

BILL NO. 39 OF 2025

A BILL

FOR AN ACT TO AMEND THE ENVIRONMENT MANAGEMENT ACT 2005

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Environment Management (Amendment) Act 2025.

(2) This Act comes into force on 12 December 2025.

(3) In this Act, the Environment Management Act 2005 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by—

(a) deleting the definition of “approving authority”;

- (b) deleting the definition of “development activity or undertaking” and substituting the following—

““development activity or undertaking” means any activity or undertaking likely to alter the physical nature of the land in any way or change the use of the subject land from its original purpose, and includes the construction of a building or work, the deposit of waste or other material from outfalls, vessel or by other means, the removal of sand, coral, shells, natural vegetation, seagrass or other substances, dredging, filling, land reclamation, mining, prospecting, mining or drilling for minerals, harvesting of trees in plantation and natural forest, but does not include fishing;”;

- (c) in the definition of “development proposal”, deleting “an approving authority” and substituting “the Department”;
- (d) after the definition of “development proposal”, inserting the following new definition—

““development site” means any development activity or undertaking at any location, irrespective of whether it is approved or not;”;

- (e) in the definition of “facility”, deleting “industrial facility” and substituting “industrial business, including any home-based business;”;
- (f) deleting the definition of “improvement notice”;
- (g) after the definition of “landowner”, inserting the following new definition—

““licensing authority” means an agency or authority that issues a licence, lease, approval, or permit for any development activity or undertaking or development proposal;”;

- (h) after the definition of “non-traditional structures”, inserting the following new definition—

““official identification card” means the identification card issued by the Department containing the photograph and official details of the person to whom it is issued;”.

Section 7 amended

- 3.** Section 7(1) of the Principal Act is amended by—

- (a) in paragraph (b), deleting “or” and substituting “and”; and
- (b) in paragraph (d), deleting “general manager for” and substituting “Chief Executive Officer of”.

Section 10 amended

- 4.** Section 10 (1) of the Principal Act is amended by deleting “4 times” and substituting “once”.

Section 12 amended

5. Section 12(3) of the Principal Act is amended by deleting paragraph (a) and substituting the following—

“(a) is referred to the Director or EIA Administrator by a licensing authority;”.

Section 14 amended

6. Section 14 of the Principal Act is amended by—

(a) in subsection (1)(a) after “Waste”, inserting “Management”; and

(b) in subsection (3), deleting paragraph (b) and substituting the following—

“(b) to formulate, implement and monitor the National Integrated Waste Management and Pollution Control Strategy;”.

Section 15 amended

7. Section 15 of the Principal Act is amended by deleting subsection (2) and substituting the following—

“(2) A unit established under subsection (1) must consist of employees who must—

- (a) provide expert advice on any environmental matter related to a project and guide a project proponent on compliance requirements before submission to the Department;
- (b) monitor the implementation of a project for adherence to any EIA approval condition and national environmental standard, and submit a compliance report to the Department for enforcement and record-keeping purpose following a joint compliance and monitoring session;
- (c) organise training and awareness programs for any staff and contractor on environmental obligations and develop sector-specific environmental guidelines aligned with this Act and its regulations, and any Department directive;
- (d) maintain environmental performance data for any project within the respective sector and provide a periodic report to the Department to inform any policy decision and enforcement action;
- (e) conduct a preliminary internal review to identify any potential environmental risk and recommend mitigation measures before a proposal is formally submitted to the Department;
- (f) act as a focal point for environmental incident response within the respective sector and co-ordinate with the Department during an environmental emergency and pollution incident;
- (g) conduct a survey and inspection and collate geographic and natural resource information for the purpose of the Natural Resource Inventory;
- (h) lead an education and awareness initiative; and

- (i) perform any other duties, functions, and responsibilities prescribed by the regulations.”

Section 16 amended

- 8.** The Principal Act is amended by deleting section 16 and substituting the following—

“Environmental management committees

16.—(1) A facility or a person that has received an approved development proposal from the Department must, if required by the Department, establish a committee responsible for environmental management.

