

BILL NO. 5 OF 2026

A BILL

FOR AN ACT TO AMEND THE LITTER ACT 2008

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Litter (Amendment) Act 2026.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Litter Act 2008 is referred to as the “Principal Act”.

Section 2 amended

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

(a) before the definition of “dangerous litter”, inserting the following new definition—

““commercial waste” means any litter or waste generated by a business, trade, industrial activity, or commercial facility;”;

(b) deleting the definition of “litter” and substituting the following—

““litter” means any matter or thing in any form (excluding religious offerings), the possession of which has been abandoned by any person having control of the same in any public place; and for the avoidance of doubt, includes, but is not limited to—

- (a) chewing gum;
- (b) diapers;
- (c) cigarette butts and other tobacco products;
- (d) containers and packaging;
- (e) human, animal, fish and vegetable refuse or waste;
- (f) building, household, shop, garden and trade refuse or waste;
- (g) factory furniture, appliances and machinery;
- (h) timber, wood, glass, iron, concrete, sand, earth, gravel, stone and clay;
- (i) electronic waste including solar panels and car batteries;
- (j) clinical waste;
- (k) construction waste; and
- (l) industrial and mechanical waste;”;

(c) in the definition of “public place”, in paragraph (h), after “fee,”, inserting “and for the avoidance of doubt, includes, but is not limited to, any private land where litter is deposited without the express consent of the owner, any vacant property, or any stadium or sporting facility.”.

Section 6 amended

3. Section 6(3) of the Principal Act is amended after “residence” by inserting “and to provide a valid government-issued photo identification”.

Section 8A inserted

4. The Principal Act is amended after section 8 by inserting the following new section—

“Depositing litter other than the day designated for collection

8A.—(1) A person must not deposit, or cause to be deposited, any litter or receptacle containing litter on a street, footpath, or public place for collection on any day other than a day designated for collection by the relevant public authority.

(2) Any person who contravenes subsection (1) commits an offence.”.

Section 14 amended

5. Section 14 of the Principal Act is amended by deleting “third column of the Schedule for the respective section specified in the first column” and substituting “Schedule for the respective offence committed under this Act”.

Section 15 amended

6. Section 15 of the Principal Act is amended by—

- (a) in paragraph (a), deleting “; or” and substituting “;”;
- (b) in paragraph (b), deleting “.” and substituting “; or”; and
- (c) after paragraph (b), inserting the following new paragraph—
 - “(c) being a parent or guardian of a minor, fails to take reasonable steps to prevent the minor from depositing and abandoning litter.”.

Section 22 amended

7. Section 22 of the Principal Act is amended by—

- (a) deleting subsection (6) and substituting the following—
 - “(6) For the purpose of this section the fixed penalty for any prescribed offence is \$200.”; and
- (b) after subsection (7), inserting the following new subsection—
 - “(8) Where a person is served with a fixed penalty notice under this section and fails to pay the prescribed fine within the time prescribed, or elects to have the matter heard in court, the court, upon conviction, has the power to impose a penalty not exceeding the penalty for that offence as specified in the Schedule.”.

Section 24 amended

8. Section 24 of the Principal Act is amended by—

- (a) in paragraph (a), deleting “and”;
- (b) in paragraph (b), deleting “.” and substituting “; and”; and
- (c) after paragraph (b), inserting the following new paragraph—
 - “(c) photographic evidence taken by a litter prevention officer at the time of the alleged offence is *prima facie* evidence of the facts alleged in the charge or fixed penalty notice.”.

Section 25 amended

9. The Principal Act is amended by deleting section 25 and substituting the following—

“Application of fines

25. Any fine, penalty and cost recovered under this Act, at the end of the financial year, are distributed as follows—

- (a) 80% paid into a special account of the collecting authority to be used for litter prevention and awareness; and
- (b) 20% transferred to the Environmental Trust Fund established under section 55 of the Environment Management Act 2005.”.

Schedule amended

10. The Principal Act is amended by deleting the Schedule and substituting the following—

“SCHEDULE
(Sections 14 and 22(8))

PENALTIES

<i>Section</i>	<i>Offence</i>	<i>Fixed Penalty</i>	<i>Maximum penalty the court may impose (Individual)</i>	<i>Maximum penalty the court may impose (Corporate)</i>
7(1)(a)	A person who wilfully obstructs or hinders an officer while acting in the execution of any of the powers or duties conferred upon him or her by this Act.	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	\$2,000
7(1)(b)	A person who, without lawful excuse, fails within a reasonable time to comply with the requirement of an officer exercising the power conferred on him or her by section 6(2).	\$200	\$5,000 or imprisonment for a term not exceeding 3 months, or both.	\$10,000
7(1)(c)	A person who, as required by an officer acting pursuant to the powers conferred on him or her by section 6(3)— (i) refuses to disclose his or her true name or place of residence; (ii) gives a false name or place of residence; or (iii) gives such a general description of his or her place of residence as is illusory for the purpose of discovery.	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	N/A
7(1)(d)	A person who personates or falsely pretends to be an officer or registered under section 5.	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	N/A
7(1)(e)	A person who offers violence to, assaults, threatens, intimidates, uses threatening language towards or behaves in a threatening manner to any officer while he or she is acting in the exercise of his or her powers or the discharge of his or her duties under this Act.	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	N/A

