

CODE OF CONDUCT BILL 2025  
(BILL NO. 4 OF 2025)

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FINANCIAL INTERESTS

# BILL NO. 4 OF 2025

## A BILL

### FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF CODES OF CONDUCT AND OTHER MATTERS

ENACTED by the Parliament of the Republic of Fiji—

#### PART 1—PRELIMINARY

##### *Short title and commencement*

- 1.**—(1) This Act may be cited as the Code of Conduct Act 2025.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

##### *Interpretation*

- 2.** In this Act, unless the context otherwise requires—

“associate” has the meaning in section 3;

“child” means a person—

- (a) under the age of 18 years; or
- (b) who is over the age of 18 years and is a biological child, adopted child or stepchild who is dependent on his or her parent for support;

“code of conduct” means the code of conduct that applies to a person who holds an office for the time being, as the case requires—

- (a) the Executive Code of Conduct; or
- (b) the Office Holder Code of Conduct; or
- (c) the Parliamentary Code of Conduct;

“Commission” means the Accountability and Transparency Commission established under section 121 of the Constitution;

“complaint” means a complaint made under section 24 of the Accountability and Transparency Commission Act 2025;

“day” means a day that is not a Saturday, Sunday or public holiday;

“declaration” means a declaration, a fresh declaration or any addition, deletion or correction to a declaration made under Division 1 of Part 3 by a person to whom a code of conduct applies;

“Declarations Register” means a Register kept by the chairperson of the Commission in accordance with sections 11 and 12;

“Deputy Speaker” means a person who for the time being holds the office of the Deputy Speaker in accordance with section 77 of the Constitution;

“detrimental action” includes—

- (a) action causing injury, loss or damage;
- (b) intimidation or harassment;
- (c) discrimination, disadvantage or adverse treatment in relation to a person’s career, profession, employment, trade or business, including the taking of disciplinary action;

“Executive Code of Conduct” means the code of conduct for executive office holders set out in Schedule 1;

“executive office holder” means a person who for the time being holds an office specified in subsection 5(2);

“Family Division” has the same meaning as in section 2 of the Family Law Act 2003;

“judicial officer” means the following—

- (a) the Chief Justice or a Judge of the Supreme Court;
- (b) the President of the Court of Appeal or a Justice of the Court of Appeal;
- (c) a Judge of the High Court or a Master of the High Court or the Chief Registrar;

- (d) the Chief Magistrate or a Magistrate;
- (e) any other officer or member of a tribunal appointed by or on the advice of the Judicial Services Commission;

“member of Parliament” means a person who for the time being is an elected member of Parliament, but does not include an executive office holder;

“Minister” means a person who is the Minister responsible for the administration of an Act or a department, and includes the following—

- (a) the Attorney-General appointed under section 96(3) of the Constitution;
- (b) the Attorney-General appointed under section 96(6) of the Constitution;
- (c) an Assistant Minister or an Acting Minister;

“office holder” means a person who for the time being holds an office that is any of the following—

- (a) the chairperson or a member of the Human Rights and Anti-Discrimination Commission;
- (b) the chairperson or a member of the Electoral Commission;
- (c) Supervisor of Elections;
- (d) Secretary-General to Parliament;
- (e) the chairperson or a member of the Public Service Commission;
- (f) Commissioner of Police;
- (g) Commissioner of the Fiji Corrections Service;
- (h) Auditor-General;
- (i) Governor of the Reserve Bank of Fiji;
- (j) an office in a public entity established or continued in existence by a provision of the Constitution;
- (k) an office in a public entity established by a written law;
- (l) an office in a public entity prescribed by subsidiary legislation under this Act—

but does not include a person who for the time being holds an office that is any of the following—

- (m) an executive office holder;
- (n) a judicial officer;
- (o) a Parliamentary office holder;

- (p) a permanent secretary, other than an office referred to in paragraph (e);
- (q) a police officer, other than an office referred to in paragraph (f);
- (r) a public servant, other than an office referred to in paragraph (e); or
- (s) a soldier, an officer or a Regular officer of the Republic of Fiji Military Forces within the meaning of the Republic of Fiji Military Forces Act 1949;

“Office Holder Code of Conduct” means the code of conduct for office holders set out in Schedule 2;

“parent” means—

- (a) the birth, adoptive mother or step-mother of a child;
- (b) the birth, adoptive father or step-father of a child;
- (c) a guardian or person to whom residence of a child has been granted by the Family Division or by an agreement endorsed by the Family Division; or
- (d) a caregiver with whom a child lives and who stands in place of the child’s mother or father;

“Parliamentary Code of Conduct” means the code of conduct for Parliamentary office holders set out in Schedule 3;

“Parliamentary office holder” means a person who for the time being holds an office specified in subsection 7(2);

“permanent secretary” has the same meaning as in section 127 of the Constitution;

“Prime Minister” means the Prime Minister within the meaning of the Constitution;

“property” means real property and personal property of every description whether tangible or intangible, whether situated inside or outside Fiji, and includes—

- (a) cash in a bank, building society, credit union or other financial institution; or
- (b) an interest of any kind in property; or
- (c) shares or interests in any business, company, partnership, trust or Scheme;

“public entity” means a body whether corporate or unincorporated—

- (a) established or continued in existence by the Constitution; or

- (b) established by a written law that has a public function to exercise on behalf of the State or is wholly owned by the State; or
- (c) that is a public enterprise within the meaning of the Public Enterprises Act 2019; or
- (d) in the case of a body that does not have any function to exercise other than the provision of advice or a report to any person or body—
  - (i) has written terms of reference guiding its operation; and
  - (ii) is required to provide advice or report to a Minister or the government—

but does not include—

- (e) a department; or
- (f) a commission of inquiry; or
- (g) a body or class of body declared by the Minister;

“public register” means the register kept by the chairperson of the Commission in accordance with section 14;

“public servant” means a person employed in the public service;

“public service” has the same meaning as in subsection 163(1) of the Constitution;

“publish” means publish by any means including by publication on the internet;

“relative” means the following relatives—

- (a) the spouse or domestic partner of a person;
- (b) a parent, son, daughter, brother, sister, aunt, uncle, grandparent, cousin, nephew or niece of a person;
- (c) a step-father, step-mother, legal guardian, step-son, step-daughter, step-brother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister in-law of a person;
- (d) a parent, son, daughter, sister, aunt, uncle, grandparent, cousin, nephew or niece of the spouse or domestic partner of the person;

“Speaker” has the same meaning as in subsection 163(1) of the Constitution; and

“spouse” includes a de facto partner.