- (2) The functions of the environmental management committee are to—

- (a) facilitate co-operation between the employer and the employees, or stakeholders in relation to environmental management;
- (b) facilitate co-operation between the proponent and the relevant licensing authority and any other member approved by the Department;
- (c) investigate and report on any matter which may constitute a threat to the environment;
- (d) ensure that any condition imposed by the Department is adhered to;
- (e) undertake education and awareness programmes of environmental matters;
- (f) report any environmental incident or accident to the Department not less than 24 hours from the time of the incident; and
- (g) perform any other function as the Director thinks necessary.

(3) The employer in respect of a facility or a proponent in respect of an approved development proposal that fails to establish a committee under this section commits an offence and is liable on conviction to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 12 months, or both.”.

Section 17 amended

- 9.** Section 17(2) of the Principal Act is amended after “Register” by inserting “during normal office hours and upon payment of the prescribed fee”.

Section 18 amended

- 10.** The Principal Act is amended by deleting section 18 and substituting the following—

“Appointment of inspectors

18.—(1) The Permanent Secretary must appoint public officers as inspectors for the purposes of this Act, and the appointments must be published in the Gazette.

- (2) An inspector must carry an official identification card while conducting an inspection.

(3) Any person who forges or counterfeits an official identification card or uses any forged, counterfeit or false identification card or impersonates the inspector named in an official identification card, commits an offence and is liable on conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months or both.”.

Section 19 amended

11. Section 19 of the Principal Act is amended by—

- (a) in subsection (1)(a), deleting “any examination” and substituting “an inspection”; and
- (b) in subsection (2)—
 - (i) in paragraph (a), deleting “a report on the inspection; and” and substituting “an inspection report;”;
 - (ii) in paragraph (b), deleting “ministry, department, statutory authority, local authority or facility” and substituting “Director; and”; and
 - (iii) after paragraph (b), inserting the following new paragraph—

“(c) upon the Directors approval of the inspection report, provide a copy of the report to the relevant licensing authority or proponent.”.

Section 20 amended

12. Section 20 of the Principal Act is amended by—

- (a) in subsection (1)—
 - (i) in paragraph (a) after “facility”, inserting “or development site”;
 - (ii) deleting paragraph (b) and substituting the following—

“(b) enter and inspect any facility or development site where the inspector has reasonable grounds to believe waste or pollutants can be found or discharged;”;

and
 - (iii) deleting paragraphs (d) and (e) and inserting the following—

“(d) stop and inspect any vehicle, vessel or aircraft if the inspector has reasonable grounds to believe that the vehicle, vessel or aircraft is likely to contravene or has contravened this Act; and”; and

(e) enter and inspect any facility or development site in respect of which a permit or approval has not been issued under this Act where the undertaking is a threat or risk to the environment; and

(f) require the production of any document or information required to be kept under this Act and any other document or information related to the purpose for which the inspector is exercising a power under this Act.”.

(b) in subsection (5), deleting paragraph (b) and substituting the following—

“(b) give the person a written notice for the items seized; and”; and

(c) in subsection (6), deleting “, other than residential premises,”.

Section 21 amended

13. The Principal Act is amended by deleting section 21 and substituting the following—

“Prohibition notice

21.—(1) If the inspector has reason to believe that an immediate threat or risk to the environment is occurring or is likely to occur in any activity or undertaking of a ministry, department, statutory authority, local authority, facility or person, the Director may issue a prohibition notice in the prescribed form to stop the operation of the development activity or undertaking, and instruct the offender to undertake the immediate restoration or rehabilitation of the affected sites.

(2) If a facility or a proponent is in contravention or has contravened this Act, the Director may immediately issue a prohibition notice in the prescribed form to stop the development activity or undertaking.

(3) The Director may cause the prohibition notice to be posted on the place or premises of and served on the ministry, department, statutory authority, local authority or facility.

(4) A person who fails to comply with a prohibition notice commits an offence.

(5) A person who removes, obliterates or interferes with a notice posted under subsection (3) commits an offence.

(6) The decision of the Director under subsections (1) and (2) must be made in writing, informing the ministry, department, statutory authority, local authority, facility or person of the time allowed by the Director for remedial works from the date of issuance of the prohibition notice.

(7) A person who is aggrieved by a prohibition notice may, within 21 working days after the notice is issued, appeal to the Environmental Tribunal.”.

Section 27 and 28 amended

14. The Principal Act is amended by deleting sections 27 and 28 and substituting the following—

“Environmental impact assessment process

27. The EIA process for a development proposal must be undertaken in accordance with this Part as follows—

(a) screening;

(b) scoping;

(c) preparation of an EIA report or Management Plan;

(d) reviewing the EIA report;

- (e) decision on the EIA report; and
- (f) in accordance with any other prescribed procedures by the Director or EIA Administrator.

