



27<sup>th</sup> January 2025

Dear Stakeholder,

**Subject: Requesting input at the Public Consultations for Governance Review – Information Act 2018, Accountability and Transparency Commission Bill 2025 and Code of Conduct Bill 2018**

We hope this letter finds you well.

The Fiji Law Reform Commission (FLRC) is organizing public consultations to review the Information Act 2018, Accountability and Transparency Commission Bill 2025 and Code of Conduct Bill 2018 (collectively referred to as the ‘Governance Laws’).

The duration of the review is from **28 January to 8 February 2025**, with **in-person sessions** scheduled across various locations in Fiji from **3 February to 8 February 2025** (refer to attached consultation schedule).

Additionally, individuals are encouraged to make preliminary and/or substantive written submissions throughout the consultation period (28 January – 8 February 2025) through:

- Online Portal submissions on the FLRC website at [www.flrc.gov.fj](http://www.flrc.gov.fj)
- Email at [fjilawreform@gmail.com](mailto:fjilawreform@gmail.com)
- Hand-delivered submissions at our Office Level 5 Civic Tower Suva, or
- Post at Fiji Law Reform Commission, P.O Box 2519, Government Buildings, Suva.

Kindly note that all written in submissions should specify the subject as “**FLRC Governance Law Reform Project**”.

The Commission will also conduct a virtual consultation session **on 8 February 2025 at 10am – 1pm**. The link can be accessed through the Commission’s website at [www.flrc.gov.fj](http://www.flrc.gov.fj) and on the Commission’s Facebook page at <https://www.facebook.com/share/1X9YpqhFJj/>. You can also obtain the Discussion Paper and Terms of Reference including details on the review through the Commission’s website at <https://flrc.gov.fj/>.



# Fiji Law Reform Commission

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<https://flrc.gov.fj/>



Additional, we kindly request your assistance in disseminating this information to your relevant contacts and networks. We believe that community engagement is crucial for a successful review, and therefore, we invite all stakeholders to participate and help shape the law reform process.

For any queries or further clarification, please reach out to Ms. Joyce Hicks, Legal Officer at (+679) 9905560 or Ms. Magdalena Ramoala, Legal Officer at (+679) 9989498 or 3303646. You can also email the Commission at [fijilawreformc@gmail.com](mailto:fijilawreformc@gmail.com) or at [magdalena.ramoala@flrc.gov.fj](mailto:magdalenaramoala@flrc.gov.fj).

Thank you very much for your support and collaboration in this important initiative.

Yours faithfully,

A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to read 'Rajeli Tuivaga'.

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Ms Rajeli Lebaivalu Tuivaga

**DIRECTOR**



FIIJ LAW REFORM COMMISSION

**TERMS OF REFERENCE**  
**REVIEW OF THE INFORMATION ACT 2018, ACCOUNTABILITY AND**  
**TRANSPARENCY BILL 2025, CODE OF CONDUCT BILL 2025**

I, . Graham Leung, Attorney-General of Fiji, by virtue of the power conferred on me by section (5)(2)(a) of the Fiji Law Reform Commission Act 1979, refer as follows:

**1. Review of the Information Act 2018**

The Fiji Law Reform Commission is tasked with a review into the following matters concerning the *Information Act 2018*:

**A. Basic Purposes and Principles -**

- i) to evaluate whether the basic purposes of, and benefits of the *Information Act 2018* aligns with the Act's intended purpose concerning the right of access to information established under sections 25 and 150 of the Constitution;
- ii) to assess whether the Act requires modifications to better achieve these purposes;

**B. Proposed Amendments to *Information Act 2018* -**

- i) to determine if the objectives outlined in section 4 of the Act fully reflects its purpose and supports the right of access to information;
- ii) to explore whether the scope of the application of the Act should be extended to cover:
  - private sector bodies;
  - Government Business Enterprises;
  - Legislative bodies; and
  - Bodies owned, controlled or funded by public agencies;
- iii) to review whether the power of the Minister to exclude public agencies should be amended;
- iv) to review the scope of information covered to consider whether it should be amended so that any information held by a public agency, irrespective of direct interest and regardless of the date of its existence should be subject to the Act.
- v) to revise the requesting procedure allowing requests to be made directly to the public agency, or a central processing unit, rather than through the Accountability and Transparency Commission (ATC);
- vi) otherwise, to align the procedures for making and processing requests with international standards;
- vii) to evaluate the existing exemption provisions, including the potential to remove or amend any existing grounds for exemption, identifying which exemptions should be subject to a public interest test and the need for standardization of that test;
- viii) to promote proactive disclosure and mandate public agencies to publish information contained on the list in section 35 of the Act, to expand the list in section 35, and enabling ATC to expand this list;

- ix) to explore whether the Act needs to explicitly provide that it overrides conflicting provisions in other laws including, secrecy provisions;
- x) to determine whether the Act should provide for sanctions for those who wilfully obstruct access to information contrary to its provisions;
- xi) to provide whistle-blower protections for good faith disclosures of wrongdoing;
- xii) to examine the possibility of incorporating a sunset clause that automatically release information of public interest after a certain period;
- xiii) to provide for a system for consulting third parties where information provided by them in confidence has been requested;
- xiv) to evaluate the appropriateness and necessity of the existing regime of fees and charges and whether section 19(1)(b) should be repealed;
- xv) to strengthen the regime for records management in the Act;
- xvi) to require public agencies to ensure that their staff receive proper training on access to information and to report annually on how they have implemented the Act;
- xvii) to consider any consequential amendments to the Official Secrets Act 1922 and Public Records Act 1969 and any other relevant legislation; and
- xviii) to address any related matters.

