

REPUBLIC OF KIRIBATI



(No 6 of 2026)

I assent,

Beretitenti,

28 / 7 / 2026



AN ACT

entitled

AN ACT TO AMEND THE LEADERS CODE OF CONDUCT ACT 2016

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

1. Short title

This Act may be cited as the *Leaders Code of Conduct (Amendment) Act 2026*.

2. Meaning of 'principal Act'

In this Act the principal Act means the *Leaders Code of Conduct Act 2016*.

3. Amendment to section 3

Section 3 of the principal Act is amended as follows:

- (1) By repealing the definition of bribe and substituted as follows: "bribery" means a leader who corruptly asks for or receives, or agrees to ask for or obtains, or corruptly offers any money, property, or other benefit or advantage of any kind, for himself or herself or another person or body in exchange for his or her acts or omissions as a leader being influenced in any way, either directly or indirectly;

- (2) By repealing the definition of 'immediate family';

- (3) By repealing and substituting the definition of 'leader' as follows:

"leader" means a person who holds any positions listed in Schedule 1 under this code:

- (4) By inserting the following new definitions:

"abuse of office" means a leader or any public official abuses their office by engaging in corrupt practices or omissions in their official capacity, in order to gain a benefit for themselves or another person, or cause a detriment to another person;

"concealment" is the act of intentionally or unintentionally not revealing information that should be disclosed;

"embezzlement" means a leader who entrusted with funds, assets, or other valuable items but then misappropriate or steal them either directly or indirectly for his or her own personal gain or transfers it to another party;

"illicit enrichment" means the significant increase in the assets of a leader which he or she cannot reasonably explain in relation to his or her income;

"money laundering" means a leader who

- (a) engages directly or indirectly in a transaction that involves money, or other property, that is proceeds of crime and the person knows, or ought reasonably to know, to be derived from some form of unlawful activity;
- (b) acquires, possesses or uses, receives or brings into the Republic money or other property that is proceeds of crime and the person knows or ought reasonably to know that it is derived directly or indirectly from some form of unlawful activity;
- (c) converts or transfers property that is proceeds of crime, with the aim of concealing or disguising the illicit origin of that property, or of aiding any person involved in the commission of the offence to evade the legal consequences thereof;
- (d) conceals or disguises the true nature, origin, location, disposition, movement or ownership of the property that is proceeds of crime; and
- (e) renders assistance to another person for any of the above;

“nepotism” is a form of corruption that involves a leader showing favoritism to family members or friends in economic or employment matters, based on personal connections rather than merit.

“sexual harassment or harassment” means:

- (a) an unwelcome sexual advance or request for sexual favours to the person who is harassed;
- (b) other unwelcome conduct of a sexual nature in relation to the person who is harassed.

4. Amendment to section 5

Section 5 of the principal Act is amended as follows:

- (1) By deleting the word ‘and’ at the end of paragraph ‘j’;
- (2) By replacing the full stop at the end of paragraph ‘k’ with a semicolon;
- (3) By inserting additional paragraphs (l), (m), (n) and (o) immediately after paragraph (k) as follows:
 - “(l) develop and promote a code to require officials to disclose outside official activities such as receiving or giving gifts that may reflect a conflict of interest;
 - (m) not engage or be involved in all forms of discrimination against an individual;
 - (n) not engage or be involved in all forms of sexual harassment; and
 - (o) not engage in other forms of paid work or employment.

For the purpose of subsection (o):

- (i). ‘paid work or employment’ includes active management of a business where the leader receives a benefit, directly or indirectly; and
- (ii). shall commence on the date appointed by notice by the Minister.”

5. Amendment to section 7

Section 7(a) of the principal Act is repealed and substituted as follows:

“Section 7(a) Act fairly in appointing or recommending people based on merit without nepotism through a transparent and open competition selection process to offices and positions for which a leader has responsibility;”

6. Amendment to section 11

Section 11(a) is repealed and substituted with the following:

“(a) A leader must lodge with the Leadership Commission before the end of January every year, a brief written statement of his assets and liabilities, in and outside Kiribati. The

statement may include a list of properties and their estimated values.”

7. Amendment to section 12

Section 12 is repealed and substituted as follows:

“Section 12: Effective date and effect of this Act

- (1) This Code applies to all actions and omissions that occur after it takes effect.
- (2) This Code has effect notwithstanding anything to the contrary in any other Act.”

8. Insertion of a new section 13A

Section 13A is inserted as follows:

“13A Prosecution of Offences by the Office of the Attorney General

Any offence committed under this Act shall be subject to prosecution by the Attorney General.”