EIA screening

28.—(1) The Department must —

- (a) examine every EIA screening application for any development activity or undertaking; and
- (b) determine whether the development activity or undertaking in the development proposal is likely to cause significant environmental or resource management impact.

(2) In examining an EIA screening application, the Department must consider —

- (a) the nature and scope of the development activity or undertaking;
- (b) the level of significance of any environmental or resource management impact;
- (c) whether there exists any technically or economically feasible measures that would prevent or mitigate any adverse environment or resource management impact;
- (d) environmental or resource management impact; and
- (e) any public concern relating to the development activity or undertaking.

(3) If the Director or EIA Administrator determines that the development activity or undertaking, including those under the Environment Management (EIA Process) Regulations 2007 may cause a significant environmental or resource management impact, the development proposal must be subject to an EIA.

(4) If the Director or EIA Administrator determines that the development activity or undertaking may cause a minimal environmental or resource management impact, the development proposal must be subject to a Management Plan or determination with approval conditions.

(5) The determination must be issued within 7 working days from the date of receipt of prescribed screening fees along with the complete submission of the EIA screening application to the Department.”.

Section 28A inserted

15. The Principal Act is amended after section 28 by inserting the following new section —

“EIA scoping

28A.—(1) If a development proposal is subject to an EIA, scoping must be undertaken to identify the scope of the EIA study required of the proponent.

(2) The scope of the EIA study must be reflected through a Terms of Reference that is —

- (a) developed by the Department or an accredited consultant that is approved by the Director or EIA Administrator; and
- (b) valid for a period of 12 months from the date of issue.

(3) The Terms of Reference must be issued within 15 working days from the date of receipt of the prescribed processing fees along with the complete submission of the EIA processing application to the Department.”.

Section 29 amended

16. The Principal Act is amended by deleting section 29 and substituting the following —

“Preparation of EIA report

29.—(1) An EIA report must be prepared in accordance with the Terms of Reference and include mitigation measures and any other requirement as the Director or EIA Administrator thinks necessary.

(2) An EIA report must be prepared by an accredited EIA consultant at the proponent’s cost.”.

Section 30 amended

17. The Principal Act is amended by deleting section 30 and substituting the following —

“Reviewing EIA reports

30.—(1) An EIA report must be reviewed by —

- (a) a review committee;
- (b) any experienced professional across various sectors that have the specific area of knowledge in relation to the proposed development; or
- (c) by an independent accredited consultant.

(2) An appointment under subsection (1) must be made by the Director.

(3) A public consultation must be conducted at the proponent’s cost, within the vicinity of the area of the proposed development as part of the EIA review process.

(4) Any person may view and provide comments on the EIA report within 21 working days after it is submitted to the Director or EIA Administrator.

(5) For the purposes of reviewing an EIA report, the Director may —

- (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 purposes of review;

- (c) set up an independent technical advisory committee to provide advice on any matter contained in an EIA report that requires further input; or
- (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 amended

18. The Principal Act is amended by deleting section 31 and substituting the following—

“Approval of EIA report

31.—(1) After reviewing an EIA report, the Director or EIA Administrator may—

- (a) approve the report with or without conditions; or
- (b) reject the report.

(2) If an EIA report is approved under subsection (1)(a), an environmental cash bond computed within the EIA report must 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.

(3) A person who disagrees with a decision of the Director or EIA Administrator under subsection (1)(b) may, within 21 working days from the date of the decision, appeal to the Environmental Tribunal.

(4) An approved EIA report is valid for the specific activity or undertaking in the development proposal for which it was approved, and the approved EIA report must not be transferred or used for any other purpose other than the purpose for which it was approved.

(5) The development activity or undertaking must commence within 3 years from the date of approval of the EIA report, unless the proponent has obtained a written extension of time from the Director or EIA Administrator.

(6) If a development activity or undertaking does not commence within 3 years, a new EIA screening application is required from the proponent.”.

Sections 31A, 31B and 31C inserted

19. The Principal Act is amended after section 31 by inserting the following new sections—

“Preparation of Management Plan

31A.—(1) If a development proposal is subject to a Management Plan with specific conditions, a Terms of Reference may be required to identify the scope of work required of the proponent.

