

[VERBATIM REPORT]

VIRTUAL MEETING OF THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

AUDIT REPORT

**Performance Audit on the Management of Environment Impact
Assessment (PP No. 273/2020)**

SUBMITTEE: Ministry of Waterways and Environment

DATE: Tuesday, 31st August, 2021

VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE ON PUBLIC ACCOUNT COMMITTEE HELD AT THE BIG COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON TUESDAY, 31ST AUGUST, 2021 AT 10.31 A.M.

Interviewee/Submittee: Ministry of Waterways and Environment

In Attendance:

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| (1) Mr. Ritesh Dass | - | Acting Permanent Secretary |
| (2) Ms. Sandeep K. Singh | - | Director for Environment |
| (3) Ms. Senimili N. Baleicakau | - | Principal Environmental Officer (EIA) |
| (4) Mr. Salvin Deo | - | Principal Environment Officer (Public Relations and Communications) |
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DEPUTY CHAIRPERSON.- I welcome all Honourable Members, the public and members of the media to today's Virtual Committee Inquiry on the Performance Audit on the Management of Environment Impact Assessment that is according to Parliamentary Paper No. 273 of 2020.

I also take this opportunity to welcome the Ministry of Waterways and Environment officials who are present this morning.

We also acknowledge the presence of the auditors from the Office of the Auditor-General who have also agreed to appear before today's Committee hearing session.

The Special Committee Inquiry on the Performance Audit Report on the Management of Environment Impact Assessment was established by resolution of Parliament when it was referred to the Public Accounts Committee on Friday, 11th December, 2020.

It is part of the Committee's responsibility to gather information from the relevant stakeholders regarding the findings of the Audit Report.

The purpose of the Inquiry is to:

- 1) Allow witnesses to present and produce relevant documents and information in line with the findings in the audit report;
- 2) Allow the Committee to ask questions specific related to the Ministry's functions as far this audit report is concerned;
- 3) Allow the witnesses to respond to the Committee's questions; and
- 4) Provide important information that will assist the Committee in the formulation of its report to Parliament particularly on our findings with recommendations that will be debated on.

Allow me to just provide a brief on the Performance Audit Report on the Management of Environment Impact Assessment according to Parliamentary Paper No. 273 of 2020.

The objective of the audit was conducted by the Office of the Auditor-General to examine 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 the development to be carried out with due consideration for the environment.

The Audit Report summarized the audit objectives, which is in relation to the following EIA processes:

- 1) the Office of the Auditor-General had 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.
- 2) screening, scoping, preparation of Terms of Reference (TOR) and review stages of EIA processing are managed effectively; and
- 3) if there are adequate post-EIA approval monitoring to ensure that project developers comply with all the conditions.

For the information of all the stakeholders, the findings of the audit that was conducted on those key processes that I have highlighted earlier will be discussed in this session.

Honourable Members, please be advised that this virtual hearing is open to the media and also aired live on the Parliament channel on the *Walesi* platform and also captured in the Parliament *Facebook* page. So for any sensitive information concerning this inquiry that cannot be disclosed in public, this can be provided to the Committee either in private or in writing.

I also wish to say that this is a Parliamentary Inquiry and all information gathered is covered for under the Parliamentary Powers and Privilege Act. With those words, I wish to introduce the Public Account Committee Members:

- i) Honourable Alvick Maharaj – Chairperson;
- ii) Honourable Joseph Nitya Nand – Deputy Chairperson;
- iii) Honourable Virendra Lal (Member);
- iv) Honourable Aseri Masivou Radrodro (Member); and
- v) Honourable Ro Teimumu Kepa (Member).

At this juncture, I wish to thank the Honourable Chairman for allowing me to chair today's hearing.

Most importantly, I wish to remind Honourable Members and our witnesses that all questions to be asked and responses to be addressed through the Chairperson.

Now I take this time to invite the witnesses from the Ministry to introduce themselves and then proceed with their presentation.

MR. R. DASS.- Deputy Chairman and Honourable Members of the Standing Committee on Public Accounts, a very good morning to you all.

(Introduction of team from the Ministry of Waterways and Environment)

We have prepared a presentation for the Committee which we will take through. I will open up the presentation. The technical details and the specifics of all the issues raised and clarity sought will be addressed by the team in full detail. If we can share the presentation, please.

(Sharing of presentation online)

MR. R. DASS.- Once again, Deputy Chairman and Honourable Members of the Committee, we welcome the opportunity to be present here to provide an update on the Performance Audit Report on the Management of Environment Impact Assessment, Parliamentary Paper No. 273 of 2020.

So, just as an overview, the Environmental Impact Assessment (EIA) forms an integral part of the Ministry. It is a legislated process under the Environment Management Act 2005 and the Environmental Management EIA Process Regulations of 2007. As you might be aware, the EIA process is fully administered by the Department of Environment since 2007 and the objective of the EIA is simple – to mitigate negative environment and social impacts as a result of (glitch).

HON. A.A. MAHARAJ.- Acting Permanent Secretary, can we go back to Slide No. 1 please because that is where we got disconnected.

MR. R. DASS.- Sure, Sir.

HON. A.A. MAHARAJ.- Thank you.

