

NATIONAL REFERENDUM BILL 2025
(BILL NO. 46 OF 2025)

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BILL NO. 46 OF 2025**A BILL**

FOR AN ACT TO PROVIDE FOR THE CONDUCT OF A NATIONAL REFERENDUM
AND FOR RELATED 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 National Referendum 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—

“Constitution” means the Constitution of the Republic of Fiji;

“Electoral Commission” means the Electoral Commission continued under section 75 of the Constitution;

“National Register of Voters” has the same meaning in section 2 of the Electoral (Registration of Voters) Act 2012;

“referendum” means the submission of any matter to the public pursuant to section 5 and in accordance with this Act;

“Supervisor” means the Supervisor of Elections appointed under section 76 of the Constitution; and

“voter” means a person who applies to vote or votes at a referendum.

Act to bind State

3. This Act binds the State.

Purpose

4. The purpose of this Act is to allow for the conduct of a national referendum.

PART 2—REFERENDUM

Circumstances in which a referendum may be held

5.—(1) Subject to this Act, a referendum may be held in any of the following circumstances—

(a) where a Bill to amend the Constitution has passed through Parliament in accordance with section 160 of the Constitution; or

(b) where Parliament passes a resolution declaring that a certain issue or matter is of sufficient national importance that it should be submitted to the voters for their view through a referendum.

(2) The President on being notified by the Speaker of Parliament must make a referral to the Electoral Commission to conduct a referendum.

Person qualified to vote

6. Any person whose name is registered in the National Register of Voters is entitled to vote at a referendum.

Single vote

7.—(1) A person is entitled to vote only once at a referendum.

(2) Any person under subsection (1) who votes more than once commits an offence under this Act.

Register of Voters to be conclusive evidence of right to vote

8. The National Register of Voters is conclusive evidence for the purpose of determining whether or not a person is entitled to vote at a referendum.

PART 3—CONDUCT OF REFERENDUM

Application of existing electoral and voting procedure

9.—(1) The Supervisor must adopt any existing electoral and voting procedure under the Electoral Act 2014 for the conduct of a referendum under this Act.

(2) The Electoral Act 2014 applies *mutatis mutandis* for the conduct of a referendum under this Act.

Polling venues, polling stations and symbols

10.—(1) For the purpose of conducting a referendum, the Supervisor must adopt the existing polling venues and polling station locations identified under the Electoral Act 2014.

(2) Notwithstanding subsection (1), the Supervisor must provide as many polling stations for a polling venue that are in his or her opinion sufficient for a polling venue.

(3) The Supervisor may adopt such symbols as he or she thinks fit which must be printed on the ballot paper.

Notification of polling stations and symbols

11.—(1) The Supervisor must publish a notice in the Gazette specifying the polling station to be used for the conduct of a referendum, not later than 5 days prior to polling day.

(2) The notice must also specify the questions to be submitted to the voters and the symbols to be used in connection therewith.

Polling day at referendum to be public holiday

12. The day fixed for the conduct of a referendum (“polling day”) must be a public holiday.

Presiding officers

13.—(1) The Supervisor must appoint a presiding officer to preside at each polling station.

(2) The presiding officer is responsible for the orderly conduct of the voting and counting process at a polling station.

(3) If a presiding officer is prevented from performing any of his or her duties under this Act, the Supervisor may appoint a deputy presiding officer to perform the duties of a particular presiding officer at a polling station during the temporary absence of the presiding officer.

(4) A deputy presiding officer may do any act that the presiding officer is authorised to do under this Act.

(5) A presiding officer must be provided with a copy of the part of the National Register of Voters containing the names of voters assigned to his or her polling place.

(6) The Supervisor may, if he or she thinks fit, preside at any polling station and the provisions of this Act relating to a presiding officer applies to the Supervisor.

Facilities to be provided at polling stations

14.—(1) The Supervisor must ensure that every polling station is provided with reasonable facilities for voters to mark their votes and to vote in accordance with this Act, and he or she must determine or may authorise the presiding officer to determine, in what manner the facilities are to be distributed among persons entitled to vote at a polling station.

(2) Outside each polling station, the presiding officer must fix in a conspicuous place a notice in English, iTaukei and Hindi giving directions for the guidance of voters, before the commencement of the poll.

Admittance to polling station

15.—(1) No person may be admitted to vote at any polling station except the one allotted to him or her, provided that where a person is employed as a presiding officer, deputy presiding officer, police officer, or in any other official capacity at a polling station, and it is inconvenient for him or her to vote at the polling station which has been allotted to him or her, the Supervisor may authorise the person, by a certificate, to vote at the polling station at which he or she is employed, and that polling station is for the purposes of this section, deemed to be the polling station allotted to the person.

