LEGISLATIVE SUBMISSION

# POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES) (AMENDMENT) ACT 2026

## Bill No. 31 of 2026

To the **Parliamentary Standing Committee on Justice, Law and Human Rights**

7 September 2026

Centre for Democracy & Dialogue

## Executive Position

The Centre for Democracy & Dialogue (CDD), formerly Dialogue Fiji, welcomes the opportunity to submit its views on the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026, Bill No. 31 of 2026. CDD's work centres on strengthening democracy, human rights, civic participation, accountable governance and social cohesion in Fiji.

CDD supports the introduction of campaign expenditure limits and the move towards more proportionate penalties. However, the Bill combines this potentially valuable reform with measures that would substantially weaken protection against financial influence over political parties and candidates. Removing contribution limits, permitting unrestricted donations from foreign individuals, dismantling personal financial disclosure requirements and exempting declared community gifts from the bribery offence would create serious and mutually reinforcing risks.

The central test is whether the law strengthens citizens' control over political power. A spending ceiling cannot prevent a single wealthy donor from financing an entire campaign. A campaign return cannot reveal a politician's unexplained accumulation of private wealth. A declaration made after polling cannot give voters information they needed before voting. Recording a gift cannot remove its capacity to purchase political support.

The observer evidence reinforces this concern. The 2018 Multinational Observer Group endorsed Fiji's donation cap, funding restrictions and financial disclosures, while recommending campaign-expenditure reporting and consideration of spending limits. The case for reform is to complete these protections, not dismantle them.[13]

CDD therefore asks the Committee to recommend substantial amendments before the Bill proceeds. The legitimate objectives of fairer competition and proportionate enforcement should be retained. The Committee should also address the wider reforms set out below, so that transparent financing, meaningful participation and independent oversight work together.

## Principal recommendations

- Retain an enforceable annual aggregate donation cap and reject the proposed opening to foreign individual donors.
- Preserve personal asset, income, liability and interest disclosures. Introduce spending limits through a separate provision, with any reform of disclosure obligations preserving equivalent protection.
- Support campaign expenditure limits, subject to evidence for the proposed amounts, clear attribution rules and effective monitoring.
- Delete the proposed exemption from bribery for gifts to villages or community groups.
- Require meaningful disclosure before polling and a workable interval between the close of accounts and the filing deadline, with express public access to candidate returns.
- Replace open-ended ministerial control of commencement with a predictable statutory timetable and coordinated transitional provisions.
- Improve the clarity and proportionality of offence provisions and constrain the Registrar's compulsory information-gathering powers.
- Require a court determination before involuntary deregistration takes effect and

address the consequences of deregistration for voters' parliamentary representation.

- Link donor eligibility to the national electoral roll, with safeguards against donations through nominees or fictitious identities.
- Require standardised electronic filing and a searchable public disclosure portal, together with a register of enforcement decisions.
- Establish modest, transparent public funding for registered parties, including a specific incentive for nominating and supporting women candidates.

## The observer evidence supports stronger safeguards

The Bill's explanatory note invokes Multinational Observer Group recommendations and international good practice. That makes the observers' findings an important test of the changes proposed. The 2018 final report commended public disclosure of party and candidate assets and liabilities, restrictions on corporate and foreign funding, the $10,000 individual donation cap and publication of donors' names. It separately identified weaknesses in expenditure reporting, and Recommendation 12 called for post-election campaign-expenditure reports and consideration of spending limits.[13]

CDD's conclusion is that expenditure controls should strengthen the existing system of safeguards. Nothing in those findings establishes a need to abolish contribution ceilings or recurring personal disclosure. The Committee should require proponents of repeal to explain, provision by provision, which problem each removal solves and how equivalent protection will be maintained. A general appeal to international practice cannot substitute for that explanation.

## Clause 1: Commencement and Electoral Certainty

### Parliament should determine a predictable commencement timetable

Clause 1(2) permits the Minister to bring the legislation into force on a date or dates appointed by Gazette notice. Commencement by executive notice is a recognised legislative technique, particularly where administrative preparation is necessary. Its use is not, by itself, evidence of improper drafting. Nevertheless, the suitability of that technique depends on the subject matter and the safeguards attached to it.

This Bill changes the conditions under which political competitors raise money, disclose their interests and incur criminal liability. The Minister responsible for elections is part of the political Executive, whose members and parties have a direct interest in the electoral rules. Parliament should therefore minimise discretion over when changes to those rules begin to operate. The concern is structural: no allegation of actual misuse is necessary to recognise the risk of selective or strategically timed commencement.

The power to appoint different dates is particularly consequential here. It could allow existing safeguards to be removed before the new expenditure controls, reporting arrangements and offence provisions are fully operational. Regulated parties must know which rules apply when accepting a donation, entering a campaign contract or preparing a return.

Comparative drafting practice supports greater certainty. New Zealand's Legislation Design and Advisory Committee identifies certainty and adequate public notice as central commencement principles. New Zealand's Electoral Amendment Act 2022 also demonstrates the use of a commencement date specified in the legislation.[1]

The Venice Commission's 2024 declaration similarly links stable electoral rules with legal certainty and public confidence. Its one-year principle concerns fundamental electoral rules and should not be presented as a blanket prohibition on every political-finance amendment. The relevant lesson here is to settle changes early enough for fair implementation and avoid the appearance of partisan manipulation.[14]

## Recommendation

> Amend clause 1 to provide a fixed commencement date, or a defined period after assent, with coordinated commencement for provisions that depend on one another. If limited executive flexibility is demonstrably necessary, prescribe an outer deadline and require public reasons and consultation with the Electoral Commission. Preserve accrued reporting obligations and specify how transactions spanning commencement are treated. No person should incur retrospective criminal liability for conduct lawful when undertaken.