MR. R. DASS.- Honourable Members of the Committee, it is my pleasure to be here presenting on behalf of the Ministry of Environment on the Environmental Impact Assessment. As you know, EIA forms an integral part from the Ministry and it is a legislative process under the Environment Management Act of 2005 and Environment Management Regulations of 2007.

The Department of Environment remains the sole agency for the administration of the EIA process and this has been in place since 2007. The core objective of the EIA process is to mitigate the negative environmental impacts and social impacts as we work to bolster development and investment in this country.

The Ministry in the last financial year processed EIA applications development worth approximately \$1 billion. These are approved EIAs and if we take a longer term view, this amounted to \$5.3 billion in the last four years. This is testament of the strength of the EIA process that the Ministry administers. So, with those few words, Honourable Members, I would like to now pass over the next slide and the rest of the presentation to Ms. Baleicakau who is our Principal Environmental Officer for EIA, and who will take us through the relevant sections, clarifications and updates sought by the Committee. We will be happy to take any questions in the interim section by section as well as at the end of the presentation.

MS. S. N. BALEICAKAU.- Deputy Chairman and Honourable Members of the Public Accounts Committee in the next few slides I will be providing the responses from the Ministry of Environment in response to the queries raised by the Public Accounts Committee in the letter dated April 2021.

So, in line with the first query that was received in terms of the responsibilities of approving authorities under the Environment Management Act, currently the Department of Town and Country Planning has an established Environment Management Unit that is exercising their duty as an approving authority under Section 27(1) of the Environment Management Act.

Schedule 2 Part 2 of the Environment Management Act lists the development activities that can be processed by approving authorities. Most of these can be approved by the Department of Town and Country Planning and the Environment and Management Unit under the Department of Town and Country Planning are exercising these responsibilities under the Act as an approving authority.

We would like to point out as well that other relevant Ministries have established their own Environment Management Unit – the Ministry of Lands and Mineral Resources, the iTaukei Land Trust Board, iTaukei Affairs Board have also established their Environment Units or have Environment Officers within their respective agencies.

In line to Query 1.2, in line with the Management Action Plan on risks identified, the Ministry of Environment has a Risk Management Policy (RMP) developed and is now fully implemented.

The components of the Risk Management Plan (RMP) includes risk governance, risk management process, institutional mandates, background on the EIA process, regulatory risk management, risk assessment indicators and rating process, risk registers and profiling, monitoring and policy review and risk matrix and rating.

HON. A.M. RADRODRO.- Deputy Chairman?

DEPUTY CHAIRPERSON.- Yes, Honourable Radrodro, you may ask your question.

HON. A.M. RADRODRO.- If we can just ask a question on 1.1?

DEPUTY CHAIRPERSON.- Yes, you may do so.

HON. A.M. RADRODRO.- If we can just go back to Question 1.1, Madam.

MS. S.N. BALEICAKAU.- Honourable Member, we are on Question 1.1.

HON. A.M. RADRODRO.- Yes, on the third bullet point where the Ministry of Lands and Mineral Resources, the iTaukei Land Trust Board and iTaukei Affairs Board established Environment Units or Environmental Officers within their respective departments. Given, this is a very important aspect in terms of development, could you just elaborate further to the Committee how have you been in contact with these Environmental Officers outside of your department to ensure that the development processes that you are talking about or addressing are actually being understood also by

those staff? How have you been upskilling those Environmental Officers or what sort of communication tools do you have?

MS. S.N. BALEICAKAU.- Thank you, Deputy Chairman, through you, the Department has undertaken trainings to these respective Environment Management Units on the EIA process and the requirements. They are also actively involved in our review process. We also engage them during joint site inspections for scoping of any EIA application.

HON. A.M. RADRODRO.- For any new developments that is involved, say in terms of developments on *iTaukei* land, at what stage do you involve these environmental officers - during the EIA stage or prior to that?

MS. S.N. BALEICAKAU.- Thank you, Honourable Member. Deputy Chairman, through you, the Department goes through the respective provincial offices for the engagement of Conservation Officers to assist us at the screening stage, which is the initial stage of the EIA process. They also sit-in in our review committee as well. So they are engaged very early in the process.

HON. A.M. RADRODRO.- And I suppose at their own cost, they are engaged at their own cost or does the Department of Environment share cost of the involvement?

MS. S.N. BALEICAKAU.- Deputy Chairman, through you, they are involved at their own cost.

HON. A.M. RADRODRO.- Thank you, Deputy Chairman.

DEPUTY CHAIRPERSON.- Thank you. You may continue with your presentation.

HON. A.M. RADRODRO.- On 1.2, just a quick question to the Department of Environment. The Risk Management Policy stated there on 1.2, is it also being adopted by the respective agencies that we just discussed earlier? Do they also have copies of this Risk Management Policy or is this only for the departments and a separate Risk Management Policy for the other departments?

MS. S.N. BALEICAKAU.- Thank you, Deputy Chairman. For now the Risk Management Policy is with the Department. We are happy to share the policy with the relevant Environmental Management Units in other relevant agencies.

HON. A.M. RADRODRO.- So, they are not using the same Risk Management Policy that you are using currently?

MS. S.N. BALEICAKAU.- No, Sir.