9. Insertion of a new section 13B

A new section 13B is inserted as follows:

“13B. Independent Investigative Committee

(1) Complaint process

- (a) Any member of the public who has attained the age of 18 years and above is eligible to lodge his or her complaint against the Chairman and Commissioners of the Leadership Commission;
- (b) All complaints must be in writing, addressed to the Secretary and to be lodged with the office of Te Beretitenti;
- (c) A complaint is required to fill in the prescribed form showing that all information provided is true to the best of his or her knowledge; and
- (d) The Secretary shall verify complaints lodged with the office and analyzed it and report their findings and recommendations to Te Beretitenti.

- (2) The Beretitenti shall establish an Independent Investigative Committee or the Committee if he considers that a complaint against the Chair or any member of the Leadership Commission for violating this Code ought to be investigated.

- (3) Any person who possesses the following qualifications is eligible to be appointed as member of the Committee ;-

- (a) a person with legal background;
- (b) good public standing and reputation;

- (c) not less than 10 years of experience with the government or government agencies at senior management levels;
- (d) a good educational background;
- (e) has attained the age of 40 years;
- (f) is not engaged in any employment of the government or government agencies or own or being a shareholder of any private companies and
- (g) has no personal interest in the matter to be investigated.

(4) The Primary function of the Committee is-

- (a) To investigate and review complaints against commissioners who alleged to or have violated this Code;
- (b) to require the evidence of any witness (whether written or oral) to be given on oath or affirmation;
- (c) to summon any person to give evidence or produce relevant documents or things in his or her possession;
- (d) to report on the outcome of all investigations; and
- (e) to determine their own rules of procedures.

(5) In each sitting of the Committee to execute its role under this Code, each member at the sitting is entitled to a sitting allowance prescribed under the Regulations.

10. Insertion of new Section 13C

A new section 13C is inserted as follows:

“Power to amend Schedule 1

The Beretitenti may in consultation with Cabinet amend Schedule 1 at any time considers appropriate.”

11. Repealing of Part IV consisting of sections 14, 15 and 16

Part IV consisting of sections 14, 15 and 16 is repealed and substituted as follows:-

“Part IV

PROCEEDINGS OF THE COMMISSION

14. Complaint process

- (1) Any member of the public who has attained the age of 18 years and above is eligible to lodge his or her complaint regarding the leader.
- (2) All complaints can be lodged to the Commission by way of email, phone call or written letter addressed to the Leadership Commission Office.

- (3) A complainant is required to fill in a prescribed form, showing that all information provided is true to the best of his or her knowledge.
- (4) The Commission shall verify complaints lodged with the office and analyze it whether to proceed with investigation or transfer to another authority to deal with.

15. Investigation process

- (1) The conduct of a leader must be investigated and prosecuted upon:
 - (a) receiving complaints in section 14; and
 - (b) if the Leadership Commission has the opinion based on reasonable grounds that a leader may have breached this Code.
- (2) Before investigating, the Leadership Commission shall inform the Leader about the complaint and give him or her the opportunity to respond.
- (3) The Leadership Commission may resolve that the investigation shall be carried out by one or some of the Commissioners, on behalf of the Commission.
- (4) The Leadership Commission may seek the assistance of relevant Government Departments, Agencies, Registered Incorporated Non-Government Organization and any other relevant body in their investigation.
- (5) In carrying out its functions the Leadership Commission must be given access at all convenient times to every paper, minutes, record, contract, book, computer storage facilities and equipment, financial account or other documents that is in the possession of any organization, body or individual, and that is relevant to the investigation.
- (6) The Leadership Commission may direct any person it considers able to give any information relating to the alleged or suspected violation of this Code to furnish that information or summon that person to appear before the Commission at a specified time and place to be examined on oath or affirmation. Refusal to assist or cooperate shall be liable to an offence stipulated under section 21.
- (7) The Leadership Commission may administer an oath or affirmation to a person appearing as a witness and may examine the witness.
- (8) A witness attending before the Commission has the same privileges and is subject to the same penalties as a witness before the Court.
- (9) The Leadership Commission may decide to terminate an investigation already commenced if it considers the complaint to be trivial, frivolous, vexatious or not made in good faith.

16. Evidence

Any investigation, hearing or other proceeding under this Code should have regard to the ordinary rule relating to the admissibility of evidence but may depart from those rules when it deems necessary to achieve a fair and reasonable result.