*Meaning of associate*

**3.** For the purposes of this Act, an “associate” of an executive office holder, office holder or Parliamentary office holder (the **first person**) is—

- (a) a person who is a relative of the first person; or

- (b) a person who—
  - (i) has an agreement, arrangement or understanding with the first person or holds any relevant financial interest, or is entitled to exercise any relevant power (whether in right of the first person or on behalf of any other person) in a business of the first person; and
  - (ii) by virtue of that interest or power, is able to exercise a significant influence over or with respect to the management or operation of the business of the first person; or
- (c) a person who holds any relevant position, whether in right of the first person or on behalf of any other person in the business of the first person.

*Objectives***4.** The objectives of this Act are—

- (a) to set the standards of integrity and accountability that executive office holders, office holders and Parliamentary office holders must satisfy in the performance of any functions and responsibilities or in the exercise of any power under a written law; and
- (b) to promote public confidence in the standards of integrity and accountability that apply to government; and
- (c) to establish the codes of conduct that apply to the following—
  - (i) an executive office holder;
  - (ii) an office holder;
  - (iii) a Parliamentary office holder; and
- (d) to provide for the making and keeping of declarations by any person to whom a code of conduct applies; and
- (e) to provide for the processes and procedures of the Commission for the monitoring of compliance with codes of conduct, the making of declarations and the keeping of registers; and
- (f) to promote to any person to whom a code of conduct applies the requirements of compliance with a code of conduct and the making of a declaration; and
- (g) to raise the awareness of the public and any person to whom a code of conduct applies, of the standards established by the code of conduct.

**PART 2—CODES OF CONDUCT***Executive Code of Conduct*

**5.—(1)** For the purposes of section 149(a) of the Constitution, the code of conduct set out in Schedule 1 is established.

(2) The code of conduct set out in Schedule 1 applies to any person who for the time being holds office as the President, the Prime Minister or a Minister.



*Office Holder Code of Conduct*

**6.—**(1) For the purposes of section 149(a) of the Constitution, the code of conduct set out in Schedule 2 is established.

(2) The code of conduct set out in Schedule 2 applies to any person who for the time being holds office as an office holder.

*Parliamentary Code of Conduct*

**7.—**(1) For the purposes of section 149(a) of the Constitution, the code of conduct set out in Schedule 3 is established.

(2) The code of conduct set out in Schedule 3 applies to any person who for the time being holds office as the Speaker, the Deputy Speaker or a member of Parliament.

*Duty to uphold code of conduct*

**8.—**(1) A person to whom a code of conduct applies, must make all reasonable efforts—

- (a) to conduct himself or herself in accordance with that code of conduct; and
- (b) to comply with the requirements of that code of conduct.

(2) A person referred to in subsection (1), must make all reasonable efforts to know and understand the requirements of the code of conduct that applies to him or her.

**PART 3—DECLARATION OF ASSETS, LIABILITIES AND FINANCIAL INTERESTS**

*Division 1—Declarations, keeping a register and publication*

*Who is required to make a declaration?*

**9.—**(1) A person to whom a code of conduct applies is required—

- (a) to make a truthful and accurate declaration, within 30 days of commencing in the office he or she holds; and
- (b) to make a fresh declaration on 1 July of each year that the person continues to hold office; and
- (c) to make a fresh declaration within 30 days of a change to a material particular contained in his or her declaration that is in force.

(2) For the avoidance of doubt, a person who is an executive officer holder, office holder or Parliamentary office holder on the day that this section commences, must within 30 days of that commencement make a truthful and accurate declaration.

*Making a declaration of assets, liabilities and financial interests*

**10.—**(1) A person referred to in section 9, must declare the following matters, as the circumstances require—

- (a) any significant sources of income of the person or an associate of the person including—
  - (i) any contract;
  - (ii) any office held in return for payment or other reward;

- (iii) any trade, vocation or profession engaged in by the person;
- (b) any office of the person or an associate of the person in any public or private—
  - (i) company;
  - (ii) trustee company
  - (iii) incorporated association;
  - (iv) entity;
- (c) any shareholdings, investments and other business interests of the person or an associate of the person that include—
  - (i) a company;
  - (ii) a partnership;
  - (iii) an association;
  - (iv) any other entity;
  - (v) any nominee shareholdings on behalf of an agency in a government company;
- (d) any trust that the person or an associate of the person is any of the following—
  - (i) a beneficiary;
  - (ii) a trustee of any type of trust;
  - (iii) a director of a trustee company in which a relative is a beneficiary;
- (e) any property that the person or an associate of the person, own or hold an interest;
- (f) any contracts or agreements entered into by the person or an associate of the person that gives rise to an obligation or expectation of reward;
- (g) any other past, present or future substantial financial interests of the person or an associate of the person that may reasonably raise an expectation of a conflict of interest or material interference with the person's duties;
- (h) any lobbyist activities of the person or an associate of the person;
- (i) any other arrangement or circumstances that may constitute a conflict of interest;
- (j) any declaration of the person as a bankrupt or being the subject of a bankruptcy order;
- (k) any office as a director or executive officer of a corporation which became insolvent whilst the person was a director or executive director of the corporation;

- (l) any disqualification of the person from acting as a director or acting in the management of an incorporated association;
- (m) any finding of guilty made against the person for any offence in relation to a corporate or regulatory matter or for any other offence.

(2) A declaration made under subsection (1) must be made in the form of Form 1 and be lodged with the chairperson of the Commission.

*Keeping of Declarations Register*

**11.**—(1) The chairperson of the Commission must maintain a register of all declarations made in accordance with this Act, to be known as the Declaration Register.

(2) The Declarations Register—

- (a) must contain the particulars of each declaration made under this Act, to be included in the register in the form determined by the chairperson; and
- (b) may contain further information if its inclusion is considered appropriate by the chairperson.

