

Fiji's National Referendum Bill: what it says, what it restricts, and why it matters



Fiji Parliament, Suva

by Lanieta Tukana

2 June 2026

Fiji's government tabled the [National Referendum Bill 2025](#) on 4 December 2025 — the final sitting day of parliament for the year. The bill establishes the legal rules for conducting a constitutional referendum. It has since been referred to the [Standing Committee on Justice, Law and Human Rights](#) for review.

On the surface, the bill fills a genuine gap: Fiji has never held a constitutional referendum, and no legal framework existed to govern one. The government's stated intention is to ensure any future referendum is conducted with integrity and impartiality.

But the bill's specific provisions have drawn sharp criticism from civil society organisations, legal experts, opposition parties and Fiji's own former chief legal advisor, all of whom argue that the restrictions go far beyond ensuring orderly conduct and risk producing a referendum in which the government controls the flow of information while ordinary Fijians are prohibited from campaigning.

Why this matters now: with a general election due between August 2026 and February 2027, and the government committed to constitutional reform before going to the polls, the rules established by this bill will directly shape whether any resulting constitutional changes carry democratic legitimacy — or simply the appearance of it.

The 2013 Constitution, introduced by then-Prime Minister Frank Bainimarama following the 2006 coup, was designed to be nearly impossible to change. [Section 160](#) required a three-quarters majority vote in parliament, followed by a referendum passed by three-quarters of all registered voters. Not three-quarters of those who turned out: three-quarters of all registered voters in Fiji.

To understand how high that bar was: in the 2022 election, there were 693,915 registered voters, but voter turnout was 68.3%. Even if every person who voted in 2022 had voted yes in a referendum, it would not have been enough to pass a

constitutional amendment.

The Rabuka government, which came to power in December 2022 on a platform that included constitutional reform, [attempted to change this in March 2025](#), proposing a bill that would have reduced the parliamentary bar from three-quarters to two-thirds and replaced the registered-voter threshold with a standard majority of valid votes cast. That bill received 40 votes, short of the three-quarters supermajority required under Section 160.

In August 2025, the Supreme Court issued [an advisory opinion](#) that narrowed the amendment threshold, ruling that an amendment could proceed with a two-thirds parliamentary majority followed by a simple majority in a referendum. That opinion cleared the path for constitutional change, and the National Referendum Bill is the government's attempt to lay the foundations.

Several provisions have attracted the highest level of concern from critics. Section 22 bans the creation or distribution of any campaign materials during the referendum period, while Section 23 prohibits doorstep canvassing — the primary method of grassroots organising in rural and maritime Fiji. Clause 11 compounds these restrictions by requiring the referendum question to be published only five days before polling.

Other clauses have drawn significant, if less acute, concern. Clause 24 permits parliamentary parties near polling stations but excludes civil society. Clause 25 makes gatherings of five or more people unlawful if they cause “intimidation, alarm or annoyance”, with penalties of up to one year in prison.

The criticism of this bill is not coming from a single partisan source. It spans Fiji's legal profession, civil society sector and opposition parties.

The Fiji Council of Social Services (FCOSS) told the Standing Committee that the bill was “significantly weak” on core democratic principles and may contravene international standards for free suffrage. FCOSS executive director Vani Catanasiga described the near-total ban on political campaigning in Clauses 22 and 23 as a “major concern” that “directly contradicts the international principle of freedom of expression”. She also compared the bill's five-day notice period for the referendum question to the 2023 Australian Indigenous Voice Referendum, where voters had seven months for public discussion before polling day.

The [Fiji Labour Party's representative](#) before the committee, Dr Sunil Kumar, called the bill “unconstitutional and undemocratic”, arguing that it criminalises normal campaigning and violates freedom of speech, expression, assembly and association. He noted that democracies including Australia, Canada, Scotland,

Ireland and New Zealand actively encourage campaigning during referendums.

The [Fiji Women's Rights Movement](#) described the measures as “draconian and capable of silencing large groups of under-represented people”, specifically flagging the impact on women, youth and marginalised communities who rely on grassroots organising and community discussion to participate in political life.

Perhaps most significantly, Fiji's former Attorney-General Aiyaz Sayed-Khaiyum told the Standing Committee that the bill, as drafted, is antithetical to its stated objective of giving the Fijian people a voice.

Acting Attorney-General Siromi Turaga told parliament the clauses “are intended solely to ensure the orderly, transparent and impartial conduct of referendums”. The government argues the bill fills a genuine legal gap and that its provisions mirror the blackout periods used in democratic elections around the world. It has not publicly responded in detail to the specific criticisms of Clause 25's “annoyance” standard or the five-day notice period.

At the heart of this debate is a question that goes beyond the specific clauses: if constitutional change is achieved through a process in which ordinary Fijians were legally prevented from campaigning, discussing or organising around the question, and in which only the government had an unrestricted platform, would the result carry genuine democratic legitimacy?

Comparative experience suggests that referendum legitimacy depends heavily on the quality of public deliberation before the vote, not just the procedural conduct of voting day itself. A referendum conducted in silence is not the same as a referendum conducted with informed consent.

The Standing Committee concluded its public hearings in early 2026, and its report is expected before parliament debates the bill. Whether its recommendations require substantive amendments, particularly to Clauses 22, 23 and 25, will be one of the most important indicators of whether the Rabuka government's commitment to constitutional reform extends to the process, not just the outcome.

This is an edited version of an article first published in the [Fiji Political Review](#).

Author/s:

Lanieta Tukana

Lanieta Tukana is the founding editor of the [Fiji Political Review](#). She writes on Fijian politics, constitutional reform and democratic governance.

Link:

<https://devpolicy.org/fijis-national-referendum-bill-what-it-says-what-it-restricts-and-why-it-matters-20260602/>