

Information Brief – Standing Committee

For Standing Committee on Justice, Law and Human Rights

Quick Summary of the National Referendum Bill 2025 (Bill No.46 of 2025)

This information brief provides a quick summary of the National Referendum Bill 2025 (Bill No.46 of 2025) ("Bill") that was tabled in Parliament during its December sitting. This summary offers a brief overview of the Bill and should be read alongside the full text for clarity. It aims to assist people who need to quickly understand the Bill and what it is all about. Additional information is provided at the end of the summary to guide readers.

1.0 SUMMARY

1.1 Part 1 - Preliminary Provisions of the Bill [Clauses 1 – 4]

This part outlines the foundational elements of the Bill.

- The Bill when enacted by Parliament will be titled the *National Referendum Act 2025*.
- It will commence on a date appointed by the Minister.
- Key terms are defined, including "referendum," "voter," and "Electoral Commission."
- The Act binds the State and aims to facilitate national referendums.

1.2 Part 2 – Referendum [Clauses 5– 8]

This part outlines the circumstances for holding a referendum.

- A referendum can occur if a constitutional amendment bill passes Parliament or if Parliament declares an issue of national importance.
- The President must refer the matter to the Electoral Commission for action.

Voter Eligibility and Voting Process

- Only registered voters in the National Register of Voters are eligible to vote.
- Each voter is entitled to a single vote; multiple votes constitute an offence.
- The National Register of Voters serves as conclusive evidence of voting eligibility.

1.3 Part 3 - Conducting the Referendum [Clauses 9– 17]

Part 3 of the Bill provides for the procedures for conducting the referendum.

- ***Application of existing electoral and voting procedure*** – The Supervisor of Elections must adopt existing electoral and voting procedures under the Electoral Act 2014 for conducting a referendum.
- ***Polling venues, polling stations and symbols*** – The Supervisor must use existing polling venues and stations identified under the Electoral Act 2014, provide sufficient polling stations, and determine symbols to be printed on ballot papers.
- ***Notification of polling stations and symbols*** – The Supervisor must publish a notice in the Gazette at least 5 days before polling day, specifying polling stations, questions to be submitted to voters, and symbols to be used.
- ***Polling day at referendum to be public holiday*** – Polling day for the referendum must be declared a public holiday.
- ***Presiding officers*** – The Supervisor must appoint presiding officers for each polling station to ensure orderly voting and counting. Deputy presiding officers may be appointed if needed. A copy of part the part of the National Register of Voters must be provided to the presiding officer.
- ***Facilities to be provided at polling stations*** – Polling stations must have adequate facilities for voters to mark their votes, and guidance notices in English, iTaukei, and Hindi must be displayed conspicuously.

- **Admittance to polling station** – Voters must vote at their designated polling station unless employed in an official capacity at another station, in which case the Supervisor may authorise them to vote there. Polling stations must open at 7:30 AM and remain open until all voters in the queue at 6 PM have voted. A person who misconducts him/herself or fails to obey the lawful orders of the presiding officer at a polling station can be removed temporarily or permanently, and or may be charged with an offence.
- **Poll by ballot and ballot papers** – Voting at a referendum must be conducted by ballot using ballot papers printed in English with unique reference numbers.
- **Statement of referendum** – After declaring the referendum results, the Supervisor must compile a statement of the referendum and publish it in the Gazette.

1.4 Part 4: Offences Related to the Referendum [Clauses 18– 27]

This part of the Bill 2025 focuses on offences and prohibited activities related to the conduct of a referendum. It outlines actions that are illegal, such as impersonation, undue influence, bribery, canvassing, unlawful assemblies, operating loudspeakers, and interfering with voters or polling stations. It also specifies penalties, including fines and imprisonment, for violating these provisions.

