



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