



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the National Referendum Bill (Bill No. 46 of 2025)



PARLIAMENT OF THE REPUBLIC OF FIJI
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CHAIRPERSON'S FOREWORD



The National Referendum Bill 2025 was referred to the Standing Committee on Justice, Law and Human Rights to scrutinise and return a report of its findings to Parliament.

The National Referendum Bill 2025 seeks to establish a legislative framework for the conduct of national referenda in Fiji. The Bill provides the legal basis, administrative procedures, voting processes, and enforcement mechanisms necessary for the holding of a referendum on matters of national importance.

The Bill allows a referendum to be conducted in two circumstances: where a constitutional amendment Bill has passed Parliament in accordance with section 160 of the Constitution, or where Parliament resolves that a matter of significant national importance should be submitted to voters for their consideration. The Bill further provides that the President, upon notification from the Speaker of Parliament, must refer the matter to the Electoral Commission for the conduct of the referendum.

The proposed legislation adopts and relies substantially on existing electoral mechanisms under the Electoral Act 2014. It provides that only persons registered on the National Register of Voters are eligible to vote and that each voter may vote only once. The Supervisor of Elections is tasked with administering the referendum through existing polling venues and procedures, appointing presiding officers, publishing referendum notices, and declaring and publishing the results.

The Bill also contains provisions relating to polling arrangements, including polling station operations, voting by ballot, accessibility measures for voters, public holidays on polling day, and publication of referendum results in the Gazette.

Part 4 of the Bill creates several offences aimed at preserving the integrity of the referendum process, including impersonation, undue influence, bribery, unlawful canvassing, intimidation, unlawful assemblies, and other prohibited referendum activities. Penalties include fines and imprisonment for serious breaches.

During its preliminary review, the Committee noted several policy and operational issues that may require further clarification from the Office of the Solicitor-General, the Electoral Commission, and the Supervisor of Elections. These include the application of existing electoral procedures to referenda, restrictions on referendum-related activities and campaigning, public awareness requirements, polling arrangements, and the practical administration of a nationwide referendum. The Committee has therefore sought stakeholder views to ensure that the Bill is workable, transparent, and consistent with constitutional and democratic principles.

The Committee is of the view that the Bill introduces an important legislative mechanism for obtaining the views of the Fijian people on matters of constitutional and national significance. Subject to the clarification of the issues raised during the Committee's scrutiny process, the Bill provides a framework for the conduct of referenda that is largely aligned with existing electoral structures and practices.

As part of the review, the Committee conducted public consultation in targeted areas to gather opinions and feedback from the public. The Committee received support and commendation on the introduction of the Bill, from majority of the public that had participated in the public consultation. However, like most activities that impact the lives of the people of a country, there will also be other suggestions that are based on the premise of making improvements.

Consideration was also given to the impact of the Bill on Fiji's efforts in meeting its targets of the sustainable development goals (SDG).

The Committee acknowledges the concerns raised by the submitters and has deliberated at length on concerns raised. The Committee is confident that all issues raised have been addressed and that certain recommendations have been reflected in the amendment Bill.

I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input; Hon. Faiyaz Koya (Deputy Chairperson), Hon. Jone Usamate, Hon. Ratu Josaia Niudamu, Hon. Sachida Nand and Hon. Ratu Isikeli Tuiwailevu.

I, on behalf of the Committee, commend the *National Referendum Bill (Bill No. 46 of 2025)* to the Parliament and seek support of all the members of this August house for the Bill.



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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

COMMITTEE COMPOSITION

The Standing Committee on Justice, Law and Human Rights ('Committee') is established under Section 70 of the *Constitution of the Republic of Fiji* and Standing Order 109 of the *Standing Orders of the Parliament of the Republic of Fiji*. The Committee consists of the following Members:



Hon. Ratu Rakuita
Vakalalabure
(Chairperson)



Hon. Faiyaz Koya
(Deputy Chairperson)



Hon. Jone Usamate
(Member)



Hon. Sachida Nand
(Member)



Hon. Ratu Isikeli
Tuiwailevu
(Member)



Hon. Ratu Josaia
Niudamu
(Member)

COMMITTEE SECRETARIAT

Supporting the Committee in its work is a group of dedicated Parliament Officers who make-up the Committee Secretariat and are appointed and delegated by the Secretary-General to Parliament pursuant to Standing Order 15 (3)(i). The Secretariat team is made of the following Parliament officers:

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Clerk
- Mr. Jeke Rokotuiloma – Assistant Committee Clerk

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1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was assigned the National Referendum Bill 2025 for review on December 2025. The Bill was referred to the Committee in accordance with SO 51, which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee has conducted a thorough review of the National Referendum Bill 2025 (Bill No. 46 of 2025). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill.