## Clauses 2–7, 11 and 13: Drafting and Offence Classification

### Clause 2: Definitions

CDD has no objection in principle to importing the definitions of corrupt electoral practice and illegal electoral practice from the Electoral Act. The definitions and the corresponding penalty provisions must, however, be operative before the substitutions in this Bill take effect.

## Clauses 3, 5–7, 11 and 13: Offence provisions are awkwardly drafted

The formulation "commits an offence which is a corrupt electoral practice", and the equivalent formulation for an illegal electoral practice, is awkwardly drafted and lacks the clarity expected of legislation creating serious electoral offences. While the intended meaning can be understood, the wording is cumbersome and unnecessarily confusing. The problem appears to arise because the existing penalty language has simply been removed and replaced with the words "which is a corrupt electoral practice", without properly redrafting the sentence as a whole. Given that these provisions can carry serious legal and electoral consequences, the legislation should state the offence clearly and directly.

A clearer formulation would be:

*"If any association of persons or organisation operates, functions, represents or holds itself out as a political party without being registered in accordance with this Act, any person who is a member of, or holds office in, that association or organisation commits an offence, which constitutes a corrupt electoral practice."*

An even cleaner approach would be to state directly that the person "commits a corrupt electoral practice", rather than creating an offence and then separately describing that offence as a corrupt electoral practice.

## Clause 4: A substantive change to disqualification

Clause 4 substantially narrows the existing disqualification provisions in section 5. At present, a person is disqualified if, within the preceding five years, he or she has been convicted of an offence and sentenced to imprisonment for at least six months. The Bill removes this general test and replaces it with a requirement that the conviction must be for an offence that is a "corrupt electoral practice".

CDD does not see a clear justification for removing the existing broader character and suitability requirement. If the intention is to ensure that persons convicted of corrupt electoral practices are also disqualified, this could be added as a separate ground rather than replacing the existing six-month imprisonment test. The Committee should therefore retain the existing provision and consider adding conviction for a corrupt electoral practice as an additional ground for disqualification.

### Recommendation

> Retain clause 2, subject to coordinated commencement. Require a complete drafting and proportionality review of clauses 3–7, 11 and 13. Explain clause 4 as a change to eligibility, not merely categorisation. Reserve the most serious classifications for conduct whose seriousness justifies their consequences, with clear fault requirements and appropriate treatment of administrative non-compliance.

## Clause 8: Donation caps and Foreign Individual Donors

### Reject the removal of contribution limits

Clause 8(a) deletes sections 22(2), (4), (5) and (6). The effect is to remove the $10,000 annual aggregate limit on donations by a Fijian citizen or former citizen, the associated specific sanctions and forfeiture provision, and the first-year founding-member exception. CDD strongly opposes the removal of an enforceable contribution ceiling.

A contribution limit constrains the financial dependence of political actors on any one donor. A spending limit constrains the amount spent on a campaign. These measures address different risks. A party can remain within its expenditure ceiling while becoming wholly dependent on one financier, and it can receive funds for continuing political activity outside the regulated campaign period. Introducing one safeguard does not justify abolishing the other.

Consider the Bill's own proposed party ceiling of $3 million. Without a donation cap, one wealthy individual could finance that entire amount. Under the proposed foreign-donor provision, that individual need not be a Fijian citizen or former citizen. This is an illustration of the legal exposure created by the Bill, not an allegation against a particular donor. The risk is that the party's financial survival becomes dependent on someone whose access and expectations greatly outweigh those of ordinary voters. A cap on donations can create a more level playing field by providing legal safeguards to prevent a small number of powerful donors from gaining excessive influence over political parties and candidates, which can lead to *quid pro quo* transactions.

The harm is not confined to an express bargain exchanging money for a particular decision. Dependence can influence candidate selection, policy priorities, appointments and access to decision-makers without a written agreement. A democratic regulatory system should reduce the opportunity for such dependence before it becomes entrenched.

According to International IDEA's Political Finance Database (n.d.), 49 per cent of countries worldwide, place some kind of caps on donations to political parties during non-election periods, an increase of 18 percentage points since 2012, reflecting the global trend of more and more countries adopting a donation cap. Fiji's proposed legislation is in the opposite direction.[3][4]

### Recommendation

> Reject clause 8(a) insofar as it removes the annual aggregate donation cap and its enforcement provisions. Preserve the $10,000 ceiling unless Parliament adopts a transparently justified replacement following consultation. Any adjustment should preserve aggregation across parties and candidates, cover relevant non-cash benefits and prevent circumvention. The founding-member exception should be considered separately, rather than used as a reason to remove the general ceiling.

## Reject Unrestricted Donations from Foreign Individuals

Clause 8(b) changes section 22(3) from a prohibition into permission for a person who is neither a Fijian citizen nor a former citizen to donate, provided the person declares the donation to the Registrar within 60 days after polling and the Registrar publishes it online. The operative wording matters: former citizens already fall within the existing permitted category. The new opening is to individuals outside both categories.

Political finance rules should protect the relationship between the electorate and those seeking authority to govern it. An individual with no citizenship connection to Fiji would be able to provide campaign funding on a scale unavailable to most Fijian voters. Openness to international cooperation does not require openness to unrestricted foreign financing of electoral contestants.

International IDEA's 2025 comparative analysis reports that more than 70 per cent of the countries covered prohibit foreign donations to political parties. National approaches differ, but permitting unlimited foreign individual contributions is plainly not a necessary feature of modern political finance regulation.[4]

## Post-election disclosure does not prevent the influence

The proposed declaration would arrive after the electorate has made its choice. Voters would have no guaranteed opportunity to assess the donor's identity, the scale of the contribution or the recipient's dependence before voting. Subsequent publication may support investigation and future accountability, but cannot provide information retrospectively at the moment it was needed.

