 8: Uncertainty Surrounding Potential Impacts and Risks
- Section 9: Broader Policy and Planning Context
- Recommendation
- Reason for Recommendation

The new EIA screening matrix was developed towards the end of 2019 and is now being used by the officers.⁹⁴

Recommendation

The Department should ensure that the use of EIA screening matrix is made mandatory when assessing development proposals to rate the intensity of the impact of the development on the environment.

Expected Benefits

The EIA screening matrix would continue to be a useful tool that can be used to help understand how the development activities is going to impact the environment.

4.1.3 EIA Screening Acknowledgement Letter

Audit Observation

We noted that the Department of Environment was not using the standard template for issuing the acknowledgment letter to the project proponent to relay the results of vetting the EIA screening application. The acknowledgement for the receipt of the EIA screening application form is only stated in the final determination letter which is issued when the Department informs the developer on whether or not developments would need to go through an EIA process. The acknowledgement letter is supposed to be issued at the beginning of the screening process when the Department initially receives the application.

⁹⁴ Matrix for Comments e-mailed by the Department on 30/10/20

Criteria

The EIA Officer will now hand the acknowledgment letter to the applicant using the provided template (Screening/ Acknowledgement Letter Template). The officer must enter all relevant details (date, addressee, proposed development, and signature) into the template before handing it to the applicant. The date on the acknowledgement letter will be Day 1 of the screening process timeline.⁹⁵

Evidence and its analysis

Upon examining the 13 selected project files, it was noted that the Department of Environment does not use the Screening/ Acknowledgement Letter Template to formally notify the proponents on the receipt of their screening applications. Instead The Department has been acknowledging the receipt of the EIA Screening application when issuing the Determination Letter which usually takes more than 12 or 14 days to issue in order to update the proponents on the decision of whether or not an EIA assessment is needed.

However, we noted that the Department had stamped 'RECEIVED' most of the EIA screening applications.

Causes

Discussions with the Department revealed that instead of sending the acknowledgment letter, the Department has been sending out e-mails to state that they have received the application. Furthermore, the acknowledgment letter needs to be signed by the Director and the process of getting the acknowledgment letter across to the Director is not feasible as she is very committed throughout the day.⁹⁶

Effects

The non-issuance of acknowledgment letters does not reflect well in terms of ensuring timely feedback to the project proponent as this instils trust and credibility in the Department and their processes.

Good Practices

The Department has also confirmed that they are in the process of implementing the EIA tracking system that will assist in automatically generating acknowledgment letters.⁹⁷

Recommendations

It is recommended that:

1. The Department should adhere to the requirement of section 8.1.5 of the SOP 2 and issue acknowledgment letters to project developer when receiving the screening application forms for vetting.
2. Signed letters by the Director of Environment be given to project developers and a copy is filed in project files.

⁹⁵ SOP 2 - EIA Screening Process 2017, s8.1.5

⁹⁶ Meeting to discuss audit findings on 28/10/20

⁹⁷ Matrix for Comments e-mailed by the Department on 30/10/20

Expected Benefits

The practice of issuing acknowledgement letters will build trust and credibility for the Department as the developer will be made aware of the status of their development proposals.

Theme 4.2: EIA Processing Review and Decision

4.2.1 EIA Processing Application Forms

Audit Observation

We established that the Department of Environment constantly ensures that the developers apply for the EIA Processing using the prescribed form. From the 16 files reviewed during audit, only two files did not contain the prescribed form.

Criteria

If the developer decides to proceed with an application to proceed with the EIA process must be made in Form 2 in Schedule 1 to these regulations to the processing authority.⁹⁸

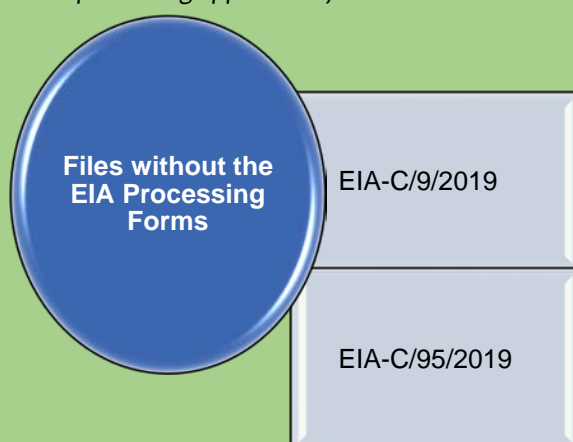
The above requirement has been entailed in the Department's Standard Operating Procedure for conducting EIA process, in section 8.1.2.⁹⁹

Evidence and its analysis

A review of 16 EIA project files, found that the Department of Environment had obtained the application for EIA processing through the prescribed form from all the project developers except for two development proposals.

The figure below depicts the 2 projects for which the EIA processing application form was not filed:

Figure 4.2: File without EIA processing application form



⁹⁸ Environment Management (EIA Process) Regulations 2007, Regulation 10(2)

⁹⁹ SOP 3 - EIA Processing 2017, S8.1.2

We also noted that while the forms were not filed in the respective files, the processing of application for both the projects listed above was recorded in the EIA processing register.

Causes

The Department had commented that the missing information could be due to an oversight. Furthermore, the EIA processing fee for EIA-C/9/2019 was paid on May 10, 2019. Fees are normally paid when the EIA processing forms are submitted.¹⁰⁰

Effects

The absence of the EIA processing application form means that the Department of Environment would not have any supporting documents to confirm that the required information was obtained from the developer at the processing stage of the application. It also indicates that the requirements of the criteria set out in the Environment Regulations and the SOPs was not adhered to.

Good Practices

The audit acknowledges the Department of Environment for their efforts in ensuring that project developers use the prescribed form to apply for the EIA processing application.

Recommendations

The Department should continue to ensure that the developers apply for the EIA process using the prescribed form and that the forms are filed for records.

Expected Benefits

The filling of the necessary forms will help to ensure that the proper procedures for the application is followed and standard information required at the EIA processing phase is obtained from the developer through the applications.

4.2.2 EIA Processing Acknowledgement Letter

Audit Observation

The audit found that the Department of Environment does not send an acknowledgement letter to the developer after receiving and vetting the EIA processing application form.

Criteria

At the completion of 8.1.4, the EIA officer will now hand the acknowledgement letter to the applicant using the provided template. The officer must enter all relevant details (date, addressee, proposed development and signature) into the template before handing it to the applicant. The date of the acknowledgement letter is Day 1 of the EIA processing proposal for the purposes of the Act.¹⁰¹

¹⁰⁰ Matrix for Comments e-mailed by the Department on 30/10/20

¹⁰¹ SOP 3 - EIA Processing 2017, s8.1.5

Evidence and its analysis

A review of the project files noted that the Department of Environment had not sent the EIA Processing/Acknowledgement letter to formally notify the developers on the receipt of their applications.

Causes

Discussions with the Department revealed that the acknowledgement letter needs to be signed by the Director and the process of getting the acknowledgement letter across to the Director is not feasible as she is committed throughout the day.¹⁰²

Effects

The absence of an acknowledgement letter means that the developers are not aware that their application is officially being considered for EIA processing.

Good Practices

The Department has also confirmed that they are in the process of implementing the e-tracker system that will assist in automatically generating acknowledgement letters.¹⁰³

Recommendations

The Department should adhere to the requirement of section 8.1.5 of the SOP 3 and issue acknowledgement letters to developers upon receiving and vetting the EIA processing application forms.

Expected Benefits

The issuing of acknowledgement letters to developers will build trust and add credibility to the Department's processes.

4.2.3 Site Inspections for EIA Scoping

Audit Observation

We observed that the Department of Environment has made some effort in ensuring that the site inspection at the scoping stage of the EIA process is carried out but at the same time opportunity exists for further improvement.

Criteria

The purpose of scoping of a proposal is to establish the scope of the EIA study on the proposal and to decide the terms of reference (TOR) for it.¹⁰⁴

¹⁰² Meeting to discuss audit findings on 28/10/20

¹⁰³ Matrix for Comments e-mailed by the Department on 30/10/20

¹⁰⁴ Environment Management (EIA Process) Regulations 2007, Regulation 12(1)

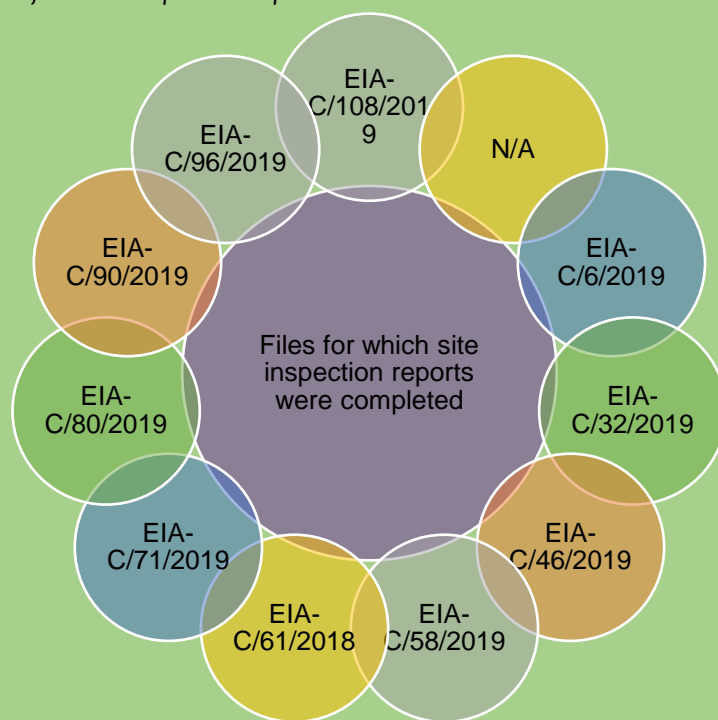
Scoping may include inspection of the site of the proposed development activity in accordance with regulation 13.¹⁰⁵

A site Inspection form needs to be filled out by the Inspector to record all relevant details of the site.¹⁰⁶

Evidence and its analysis

Upon examination of the 16 files during audit, site inspection reports were filed in only 11 files. Please refer below for details.

Figure 4.3: Review of the site inspection reports



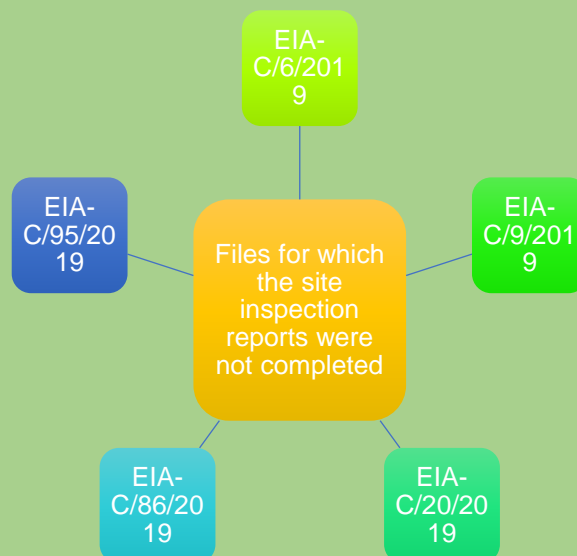
Inspection reports for remaining five development proposals were not provided for audit review.

Please refer below for details.

¹⁰⁵ Environment Management (EIA Process) Regulations 2007, Regulation 12(2)(a)

¹⁰⁶ SOP 4 - EIA Scoping 2017, s8.1.5.

Figure 4.4: Details of inspection reports not sighted by audit



Furthermore, it was noted that the Department of Environment does not use the standard site inspection form.

A site inspection report is completed after the site visits to record observations that is later used to design the terms of reference. The reporting structure in the site inspection reports were found to be inconsistent among the site inspectors.

Causes

Discussions with the Department revealed that there are a lot of documentation that officers are required to undertake upon return from site visits. They are required to do the site inspection reports, recommendations if they have to drop a prohibition notice as it all goes into the file before it is submitted for management's decision.¹⁰⁷

Effects

The absence of site inspection reports defeats the whole purpose of undertaking inspections as there are no evidence of the work that has been carried out and it may lead to difficulties in identifying issues for detailed study.

Good Practices

The Department has developed a site inspection report template which is available for officers to use as a guide during inspections. Furthermore, the Department is currently trying to implement an e tracker system which will automate and ensure that all required documents are loaded into the system.¹⁰⁸

¹⁰⁷ Meeting to discuss audit findings on 28/10/20

¹⁰⁸ Matrix for Comments e-mailed by the Department on 30/10/20

Recommendations

The Department should

1. Ensure that site inspections are carried out for all the development proposals at the scoping stage of the EIA study and that site inspection forms are filled while inspecting the project site to capture basic information.
2. Enforce the use of standardised reporting template for EIA inspections.

Expected Benefits

The proper documentation of site inspection reports and site inspection forms acts as evidence for future references of work that is undertaken during the EIA process to justify any decisions that the Department makes. This can also be useful for monitoring purposes.

4.2.4 EIA reports prepared by accredited EIA consultants

Audit Observation

EIA consultants earn accreditation when they are registered with the EIA Unit upon paying registration fees for a period of three years. At the conclusion of the three years, renewal of registration is a requirement by the EIA Unit in order to continue practicing as an EIA consultant. Most EIA reports reviewed during audit were prepared by accredited EIA consultants. However, there were instances of development proposals whereby the EIA reports were prepared by non-accredited EIA consultants.