17. Investigation report

The Leadership Commission must provide a copy of its investigation report to the person who made the complaint, the Leader investigated, the relevant authorities, and the Office of the Attorney General.

18. Protection of witnesses or complainants

- (1) Any witnesses or complainants shall be protected against any unjustified treatment.
- (2) Any witnesses or complainants shall be protected upon their request to not disclose his or her identity during the investigation process unless it is required by an order of the Court.

19. Investigation expenses

Expenses incurred during the investigation shall be borne by the Commission as prescribed by Regulation.

12. Repealing of Part V

Part V is repealed, substituted, and renumbered as follows: -

Part V

OFFENCE

20. Breach of the Leaders Code of Conduct

A leader who does not comply with any provisions of this Code is guilty of a breach of this Code and is liable to a fine of not less than \$10,000 and above or to imprisonment for a period not exceeding 10 years or to both.

21. Refusal to assist or cooperate

A leader or any person who refuses to assist or cooperate with the work and operations of the Leadership Commission, commits an offence and shall be liable to a fine not less than \$10,000 or to a period of imprisonment not exceeding 10 years or both.

22. Bribery

A leader who is engaged or involved in bribery is guilty of an offence and shall be liable to a fine not less than \$10,000 and to imprisonment for a period not exceeding 10 years or both.

23. Providing false information

A leader who willfully makes any false answer to any question put to him or her by the Commissioners relating to the statement of interest or during the interrogation for any allegations against him or her is guilty of an offence and shall be liable to a fine not less than \$10,000 or imprisonment for a period not exceeding 10 years or both.

24. Abuse of office

A leader who abuses his or her office is guilty of an offence and shall be liable to a fine not less than \$10,000 or to imprisonment for a period not exceeding 10 years or both.

25. Misuse of public moneys

A leader who uses, or agrees to the use of, any public money for his or her own personal gain other than the purpose for which it may lawfully be used is guilty of an offence and shall be liable to a fine not less than \$10,000 or imprisonment for a period not exceeding 10 years or both.

26. Money laundering

- (1) A leader who engages in money laundering is guilty of an offence and shall be liable to a fine not less than \$200,000 or to imprisonment for a period not less than 20 years or both.
- (2) A leader of a political party who engages in money laundering is guilty of an offence and shall be liable to a fine not less than \$600,000 and to imprisonment for a period not less than 20 years or both.

27. Embezzlement

A leader who is involved in embezzlement is guilty of an offence and shall be liable to a fine not less than \$100,000 or to imprisonment for a period not exceeding 10 years or both.

28. Other offence punishable under this Act

A leader who is convicted by a court of an offence under the Penal Code or other Laws is:

- (a) in breach of this Code; and
- (b) liable to be dealt with in accordance with Part VI.

29. Offences by other persons

- (1) A person other than a leader who:
 - (a) takes part in conduct that is a breach of this Code; or

(b) obtains a benefit, directly or indirectly, from an act or omission that is a breach of this Code is guilty of a breach of this Code.

(2) A person other than a leader who exercises undue influence over or in any other way bring pressure to bear on a leader, so as to influence, or attempt to influence, the leader to act in a way that is in breach of this Code is guilty of a breach of this Code.

(3) A person who is found guilty of a breach under this section is liable to a fine not less than \$10,000 or imprisonment for a period not exceeding 10 years or both.

13. Amendment to Part VI

Part VI is repealed, substituted and renumbered as follows:

“Part VI

PENALTIES

30. Civil and Administrative Penalties

(1) Where a leader is convicted of a breach of this Code the Leadership Commission may find such person to be liable to one or some or all of the following orders, as may be thought fair and necessary to do justice and restore public confidence:

(a) forfeiture of gains;

(b) restraining order;

(c) oral or written warnings or reprimands;

(d) suspension from Office; and

(e) dismissal from Office, in accordance with the applicable laws and contract of employment.

(2) The Leadership commission may make an order of negative findings.

(3) A person named in a decision or order made under this Code may appeal to the High Court if he or she is not satisfied with the Leadership Commission's decision.

(4) The High Court may dismiss the appeal summarily without hearing it, or after hearing the appeal, may make an order upholding, quashing or varying the order or decision.

(5) Appeals against a decision or order are deemed exhausted two months after the date the decision or order was made.

(6) It is not a defense that the accused was no longer a Leader at the time he or she was investigated, prosecuted, convicted or sentenced.

31. Disqualification from future office

Where the leader is dismissed from office under section 30(1)(e) he or she shall be disqualified from standing for election as, or being appointed as, a leader of any kind for a period of 10 years from the date of the conviction.

