OVERVIEW OF THE ENVIRONMENT MANAGEMENT ACT 2005

- EMA Purpose & Objectives
- Structure
- Main Features
- Questions

Overview of EMA

- Promotes sustainable use of resources,
- Control and management of developments,
- Control of waste and pollution control
- Establish Institutional structures and mechanisms
- Broad range of enforcement mechanisms

Development in Fiji

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Purpose of EMA

- Apply principles of sustainable use.

- Identify Matters of National Importance.

Sustainable Use

Using and managing resources so that we can improve our quality of life but in a way that we do not use it all completely and that there is some left for future use.
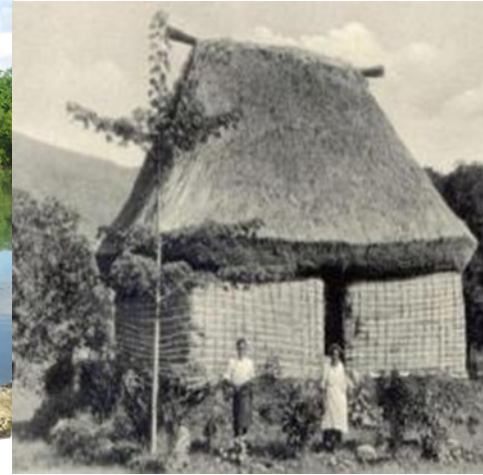
Matters of National Importance

- preservation of coastal environment and wetlands

- protection of outstanding natural landscapes and natural features;

- protection of areas of significant indigenous vegetation and habitat of indigenous fauna;

- the relationship of indigenous Fijians with their ancestral lands, waters, sites, sacred areas and other treasures; and

- the protection of human life and health
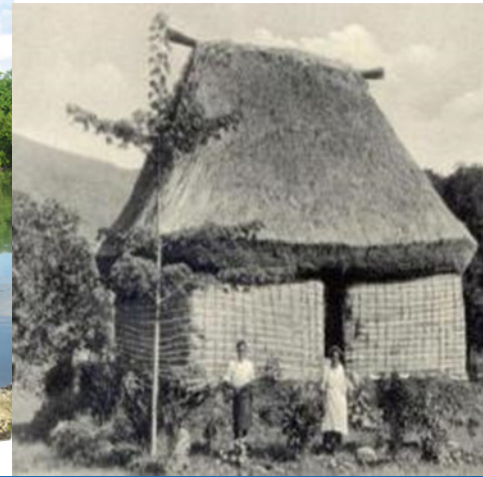
Use of Natural Resources

- The traditional owners or guardians of resources

- The maintenance and enhancement of features of natural beauty

- The natural values and quality of ecosystems

- The maintenance and enhancement of heritage values of buildings and sites

- The maintenance and enhancement of the quality of the environment

- The limitations of natural and physical resources

Structure of EMA

- Part 1 – Preliminary

- Part 2 – Administration

- Part 3 – Environmental Reports and Plans

- Part 4 – Environmental Impact Assessment

- Part 5 – Waste Management & Pollution Control

- Part 6 – Offence & Penalties

- Part 7 – Miscellaneous

  - *Environment Management(EIA Process) Regulations 2007*
  - *Environment Management (Waste Disposal & Recycling) Regulations 2007*

Significance of EMA

- Applies to everyone including Government
- Is to be applied where relevant with other laws.
- Cannot contract or agree to exclude EMA.

