

Fiji

Country: [Fiji](#) [1]

EIA Law: Environment Management Act, 2005

Law Link: [Link](#) [2]

EIA Regulations: Environment Management (EIA Process) Regulations 2007

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: Environment Impact Assessment (EIA) Guidelines (Department of Environment)

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects
Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: The authority must "examine every development proposal received by it; and . . . determine whether the activity or undertaking in the development proposal is likely to cause significant environmental or resource management impact." EM Act, sec. 27(1). "If the approving authority determines that the activity or undertaking will cause a significant environmental or resource management impact, the development proposal must be subject to the EIA process." Id., sec. 27(4). See also EIA Regulations, sec. 4(1) ("Every proponent of a development proposal must apply for screening of the proposal. . . ."). The project proponent may be required to pay the costs of screening. See EIA Regulations, sec. 6(5) ("The approving authority may require the proponent to reimburse all reasonable costs incurred by the authority in screening a proposal, including transport and out-of-hours pay for inspectors and other staff of the authority.")

Criteria for Screening: Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: "If the approving authority determines that the activity or undertaking will cause a significant environmental or resource management impact, the development proposal must be subject to the EIA process." EM Act, sec. 27(4). See also EIA Regulations, sec. 6(1)

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "The EIA report must be prepared by an accredited consultant at the proponents cost." EM Act, sec. 28(4)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: "The EIA report must be prepared by an accredited consultant at the proponents cost." EM Act, sec. 28(4)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Fiji maintains an EIA Consultant Registration Scheme. EIA Regulations, sec. 39. A project developer Project must select an EIA Consultant from the list of registered consultants published by DoE. Guidelines for implementing the registration scheme (including registration criteria and consultant qualifications) are available at:

www.lands.gov.fj/downloads/EIA%2520consultants%2520registration%2520guidelines.doc

Conflict of Interest: Yes

Conflict of Interest Detail: Registered consultants must abide by a Code of Practice. The Code requires consultants to not represent conflicting or competing interests and to disclose to any client or employer any relationship that may influence the consultant's judgment. Consultants are not permitted to intentionally communicate false or misleading information that may compromise the integrity of any EIA study. Registered individuals can be deregistered or suspended if they fail to comply with the Code of Practice or fail to fulfill the minimum requirements. See EIA Consultant Registration Scheme Guidelines, Sections 7 & 13(available at www.lands.gov.fj/downloads/EIA%2520consultants%2520registration%2520guidelines.doc)

Terms of Reference: Yes

Terms of Reference Detail: "Any terms of reference for the EIA study may, in accordance with the prescribed procedures, be prepared by the EIA Administrator, approving authority or a consultant." EM Act, sec. 28(3). A draft TOR is prepared by the project proponent and submitted with the EIA processing application and is finalized by the authority within 30 days of receipt. EIA Regulations, secs. 10(3), 11, 19

Days for Decision Maker Review: 35 days

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: "[T]he processing authority must within 35 days of the submission of an EIA report on a

proposal produce a written report on the review." EIA Regulations, sec. 31. The decision is lodged in the registry. Id., sec. 31(6)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "After reviewing an EIA report, the EIA Administrator or the approving authority may. . . approve the report with or without conditions[.]" EM Act, sec. 31(1). See also EIA Regulations, sec. 31 (review report may contain conditions)

Expiry of Decision: Not specified

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: "If an EIA report is approved . . . the approval may be subject to the requirement of an environmental cash bond to be deposited into the Fund as a security to cover the probable cost of preventing or mitigating any environmental damage to the area and its surroundings." EM Act, sec. 31(2). EIA Regulations, sec. 32 (describing environmental bond requirements in more detail)

Interdisciplinary Team: No

Interdisciplinary Team Detail: Although the EIA must be prepared by a registered expert or experts, there is no requirement for the project developer to enlist an interdisciplinary team.