- **Impersonation** – Impersonation during voting is an offence, punishable by a fine of up to \$1,000 or imprisonment for up to one year.
- **Undue influence** – Using force, threats, or fraudulent means to influence a voter is considered undue influence and is punishable by a fine of up to \$1,000 or imprisonment for up to one year.
- **Bribery** – Bribery, including offering money, gifts, or employment to influence voting, is an offence punishable by a fine of up to \$1,000 or imprisonment for up to one year.
- **Employer to allow employee reasonable period for voting** – Employers must allow employees reasonable time to vote on polling day without penalising them. Violations are punishable by a fine of up to \$500 or imprisonment for up to six months.
- **Badges, symbols, etc prohibited** – Unauthorised production, distribution, or display of badges, symbols, posters, or advertisements related to the referendum is prohibited. Violators may face a fine of up to \$1,000 or imprisonment for up to one year.
- **Prohibition of canvassing** – Canvassing or attempting to persuade voters to vote or refrain from voting is prohibited. Violators may face a fine of up to \$1,000 or imprisonment for up to one year.
- **Undue influence at or near polling station** – Undue influence or interference near polling stations is prohibited, including activities like identifying voters, loitering, or setting up offices within 200 meters of polling stations. Violators may face a fine of up to \$1,000 or imprisonment for up to one year.
- **Unlawful assembly** – Assemblies of five or more people on polling day that cause intimidation, alarm, or annoyance to voters are deemed unlawful.
- **Offence to operate loudspeaker** – Operating loudspeakers or instruments that interfere with referendum meetings or cause annoyance is prohibited. Violators may face a fine of up to \$1,000 or imprisonment for up to one year.
- **Restriction on referendum activity** – Individuals under 18 or those who are no longer registered voters are prohibited from participating in referendum activities. Violators may face a fine of up to \$1,000 or imprisonment for up to one year.

1.5 Part 5: Miscellaneous Provisions of the Bill

Part 5 of the Bill covers miscellaneous provisions related to the implementation of the Act. It includes regulations, handling errors in official documents, public display of notices, use of schools as polling stations, and funding for referendum-related expenses.

- **Regulations** – The Minister, in consultation with the Electoral Commission, may create regulations to implement the provisions of the Act.

- **Inaccurate description of person and place** – Minor errors in the description of persons or places in official documents do not affect the validity of the Act.
- **Publication of notice, etc** – Notices required under the Act must be publicly displayed in a conspicuous manner. Destroying, defacing, or removing such notices without authorisation is an offence, punishable by a fine of up to \$50.
- **Use of schools as polling station** – Schools or parts of schools can be used as polling stations free of charge, but the Supervisor must cover any damages or expenses incurred.
- **Expenses** – All expenses related to implementing the Act and conducting referendums will be paid from the Consolidated Fund.

[The content below is not part of the Bill.]

2.0 What is a REFERENDUM?

Generally, a referendum is when everyone gets to vote directly on a particular issue or decision, instead of politicians deciding for them. It is a tool of direct democracy, often used to decide major constitutional, social, or policy questions.¹

2.1 Key Features of a Referendum

- **Direct Democracy:** Citizens vote directly on an issue instead of through representatives.
- **Scope:** It can cover constitutional changes, membership in international organisations, or local matters like taxes and zoning.
- **Binding vs. Advisory:**
 - *Binding referendums* require the government to act on the result.
 - *Advisory (consultative) referendums* gauge public opinion but do not legally compel action.
- **Example: Brexit Referendum (2016):** UK citizens voted on whether to remain in or leave the European Union. About 17.4 million (51.89%) voters voted 'Leave' while 16.1 million voting 'Remain'. Although the referendum was technically *advisory* under UK law, the government used the result as a strong mandate to implement its intentions to withdraw from the EU.²
- In many Commonwealth countries referendums are often used together with legislation to make changes to their constitutions. For example, in Australia, a double majority test is required, to amend the constitution, that is, an amendment bill through Parliament and a national referendum.³

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¹ See [Merriam Webster Cambridge Dictionary Wikipedia](#).

² Electoral Commission of the United Kingdom, 'Report: 23 June 2016 referendum on the UK's membership of the European Union. Available at: <https://bit.ly/4oYZssS> [Accessed 11/12/25]

³ National Archives of Australia 'Referendums and changing Australia's constitution' Available at: <https://bit.ly/4oShBIv> [Accessed 11/12/25]