Criteria

The EIA report must be prepared by an accredited consultant at the proponent's cost.¹⁰⁹

An EIA report must be reviewed by a review committee appointed by the EIA Administrator or the approving authority; or independently by a consultant appointed by the EIA Administrator.¹¹⁰

The EIA report on a proposal is based on the EIA study. It should:

- a) be a comprehensive study report of the potential environmental or resource management impact of the proposal;
- b) determine the conditions for EIA approval of the proposal;
- c) identify the potential impact of the proposal on the surrounding environment and suggest possible mitigation measures.¹¹¹

The SEO EIA will mark the EIA reports to the EIA Officer who processed the application to conduct the review process.¹¹²

¹⁰⁹ Environment Management Act 2005, s28(4)

¹¹⁰ Environment Management Act 2005, s 30(1)(a)(b)

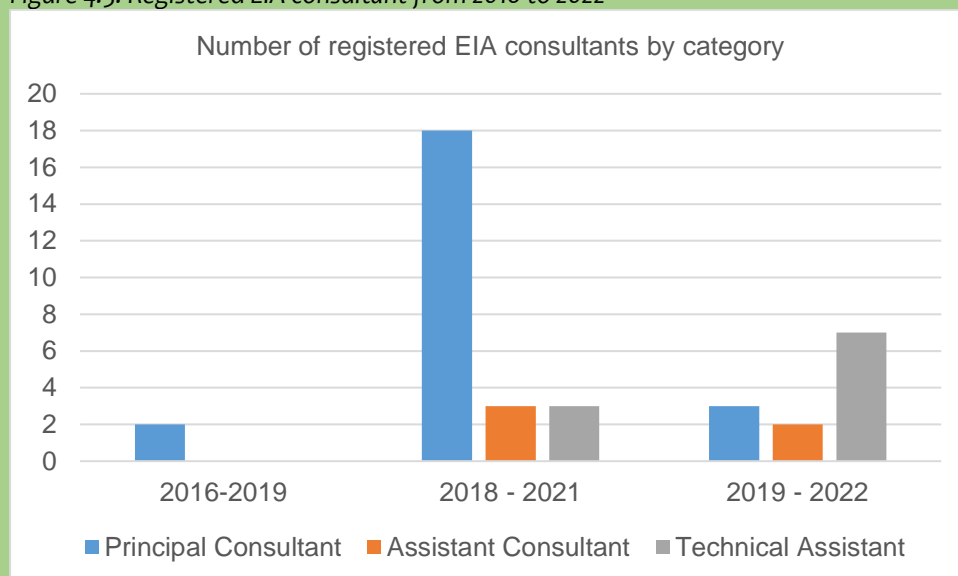
¹¹¹ Environment Management (EIA Process) Regulations 2007, Regulation 24(1)

¹¹² SOP - EIA Review and Decision 2017, Procedure 8.1.5

Evidence and its analysis

The EIA Consultants register provides details such as name, contact, area of expertise and registration period for each consultant. The chart illustrated below shows the number of registered consultant for the three-year period from 2016 to 2022.

Figure 4.5: Registered EIA consultant from 2016 to 2022



(Source: Audit analysis based on the EIA consultant listings)

The EIA Unit records the number of EIA reports received from 2007 to 2019 including the details of project developers, types of development and the consultant that generate the EIA reports.

An analysis of the number of reports received by EIA Unit from 2007 to 2019 is shown below:

Figure 4.6: Number of EIA reports recorded in EIA register



(Source: Audit analysis based on the EIA reports register)

The number of EIA reports received by the EIA Unit from 2007 to 2017 was less than five compared to reports received in 2018 and 2019 which totalled 25 and 47, respectively. While EIA reports were prepared by accredited consultants, we noted instances whereby the EIA reports were prepared by consultants who were not registered with the Department. Details of the EIA consultants that were not registered from the period 2018-2021 but were preparing EIA reports for project development proposal are as follows:

Table 4.2: Detailed list of EIA reports prepared by non-accredited consultants

Types of Development	Project Developer	Date Receiving report	of EIA Consultant	Department's Comments
Proposed Dredging Operation	Developer A	23/08/18	Consultant A	The Fisheries Impact Assessment report by Consultant A was submitted on May 26, 2020. A letter was issued to the developer on July 29, 2020.
Mobile Asphalt Plant	Developer B	02/08/18	Consultant B	Decision was based on the Air quality and Air quality monitoring; volatile organic compounds report submitted to the Department on July 29, 2019
Children's Hospital	Developer C	23/08/19	Consultant C	Department did not comment on this project.
Fisheries Technical Report	Developer D	12/06/19	Consultant D	Department did not comment on this project.
Proposed Construction work	Developer E	19/04/19	Consultant E	Report was prepared by Consultant with the assistance of WAF Officers.
Geotechnical Assessment	Developer G	14/07/07	Consultant G	Department did not comment on this project.
Road projects	Developer H	10/09/19	Consultant H	The EMA and the regulations only make reference to the EIA being prepared by registered consultants under section 24 of EMA

While comments from the Department was noted, there were some cases where no comments have been provided.

Causes

The findings indicate that the internal work process of Environment Officers needs to be strengthened to ensure that the accountability of the work carried out by EIA consultants is maintained.

Effect

Strict monitoring of consultants will result in better service delivery which adds credibility to the whole EIA process.

Good Practice

It is also noted that from August 2020, the Department of Environment was not accepting EIA reports that were prepared by EIA consultant outside of the scope of registration. This was exercised through the issue of decision letter to project developers stating that the EIA report was not approved as the EIA consultant had undertaken the EIA work outside their area of registration that was approved by the Department. Please refer to the table below for details:

Table 4.3: Details of Decision Letters Issued to Project Developers in 2020

Date of issuing decision letter	Reference No	Types of Development
13/08/2020	EIA-C/96/2019	Proposed sand extraction, Tailevu.
12/10/2020	EIA-W/77/2018	Proposed Rural Access Road, Ba.
29/09/2020	EIA-W/53/2018	Proposed poultry farming, Ba.
21/08/2020	EIA-W/115/2019	Proposed aquaculture project, Lautoka.
21/08/2020	EIA-W/66/2019	Proposed gravel extraction, Ba.
12/08/2020	EIA-W/144/2018	Proposed logging operation, Navosa.

(Source: Audit analysis based on the Department's evidence (E29) submitted on 30/10/20)

Recommendation

The Department should ensure that the preparation of EIA reports is undertaken by registered EIA consultants and proper scrutiny is made on unregistered consultants that continue to offer services to the project developers.

Expected Benefits

The preparation of EIA reports by registered EIA consultants makes the report relevant and reliable for effective decision making.

4.2.5 Written Report on the Review of EIA reports

Audit Observation

The review committee for project development proposals is responsible for independently reviewing the reports prepared by EIA consultants. Members of the committee include professionals from specialised fields of study depending on the type of developments being proposed. The Director of Environment appoints members of the-review committee. The core output of the review committee is to prepare a written report after reviewing the EIA report.

However, audit noted that the results of the review of EIA reports by the Committee is prepared in the form of a minute and addressed to Director Environment.

Criteria

Unless the EIA processing application is discontinued under regulation 35, the processing authority must within 35 days of the submission of an EIA report on a proposal produce a written report on the review.¹¹³

The review report must state the decision of the processing authority on the EIA report under section 31(1) of the Act and set out:

- a. If conditions are attached to an approval, the conditions, including any environmental management plan required under regulation 26 and any environmental bond recommended in the report;
- b. If an additional study is recommended, the nature of the study;
- c. If the report is not approved—
 - i. The reasons for non-approval; and
 - ii. Any further action that should be taken in respect of the proposal.¹¹⁴

A review report should in addition set out:

- a. The key issues identified in the EIA report;
- b. The key issues identified in the review;
- c. The standpoints of different interested parties;
- d. The quality and relevance of the EIA process in relation to the proposal;
- e. Recommendations in respect of the EIA report's proposal and any suggested changes to the proposals;
- f. Recommendations for future EIA action on the proposal based on the review.¹¹⁵

The environment register maintained under section 17 of the Act must include information about every review of EIA report under Part 4.¹¹⁶

Evidence and its analysis

The Department of Environment received a total of 82 EIA reports from 2007 – 2019 as per the Department's records. These reports were subject to review by the review committee. The review committee is appointed by the EIA administrator. The processing authority must provide a written report on the review of the EIA reports within 35 days upon receiving the report for a proposed development. It was noted that the review on EIA reports were written in the form of a minute to Director Environment and a standardised reporting format was not used. Please refer to the table below for details.

Table 4.4: Details of the development proposals with written review report

Proposal Number	Project Developer	Project Name	Report received	Cut-off date (35 days)	Review report	Delay in days
EIA-C/61/2018	Developer AA	Development of Wood Preservative facility	12/02/2019	17/03/2019	17/09/2019	184

¹¹³ Environment Management (EIA Process) Regulations 2007, Regulation 31(1)

¹¹⁴ Environment Management (EIA Process) Regulations 2007, Regulation 31(2)

¹¹⁵ Environment Management (EIA Process) Regulations 2007, Regulation 31(4)

¹¹⁶ Environment Management (EIA Process) Regulations 2007, Regulation 41(1)(d)

Proposal Number	Project Developer	Project Name	Report received	Cut-off date (35 days)	Review report	Delay in days
EIA-C/75/2018	Developer BB	Concrete Batching Plant	24/07/2019	28/08/2019	04/10/2019	37
EIA-C/6/2019	Developer CC	River Gravel Extraction	Not recorded	Cannot be established	30/09/2019	Cannot be established
None	Developer DD	Gravel Extraction	16/10/2018	20/11/2018	15/09/2019	300
None	Developer EE	River Gravel Extraction	06/12/2016	10/01/2017	Not provided	Cannot be established

We also noted the following anomalies from the table above:

- I. There were two projects for which proposal numbers were not issued;
- II. Considerable delays were noted in the report for three projects;
- III. No report was received for project proposal number EIA-C/6/2019; and
- IV. The review report was not provided for one project.

Moreover, there was no evidence in the application files of the proposed developments on how the members of the review committee were appointed.

The review report by the committee must be recorded in the register for review of report. Furthermore, it was noted that a register for review of reports was not maintained by the EIA Unit.

Causes

The absence of proper internal control mechanisms within the Department of Environment to ensure that proper documentations are maintained and ensuring that there is adequate trail of information could be a contributing factor for anomalies found regarding the review report process.

Effect

The absence of proper reporting formats and proper documentation for the selection of review committee members, recording of all necessary information regarding the review report process for EIA reports can lead to loss of credibility in the overall process and imply that there is lack of accountability and transparency in the whole process.

Good Practices

The Department has commented that there is a review report template that is used by officers and this is normally accompanied with a minute to the Director.¹¹⁷

¹¹⁷ Matrix for Comments e-mailed by the Department on 30/10/20

Recommendations

The Department should:

1. Ensure that the standard review report template is used and that this is enforced for all future review reports;
2. Ensure that a register for review reports on EIA is maintained;
3. Ensure that all necessary records and information is filed in the respective project files.

Expected benefit

The proper recording of all necessary information regarding the review of EIA reports will enhance the accountability of the Department and also ensure that there is credibility in the whole EIA process.

5.0 POST EIA APPROVAL MONITORING OF CONDITIONS

Regulators have a responsibility to provide assurance to the Fijian community that regulated entities are meeting mandated requirements. A systematic, risk-based programme of compliance assessment activities provides a regulator with a cost-effective approach to monitoring compliance, enabling it to target available resources at the highest priority of regulatory risks and to respond proactively to changing and emerging risks.

Theme 5.1: Assurance responsibility to stakeholders

5.1.1 Compliance Monitoring Framework

Audit Observation

The Environment Management Act 2005 gives powers to the EIA Administrator or a person acting in that capacity to carry out compliance inspection of activities undertaken by project developers after the approval for a proposal has been granted. The Environment Management (EIA Process) Regulation 2007 also gives the power to the Director Environment to issue written guidelines that is deemed appropriate for any other matter in relation to EIA regulations.

We noted that the Department of Environment is yet to develop any monitoring framework for EIA related matters.

Criteria

The permanent secretary of a ministry is responsible to the Minister concerned for the efficient, effective and economical management of the Ministry or any Department under the Ministry.¹¹⁸

In carrying out its functions, the Council may require the Department to carry out the following:

- a. To coordinate the formulation and review of the National Report;
- b. To coordinate the formulation, review and implementation of the National Environment Strategy (including national environment and resource management strategy policies)
- c. To implement and carry out EIA process;
- d. To design and implement policies and programmes on pollution and waste management, abatement and reduction;
- e. To formulate, monitor and enforce environmental standards;
- f. To coordinate conservation and management of natural resources;
- g. To facilitate the establishment of environmental units in Ministries, Departments, Statutory Authorities, local authorities or facilities;
- h. To establish and maintain a register of accredited persons;
- i. To provide technical advice on pollution control and abatement methods;
- j. To implement treaties and conventions on environmental and resource management to which Fiji is a party;
- k. To formulate and review the National Resource Management Plan and the Natural Resource Inventory.¹¹⁹

¹¹⁸ The 2013 Constitution of the Republic of Fiji, s 127(3)

¹¹⁹ Environment Management Act 2005, s11(a)

The Director, with the approval of the Minister, may issue written guidelines setting out:

- a. Criteria to be followed by the EIA Administrator or approving authorities in approving EIA reports;
- b. Procedures for processing development proposals in respect of environmental impact assessment, by approving authorities;
- c. Procedures for undertaking the monitoring of compliance with any conditions of an approval under Part 4;
- d. Any other purpose to give effect to Part 4.¹²⁰

Evidence and its analysis

A risk-based compliance monitoring framework is essential to achieve compliance with EIA approval conditions for project developments that have met entry requirements. It will also ensure that all project developers are operating legally. The key components of a compliance framework are illustrated below:

