LEGISLATIVE SUBMISSION

Centre for Democracy & Dialogue

SUBMISSION ON THE FIJI GOVERNMENT DRAFT CONSTITUTION 2026

Bill No. 32 of 2026

To the **Parliamentary Special Committee**

October 2026

1. Introduction

The Centre for Democracy & Dialogue (CDD) makes this submission on the Fiji Government Draft Constitution 2026, contained in Bill No. 32 of 2026 to the Parliamentary Special Committee consulting on the bill. CDD has consistently maintained that Fiji requires constitutional reform. The 2013 Constitution contains important progressive and democratic features, but it also contains serious structural weaknesses, particularly the concentration of power in the Executive and the resulting vulnerability of institutions intended to hold government accountable. Our submission to the Constitution Review Commission in July 2026 therefore argued that the central task of constitutional reform should be to retain the modern democratic foundations of the 2013 Constitution while correcting its structural concentration of power.

The Government Draft Constitution 2026, or GDC, contains some significant improvements that should be retained. These include the stronger proportionality test for limiting constitutional rights, express recognition of the right to strike, removal of the 2013 Constitution's media-specific limitation ground, constitutional caretaker conventions, stronger recognition of land and community rights, and a much narrower constitutional role for the Republic of Fiji Military Forces under civilian authority.

However, the GDC also removes or substantially weakens many of the most important institutional safeguards proposed by the Constitution Review Commission. More fundamentally, in several areas it returns to the same executive architecture that constitutes one of the principal weaknesses of the 2013 Constitution.

CDD therefore submits that Bill No. 32 requires substantial revision before it should proceed to enactment. The issue is not simply whether the Government Draft is different from the 2013 Constitution. The relevant question is whether it produces a better distribution of constitutional power, stronger accountability, genuinely independent institutions, effective rights protection and a democratic system that commands public confidence. A Constitution should not merely rearrange institutions. It must solve the constitutional problems that justify reform in the first place.

2. The principal objective must be to reduce the concentration of executive power

CDD's July submission identified excessive executive power as the principal structural weakness of the 2013 Constitution. The existing Constitutional Offices Commission has an effective 4–2 government-aligned majority; senior judicial appointments remain substantially influenced by the political Executive; Cabinet size is left entirely to the Prime Minister; the office of Prime Minister has no constitutional term limit; Permanent Secretary appointments require political involvement; and several supposedly independent institutions remain structurally vulnerable to political influence.

The CRC Draft attempted to change this architecture. Among other things, it proposed a politically independent Constitutional Offices Commission, more independent senior judicial appointments, a Cabinet cap, a limit on repeated appointment as Prime Minister, stronger public-service independence, independent constitutional implementation machinery, elected local government, stronger integrity mechanisms and expanded avenues for constitutional accountability.

The GDC retains some CRC reforms, but abandons many of these structural restraints. That is the central concern with the present draft. CDD submits that constitutional reform cannot credibly be described as strengthening accountable government if the Executive continues to exercise decisive influence over the institutions responsible for supervising elections, protecting rights, auditing government, appointing senior judges and administering the State.

3. Retain the democratic foundations of the 2013 Constitution

CDD reiterates its earlier position that constitutional reform should not discard the major democratic gains of the 2013 Constitution.

These include:

- common and equal citizenship;
- the common national identity of all citizens as Fijians;
- a common national electoral process;
- one person, one vote, one value;
- national proportional representation;
- a secular State;
- a fully elected legislative chamber; and
- constitutional recognition and protection of indigenous land, culture and identity.

CDD's July submission described these as foundational elements of a modern multi-ethnic liberal democracy. The purpose of reform should be to improve the distribution and accountability of power without unnecessarily dismantling these positive elements of the current constitution.

4. Retain the existing national open-list proportional representation system

CDD strongly recommends that Fiji retain the essential architecture of the existing open-list proportional representation system, with the entire country remaining a single national constituency.

Our July submission proposed retaining OLPR while reducing the electoral threshold from 5 per cent to 2 per cent. The national constituency gives every vote the same value, requires parties and candidates to seek support across the country, avoids the creation of geographically or ethnically concentrated electoral strongholds and completely eliminates the possibility of constituency gerrymandering.

The GDC instead proposes 33 constituency seats and 22 party-list seats. It also permits Parliament by ordinary legislation to alter those numbers. It is hugely problematic for an incumbent parliamentary majority to possess ordinary legislative power to alter the balance between constituency and list seats under the electoral system through which that majority will itself seek re-election. There is also an unresolved technical problem. Neither the GDC nor the CRC Draft clearly provides an overhang mechanism for circumstances in which a party wins more constituency seats than its proportional entitlement. An electoral system should not be constitutionally adopted while a basic question about how seats will be allocated remains unanswered.