Department of Environment
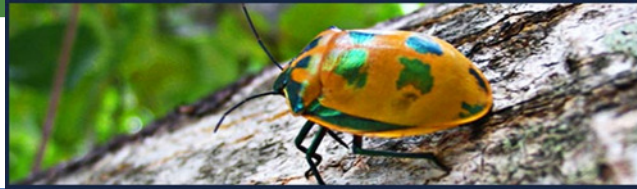
- Department (DOE) to carry out functions of NEC

- DOE must have 3 units:
  - Environment Impact Assessment.
  - Resource management
  - Waste management & pollution control

◆Other roles include:
- ➢ Facilitate environmental units in Ministries, Depts, stat authorities, local authorities, facilities
- ➢ Formulate:
  - ❖ National Resource Management Plan
  - ❖ National Resources Inventory

Institutional Structures & Mechanisms

- National Environment Council
- Environment Impact Assessment Unit.
- Resource Management Unit
- Environment Management Units
- Environment Register
- Environment Tribunal

➢ National Report
➢ National Environment Strategy
➢ National Resource Management Plan
➢ Natural Resource Inventory

National Environment Council

Membership of NEC:

CEO Environment [Chair]

CEO (PS) Ministries:

Land

Mineral resources

Agriculture

Fisheries, or Forests

iTaukei Affairs

Health

Tourism

Gen Manager, iTaukei LTB

President LGA

NGO

Gen business (1)

Manufacturing (1)