The Committee examined the Bill in detail, reviewing each clause and engaging in deliberations. Following this, the Committee invited the responsible Ministry to provide a briefing on the objectives and intentions behind the proposed legislations. To ensure transparency and inclusivity, the Committee then opened the process to public participation by calling for submissions from citizens and other stakeholders, which was advertised through Parliament's official social media platforms.

The Committee was mindful of the provisions on Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee's observations and this Report.

1.3 Committee Remit

The Standing Committee on Justice, Law, and Human Rights, in accordance with Standing Order 109 of Parliament's Standing Orders, is tasked with several duties. As outlined in Standing Order 110, these include scrutinizing each Bill referred to it by Parliament and review any subordinate legislation presented in Parliament that falls under its purview.

2.0 NATIONAL REFERENDUM BILL (BILL NO. 46 of 2025)

2.1 Introduction

The National Referendum Bill 2025 establishes a legal framework for conducting national referenda in Fiji. It allows citizens registered on the National Register of Voters to vote directly on constitutional amendments or other matters deemed by Parliament to be of national importance. The Bill adopts existing electoral systems and procedures, gives responsibility for conducting referenda to the Electoral Commission and Supervisor of Elections, and sets out offences and penalties to ensure the integrity of the referendum process.

In essence, the Bill creates the rules and procedures for how Fiji can hold a nationwide vote to determine the people's views on important national or constitutional issues.

3.0 COMMITTEE'S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee

During its clause-by-clause review of the National Referendum Bill 2025, the Committee observed that several provisions closely resemble Singapore's referendum legislation. To better understand the rationale for this approach, the Committee examined the Singaporean model and noted that Singapore has only conducted one national referendum, held on 1 September 1962, on the proposed merger with Malaysia. The referendum was conducted under the *Singapore National Referendum Ordinance 1961*, which established the legal framework for its administration.

The Committee further noted that Singapore's referendum legislation relied on established electoral structures and procedures, a feature similarly reflected in the Bill before Parliament. While the Singaporean referendum achieved a high voter turnout and facilitated a significant constitutional and political decision, it also attracted criticism due to the limited voting options available to the electorate.

In light of these observations, the Committee resolved to seek further clarification from relevant stakeholders to determine whether provisions adopted from the Singaporean framework are appropriate and sufficiently tailored to Fiji's constitutional, electoral, and democratic context.

3.2 Bill Summary

By way of consensus, the Committee agreed that it would be prudent to include the necessary issues that the proposed law intends to address. This would readily give the reader of this Report with the aforementioned information regarding the Bill, which is summarized below;

Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will commence on a date or dates appointed by the Minister by notice in the Gazette.

Clause 2 of the Bill provides for the interpretation of key terms that appear throughout the Bill.

Clause 3 of the Bill provides that the new legislation binds the State.

Clause 4 of the Bill provides for the purpose of the new legislation.

Clause 5 of the Bill provides the circumstances that allow for a referendum i.e. pursuant to section 160 of the Constitution of the Republic of Fiji and where Parliament passes a resolution declaring that a certain matter requires a referendum.

Clause 6 of the Bill allows any person whose name is included in the National Register of Voters, to vote at a referendum.

Clause 7 of the Bill provides that a person is only entitled to vote once at a referendum and prohibits any subsequent vote in the same referendum.

Clause 8 of the Bill provides that the National Register of Voters is conclusive evidence of determining whether a person is entitled to vote at a referendum.

Clause 9 provides that the Supervisor of Elections ('Supervisor') must adopt existing electoral and voting procedures under the Electoral Act 2014.

Clause 10 of the Bill requires the Supervisor to adopt the existing polling venues and polling station locations identified under the Electoral Act 2014. Clause 10 of the Bill also requires the Supervisor to provide sufficient polling stations and allows the Supervisor to adopt the symbols that he or she deems necessary to be printed on the ballot paper.

Clause 11 of the Bill requires the Supervisor to publish in the Gazette a notice specifying the polling stations to be used in the electoral divisions for the referendum.

Clause 12 of the Bill requires that the day fixed for the conduct of a referendum must be a public holiday.

Clause 13 of the Bill requires the Supervisor to appoint a presiding officer at each polling station. The presiding officer is responsible for the orderly conduct of voting at a polling station. The Supervisor may also appoint a deputy presiding officer in the event the presiding officer is unable to carry out his or her duties.

Clause 14 of the Bill requires the Supervisor to ensure all polling stations have facilities to enable voters to mark their votes and to vote, including notices providing direction and guidance to voters to be conspicuously placed and written in English, iTaukei and Hindi.

Clause 15 of the Bill provides for the admittance of a voter at a polling station. Where a person is registered to vote at a polling station, he or she must do so unless employed in an official capacity at a polling station he or she is not registered under. In this case, the Supervisor may authorise him or her to vote at the polling station that he or she is stationed at.