(2) The Terms of Reference must be developed by an accredited consultant at the proponent’s cost.

(3) A Management Plan must be prepared by an accredited consultant at the proponent's cost and include mitigation measures and any other prescribed requirements by the Director or EIA Administrator.

(4) If required, the Management Plan must include a computation of an environmental cash bond as a security to cover the probable cost of preventing or mitigating any environmental damage to the area and its surroundings.

Review of Management Plan

31B.—(1) A Management Plan may be reviewed—

- (a) by the Department or by a review committee appointed by the Director; or
- (b) by an independent accredited consultant appointed by the Director.

(2) If required, a Management Plan may be subject to a public consultation at the proponent's cost within the vicinity of the area of the proposed development.

(3) A decision on the Management Plan must be made within 20 working days.

(4) For the purposes of reviewing a Management Plan, the Director or EIA Administrator may—

- (a) request any ministry, department, statutory authority, local authority, proponent or other person to submit comments in writing on the report;
- (b) request a copy of any other report, study or document mentioned in the Management Plan for the purposes of review;
- (c) set up a technical advisory committee to provide advice on any matter contained in a Management Plan; or
- (d) require a proponent to carry out any further study or submit additional documents or information for the purpose of ensuring that the report is accurate.

Approval of Management Plans

31C.—(1) After reviewing a Management Plan, the Director or EIA Administrator may—

- (a) approve the Management Plan with or without conditions; or
- (b) reject the Management Plan.

(2) A person who disagrees with a decision of the Director or EIA Administrator under subsection (1)(b) may, within 21 working days from the date of the decision, appeal to the Permanent Secretary.

(3) An approved Management Plan is only valid for the development activity or undertaking in the development proposal for which it was approved and must not be transferred or used for any other purpose other than that for which it was approved.

(4) The development activity or undertaking must commence within 3 years from the date of approval of the Management Plan, unless the proponent has obtained a written extension of time from the Director or EIA Administrator.

(5) Subject to subsection (4), if the development activity or undertaking does not commence within 3 years, a new EIA screening application will be required from the proponent.”.

Section 32 amended

20. The Principal Act is amended by deleting section 32 and substituting the following—

“Environmental management and monitoring

32.—(1) A proponent is required to implement all conditions of an approved EIA or Management Plan.

(2) The Department may, at any time, conduct inspections to determine compliance with subsection (1).”.

Sections 33 and 34 amended

21. The Principal Act is amended by deleting sections 33 and 34 and substituting the following—

“Appeals

33.—(1) If a proponent disputes an EIA determination, or conditions set out in the Management Plan issued by the Director or EIA Administrator, the proponent may appeal to the Permanent Secretary within 21 working days.

(2) If a proponent disputes conditions related to the EIA report, the proponent may appeal to the Environment Tribunal within 21 working days of receipt of the decision.

Right to access reports or plans

34. A person has the right to access any report or plan during normal office hours and upon payment of the prescribed fees.”.

Section 35 amended

22. Section 35 of the Principal Act is amended after subsection (2) by inserting the following new subsection—

“(3) A permit issued under this Part must be reviewed every 3 years and be subject to compliance inspections carried out by virtue of this Act.”.

Section 37 amended

23. Section 37 of the Principal Act is amended by—

(a) in subsection (1) after “inspections”, inserting “, a fixed penalty”; and

(b) after subsection (3), inserting the following new subsection—

“(4) If a facility fails to pay the permit fee or the fixed penalty within 14 working days of the issuance of the notice, the facility commits an offence and is liable for prosecution.”

Section 43 amended

24. The Principal Act is amended by deleting section 43 and substituting the following—

“Offence of permitting or undertaking unauthorised developments

43.—(1) Where a ministry, department, or licensing authority issues a development approval or licence without an approved EIA report or Management Plan, that approval or licence is void, invalid, and of no legal effect.

(2) The voidance of an approval or licence under subsection (1) must not prejudice the liability of—

- (a) the responsible officer, Director, employee, or agent for an offence under section 44; and
- (b) the person or proponent who carries out the development activity or undertaking under subsection (3).