HON. A.M. RADRODRO.- Are there any plans in the future that you will share the Risk Management Policy with the other departments rather than waiting for them to request?

MS. S.N. BALEICAKAU.- Deputy Chairman, through you, yes, the Department is happy to share this Risk Management Policy with other relevant Ministries.

HON. A.M. RADRODRO.- As you rightly stated, it is a 2005 Act, now we are in 2021 and developments have occurred throughout the years, specifically some major developments in the West say for Malolo and Maui, at what point in time would you share this Risk Management Policy with the other departments?

MS. S.N. BALEICAKAU.- Deputy Chairman, through you, we will share the policy as soon as possible.

HON. A.M. RADRODRO.- No timeline given? Deputy Chairman, am just asking the questions on your behalf.

MS. S.K. SINGH.- Honourable Member and Deputy Chair, through you, this is the Director of Environment. We will share the Risk Management Policy this week, if possible tomorrow, we will also organise meetings with the relevant agencies that were referred to in 1.1 and we will work through the relevant Permanent Secretaries of these Ministries to ensure that all the relevant agencies are in alignment and comply with what is in the Risk Management Policy when they are implementing the EIA process.

HON. A.M. RADRODRO.- Deputy Chair, just a supplementary question on this particular issue, the Risk Management Policy has now been implemented by the Ministry, is it?

MS. S.K. SINGH.- Yes, Honourable Member, we are implementing it.

HON. A.M. RADRODRO.- Alright, thank you.

DEPUTY CHAIRPERSON.- Thank you, Honourable Radrodoro, we can move on with the presentation.

MS. S.N. BALEICAKAU.- Thank you, Deputy Chair. In line with Query 1.3 in terms of training provided by FICAC, the Risk Management Policy we spoke about that was developed in April of this year includes regulatory risk profiling and management action plans.

In terms of the Standard Operating Procedures (SOP) for guiding EIA officers, the checklists within the current SOP has been further refined to include more robust, counter vetting checklist for EIA screening process, EIA processing and receiving of EIA reports. The review of all EIA related SOPs began in February this year and was completed in May 2021.

Moving onto Query No. 1.4, the EIA Unit has an approved Annual Work Plan and these were provided to the audit team during the audit process.

All EIA Officers have Individual Work Plans in place that aligns to the Unit's Annual Work Plan and the IWPs for the EIA Units are derived from the Department's annual budget and the Ministry's Strategic Plan of 2019 to 2024.

The Ministry also reports on the progress made to the Ministry of Economy on a quarterly basis through our quarterly fiscal performance reporting.

Moving onto Query 1.5 on monitoring validated decision making. The EIA process is the legislated process under the Environment Management Act 2005. The process engages with both external and internal specialists for the expert opinion on the EIA Report and documentation. Consultants who are engaged in the EIA study are qualified and registered by the Department of Environment when there is a concern regarding quality of the process or the EIA Report. The consultants are notified of the gaps in information provided and are required to address the gaps identified.

As an additional quality measure, the Department streamlined the EIA Consultancy Registration in 2018. Face to face interviews with the consultants were conducted and the Department re-registered them under specific sectors based on their expertise, educational qualification and the professional experience. The Department also met all registered consultants to discuss EIA process requirements and expectations on an annual basis.

In addition to the above, experts from various agencies including academic institutions and NGOs are also appointed to review EIA Reports submitted to the Department in cases where gaps were identified, the EIA is not approved.

Updates on all EIA files, project basis are submitted to the Permanent Secretary and the Minister responsible for Environment on a weekly basis or as when acquired.

In line with Query 1.6, EIA Screening, Processing and Report Timelines. The EIA officers strictly use counter vetting checklists for accepting applications submitted to the Department. The counter vetting process ensures that all documents are in order before applications are received. The timeline for processing starts when the complete application or the complete EIA Report is accepted by the Department.

All applications processed by the Department is registered in the EIA Register. This is a mandated requirement as well under the Environment Management Act when required information is retrieved from the environmental register. The Department also uses a database system to track applications and their timelines in terms of processing.

For screening applications, the Department reaches out to clients and request for any missing information or documents. With regards to the EIA Report, gaps are identified through the review process. Gaps are clearly defined in the declined letters that we give proponents and they are required to either re-submit it with the report or if they do not agree with the decision made by the Department, they can appeal to the Environment Tribunal.

Moving onto Query 1.7, Customer or Stakeholder Management Relationship. The EIA Unit has a tracking system to track the programmes of every files, complaints, requests, queries and applications submitted to the Department of Environment. A specific officer is also assigned to manage relationships with clients and provide reports to the Director of Environment, Executive Support

Officer, Minister and the Permanent Secretary. Officers are also required to provide progressive updates to clients on their respective files.

In terms of annual reporting, the Annual Reports for the 2016 to 2017 and 2017 to 2018 have been submitted to the Ministry of Local Government, Housing and Environment as the Department was part of the Ministry of Local Government, Housing and Environment during those years. Annual Reports for 2018 to 2019, 2019 to 2020 have been finalised and will be tabled in Parliament.

In line with the query raised on the Gold Card Membership, membership is exclusive unless otherwise approved by the Permanent Secretary to business who are compliant with the Ministry of Environment's permitting requirements under the different legislations administered by the Department and they are listed in the PowerPoint presentation.