The proposal also treats disclosure as though it resolves the underlying risk. Even complete and accurate publication does not undo a party's financial dependence on a donor. Nor does disclosure establish that money is lawfully sourced. The risk of criminal proceeds, including drug proceeds, entering politics requires scrutiny before funds are used, whether the money originates abroad or is already in Fiji. CDD does not suggest that this Bill legalises criminal proceeds; the point is that a post-election declaration is not a substitute for preventive controls.

## A duty placed on an overseas donor is an inadequate enforcement mechanism

The Bill relies on the foreign donor to make the declaration. An overseas individual may have no residence, assets or effective presence within Fiji's jurisdiction. The ability to obtain documents, serve proceedings and secure compliance cannot be assumed. The provision specifies no clear recipient-side procedure for dealing with a donor who refuses to report, and publication has no express deadline after receipt of the declaration.

Even where general provisions such as section 27 may be relevant, they do not solve the practical problem of enforcing an obligation against a person abroad. Parliament should place enforceable duties on the domestic recipient to verify eligibility, identify the actual source of funds and reject impermissible contributions before spending them. The reference to a deadline after polling also leaves uncertainty about donations made between elections and which polling day governs them.

## Read sections 21 and 22 together

Section 21 does not contain a blanket prohibition on every overseas source. It excludes specified institutional sources, including foreign governments and intergovernmental or non-governmental organisations. Section 22(1) contains related prohibitions, while sections 22(7)–(11) continue to restrict corporate and other entity donations and specified indirect funding. Clause 8 does not expressly repeal those safeguards.

The precise criticism is therefore not that permission for foreign individuals necessarily contradicts an existing universal foreign-source ban. It is that the Bill would preserve prohibitions on institutional funding while creating an unlimited individual-donor channel that could be exploited to conceal the true source. Corporate money does not become lawful personal money merely because it passes through an individual. Verification and rules against intermediary donations must make that distinction enforceable.

There is also a serious policy inconsistency in the wider electoral framework. Section 115 of the Electoral Act restricts election-related activity by persons and organisations receiving specified institutional assistance, encompassing activities such as debates and public forums. Parliament should explain why assistance supporting civic discussion warrants such scrutiny while a foreign individual could finance an entire party campaign. The ability to fund an organisation seeking control of government raises at least as serious a concern about external influence as assistance for public dialogue. Regulation should respond consistently to the nature and scale of that risk.

### Recommendation

> Reject clause 8(b) and retain the prohibition on donations by persons who are neither Fijian citizens nor former citizens, pending the further donor-eligibility reform recommended below. Require recipient verification, disclosure of the real donor, effective measures against intermediary funding and timely public reporting before polling. Preserve and harmonise the restrictions on prohibited institutional and corporate sources.

## Clause 9: Preserve Personal Financial Disclosure

### Campaign reporting cannot replace disclosure of private interests

Clause 9 replaces section 24 in its entirety. The existing section requires declarations from specified party applicants, office holders and registered officers, and from nominated candidates. Its obligations include pre-election, annual or post-election reporting according to the category concerned. It also covers spouses and dependent children as defined in the section, requires statutory verification and provides for public inspection.

The detail differs between categories. The annual office-holder provisions include business connections, directorships, transactions, gifts, assets and liabilities. Candidates must provide personal financial information at nomination and further information after polling, as well as receipts and expenditure information. The Bill would remove this entire section and replace it with campaign expenditure limits. Clause 10 restores a form of candidate campaign-finance reporting, but not the personal asset and interest regime.

These are fundamentally different forms of accountability. Campaign returns reveal money received and spent for electoral purposes. Personal disclosures help establish what a person owns, earns, owes and has an interest in, and how that position changes over time. The former cannot answer the questions addressed by the latter.

A campaign could be accurately reported and fully within its spending limit while its candidate receives an undisclosed personal benefit or develops a financial interest relevant to future decisions. Without a baseline and subsequent declarations, the public and competent authorities lose an important means of identifying unexplained wealth or potential conflicts. CDD does not contend that every increase in wealth is improper. Disclosure enables legitimate changes to be distinguished from those requiring explanation.

The inclusion of relevant family interests also serves a substantive purpose. Assets or benefits held through a spouse or dependent child may affect an office holder's interests even when they are not registered in that person's own name. Privacy, relevance and proportionality deserve careful treatment, but those concerns justify refining the information collected and published, rather than deleting the mechanism altogether.

## International evidence supports retaining effective disclosure

The World Bank and UNODC's Stolen Asset Recovery Initiative reported in its 2017 guide that 161 of 176 countries examined had financial disclosure systems. Its legislative analysis focused on the executive and legislature. This is historical comparative evidence, not a claim that every country imposes Fiji's precise requirements on candidates' families or party officials. It nevertheless demonstrates the established role of personal disclosure in public accountability.[6]

Section 149(f) of Fiji's Constitution envisages annual declarations of assets, liabilities and financial interests for the office holders within its scope. It does not itself establish that every present section 24 obligation is replicated elsewhere. The Committee should require evidence of the coverage and operation of any alternative scheme before accepting that repeal would leave no accountability gap.[7]

CDD recognises that the current section is lengthy, contains overlapping provisions and attaches severe penalties. Its requirements can be made clearer, more proportionate and easier to comply with. The case for simplification is not a case for eliminating scrutiny. Nor should a future or proposed replacement be treated as equivalent to an enforceable regime already in operation.

### Recommendation

> Do not replace section 24 wholesale. Retain effective personal financial and interest disclosures and insert campaign expenditure limits in a separate section. If disclosure is transferred to another statutory framework, ensure that the replacement is in force before repeal, identify any differences in coverage, preserve accrued obligations and records, and provide verification, public access and proportionate sanctions. Improve the regime without removing its essential protections.