(3) The Declarations Register may be wholly or partly in the form of a computer data base, in documentary form, or in another form the chairperson considers appropriate.

*Correction and amendment of Declarations Register*

**12.**—(1) The chairperson of the Commission may correct or amend the Declaration Register—

- (a) to reflect a determination made on completion of an investigation conducted under the Accountability and Transparency Commission Act 2025; or
- (b) to bring an entry about a declaration into conformity with the most reliable information available to the chairperson.

(2) The chairperson corrects or amends the Declaration Register—

- (a) by adding or deleting a declaration recorded in the register; or
- (b) by adding, deleting or correcting particulars contained in an entry in the register.

(3) A person may apply to the chairperson for the addition, deletion or correction of a declaration to the Declarations Register.

*Protection of privacy*

**13.** In publishing information extracted from the Declarations Register, the chairperson must, as far as practicable, protect the persons to whom the declarations in the register relate, and any other persons named in the declarations, from unreasonable intrusion on his or her privacy.

*Public register*

**14.**—(1) The chairperson must keep a public register of all declarations made in accordance with this Act.

- (2) The following particulars must be included in the public register—
- (a) the name of the person who made the declaration;
  - (b) the date the declaration was made;
  - (c) the property held at the date of making the declaration;
  - (d) any change in the property since the making of the last declaration.

*Division 2—Offences*

*Offence failing to make a declaration*

**15.—**(1) A person commits an offence if—

- (a) the person is subject to a code of conduct and required to make a declaration under section 9 of this Act; and
- (b) the person does not make—
  - (i) a declaration within 30 days of commencing in the office he or she holds; or
  - (ii) a fresh declaration on 1 July of each year that the person continues to hold the office; or
  - (iii) the person does not make a fresh declaration within 30 days of a change to a material particular contained in his or her declaration that is in force; or
  - (iv) declaration in accordance with subsection 9(2).

(2) Strict liability applies to each of the subsection (1)(a), (b)(i), (b)(ii), (b)(iii) and (b)(iv) elements of the offence.

Penalty — A fine not exceeding \$2,000 or a maximum term of imprisonment for 1 year.

*Offence making a false or misleading declaration*

**16.—**(1) A person commits an offence if—

- (a) the person gives information in a declaration; and
- (b) the person does so knowing that the information—
  - (i) is false or misleading; or
  - (ii) omits any matter or thing without which the information is misleading; and
- (c) the information is given in, or in connection with a declaration made under this Act; and
- (d) any of the following subparagraphs apply;
  - (i) the declaration is given to the chairperson of the Commission;

- (ii) the declaration is given to a person who is performing functions or exercising powers under or in connection with this Act;
- (iii) the declaration is made in compliance or purported compliance with this Act.

Penalty — A fine not exceeding \$2,000 or a maximum term of imprisonment for 1 year.

(2) Strict liability applies to each of the subsection (1)(d)(i), (ii) and (iii) elements of the offence.

(3) A person commits a summary offence if he or she—

- (a) makes a declaration; and
- (b) does so reckless as to whether the declaration—
  - (i) is false or misleading; or
  - (ii) omits any matter or thing without which the declaration is misleading; and
- (c) the information is given in, or in connection with a declaration made under this Act; and
- (d) any of the following subparagraphs apply;
  - (i) the declaration is given to the chairperson of the Commission;
  - (ii) the declaration is given to a person who is performing functions or exercising powers under or in connection with any law;
  - (iii) the declaration is made in compliance or purported compliance with any law.

Penalty — A fine not exceeding \$2,000 or a maximum term of imprisonment for 1 year.

(4) Strict liability applies to each of the subsection (3)(d)(i), (ii) and (iii) elements of the offence.

(5) Subsection (3) does not apply as a result of subsection (3)(b)(i) if the declaration is not false or misleading in a material particular.

(6) Subsection (3) does not apply as a result of subsection (3)(b)(ii) if the declaration did not omit any matter or thing without which the declaration is misleading in a material particular.

(7) If, in a prosecution for an offence against subsection (1), the court is not satisfied that the defendant is guilty of the offence but is satisfied beyond reasonable doubt that the defendant is guilty of an offence against subsection (3), the court may find the defendant not guilty of the offence against subsection (1) but guilty of the offence against subsection (3).

**PART 4—COMPLIANCE WITH CODES OF CONDUCT AND DECLARATIONS***Promoting compliance with codes of conduct and declarations*

**17.—(1)**— Public entities must, in developing policies and programmes and in delivering services that are to be provided to the public—

- (a) consider and promote compliance with the code of conduct that applies to any person who holds an office in that public entity; and
- (b) take the necessary actions to ensure compliance of any person referred to in paragraph (a) and that declarations are made as required under this Act.

(2) The Parliament does not intend—

- (a) to create in any person any legal right or give rise to any civil cause of action; or
- (b) to affect the validity, or provide grounds for review, of any judicial or administrative act or omission.

*Monitoring compliance with codes of conduct and declarations*

**18.—(1)** Public entities must submit a report on compliance with codes of conduct and declarations to the Commission on or before—

- (a) 31 October in every second year after the commencement of this Act; or
- (b) any later date specified by the Commission under subsection (2).

(2) The Commission, at the request of the public entity, may extend the time by which the report must be submitted.

*Raising awareness of standards of transparency and accountability in government*

**19.** Public entities must—

- (a) take all practicable measures to ensure that any person engaged by the public entity and who is subject to a code of conduct knows and understand the standards that apply to the person; and
- (b) take all practicable measures to ensure that any policies, services and processes provided by the public entity is consistent with the standards that apply under the relevant code of conduct.

**PART 5—GENERAL MATTERS***Guidelines and directions*

**20.** The chairperson of the Commission may issue guidelines or directions for the performance of any function or responsibility or the exercise of any power under this Act.

*Regulations*

**21.** The Minister may make regulations to prescribe matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for the carrying out or the giving effect to this Act and generally for achieving the purposes of this Act including—

- (a) applications and associated processes for the keeping of the Declarations Register and the public register;

- (b) processes and procedures for making and lodging a declaration;
- (c) standards for the promotion and monitoring of compliance with a code of conduct by public entities.