Clause 16 of the Bill provides that voting at a referendum will be conducted by ballot using ballot papers. The ballot paper must be printed in English with the relevant reference numbers printed.

Clause 17 of the Bill requires the Supervisor to compile a statement of the referendum and publish the statement in the Gazette, once the Supervisor has declared the results of the referendum.

Clause 18 of the Bill provides for the offence of impersonation and that of voting using the name of a fictitious person.

Clause 19 of the Bill provides for the offence of undue influence i.e. where a person by conduct intentionally causes a person to give or refrain from giving his or her vote at a referendum.

Clause 20 of the Bill provides for the offence of bribery.

Clause 21 of the Bill requires an employer to allow an employee reasonable time to vote on polling day. Clause 21 of the Bill also prohibits any employer from penalising his or her employee for being absent during this time.

Clause 22 of the Bill prohibits the production and distribution of badges, symbols, posters and any other form of advertisement connected to a referendum at any time, other than by the Supervisor.

Clause 23 of the Bill prohibits written messaging so as to persuade a person to give or dissuade a person, from giving his or her vote at a referendum.

Clause 24 of the Bill prohibits undue influence at or near a polling station.

Clause 25 of the Bill prohibits the assembly of 5 or more people calculated to cause intimidation, alarm or annoyance and deems such assembly as unlawful.

Clause 26 of the Bill prohibits the operation of loudspeakers or other similar instrument during a referendum.

Clause 27 of the Bill restricts children and any person against whom an order of supervision has been made to take part in any activity connected to a referendum.

Clause 28 of the Bill allows the Minister in consultations with the Electoral Commission to make regulations to give effect to the new legislation.

Clause 29 of the Bill clarifies that the operation of the new legislation is not affected where there are misnomers or inaccurate descriptions of any place or person contained in any register, notice or document issued under the new legislation.

Clause 30 of the Bill allows for the public display of any notice required to be published under the new legislation. It also prohibits the unlawful destruction, mutilation or removal of any such notice.

Clause 31 of the Bill allows the Supervisor to use any school or portion of a school as a polling station. It also requires the Supervisor to pay for any expenses incurred as a result of the school being used as a polling station.

Clause 32 of the Bill provides that the expenses incurred in implementing the new legislation and in particular in the conduct of a referendum is to be paid out from the Consolidated Fund.

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then held extensive discussions on the Clauses and identified certain provisions that merit proper consideration. These discussions resulted in the identification of issues, which the Committee placed as priority issues to be further discussed and deliberated on with the drafter of the Bill.

The Committee noted that national referendum laws across Commonwealth countries vary significantly in their legal basis, application and effect. In some jurisdictions, such as Australia, referendums are constitutionally mandated primarily for constitutional amendments, while in others, such as the United Kingdom and New Zealand, referendums may be conducted under specific legislation or on an ad hoc basis as circumstances require. Many Commonwealth countries do not have a permanent statutory framework for national referendums. Accordingly, there is no uniform Commonwealth model for the conduct of national referendums.

The Committee further noted that referendum mechanisms may be established through constitutional provisions, ordinary legislation, or special laws enacted for a particular referendum. Given these differing approaches, the Committee reviewed selected Commonwealth jurisdictions to better understand comparative practices and to assess whether the framework proposed in the National Referendum Bill 2025 is appropriate for Fiji's constitutional and democratic context.

Australia

The legal framework for national referendums in Australia is set by Section 129 of The Australian Constitution (the amendment procedure) together with the Referendum (Machinery Provisions) Act 1984, and the Australian Commission's operational rules. National referendums in Australia are only used for any amendments to the Australian Constitution. The Constitution can be amended only by a two-state process: (1) a proposed alteration must be passed by the Federal Parliament, and (2) it must be approved by the people at a referendum by achieving a '*double majority*' – national majority of voters and a majority of voters in a majority of states (at least four of six).