Businesses must also demonstrate that they have contributed efficiently to promoting energy efficiency and green building, renewable energy, addressing our supply impacts and contributing to environmentally conscious solutions including promoting recycling initiatives at workplaces and in their businesses.

The membership for Gold Card is for a period of two years. Currently there are four businesses who have been part of the membership. The Department is in the process of reviewing the list of businesses who can qualify into the Department of Environment Gold Card Membership.

In line with the query raised on the communication strategy. The communication strategy has been approved as of October 2020 and is fully implemented and the review of its objective and effectiveness will be carried out by the end of this year.

In line with Query 1.8, Management Conflict of Interest and Fraud in the EIA Unit. The Department of Environment and the EIA Unit has a conflict of interest declaration form. Each officer has to fill out the form before they start processing any applications they are assigned. The Ministry also has a declaration of private interest and conflict of interest form that all Ministry staff are required to submit.

Regulatory Risk Management is part of the Risk Management Policy implemented by the Department. The components of the Risk Management Policy are as follows.

In line with Query 1.9 on Credibility of EIA consultants. The Department developed and implemented a Code of Practice for registered EIA consultants since 2007 to ensure that EIA consultants act in a professional and ethical manner. The Department is working with the Solicitor-General's Office on updating the current version. The Ministry aims to complete the EIA Code of Practice for EIA Registered Consultants by the end of November this year.

In line with Query 1.10 on Management of information in the Environmental Register. The Department has in place an electronic data management system. Moving forward, the Department is working with Government ITC on the procurement of a system that can be accessed by proponents, which once up and running will provide updates. The Ministry aims to have this functionality in the current financial year.

In line with Query 2.1, Screening process of EIA in Fiji and EIA Processing review decision. The Department continues to counter that all applications using the approved checklist should project developers not submit full documentation, applicants are advised on the full requirements for them to provide.

For EIA processing applications, scientists and subject area specialist and experts from various agencies including academic institutions and NGOs are consulted in review of any EIA Report. The scientific data and methodology is verified by these experts and scientists before a decision is made by the Department of Environment.

Moving onto Query 2.2, EIA reports prepared by accredited EIA consultants. The Department communicates directly with proponents and have made available on the Ministry website names and contracts of all Department of Environment EIA registered consultants.

Item No. 3 on the acceptance criteria, counter vetting checklist also requires that we confirm if any EIA Report is prepared by an accredited consultant. If un-registered consultants are detected during the counter vetting process, the EIA Report is not accepted and clients are duly advised.

In line with Query 2.3 on written reports on the review of EIA Reports. The Department has developed and implemented the review report template and this is used by all EIA officers for all EIA reports produced. All review reports are kept in their respective development files and are entered into the EIA register.

In line with Query 3.1 on Compliance Monitoring Framework. All risks identified are captured in the Risk Management Policy of the Ministry. The Ministry carries out joint compliance monitoring with relevant agencies we mentioned earlier. All review reports are kept in file and are entered into the EIA register.

In line with Query 3.2 on Compliance inspection reporting on EIA approvals. The EIA officers follow the Site Inspection Template for all inspections undertaken for processing of any EIA application and they are guided by the requirements under the Environment Management Act for undertaking Compliance Inspection (Regulation 34) and are guided also by the Site Inspections requirement regulated under Regulations 13 of the Environment Management (EIA Process) Regulations.

Lastly, Honourable Members, on Query 3.2, EIA approval includes conditions that require proponents to submit Environment Management Plans with their EIA Report to describe the environmental protection measures that will be put in place and the environmental monitoring and surveillance programme of action. The approval also requires proponents to set up the Environment Monitoring Committees to verify that the environmental protection plan flagged under the Environment Management Plan is being fully implemented and the adverse impacts of the proposal documented. The Department also carries out random monitoring, inspections and compliance with sections on approved EIA reports. If the conditions of approval of the EIA or that of the EIA is breached, the Department of Environment can cancel the approval and take appropriate action.

Honourable Deputy Chairman and Honourable Members of the Public Accounts Committee, that is the Department of Environment's response to the queries raised.

DEPUTY CHAIRPERSON.- Thank you very much. I have a question in regards to the internal tracking system that the Unit has. Can you please inform the Members of the Committee, what is the success rate in regards to tracking old files? Has there been any progress made on that?

MS. S.K. SINGH.- Thank you, Deputy Chairman, through you, the Department as you have heard has got an internal tracking system for all the EIA applications received and also in terms of the processes where each application is at - screening stage, processing stage, review stage or decision stage. We have an internal database that is monitored on a daily basis. As you have heard we have an officer who is specifically looking at all these applications, where they are and the timelines. We do report on a weekly basis to the Honourable Minister and also to the Permanent Secretary. Also, if we do come across an application where there is a little bit of delay in terms of not having enough information with regards to decision making then we immediately reach out to the client or the consultant to provide us that information, especially at the screening stage. Sometimes we try with the Lands Department or Investments Fiji for that information so that we can process some of these applications within a timeline.

DEPUTY CHAIRPERSON.- What is the turnaround time to respond, for example, if there are complaints or queries referred to the Ministry?

