

ACT NO. 27 OF 2025

I assent.

RATU N. T. LALABALAVU
President

[3 December 2025]

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;”;
- and
- (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”;

(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 license that is subject to an EIA process, or where EIA reports or Management Plans have not been approved, that license or approval 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.

Passed by the Parliament of the Republic of Fiji this 1st day of December 2025.