Figure 5.1: Components of compliance framework

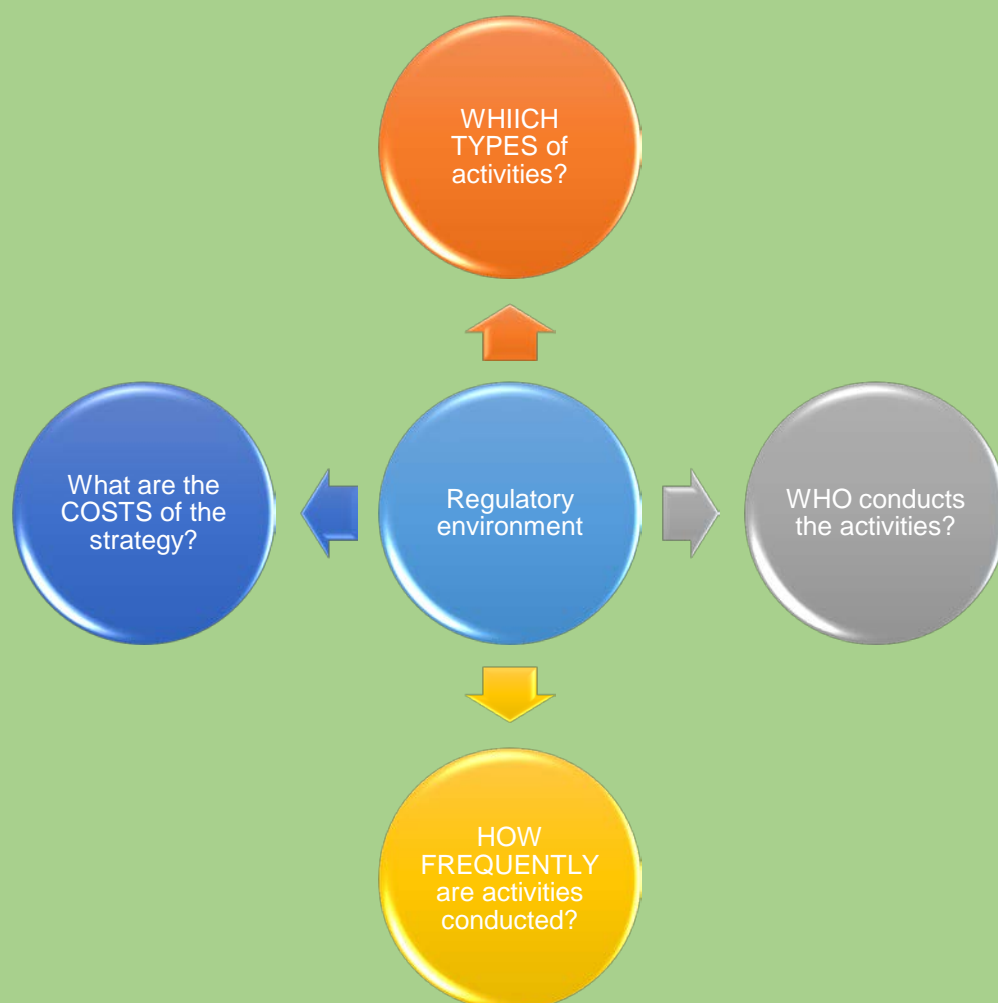


(Source: *Administering Regulation Australia National Audit Office Better Practice Guide*, 2007, p.51)

Developing a monitoring strategy defines the type of activities to be undertaken to confirm compliance, who will undertake the activities, how frequent they will be conducted and how they will be reported. The chief determinants for the strategy's design are the regulatory risks to be mitigated, and the resources that are available to conduct monitoring activities. A regulator should systematically review and regularly update the strategy to ensure that it reflects changing regulatory risks and remains effective. Figure 5.2 below shows the key questions to address in developing and maintaining a monitoring strategy.

¹²⁰ Environment Management Act 2005, s62

Figure 5.2: Key question in developing and maintaining a monitoring strategy



(Source: Administering Regulation Australia National Audit Office Better Practice Guide, 2007, p.52)

The Department of Environment under the Environment Management Act 2005 is required to set up procedures for undertaking the monitoring of compliance with conditions of an approval. The EIA Unit's operational objectives as stated in the Costed Operational Plan (COP) for 2019/2020 is to be a reliable environment regulator by 31 May 2020. The targeted outcome for this objective is the establishment of a compliance and monitoring concept plan.

A review of this plan noted that there is no evidence in place to show that a compliance and monitoring concept plan policy is available to guide compliance inspections. Hence, the planning made by the EIA unit is not achieved in the financial year 2019/2020.

The table below describes the monitoring strategy as per the EIA Unit's Costed Operational Plan 2019/2020.

Table 5.1: Monitoring Strategy by EIA Unit

WHAT	HOW	WHO	TARGET/KPI	WHEN
Operational Objectives (Outcomes)	Planned activities, processes and services		KPI	Timeframe
Outputs				

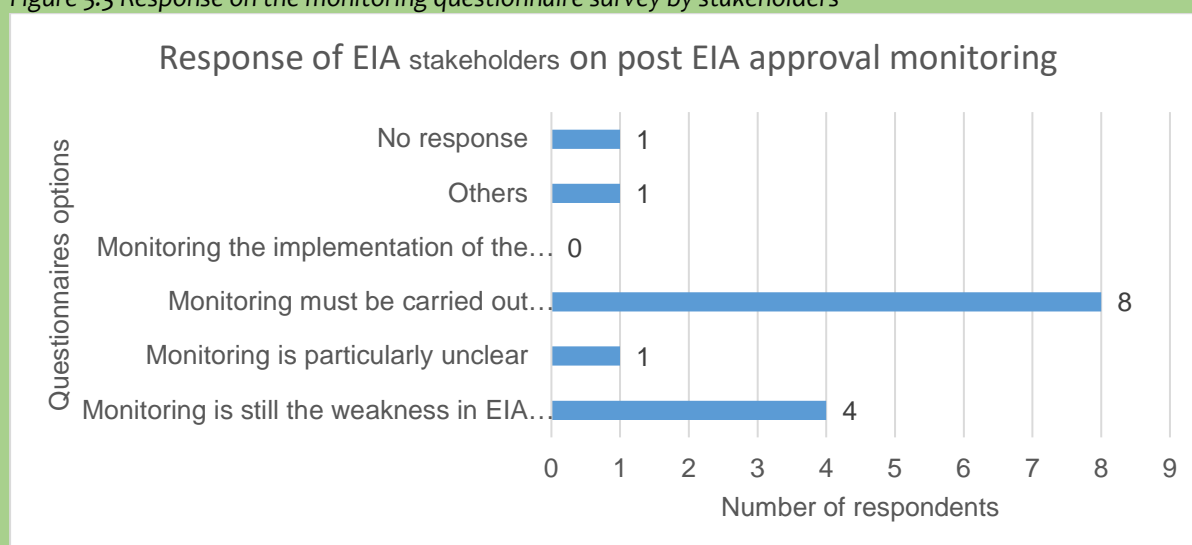
	WHAT	HOW	WHO	TARGET/KPI	WHEN
Reliable Environment Regulator	Provision of timely and high-quality research, policy, and information to meet the specific needs of government and the public	Divisions to carry out monitoring and prepare reports to management for endorsement	PEO EIA	Establish a Compliance and Monitoring Concept Plan Policy	31 May 2020

(Source: Audit analysis based on EIA Unit COP 2019-2020)

It was noted that the identified planned activities do not clearly define the frequency of conducting monitoring and who should conduct compliance monitoring, the level of activity necessary to provide reasonable assurance that the EIA Unit is meeting regulatory requirements and profiling of project types into high, medium and low risk.

We distributed questionnaires to 29 EIA stakeholders on 22 July 2020 to solicit their views on the EIA processes. Refer to **Appendix 5** for details of questionnaires. There were 16 respondents and monitoring of post EIA approval by the Department of Environment was part of the 12 questions issued to EIA stakeholders. From the 16 respondents, 15 responded to the monitoring question. From the 15 respondents, eight had stated that monitoring must be carried out systematically while four respondents stated that monitoring is still a weakness in the EIA process. Refer to Figure 5.3 for details.

Figure 5.3 Response on the monitoring questionnaire survey by stakeholders



(Source: Audit analysis based on the questionnaires survey)

Causes

The irregularity indicates the absence of proper planning and effective monitoring of implementation by management.

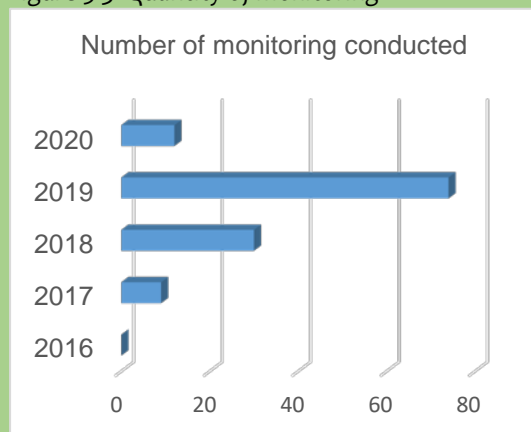
Effects

Ineffective monitoring plans mean that the operational objectives of being a reliable and effective environment regulator will not be achieved.

Good Practices

Data is a key element in supporting the preparation of a monitoring policy. The Department of Environment has recorded the number of monitoring and compliance inspections from 2016 to 2020. Detailed below are the list of inspections conducted by the EIA unit.

Figure 5.3: Quantity of monitoring



The list of monitoring and compliance conducted also includes the inspections that were done as a result of complaints from the public. From the totals, the number of monitoring inspections conducted on complaints received is tabulated below:

Table 5.2: Monitoring Compliance Based on Complaints

2016	2017	2018	2019	2020
0	3	14	13	2

(Source: Audit analysis based on Department's list of inspections 2016-2020)

The Department had stated that inspections are carried out on a regular basis. For sand/gravel extraction companies, compliance inspections are undertaken on an annual basis as a pre requisite to license renewals.¹²¹

Recommendations

The Department should:

1. Develop a risk-based compliance monitoring strategy.
2. Clearly identify the types and frequency of monitoring activities and who will conduct them in line with available resources.
3. Monitoring of activities are scheduled and implemented in accordance with the monitoring strategy.

Expected Benefits

The development of a risk based compliance monitoring strategy will greatly assist the Department in achieving the objective of being a reliable environment regulator.

5.1.2 Compliance Inspection reporting on EIA approval conditions

Audit Observation

The EIA Administrator or the approving authority is required to carry out independent inspection of the site after the EIA approval has been granted to the project developer. Inspection of the site is undertaken by the Department of Environment.

It was noted that the Department of Environment is yet to develop Standard Operating Procedures for the conduct of inspections and for reporting findings in the inspection reports. The findings in

¹²¹ Matrix for Comments e-mailed by the Department on 30/10/20

the inspection report mostly address non-compliance aspects of the approval conditions. In addition, it took the Department more than a year to conduct compliance inspections from the date the EIA proposal applications were granted approval with conditions.

Criteria

After reviewing an EIA report, the EIA Administrator or the approving authority may approve the report with or without conditions.¹²²

If an EIA report is approved under subsection (1), the approval may be subject to the requirement of an environmental cash bond to be deposited into the Fund as a security to cover the probable cost of preventing or mitigating any environmental damage to the area and its surroundings.¹²³

A proponent must prepare and implement any environmental or resource management plan, monitoring programme, protection plan or mitigation measures that is required as a condition of any approved EIA. The EIA Administrator or an approving authority, may conduct any inspection to determine compliance with subsection (1).¹²⁴

After an approval for a proposal has been granted, the EIA Administrator or an approving authority may cause a site or activity to be inspected for the purpose of Section 32(2) of the Act or to ascertain whether there has been any change in the environmental condition of the site or the environmental impact of the activity on the surrounding area.¹²⁵

Regulation 13 applies to compliance inspection as it applies to site inspection for scoping, with necessary modification.¹²⁶

When a compliance inspection report is complete, it must be entered into the register kept under Section 17 of the Act and a copy sent to the proponent.¹²⁷

Evidence and its analysis

The EIA officer prepares inspection reports on a case by case basis. The purpose of the inspection is to ascertain whether there has been any change in the environmental condition of the site or the environmental impact of the activity on the surrounding area. Reporting should determine the compliance level of the project developer as per the conditions of the EIA approval issued by Department of Environment, environment management plan or mitigation measures. The findings and recommendation from inspection reports are presented to the management of the Department of Environment for decision.

Review of the inspection reports against the approval conditions during the audit noted that the inspection reports did not clearly provide an update of all the conditions as per the approval. It mostly reflects the non-compliance to approval conditions and there is no feedback or other confirmations on the complaints regarding the subject site.

¹²² Environment Management Act 2005, s31(1)(a)

¹²³ Environment Management Act 2005, s31(2)

¹²⁴ Environment Management Act 2005, s32

¹²⁵ Environment Management (EIA Process) Regulations 2007, Regulation 34(1)

¹²⁶ Environment Management (EIA Process) Regulations 2007, Regulation 34(2)

¹²⁷ Environment Management (EIA Process) Regulations 2007, Regulation 34(6)(b)

Examples are provided in the table 5.3 below:

Table 5.3: Examples of projects that have reports on non-compliance only.

Project Development	Approved Date	Inspection Date	Number of Approval conditions	Reporting of approval conditions as per Inspection reports	Number of approval conditions not reported
Development A	24/12/2018	31/01/2019	55	Environment Compliance Inspections findings report on the following conditions only <ul style="list-style-type: none"> • EIA Approval condition 2 • EIA Approval condition 4 • EIA Approval condition 6 • EIA Approval condition 7 • EIA Approval condition 9 • EIA Approval condition 10 • EIA Approval condition 22 • EIA Approval condition 23 • EIA Approval condition 24 • EIA Approval condition 25 • EIA Approval condition 29 • EIA Approval condition 32 • EIA Approval condition 34 • EIA Approval condition 35 • EIA Approval condition 44 • EIA Approval condition 45 • EIA Approval condition 47 • EIA Approval condition 49 • EIA Approval condition 54 • EIA Approval condition 55 	35 Approval conditions were not part of the compliance inspection reports.
Development B	16/12/2015	14/06/2019	23	<ul style="list-style-type: none"> • EIA Approval condition 12 • EIA Approval condition 15 	19 (Other anomalies include vague reporting by

Project Development	Approved Date	Inspection Date	Number of Approval conditions	Reporting of approval conditions as per Inspection reports	Number of approval conditions not reported
				<ul style="list-style-type: none"> EIA Approval condition 21 EIA Approval condition 22 Issues on the silt pond Water piping update Issues the gravel extraction point Issues on diesel spills License has been issued to Company on March, 5 2018 Total volume extracted from the 7 pits is 17,616m² for the licensed year arch 2018-March 2019 (sighted a tally in tabulated form) Water quality report is appended to the compliance request. 	not making reference to EIA approval condition number)
Development C	30/03/2011	12/01/2017	12 (as per Memorandum) 16 (as per OEMP)	Inspection report does not clearly define the issue raised and in reference to which approval conditions.	Cannot be established as this is not clearly defined in the inspection report in order to determine the number of approval conditions not reported.