PART 6—CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS  
AND REPEAL OF PART

*Consequential amendments-Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013*

22.—(1) After subsection 24(6) of the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 insert—

“(7) This section does not apply to any person who is required to make a declaration within the meaning of the Code of Conduct Act 2025.”.

(2) After section 26A of the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 insert—

*“Registrar inspection of Declarations Register*

26B. —(1) For the purpose of performing any function or exercising any power under section 24 of this Act, the Registrar may inspect, take and keep a copy of a declaration kept in the Declarations Register within the meaning of the Code of Conduct Act 2025.

(2) The Registrar may use or disclose the contents of a declaration to the extent that—

- (a) the use or disclosure is authorised or required under this Act; or
- (b) any other written law; or
- (c) the person who made the declaration authorises its use or disclosure.

(3) In this section **declaration** has the same meaning as in the Code of Conduct Act 2025.”.

(3) After section 30A of the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 insert—

*“Transitional-Code of conduct Act 2025*

30B. (1) Section 24 as in force immediately before the commencement of section 22(1) of the Code of Conduct Act 2025 applies to and with respect to offences against section 24 as so in force committed or alleged to have been committed before the commencement of section 22(1) of the Code of Conduct Act 2025.

(2) Section 24 as amended by section 22(1) of the Code of Conduct Act 2025, applies to and with respect to offences against section 24 as so amended committed or alleged to have been committed on or after the commencement of section 24(7) of this Act.

(3) A person who immediately before the commencement of section 22(1) of the Code of Conduct Act 2025 was required under section 24 to provide the Registrar with a statement, must continue to satisfy that requirement until the person makes a declaration under the Code of Conduct Act 2025.

(4) In this section *declaration* has the same meaning as in the Code of Conduct Act 2025.”.

*Repeal of this Part*

**23.** This Part is repealed on the first anniversary of the day on which it comes into operation.

Note

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 18 of the Interpretation Act 1967).

SCHEDULE 1  
*(Section 5(1))*

EXECUTIVE CODE OF CONDUCT  
CODE OF CONDUCT ACT 2025

*Preamble*

1. An executive office holder to whom this Act applies commits—
  - (a) to selflessly act solely in the public interest;
  - (b) to act with integrity and avoid placing himself or herself under any obligation or inappropriate influence of another person or entity;
  - (c) to not act or make decisions to obtain financial or other material benefit for himself or herself or an associate;
  - (d) to declare and resolve any perceived, potential or real conflicts of interest;
  - (e) to act and make decisions impartially, fairly and on merit using the most appropriate and relevant evidence and without discrimination or bias;
  - (f) to be open to scrutiny and accountable to the public for making decisions and taking actions;
  - (g) to act and make decisions in an open and transparent manner;
  - (h) to act with honesty and leading by example in treating others with respect;
  - (i) to lead the promotion and robust support for the standards of public office by challenging poor behaviour.

PART A — LEADERSHIP

2. An executive office holder must lead by example and model the behaviour that upholds this code of conduct and act in an ethical manner.
3. An executive office holder must demonstrate leadership by actively promoting and supporting this code of conduct.



PART B — INTEGRITY AND PUBLIC INTEREST

*Conflicts of Interest*

4. An executive office holder must protect and uphold the public interest by taking all reasonable steps—
  - (a) to avoid, resolve and disclose any real, apparent or potential conflict of interest with the office he or she holds; and
  - (b) to avoid, resolve and disclose any real, apparent or potential conflict of interest regardless of whether it is financial or non-financial or personal, that arises or is likely to arise with the office he or she holds; and
  - (c) to declare and manage any existing conflict where an executive office holder has an interest that influences or appears to influence the impartial and objective performance of the functions, responsibilities or execution of any power of his or her office.
5. An executive office holder must declare any real, apparent or potential conflict of interest to the Accountability and Transparency Commission.
6. An executive officer holder is personally responsible for the management and declaration of any current or potential conflicts of interest with the office he or she holds.
7. An executive officer holder may take advice on a conflict of interest but he or she is not able to delegate any personal responsibility for the management and declaration of any conflict of interest.
8. An executive officer holder must declare and register his or her financial, non-financial or personal interests, including but not limited to pecuniary interest as required under the Code of Conduct Act 2025 from time to time.

*Directorships and Other Forms of Employment*

9. Except with the express approval of the Accountability and Transparency Commission, an executive office holder must resign or decline directorships of public or private companies and businesses on becoming an executive office holder.
10. Approval to retain a directorship of a private company or business may be granted to an executive office holder if the Accountability and Transparency Commission is satisfied on advice that no conflict of interest is likely to arise.
11. If the Accountability and Transparency Commission approves an executive officer holder remaining as a director of a company and the enterprise subsequently begins to operate in an area potentially affected by decisions that may be made by the executive office holder, it is the responsibility of the executive office holder to declare any conflict of interest and to resolve the matter to the satisfaction of the Accountability and Transparency Commission.

12. An executive office holder must consider whether his or her private interests may give rise to perceptions of conflict of interest that may contaminate any decision he or she makes or that the government makes. Executive office holders must declare any private interests held by the executive office holder or his or her associates that may give rise to or is likely to give rise to a conflict with the public duties the executive office holder performs.
13. An executive office holder on assuming office must resign from any position held in a business or professional association or trade union.
14. An executive office holder must not act as a consultant or adviser to any company, business or other interest, whether paid or unpaid. An executive office holder must not provide any assistance to a body other than in the performance of a duty of his or her office.
15. An executive office holder must have regard to the pecuniary and other private interests of his or her relatives, to the extent known to him or her, to assess whether a conflict or apparent conflict exists between private interests and the duties of his or her office.
16. An executive office holder must encourage his or her relatives to dispose of or not invest in shares in companies that operate within the executive office holder's area of responsibilities.
17. An executive office holder must undertake on assuming office not use his or her office to improperly gain a direct or indirect personal advantage that is not enjoyed by the public.

*Shareholdings*

18. An executive office holder must make a declaration in accordance with this Act that declares all shares or interests in any business, company, partnership, trust or scheme and any other matter as required.
19. An executive office holder must relinquish any shareholding, interest or any other property if directed to do so by the Accountability and Transparency Commission.