(3) A person who carries out any development activity or undertaking which is subject to the EIA process without an approved EIA report or Management Plan commits an offence—

- (a) for the first offence, is liable to a fixed penalty not exceeding \$50,000;
- (b) for the second offence, is liable on conviction to a fine not exceeding \$250,000 or to a term of imprisonment not exceeding 3 years or both; and
- (c) for a third or subsequent offence, is liable on conviction to a fine not exceeding \$750,000 or to a term of imprisonment not exceeding 10 years, or both.

(4) If a person is found to be conducting a development activity or undertaking under subsection (3), the Director may issue an order to stop work in the manner prescribed by regulation.

(5) A person who contravenes any requirement under Part 4 or a condition for the approval of a development proposal or an approved EIA report or Management Plan, commits an offence and is liable upon conviction to a fine not exceeding \$250,000 or to a term of imprisonment not exceeding 3 years or both.”.

Section 44 amended

25. Section 44 of the Principal Act is amended by—

- (a) in subsection (2), deleting “\$2,000 or to a term of imprisonment not exceeding 6 months” and substituting “\$5,000 or a term of imprisonment not exceeding 12 months”; and
- (b) in subsection (3), deleting “\$2,000 or to a term of imprisonment not exceeding 6 months” and substituting “\$5,000 or a term of imprisonment not exceeding 12 months”.

Sections 46A inserted

26. The Principal Act is amended after section 46 by inserting the following new sections—

“Power to issue fixed penalty notice

46A.—(1) If the EIA Administrator or the WPC Administrator has reasonable grounds to believe that a person has committed a prescribed offence specified in the Schedule to the Regulations may issue a fixed penalty notice to the person in respect of the offence.

(2) A person who receives a fixed penalty notice may discharge liability for the offence in the manner prescribed by regulation.

(3) For the purpose of this section the fixed penalty must be for the offences prescribed in the Regulations.

Section 55 amended

27. Section 55(2) of the Principal Act is amended by deleting paragraphs (a) to (f) and substituting the following—

- “(a) payment for debts for nature swaps;
- (b) payment for necessary expenses incurred in the negotiation, monitoring (including the retention of technical experts), investigation or analysis of any matter or the undertaking of any environmental monitoring or audit programme;
- (c) payment to undertake environmental damage assessments or emergency response;
- (d) payment for supporting environmental rehabilitation work;
- (e) payment for study and research programmes and certifications;
- (f) payment for technical consultants to review environmental reports and plans required under this Act;
- (g) payment for supporting remedial works as provided under section 47 (as renumbered); and
- (h) if necessary, payment for refund of environmental bonds and security of costs.”.

Section 60 deleted

28. The Principal Act is amended by deleting section 60.

Section 61 amended

29. Section 61(1) of the Principal Act is amended by—

- (a) in paragraph (a) after “fees”, inserting “, fines”;
- (b) deleting paragraphs (e) and (f); and

(c) deleting paragraph (k), and substituting the following—

“(k) to amend Schedule 1; and”; and

(d) after paragraph (k), inserting the following—

“(l) the Minister may make regulation prescribing the fixed penalty notice.”.

Section 62 amended

30. The Principal Act is amended by deleting section 62 and substituting the following—

“Guidelines

62. The Director, with the approval of the Permanent Secretary, may issue written guidelines setting out the—

- (a) criteria to be followed by the Director or EIA Administrator in approving EIA reports and management plans;
- (b) sectoral guidelines, including but not limited to guidelines for mangrove removal, dredging, mining, quarrying, logging, infrastructure, or any other sector, to assist in environmental assessment and decision-making;
- (c) procedures for processing development proposals in respect of environmental impact assessment, by an EIA processing officer;
- (d) minimum educational and professional requirements for any inspector, analyst, environmental auditor or laboratory required to perform any function under this Act;
- (e) accreditation of environmental consultants, auditors, mediators, remediation experts, analysts and laboratories;
- (f) procedures for undertaking the monitoring of compliance with any conditions of an approval under Part 4; and
- (g) any other purpose required to give effect to Part 4.”.