As discussed in the earlier section, survey questionnaires were sent to 29 EIA stakeholders on 22 July 2020 to solicit their views on the EIA process. There were 16 respondents, and the monitoring of post EIA approvals by the Department of Environment was part of the 12 questions issued to EIA stakeholders. From the 16 respondents, 15 responded to the monitoring question in which eight had stated that monitoring must be carried out systematically and that measuring of real impact must be set out in the assessment report.

We also noted that the compliance inspection was undertaken after a considerable amount of time, which was more than one year after the initial approval was granted.

Causes

The Department had stated that the reason for not undertaking regular inspections is because inspections are only undertaken for EIA approved developments or when complaints are received.¹²⁸

Effects

The Department had not been reporting comprehensively, that is, to include the approval conditions that had been complied within addition to the non-compliance, in order to give a more holistic picture of the compliance inspections.

Good Practices

The Department's response to the audit finding states that compliance inspections are undertaken in line with the requirements under Regulation 34 of the Environment Management (EIA Process) 2007. Following site compliance inspections, if companies have been compliant with their EIA approval conditions, they are issued with compliance letters. Companies that are not compliant are issued with non-compliance letters. The audit was provided with letters that were issued to project developers in September 2020.

The Department is assisted by Environment Units in other Ministries and Departments in monitoring the EIA approved developments. The Department had established MOU's with other organisations such as the Fiji Police Force and Fiji Revenue and Customs Service to assist in enforcement and monitoring.¹²⁹

Recommendations

The Department should:

1. Improve on compliance inspections;
2. Strengthen the provisions of the compliance and monitoring policy to ensure consistency in the inspection and reporting processes; and
3. Ensure monitoring and reporting for the inspection of development proposals include compliance with the approval conditions issued by Director Environment.

Expected Benefits

Effective monitoring results in a successful project development sustainably preserving the environment for future generations.

¹²⁸ Matrix for Comments e-mailed by the Department on 30/10/20

¹²⁹ Matrix for Comments e-mailed by the Department on 30/10/20

6.0 Appendices

Appendix 1: Key Substantive Provisions Governing EIA

Provisions in the Environment Management Act 2005	Implementation		Audit Evaluation
	Yes	No	
Section 27 (1) An approving authority must -			This provision has been detailed further in the Environment Impact Assessment (EIA) Guidelines 2008, EIA screening procedures, and the following:
a. Examine every development proposal received by it; and	✓		"Application for screening of a proposal" under Regulation 4 of the Environment Management (EIA Process) Regulations 2007.
b. Determine whether the activity or undertaking in the development proposal is likely to cause significant environmental or resource management impact	✓		"Screening decision" under Regulation 7 of the Environment Management (EIA Process) Regulations 2007.
Section 27(2) In examining a development proposal, the approving authority must take into account -			This has been further simplified in the Environment Impact Assessment (EIA) Guidelines 2008; EIA screening procedures, including the EIA Screening Matrix which assesses whether the proposal would cause significant damage; and the following:
a. The nature and scope of the activity or undertaking in the proposed development;	✓		"Application for screening of a proposal" under Regulation 4(3) of the Environment Management (EIA Process) Regulations 2007.
b. The significance of any environmental or resource management impact;	✓		"Application for screening of a proposal" under Regulation 4(3) (e) of the Environment Management (EIA Process) Regulations 2007.
c. whether there exist any technically or economically feasible measures that would prevent or mitigate any adverse environmental or resource management impact; or	✓		"Application for screening of a proposal" under Regulation 4(3) (f) of the Environment Management (EIA Process Regulations) 2007.
d. any public concern relating to the activity or undertaking.	✓		"Application for screening of a proposal" under Regulation 4(3) (g) and (h) of the Environment Management (EIA Process) Regulations 2007.
Section 27((3) Any determination under subsection (1) must be submitted as soon as practicable to the EIA Administrator.	✓		"Screening decision" under Regulation 7 of the Environment Management (EIA Process Regulations) 2007.
Section 27(4) If the approving authority determines that the activity or undertaking will cause a significant environmental or resource management impact, the development proposal must be subject to the EIA process and the approving authority must-	✓		"Application for EIA screening of proposal" under Regulation 6 – 8 of the Environment Management (EIA Process Regulations) 2007, Environment Impact Assessment (EIA) Guidelines 2008 and EIA processing procedures.
a. for a proposal set out in Part 1 of Schedule 2, send it to the Department for processing by the EIA Administrator	✓		Procedures has been simplified further as "Classification of proposals" under Regulation 8 of the Environment Management (EIA Process Regulations) 2007, Environment Impact

Provisions in the Environment Management Act 2005	Implementation		Audit Evaluation
	Yes	No	
			Assessment (EIA) Guidelines 2008 and EIA screening procedures.
b. for a proposal set out in Part 2 of the Schedule 2, process the proposal; or		✓	The Act spells out that a proposal is to be made by the approving authority (such as the Department of Lands or a municipal council). However the actual implementation of this provision is done by the Department of Environment in some instances.
c. for a proposal set out in Part 3 of Schedule 2, send it to the EIA Administrator to determine whether an EIA is required.	✓		This has been simplified further as "Classification of proposals" under Regulation 8 of the Environment Management (EIA Process) Regulations 2007, Environment Impact Assessment (EIA) Guidelines 2008 and EIA screening procedures.
Section 27(5) If a development proposal is subject to the EIA process, the approving authority must not approve the proposal or exercise any power, duty, function and responsibility that will permit the activity or undertaking to be carried out unless the EIA report has been approved.	✓		The implementation of this provision varies project wise. EIA can either be a prerequisite for development approval or a condition for their provisional approval.
Section 27(6) A Ministry, Department, Statutory Authority or Local Authority that make its own proposal for development activity or undertaking must refer the proposal to the EIA Administrator for processing under this Part.	✓		This has been simplified further as "Ministry etc as a proponent" under Regulation 5 of the Environment Management (EIA Process) Regulations 2007, Environment Impact Assessment (EIA) Guidelines 2008 and EIA screening procedures.
Section 27(7) An approving authority must send a copy of the assessed EIA report to the EIA Administrator as soon as it has reviewed the report, with the results of the review.	✓		This has been simplified as "Review report and decision" under Regulation 31 of the Environment Management (EIA Process) Regulations 2007, Environment Impact Assessment (EIA) Guidelines 2008 and EIA screening procedures.
Section 27(8) If the EIA Administrator has reason to believe that there is a public concern relating to the development proposal, the EIA Administrator may require the approving authority to submit the EIA report for consideration to take into account the public concern.	✓		This is done through the screening of EIA applications. The Department of Environment determines the need for an EIA.
Section 28: Environment Impact Assessment Process Section 28 (1) The Environmental Impact Assessment Process for a development proposal must be undertaken as follows- a) Screening in accordance with this part b) Scoping in accordance with this part c) Preparation of an assessment EIA report under this Part d) Reviewing the report under this part e) Decision on the report under this part; and	✓		This has been simplified as "Part 2 – Screening, Part 3 – EIA Processing, Part 4 – EIA study and report and Part 5 – Miscellaneous" under the Environment Management (EIA Process) Regulations 2007

Provisions in the Environment Management Act 2005	Implementation		Audit Evaluation
	Yes	No	
f) In accordance with any other prescribed procedures			
Section 28 (2) Scoping of a development proposal must be done within 30 days from the date the proposal is received by the EIA Administrator or the approving authority.	✓		This is implemented under Regulation 12 to 21 of the Environment Management (EIA Process) Regulations 2007
Section 28(3) Any terms of reference for the EIA study may, in accordance with the prescribed procedures, be prepared by the EIA Administrator, approving authority or consultant.	✓		This is implemented under regulation 19 to 21 of the Environment Management (EIA Process) Regulations 2007
Section 28(4) The EIA report must be prepared by an accredited consultant at the proponents cost.	✓		This is implemented under regulation 22(3), 23 and 24 of the Environment Management (EIA Process) Regulations 2007
Section 28(5) If an approving authority is involved in the preparation of an EIA report, the review and approval of EIA must be undertaken by the EIA Administrator or consultant.	✓		This is implemented under regulation 5 of the Environment Management (EIA Process) Regulations 2007
Section 29 Contents of EIA Reports	✓		This is implemented as "Contents of the EIA report" under Regulation 25 of the Environment Management (EIA Process) Regulations 2007.
Section 29(1) An EIA report must be prepared in accordance with the terms of reference produced under section 28(3)			
Section 29(2) The contents of the EIA report must include matters required by the terms of reference, mitigation measures and any other prescribed matter.	✓		This is implemented as "Contents of the EIA report" under Regulation 25 of the Environment Management (EIA Process) Regulations 2007.
Section 30: Reviewing EIA reports	✓		This is implemented as "Procedure for review of an EIA report" under Regulation 29 of the Environment Management (EIA Process) Regulations 2007.
Section 30 (1) An EIA report must be reviewed-			
(a) By a review committee appointed by the EIA Administrator or the approving authority; or			
(b) Independently by a consultant appointed by the EIA Administrator	✓		This is implemented as "Procedure for review of an EIA report" under Regulation 29(2) of the Environment Management (EIA Process) Regulations 2007.
Section 30(2) When an EIA report is reviewed, the proponent may be required to invite public comments on the report at the proponents' cost, in the manner prescribe by regulations.	✓		This is implemented as "Review meetings" under Regulation 30 of the Environment Management (EIA Process) Regulations 2007.
Section 30 (3) A member of the public may inspect and view an EIA report within 21 days after it is submitted to the EIA Administrator or the approving authority	✓		This is implemented under Regulation 28 & 30(5) of the Environment Management (EIA Process) Regulations 2007.
Section 30(4) A decision on an EIA report must be made within 14 days after the period in subsection (3) expires.	✓		This is implemented as "Review report and decision" under Regulation 31(1) of the Environment Management (EIA Process) Regulations 2007.

Provisions in the Environment Management Act 2005	Implementation		Audit Evaluation
	Yes	No	
Section 30(5) The EIA Administrator or the approving authority may, for the purpose of reviewing an EIA report-	✓		This is implemented as "Procedure for review of an EIA Report" under Regulation 29(6) of the Environment Management (EIA Process) Regulations 2007.
(a) request any ministry, department, statutory authority, local authority, proponent or other person to submit comments in writing on the report;	✓		
(b) request copies of any other report, study or document mentioned in the EIA report for the purpose of review;	✓		
(c) set up a technical advisory committee to provide advice on any matter contained in an EIA report;	✓		
(d) require a proponent to carry out any further study or to submit additional document or information for the purpose of ensuring that the report is accurate.	✓		
Section 31: Approval of EIA reports	✓		This is implemented as "Review report and decision" under Regulation 31 of the Environment Management (EIA Process) Regulations 2007.
Section 31(1) After reviewing an EIA report, the EIA Administrator or the approving authority may-			
(a) approve the report with or without conditions; (b) recommend any additional study on the report; or (c) not approve the report			
Section 31 (2) If an EIA report is provided under subsection (1), the approval may be subject to the requirement of an environmental cash bond to be deposited into the fund as a security to cover the probable cost of preventing or mitigating any environmental damage to the area and its surroundings.			This is implemented as Regulation 48 – Appeals of the Environment Management (EIA Process) Regulations 2007
Section 31 (3) If the EIA Administrator or the approving authority reviews an EIA report, the EIA Administrator or the approving authority must within 7 days from the date of decision on the report notify the proponent of the decision.			
Section 31 (4) A person who disagree with a decision of the EIA Administrator or approving authority under subsection (1) may, within 21 days from the date of the decision, appeal to the Environment Tribunal.	✓		
Section 31 (5) An approved EIA is only valid for the specific activity or undertaking in the development proposal for which it was approved, and the approved EIA must not be transferred or used for any other purpose other than the purpose for which it was approved.	✓		This is implemented as Regulation 37 Identity of corporate body of the Environment Management (EIA Process) Regulations 2007

Provisions in the Environment Management Act 2005	Implementation		Audit Evaluation
	Yes	No	
Section 32: Environmental management and monitoring Section 32(1) A proponent must prepare and implement any environmental or resource management plan, monitoring programme, and protection plan or mitigation measure that is required as a condition of any approved EIA.	✓		This is implemented as Regulation 34 – Compliance Inspection and Regulation 26 - Environment management plan of the Environment Management (EIA Process) Regulations 2007.
Section 32(2) The EIA Administrator or an approving authority, may conduct an inspection to determine compliance with subsection (1)	✓		This is implemented as “Compliance Inspection” under Regulation 34 of the Environment Management (EIA Process) Regulations 2007.
Section 33: Development proposals that are subject to an EIA Section 33(1) The EIA Administrator has the power to process the development proposal set out in Part 1 of Schedule 2.	✓		This is implemented as “Role of the EIA Administrator” under Regulation 9 of the Environment Management (EIA Process) Regulations 2007.
Section 33(2) An approving authority has the power to process the development proposal set out in Part 2 of Schedule 2.	✓		
Section 33(3) A development proposal set out in Part 3 of Schedule 2 does not require any EIA subject to section 27(4)(c)	✓		
Section 34: Public Hearing Section 34(1) When the preparation of an EIA assessment is completed, a public hearing must be conducted by the proponent within the vicinity of the area of the proposed development.	✓		This is implemented as “Review meetings” under Regulation 30 of the Environment Management (EIA Process) Regulations 2007.
Section 34(2) Where the government is the proponent, the ministry responsible for the development must establish a committee to be responsible for undertaking consultations with all interested parties.	✓		

Appendix 2: Stakeholder Analysis

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
Ministry of Forests	<p>Responsible for promoting the sustainable use of Fiji's forestry resources.¹³²</p> <p>The Ministry is a regulatory and service organisation responsible for the national forestry sector through carrying out the following functions:</p> <ul style="list-style-type: none"> • Formulate and implement forest strategies and policies • Provide and administer the regulatory function under the Ministry's respective legislation and regulations; • Monitor and evaluate current strategies, policies and deliverables; • Develop and promote effective training, communication and awareness and extension advisory services. • Strengthen community and industry networks and support infrastructure; • Maintain international bilateral and multilateral commitments and • Undertake applied research for sustainable forest management practices and product development.¹³³ 	The Ministry of Forestry has the power to issue timber licenses under the <i>Forest Act 1992</i> .	++	Medium	In order to obtain timber licenses, the applicant must obtain EIA approval from Department of Environment.

