

Example A - How the *Code of Conduct Bill* could work:

Filing a Complaint – Concerned citizen “Litia” reports Commissioner of Police “Jones” for appointing his wife, “Gina”, to a job at a police station, breaching the Code of Conduct by having a conflict of interest. “Litia” submits the complaint to the ATC.

Investigation Begins – The ATC reviews the complaint, gathers documents, and interviews relevant parties, including Commissioner “Jones.” All public agencies with relevant information must provide it, and any refusal must have a legal basis.

Whistle-blower Protection – “Litia’s” identity remains confidential, and she is protected from retaliation.

Disciplinary Action – If misconduct is found, the ATC provides a final report to the Constitutional Offices Commission, which appointed Commissioner “Jones.” He can face a period of suspension or possible removal from office for contravening the Code of Conduct.

Example B - How the *Access to Information Bill* could work:

Filing a Request – “Laisa” requests information from MSAF about a recent maritime safety inspection report.

Unlawful Denial – MSAF refuses to provide the report without giving a valid legal reason.

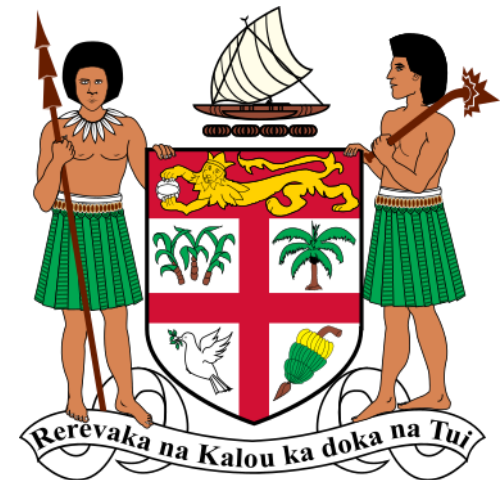
Filing a Complaint – “Laisa” submits a complaint to the ATC, arguing that MSAF’s refusal violates the Information Act.

Complaint Resolution Begins – The ATC reviews the case to ensure MSAF follows the law and provides the requested information unless a legitimate exemption applies.

Accountability Measures – If MSAF has contravened the Act, the ATC reports the case to the relevant disciplinary body and requires MSAF to take corrective action. This includes providing the requested information to “Laisa” within a period of time assigned by the disciplinary body. If MSAF fails to comply, further action may be taken for breaching its obligations.

UNDERSTANDING LAW REFORMS: STRENGTHENING GOVERNANCE AND TRANSPARENCY

- **Code of Conduct Bill**
 - **Accountability and Transparency Commission Bill**
 - **Access to Information Bill**
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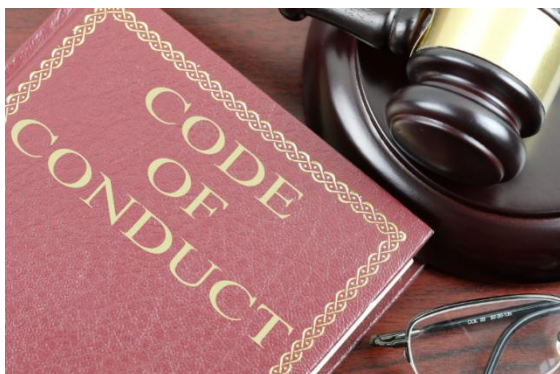


Why have a Code of Conduct Bill?

Chapter 8 of the Constitution requires a written law to establish a code of conduct for key government officials, including the President, Speaker, Prime Minister, Ministers, and MPs.

Since the *2013 Constitution* came into effect, no clear code of conduct has been in place to ensure government accountability through the Accountability and Transparency Commission (**ATC**).

This Bill introduces a code of conduct for members of the Executive, Judiciary, Officer Holders and Parliamentarians across Government, ensuring compliance and accountability for the specified breaches.



Why Amend the Information Act?

The proposed amendments to the Information Act aim to strengthen the right to access information. Key changes include:

Access - Allowing anyone—regardless of interest, literacy, citizenship, or residency—to request information from public agencies.

Removal of Fees - Removing fees for submitting requests, with only reasonable costs for copying and delivery.

Proactive Disclosure - Requiring public agencies to proactively disclose their information, as per *Section 35*.

Removing Restrictions - Repealing or amending certain laws that restrict access to information.

Transparent Decision-Making - Ensuring refusals are based on specific legal provisions which can be overridden by strong public interest.

Record keeping - Requiring public agencies to maintain records and for the ATC to submit annual reports on the Act's implementation.

Empowering the ATC

The proposed ATC Bill aims to empower the ATC to effectively handle complaints related to breaches of the Code of Conduct Bill and the Information Act. Key provisions include:

Independence - Ensuring the ATC operates independently, free from government interference.

Complaint Handling - Establishing a fair and transparent process for handling complaints, including investigations and reporting to disciplinary or prosecutorial bodies.

Cooperation - Requiring government bodies to fully cooperate by providing relevant information for investigations.

Protection of Complainants - Protecting complainants and whistle-blowers by granting immunity and safeguarding their identities when reporting misconduct or accessing information.

Access the draft Bills at:

www.parliament.gov.fj/bills/