MS. S.K. SINGH.- Through you Deputy Chairman, there are different timelines and the timelines are legislated. When it comes to the EIA process, for example, screening has a different timeline, processing has a different timeline and some of these timelines we have revised them as the Honourable Minister has announced so that we can fast-track some of these applications. With regards to the complaints that comes to the Department, we try to respond immediately depending on the nature of the complaint, for example, if we do receive a complaint and there is an oil spill somewhere. We have to respond immediately so that we can contain the oil spill and mitigate any negative environmental impacts. If there are complaints that are received in some outer island, we work very closely with the Ministry of iTaukei Affairs and conservation officers. We cannot go there immediately so we reach out to them and some of these things sometimes take a day or two or three days depending on where these complaints are receive from. But when we receive complaints that has an immediate threat to the environment, we act immediately, Sir.

DEPUTY CHAIRPERSON.- Thank you very much. It is much appreciated and noted.

HON. A.M. RADRODRO.- Deputy Chairman, I will just start with the code of practice for the EIA consultants. Just a question Director of Environment, are there any penalties levied on consultants who give reports that are not according to the Ministry's template or the Ministry standard; the actual work on the ground?

MS. S.K. SINGH.- Honourable Member, through you Deputy Chairman, thank you, Sir, for that question. There is, and for the information of the Honourable Members, we have found that a number of consultants are not meeting the requirements of the Environment Management Act in terms of the processes that are required to be followed, and the gaps that the Department identifies when they

submit the EIA report. The Environment Management Act and the Environment Management Regulation does provide for the cancellation of the registration with the Department after carrying out due diligence that they have not complied with the requirements of the legislation. So there are processes in place. We had issued warning letters to some of the consultants and that is one of the reasons why we reviewed the registration process back in 2018, and we wanted to be absolutely sure that the consultants are practicing in the areas of expertise. The Department cannot accept reports that are done by, for example, consultants who have expertise in fisheries to be doing something with regards to agriculture or with regards to forestry. So they have to practise in their area of expertise and because EIA is a very particular document, it is very science-based, we want to make a decision that is very evident, science-based based on data. So, Honourable Member, to answer your question, there are provisions which are legislated where if the consultants are non-compliant, their registration can be cancelled.

DEPUTY CHAIRPERSON.- Thank you very much for the response. Any other questions, Honourable Members?

HON. RO T.V. KEPA.- Deputy Chairpman, on 1.7. My question to the Director of Environment is she said that there were four gold card holders and are current for two years; is that correct? Is that correct, Director?

MS. S.K. SINGH.- Thank you, Honourable Member and through you, Deputy Chairman. The membership is valid for two years. If I am correct, the gold card membership was launched in October last year. Since then, we were able to look at the list and there were four businesses that have complied with the requirements. We are looking at other businesses who have expressed interest, but we want to make sure that they comply with the criteria for them to become members.

HON. RO T.V. KEPA.- And for that criteria, the two years, how do you track them to ensure that they are compliant with all those Acts that you have stated in that bullet point?

MS. S.K. SINGH.- Thank you, Honourable Member, and through you Deputy Chairman. We do carry out monitoring and compliance of all businesses who either hold approvals for the Environment Impact Assessment or Waste and Pollution Control Permits of the Department, or at the ozone depleting substances if they are registered under the Ozone Depleting Substances Act and hold permits under that legislation. So we do carry compliance and monitoring. There are a number of businesses who we issue or have issued non-compliance notices. As soon as a business is issued a non-compliance notice or a prohibition notice under the Environment Management Act or any other legislation, we inform the Permanent Secretary, that is the process, and we would cancel their gold card membership. So, that is the internal process that we follow, but we do carry out monitoring and compliance of all these businesses and make sure that they are complying with the approval conditions of the Department.

DEPUTY CHAIRPERSON.- Thank you very much for your response. I have another question for you, Director. This is in regards to the administration of risk and I understand one of the components is the Risk Management Matrix. The Committee would like to know what is actually captured in the Risk Management Matrix?

MR. R. DASS.- Honourable Member and through you Deputy Chairman, the essence of any risk management framework is to proactively manage the risks with respect to the activities that are conducted in any agency. The objective of our risk assessment matrix is to do exactly that; to look at the probability of any risks that happens and the likelihood of the risks and coming up with relevant mitigating actions. So as indicated earlier, this framework had been put in place, is currently implemented and it is working effectively. What we are going to do is to ensure that all the members in other agencies who are in the process of EIA are also able to relate to this matrix, so that there this proper alignment in terms of the process.

DEPUTY CHAIRPERSON.- Thank you very much for the response.

HON. A.M. RADRODRO.- Deputy Chairman, a supplementary question to the earlier question by the Honourable Ro Teimumu Kepa regarding the Gold Card membership. Can we ask the Director of Environment, what are the criteria on acquiring a Gold Card at the Department of Environment? I think you had mentioned four gold card members currently?

MR. R. DASS.- That is right, Honourable Member.

HON. A.R. RADRODRO.- Would you be able to advice the Committee on who are the four?