## Clause 9: Support Effective Campaign Expenditure Limits

### A useful reform, provided the ceilings are meaningful

CDD supports the principle of a $300,000 candidate ceiling and a $3 million party ceiling as an attempt to regulate campaign expenditure, while asking the Committee to establish whether these particular amounts are justified. Support for limits should not be read as an endorsement of figures whose basis has not been demonstrated.

Fiji's nationwide constituency makes access to money particularly consequential. Candidates and parties must reach voters across the country, and extensive advertising and travel can overwhelm competitors with fewer resources. A credible ceiling can restrain this expenditure competition and create more space for political ideas, organisation and public trust to determine electoral success.

International IDEA's 2025 analysis reports spending limits for parties in 38 per cent of countries and for candidates in 49 per cent, using data accessed that February.[4]

## Close the gaps between party and candidate limits

The Bill does not expressly make the party ceiling an aggregate ceiling that includes expenditure by all its candidates. If treated as wholly separate allowances, a party fielding N candidates could potentially benefit from spending of $3 million plus N times $300,000. For illustration, 55 candidates would have combined candidate allowances of $16.5 million. If the party's $3 million were additional, the combined allowance would reach $19.5 million. These figures show the potential effect of separate allowances, not a settled interpretation of the Bill.

Such a ceiling would also bear little relationship to the actual scale of election expenditure in Fiji. No political party has ever spent anywhere close to $19.5m in an election campaign in Fiji's history. A limit set so far above historical levels of party expenditure risks becoming largely meaningless as an expenditure-control measure. The Committee should therefore settle the intended aggregate effect and set limits that genuinely constrain excessive campaign spending, rather than leave the issue to contested interpretation during an election.

Clear attribution rules are needed for joint advertising, shared events, party payments benefiting individual candidates, candidate payments benefiting a party and campaign services obtained through intermediaries. They should capture the economic value of coordinated campaign activity while avoiding accidental double counting. Otherwise, a nominal ceiling can be defeated by shifting the payer or splitting invoices.

Proposed section 24(2)(a) appropriately attempts to capture resources committed outside the period for use within it. However, income pledged and expenditure incurred are different accounting concepts. A spending ceiling should measure expenditure and the value of campaign benefits used, while donations and pledges are recorded under the relevant receipts rules. The drafting should specify when liabilities, donated goods and services, advance payments and later settlements count.

The same principle must cover third parties that incur coordinated expenditure to promote a party or candidate. Otherwise, spending can migrate to an allied campaigner while the contestant remains nominally below its ceiling. Any separate rules for genuinely independent campaigning should use clear definitions and proportionate thresholds, protecting ordinary civic discussion and issue advocacy. Campaign expenditure should also be distinguished from the later settlement of campaign invoices, so that payment timing cannot move a liability outside the cap.

The level of the ceilings should be supported by published analysis of previous returns, realistic nationwide campaign costs and the number of registered voters. Periodic adjustment through a transparent formula would be preferable to ad hoc increases. Any wider annual spending limit should be considered expressly and separately from the election-specific limit.

## Recommendation

> Retain campaign expenditure limits, but redesign them so that the party and candidate limits operate as one coherent system. The law should clearly state whether candidate expenditure is separate from, or counts towards, an overall party campaign ceiling. Any aggregate ceiling should be set at a realistic level based on Fiji's actual historical campaign expenditure, so that the limit genuinely constrains excessive spending rather than creating a ceiling so high that it becomes meaningless.
>
> The legislation should also clearly define campaign expenditure, the regulated period and the rules for attributing shared expenditure between parties and candidates. It should include non-cash benefits and anti-circumvention provisions to prevent expenditure being shifted between a party and its candidates simply to avoid the applicable limit.

> Pre-election financial disclosure should be retained, with expenditure monitored during the campaign and fully reconciled in post-election returns. Breaches should attract proportionate and effective sanctions..

## Clause 9: Reject the Community-Gift Exemption

### Disclosure must not create immunity from bribery

Proposed section 24(2)(b) includes within campaign expenditure a gift given during the campaign as protocol, or something similar, solely to obtain permission to enter the territory of a village or community group. It also requires the gift to be declared under section 25. Proposed subsection (3) then provides that any gift given to a village or community group and declared under section 25 is not bribery under section 140 of the Electoral Act.

The second provision is materially broader than the first. It does not expressly confine the exemption to a gift satisfying subsection (2)(b), repeat the sole-purpose condition or impose a monetary ceiling. The word “any” creates a serious risk that declaration alone could be invoked as protection for a substantial gift intended to secure political support.

The law should assess the purpose and circumstances of a benefit. Section 140 addresses benefits connected with influencing votes, candidature or political support, including benefits provided through another person or to a third party. Publicly recording such a transaction does not change its purpose. A payment designed to secure electoral support should not cease to be bribery because it appears in a return.

The Bill also leaves “village”, “community group”, “territory” and the relevant protocol insufficiently specified for an exemption carrying such serious consequences. Community groups may be formal or informal, permanent or newly assembled, rural or urban. Who may receive a gift on their behalf, how its value is determined and whether repeated gifts are aggregated are all important questions left unresolved.

CDD respects customary practices and does not equate ordinary cultural observance with bribery. Equally, culture should not be used to shelter the purchase of political support. A special exemption can expose communities to targeted inducements and pressure, while allowing well-resourced contestants to acquire access or goodwill through gifts that poorer competitors cannot match. This is a foreseeable risk arising from the drafting, not evidence of a particular group’s intentions.

The provision exempts gifts from section 140, but does not expressly resolve their treatment under the separate vote-buying prohibition in section 114. That uncertainty is another reason not to enact a broad exemption. Counting a gift towards a spending limit is an accounting rule, not a determination that the gift is lawful.[5]

### Recommendation

> Delete proposed section 24(3) and do not enact a special statutory safe harbour for village or community gifts. Any expenditure definition should make clear that reporting a benefit neither authorises it nor provides a defence to bribery, vote buying or undue influence. Genuine protocol practices can be addressed through clear, even-handed guidance on the existing legal tests, without immunising inducements.