*Post-office Employment*

20. An executive office holder must undertake that he or she will not accept any employment, directorship or consultancy in a company, business or organisation that had any official dealings with his or her office in the 12 months prior to ceasing to hold that office, and then for a further period of 12 months on ceasing to hold office.
21. An executive office holder must undertake to not use any information acquired by him or her in the performance of the duties of office, unless the information is in the public domain.

PART C — ACCOUNTABILITY

*Duty to Act Lawfully*

22. An executive office holder must act lawfully and exercise any discretionary power taking into account only relevant matters.

*Duties regarding complaints, investigations and procedural fairness*

23. An executive office holder must make complaints about other persons to whom a code of conduct applies if he or she believes there are reasonable grounds to believe a contravention has occurred.
24. An executive office holder must not make frivolous or vexatious complaints about a contravention of a code of conduct by other persons.
25. An executive office holder must treat any complaint about an alleged contravention of a code of conduct in confidence other than for the purposes of investigation, and offer any assistance required by an investigator inquiring into a complaint.
26. An executive office holder must not take any detrimental action against any person who intends to make a complaint or has made a complaint about an alleged contravention of a code of conduct.
27. An executive office holder who makes a complaint or is the subject of a complaint must not sit on any committee or body responsible for inquiring into that complaint or make any findings.
28. An executive office holder must abide by and afford to other persons the rules of procedural fairness in the handling of complaints about an alleged contravention of a code of conduct.

PART D—RESPECT

*Respect for Persons and Rights*

29. An executive office holder must treat every person with respect, courtesy and in a fair and equitable manner, free from harassment, victimisation or discrimination in accordance with the Bill of Rights in the Constitution.
30. An executive office holder must not act in an arbitrary way to the detriment of any person, group or body and must have regard to the rights, duties and proper interests of any person.
31. An executive office holder must not in a decision, conduct or direction seek to encourage or induce a public servant to contravene the law or the code of conduct that applies to public servants.

SCHEDULE 2  
 (Section 6(1))

OFFICE HOLDER CODE OF CONDUCT  
 CODE OF CONDUCT ACT 2025

*Preamble*

1. An office holder to whom this Act applies commits —
  - (a) to selflessly act solely in the public interest;
  - (b) to act with integrity and avoid placing himself or herself under any obligation or inappropriate influence of another person or entity;
  - (c) to not act or make decisions to obtain financial or other material benefit for himself or herself, a relative or an associate;
  - (d) to declare and resolve any perceived, potential or real conflicts of interest;
  - (e) to act and make decisions impartially, fairly and on merit using the most appropriate and relevant evidence and without discrimination or bias;
  - (f) to be open to scrutiny and accountable to the public for making decisions and taking actions;
  - (g) to act and make decisions in an open and transparent manner;
  - (h) to act with honesty and leading by example in treating others with respect;
  - (i) to lead the promotion and robust support for the standards of public office by challenging poor behaviour.

PART A—RESPONSIVENESS

2. An office holder must perform the functions, responsibilities and powers of his or her office in a responsive manner by —
  - (a) providing frank, impartial and timely advice to the relevant public entity and the government;
  - (b) providing high quality services to the Fijian community;
  - (c) informing the relevant public entity and the government of known major risks to the effective operation of the public entity and ensure adequate controls are in place to prevent fraudulent behaviour;
  - (d) ensuring financial statements or accounts are audited at regular intervals as required by law.
3. An office holder must demonstrate responsiveness by actively promoting and supporting best practice of the relevant public entity in the delivery of services to the Fijian community.

## PART B — INTEGRITY AND IMPARTIALITY

4. An office holder must protect and uphold the public interest by taking all reasonable steps—
  - (a) to avoid, resolve and disclose any real, apparent or potential conflict of interest with the office he or she holds; and
  - (b) to avoid, resolve and disclose any real, apparent or potential conflict of interest regardless of whether it is financial or non-financial or personal, that arises or is likely to arise with the office he or she holds; and
  - (c) to declare and manage any existing conflict where an office holder has an interest that influences or appears to influence the impartial and objective performance of the functions, responsibilities or execution of any power of his or her office.
5. An office holder must declare any real, apparent or potential conflict of interest to the Accountability and Transparency Commission.
6. An officer holder is personally responsible for the management and declaration of any current or potential conflicts of interest with the office he or she holds.
7. An officer holder may take advice on a conflict of interest but he or she is not able to delegate any personal responsibility for the management and declaration of any conflict of interest.
8. An officer holder must declare and register his or her financial, non-financial or personal interests, including but not limited to pecuniary interest as required under this Act from time to time.

*Directorships and Other Forms of Employment*
9. Except with the express approval of the Accountability and Transparency Commission, an office holder must resign or decline directorships of public or private companies and businesses on becoming an office holder.
10. Approval to retain a directorship of a private company or business may be granted to an office holder if the Accountability and Transparency Commission is satisfied on advice that no conflict of interest is likely to arise.
11. If the Accountability and Transparency Commission approve an officer holder remaining as a director of a company and the enterprise subsequently begins to operate in an area potentially affected by decisions that may be made by the office holder, it is the responsibility of the office holder to declare any conflict of interest and to resolve the matter to the satisfaction of the Accountability and Transparency Commission.
12. An office holder must consider whether his or her private interests may give rise to perceptions of conflict of interest that may contaminate any decision he or she makes or that the relevant public entity of the government makes. Office holders

must declare any private interests held by the office holder or his or her associates that may give rise to or is likely to give rise to a conflict with the public duties the office holder performs.

13. An office holder must not act as a consultant or adviser to any company, business or other interest, whether paid or unpaid, unless approved by the Accountability and Transparency Commission.
14. An office holder must have regard to the pecuniary and other private interests of relatives, to the extent known to him or her, to assess whether a conflict or apparent conflict exists between private interests and the duties of his or her office.
15. An office holder must encourage relatives to dispose of or not invest in shares in companies that operate within the office holder's area of responsibilities.
16. An office holder must undertake on assuming office to not use his or her office to improperly gain a direct or indirect personal advantage that is not enjoyed by the public.