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA must contain "a statement of the various alternatives that have been considered for the activity or undertaking that are reasonably foreseeable and technically and economically appropriate, including the option of taking no action, and an outline of the reasons for choosing the proposed action" EIA Regulations, sec. 25(f)

No Action Alternative: Yes

No Action Alternative Detail: The EIA must contain "a statement of the various alternatives that have been considered for the activity or undertaking that are reasonably foreseeable and technically and economically appropriate, including the option of taking no action, and an outline of the reasons for choosing the proposed action" EIA Regulations, sec. 25(f)

Type(s) of Impact Analysis: Direct environmental impacts

Mitigation: Yes

Mitigation Detail: "The contents of an EIA report must include matters required by the terms of reference, mitigation measures and any other prescribed matter." EM Act, 29(2). An EIA must contain "a statement of the mitigation action proposed in respect of any adverse impacts identified[.]" EIA Regulations, sec. 25(f)

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA must contain "recommendations on monitoring" and an environmental monitoring plan (the latter if required by the TOR) EIA Regulations, sec. 25(j), (k). Section 26 of the EIA Regulations contains more detail on the content of environmental management plans.

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: The authority must provide notice of the development and availability of the EIA for inspection "on every radio or television station that broadcasts in the area of the site of the proposed development; and. . . in every newspaper that circulates in the area of the site." EIA Regulations, sec. 28(2),(3)

Final EIA Available: Yes

Final EIA Available Detail: When the EIA report is submitted, the authority "must make the complete report available at appropriate locations for inspection by the public and for purchase at cost." EIA Regulations, sec. 28(1)(c)

Final EIA Locations: Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Public Notice of Final Decision: No

Public Notice of Final Decision Detail: Although the decision is lodged in the registry, which is open to public review, it does not appear the the authority is required to publish notice that the decision has been issued.

Public Scoping: Sometimes

Public Scoping Detail: Public involvement in scoping is discretionary. EIA Regulations, sec. 12, 17, 18 (describing scoping procedures and public involvement). Scoping "means scoping of a development proposal under Part 4 to determine the scope of the EIA report in order to en

Public Review of TOR: Yes

Public Review of TOR Detail: Public participation in preparation of the TOR is at the discretion of the authority who may "invite participation of other line ministries, the private sector, non-governmental organizations, public authorities and other interested persons to assist in the preparation of the TORs." EIA Regulations, sec. 19(4)

Public Participation Opportunities: Scoping

Terms of reference

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail:: "When the preparation of an EIA assessment is completed, a public hearing must be conducted by the proponent within the vicinity of the area of the proposed development." EM Act, sec. 34(1); see also EIA Regulations, sec. 23(4) ("the proponent must conduct one or more public consultations *during* the EIA study on a proposal"). A second meeting must be held after the EIA is submitted to the authority (within 21 days). EIA Regulations, sec. 30.

Public Input at Meeting: Yes**Criteria to Hold Public Meeting:** Public meeting and/or hearing is automatically required**Days for Public to Review Final EIA:** 21 days**Public Comments on Draft EIA:** No**Public Comments on Final EIA:** Yes**Public Comments on Final EIA Detail:** "A member of the public may inspect and view an EIA report within 21 days after it is submitted to the EIA Administrator or the approving authority." EM Act, sec. 30(3)**Response to Public Comments:** No**Response to Public Comments Detail:** This criteria is not discussed in the EIA law or regulations.**Facilitation of Public Participation:** No**Citizen Administrative Review:** Yes**Citizen Administrative Review Detail:** "A person who disagrees with a decision of the EIA Administrator or approving authority under subsection (1) may, within 21 days from the date of the decision, appeal to the Environmental Tribunal." EM Act, sec. 31(4)**Project Monitoring:** Yes

Project Monitoring Detail: "A proponent must prepare and implement any environmental or resource management plan, monitoring programme, protection plan or mitigation measure that is required as a condition of any approved EIA." EM Act, sec. 32. The authority may conduct any inspection to determine compliance with the monitoring and mitigation requirements. Id. See also "Powers of Inspectors" EM Act, secs. 19, 20 and EIA Regulations, sec. 34 ("compliance inspection")

Modified: October 25th, 2019

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