MS. S.K. SINGH.- Thank you, Honourable Member and through you, Deputy Chairman, some of the criteria that we have for the businesses to become gold card members in view that the businesses are operating in an environmentally friendly manner, they are contributing efficiently to promoting energy efficiency and have a green building, they are onto renewable energy, addressing or mitigating the impacts with regards to their supply, contributing to environmentally conscious solution including promoting recycling initiatives at the work place. We also require them to be fully compliant with the various conditions that we place on them through the EIA approvals, and not through the EIA approvals only, but our waste and pollution control prohibiting system, our ODS permitting conditions and also conditions that we impose on them through the Endangered and Protected Species Act. So these are the conditions or criteria. Also we look at if they have paid all their fees to the Ministry. In terms of their conduct, some of these businesses have multiple businesses, so we are going to make sure that all other businesses that are related to them are also compliant. So we carry out all the checks on them, carry out internal due diligence before they are issued a gold card status. Also as mentioned earlier, Honourable Member, if they, at any point in time we find them to be non-compliant, we then through the Permanent Secretary can cancel their membership. I have got the names here of the four agencies who are members. They are not always all businesses, we have the Ministry of Defence, the Environment Management Act binds Government as well, so we have got a number of project proposals that had undergone EIA process and this includes a number of government agencies as well. So the Ministry of Defence is one gold card member, Fiji Airways is fully compliant to become our gold card member, Suva City Council and there is a company called Sinohydro-HDEC Joint Venture.

HON. A.M. RADRODRO.- Thank you.

DEPUTY CHAIRPERSON.- Thank you very much for your response. Any other questions, Honourable Members?

HON. A.M. RADRODRO.- Deputy Chairman, just a supplementary question, not related to the gold card membership, but in terms of the request for EIA Reports. A question to the Director regarding those developments that are happening around, there are those companies that are involved in getting prospective licenses for mining, are they required to also provide an EIA before they are given the prospective license, or what is the process there? How do you connect that from your Department to the department of mining?

MS. S.K. SINGH.- Thank you, Honourable Member and through you Deputy Chairman, Schedule 2, Part I of the Environment Management Act lists out all the development activities that are required to undergo an EIA process, and mining or exploration is one of them, Sir. Before any prospecting licenses are given, we have been in touch with the Ministry of Lands and Mineral Resources and they are aware before they carry out any exploration work. The Environment Management Act covers land, air and sea which includes our oceans, within our EEZ.

Sir, to answer your question, they are required to undergo the process where they will be required to carry out a full detailed EIA or carry out an EIA reduced scope or an AMP depending on where they are going to do the exploration, what all is there at the site, of course, we look at the consultation and the consent that they have from the landowning units. So, these are all parts of the EIA process that the Department ensures is undertaken before any approval is given or before a determination is made.

DEPUTY CHAIRPERSON.- Thank you for your response. I have a question to the Director. This is with regards to the awareness to the general public by the Department of Environment. Are there any awareness programmes carried out; perhaps the Permanent Secretary can answer this.

MR. R. DASS.- Honourable Members and through you Deputy Chairman, yes, this is part of an ongoing activity that the Ministry does with the relevant stakeholders and it works through different agencies as well to ensure that the adequate level of awareness with respect to the EIA process is in place. So, it is a very targeted awareness programme that is run, and the clients who do actually come here are taken fully through all the requirements (almost in a hand holding way) to ensure they fully understand the requirements, and if there are gaps through the application process, they are duly advised to ensure that they provide the missing information so that their applications can be fully vetted and processed. Director, if you would like to add to that?

MS. S.K. SINGH.- Thank you PS and through you Deputy Chairman, if I may add, the Department has been holding round tables with the businesses so that they fully understand the processes because we do get sometimes people telling us that they did not know the process, they did not know that they were supposed to do any EIA. So, we have been holding round tables with the businesses, we have been holding clinics (one to one basis) with the relevant businesses.

With regards to the communities, we have held a number of awareness programmes with the communities. Also the community consultation is part of the EIA process. It is a requirement of the Department that any proponent who intends to carry out any development in an area must carry out community consultation, that is part of a social impact assessment. Once the EIA is submitted, there is a 21-day legislated period for again, consultations and members of the public to object or do not object to the proposal, they can always come back and let us know. So community engagement and

consultation is very much part of the EIA process. At times when we feel that the members of the public and communities are not fully consulted, we do require the consultants and the proponents to go back to the communities and consult. Previously we have received petitions from the members of the communities where they are not in support of certain developments happening in their area, so that is a clear indication that the communities are aware of their rights under the Environment Management Act, and in terms of being part of the whole EIA process before a decision can be reached.

With regards to the businesses, we have been in constant touch with them, we are going to run some virtual online trainings, given the COVID-19 situation this year, so that everyone is very much aware of the processes and the requirements of the Department and making sure that our environment is protected.

DEPUTY CHAIRPERSON.- Thank you very much for that response, much appreciated. Any other questions, Honourable Members?

HON. A.M. RADRODRO.- Deputy Chairman, just a question to the Office of the Auditor-General, can they just advise us as to which year did they undertake this audit?

AUDIT REP.- Thank you, Deputy Chairman, the audit was conducted in 2019 and reported in 2020.