¹³⁰ Show if the stakeholder is highly interested (++), interested (+), and neutral (0), against (-), highly against (--)

¹³¹ Level of importance of the stakeholder for the audit (high, medium, low)

¹³² The Fijian Government 2019-2020 Budget Highlights, p.89

¹³³ Ministry of Forestry Strategic Development Plan 2017 – 2030, p.5

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
Ministry of Local Government (Department of Town & Country Planning (Town Councils, City councils and rural local authorities))	<p>The Department of Town and Country Planning, as part of the Ministry for Local Government has a responsibility for executing the Town Planning Act 1946 and Subdivision of Land Act 1937.</p> <p>This includes strategic and statutory planning and managing in conjunction with local authorities the approval of subdivision, development and building applications across Fiji.</p> <p><u>Duties of the Department</u></p> <p>The Director of Town & Country Planning is responsible for the overall administration, control and use of land in Fiji. The relevant Acts under which the Director operates are <i>the Town Planning Act (1946)</i> and <i>the Subdivision of Land Act (1937)</i>.</p> <p>The Director's main functions are:</p> <ul style="list-style-type: none"> ▪ To prepare and review Town Planning Schemes at the request of municipal councils. ▪ To approve Planning Schemes and their amendments and decide rezoning applications from rural town planning areas. ▪ To decide conditional developments and relaxation on development requirements in approved Town Planning Scheme areas. ▪ To decide on development applications in Town Planning Areas which do not have approved Planning Schemes. 	Town Councils, City Councils and rural local authorities are authorised to grant planning permission for development within the <i>Town Planning Act 1946</i> .	++	Medium	The Department of Town and Country Planning is an active approving authority that works in collaboration with the Department of Environment.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<ul style="list-style-type: none"> ▪ To decide applications on subdivision of land. ▪ To offer physical planning advice to the Minister, Permanent Secretary, major land development stakeholders, land and building development consultants.¹³⁴ 				
Ministry of Lands and Mineral Resources	<p>The Ministry's vision is as follows:</p> <p>Engage in "Vibrant, Equitable, Dynamic and Efficient Management of our Land and Minerals for a Sustainable Environment and Economic Future for the benefit of the People of Fiji".</p> <p>The Department of Lands has six major functions:</p> <p>1. Surveying Division</p> <p>Survey Services and Equipment Calibration, Ensuring Compliance of Survey Practice, Standards & Regulations, Approval of all Surveys Plans in Accordance with Surveyors Act, Establishment / Maintenance of Geodetic Control Network, Management of the Surveyors Registration Board.</p> <p>2. Valuation Division</p> <p>Assessments of Property Rates for Towns and Cities, Periodic Reassessments of Rents on State Land, Verification of Rents on Natives Leases to State, Acquisitions of Land</p>	<p>The Department of Lands has the power to issue leases and licenses for development activities on public land (including foreshore development) under the <i>Crown Lands Act 1946</i>.</p> <p>The Department of Mineral Resources has the power to issue mineral exploration and mining licenses under the <i>Mining Act 1965</i>.</p>	++	Medium	The Minerals and Resources Department has an Environment Division.

¹³⁴ Department of Town & Country Planning website, 2015.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>Required for Public Purposes, Compilation and Analysis of Property Market Information.</p> <p>3. State Land Administration/Management</p> <p>Processing of all State Land Lease Applications and Preparation/Registration of Lease Documents, Granting Consents to Dealings, Processing of Renewals and Variations, Monitoring of Breaches of State lease Conditions.</p> <p>4. Land Use Division</p> <p>Identification of Idle Land, Consents, Designation, Valuation, Survey and Leasing ensuring Best/Maximum Utilisation, Equitable Returns to Resource Owners and Tenure Security for Sustainability.</p> <p>5. Geospatial Division</p> <p>Development/Maintenance & Distribution of Geospatial Information, Aerial Photography and Photogrammetry, Development/Maintenance of Fiji Land Information Databases, Cartography, Plan Assessment, Statutory Research, Geographical Information Systems, Information Technology and Map Shop Customer Services.</p> <p>Department of Mineral Resources</p> <p>The Mineral Resources Department consists of the following divisions:</p> <p>1.Geological Services 2.Geological Survey</p>				

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	3.Environment 4.Mines 5.Geoscience Information 6.Corporate Services Role of the Department <ul style="list-style-type: none"> • To oversee the development of groundwater resources in Fiji (groundwater assessment & borehole drilling), and chemical and microbiological analysis of groundwater quality for safe consumption as well as mine and quarry effluent discharge. • To provide geological hazard information and technical services to the public. Such responsibility includes the critical role of Seismic monitoring of earthquakes and issuance warning in the case a tsunami is generated. The Division also contributes to Geo-hazard assessment through geotechnical test-hole drilling.¹³⁵ 				
iTaukei (Native) Land Trust Board	<p>The iTaukei Land Trust Board (formerly known as the Native Land Trust Board) is a statutory trust that was established in 1940 to control and administer iTaukei land on behalf of indigenous owners, whether it is a <i>Yavusa</i>, <i>Mataqali</i> or <i>Tokatoka</i>.</p> <p>It is also a body corporate that deals with itaukei land by way of leases and licenses issued over such land. It is the largest land provider, and provider of land management services in Fiji. It facilitates access to land and</p>	The iTaukei (Native) Land Trust Board has the power to issue leases and licenses for development activities on native land under the <i>iTaukei Land Trust Act 1940</i> .	++	Medium	

¹³⁵ Ministry of Lands and Mineral Resources website.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>land-based resources for social and economic development. Its purpose is to secure, protect and manage land ownership rights assigned to the iTaukei landowners and to facilitate the commercial transactions that revolve around its use.</p> <p>The Board's mandate and trusteeship duty is stipulated in <i>Section 4</i> of the <i>iTaukei Land Trust Act</i>, which provides that:</p> <p><i>"The control of all itaukei lands shall be vested in the Board and all such lands shall be administered by the Board for the benefit of the iTaukei owners"</i></p> <p>The Boards core roles are as follows:</p> <ol style="list-style-type: none"> 1. To control and manage iTaukei land by way of leases and licences; 2. To collect and distribute premiums and rent derived from leased land; 3. To ensure that sufficient land is "reserved" for the use, maintenance and support of its owners; 4. To control and manage land belonging to extinct mataqali and; 5. To monitor compliance with lease and licence conditions.¹³⁶ 				

¹³⁶ TLTB website, 2018.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest of Priority for the audit ¹³¹ (++, +, 0, -, --) ¹³⁰	Comments	
Ministry of Fisheries	<p>The Ministry of Fisheries is a regulatory and service organisation responsible for national fisheries management through execution of the following functions:</p> <ul style="list-style-type: none">• Formulate, align, review and implement policies, strategies, plans, programs and projects• Provide and administer regulatory functions under the respective departments, legislations and regulations• Monitor and evaluate the current strategies policies and deliverables• Develop and promote effective training, communication and awareness and extension advisory services• Strengthened community and industry networks and support infrastructure• Maintain international bilateral and multilateral commitments• Undertake applied research for sustainable fisheries resource management practices and product development.¹³⁷	<p>The Ministry of Fisheries has a sub output of enhanced resource assessment and management of inshore and inland resources.</p> <p>Under this sub output, the Ministry plans to develop a Fisheries Environmental Impact Assessment (FEIA) framework.</p> <p>This involves the number of FEIA undertaken, and reports, as well as survey findings accepted by relevant stakeholders.</p>	+	Medium	
Ministry of Health	<ul style="list-style-type: none">• The core function of the Ministry of Health and Medical Services is to provide high quality healthcare through capable governance and systems to the people of Fiji. The Ministry is committed to improving primary, secondary and tertiary healthcare.• The Ministry of Health and Medical Services commits to ensuring accessible, equitable and	<p>The Ministry of Health and Medical Services is also part of the review committee meetings, in case the proposed projects involves health related issues. For example, a cement factory that will likely give rise to health problems, or a proposed sewerage treatment plant that will also be likely to cause health issues.</p>	++	Medium	No comment provided by the Department of Environment.

¹³⁷ Ministry of Fisheries, Annual Corporate Plan 2017/2018.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>affordable health services to all citizens of Fiji without discrimination.¹³⁸</p> <ul style="list-style-type: none"> Previously, when the Ministry was under a local authority, it was one of the key approving authorities, processing building applications before they were forwarded to the Department of Town and Country Planning. All building applications undergo inspections by Health Inspectors hired by municipal councils. 	In previous years, the Ministry of Health and Medical Services was one of the key stakeholders as they also performed the role of an approving authority.			
Ministry of Waterways and Environment	<p>The Ministry of Waterways and Environment was recently established by Government to address the growing threat that flooding poses to Fijian communities, a threat that is predicted to worsen due to the effects of climate change. The Ministry is responsible for the maintenance of drainage systems and management of waterways in Fiji, including creeks, tributaries and rivers.</p> <p>The Ministry's mandate covers urban and rural communities. In its work to improve storm water management, mitigate flooding and improve irrigation, the Ministry will incorporate aspects of hydrological forecasting, drainage surveillance and realignment, waterways dredging and river embankment management.</p>	The Ministry assists in EIA processing, and is part of the review committee for any dredging project and coastal protection work.	++	High	<p>The Ministry is a multi-disciplined engineering organisation that provides a wide range of services from drainage, irrigation, river improvement, river dredging, watershed management and coastal erosion management.</p> <p>The Ministries' technical expertise has expanded to disaster risk management and resilience to the challenges of climate change and its variability.</p>

¹³⁸ Ministry of Health and Medical Service, Annual Corporate Plan, 2017/2018.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	The Ministry provides technical advice to the Department of Environment for the dredging of rivers and streams, and coastal protection work. The Ministry can assist in processing and also has projects that are undergoing EIA, as the EIA process also applies to government projects. Accordingly, for any dredging project, the Ministry of Waterways is part of the review committee meeting to provide technical advice.				
Ministry of Economy	<p>The primary role of the Ministry of Economy is to support the Government in the efficient and effective management of the national economy consistent with the sustainable achievement of the Government's vision for the nation. To achieve this, the Ministry will ensure that prudent fiscal policies and practices are in place in order to strengthen financial and macro-economic stability. The Ministry will continue in its efforts to spearhead the financial management reform that will help government improve the delivery of public goods and services, thereby contributing to economic growth and improving the living standards of the people of Fiji.</p> <p>In fulfilling its role, the Ministry has assumed responsibility for providing Government with:</p> <ul style="list-style-type: none"> • Sound economic and financial forecasting, advisory and analytical services; • Budget Management services; 	The representatives from the Ministry of Economy are not required to sit in the review committee, although it is the main project developer of the Nadi Flood Rehabilitation Project.	0	Low	The Ministry is not part of the Review Committee.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<ul style="list-style-type: none"> Accounting services; Oversight of the tax collection function exercised by the Fiji Revenue and Customs Services (FRCS); Financial asset and Debt Management services; Oversight of and key responsibility for the implementation of Government-wide financial management reform; Electronic networking of Government agencies and information technology support services through the ITC; Facilitation of maintenance and upgrading of road works in Government; Facilitation of procurement process for whole of Government. <p>Other Responsibilities</p> <p>The other major output of the Ministry is Revenue Administration under which the Fiji Revenue & Customs Services (FRCS) is the official tax collection agency for the State.</p> <p>The Ministry of Economy has projects that are subject to EIA. A major project is the Nadi Flood Rehabilitation Project in which the Department of Environment liaises constantly with the Ministry. Although the Ministry of Economy is a principle developer, its</p>				

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest of Priority for the audit ¹³¹ (++, +, 0, -, --) ¹³⁰	Comments	
	representatives are not required to sit in the review committee.				
Maritime Safety Authority Fiji (MSAF)	<p>The Maritime Safety Authority of Fiji (MSAF) operates to achieve the following;</p> <ol style="list-style-type: none">1. Establish and maintain an effective regulatory framework including strategies for enforcement,2. Ensure industry compliance with regulatory requirements,3. Discharge State's obligations to IMO,4. To have industry fully implement self-management of safety by implementing safety management systems,5. Conclude associated transition matters on completion of divestiture of non-core assets and management of remaining assets,6. Encourage high standards of maritime safety and security through education and regular consultation with industry,7. Maintain a competent and motivated workforce and establish a performance assessment system that encourages productivity,8. Ensure continuous improvement to MSAF's internal systems, and maintain ISO certification,	<p>The MSAF is part of the EIA process for bio-fouling applications, where it is part of the review committee, and provides technical guidance to the Department of Environment on this issue.</p>	++	Medium	

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>9. Support Fiji as necessary on regional maritime matters and regulatory issues,</p> <p>10. Provide maritime related advice to the Minister responsible for Transport,</p> <p>11. Ensure MSAF has capacity to meet the demands created by the industry growth</p> <p>MSAF is part of the Department of Environment's review committee and provides technical advice to the Department. An issue related to shipping vessels is bio fouling activity. Bio fouling is the accumulation of micro-organisms, plants, algae, or small animals on wet surfaces that have a mechanical function, causing structural or other functional deficiencies. There are many risks associated with this as foreign species or organisms attached to ships can be disposed onto our shores if these ships are washed. Usually if this is done, it has to go through the EIA process. The Department is working with the Biosecurity Authority of Fiji and MSAF on this process, in seeking technical advice.</p>				
Ministry of iTaukei Affairs	<p>The Ministry of iTaukei Affairs (MTA) is responsible for developing, implementing and monitoring government programs focused on the governance and wellbeing of the iTaukei people.</p> <p>The Ministry provides a direct link between Government, iTaukei institutions and its administration across the fourteen provinces.</p>	The Ministry of iTaukei Affairs is part of the EIA process and review.	++	High	In order to proceed with any development on i-Taukei grounds, it is crucial that permission is granted from the land owners. The land pppowners are closely linked to their natural resources and by using the EIA as a tool it

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>Through its various institutes, it is the custodian of official records relating to iTaukei land, fishing grounds, headship titles, traditional knowledge and expressions of culture. It is mandated to deal with dispute resolution over land, fishing grounds, chiefly and traditional headship titles. It safeguards and preserves language and culture through advocacy programs. The Ministry also administers the Centre for Appropriate Technology and Development¹³⁹</p> <p>The Department of Environment liaises with the provincial offices for any applications concerning iTaukei village development.</p> <p>For any public consultations on EIA in rural areas, the Department of Environment and the Ministry of iTaukei Affairs collaborate to assist each other in these activities. The Department of Environment facilitates the meetings and is in attendance during the course of these public consultations.</p>				could help developers ensure that these natural resources that hold high importance to the land owners are not damaged.
Fiji Roads Authority	<p>Some of the environmental considerations that FRA takes into account when deciding future work priorities and how Fiji's roads should be maintained or improved include:</p> <ul style="list-style-type: none"> The quality of the storm water from roads that discharge into nearby coastal or other natural water. The extent to which the particular road adversely impacts the quality of 	FRA is involved in the process and review of EIA. For projects with locations in close vicinity to FRA infrastructure, such as the construction of a water depot which is close to a FRA bridge or road, the FRA has certain restrictions. In those cases, the Department of	++	Medium	The EIA helps FRA to effectively, efficiently and sustainably provide an environmentally friendly land transport network to which people are able to gain easy access and travel on safely, efficiently and comfortably to their destinations.