Aspect	Referendum Act 1984 (Australia)	National Referendum Bill 2025 (Fiji)
Purpose	Focuses on the legal framework for conducting referendums specifically for constitutional amendments, including detailed provisions on administration, voting procedures, scrutiny, and declaration of results.	Establishes procedures and regulations for conducting national referendums on broader national issues, extending beyond constitutional amendments.
Scope	Primarily concerned with constitutional alterations. Includes provisions for distributing arguments for and against proposed changes, compulsory voting, and the Governor-General's role in issuing writs.	Provides a framework for general national referendums, including procedures for conduct, regulation, and decision-making processes.
Voting Procedures	Prescribes detailed voting methods including postal voting, pre-poll voting, electronically assisted voting, and mobile polling. Requires same-day voting nationwide and provides for emergency adjournments.	Provides general referendum procedures and allows the Supervisor of Elections to apply relevant electoral and voting procedures under the Electoral Act 2014. Requires same-day voting nationwide.
Administration	Administered by the Australian Electoral Commission (AEC), which prepares electoral rolls, appoints officials, and oversees the conduct of the referendum.	The Electoral Commission provides overall oversight, while the Supervisor of Elections and the Fijian Elections Office administer and operationalise the referendum process.
Scrutiny and Results	Contains comprehensive provisions on vote scrutiny, recounts, disputed ballot papers, return of writs, and challenges to referendum validity.	Establishes procedures for scrutiny and declaration of results, requiring transparent counting in the presence of election officials and scrutineers. Results are published in the Gazette, with disputes addressed during the counting process.
Unique Features	Requires distribution of official pamphlets outlining arguments both for and against proposed constitutional changes. Also regulates referendum expenditure and foreign campaign involvement.	Declares polling day a public holiday, permits the use of schools as polling stations, imposes restrictions on activities near polling places, and grants regulation-making powers to the Minister.

United Kingdom

Parliament may call a referendum on a particular issue by statute i.e. by passing specific legislation. For example, in the national referendum on whether to leave or remain in the European Union held in 2016, the UK Parliament passed the Union Referendum Act 2015. There is no constitutional requirement for national referendums. National and regional referendums are regulated mainly by the Political Parties, Elections and Referendums Act 2000 (*with Scotland using its own Referendums (Scotland) Act 2020*). The Electoral Commission is the independent regulator that oversees conduct, spending limits and the official question where the law requires it.

New Zealand

Similar to the United Kingdom, New Zealand has no single entrenched national referendum law or constitutional requirement. Referendums are held only when Parliament authorises them (*by special Act or under existing referendum statutes*). There are two main statutory ways a referendum can happen, one is through the Citizens Initiated Referenda Act 1993, where everyday people can kick off a non-binding public referendum by gathering enough support. Anyone can petition for a referendum but must collect signatures from at least 10% of all registered voters, and the petition is administered and scrutinised by the clerk of the House of Representatives. This referendum is not binding on the government or parliament but used to force national debate and signal public opinion to policymakers. In 2013 a citizens-initiated referendum was held on the question of whether the Government should sell shares in state-owned electricity companies and Air New Zealand. Despite a 67.3% ‘No’ vote, the Government proceeded with its partial privatisation programme. The other type of referendum is that decided by the government; which Parliament has to authorise (*these can be run by post or on election day*).

3.4 Submission received via public consultation

All the submissions received during the public consultation were considered and deliberated on extensively. The main points and issues noted from the submissions are summarised below.

Fiji Labour Party

The Fiji Labour Party raised extensive concerns about the Bill's restrictions on democratic participation and freedom of expression. It argued that Clause 22 prohibits the use of symbols, posters, banners, flags, badges and advertisements before, during and after a referendum, thereby preventing civic awareness and political education campaigns. The Party also criticised the power of arrest without warrant, warning that it could lead to selective enforcement and abuse by police. It further contended that Clauses 23 and 24 effectively impose a “gag order” on public discussion by criminalising advocacy and limiting participation, while Clause 24(f) unfairly allows only parliamentary parties to establish polling offices near polling stations. The Party also

objected to Clause 16 requiring ballot papers to be printed only in English and recommended multilingual ballots. It proposed repealing or substantially narrowing Clauses 22 and 23, clarifying Clause 27, extending notice periods under Clause 11, ensuring neutrality in referendum question design, and improving language accessibility.

Fiji Women's Crisis Centre

The Fiji Women's Crisis Centre submitted that Clauses 22 and 23 would disproportionately affect women, youth and marginalised groups who depend on grassroots advocacy and community engagement to participate in civic affairs. The Centre argued that the broad prohibition on symbols, badges and referendum-related materials would limit civic space and suppress lawful participation. It further maintained that Clause 23 criminalises ordinary advocacy and referendum-related discussions by making it an offence to persuade others on how to vote. While acknowledging that countries such as Singapore and Australia impose limited campaign restrictions around polling days, the Centre considered Fiji's proposed restrictions significantly broader and inconsistent with democratic participation and constitutional freedoms. It therefore called for the immediate redrafting of Clauses 22 and 23 and alignment with international democratic norms.