**2. Accountability and Transparency Commission (“ATC”) Bill 2025**

The Fiji Law Reform Commission is tasked with a review into the following matters concerning the **Accountability and Transparency Commission (“ATC”) Bill 2025**:

- i) to set out clear objectives or a clear purpose of the ATC Bill 2025;
- ii) to give effect to the provisions set out in Section 121 of the Constitution of Fiji regarding the establishment of the Accountability and Transparency Commission whilst proposing additional provisions to enhance the effectiveness of the Bill;
- iii) to consider repealing the provisions relating to the ATC under the existing Information Act 2018 (e.g. Part 5 of the Act, sections 6-11, 22-25, 45 and 47 of the Act) and the Code of Conduct Bill 2018 (e.g. Parts 2 and 4 of the Bill), so that the same can be reflected in the ATC Bill instead;
- iv) to address any other related matters.

**3. Code of Conduct Bill 2025**

The Fiji Law Reform Commission is tasked with a review into the following matters concerning the **Code of Conduct (“CoC”) Bill 2025**:

- i) to set out clear objectives or a clear purpose of the CoC Bill 2025;
- ii) to give effect to the provisions set out in Section 149 of the Constitution regarding the establishment of a code of conduct for public office holders and the standards of accountability and transparency required of those persons;
- iii) to consider the role of the ATC in handling complaints about the conduct of public office holders and the enforcement of a code of conduct;
- iv) to consider the role of declarations made by public office holders and the most effective way to make the information accessible to the public;
- v) to address any other related matters.

**4. Joint Review**

The Commission shall conduct this review in cooperation with the Office of the Attorney-General.

**5. Timeline**

A Final Report, is to be presented to the Attorney-General by 17th February 2025

Issued this 21 day of January 2025.



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Mr. Graham Leung

**ATTORNEY- GENERAL**



FII LAW REFORM COMMISSION

## PUBLIC CONSULTATION – REVIEW OF THE INFORMATION ACT 2018, CODE OF CONDUCT BILL 2025 & ACCOUNTABILITY AND TRANSPARENCY COMMISSION BILL 2025

The Fiji Law Reform Commission will hold public consultations from **28 January 2025 to 08 February 2025** for the review of the Information Act 2018, Code of Conduct Bill 2025 and Accountability and Transparency Commission Bill 2025 (**‘Governance Laws’**). The review is to assess its alignment with constitutional rights and consider potential amendments, including expanded coverage and revised procedures.

The drop in consultations from **03 to 07 February 2025** will be conducted as follows:

	Venue	Proposed Dates	Time	Venue
1.	Labasa	3-Feb	10am – 1pm	Friendly North Inn (Bure)
2.	Savusavu	4-Feb	9am – 12pm	Hot Springs Hotel, Conference Room
3.	Lautoka	5-Feb	9:30am – 12:30 pm	Ex Servicemen Hall (RSL Hall)
4.	Nadi	5-Feb	3pm – 6pm	Nadi Civic Center
5.	Sigatoka	6-Feb	10am – 1pm	Sigatoka Town Council Chambers
6.	Suva	7-Feb	9am – 1pm	Level 9 Suvavou House

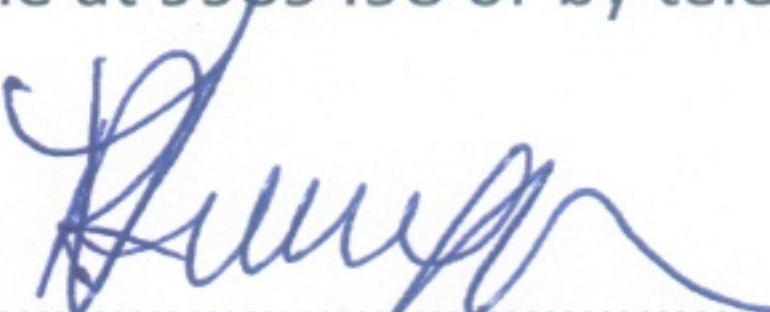
The Commission will also conduct a virtual consultation session on 8 February 2025 at 10am – 1pm via Zoom. The link can be accessed through the Commission’s website at [www.flrc.gov.fj](http://www.flrc.gov.fj) and on the Commission’s Facebook page at <https://www.facebook.com/share/1X9YpqhFj/>. You can also obtain the Discussion Paper and Terms of Reference including details on the review through the Commission’s website at <https://flrc.gov.fj/>.

Interested persons are also encouraged to make preliminary and/or substantive written submissions with recommendations for review or reform via the Fiji Law Reform Commission through the following methods:

- Online Portal submissions on the FLRC website at [www.flrc.gov.fj](http://www.flrc.gov.fj)
- Email at [fijilawreformc@gmail.com](mailto:fijilawreformc@gmail.com)
- Hand-delivered submissions at the FLRC Office, Level 5 Civic Tower Suva (located behind the Suva City Library) , or
- Post at Fiji Law Reform Commission, P.O Box 2519, Government Buildings, Suva.

Please note that all written in submissions should specify the subject as **“FLRC Governance Law Reform Project”**.

Any queries or further clarification on the above may be directed to Ms. Joyce Hicks at [joyce.hicks@flrc.gov.fj](mailto:joyce.hicks@flrc.gov.fj) or on mobile at 9905560 or Ms Magdalena Ramoala at [magdalena.ramoala@flrc.gov.fj](mailto:magdalena.ramoala@flrc.gov.fj) or on mobile at 9989498 or by telephone on 3303900 or 3303646.

  
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Ms Rajeli Lebaivalu Tuivaga  
Director  
Fiji Law Reform Commission