HON. A.M. RADRODRO.- Thank you, Deputy Chairman, a supplementary question to the Director of Environment regarding the prospective licenses. Can you just inform the Committee whether Viti Mining Pte Limited and Ding Jin Mining Pte Ltd have they also complied with your EIA requirements because these are the companies that will do the mining in Nabila in Sigatoka, Viani in the province of Cakaudrove and also some other areas for Ding Jin in Wailoaloa Nadi? Can you advice whether you have given them the EIA as per your earlier answers? You can come later once you find out.

MS. S.K. SINGH.- Thank you, Honourable Member and through you Deputy Chairman, if I can check our records and get back to the Honourable Member on this one, Sir, please, if that is alright?

HON. A.M. RADRODRO.- Yes, that should be okay.

DEPUTY CHAIRPERSON. Yes, that is noted.

HON. A.M. RADRODRO.- A last question from my side, Deputy Chairman to the Director of Environment. The process that you have highlighted, the table that you have shown indicates very tight proposals, policies and processes that you have developed within your Ministry. The question regarding the Malolo Island Development, can you just advice the Committee whether with the process that you have, did you also request an EIA from that company that conducted a development at Malolo?

MS. S.K. SINGH.- Thank you Honourable Member and through you Deputy Chairman. With regards to Malolo, Freesoul Real Estate Development was required to do an EIA, prior to any development at the site.

HON. A.M. RADRODRO.- Just a supplementary question, Deputy Chairperson, regarding the destruction it created at the development site, how does the Department of Environment wishes to make good those destructions and will it be able to compensate the resource owners for the destruction that was conducted on the development site?

MS. S.K. SINGH.- Honourable Member and through you Deputy Chairman, if I may answer that. The matter was before the courts. We are awaiting the sentencing with regards to Malolo, so we will leave it as that.

HON. A.M. RADRODRO.- I apologise if it is still before the courts, Deputy Chairman. I did not know that is still before the courts, I thought there has been already been a judgement.

DEPUTY CHAIRPERSON.- It is noted, Honourable Member. Any other questions?

HON. V. LAL.- Deputy Chairman, this is in regards to the training of the EIA officers, listening to the type of work they do, they need specialised people and expertise. What sort of training is provided to your EIA officers so that they are able to do their work better?

MS. S.K. SINGH.- Thank you, Honourable Member and through you Deputy Chairman, most of the officers at the Department of Environment are very highly qualified staff. Most of them hold Degrees and Masters Degrees in Science. There are lot of expertise within. We do have trainings that are provided, we have had a couple. If I can remember there was one that was provided to the ADB and there were a couple others that were provided by, we can provide you a list of the kind of trainings that the EIA officers have attended. But with regards to EIA, it is very technical, the reports are very science-based and data intense. Where we do not have the expertise, that is why there is a Review Committee that is legislated under the Environment Management Act and the Regulation, the Director can appoint a review committees. We have been getting expertise to sit on our Review Committees from the USP, from the different NGOs, we have reached out to some of our international contacts in different universities around the world who provide us and advice on the different EIA reports. The EIA reports are very specific to the type of development, so I would not say that one can have all the expertise in air pollution, air quality or in other type of endangered species, like, mangroves, sea grass or coral reef. We do look at what expertise is available within, we train our staff based on the strength and the academic qualifications they have, and then we also pull resources and expertise from a range of different agencies that are out there. So that is how, before we make a final decision because a final decision is also or can be appealed, and there has been a number of appeals by the proponents who were not happy with the decisions made by the Department. Last year alone, for example, if I may inform the Honourable Members, we declined at least 43 EIAs that did not meet the expectation of the Department in terms of there was lack in scientific data or there was not enough community consultations. So, when we make a decision it has to be a very well informed one. To answer your question, we have the expertise, we do train our staff, but we also seek expertise from outside as well, before we are able to make a decision.

HON. RO T.V. KEPHA.- Deputy Chairman, can I ask a question?

DEPUTY CHAIRPERSON.- Yes, Honourable Member.

HON. RO T.V. KEPA.- Through you, Sir, to the Director, this is on monitoring, evaluation and reporting on the EIA projects and processes which was given as a concern from that report. The question I want to ask the Director is that in that report it says that they start working when complaints are received from the general public. From the OAG they said that they carried out this audit in 2019, so perhaps you have something in place now where this report is raising a concern in that you are more pre-active than proactive and that you wait until the public come up with some complaints and then you start working from there. My question is, what do you have in place to guide your compliance monitoring, inspection and reporting of EIA approved developments? Director, if you can address that concern, please?