Fiji Law Society

The Fiji Law Society supported the overall objective of the National Referendum Bill 2025, acknowledging that it provides a clear framework for the conduct of national referendums and appropriately assigns responsibilities to the Electoral Commission and Supervisor of Elections. However, the Society raised significant concerns regarding Clauses 22 to 24, arguing that the provisions impose overly broad restrictions on campaigning, expression, and public participation, which could undermine democratic debate and infringe constitutional rights. The Society recommended narrowing these restrictions so that they apply only on polling day and within the immediate vicinity of polling stations, while expressly protecting lawful campaigning, public discussion, media reporting, voter education, and civil society engagement throughout the referendum period. It also called for clearer definitions of key terms, proportional penalties, greater due process safeguards, observer accreditation, accessibility measures for persons with disabilities and language minorities, and publication of clear guidance by electoral authorities. Overall, the Society submitted that targeted amendments would better balance electoral integrity with the protection of fundamental rights, enhance legal certainty, reduce the risk of arbitrary enforcement, and strengthen public confidence in referendum outcomes.

Dialogue Fiji

Dialogue Fiji argued that Clauses 22 and 23 impose an indefinite and blanket ban on referendum-related expression because the Bill does not define the restricted period, effectively creating perpetual restrictions on civic education, campaigning and advocacy. The organisation observed that these clauses closely resemble Singapore's 1961 referendum legislation, which it argued should not serve as a model for modern democratic referenda. Drawing comparisons with Vanuatu, Australia, New Zealand and Switzerland, Dialogue Fiji noted that those jurisdictions encourage campaigning and public debate while regulating transparency and fairness. It recommended removing or substantially amending Clauses 22 and 23, allowing civic education and campaigning, establishing campaign spending caps, donation disclosure requirements, equal media access, safeguards against state propaganda, and independent oversight of neutral information. Dialogue Fiji also strongly opposed Clause 27, arguing that restrictions on persons under 18 undermine youth participation and civic engagement, and recommended replacing the prohibition with youth education initiatives. It further suggested consideration of supermajority thresholds for constitutional referenda to strengthen democratic legitimacy.

Richard Naidu

Richard Naidu submitted that Clauses 22, 23 and 27 are fundamentally undemocratic and inconsistent with constitutional protections relating to freedom of expression and political rights. He argued that referendum advocacy constitutes campaigning for a cause and therefore falls within constitutionally protected political activity. He criticised Clause 22 for preventing advertisements, public meetings, placards and other forms of peaceful advocacy, thereby discouraging public participation in important national issues. Regarding Clause 23, he questioned why individuals should be prohibited from visiting homes to encourage participation in a referendum, noting that door-to-door canvassing is a recognised democratic practice worldwide. He also opposed Clause 27 for preventing persons under 18 from attending political meetings and learning about democratic processes. Mr Naidu further rejected comparisons between the Bill and Fiji's Electoral Act 2014, arguing that the referendum restrictions are much broader and more restrictive than electoral laws governing polling day conduct.

Fiji Council of Social Services

The Fiji Council of Social Services expressed concern that the Bill does not require authorities to provide balanced, neutral and substantive information about the referendum question. It observed that the Bill focuses primarily on procedural guidance rather than

educating voters on the actual issue being decided. The Council criticised the proposed five-day publication period for referendum questions and argued that international practice requires much longer periods to enable public scrutiny and informed discussion. It further contended that Clauses 22 and 23 undermine freedom of expression and robust public debate by prohibiting campaigning and canvassing. The Council recommended that these clauses be reconsidered and amended to encourage democratic participation. Additionally, it proposed that civil society representatives be permitted to observe referendum processes alongside political party representatives in order to improve transparency and public confidence.

Stand With Niko Advocacy Group

The Stand With Niko Advocacy Group focused primarily on accessibility and public participation. The group proposed the development of online and technological platforms to facilitate public submissions and referendum participation, including mechanisms linked to voter registration systems for verification purposes. It also highlighted the need to accommodate persons with disabilities and recommended the provision of braille materials and other accessible voting resources to ensure that voters with visual impairments can participate effectively in a referendum.

Peoples Alliance Youth Wing

The Peoples Alliance Youth Wing submitted that many referendum-related offences already exist within Part 6 of the Electoral Act 2014 and that duplicating these provisions in the Bill creates unnecessary complexity. The group argued that referendum legislation should focus on preventing coercion, bribery, undue influence and interference with voting, while avoiding restrictions on peaceful political discussion and public engagement. It recommended a streamlined legislative approach that relies more extensively on the Electoral Act 2014 for procedural and enforcement matters, thereby reducing duplication, minimising litigation risk and strengthening confidence in referendum outcomes.

QVS Old Scholars (1991)

QVS Old Scholars (1991) argued that Clause 27 directly impacts the constitutional right to freedom of association and is therefore vulnerable to legal challenge. The organisation maintained that any provision inconsistent with the Constitution would be invalid and warned that the Bill could result in significant litigation if these concerns are not

addressed. It recommended adopting the Electoral Act 2014 in full as the principal machinery law governing referenda and confining the Bill to referendum-specific issues only. The submittee proposed legislative wording that would apply electoral procedures, offences, enforcement mechanisms, campaign regulations and dispute-resolution processes to referenda unless expressly excluded by the Bill. It also highlighted practical enforcement concerns, noting that mass arrests for offences under the Bill could place unnecessary strain on policing and detention facilities.