14. Amendment to Part VII

Part VII is amended by renumbering the existing section 20 to section 32.

15. Schedule

Leaders (section 3)

(a) Constitutional and Statutory position

1. the Beretitenti,
2. the Kauoman ni Beretitenti,
3. Ministers,
4. Attorney General,
5. Secretary to the Cabinet,
6. Chairman and Commissioners of the Public Service Commission,
7. Speaker,
8. Chief Justice,
9. Judge,
10. Commissioner of Police,
11. Chief Electoral Commissioner and Commissioners of the Electoral Commission,
12. Auditor General;
- ii. Deputy Speaker, Clerk of the Maneaba ni Maungatabu;
- iii. Members of the Maneaba ni Maungatabu;
- iv. Solicitor General, Director of Public Prosecution, Director of Legislative Drafting Division;
- v. Accountant General;
- vi. Magistrate, Chief Registrar, Deputy Chief Registrar, Chief Magistrate, Executive Director;
- vii. Mayor and Councilor;
- viii. Senior Responsible Officers or Officers in Charge of a Government Ministry, Agency, Statutory Corporation and State-Owned Enterprises, including Chairman and Board Directors;
- ix. Chairman and Commissioners of the Leadership Commission;
- x. Kiribati High Commissioner or Ambassador, Special Envoy;
- xi. Chairman and Executive members of registered incorporated Non-Government Organizations; and
- xii. Leader of a political party.

Explanatory Memorandum

This Act reflects the amendment to the Leaders Code of Conduct 2016 to enable the Leadership Commission to strengthen the anti- corruption legislation. The aim is to deter corrupt practices and enforce punishments on perpetrators. The amendment consists of sections 1 to 14.

Section 3 amends section 3 of the Principal Act by improving the definitions of bribery and leader. It also inserting new definitions like 'the abuse of office', 'concealment', 'embezzlement', 'illicit enrichment', 'money laundering', 'nepotism', and 'sexual harassment'.

Section 4 amends section 5 of the principal Act by adding more obligations of a Leader in inserting paragraphs (l), (m) and (n). It also amends subsection (i) to include private owned companies where a leader is not supposed to engage with.

Section 5 amends section 7(a) of the principal Act by detailing further important guideline for a Leader to follow in appointing or recruiting people.

Section 6 amends section 11 of the principal Act by repealing it and substituted with a new subsection.

Section 7 amends section 12 of the principal Act by inserting a new subsection 2 which indicates the effect of the act on other Act or laws.

Section 8 amends section 13 (5) by inserting a new paragraph (h) as the additional function of the Commission to bring their cases for prosecution.

Section 9 inserts a new section 13A in Part III. 13A shows that the prosecuting authority remains with Office of the Attorney General.

Section 10 inserts a new section 13B in Part III relating to the establishment of a Special Investigate Committee's procedures and guidelines, to deal with complaints involving Commissioners.

New section 13C is also inserted to cater for the list of leaders listed under the schedule. It gives power to the Beretitenti to amend the Schedule anytime deemed necessary not necessarily to go the Parliamen again.

Section 11 repealed Part IV and substituted with a new Part IV Proceedings of the Commission- The title of this Part is amended to **Proceedings of the Commission** as it will include more process or procedures for the Commission. The new inserted proceedings are Complaint process, Protection of Witness or complainants and Investigation expenses.

Section 12 repealed Part V and substituted with a new Part V entitled "Offence". Offences are inserted as Section of this Part including punitive measures. This includes 'Breach of Leadership Code', 'Refusal to assist or cooperate', 'Bribery', 'Providing false information', 'Abuse of Office', 'Misuse of public money', 'Money Laundering', 'Embezzlement', 'Other offence punishable under this act', 'Offences by other persons'.

Section 13 amends Part VI by repealing and substituting it with a new PART VI entitled Penalties. The section of this Part includes "Civil and Administrative Penalties" and the 'Disqualification from future office' as Section 31.

Section 14 amends Part VII Regulations by renumbering Section 20 to Section 32

His Excellency Taneti Mamau
The Beretitenti and Minister for Public Service Office

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Ms Pauline Beiatau
Attorney-General

CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU

This printed impression of the Leadership Code of Conduct (Amendment) Act 2026 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 23rd April 2026 and is found by me to be a true and correctly printed copy of the said Bill.


.....

Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this day of 2026.


.....

Eni Tekanene
Clerk of the Maneaba ni Maungatabu