MS. S.K. SINGH.- Thank you, Honourable Member and through you Deputy Chairman, one of our approval conditions is to have all developments that we had approved, one of the conditions is for them to establish an Environment Monitoring Committee (EMC). The Environment Monitoring Committee, some of the representatives include respective departments; we have got Ministry of Lands, we have got Forestry Department and also a community representative to sit on that Committee. So the role of the EMC is to ensure that the conditions that are in place by the Department are complied with by these facilities or businesses. They are required to submit their meeting records to the Department, I think now we have started putting the conditions, very specific within seven days when the meeting was held, they are supposed to have this meeting on a monthly basis depending on the nature and the size of these businesses, so that through that, we are able to pick up any non-compliant issues and the Committees do tell us. We co-ordinate also internally with other government agencies. The Lands Department, before they issue or renew the licenses, for example, gravel extraction companies, one of the requirements that they have is that, the companies must have a compliance report from the Department of Environment so that is when we go and carry out compliance. Honourable Member, it is true that we cannot be everywhere in 300 plus hours that we have, that is why are very dependent on and we work very closely with the Ministry of iTaukei Affairs, the Conservation Officers, Lands Department and the Ministry of Forestry because they have got officers on the ground to tell us if there is anything that they see that is a problem. We do carry out our own compliance inspections, irrespective we can carry out inspections of these approved developments, and sometimes we find some companies to be compliant and some to be non-compliant. So that is how then we take action on them and issue non-compliance letters.

Last year alone, if I may Honourable Member, in the last financial year we issued about 21 prohibition notices because we found some of these facilities and companies to be non-compliant, we had issued over 40 or 50 non-compliant letters to the facilities who were not compliant with our waste and pollution control requirements. The Department actively looks into these issues, looks at some of these businesses and facilities who are not complying and get them to comply, so that any negative environmental impact and also any issues with regards to pollution is addressed and mitigated, for example, with oil spills and other things.

HON. RO T.V. KEPA.- Deputy Chairman, through you, can I ask a supplementary question to the Director. In that regard, Director, can you update us on what is happening in Votua in Ba in terms of the sand mining that they have issues with? Would you have an update on that, Director?

MS. S.K. SINGH.- Honourable Member and through you Deputy Chairperson, if I can look at the status of the sand mining in Ba and the issues around that and get back to the Honourable Member?

DEPUTY CHAIRPERSON.- Yes, that is noted.

HON. RO T.V. KEP.A.- Thank you for that response, Deputy Chairman from the Director.

DEPUTY CHAIRPERSON.- I have another question and that is in regards to the SOPs for guiding EIA officers. I understand the last review was done in February this year, and I wish to congratulate the Department for developing SOPs. While the SOPs are being reviewed, has there been any challenges faced when a review is done or the potential gaps, if there is any?

MS. S.K. SINGH.- Thank you, Deputy Chairman. When we revised the SOP this year, it was to accommodate the new timelines that was announced by our Honourable Minister in terms of processing the EIA applications, for example, previously the legislated timeline was 14 days for screening, now it is 10 days. So we have included that in the SOP in terms of the processing timelines from 30 days to 20 days, so these are the changes that we had incorporated into the existing SOP so that the officers are aware of those and they follow the timelines in the SOPs.

DEPUTY CHAIRPERSON.- Thank you very much.

MR. R. DASS.- Can I just say, Deputy Chairman, there is always effort made to ensure that we are working towards best practice, and in the spirit of continuous improvement, the Ministry of Environment has been working very hard in refining the processes, refining the procedures to ensure that we bolster and support investment in this country, whilst ensuring that we are also protecting our environment and the natural resources. So it is a balancing act, but in all essence, there is definitely room for improvement which the Ministry recognises and has been actively working on.

DEPUTY CHAIRPERSON.- Thank you very much, that is noted. Any other questions, Honourable Members?

HON. RO T.V. KEP.A.- No, none from me, Deputy Chairman.

DEPUTY CHAIRPERSON.- Thank you, Honourable Member. Before we conclude, I give this time to the Honourable Chairman.

HON. A.A. MAHARAJ.- Thank you, Honourable Nand. I will allow the Auditor-General's Office if they have any questions or any clarification with regards to the audit issues that has not been clarified by the Department?

AUDIT REP.- Deputy Chairman, we thank the Ministry for the comments which had been provided in relation to the issues raised in our report. What we will do is, create a follow up audit most probably next year to verify the comments which have been submitted.

The other important point the Committee has noted is the digitisation of the application tracking system. We noted that the Ministry is using Microsoft Excel and I am sure that the Ministry has some plans to adopt a dedicated software. Now a days if you go to a website, you want to check your application, we were thinking something along that line will also allow the applicants to track

their applications digitally. I think those are the two points I would like to make through you, Deputy Chairman.

HON. A.A. MAHARAJ.- Thank you, Mr. Nand for those comments. Anyone else from the OAG would like to get any clarification? If there are no other questions, I would like to thank each and every one who made yourselves available for this virtual hearing with the Department of Environment; a very thorough discussion. I believe this is the second time that the Department has presented before the Committee. First, there was a written submission and this is the oral submission, thank you very much to the Department and the Director, along with the PS for making yourselves available before the Committee. Now we will go back and work on the report and the report will be tabled in Parliament in due course. Thank you very much from my side. Ministry any last comments?

MR. R. DASS.- Thank you, Mr. Chairman and the Honourable Members, we would just like to express our sincere thanks and appreciation to the Office of the Auditor-General for providing us an insight to allow for the improvements and timely in our processes. A lot of work has already been done so we welcome the opportunity for re-assessment. Please be assured that the team here is working tirelessly given the current challenges that our country faces to ensure that we drive the investment agenda, the economical agenda whilst ensuring that our eco-systems and our environment are not compromised. We once again would like to thank everyone for giving us this opportunity to present in front of the Committee.

The Committee adjourned at 11.29 a.m.