<i>Section</i>	<i>Offence</i>	<i>Fixed Penalty</i>	<i>Maximum penalty the court may impose (Individual)</i>	<i>Maximum penalty the court may impose (Corporate)</i>
7(1)(f)	A person who gives or agrees to give or offers to an officer any gift or consideration as an inducement or reward for any act done or to be done, or for any forbearance observed or to be observed, or for any favour shown, or to be shown to him or her by an officer.	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	\$2,000
7(1)(g)	An officer registered under section 5, receives or agrees to receive a gift or offer of any gift as stated in section 7(1)(f).	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	N/A
8(5)	The occupier of any commercial facility who disposes of commercial waste into receptacles provided for public use for the disposal of litter.	\$200	For first offence— \$1,000 For second or subsequent offence— \$8,000	For first offence— \$10,000 For second or subsequent offence— \$20,000
8A	A person who deposits, or causes to be deposited, any litter or receptacle containing litter on a street, footpath, or public place for collection on any day other than a day designated for collection by the relevant public authority.	\$200	Fine not exceeding \$300 or imprisonment for a term not exceeding 3 months, or both.	\$1,000
9	A person who, without lawful authority, damages, removes, tampers with or destroys or unlawfully removes a public or private receptacle designed or used for the deposit of litter or causes or permits its contents to be deposited on premises.	\$200	Fine not exceeding \$500 and imprisonment for a term not exceeding 6 months, or both.	\$2,000
10(1)	A person who directly or indirectly deposits and abandons any dangerous litter in or on any public place.	N/A	For first offence— \$5,000 For second or subsequent offence— \$10,000	For first offence— \$10,000 For second or subsequent offence— \$100,000
10(2)	A person who directly or indirectly deposits and abandons any litter in or on any public place.	\$200	For first offence— \$500 For second or subsequent offence— \$1,500	For first offence— \$10,000 For second or subsequent offence— \$20,000

<i>Section</i>	<i>Offence</i>	<i>Fixed Penalty</i>	<i>Maximum penalty the court may impose (Individual)</i>	<i>Maximum penalty the court may impose (Corporate)</i>
11	A person who posts any placard, bill, sticker or other document on any bridge, house, building, hoarding, wall, fence, gate, tree, post, hydrant, fire alarm, or other structure whatsoever without the consent of the occupier or owner of the premises concerned or of any person or body having authority to give such consent.	\$200	For first offence— \$200 For second or subsequent offence— \$500	For first offence— \$1,000 For second or subsequent offence— \$2,000
12(1)	A driver of a vehicle, who without reasonable excuse, permits any article, substance or material to be thrown from, fall from or be deposited by or from the vehicle in any public place.	\$200	For first offence— \$500 For second or subsequent offence— \$1,000	For first offence— \$2,000 For second or subsequent offence— \$5,000
12(2)	A driver of a vehicle who fails to immediately take all reasonable steps to safeguard other traffic in a public place and to remove the article, substance or material that is thrown from, falls from or is deposited from the vehicle.	\$200	For first offence— \$200 For second or subsequent offence— \$1,000	For first offence— \$800 For second or subsequent offence— \$2,000
13	A person who wilfully breaks any bottle, glass or any article made of glass or any other such object in or on a public place; provided that the person who unintentionally breaks the bottle, glass or any article made of glass, in or on the public place, did not immediately clear up and remove to a site for the disposal of such litter.	\$200	\$400 or imprisonment for a term not exceeding 3 months, or both.	N/A
15(c)	A parent or guardian of a minor, fails to take reasonable steps to prevent the minor from depositing and abandoning litter.	\$200	\$500 or imprisonment for a term not exceeding 3 months, or both.	N/A
19	An employer who— (a) dismisses or threatens to dismiss an employee; (b) disciplines or suspends an employee; (c) imposes a penalty on an employee; (d) intimidates or coerces an employee, because the employee has reported, or proposes to report, to any person an act or omission that contravenes, or that the employee has reasonable grounds to believe may contravene this Act.	N/A	\$5,000	\$20,000

April 2026

LITTER (AMENDMENT) BILL 2026

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 Litter (Amendment) Bill 2026 (**‘Bill’**) seeks to amend the Litter Act 2008 (**‘Act’**).

2.0 CLAUSES

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

2.2 Clause 2 of the Bill amends section 2 of the Act to provide for a definition of “commercial waste”, broaden the definition of “litter” to include modern waste streams such as solar panels, car batteries, and diapers to ensure clarity for on-the-spot enforcement. It also amends the definition of “public place” to include “vacant properties” and “private land” to address illegal dumping in areas that technically fall outside the current definition of a “park” or “street”.

2.3 Clause 3 of the Bill amends section 6 of the Act to require a person who wilfully or intentionally litters in a public place to produce identification when requested by a litter prevention officer.

2.4 Clause 4 of the Bill inserts a new section 8A to penalise the placement of waste on streets outside of designated collection times.

2.5 Clause 5 of the Bill amends section 14 of the Act to update the reference to the Schedule, in light of the proposed amendments to the Schedule in clause 10 of the Bill.

2.6 Clause 6 of the Bill amends section 15 of the Act to penalise a parent or guardian of a minor who fails to take reasonable steps to prevent the minor from depositing and abandoning litter.

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2.7 Clause 7 of the Bill amends section 22 of the Act by increasing the fixed penalty fine to \$200.

2.8 Clause 8 of the Bill amends section 24 of the Act to include that a photo taken by an enforcement officer is *prima facie* evidence in any proceeding to address the difficulty of providing continuous video footage in court.

2.9 Clause 9 of the Bill amends section 25 of the Act to specify the revenue-sharing model for revenue collected from the fixed penalty fines where 80% is allocated for local authorities and 20% deposited to the Environmental Trust Fund established under section 55 of the Environment Management Act 2005.

2.10 Clause 10 of the Bill amends the Schedule to the Act.

3.0 MINISTERIAL RESPONSIBILITY

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

S. D. TURAGA
Acting Attorney-General