Schedule 1 amended

31. The Principal Act is amended in Schedule 1 after item 14, inserting the following—

“15. Climate Change Act 2021

16. iTaukei Land Trust Act 1940

17. Maritime Transport Act 2013

18. National Disaster Risk Management Act 2024

19. Property Law Act 1971

20. Sea Ports Management Act 2005”.

Schedule 2 deleted

32. The Principal Act is amended by deleting Schedule 2 .

Office of the Attorney-General
Suvavou House
Suva
November 2025

ENVIRONMENT MANAGEMENT (AMENDMENT) BILL 2025

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Ministry of Environment, in partnership with the Ministry of Commerce and Business Development Ministry (**‘Ministry’**), is developing the Building Permit Approval System (**‘BPAS’**) as part of project businessNOW FIJI. This project is intended to digitise the building permit process, reduce delays, improve transparency, and significantly enhance service delivery.
- 1.2 To fully realise these benefits, it is critical to modernise the legal framework. A review and realignment of responsibilities is required to support digitalisation, streamline processes, and strengthen Fiji’s position as the business and investment hub of the Pacific.
- 1.3 In addition to the BPAS review, the Ministry also undertook a comprehensive review of its legislation which has culminated in the proposed amendment.

2.0 CLAUSES

- 2.1 Clause 1 of the Environment Management (Amendment) Bill 2025 (**‘Bill’**) provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 12 December 2025.
- 2.2 Clause 2 of the Bill amends section 2 of the Act by updating the definitions.
- 2.3 Clause 3 of the Bill amends section 7(1) of the Act by substituting “general manager” with “Chief Executive Officer responsible”.
- 2.4 Clause 4 of the Bill amends section 10 of the Act by changing the frequency of the meetings from 4 times and substituting to at least once in a year.
- 2.5 Clause 5 of the Bill amends section 12 of the Act by deleting subsection 3(a) and substituting a new subsection that requires the EIA Unit to examine and process any development proposal which is referred to the Director or EIA Administrator by a licensing authority.

- 2.6 Clause 6 of the Bill amends section 14 of the Act by inserting the word “Management” after “Waste” in subsection 1(a) and by substituting subsection (3)(b) to require the Department to formulate, implement, and monitor the National Integrated Waste Management and Pollution Control Strategy.
- 2.7 Clause 7 of the Bill amends section 15 of the Act by substituting subsection (2) with a new subsection that lists the required duties of the environmental units established in other agencies.
- 2.8 Clause 8 of the Bill amends the Act by deleting section 16 and substituting a new section 16 that mandates facilities or proponents to establish an Environmental Management Committee if required by the Department, outlining the Committee’s functions and creating an offence for failure to establish a committee with a penalty not exceeding \$5,000 or imprisonment not exceeding 12 months or both.
- 2.9 Clause 9 of the Bill amends section 17(2) of the Act by inserting the words “during normal office hours and upon payment of the prescribed fee” outlining the conditions for public access to the Register.
- 2.10 Clause 10 of the Bill amends the Act by amending section 18 that mandates the Permanent Secretary to appoint public officers as inspectors to carry an official identification card, and creates a new offence for forging, counterfeiting, or impersonating an inspector with a maximum fine of \$10,000 or imprisonment of 12 months or both.
- 2.11 Clause 11 of the Bill amends section 19 of the Act by substituting “any examination or” with “an inspection or” in subsection (1)(a), and by amending subsection (2) requiring the inspector to provide an inspection report to the Director and, upon the Director’s approval, provide a copy of the report to the relevant licensing authority or proponent.
- 2.12 Clause 12 of the Bill amends section 20 of the Act by expanding the powers of inspectors under subsection (1) to include the right to enter and inspect a development site without a permit or approval if the undertaking is a threat or risk to the environment, to enter and inspect where waste or pollutants are believed to be found or discharged, and to stop and inspect any automobile, vessel, or aircraft believed to have contravened the Act and by amending subsection (5) to require the inspector to give a person a written notice for the items seized and by removing the general exemption in subsection (6) concerning residential premises.
- 2.13 Clause 13 of the Bill amends the Act by substituting a new section 21 that establishes the framework for issuing Prohibition Notices by the Department.