## Clause 10: Make Candidate Disclosure Workable and Public

### Separate the closing date from the filing deadline

The Bill's new section 25(1B) requires a candidate, whether elected or not, to report receipts, donations and expenditure from the commencement of the campaign period until the sixtieth day after polling. The return must also be filed no later than that sixtieth day.

This leaves no interval between the end of the reporting period and the filing deadline. A candidate filing earlier cannot conclusively report transactions that may still occur before the period closes. A candidate waiting until the final day has no subsequent opportunity to reconcile the final transactions, obtain documentation and verify the completed return. Good administration requires a filing timetable that can be complied with accurately.

The existing section 24(2B) uses information as at the thirtieth day after polling, with filing by the sixtieth day. Clause 10 carries forward the broad categories of candidate financial information but changes the period and should not be described as an entirely new accountability mechanism. Crucially, it does not restore the personal disclosures removed by clause 9.

There is also a mismatch between the proposed campaign spending period and the unchanged party return in section 25(1A), which runs from issue of the writ to the thirtieth day after polling. If the campaign period begins earlier or the spending controls extend later, that party return alone will not cover the whole regulated period.

## Close the public-access and verification gaps

Existing section 25(3) requires publication of information under subsections (1) and (1A). Clause 10 does not add the new candidate subsection (1B) to that publication requirement. Meanwhile, clause 9 removes the statutory-declaration and public-inspection provisions previously attached to candidate reporting in section 24. The Bill therefore creates no equivalent express publication requirement for the new candidate returns.

Filing with the regulator and disclosure to the electorate are not the same thing. The public should not depend on administrative discretion to obtain financial information that bears directly on the independence and integrity of those seeking office.

Finally, new section 25(4) makes any contravention of subsection (1B) corrupt electoral practice. It does not distinguish an inadvertent filing delay from deliberate concealment. Attaching the serious consequences of that classification to an impracticable reporting timetable compounds the problem.

### Recommendation

> Choose a coherent accounting period and allow at least 30 days after it closes for the final return. If the expenditure period remains open through day 60, filing should be due on day 90. If Parliament instead chooses a day-30 accounting cut-off, the spending and reporting provisions must be amended consistently, with filing on day 60 and explicit treatment of outstanding liabilities and later settlements.
>
> Align party and candidate reporting with the regulated expenditure period. Require periodic, timely public disclosure during the campaign, followed by the reconciled final return. Expressly require online publication of candidate returns, verification through a statutory declaration of accuracy, and proportionate redaction of sensitive personal identifiers. Distinguish deliberate concealment or materially false reporting from remediable administrative default.

## Clause 12: Constrain Compulsory Information Powers

Clause 12 changes the penalty classification in section 26A(3), but leaves the underlying reach of the Registrar's powers substantially untouched. Section 26A(1) confers powers necessary to perform statutory functions. Subsection (2) permits written demands for information or documents where the Registrar has reason to believe they are relevant or required for those duties. Subsection (3) requires compliance notwithstanding other laws concerning confidentiality, privilege or secrecy.

Effective financial oversight requires access to records. CDD does not propose to deprive the Registrar of necessary investigatory powers. The concern is the breadth of a demand backed by criminal consequences, particularly where the provision expressly overrides privilege without defining the safeguards or review process applicable to contested demands.

The power potentially reaches parties, candidates, service providers, organisations and other persons. Legal professional privilege, for example, protects the ability to obtain confidential legal advice, including advice on challenging the legality of a regulator's action. It should not be overridden through an unrestricted administrative demand. Other claims to confidentiality should be assessed against a clearly stated statutory purpose and necessity test, rather than treated as automatically irrelevant.

### Recommendation

> Amend section 26A substantively. Require a written statement of the statutory purpose and reasonable grounds, identify the records sought with adequate precision and allow a reasonable response period. Protect legal professional privilege, provide prompt access to a court to contest a demand, and regulate the handling and disclosure of information obtained. Distinguish deliberate obstruction or false information from inability to comply, a reasonable request for time or a bona fide challenge to an unlawful demand.

## Additional reform: Judicial Control of Deregistration

### Preserve enforcement while protecting political association

Section 19 gives the Registrar power to deregister political parties on broad grounds, including contravention of the Act. Such a decision affects more than the office holders responsible for compliance. It also affects members, candidates and voters who rely on the party as their vehicle for political participation.

The existing safeguards should be acknowledged accurately. Section 19(2) requires written particulars of the breach, notice of the intention to deregister and a direction to remedy the breach within 60 days or show cause. Section 30 provides an appeal to the Electoral Commission, lodged within 14 days. The defect is therefore not an absolute absence of notice or response rights. It is that an independent court need not determine the merits before involuntary deregistration takes effect, while the statutory appeal provision purports to make the Commission's decision final.

Section 20 then imposes extensive restrictions on the deregistered party's activities. Section 28 requires the Registrar to apply to the High Court for winding up and disposition of its property, assets, rights and liabilities. Judicial involvement in winding up comes after the political consequence of deregistration. It does not provide the prior judicial determination CDD seeks. Nor should deregistration under section 19 be described as automatically forfeiting all assets to the State.

International IDEA's 2021 assessment reported deregistration as a political-finance sanction in 23.3 per cent of countries. That figure refers to countries in the underlying comparison, not exclusively democracies. The OSCE/ODIHR and Venice Commission's 2020 Guidelines treat dissolution as a last resort and state that it must be decided by a court. The Guidelines distinguish loss of registration benefits from dissolution, but Fiji's restrictions and winding-up consequences make the latter safeguard especially relevant.[3][8]

### Recommendation

> Require an application to, and determination by, the High Court before involuntary deregistration becomes effective. The party must have access to the case against it, a fair hearing and a meaningful opportunity to respond. The court should consider seriousness, responsibility, proportionality and whether lesser measures can secure compliance.
>
> This protection must apply across the Act's mandatory deregistration routes, including sections 12(4), 16(5), 23(4) and 25(2), and not only section 19. Preserve the Registrar's ability to investigate, issue compliance notices and seek sanctions. Ordinary failures that can be remedied should ordinarily attract corrective measures or proportionate financial penalties. Voluntary deregistration should remain a separate process.