*Shareholdings*

17. An office holder must make a declaration in accordance with this Act that declares all shares or interests in any business, company, partnership, trust or scheme.
18. An office holder must relinquish any shareholding or interest if directed to do so by the Accountability and Transparency Commission.

*Best interests of the public entity*

19. An office holder must exercise his or her powers with a reasonable degree of care, diligence and skill.
20. An office holder must act in good faith and in the best interests of the public entity.
21. An office holder must undertake that he or she will not accept any employment, directorship or consultancy in a company, business or organisation that had any official dealings with his or her office in the 12 months prior to ceasing to hold that office, and then for a further period of 12 months on ceasing to hold office.
22. An office holder must undertake to not use any information acquired by him or her in the performance of the duties of office, unless the information is in the public domain.

**PART C—ACCOUNTABILITY**

*Duty to Act Lawfully*

23. An office holder must act lawfully and exercise any discretionary power taking into account only relevant matters.

*Honesty, Fairness, Impartiality and Procedural Fairness*

24. An office holder must act with honesty, fairness and impartiality in performing the duties, responsibilities, functions and powers of his or her office.

25. An office holder must behave in a manner that is free of favouritism and self-interest and take reasonable care to consider all relevant facts objectively in making decisions.
26. An office holder must exercise care in relation to public funds, assets and comply with directions of the Minister and any financial management compliance frameworks.
27. An office holder must demonstrate due diligence and active monitoring of the public entity's financial management.
28. An office holder must abide by and afford to other persons the rules of procedural fairness in the handling of complaints and resolution of disputes.

#### PART D—RESPECT

29. An office holder must treat every person with respect, courtesy and in a fair and equitable manner, free from harassment, victimisation or discrimination in accordance with the Bill of Rights in the Constitution.
30. An office holder must not act in an arbitrary way to the detriment of any person, group or body and must have regard to the rights, duties and proper interests of any person.

### SCHEDULE 3 *(Section 7(1))*

#### PARLIAMENTARY CODE OF CONDUCT

#### CODE OF CONDUCT ACT 2025

##### *Preamble*

1. A Parliamentary office holder to whom this Act applies commits—
  - (a) to selflessly act solely in the public interest;
  - (b) to act with integrity and avoid placing himself or herself under any obligation or inappropriate influence of another person or entity;
  - (c) to not act or make decisions to obtain financial or other material benefit for himself or herself or an associate;
  - (d) to declare and resolve any perceived, potential or real conflicts of interest;
  - (e) to act and make decisions impartially, fairly and on merit using the most appropriate and relevant evidence and without discrimination or bias;
  - (f) to be open to scrutiny and accountable to the public for making decisions and taking actions;
  - (g) to act and make decisions in an open and transparent manner;

- (h) to act with honesty and leading by example in treating others with respect;
- (i) to lead the promotion and robust support for the standards of public office by challenging poor behaviour.

#### PART A—LEADERSHIP

2. A Parliamentary office holder must lead by example and model the behaviours that uphold the code of conduct and act in an ethical manner.
3. A Parliamentary office holder must demonstrate leadership by actively promoting and supporting the code of conduct.

#### PART B—INTEGRITY AND PUBLIC INTEREST

4. A Parliamentary office holder must protect and uphold the public interest by taking all reasonable steps—
  - (a) to avoid, resolve and disclose any real, apparent or potential conflict of interest with the office he or she holds; and
  - (b) to avoid, resolve and disclose any real, apparent or potential conflict of interest regardless of whether it is financial or non-financial or personal, that arises or is likely to arise with the office he or she holds; and
  - (c) to declare and manage any existing conflict where a Parliamentary office holder has an interest that influences or appears to influence the impartial and objective performance of the functions, responsibilities or execution of any power of his or her office.
5. A Parliamentary office holder must declare any real, apparent or potential conflict of interest to the Accountability and Transparency Commission.
6. A Parliamentary officer holder is personally responsible for the management and declaration of any current or potential conflicts of interest with the office he or she holds.
7. A Parliamentary officer holder may take advice on a conflict of interest but he or she is not able to delegate any personal responsibility for the management and declaration of any conflict of interest.
8. A Parliamentary officer holder must declare and register his or her financial, non-financial or personal interests, including but not limited to pecuniary interest as required under this Act from time to time.
9. A Parliamentary office holder must undertake to not use any information acquired by him or her in the performance of the duties of office, unless the information is in the public domain.



*Directorships and Other Forms of Employment*

10. Except with the express approval of the Accountability and Transparency Commission, a Parliamentary office holder must resign or decline directorships of public or private companies and businesses on becoming a Parliamentary office holder.
11. Approval to retain a directorship of a private company or business may be granted to a Parliamentary office holder if the Accountability and Transparency Commission is satisfied on advice that no conflict of interest is likely to arise.
12. If the Accountability and Transparency Commission approve a Parliamentary officer holder remaining as a director of a company and the enterprise subsequently begins to operate in an area potentially affected by decisions that may be made by the Parliamentary office holder, it is the responsibility of the Parliamentary office holder to declare any conflict of interest and to resolve the matter to the satisfaction of the Accountability and Transparency Commission.
13. A Parliamentary office holder must consider whether his or her private interests may give rise to perceptions of conflict of interest that may contaminate any decision he or she makes or that the government makes. Parliamentary office holders must declare any private interests held by the Parliamentary office holder or his or her relatives that may give rise to or is likely to give rise to a conflict with the public duties the Parliamentary office holder performs.
14. A Parliamentary office holder on assuming office must resign from any position held in a business or professional association or trade union.
15. A Parliamentary office holder must not act as a consultant or adviser to any company, business or other interest, whether paid or unpaid. A Parliamentary office holder must not provide any assistance to a body other than in the performance of a duty of his or her office.
16. A Parliamentary office holder must have regard to the pecuniary and other private interests or property of his or her relatives, to the extent known to him or her, to assess whether a conflict or apparent conflict exists between private interests and the duties of his or her office.
17. A Parliamentary office holder must encourage relatives to dispose of or not invest in shares in companies that operate within the Parliamentary office holder's area of responsibilities.
18. A Parliamentary office holder must undertake on assuming office to not use his or her office to improperly gain a direct or indirect personal advantage that is not enjoyed by the public.