¹³⁹ Ministry of iTaukei Affairs website, 2017.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>life of the community or commercial area that it passes through.</p> <ul style="list-style-type: none"> The environmental degradation that can occur when new roads are built, or existing roads are upgraded both during construction and after completion. <p>Thus, FRA seeks to safeguard the environment from its operations by:</p> <ul style="list-style-type: none"> Raising industry knowledge and promoting sound environmental management values. Applying appropriate measures to protect the environment through risk management. Adhering to standards in environmental management around road construction and maintenance to meet international best-practice. <p>FRA includes Environmental Standards in both their design and construction contract documents.</p> <p>The NASRUP project (Suva & Nadi roads) were constructed after having successfully completed EIA's with the Department of Environment¹⁴⁰.</p>	<p>Environment invites FRA to be part of the review and EIA.</p> <p>Another example is for gravel extraction. If the proposed site of the gravel extraction is close to a bridge, the FRA will issue certain restrictions for activity close to or under the bridge, as it might cause posts to weaken and result in the collapse of the bridge .</p> <p>In such cases the Department of Environment invites FRA to sit in the review committee to provide their conditions which forms the basis of the EIA clearance.</p>			

¹⁴⁰ <http://www.fijiroads.org/fiji-roads-authority-promoting-environmental-values/>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
Water Authority Fiji	<p>The Water Authority of Fiji (WAF) was established by the Government of Fiji to provide efficient and effective water and wastewater services, in an environmentally sound and sustainable manner.</p> <p>WAF is responsible for providing access to quality drinking water and waste water services to over 144,000 residential and non-residential metered customers residing largely in urban areas, and also setting up water supply systems in rural schemes, reaching over 700,000 people nationwide¹⁴¹.</p>	The Water Authority of Fiji is a developer and is part of the processing of EIA	++	Medium	Any development of infrastructure to provide access to safe drinking water and wastewater, will require an EIA, in order to ensure that the project does not harm the environment.
Energy (Fiji) Limited	<p><i>Vision:</i> Energizing Our Nation</p> <p><i>Mission:</i> Aim to provide clean and affordable energy solutions for Fiji with at least 90% of the energy requirements through renewable sources by 2025¹⁴².</p> <p><i>EIA's done for projects:</i> An agreement of lease has been secured by EFL for the construction of a 5MW solar PV plant in Qeleloa in Nadi. Following the completion of a cadastral survey in 2018, drawings have been vetted by iTLTB and are awaiting necessary approval from the Director of Town and Country Planning before the issuance of the registered lease to EFL. An initial EIA has also been completed for the site, and that assessment has been submitted to the</p>	The Energy Fiji Ltd is a developer and is part of the processing of EIA.	++	Medium	EIA needed for the proper connectivity to electricity for new developments.

¹⁴¹ <http://www.waterauthority.com.fj/en/history/>
¹⁴² <http://efl.com.fj/about-us/company-information/our-vision-mission-values/>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	Department of Environment for endorsement ¹⁴³				
Investment Fiji	<p><i>Vision:</i> Investment Fiji will be a dynamic force in the creation of economic wealth in Fiji through the promotion, facilitation and stimulation of investments and exports.</p> <p><i>Mission:</i> Investment Fiji shall actively promote investments and export of goods and services. It shall provide fast and friendly service to investors and exporters and shall provide quality advice to the government for increasing investment and export. Investment Fiji aims to stimulate the development of new and existing industries by facilitating their establishment, expansion and diversification¹⁴⁴.</p> <p>For investment opportunities, the following sector profiles has been established:</p> <ul style="list-style-type: none"> • Agriculture; • Audio Visual; • Fisheries; • Forestry; • Information Communication Technology (ICT); • Manufacturing; • Energy; • Health; • Mining & Groundwater Profile; and 	Investment Fiji is part of the processing and review of EIA.	++	High	Together with marketing the sector profiles for investment and exporting opportunities in Fiji, the Investment Fiji must ensure that these are done in compliance to the environment protection standards and guides that are set up. Investors and exporters must ensure that any project undertaken must not have any harmful impact on the environment.

¹⁴³ <http://efl.com.fj/wp-content/uploads/2019/06/EFL-Annual-Report-2018.pdf>

¹⁴⁴ <http://www.investmentfiji.org.fj/pages.cfm/ftiborgfj/about-ftib/mission-statement.html>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<ul style="list-style-type: none"> Tourism¹⁴⁵ <p>Any foreign investor investing in Fiji, should have a foreign investment registration certificate. The certificate clearly spells out the activity that is permitted and those that are not permissible. For example, a foreign investor is allowed to carry out construction of hotel/resort and sand extraction, only when it is reflected in the registration certificate. In this case the Department of Environment can carry out an EIA.</p> <p>Depending on the project, the Department of Environment requests Investment Fiji to sit in the review committee.</p>				
Ministry of Tourism and Trade	<p>The Ministry of Industry Trade & Tourism of Fiji is responsible for formulating and implementing policies and strategies to facilitate growth for industries in Fiji, Investments in Fiji, Trade, Tourism, Co-operative Businesses, Micro and Small Enterprises; Standards and Consumer Protection.</p> <p><i>Vision:</i> "Brighter Economic Future for All"</p> <p><i>Mission:</i> "Creating Sustainable Growth of Commerce and Industry through Innovative and sound Policies that lead to Improved livelihoods for all Fijians"¹⁴⁶.</p>	Ministry of Tourism is involved with the review committee.	+	Low	The Ministry must ensure that the formulation and implementation of the policies and strategies to facilitate growth for industries in Fiji is in adherence to the environment protection protocols.

¹⁴⁵ <http://www.investmentfiji.org.fj/pages.cfm/for-investors/sector-industry-profiles/>

¹⁴⁶ <https://mitt.gov.fj/about-us/>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
Office of the Director of Public Prosecutions (ODPP)	<p><i>Mission:</i> To deliver a fair and independent prosecution service, committed to the rule of law.</p> <p><i>Vision:</i> To deliver a modern and professional prosecution service that supports national goals and aspirations of peace and good governance¹⁴⁷.</p>	Involved in Legal Matters.	++	High	<p>If a breach of the conditions listed in the EIA is committed, the ODPP will need to instigate legal proceedings.</p> <p>Under the EMA 2005, section 11, part (3),(b), it is stated “for carrying out the functions of the Council, the Department of Environment is subject to the powers of the ODPP , to institute and conduct legal proceedings under the Act in a magistrates court”.</p> <p>The Department of Environment maintains a file for ODPP cases. These are the cases for non-compliance (breaches) to EIA requirements and conditions.</p> <p>Each project developer has an individual file where any breaches of EIA is maintained.</p>
Solicitor General's Office	<p>The Solicitor-General is responsible for—</p> <p>a) providing independent legal advice to Government and to the holder of a public office, on request;</p> <p>(b) preparing draft laws on the request of Cabinet;</p>	Involved in Legal Matters.	0	High	Any changes to the environmental law shall require submission to the Solicitor General's office.

¹⁴⁷ <http://odpp.com.fj/about-us/>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>(c) maintaining a publicly accessible register of all written law;</p> <p>(d) representing the State in court in any legal proceedings to which the State is a party, other than criminal proceedings; and</p> <p>(e) Performing any other functions assigned by this Constitution, any written law, Cabinet or the Attorney-General¹⁴⁸.</p>				
University of the South Pacific (USP)	<p>The University of the South Pacific (USP) is the premier provider of tertiary education in the Pacific region and an international centre of excellence for teaching, research consulting and training on all aspects of Pacific culture, environment and human resource development needs¹⁴⁹.</p> <p><i>Institute of Applied Science with the USP:</i> The analytical laboratory at the Institute of Applied Science is an internationally accredited laboratory that offers a wide range of services in the analyses of foods, feeds and water to its customers. There is also a biofuel section which is capable of carrying out various tests in bio-diesel as well as paraffin diesel at international standards. The laboratory also carry out a limited scope of soil testing.</p> <p>The laboratory is well equipped to be able to meet international standards. Equipment used include Inductive Coupled Plasma (ICP) Spectroscopy, Flow Injection Nutrient</p>	Review(Marine Biologist)	+	Medium	<p>While carrying out inspections for any damage caused to the environment, sample testing for the land, air and water can be done in the USP labs.</p> <p>All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.</p>

¹⁴⁸ Constitution of Fiji 2013, Section 116, page 68.

¹⁴⁹ https://www.usp.ac.fj/index.php?id=about_usp.

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	Analyzer, Atomic Absorption Spectrophotometers (Flame AAS, Flow Injection Hydride Generation AAS, Graphite Furnace AAS), UV/VIS Spectrophotometers, High Pressure Liquid Chromatograph units, Microbiological Support Equipment, Freeze Dryers and other routine laboratory equipment. Staff members are well trained to deliver the level of service expected of a commercial laboratory ¹⁵⁰ .				
International Union for Conservation of Nature (IUCN)	<p>The International Union for Conservation of Nature (IUCN) is a membership Union composed of both government and civil society organisations. It harnesses the experience, resources and reach of its more than 1,300 Member organisations and the input of more than 15,000 experts. This diversity and vast expertise makes IUCN the global authority on the status of the natural world and the measures needed to safeguard it.¹⁵¹</p> <p>The knowledge and the tools IUCN provides are critical for ensuring that human progress, economic development and nature conservation take place together.</p> <p>The IUCN, was established on 5 October 1948 in the French town of Fontainebleau. As the first global environmental union, it brought together governments and civil society</p>	IUCN is part of the review and provides technical advice to the Director of Environment.	+	Medium	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.

¹⁵⁰ <https://www.usp.ac.fj/index.php?id=17985>

¹⁵¹ <https://www.iucn.org/about>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>organisations with a shared goal to protect nature. Its aim was to encourage international cooperation and provide scientific knowledge and tools to guide conservation action.</p> <p>During the first decade of its existence, IUCN's primary focus was to examine the impact of human activities on nature. It flagged the damaging effects of pesticides on biodiversity, and promoted the use of environmental impact assessments, which have since become the norm across sectors and industries.</p> <p>Much of IUCN's subsequent work in the 1960s and 1970s was devoted to the protection of species and the habitats necessary for their survival. In 1964, IUCN established the IUCN Red List of Threatened Species™, which has since evolved into the world's most comprehensive data source on the global extinction risk of species.</p> <p>IUCN also played a fundamental role in the creation of key international conventions, including the Ramsar Convention on Wetlands (1971), the World Heritage Convention (1972), the Convention on International Trade in Endangered Species, (1974) and the Convention on Biological Diversity (1992).</p> <p>In 1980, IUCN – in partnership with the UN Environment Programme (UNEP) and the World Wildlife Fund (WWF) – published the <i>World Conservation Strategy</i>, a ground-breaking document which helped define the</p>				

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>concept of 'sustainable development' and shaped the global conservation and sustainable development agenda.</p> <p>A subsequent version of the strategy, <i>Caring for the Earth</i>, was published by the three organisations in the run-up to the 1992 Earth Summit. It served as the basis for international environmental policy and guided the creation of the Rio Conventions on biodiversity (CBD), climate change (UNFCCC) and desertification (UNCCD).</p> <p>In 1999, as environmental issues continued to gain importance at the international stage, the UN General Assembly granted IUCN official observer status.</p> <p>In the early 2000s, IUCN developed its business engagement strategy. Prioritising sectors with a significant impact on nature and livelihoods, such as mining and oil and gas, its aim is to ensure that any use of natural resources is equitable and ecologically sustainable.</p> <p>Later in the 2000s, IUCN pioneered 'nature-based solutions' – actions to conserve nature which also address global challenges, such as food and water security, climate change and poverty reduction.</p> <p>Today, with the expertise and reach of its more than 1,300 Members – including States, government agencies, NGOs and Indigenous Peoples' Organisations – and over 10,000 international experts, IUCN is the world's</p>				

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	largest and most diverse environmental network. It continues to champion nature-based solutions as key to the implementation of international agreements such as the Paris climate change agreement and the 2030 Sustainable Development Goals. ¹⁵²				
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)	<p>In response to the particular challenges posed by climate change, GIZ is currently providing advisory services to 14 Pacific island states, and to Timor-Leste and various regional organisations, in the following priority areas:</p> <ul style="list-style-type: none"> • Climate change in the Pacific Island Region • Adapting to climate change and sustainable energy • Forest conservation • Marine and coastal biodiversity management <p>Transition to low-carbon sea transport.¹⁵³</p>	Provides technical guidance to some extent.	0	Low	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.
Secretariat of the Pacific Community (SPC)	<p><i>Mission:</i> We work for the well-being of Pacific people through the effective and innovative application of science and knowledge, guided by a deep understanding of Pacific Island contexts and cultures.</p> <p><i>Vision:</i> Our Pacific vision is for a region of peace, harmony, security, social inclusion and prosperity, so that all Pacific people can lead</p>	SPC is part of the review and provides technical advice to the Director of Environment.	+	Medium	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.