## Additional Reform: Protect the Electoral Mandate after Deregistration

### Parliamentary representation should not be detached from the votes that created it

Section 20(2) allows MPs from deregistered political parties to defect to another party in parliament or become independents. This is essentially is at odds with the principles enshrined in Fiji's constitution. This provision presents several challenges. A fundamental democratic principle dictates that the composition and positions (stances) within the legislature should always mirror the intentions of the voters. There exists a solid rationale for mandating MPs to align with their party, especially within proportional representation (PR) systems like Fiji's multi-member open list proportional representation (OLPR) system. In such systems, a party's share of seats directly correlates with its aggregate votes. MPs owe their parliamentary seats to their respective parties. Given the significant influence of the coattail effect in Fijian national elections (where less popular MPs benefit from the votes garnered by prominent party leaders) the imperative for requiring strict adherence to party lines is justified.

Section 20(2) of the Political Parties Act has now led to a situation where the wishes and interests of the voters of the deregistered Fiji First party has been seriously jeopardised. In the extreme situation that currently exists, votes cast for Fiji First are now directly empowering the leader of the People’s Alliance Party (the main political rival of Fiji First and its voters). This is a travesty for democracy and the people’s preferences, though probably unforeseen when the legislation was drafted and enacted in 2013.

Sections 53 and 63 of the Constitution connect representation with party votes and party affiliation. Sections 58 and 62 regulate dissolution. CDD’s proposed response therefore requires constitutional attention: simply inserting an automatic election trigger into section 20(2) cannot be assumed to override those provisions.[7]

### Recommendation

> CDD recommends that Section (20)(2) of the Political Parties Act be amended to state that should a parliamentary party with more than 10% of parliamentary seats is deregistered which significantly impacts on the proportionality of seat allocation (composition of parliament) as per the results of the latest elections, a fresh general election is automatically triggered. This reform would ensure that the reallocation of seats follows the will of the electorate as expressed at the ballot box, rather than the opportunism of individual MPs, and would protect the integrity of Fiji's proportional representation.
>
> Sections 53 and 63 of the Constitution connect representation with party votes and party affiliation. Sections 58 and 62 regulate dissolution. CDD's proposed response therefore requires constitutional attention: simply inserting an automatic election trigger into section 20(2) cannot be assumed to override those provisions.[7]

## Additional Reform: Require Donors to be Registered Voters

### Make the real contributor identifiable

Sections 21 and 22 regulate sources of funding but do not generally make inclusion on the electoral roll a condition of donating. This limits the ability to use an established national register to verify donors. Donations attributed to minors, fictitious persons or nominees can conceal the person actually providing the money and enable contribution limits to be evaded through multiple names.

CDD recommends that individual donors be registered voters. In Fiji, this would connect eligibility to adulthood and citizenship under the electoral framework, including registered citizens living overseas. It would provide a practical reference against which a recipient and the Registrar could check identity.[7]

This proposal is a deliberate further restriction beyond merely retaining the present foreign-donor prohibition. Former citizens who no longer qualify for electoral registration would no longer be eligible to donate. Sections 21 and 22 would need to be amended together, with a clear commencement rule. The rationale is to connect financing of electoral contestants to membership of the electorate.

The table below shows age limits on political donations in multiple countries.

| **Country** | **Age Limit for Political Donors** |
|---|---|
| Australia<br>(State of NSW) | 16 years |
| Azerbaijan | 18 years |
| Belarus | 18 years |
| Israel | 18 years |
| Mongolia | 18 years |
| Russian Federation | 18 years |
| Singapore | 21 years |

| | |
|---|---|
| Ukraine | 18 years |
| United Kingdom | 16 years |
| United States of America | 17 years |

Table: Age Limits on Political Donations
(reproduced from Lal, 2021).

This reform would strengthen the traceability and integrity of political donations. Through tying donor eligibility to voter registration, authorities can cross-check contributions against the national voter register, reducing the incidence of fraud and enhancing the overall transparency of the political finance ecosystem.

### Recommendation

> Require donor eligibility to be checked against the national electoral roll and require the contribution to be made from the donor's own resources. Keep a verifiable record of the real donor and aggregate contributions across recipients and reporting periods. Protect voter identification numbers and other sensitive identifiers from public disclosure while retaining meaningful public information about funding sources.

## Additional Reform: Make Disclosure Searchable and Usable

### Allocate filing and publication duties clearly

Section 26(2) requires parties to submit audited accounts to the Registrar within three months of the financial year's end. Section 26(2A) also places responsibility on the party to publish those accounts on the Fijian Elections Office website within the same period. The law should distinguish the party's responsibility to supply accurate information from the Registrar's responsibility to make it publicly available. A party should not face a sanction for a publication delay caused by the regulator after a complete and timely filing.

Public access should also mean more than the theoretical ability to inspect records or read separate documents. A journalist or citizen trying to identify a donor's total contributions should be able to search across parties, candidates and reporting periods. Comparable transaction data make it easier to identify split donations, repeated suppliers and inconsistencies between receipts and expenditure. Disclosure that is difficult to retrieve and compare loses much of its practical value.