(2) The certificate must be given under the hand of the Supervisor and state the name of the person, his or her voter number and description in the National Register of Voters, and the fact that he or she is so employed.

(3) Unless otherwise specified in the notice of poll issued under section 11(1), the poll at every polling station must open at 7.30 am and must not close until all voters in the queue at the polling station at 6 pm, and desiring to vote, have voted.

(4) The presiding officer must maintain order in the polling station, and must regulate the number of voters to be admitted at a time, and exclude any other person except the Supervisor and any person authorised in writing by the Supervisor, a police officer on duty and any other person officially employed at the polling station.

(5) If any person misconducts himself or herself in the polling station, or fails to obey the lawful orders of the presiding officer, he or she may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near the polling station or by any other person authorised in writing by the presiding officer or by the Supervisor to remove him or her, and the person removed must not, unless with the permission of the presiding officer, be allowed to re-enter the polling station.

(6) Any person removed under subsection (5) and if charged with the commission of an offence in the polling station, may be kept in custody until he or she can be brought before a Magistrate.

(7) The powers conferred by this section must not be exercised so as to prevent any person who is otherwise entitled to vote at any polling station from having an opportunity to vote at the polling station.

Poll by ballot and ballot papers

16.—(1) At a referendum, a vote must be given by ballot and the ballot of each voter must consist of a paper referred to as a “ballot paper”.

(2) A ballot paper must be in English and have a number printed on the back with an attached counterfoil with the same number printed on the face thereof.

Statement of referendum

17. The Supervisor must, after the result of the referendum has been declared by him or her, compile a statement of the referendum and cause the statement to be published in the Gazette.

PART 4—OFFENCES

Impersonation

18. Any person who at any referendum applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or who, having voted once at any such referendum, applies at the same referendum for a ballot paper in his or her own name, commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

Undue influence

19.—(1) Any person who directly or indirectly, by himself or herself, or by any other person on his or her behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or herself, or by any other person, any injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

(2) Any person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of a voter, or compels, induces or prevails upon any voter either to give or refrain from giving his or her vote at any referendum, commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

Bribery

20. The following persons are deemed to have committed an offence of bribery—

- (a) any person who directly or indirectly, by himself or herself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person, in order to induce any voter to vote, or refrain from voting or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any referendum under this Act;
- (b) any person who directly or indirectly, by himself or herself or by any other person on his or her behalf, gives or procures, or agrees to give or procure, or offers, promises or promises to procure or to endeavour to procure, any office, place or employment to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter to vote or refrain from voting or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any referendum under this Act;
- (c) any person who, directly or indirectly by himself or herself, or by any other person on his or her behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the vote of any voter at any referendum under this Act;

- (d) any person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that the money or any part thereof is to be expended in bribery at any referendum under this Act, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such referendum;
- (e) any person who, before or during any referendum under this Act, directly or indirectly, by himself or herself or by any other person on his or her behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or herself or any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such referendum; or
- (f) any person who, after any referendum under this Act, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such referendum.

Employer to allow employee reasonable period for voting

21.—(1) An employer must, on polling day, allow any person in his or her employ a reasonable period to vote, and must not make any deduction from the pay or other remuneration of any employee or impose upon or extract from him or her any penalty by reason of his or her absence during such period.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other manner, interferes with the granting to any person in his or her employ, of a reasonable period for voting, commits an offence and is liable on conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding 6 months.

Badges, symbols, etc prohibited

22.—(1) No person other than the Supervisor must make, print, publish, distribute, put up, wear, use, carry or display any badge, symbol, favour, set of colours, flag, banner, advertisement, handbill placard or poster or any replica of a ballot paper in connection with any referendum at any time either before, during or after any such referendum.

(2) A police officer may arrest without warrant any person offending in his or her view against any of the provisions of this section.

(3) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

Prohibition of canvassing

23.—(1) No person must—

- (a) by word, message, writing or in any other manner endeavour to persuade any person to give or dissuade any person from giving his or her vote at a referendum; or

- (b) visit a voter at his or her home or place of work for any purpose in connection with a referendum.