Laisa Digitaki

The Submitter supported the introduction of the National Referendum Bill Submission, describing it as an important opportunity for Fijians to directly express their will on matters of national importance. the submission emphasises that the referendum process must be legitimate, transparent, and trusted by the public. include establishing an independent panel to certify referendum questions for clarity and neutrality, publishing draft questions for public consultation, ensuring questions are available in English, iTaukei and Hindi with clear explanations, protecting freedom of public discussion while prohibiting coercion and intimidation, providing comprehensive public education to support informed participation, independently auditing the voter register to strengthen confidence in the voting process, and ensuring sufficient time for public awareness before the referendum is held. cautions against compressed timelines that may undermine public understanding and confidence, particularly for rural and maritime communities, and stresses that the success of a referendum depends not only on the outcome but on public trust in the fairness and integrity of the process.

Iosefo Naduva

The submitter recommends that participation in any national referendum be made compulsory for all Fiji citizens, arguing that any proposed changes to the 2013 Constitution affect the supreme law of the country and therefore all citizens should have an opportunity to express their views. The submission notes concerns about low voter turnout, citing that only around 60% of eligible voters participated in the 2022 General Election, and warns that a referendum may similarly attract limited participation unless voting is mandatory. The submitter also points to Australia's 2023 referendum as an example of a country where voting is compulsory.

To support compulsory participation, the submitter proposes that a minor financial penalty be imposed on eligible voters who fail to attend and vote in the referendum without a valid excuse. The submission argues that such a measure would encourage greater voter turnout and ensure broader public participation in determining matters of national importance.

Additionally, the submitter raises concerns that the proposed Referendum Bill does not clearly address the participation of overseas voters. The submission seeks clarification on whether Fijian citizens residing overseas will be entitled to vote in a referendum and recommends that the Bill expressly state their eligibility and voting arrangements if they are to be included in the process.

A copy of the oral and written submission can be obtained from the online “Appendices” of the Report, which can be accessed via the Parliament website: www.parliament.gov.fj

3.5 Sustainable Development Goals Impact Analysis

Consideration was placed on SDGs 16.7 - Ensure responsive, inclusive, participatory and representative decision-making at all levels. The Bill establishes a legal framework for **national referendums**, enabling citizens to directly participate in decisions on constitutional amendments and other matters of national importance. This promotes:

- Public participation in governance.
- Democratic decision-making.
- Transparency and legitimacy of public institutions.

The National Referendum Bill 2025 contributes to **SDG 4, Target 4.7**, by supporting civic education and democratic participation through the establishment of a legal framework for national referendums, thereby encouraging informed citizen engagement in matters of national importance.

In this regard, the Committee following its review of the Bill, fulfilled its obligation as prescribed under Section 110(2) of the Standing Orders of Parliament.

3.6 Outcome of Review

The outcomes of the review are reflected in the revisions to the National Referendum Bill 2025 proposed by the Committee to Parliament.

We are firmly of the view that the revisions made maintain the spirit of the intent of the original bill, whilst making improvements in key areas that have been highlighted in this report.

3.6.1. Further Deliberation with the Ministry of Justice, the Electoral Commission and the Fijian Elections Office (FEO)

A joint submission from the Electoral Commission and the Fijian Elections Office (FEO) on the proposed National Referendum Bill (No.46 of 2025). The submission supports the introduction of referendum legislation but emphasizes that the Bill should be closely aligned with the existing Electoral Act 2014 to ensure consistency, efficiency, and legal certainty in the conduct of referenda. The Commission recommends applying key electoral provisions *mutatis mutandis*, including electoral administration, polling, postal voting, pre-poll voting, counting, and offences, while deleting numerous clauses that duplicate or conflict with established electoral processes. It also highlights significant omissions in the Bill, particularly the lack of provisions for voter education, campaign regulation, campaign finance transparency, misinformation controls, and mechanisms to challenge referendum results. Additionally, the submission seeks clarification on overseas voting, recommends extending the referendum timeframe to 45 days, proposes that referendum questions be included in the writ, and advocates for offences to be categorized consistently with electoral laws as corrupt or illegal electoral practices. The Commission's position is that the Bill requires substantial amendment to provide a clear, practical, and robust legal framework capable of delivering free, fair, and credible referenda in Fiji.

The Committee noted the submission by the Electoral Commission and the Fijian Elections Office (FEO), which generally supported the establishment of a national referendum framework but expressed concerns regarding several gaps and operational challenges within the National Referendum Bill 2025.