Colombia's Consejo Nacional Electoral provides an instructive example through Cuentas Claras, which enables official public consultation of campaign income and expenditure. Fiji can adopt the principle of a central reporting and access system, adapted to its own administrative capacity.[15]

### Recommendation

> Amend sections 23, 25 and 26 to require standardised electronic filing and impose an express duty on the Registrar to publish through a free, searchable public portal within a short statutory deadline. Provide downloadable, machine-readable transaction data, such as CSV, alongside signed returns and audited accounts. Preserve previous filings and correction histories; protect sensitive identifiers; and publish missing or overdue returns as such. Supply practical templates, training and an assisted filing route so that limited technical capacity does not become a barrier to compliance.

## Additional Reform: Make Enforcement Proportionate and Transparent

The Political Parties Act 2013 is widely regarded as one of the most punitive political party legislations in the region, prescribing penalties of up to ten years' imprisonment or substantial fines for a range of breaches. Although the Act's sanctions are comprehensive and unambiguous, political parties themselves and independent political finance experts have warned that such draconian measures risk doing more harm than good. In practice, the threat of a decade behind bars may deter not only deliberate malfeasance, but also penalise honest mistakes by under-resourced party treasurers. Yet despite the severity of these statutory penalties, Fiji lacks any systematic record of how often(and in what circumstance) the EMBs or courts have actually imposed them. Beyond occasional media releases or reports, there is no central register of convictions, fines or deregistrations, making it difficult to assess whether the law operates as intended.

Comparative data underscore the abnormality of Fiji's sanction regime. Today, more than half of all democracies—some 105 countries, or approximately 58 percent—retain the option of imprisonment for serious violations of their political-finance regimes. However, almost all cap custodial sentences at five years or less, even for the most serious offences. Sentences exceeding five years are extremely rare globally, reserved only for the most extreme cases of grand-theft or conspiracies that threaten the entire electoral process. By contrast, Fiji's ten-year maximum places it in a very small minority of jurisdictions, out of step with both regional neighbours and international best practice.

To restore balance and transparency, Fiji should pursue two complementary reforms. First, it should introduce a tiered sanction framework that reserves lengthy custodial sentences for flagrant, systematic corruption - while treating minor administrative omissions and reporting delays as regulatory infractions subject to modest fines or civil penalties. Second, it should mandate the publication of a centralised sanctions register, maintained by the Elections Office, cataloguing every instance of a conviction, fine, or deregistration under the Act. Such a registry would not only permit rigorous evaluation of which provisions achieve their objectives, but also deter arbitrary application by shining a light on enforcement practices. This would achieve better accountability and proportionality in dealing with financial disclosures and other offences by political parties, election candidates, their agents and donors.

### Recommendation

> Require the Fijian Elections Office to maintain a public register of final enforcement decisions, including the provision breached, reasons, sanction, decision date and any appeal outcome. Clearly distinguish allegations or pending proceedings from established breaches, and update decisions that are overturned. Publish annual information on compliance notices, referrals and resolved cases so that Parliament and the public can assess whether the framework works fairly in practice.

## Additional Reform: Establish Modest Public Funding

### Reduce dependence on private wealth while supporting political competition

Sections 21 and 22 make no provision for public financing, relying exclusively on private contributions. This model inherently favours incumbents and parties with access to wealthy donors, leaving emerging or smaller parties at a disadvantage. Without a baseline level of public funding, these parties struggle to compete on equal footing, thereby narrowing the political space and limiting voter choice.

Whilst the idea of public funding of political parties is controversial, over the past few decades there has been a clear global shift towards state subsidies: around 60 percent of countries now provide direct financial grants, and approximately 80 percent offer free public broadcasting or other indirect forms of support.

Fiji's relatively stringent party-registration requirements—designed to bar frivolous parties—already safeguard against abuse of public funding. Therefore, becoming eligible for public funding could be simply based on duly obtaining registration under the current provisions of the Political Parties Act. Allocating funds in proportion to each party's vote share is the most widely used criterion worldwide, and Fiji's single, multi-member PR district makes this method especially equitable. Under such a system, even parties that fall short of the 5 percent electoral threshold would receive financial resources commensurate with their actual support, enabling them to sustain operations and compete more effectively in elections. In this way, a modest programme of public funding would help sustain a multi-party landscape in Fiji, and having sufficient safeguards against frivolous entries, and parties formed just to acquire public funds.

### Recommendation

> Establish a costed system of direct public funding with eligibility based on registration and continuing compliance, combining a modest base allocation with a vote-based component. Publish the formula, each allocation and the use of funds. Any campaign expenditure paid from public grants must count towards the applicable spending ceiling.

## Additional Reform: Connect Funding to Women’s Participation

### Finance meaningful candidacy and support

Fiji’s Parliament remains among the lowest worldwide in terms of female representation—women hold under 10 percent of seats, far below global norms. That level of representation makes measures to widen women’s participation a pressing concern Because the open-list PR system used in Fiji does not itself ensure that women rise through party preferences, the most realistic way to increase women’s presence is to tie public campaign funding to candidate gender balance. International IDEA’s 2018 comparative study documented gender-related conditions on public party funding in around 30 countries. These included different forms of incentive and expenditure requirements; the figure does not mean that all 30 imposed the same nomination quota.[17] The useful lesson is that funding rules can give parties a concrete reason to recruit, resource and retain women candidates.

CDD proposes that parties nominating at least 40 per cent women qualify for a dedicated election-year funding top-up. This preserves the general support for political pluralism while directing an additional public benefit towards a clear participation objective. Nomination alone should not exhaust the obligation: the additional money should support women’s campaign activity, training, mentoring, voter outreach and reasonable participation costs, with reported expenditure showing that the intended candidates benefit.

A financial incentive cannot guarantee election or substitute for addressing discrimination, harassment and unequal opportunities within parties. Its value lies in changing the practical resources available to women seeking office and making parties answerable for the support they provide. Eligibility definitions and verification arrangements should be developed through consultation with women's organisations and LGBTQIA+ representatives, consistently with equality and freedom from discrimination.