¹⁵² <https://www.iucn.org/about/iucn-a-brief-history>

¹⁵³ <https://www.giz.de/en/worldwide/363.html>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	<p>free, healthy and productive lives. This is a shared vision for the Pacific under the Framework for Pacific Regionalism.</p> <p><i>About:</i> Our unique organisation covers more than 20 sectors. We are renowned for knowledge and innovation in such areas as fisheries science, public health surveillance, geoscience and conservation of plant genetic resources for food security.¹⁵⁴</p>				
Nature Fiji Mareqeti Viti	<p><i>Vision:</i> Nature Fiji – Mareqeti Viti's vision of Fiji in 50 years' time is of a healthy environment maintaining its diversity of species and habitats, its ecological integrity and resilience, parts of which are in pristine condition.</p> <p>Fiji's landowners and general public will have a sound awareness of the nation's natural heritage and will actively support the well-directed efforts of the government and its NGO partners in addressing the conservation needs and the sustainable livelihoods of everyone in the country.</p> <p><i>Mission:</i> Nature Fiji-MareqetiViti's mission is to enhance biodiversity and habitat conservation, endangered species protection and sustainable use of natural resources of the Fiji Islands. This will be achieved through the promotion of collaborative conservation actions, awareness raising, education,</p>	Nature conservation	0	Low	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.

¹⁵⁴ <http://www.spc.int/about-us>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	research, and biodiversity information exchange ¹⁵⁵ .				
World Wide Fund for Nature (WWF)	<p>WWF-Pacific works in four of these provinces, Bua, Macuata, Ba and Ra engaging communities in sustainable resource management. We also work with other stakeholders in natural resource extraction like the tourism, fisheries, government and corporate sector.</p> <p>WWF's Projects and Programmes includes:</p> <ul style="list-style-type: none"> • Sustainable seafood • Great Sea Reef • Turtle • Mali Fiji Community Development • Sustainable Sugar¹⁵⁶ 	Nature conservation	0	Low	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.
Wildlife Conservation Society (WCS)	<p><i>Mission:</i> To preserve the functional integrity and resilience of Fiji's priority ecoscapes by integrating community-based adaptive management with science-based solutions in order to protect iconic species, maintain habitat connectivity and preserve livelihoods with the informed, active and sustainable support of local and national stakeholders.</p> <p><i>Vision:</i> Connected, resilient, ecoscapes that provide habitat for abundant and diverse species while sustaining natural resources, livelihoods and culture for Fijian communities. In order to communicate the value of EBM for</p>	Nature Conservation	0	Low	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.

¹⁵⁵ <https://naturefiji.org/about-us/>

¹⁵⁶ <http://www.wwfpacific.org/about/fiji/>

Stakeholder	Stakeholder role	Stakeholder interests	Level of interest (++, +, 0, -, --) ¹³⁰	Priority for the audit ¹³¹	Comments
	Fiji, the program has adopted a slogan of: "Healthy people, processes and systems" ¹⁵⁷ .				
National Trust of Fiji	This is linked to the Nature Fiji – Mareketi Viti ¹⁵⁸	Nature Conservation	0	low	All Non-Governmental Organisations provide technical advice to the Director of Environment and also assist the Department of Environment in the review.
Public (Land/Resource Owners)	According to Section 34(1) stated that when the preparation of the EIA assessment it completed, a public hearing must be conducted by the proponent within the vicinity of the area of the proposed development; (2) where the Government is a proponent, the Ministry responsible for the development must establish a committee to be responsible for undertaking consultations with all interested parties. ¹⁵⁹	Involved in the process through public consultations	++	High	Issues raised by members of the public during public consultations are part of the EIA process.
EIA Consultants		Involved in the EIA process through submitting the EIA reports, and are also involved in public consultations.	++	High	Presentation of the EIA reports to members of the public during public consultations.

¹⁵⁷ <https://fiji.wcs.org/About-Us/Our-Mission.aspx>

¹⁵⁸ <https://naturefiji.org/profile/national-trust-of-fiji/>

¹⁵⁹ Section 34(1) Environment Management Act(EMA)

Appendix 3: Examples of proposed project not achieving screening process timeline.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
23/01/2019	Project 1	EIA-C/2/2019	06/02/2019	05/03/2019	27	Additional information was required by SEO to justify why EIA not required. File was submitted for endorsement on 01/02/19.
23/01/2019	Project 2	EIA-C/3/2019	06/02/2019	05/03/2019	27	Additional information was required by SEO to justify why EIA was not required.
15/01/2019	Project 3	EIA-C/6/2019	29/01/2019	18/02/2019	20	Justification for delay in screening was not provided in the file.
04/04/2019	Project 4	EIA-C/6/2019	18/04/2019	13/05/2019	25	Justification for delay in screening was not provided on file.
15/01/2019	Project 5	EIA-C/7/2019	29/01/2019	30/04/2019	91	File was submitted to SEO on 28/03/19. File went back and forth for amendments. Final determination recommended for endorsement by SEO on 01/04/19. Determination endorsed on 30/04/19.
23/01/2019	Project 6	EIA-C/5/2019	06/02/2019	05/03/2019	27	Additional information was required by SEO to justify why EIA not required.
15/01/2019	Project 7	EIA-C/8/2019	29/01/2019	30/04/2019	91	File was submitted to SEO on 01/04/19. Justification for delay in screening was not provided in the file.
04/02/2019	Project 8	EIA-C/9/2019	18/02/2019	18/04/2019	59	Unclear information was provided for the development. Site inspection was conducted on 23/03/19 for verification.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
						Proponents was required to provide in writing the confirmed scope of works.
22/02/2019	Project 9	EIA-C/11/2019	08/03/2019	25/06/2019	109	File went back and forth for amendments.
07/02/2019	Project 10	EIA-C/12/2019	21/02/2019	30/04/2019	68	File went back and forth for amendments.
05/02/2019	Project 11	EIA-C/14/2019	19/02/2019	22/03/2019	31	File was returned to processing officer for amendments.
05/02/2019	Project 12	EIA-C/15/2019	19/02/2019	22/03/2019	31	Final submission was made on 19/03/20. File was submitted to SEO and returned to processing officer for amendments.
05/02/2019	Project 13	EIA-C/20/2019	19/02/2019	30/04/2019	70	File went back and forth for amendments.
15/03/2019	Project 14	EIA-C/22/2019	29/03/2019	30/04/2019	32	Justification for delay for delay in screening was not provided in the file.
12/08/2019	Project 15	EIA-C/101/2019	26/08/2019	17/09/2019	22	File went back and forth for amendments.
16/08/2019	Project 16	EIA-C/108/2019	30/08/2019	04/10/2019	35	Justification for delay in screening was not provided in the file.
26/08/2019	Project 17	EIA-C/105/2019	09/09/2019	30/09/2019	21	Justification for delay in screening was not provided in the file.
16/07/2019	Project 18	EIA-C/95/2019	30/07/2019	09/08/2019	10	File went back and forth for amendments.
16/07/2019	Project 19	EIA-C/90/2019	30/07/2019	09/08/2019	10	Justification for delay in screening was not provided in the file.
16/07/2019	Project 20	EIA-C/91/2019	30/07/2019	09/08/2019	10	Justification for delay in screening was not provided in the file.
09/04/2019	Project 21	EIA-C/32/2019	23/04/2019	30/04/2019	7	Justification for delay in screening was not provided in the file.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
06/03/2019	Project 22	EIA-C/71/2019	20/03/2019	30/04/2019	41	File went back and forth for amendments.
26/04/2019	Project 23	No proposal number	26/05/2019	25/06/2019	30	File went back and forth for amendments.
12/07/2019	Project 24	EIA-C/82/2019	26/07/2019	02/08/2019	7	File was submitted to SEO on 24/07/19. File was returned to processing officer for amendments. Director requested for additional information to ensure no native trees is removed. Final submission made by officer on 01/08/19 after an inspection was conducted.
24/05/2019	Project 25	EIA-N/21/2019	07/06/2019	17/09/2019	102	Delay was due to the site being remotely located and proponents' unavailability on the scheduled day of inspection on 03/07/19. Because of the remote location of the site, the Environment officer has to liaise with the proponent via phone call on their availability for inspection. The determination was submitted for decision on 20/08/19. Approval for determination was received on 17/09/19.
31/08/2018	Project 26	EIA-C/63/2018	14/09/2018	05/10/2018	21	Determination was approved on the 05/10/2018. Processing paid on 07/03/2019.
05/02/2019	Project 27	EIA-C/28/2019	19/02/2019	05/04/2019	45	Justification for delay in screening was not provided in the file.
10/01/2019	Project 28	EIA-C/24/2019	24/01/2019	30/04/2019	96	Justification for delay on screening was not provided.
15/03/2019	Project 29	EIA-C/27/2019	29/03/2019	30/04/2019	32	Application was received on 15/03/2019.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
						<p>Submissions by Technical Assistant was made on 18/04/2019.</p> <p>This was vetted by Environment Officer on 23/04/2019.</p> <p>Determination was approved on 30/04/2019.</p>
13/03/2019	Project 30	EIA-C/27/2019	27/03/2019	30/04/2019	34	<p>File was submitted to SEO on 05/04/19.</p> <p>File was returned for amendments on 09/04/19.</p> <p>Determination was recommended for Director's endorsement on 16/04/19 and endorsed on 30/04/19.</p>
21/06/2019	Project 31	EIA-C/58/2019	05/07/2019	08/07/2019	3	<p>Justifications was not provided in the file.</p>
22/07/2019	Project 32	EIA-C/97/2019	05/08/2019	25/09/2019	51	<p>File was submitted by the processing officer on 14/08/20.</p> <p>Further clarification was required by SEO on 14/08/20.</p> <p>Response was received from the processing officer on 18/09/20.</p>
30/07/2019	Project 33	EIA-C/100/2019	13/08/2019	25/09/2019	43	<p>File went back and forth between SEO and processing officer whereby the Environment Management Plan was to be reviewed for the determination to be finalised.</p>
10/07/2019	Project 34	EIA-C/89/2019	24/07/2019	31/07/2019	7	<p>Justification for delay in screening was not provided in the file.</p>
13/06/2019	Project 35	EIA-C/106/2019	27/06/2019	30/09/2019	95	<p>Lack of information provided and proponent was not responding to calls.</p> <p>SEO advise T/A to call again on 23/08/2019</p> <p>Final changes made on 30/08/2019.</p>