Academic community

Approves National Report
Approves National Environment
Strategy
Oversees implementation
Forum for environmental issues
Ensure commitments met
Advise Government

➢ Powers include:
➢ Appoint any technical committee to advise
➢ Appoint committee for coastal zone management
➢ Establish Resource Owners Committee

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Environmental Tribunals

- Established to hear and determine appeals.

Criminal Offences & Civil Remedies

- Criminal Offences – Penalties Up to $1m, $5m (Corporate) or Life Imprisonment.

- Convicted Persons also have to pay for Cost of remedial or preventative action.

- Any person can institute legal proceedings to compel government to comply.

- Range of civil orders for Inspectors and Environmental Officers to ensure compliance.

Unlawful Development Without EIA

Determination & Next Steps

Unlawful Development without EIA S.43(1)

Fine up to $750,000

Imprisonment up to 10 years
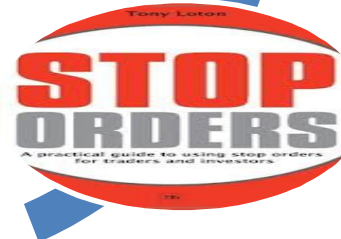
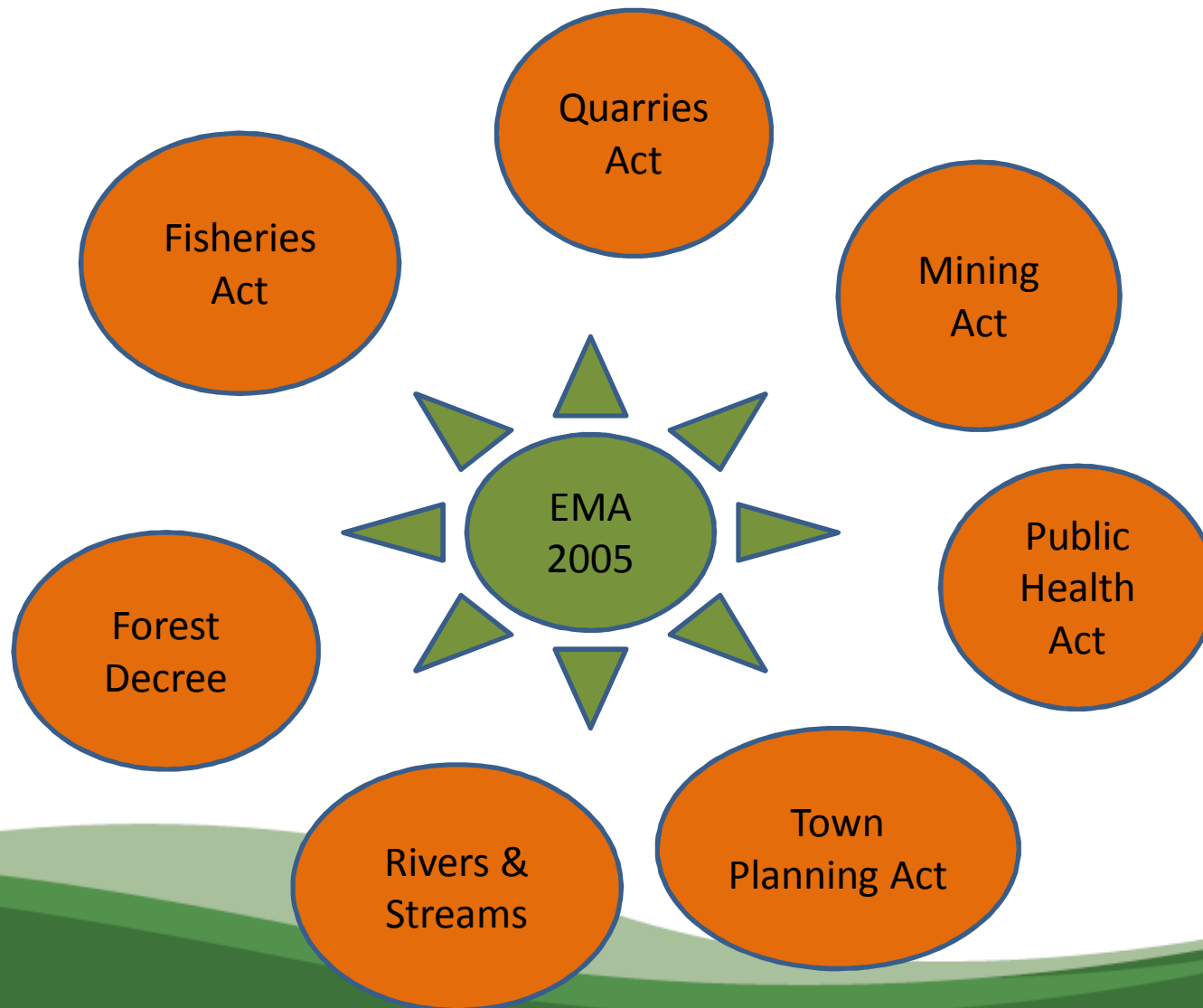Stop Order s. 43(2)