- 2.14 Clause 14 of the Bill amends the Act by deleting sections 27 and 28 and substituting a new Section 27 and 28 that defines the Environmental Impact Assessment process as including screening, scoping, preparation, reviewing.
- 2.15 Clause 15 of the Bill amends the Act by inserting a new section 28A that formalises the scoping stage for an EIA, requiring the issuance of a Terms of Reference that is valid for 12 months, to be developed by the Department or an approved accredited consultant, and issued within 15 working days of receiving the complete application and fees.
- 2.16 Clause 16 of the Bill amends the Act by substituting a new section 29 that clarifies the Preparation of the EIA Report must be in accordance with the Terms of Reference and be prepared by an accredited EIA consultant at the proponent's cost.
- 2.17 Clause 17 of the Bill amends the Act by deleting section 30 and substituting a new provision that details the process for reviewing Environmental Impact Assessment (EIA) reports, which can be conducted by a review committee, experienced professionals, or an independent accredited consultant appointed by the Director. The new section mandates that a public consultation be held at the proponent's expense, allows for public comments to be received within 21 working days, and grants the Director the power to request further information or establish a technical advisory committee to aid in the review..
- 2.18 Clause 18 of the Bill amends the Act by substituting a new section 31 detailing the Approval of EIA reports, allowing the Director or EIA Administrator to approve or reject the report. This new section mandates that an environmental cash bond must be deposited into the Fund as security upon approval, specifies that the approval is non-transferable and activity-specific, and requires the development to commence within three years (or an extension be sought) to avoid a new EIA screening application, while setting a 21-day appeal window to the Environmental Tribunal if the report is rejected.
- 2.19 Clause 19 of the Bill amends the Act by inserting new sections 31A, 31B, and 31C to establish the formal process for the Preparation, Review, and Approval of Management Plans for lower-impact activities, requiring the plan to be prepared by an accredited consultant at the proponent's cost, setting a 20 working-day decision timeline, requiring a 3-year commencement limit, and setting a 21-day appeal period to the Permanent Secretary if the plan is rejected.
- 2.20 Clause 20 of the Bill amends the Act by deleting section 32 and substituting a new section 32 that confirms the proponent's requirement to implement all conditions of an approved EIA or Management Plan and the Department's right to conduct inspections for compliance.

- 2.21 Clause 21 of the Bill amends the Act by deleting sections 33 and 34 and substituting a new section 33 and 34 that streamlines the Appeals process by directing disputes over EIA determinations or Management Plan conditions to the Permanent Secretary within 21 working days, and disputes over EIA report conditions to the Environment Tribunal within 21 working days and it confirms the Right to access any report or plan prepared under this Part.
- 2.22 Clause 22 of the Bill amends section 35 of the Act by inserting a new subsection (3) that requires permits issued under that Part to be reviewed every 3 years and be subject to compliance inspections.
- 2.23 Clause 23 of the Bill amends section 37 of the Act by introducing a provision for a fixed penalty and makes a facility liable for prosecution if it fails to pay the permit fee or fixed penalty within 14 working days of notice issuance.
- 2.24 Clause 24 of the Bill amends the Act by deleting section 43 and substituting a new section 43 that invalidates any development approval or licence issued by a licensing authority without an approved EIA report or Management Plan.
- 2.25 Clause 25 of the Bill amends section 44 of the Act by increasing the fines and terms of imprisonment for responsible officers and employees who commit an offence under the section from \$2,000 and 6 months imprisonment to \$5,000 and 12 months imprisonment.
- 2.26 Clause 26 of the Bill amends the Act by inserting new sections 46A to establish the authority and procedures for issuing fixed penalty notice.
- 2.27 Clause 27 of the Bill amends section 55 of the Act by substituting subsection (2) with an expanded list of purposes for which the Environment Fund may be used, including payment for debts for nature swaps, environmental damage assessments or emergency response, rehabilitation work, and the refund of environmental bonds and security of costs.
- 2.28 Clause 28 of the Bill amends the Act by deleting section 60.
- 2.29 Clause 29 of the Bill amends section 61(1) of the Act by including fines as a source of revenue for the Fund and deleting paragraphs (e) and (f).
- 2.30 Clause 30 of the Bill amends the Act by deleting section 62 and substituting a new section 62 that clarifies the Director's power to issue written guidelines with the Permanent Secretary's approval, covering criteria for EIA and Management Plan approvals, sectoral guidelines, procedures for processing, and the accreditation of environmental consultants, auditors, and laboratories.
- 2.31 Clause 31 of the Bill amends Schedule 1 of the Act by inserting new items, adding a list of several other Acts to the list of prescribed legislation.

2.32 Clause 32 of the Bill amends the Act by deleting Schedule 2.

3.0 MINISTERIAL RESPONSIBILITY

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

S. D. TURAGA
Acting Attorney-General