*Shareholdings*

19. A Parliamentary office holder must make a declaration in accordance with this Act that declares all shares or interests in any business, company, partnership, trust or scheme or any other property.

20. A Parliamentary office holder must relinquish any shareholding or interest if directed to do so by the Accountability and Transparency Commission.

#### PART C—ACCOUNTABILITY

21. A Parliamentary office holder must act lawfully and exercise any discretionary power taking into account only relevant matters.
22. A Parliamentary office holder must make complaints about other persons to whom a code of conduct applies if he or she believes there are reasonable grounds to believe a contravention has occurred.
23. A Parliamentary office holder must not make frivolous or vexatious complaints about a contravention of a code of conduct by other persons.
24. A Parliamentary office holder must treat any complaint about an alleged contravention of a code of conduct in confidence other than for the purposes of investigation, and offer any assistance required by an investigator inquiring into a complaint.
25. Parliamentary office holder must not take any detrimental action against any person who intends to make a complaint or has made a complaint about an alleged contravention of a code of conduct.
26. A Parliamentary office holder who makes a complaint or is the subject of a complaint must not sit on any committee or body responsible for inquiring into that complaint or make any findings.
27. A Parliamentary office holder must abide by and afford to other persons the rules of procedural fairness in the handling of complaints about an alleged contravention of a code of conduct.

#### PART D—RESPECT

28. A Parliamentary office holder must treat every person with respect, courtesy and in a fair and equitable manner, free from harassment, victimisation or discrimination in accordance with the Bill of Rights in the Constitution.
29. A Parliamentary office holder must not act in an arbitrary way to the detriment of any person, group or body and must have regard to the rights, duties and proper interests of any person.
30. A Parliamentary office holder must not in a decision, conduct or direction seek to encourage or induce a public servant to contravene the law or the code of conduct that applies to public servants.

SCHEDULE 4  
(Section 10(2))

FORM 1 — DECLARATION OF ASSETS, LIABILITIES AND FINANCIAL INTERESTS

*I, [insert name] consent to the Accountability and Transparency Commission collecting and using this information in accordance with the Code of Conduct Act 2025 and the Accountability and Transparency Act 2025.*

*I make this declaration as at [insert date] .....*

*I declare that:*

- (a) *I have sources of income other than my main source of employment income that relate to the following:\**
  - (i) *contracts, as specified...; \**
  - (ii) *offices held in return for payment or other reward, as specified...; \**
  - (iii) *a trade, vocation or profession engaged in by me, as specified... \**
- (b) *I hold office in the following public or private: \**
  - (i) *companies, as specified...; \**
  - (ii) *trustee companies, as specified...; \**
  - (iii) *incorporated associations, as specified...; \**
  - (iv) *other entities, as specified... \**
- (c) *I or my associates have shareholdings, investments or other businesses that include:\**
  - (i) *any company, as specified...;\**
  - (ii) *any partnership, as specified...;\**
  - (iii) *any association, as specified...;\**
  - (iv) *any other entity, as specified...;\**
- (d) *I am for the following specified trust:\**
  - (i) *a beneficiary and the trustee is...;\**
  - (ii) *the trustee...;\**
  - (iii) *the director of a trustee company in which a relative is a beneficiary, as specified...;\**
- (e) *I or my associates own the following real estate...\**

- (f) *I or an associate have entered a contract, agreement or understanding that gives rise to thee following:\**
- (i) *obligations, as specified...;\**
  - (ii) *expectation of reward...;\**
- (g) *I or an associate have the following other substantial financial or other interests that may reasonably raise an expectation of a conflict of interest or material interference with my duties:\**
- (i) *that have been held, as specified...;\**
  - (ii) *that are currently held, as specified...;\**
  - (iii) *that will accrue, as specified...;\**
- (h) *I am a lobbyist, as specified...;\**
- (i) *I have the following arrangements or circumstances that may constitute a conflict of interest, as specified...;\**
- (j) *I have been declared a bankrupt or have been the subject of a bankruptcy order, as specified...;\**
- (k) *I have been a director or executive officer of a corporation which became insolvent whilst I was a director or executive director, as specified...;\**
- (l) *I have been disqualified from acting as a director or acting in the management of an incorporated association, as specified...;\**
- (m) *I have been found guilty of any offence in relation to a corporate or regulatory matter, as specified...;\**
- (n) *I am currently a party in any capacity in either a criminal or civil proceeding before a court, tribunal or other adjudication body that includes a professional, registration or licensing body, as specified...;\**
- (o) *I have been found guilty of the following criminal offences, as specified...\**

*\* delete if inapplicable*

*I declare that to the best of my knowledge, the information I have provided in this declaration is true and correct. I undertake to advise the chairperson of the Accountability and Transparency Commission in writing if an actual, potential or perceived conflict arises in the future.*

*If there is any change to the interests set out in this declaration, I undertake to advise the chairperson of the Accountability and Transparency Commission of the material changes, alterations or additions to my declaration as soon as practicable.*

*Signature of Declarant:*

.....

*Name (please print):*

.....

*Date:* .....

*Signature of Witness:*

.....

*Name (please print):*

.....

*Date:*.....

March 2025

## **CODE OF CONDUCT BILL 2025**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is intended only to indicate its general effect)*

#### **1.0 BACKGROUND**

1.1 Section 149(a) of the 2013 Constitution states that:

“A written law shall—

- (a) establish a code of conduct which shall be applicable to the President, Speaker, Deputy Speaker, Prime Minister, Ministers, members of Parliament, holders of offices established by or continued in existence under this Constitution or under any written law, members of commissions, permanent secretaries, ambassadors or other principal representatives of the State, and persons who hold statutory appointments or governing or executive positions in statutory authorities, and to such other offices (including public offices) as may be prescribed by written law;”

1.2 A written law that establishes a code of conduct is yet to be enacted in accordance with the Constitution.

1.3 The Code of Conduct Bill 2018 that was introduced in November 2018 lapsed on the dissolution of that Parliament.

#### **2.0 CLAUSES**

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the Act will come into force on a date or dates appointed by the Minister by notice in the Gazette.