Overview of EMA
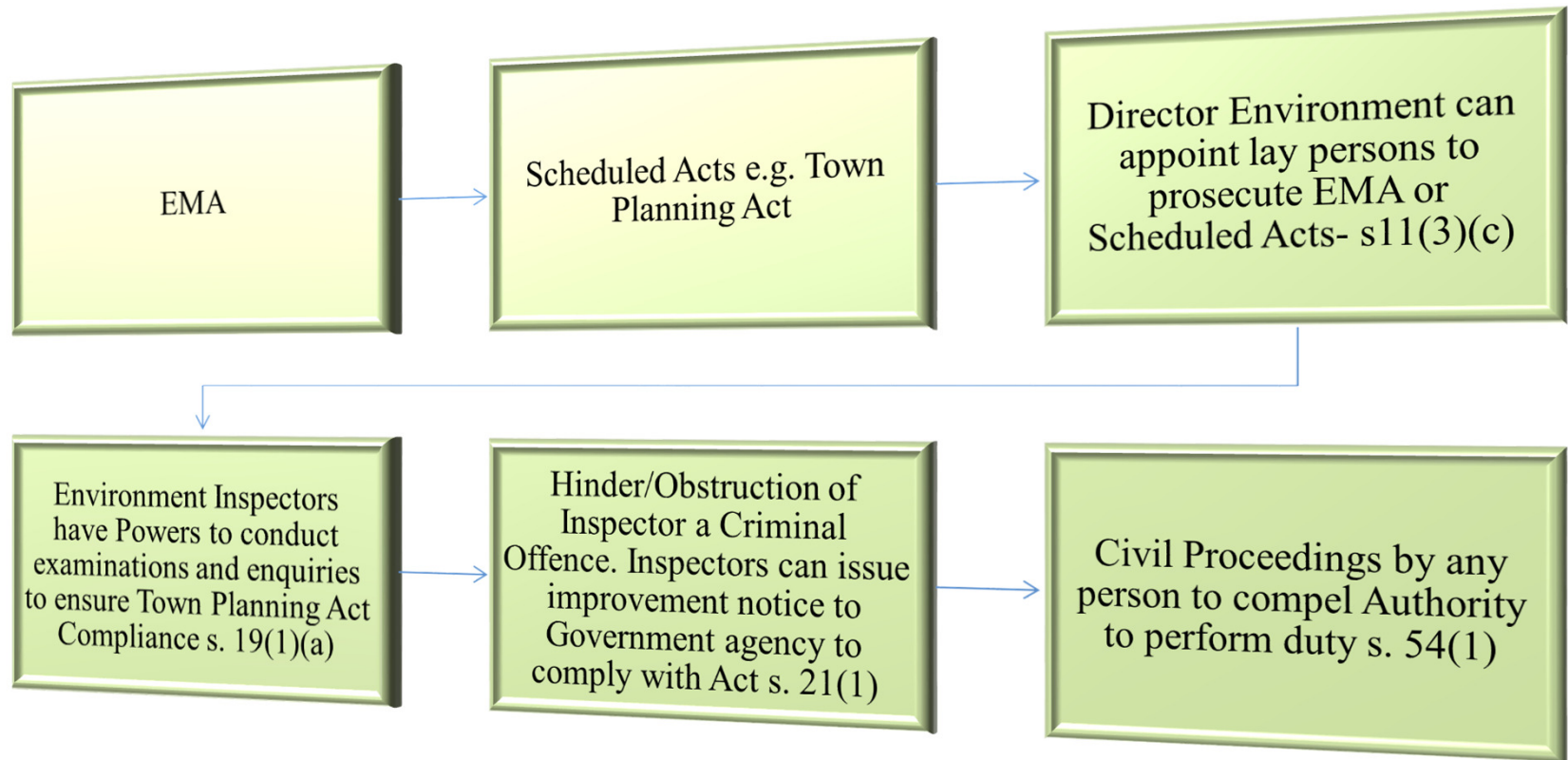

Quarries Act

Fisheries Act

Mining Act

EMA 2005

Public Health Act

Forest Decree

Rivers & Streams

Town Planning Act

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Scheduled Acts

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┌─────────────────┐      ┌─────────────────┐      ┌─────────────────────┐
│                 │      │                 │      │ Director Environment can
│                 │ ───► │ Scheduled Acts  │ ───► │ appoint lay persons to
│      EMA        │      │ e.g. Town       │      │ prosecute EMA or
│                 │      │ Planning Act    │      │ Scheduled Acts- s11(3)(c)
│                 │      │                 │      │                     │
└─────────────────┘      └─────────────────┘      └─────────────────────┘
                                                              │
┌─────────────────┐      ┌─────────────────┐      ┌─────────────────────┐
│ Environment     │      │ Hinder/Obstruction of  │ Civil Proceedings by any
│ Inspectors      │      │ Inspector a Criminal   │ person to compel Authority
│ have Powers to  │ ───► │ Offence. Inspectors    │ to perform duty s. 54(1)
│ conduct         │      │ can issue improvement  │
│ examinations    │      │ notice to Government   │
│ and enquiries   │      │ agency to comply with  │
│ to ensure Town  │      │ Act s. 21(1)           │
│ Planning Act    │      │                 │      │                     │
│ Compliance      │      │                 │      │                     │
│ s. 19(1)(a)     │      │                 │      │                     │
└─────────────────┘      └─────────────────┘      └─────────────────────┘
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Environment Inspectors have Powers to conduct examinations and enquiries to ensure Town Planning Act Compliance s. 19(1)(a)

Hinder/Obstruction of Inspector a Criminal Offence. Inspectors can issue improvement notice to Government agency to comply with Act s. 21(1)

Civil Proceedings by any person to compel Authority to perform duty s. 54(1)

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THANK YOU