The Electoral Commission and FEO emphasized the importance of aligning the Bill with the existing Electoral Act 2014, particularly where referenda may be conducted concurrently with national elections. They submitted that many existing electoral provisions relating to polling, voting, counting, electoral administration and offences could be applied to referenda with the necessary modifications, thereby avoiding duplication and ensuring consistency within Fiji's electoral framework.

The submitters also highlighted a number of significant omissions in the Bill. These included the absence of provisions governing voter education, referendum campaign

activities, campaign financing and donations, media access, opinion polls, misinformation, foreign influence, public debates, and the use of government resources. They considered these elements essential to ensuring a transparent, fair and credible referendum process.

The Committee further noted concerns regarding the lack of a dispute resolution mechanism in the Bill. The Electoral Commission and FEO submitted that, similar to election petitions under existing electoral legislation, there should be a legal avenue for referendum outcomes to be challenged before the courts where necessary.

With regard to voter eligibility, the submitters raised concerns that the Bill did not clearly state whether Fijians residing overseas would be eligible to participate in constitutional referenda. They also advised that the proposed timeframe for conducting a referendum would not provide sufficient time to facilitate overseas voting arrangements.

Operationally, the Electoral Commission and FEO considered the proposed 21 to 30-day referendum period impractical, noting that referenda require preparations comparable to those undertaken for general elections, including voter awareness campaigns, logistics planning and postal voting arrangements. Accordingly, they recommended extending the referendum period to 45 days.

The submitters further recommended that electoral offences under the Bill be aligned with those under existing electoral legislation and categorised as either corrupt electoral practices or illegal electoral practices. Additional recommendations included requiring referendum writs to clearly specify the referendum question, centralising the counting of referendum ballots, preventing the publication of polling-station-level results, clarifying the majority thresholds applicable to different types of referenda, and empowering the Electoral Commission to make rules and regulations for the administration of referenda.

Overall, the Electoral Commission and FEO were of the view that while the Bill provided a foundation for a national referendum framework, substantial amendments were necessary to harmonise it with existing electoral legislation, strengthen regulatory safeguards, improve accountability, clarify voter eligibility requirements and ensure that future referenda are transparent, credible and administratively practical.

3.6.2. Resolution by the Committee

Following thorough discussions with the relevant stakeholders, the Committee resolved to accept the recommendation, noting that the Electoral Commission and the Fijian Elections Office, as the entities responsible for the administration of elections in Fiji, will also be responsible for conducting referenda once the National Referendum Bill (No.46 of 2025) comes into force. The Committee agreed that aligning referendum procedures with existing electoral processes would improve consistency and administrative efficiency in the conduct of referendums. The Committee considered that using

established electoral systems and procedures would enable referendum activities to be managed more effectively while drawing on the experience and expertise already available through the electoral framework.

Rationale of proposed changes to the National Referendum Bill 2025.

Proposed Change	Rationale
Clause 5(2)	The amendment removes the requirement for the President to refer a matter to the Electoral Commission for the conduct of a referendum. The Committee noted that the proposed referendum would not have been binding on the State and could result in significant administrative and financial costs without affecting the final legal outcome. The amendment therefore streamlines the process, promotes efficiency, and provides greater certainty in the implementation of decisions made in accordance with the Constitution and applicable laws.
New Clause 6 inserted applying provisions of the Electoral Act 2014 mutatis mutandis to referendums.	Avoids duplication of electoral procedures by relying on established electoral laws and practices.
New Clause 7	The amendment clarifies that registered voters who are outside Fiji during a referendum remain entitled to vote. The Committee noted that many Fiji citizens reside, work, study, or travel overseas and should not be deprived of their democratic right to participate in decisions of national significance. The amendment therefore promotes inclusiveness, enhances voter participation, and upholds the principle of universal suffrage by ensuring that all eligible registered voters are able to exercise their franchise irrespective of their location.
New Clause 10 inserted	The amendment establishes a comprehensive procedure for the conduct of referendums by requiring the President to issue a writ upon notification by the Speaker of Parliament and by prescribing the information that must be contained in the writ. The Committee noted that the amendment promotes transparency, legal certainty, and accountability in the referendum process by clearly defining the roles of the relevant institutions and providing voters with sufficient information on the matters to be decided. The amendment further supports the effective administration of referendums and ensures that voters are able to make informed decisions, particularly where proposed constitutional amendments are concerned.