2.2 Clause 2 provides for the interpretation of certain terms in the Bill.

2.3 Clause 3 defines an “associate” as a relative and to also include persons who

have a business relationship with a of an executive office holder, office holder or Parliamentary office holder who is subject to a code of conduct. The definition is relevant to the operation of the provisions that require the making of a declaration of assets, liabilities and financial interests by an executive office holder, office holder or Parliamentary office holder.

- 2.4 Clause 4 outlines the Bill's objectives that include establishing integrity and accountability standards, promoting public confidence, requiring declarations, ensuring compliance with codes of conduct, making of declarations and the keeping of registers, and raising public awareness of the applicable codes of conduct.
- 2.5 Clause 5 establishes a code of conduct for executive office holders, including the President, Prime Minister, and Ministers, as outlined in Schedule 1, in accordance with Section 149(a) of the Constitution.
- 2.6 Clause 6 establishes a code of conduct for office holders, as outlined in Schedule 2, in accordance with Section 149(a) of the Constitution.
- 2.7 Clause 7 establishes a code of conduct for the Speaker, Deputy Speaker and members of Parliament, as outlined in Schedule 3, in accordance with Section 149(a) of the Constitution.
- 2.8 Clause 8 requires an executive office holder, office holder or Parliamentary office holder to make reasonable efforts to comply with and uphold their code of conduct.
- 2.9 Clause 9 requires an executive office holder, office holder or Parliamentary office holder to submit truthful and accurate declarations: within 30 days of taking office, annually on 1 July, within 30 days of any material change, and for existing office holders within 30 days of the clause's commencement.
- 2.10 Clause 10 states that an executive office holder, office holder or Parliamentary office holder must declare, as applicable, any significant income sources, offices held, business interests, trusts, property, contracts, financial interests, lobbyist activities, conflicts of interest, bankruptcy, corporate insolvency, disqualifications, or offences. Declarations must be made using Form 1 and lodged with the Commission chairperson.
- 2.11 Clause 11 requires the Accountability and Transparency Commission chairperson to maintain the Declaration Register, recording declaration details and any additional relevant information. The register may, wholly or partly, be in digital, documentary, or any suitable form.

- 2.12 Clause 12 empowers the Accountability and Transparency Commission chairperson to amend the Declaration Register following an investigation or to align declarations with reliable information. Amendments may involve adding, deleting, or correcting entries, and individuals may apply for such changes.
- 2.13 Clause 13 requires the Accountability and Transparency Commission chairperson to protect an executive office holder, office holder or Parliamentary office holder declarations from unreasonable privacy intrusions when publishing information from the Declarations Register.
- 2.14 Clause 14 requires the Accountability and Transparency Commission chairperson to maintain a public register of declarations, which includes an executive office holder, office holder or Parliamentary office holder name, declaration date, properties held, and changes to property since the last declaration.
- 2.15 Clause 15 imposes a fine not exceeding \$2000 or a one-year imprisonment for failing to make a declaration under Clause 9, with strict liability applied except for declarations within 30 days of a material change.
- 2.16 Clause 16 states that a person commits an offence if they knowingly provide false, misleading, or incomplete information in a declaration under this Bill, submitted to the Commission chairperson or an authorised person.

Clause 16 also states that a person commits a summary offence if they recklessly provide false, misleading, or incomplete information in a declaration under this Act, submitted to a government entity or authorised person. The offence does not apply if the declaration is not false, misleading, or incomplete in a material aspect.

If a person is not found guilty from knowingly providing false, misleading, or incomplete information in a declaration under this Bill but is proven guilty from recklessly doing so, the court may convict them of the lesser offence. The penalty for breaching any of these offences is a fine up to \$2000 or imprisonment for up to 1 year.

- 2.17 Clause 17 requires public entities to ensure compliance with their codes of conduct when developing policies, programs, and delivering services. It also clarifies that Parliament does not create legal rights, civil causes of action, or grounds for reviewing judicial or administrative acts or omissions for an individual.
- 2.18 Clause 18 requires public entities to report on their compliance with their codes of conduct to the Commission on or before October 31 in every second year after the commencement of this Bill, or a later date specified by the Commission at the request of the public entity.



- 2.19 Clause 19 requires public entities to take all practical measures to ensure that those engaged by the public entity are subject to a code of conduct under this Bill know and understand the standards that apply to them, and that any policies, services and processes provided by the public entity is consistent with the standards that apply under the relevant code of conduct.
- 2.20 Clause 20 states that the Accountability and Transparency Commission chairperson may give guidelines or directions in order to perform any functions or responsibilities under this Bill.
- 2.21 Clause 21 empowers the Minister administering this Bill to make regulations to carry out the purposes of this Bill, including procedures for maintaining the Declarations Register and public register, declaration submissions, and standards for promoting and monitoring compliance with the code of conduct by public entities.
- 2.22 Clause 22 amends section 24 of the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 and inserts new sections 26B and 30B into that Act, inserting:
- Subsection 24(7), exempting persons required to make a declaration under the Code of Conduct Act 2025 from section 24.
- Section 26B, allowing the Registrar to inspect, copy, and retain declarations from the Declarations Register under the Code of Conduct Act 2025. The Registrar may use or disclose declarations if authorized by law or with the declarant's consent.
- Section 30B, ensuring section 24 applies to offences committed before the Code of Conduct Act 2025 commencement and that the amended section 24 applies to offences committed after. Individuals required to submit statements under section 24 before the Code of Conduct Act 2025 must continue until they file a declaration under the new Act.
- 2.23 Clause 23 repeals Part 6 of the Bill on the first anniversary of the day in which this Part 6 comes into operation.
- 2.24 Schedule 1 provides for the Executive Code of Conduct that applies to executive office holders.
- 2.25 Schedule 2 provides for the Office Holders Code of Conduct that applies to office holders.
- 2.26 Schedule 3 provides for the Parliamentary Code of conduct that applies to Parliamentary office holders.

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2.27 Schedule 4 is the form of form 1 for making a declaration assets, liabilities and financial interests.

### **3.0 MINISTERIAL RESPONSIBILITY**

3.1 The new legislation comes under the responsibility of the Attorney-General.

G. E. LEUNG  
Attorney-General