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
04/10/2019	Project 36	EIA-C/111/2019	18/10/2019	14/11/2019	27	Justification for the delay in screening was not provided in the file.
28/11/2018	Project 37	EIA-C/75/2018	12/12/2018	14/01/2019	33	Justification for the delay in screening was not provided in the file.
17/04/2019	Project 38	EIA-C/33/2019	01/05/2019	22/05/2019	22	Justification for delay in screening was not provided in the file.
25/04/2019	Project 39	EIA-C/35/2019	09/05/2019	29/05/2019	20	Files submitted on 24/05/19 and returned for amendments by SEO on 27/05/19.
12/02/2019	Project 40	EIA-C/40/2019	26/02/2019	14/06/2019	108	Justification for the delay in screening was not provided in the file.
19/03/2019	Project 41	EIA-C/36/2019	02/04/2019	08/07/2019	97	Justification for the delay in screening was not provided in the file.
17/05/2019	Project 42	EIA-C/43/2019	31/05/2019	25/06/2019	25	File was submitted to SEO on 25/05/19 and was recommended to Director on 18/06/19. It was endorsed on 25/06/19.
21/05/2019	Project 43	EIA-C/44/2019	04/06/2019	05/07/2019	31	File was submitted to SEO on 20/06/19 and was returned to processing officer for amendments. Final determination submitted to Director for endorsement on 05/07/19.
15/05/2019	Project 44	EIA-C/47/2019	29/05/2019	09/07/2019	41	Additional information was requested.
27/03/2019	Project 45	EIA-C/49/2019	10/04/2019	05/07/2019	86	Comments from Director suggesting for an EMP. Determination was amended and resubmitted as per Director's instruction.
20/05/2019	Project 46	EIA-C/49/2019	03/06/2019	08/07/2019	35	Justification for the delay in screening was not provided in the file.
30/04/2019	Project 47	EIA-C/50/2019	14/05/2019	05/07/2019	52	Instruction given to submit copies of screening application to relevant authorities for review and comment.
12/03/2019	Project 48	EIA-C/51/2019	26/03/2019	24/07/2019	120	Justification for the delay in screening was not provided in the file.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
07/05/2019	Project 49	EIA-C/52/2019	21/05/2019	24/07/2019	64	Additional information was required by SEO to justify why EIA not required. Information was resubmitted by the officer on 08/07/2019
07/05/2019	Project 50	EIA-C/53/2019	21/05/2019	24/07/2019	64	The file was marked by Director to clarify whether the project is classified as emergency action and reason for not requiring an EIA.
07/05/2019	Project 51	EIA-C/54/2019	21/05/2019	24/07/2019	64	Request was made by Director to put this file on hold in order to clarify whether the project will be classified as emergency action.
07/05/2019	Project 52	EIA-C/55/2019	21/05/2019	19/07/2019	59	Request was made by Director to put this file on hold in order to clarify whether the project will be classified as emergency action.
14/06/2019	Project 53	EIA-C/56/2019	28/06/2019	08/07/2019	10	Justification for the delay in screening was not provided in the file.
15/05/2019	Project 54	EIA-C/59/2019	29/05/2019	09/07/2019	41	Additional Information was requested.
05/02/2019	Project 55	EIA-C/61/2019	19/02/2019	31/07/2019	162	Justification for the delay in screening was not provided in the file.
05/02/2019	Project 56	EIA-C/60/2019	19/02/2019	31/07/2019	162	Justification for the delay in screening was not provided in the file.
03/07/2019	Project 57	EIA-C/63/2019	17/07/2019	19/07/2019	2	Justification for the delay in screening not provided in the file.
24/06/2019	Project 58	EIA-C/65/2019	08/07/2019	19/07/2019	11	Justification for the delay in screening not provided in the file.
02/07/2019	Project 59	EIA-C/66/2019	16/07/2019	19/07/2019	3	Justification for the delay in screening not provided in the file.
12/06/2019	Project 60	EIA-C/67/2019	26/06/2019	19/07/2019	23	Application was received on 12/06/19. Proponent signed declaration and provide estimated value of project on 16/07/2019.
05/02/2019	Project 61	EIA-C/68/2019	19/02/2019	31/07/2019	162	Justification for the delay in screening was not provided in the file.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
05/02/2019	Project 62	EIA-C/69/2019	19/02/2019	31/07/2019	162	Justification for the delay in screening was not provided in the file.
08/03/2019	Project 63	EIA-C/70/2019	22/03/2019	31/07/2019	131	Justification for the delay in screening was not provided in the file.
12/02/2019	Project 64	EIA-C/38/2019	26/02/2019	03/07/2019	127	Justification for the delay in screening was not provided in the file.
07/05/2019	Project 65	EIA-C/71/2019	21/05/2019	31/07/2019	71	Justification for the delay in screening was not provided in the file.
08/05/2019	Project 66	EIA-C/72/2019	22/05/2019	31/07/2019	70	Justification for the delay in screening was not provided in the file.
08/05/2019	Project 67	EIA-C/73/2019	22/05/2019	31/07/2019	70	Justification for the delay in screening was not provided in the file.
01/03/2019	Project 68	EIA-C/74/2019	15/03/2019	31/07/2019	138	Justification for the delay in screening was not provided in the file.
08/03/2019	Project 69	EIA-C/75/2019	22/03/2019	31/07/2019	131	Justification for the delay in screening was not provided in the file.
08/03/2019	Project 70	EIA-C/76/2019	22/03/2019	31/07/2019	131	Justification for the delay in screening was not provided in the file.
01/03/2019	Project 71	EIA/C/77/2019	15/03/2019	31/07/2019	138	Justification for the delay in screening was not provided in the file.
08/03/2019	Project 72	EIA-C/78/2019	22/03/2019	31/07/2019	131	Justification for the delay in screening was not provided in the file.
08/03/2019	Project 73	EIA-C/79/2019	22/03/2019	31/07/2019	131	Justification for the delay in screening was not provided in the file.
08/03/2019	Project 74	EIA-C/84/2019	22/03/2019	31/07/2019	131	Lack of information provided. Director's comment for clarification on the development was made on 30/04/19.
08/03/2019	Project 75	EIA-C/85/2019	22/03/2019	31/07/2019	131	Justification for the delay in screening was not provided in the file.
05/02/2019	Project 76	EIA-C/87/2019	19/02/2019	31/07/2019	162	Justification for the delay in screening was not provided in the file.
10/07/2019	Project 77	EIA-C/81/2019	24/07/2019	20/08/2019	27	File went back and forth for amendments.

Date of screening the application	Proposed Development Project	Proposal Number	12 or 14 Days cut-off Date	Actual Date of Determination endorsed	Number of days delayed	Department response
18/10/2019	Project 78	EIA-C/110/C/2019	01/11/2019	12/11/2019	12	Justification for the delay in screening was not provided in the file.
27/08/2018	Project 79	EIA-C/56/2018	10/09/2018	18/09/2018	8	File was submitted to SEO on 12/09/18. Determination was endorsed on 18/09/18.
18/06/2019	Project 80	EIA-C/45/2019	02/07/2019	14/11/2019	135	The determination was endorsed on 05/07/19 and was delayed by 3 days. Justification for delay not provided in file
04/11/2019	Project 81	EIA-C/116/2019	17/11/2019	16/01/2020	60	File was submitted by processing officer on 09/12/19 File was vetted by SEO for onward submission to Director on 10/12/19 File endorsed by Director on 16/01/20
31/10/2019	Project 82	EIA-C/122/2019	13/11/2019	28/01/2020	76	File was submitted to SEO on 12/12/19. SEO required for site inspection to be conducted for verification purposes.
06/12/2019	Project 83	EIA-C/123/2019	19/12/2019	28/01/2020	40	The File was submitted to SEO on 20/12/19. File went back and forth for amendments and additional information
06/12/2019	Project 84	EIA-C/134/2019	19/12/2019	28/01/2020	40	Justification for the delay in screening not provided in the file

Appendix 4: Examples of proposed project not achieving EIA processing timeline.

Date of EIA Processing Application	Proposed Development Project	Proposal Number	30 days cut-off date	Actual TOR Endorsement Date	Number of days delayed	Department response
01/03/2019	Project A	EIA-C/6/2019	31/03/2019	31/07/2019	122	Justification for delay not provided. Scoping inspection was undertaken on 14/03/19. File submitted by processing officer on 29/07/19. File vetted by SEO on 29/07/19. File endorsed on 31/07/19.
20/05/2019	Project B	EIA-C/20/2019	19/06/2019	08/07/2019	19	Justification for delay not provided. Scoping inspection undertaken on 18/06/19. File submitted to SEO on 08/07/19. File vetted and endorsed on 08/07/19.
27/08/2019	Project C	EIA-C/96/2019	26/09/2019	01/10/2019	5	File submitted to SEO on 25/09/19 and went back and forth for amendments. Final TOR recommended for approval on 27/09/19. TOR endorsed on 27/09/19.
13/09/2019	Project D	EIA-C/90/2019	13/10/2019	14/11/2019	32	Site inspection was conducted on 01/10/19. File was submitted to SEO on 11/10/19. File was returned for amendments on 18/10/19. File was resubmitted to SEO on 21/10/19. TOR was recommended for approval by SEO on 13/11/19.
13/03/2019	Project F	EIA-C/63/2018	12/04/2019	17/09/2019	158	Determination was approved on 5/10/18. Processing was paid on 7/03/19. Inspection was carried out 10/04/19. Minute for endorsement was submitted on 26/06/19. TOR was endorsed on 17/9/19.
26/09/2018	Project G	EIA-C/61/2018	26/10/2018	02/11/2018	7	File was submitted to SEO on 17/10/18 and returned for amendments on 01/11/18. TOR was endorsed on 02/11/18.
20/06/2019	Project H	EIA-C/27/2019	20/07/2019	31/07/2019	11	File was submitted to SEO on 19/07/19. File was returned for amendments on 31/07/19.
24/07/2019	Project I	EIA-C/58/2019	23/08/2019	25/09/2019	33	File was assigned to the first officer on 29/07/19 and re-assigned to another officer for processing on 03/09/19.

Date of EIA Processing Application	Proposed Development Project	Proposal Number	30 days cut-off date	Actual TOR Endorsement Date	Number of days delayed	Department response
						Site inspection was conducted on 04/09/19 and file submitted to SEO on September 25, 2019. TOR was recommended for endorsement on September 24, 2019 and was endorsed on September 25, 2019.
14/08/2019	Project J	EIA-C/46/2019	13/09/2019	25/09/2019	12	Site inspection conducted on 19/09/19. File submitted to SEO on 24/09/19 and returned for amendments. TOR was recommended for approval on 24/09/19 and approved on 25/09/19.
05/08/2019	Project K	EIA-C/80/2019	04/09/2019	25/09/2019	21	File was submitted to SEO on 23/09/19.
02/10/2019	Project L	EIA-C/107/2019	01/11/2019	14/11/2019	13	File was submitted to SEO on 25/10/19 and it was returned by SEO for further amendments. TOR was recommended for approval on 13/11/19.
21/01/2019	Project M	EIA-C/75/2018	20/02/2019	18/04/2019	57	File was submitted to SEO on 22/02/19. TOR was recommended for approval on 28/03/19. TOR was endorsed on 18/04/19.
25/09/2019	Project N	EIA-C/33/2019	28/06/2019	09/07/2019	11	Site inspection was conducted on 18/06/19. File was submitted to SEO on 04/07/19. Returned for amendments on 04/07/19 and resubmitted with amendments on 08/07/19. Recommended and endorsed on 09/07/19.
19/08/2019	Project O	EIA-C/38/2019	18/09/2019	22/10/2019	35	File was submitted to SEO on 04/10/19. There was a delay in conducting site inspection.
10/09/2019	Project P	EIA-C/81/2019	10/10/2019	12/11/2019	33	File was initially issued to the processing officer for processing on 12/09/19. Instruction was given by SEO to undertake scoping inspection on 30/09/19. Scoping inspection was conducted and draft TOR complied on 01/10/19. File was submitted by the processing officer on 11/10/19.

Date of EIA Processing Application	Proposed Development Project	Proposal Number	30 days cut-off date	Actual TOR Endorsement Date	Number of days delayed	Department response
						File was recommended for amendment by SEO on 22/10/19. File was amended and resubmitted by processing officer on 25/10/19. File was endorsed on 12/11/19.
29/08/2019	Project Q	EIA-C/45/2019	28/09/2019	14/11/2019	47	Site inspection was conducted on 26/09/20. File submitted to SEO on 09/10/19 TOR was recommended for approval on 13/11/19.

Appendix 5: Questionnaires to EIA Stakeholders

1. As a project developer how were you informed about the requirements of EIA (Please tick the appropriate boxes below);

- ☐ Department of Environment website
- ☐ Department of Environment EIA guidelines
- ☐ Public Awareness made by Department of Environment
- ☐ Other government agency (such as Department of Lands, Department of Forest and etc.)
- ☐ Department of Environment pamphlets
- ☐ Checklist for EIA process (screening & EIA processing)
- ☐ Social media

Other comments

2. In your opinion, what is the main purpose of EIA? (Please tick the appropriate boxes below);

- ☐ Comply with Fiji's environmental laws
- ☐ Reduce the impact of the environment
- ☐ Support for decision making
- ☐ Tools for sustainable development
- ☐ Help the developers
- ☐ Contribute to the design decision
- ☐ Reduce the level of non-compliance
- ☐ The basis for obtaining a building permit

Other comments

3. The forms to be fill for assessment of EIA are; EMA/EIAP 1 – Screening application EMA/EIAP 2 – EIA Processing. How easily accessible are these forms to you? (Please tick the appropriate boxes below)

☐ Very Difficult

☐ Difficult

☐ Somewhat Difficult

☐ Somewhat easy

☐ Easy

☐ Very easy

Other comments

4. The digital world has transformed the way businesses are carried out. Most of the EIA unit work processes are done manually. Do you think that the EIA unit needs to develop and improve on its digital service and to promote greater online access for its stakeholders?(Please tick the appropriate boxes below)

☐ Yes

☐ No

Other comments

5. How satisfied are you with the current services provided by EIA unit? (Please tick the appropriate boxes below)

☐

Very Dissatisfied

☐ Dissatisfied

☐ Somewhat Dissatisfied

☐ Somewhat Satisfied

☐ Satisfied

☐ Very Satisfied

Other comments

6. The Environment Management Act 2005 specifies the mandated timeline for EIA unit to commit in order to produce desired results in each stages of EIA. For example, the scoping of a development proposals must be done within 30 days from the date the proposal is received by the EIA Administrator or the approving authority (Section 28(2) Environment Management Act (EMA) 2005).What is your opinion on the mandated timeline stated in the Environment Management Act 2005? (Please tick the appropriate boxes below)

☐ Mandated timeline is too long

☐ Mandated timeline is too short

☐ Need for changes of mandated timeline

☐ No need for changes of the mandated timeline

Other comments

7. Screening is the decision as to whether or not to perform an EIA. Every project developer of a development proposal must apply for screening.How satisfied are you with completing the EIA Screening and processing form (EMA/EIAP 1) and EMA/EIAP 2)? (Please tick the appropriate boxes below)

☐ Very Dissatisfied

☐

Dissatisfied

☐ Somewhat Dissatisfied

☐ Somewhat Satisfied

☐ Satisfied

☐ Very Satisfied

Other comments

8. From your experience on the services provided by EIA unit, what are the strengths of the current EIA practice in Fiji? (Please tick the appropriate boxes below)

☐ Laws relating to EIA is good

☐ Many instructions, guidelines and teaching guides on EIA

☐ Prediction methodology is good

☐ Involvement of variety of components

Other comments

9. What are the weaknesses of current EIA practice in Fiji? (Please tick the appropriate boxes below)

☐ Impact predictions is not fair

☐ Limited control over EIA quality

☐ Decision making is not fair

☐ Unnecessary and formal screening procedures for some activities

☐ Unnecessary complicated and time consuming procedures for simple buildings

☐

Public participation is difficult

Other comments

10. Do you think objectivity is important in predicting the environment impact in the EIA process?
(Please tick the appropriate boxes below)

☐ Objectivity in predicting the environmental impact is not important

☐ Objectivity in predicting the environmental impact is important

☐ I don't know

Other comments

11. Monitoring is integral to the success or failure of a project or programme. In spite of its importance, very little attention is given to the need for monitoring in Fiji's post EIA approval. How important is monitoring in terms of proposed activities that have been approved? (Please tick the appropriate boxes below)

☐ Monitoring is still a weakness in the EIA process

☐ Monitoring is particularly unclear

☐ Monitoring must be carried out systematically, and measuring of real impact must be compared with the impact set out in the assessment report

☐ Monitoring the implementation of the approved proposed activities is provided only in a few cases.

Other comments

12. Generally, in any project management activity, there are challenges faced by the project owner and its relevant stakeholders. For the purpose of EIA, what are some of the challenges faced by the project developer during the processing of EIA?



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