New Clause 11 revised to require voting day to be between 30 and 45 days after issue of the writ.	Provides certainty for referendum preparation while ensuring sufficient time for voter awareness and administration.
New Clause 12 amended to require the Electoral Commission to publish notice of the writ in the Gazette.	Enhances transparency and provides official public notice of the referendum.
New Clause 13 amended to require publication of the Bill and referendum details by the Supervisor.	Ensures voters have access to the text and details of the proposed constitutional amendment or question.
New Clause 14 amended to require publication of a summary of parliamentary debate and proposed constitutional changes.	The Committee noted that the amendment enhances transparency and public awareness by requiring the Secretary-General to Parliament to prepare and publish a summary of parliamentary debates and explanatory material relating to a proposed constitutional amendment. The Committee considered that access to such information is essential as it would enable voters to make informed decisions during a referendum.
New Clause 15	The Committee noted that the amendment establishes practical arrangements for the conduct of a referendum concurrently with an election. The amendment promotes administrative efficiency and cost-effectiveness through the shared use of electoral officials, polling venues, ballot boxes, and voter registers. At the same time, safeguards such as the use of distinct ballot papers and separate counting processes help preserve the integrity and transparency of both the election and referendum. The Committee considered that the amendment would facilitate greater voter participation while ensuring the effective administration of electoral and referendum processes.
New Clause 16 amended so voters may tick, cross or circle “Yes” or “No”.	The Committee noted that the amendment provides a clear and accessible method for voting in a referendum by requiring voters to indicate either support or opposition to a proposal through a "Yes" or "No" vote. The Committee considered that the approach reduces voter confusion, minimizes the risk of invalid ballots, and ensures that referendum results accurately reflect the views of the electorate.
New Clause 17 amended to allow multiple referendum questions on a single ballot paper.	The Committee noted that the amendment provides a clear format for referendum ballot papers and sets out how multiple referendum questions can be conducted on the same day. The Committee considered that allowing several referendum questions to appear on a single ballot paper

	would make the process more efficient and reduce administrative costs while still protecting the secrecy and security of votes. The amendment also ensures that if there is a minor issue affecting one referendum question, it does not invalidate a voter's other valid votes. This helps protect voters' rights and supports a fair and accurate referendum outcome.
New Clause 19 retained public holiday status for polling day.	The Committee noted that the amendment requires referendum polling day to be declared a public holiday. The Committee considered that this would make it easier for voters to participate in the referendum by allowing them time to vote without work-related commitments.
New Clause 20 revised to require national tabulation of results by the Supervisor and endorsement by the Electoral Commission before results are returned to the President.	The Committee noted that the amendment sets out a clear process for counting, verifying, and officially declaring referendum results. The Committee considered that assigning specific responsibilities to the Supervisor of Elections, the Electoral Commission, and the President helps ensure transparency, accountability, and public confidence in the outcome of a referendum. The amendment also provides for independent verification of results before they are formally declared, which strengthens the integrity and credibility of the process and provides certainty as to whether the required majority has been achieved.
New Clause 21	The Committee noted that the amendment provides the rules and procedures needed to effectively implement the Act. The Committee considered that allowing the Minister and the Electoral Commission to make regulations on matters such as voter education, referendum campaigning, campaign financing, public consultations, and dispute resolution would support the smooth and efficient administration of referendums. The amendment also helps ensure consistency with existing electoral laws and allows administrative issues to be addressed promptly without requiring frequent changes to the legislation. As such, the Committee was satisfied that the amendment strengthens the overall management and operation of the referendum process.
New Clause 22	The Committee noted that the amendment establishes a clear and practical framework for the retention and disposal of referendum records. The Committee considered that retaining records for six months provides sufficient time for any legal challenges, investigations, or electoral disputes to be addressed, while also ensuring the proper protection of

	confidential electoral information. The amendment further reduces long-term administrative and storage burdens and preserves judicial oversight by allowing records to be retained where ordered by a court. The Committee was therefore satisfied that the amendment will maintain the integrity and accountability of the referendum process.
Schedule	The Committee noted that the Schedule provides a clear and standard ballot paper for use in referendums. The Committee considered that having a simple and consistent format, together with clear voting instructions, would help voters better understand how to cast their vote and reduce the number of invalid or informal votes. The Committee further noted that the standardised ballot paper would support the accurate counting and recording of votes, while remaining flexible enough to accommodate different referendum questions.

4.0 CONCLUSION

As highlighted above in its deliberations, the Committee has conducted extensive public consultations and consulted independent legal experts in the Solicitor-General's Office for the purpose of improving the current draft Bill.

At the conclusion of the review, the Committee believes that the proposed amendments are adequate for achieving the objectives of the **National Referendum Bill 2025**.

The Committee through this report commends the *National Referendum Bill (Bill No. 46 of 2025)* to the Parliament.

MEMBER'S SIGNATURES



.....
Hon. Ratu Rakuita Vakalalabure
(Chairperson)



.....
Hon. Faiyaz Koya
(Deputy Chairperson)



.....
Hon. Jone Usamate
(Member)



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Hon. Ratu Josaia Niudamu
(Member)



.....
Hon. Sachida Nand
(Member)



.....
Hon. Ratu Isikeli Tuiwailevu
(Member)

DATE: 29/09/2026