(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

Undue influence at or near polling station

24.—(1) No person must, without lawful authority —

- (a) endeavour to establish the identity of any person entering a polling station;
- (b) check the name of any person entering a polling station on any list at the approach to a polling station;
- (c) anywhere place any desk or table or establish any office or booth for the purpose of recording particulars of voters;
- (d) wait outside any polling station on polling day, except for the purpose of gaining entry to the polling station to cast his or her vote;
- (e) loiter in any street or public place within a radius of 200 meters of any polling station on polling day; or
- (f) open or maintain, for the purpose of any activity in connection with any referendum, any office in any room, building or any place whatsoever, whether open or enclosed, on polling day,

provided that any political party represented in the Parliament may open and maintain not more than 2 officers which must not be within 200 meters of any polling station.

(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

Unlawful assembly

25. Where it is shown that the common object of an assembly of 5 or more persons is to go about in a group on polling day in a manner calculated to cause intimidation, alarm or annoyance to any voter, such assembly is deemed to be an unlawful assembly.

Offence to operate loudspeaker

26.—(1) It is an offence for a person to operate any loudspeaker or other instrument for the production or reproduction of speech, sound or music in any street or public place or any premises adjoining any street or public place, so as to interfere with any referendum meeting or so as to cause annoyance to persons conducting or attending such meeting.

(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment for one year.

(3) Any police officer may arrest without warrant any person offending in his or her view against this section and take him or her before a Magistrate's court to be dealt with according to law.

Restriction on referendum activity

27.—(1) Any person—

(a) under the age of 18 years; or

(b) who ceases to be a registered voter in accordance with section 55 of the Constitution,

must not take part in any activity connected with a referendum.

(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1000 or to a term of imprisonment not exceeding one year.

PART 5—MISCELLANEOUS

Regulations

28. The Minister may, in consultation with the Electoral Commission, make regulations prescribing anything that is to be prescribed under the provisions of this Act and generally for the purposes of giving effect to this Act.

Inaccurate description of person and place

29. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document prepared or issued under or for the purposes of this Act affects the operation of this Act in relation to a person or place if the person or place is designated in such register, notice or document as to be identifiable.

Publication of notice, etc

30.—(1) Where a notice is required by this Act to be published, a person must exhibit copies of the notice in a conspicuous place or take such other steps as he or she may deem necessary for public display of the notice.

(2) Any person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited by any authority under the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$50.

Use of school as polling station

31.—(1) The Supervisor may use, free of charge, as a polling station, any school or portion thereof, for the purposes of any referendum.

(2) The Supervisor must make good any damage done to, and defray any expense incurred by the persons having control over, any such school or portion as a result of being used as a polling station.

Expenses

32. All expenses incurred in carrying this Act into effect are to be paid out of the Consolidated Fund.

December 2025

NATIONAL REFERENDUM 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 The National Referendum Bill 2025 (**‘Bill’**) seeks to provide a framework for the conduct of a national referendum in Fiji.

2.0 CLAUSES

- 2.1 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.
- 2.2 Clause 2 of the Bill provides for the interpretation of key terms that appear throughout the Bill.
- 2.3 Clause 3 of the Bill provides that the new legislation binds the State.
- 2.4 Clause 4 of the Bill provides for the purpose of the new legislation.
- 2.5 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.
- 2.6 Clause 6 of the Bill allows any person whose name is included in the National Register of Voters, to vote at a referendum.
- 2.7 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.
- 2.8 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.
- 2.9 Clause 9 provides that the Supervisor of Elections (**‘Supervisor’**) must adopt existing electoral and voting procedures under the Electoral Act 2014.

- 2.10 Clause 10 of the Bill requires the Supervisor to adopt the existing polling venues and polling station locations identified under the Electoral Act 2014.
- 2.11 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.
- 2.12 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.
- 2.13 Clause 12 of the Bill requires that the day fixed for the conduct of a referendum must be a public holiday.
- 2.14 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.
- 2.15 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.
- 2.16 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 that the polling station that he or she is stationed at.
- 2.17 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.
- 2.18 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.
- 2.19 Clause 18 of the Bill provides for the offence of impersonation and that of voting using the name of a fictitious person.
- 2.20 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.
- 2.21 Clause 20 of the Bill provides for the offence of bribery.

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 Clause 24 of the Bill prohibits undue influence at or near a polling station.
- 2.26 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.
- 2.27 Clause 26 of the Bill prohibits the operation of loudspeakers or other similar instrument during a referendum.
- 2.28 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.
- 2.29 Clause 28 of the Bill allows the Minister in consultations with the Electoral Commission to make regulations to give effect to the new legislation.
- 2.30 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.
- 2.31 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.
- 2.32 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.
- 2.33 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.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The new legislation comes under the responsibility of the Minister responsible for justice.

S. D. TURAGA
Acting Attorney-General