## Recommendation

> Introduce a gender-targeted top-up linked to a minimum of 40 per cent women among a party's nominated candidates, supported by clear rounding and eligibility rules. Require the additional funds to be used for meaningful support to women candidates, publish expenditure and evaluate participation and election outcomes after each general election. Provide objective administration, proportionate recovery for misuse and independent review of contested eligibility decisions.

## Conclusion

CDD urges the Committee to assess the Bill as a complete regulatory system. The proposed expenditure limits are a welcome foundation, but they cannot compensate for unlimited donor influence, loss of personal financial transparency or an exemption that may shelter inducements to political support.

The Committee should retain and improve the safeguards that make political actors answerable to voters, make compliance practical, and ensure that serious sanctions are administered fairly. Searchable disclosure, modest public funding and practical support for women's participation would make that framework more transparent and inclusive. Fiji needs political finance legislation that permits legitimate participation while preventing wealth, external influence and administrative power from displacing the electorate as the source of democratic authority.

## References and source notes

The principal legislative sources are Bill No. 31 of 2026, clauses 1–13, and the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013. Statutory references in the text identify the relevant provisions directly. Monetary amounts are in Fiji dollars unless stated otherwise. Comparative percentages are attributed to the publication and data period in which they were reported; they are not presented as newly calculated 2026 statistics.

**[1]** New Zealand Legislation Design and Advisory Committee, “Guidance on commencement clauses” (2025); Electoral Amendment Act 2022, section 2. These are comparative drafting examples, not rules binding Fiji. LDAC guidance; Electoral Amendment Act 2022

**[2]** Parliament of Fiji, Electoral (Amendment) Bill 2026, Bill No. 29 of 2026, clauses 2, 27 and 30. These are proposed provisions, not treated here as enacted law. Bill No. 29 of 2026

**[3]** Nilesh Lal, Political Finance Assessment of Fiji (International IDEA, 2021), pp. 15–16 (contribution limits), pp. 20–21 and Table 4 (spending), and p. 31 (deregistration). The spending table reports election-year totals, not campaign-period totals. The 23.3 per cent figure concerns countries, not a democracies-only sample. Political Finance Assessment of Fiji

**[4]** International IDEA, Combatting Corruption in Political Finance: Global Trends, Challenges and Solutions (2025), sections 1.1–1.3. Comparative figures use the Political Finance Database accessed on 16 February 2025. The public-funding figure covers regular and/or campaign grants. International IDEA comparative analysis

**[5]** Electoral Act 2014, sections 114, 115 and 140. Text checked against the annotated Act published by the Fijian Elections Office, alongside the directly relevant amendments proposed in Bill No. 29 of 2026. Electoral Act 2014, FEO annotated text

**[6]** Ivana M. Rossi, Laura Pop and Tammar Berger, Getting the Full Picture on Public Officials: A How-to Guide for Effective Financial Disclosure (World Bank / StAR, 2017), foreword and Appendix A, “Sample 1: Legislation”. The sample comprises 176 countries, of which 161 had a financial disclosure system; the comparative figure is historical. World Bank / StAR guide

**[7]** Constitution of the Republic of Fiji (2013), sections 2, 53, 55, 58, 62, 63 and 149(f). These provisions inform the constitutional analysis of representation, dissolution, donor eligibility and financial accountability. Constitution of the Republic of Fiji

**[8]** OSCE/ODIHR and Venice Commission, Guidelines on Political Party Regulation, second edition, CDL-AD(2020)032, especially paragraphs 106, 109 and 285. These are persuasive international standards, not directly binding rules of Fiji law. Guidelines on Political Party Regulation

**[9]** Fijian Elections Office, "FijiFirst Deregistered" (July 2024). Official account of deregistration under section 12(4), the notice to amend the party constitution and the position of its 26 MPs. FEO deregistration notice

**[10]** Fiji Sun, "Rabuka faces reshuffle criticism", 11 January 2025. Cited for the historical appointment of seven former FijiFirst MPs as ministers or assistant ministers, not as authority for the interpretation of section 20. Report on the January 2025 appointments

**[11]** UK Electoral Commission, Political party donations and loans in Great Britain, "Individuals", guidance dated 1 December 2025. The relevant comparison is electoral-register eligibility for individual donors, including overseas electors. UK Electoral Commission donor guidance

**[12]** US Federal Election Commission, "Who can and can't contribute to a campaign", subsection "Minors". Contributions by minors are subject to voluntary-decision and own-resources conditions; the guidance does not impose a general minimum donor age of 17. US Federal Election Commission guidance

**[13]** Multinational Observer Group, Final Report: 2018 General Election, pp. 19 and 22; Recommendation 12 at p. 42. Read in the annex to the Electoral Commission and Supervisor of Elections' 2018 joint report, PDF pp. 192, 195 and 214. The observations describe the 2018 framework. 2018 report, including the MOG annex

**[14]** Venice Commission, Revised Interpretative Declaration on the Stability of Electoral Law, CDL-AD(2024)027, adopted 21–22 June 2024. Comparative guidance on legal certainty, electoral stability and implementation, not a rule directly binding Fiji. Venice Commission declaration

**[15]** Colombia, Consejo Nacional Electoral, "Cuentas Claras". The official description identifies public access to campaign income and expenditure; cited as an example of a central electronic access system. Cuentas Claras

**[16]** Inter-Parliamentary Union, Parline, Fiji: Parliament, "Data on women", current representation consulted 6 September 2026: five women among 55 members, or 9.1 per cent. These figures differ from the number elected in December 2022. IPU Parline: Fiji women in Parliament

**[17]** Magnus Ohman, Gender-targeted Public Funding for Political Parties: A Comparative Analysis (International IDEA, 2018). The historical comparison covers approximately 30 countries and different gender-related funding conditions, not a uniform nomination quota. International IDEA gender-targeted funding study

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