CDD therefore recommends:

First, retain the existing national OLPR system.

Second, reduce the national threshold from 5 per cent to 2 per cent, as proposed in our July submission.

Third, retain the all important constitutional principle of one person, one vote, one value.

Fourth, remove constitutional provisions establishing geographical constituencies and the Constituency Boundaries Commission.

Gerrymandering risk if constituencies are nevertheless retained

If Government nevertheless insists on constituency-based elections, the present Constituency Boundaries Commission must be redesigned. The GDC gives the Commission six voting members: a chair appointed on Prime Ministerial advice, one member on Opposition Leader advice and four senior State officials. Structurally, this means five voting positions are occupied by the Prime Minister-appointed chair and senior executive-administration officials, compared with one Opposition-appointed member.

In an electoral system dependent on constituency boundaries, this creates an avoidable risk of actual or perceived political manipulation. The CRC proposed a substantially more independent model, with a three-member Commission appointed by the Electoral Commission after consultation with the Constitutional Offices Commission and with political-independence requirements.

CDD's primary recommendation is that no boundaries commission is needed because national OLPR should be retained. If constituencies are nevertheless adopted, the CRC independence model should be the minimum constitutional safeguard.

5. Retain a unicameral, fully elected legislature

CDD opposes the restoration of an unelected Senate. Our July submission expressly recommended retaining a unicameral Parliament. Laws governing all citizens should be made by representatives elected by those citizens. Legislative scrutiny should be strengthened through better parliamentary committees, meaningful public consultation, adequate Opposition resources and safeguards against rushed legislation, rather than through another chamber of unelected legislators.

The case for the GDC Senate is particularly weak because its ordinary legislative power is limited. Section 75 states that its principal purpose is to review Bills. Under section 56, the Senate may reject an ordinary Bill on one occasion only; if the House passes and resubmits it, the Senate must approve it. Its powers over Money Bills are still more restricted. CDD therefore questions the constitutional and fiscal justification for maintaining a permanent 23-member unelected chamber whose ordinary legislative role is principally review and temporary delay.

There are more targeted and cost-effective ways to protect indigenous legislation. Where particular laws protecting iTaukei land, culture, institutions or customary rights require special protection, the Constitution can require enhanced parliamentary majorities. For example, amendments to specifically listed protected legislation could require a two-thirds majority of the elected Parliament, combined where appropriate with mandatory consultation with the BLV. This would protect indigenous interests without requiring taxpayers permanently to fund a second legislative chamber with limited general legislative power.

CDD therefore recommends:

1. retain a unicameral Parliament;
2. delete the proposed Senate;
3. use carefully defined constitutional supermajorities to protect specified indigenous legislation;
4. strengthen parliamentary committees and public consultation;
5. constitutionally guarantee Opposition leadership of the Public Accounts Committee; and
6. retain a four-year parliamentary term.

If Government nevertheless retains a Senate, the CRC composition, diversity safeguards and more balanced representation should be preferred to a structure in which 14 of 23 Senators are appointed on BLV advice.

6. Retain the four-year parliamentary term

The GDC extends the normal parliamentary term from four years to five years. CDD recommends retaining four years.

A four-year term provides governments sufficient time to implement medium-term policy while ensuring voters are not kept too far removed from the opportunity to renew or withdraw the government's democratic mandate. Our July submission expressly rejected a five-year term on accountability grounds. There is no demonstrated constitutional problem with the present four-year term requiring correction.

7. Remove the office of Vice-President

The GDC creates a new office of Vice-President, described in section 101 simply as the deputy head of State. Its principal substantive constitutional function is to perform the functions of President when the President is absent, unable to act or the office is vacant. Section 108 already provides that if the Vice-President cannot perform that function, the Speaker does so.

CDD questions the need to establish an additional permanent constitutional office, with its own appointment, term, remuneration and removal architecture, principally to perform a contingency function that can be performed by an existing constitutional office-holder. Fiji has operated without a Vice-President under the 2013 Constitution.

CDD recommends deleting the office and providing directly that, where the President is unable to perform the functions of office, the Speaker performs those functions temporarily. Appropriate safeguards can prevent any conflict between the Speaker's parliamentary and temporary head-of-State functions. Constitutional offices should exist because they perform a necessary constitutional function, not simply because comparable offices exist in other constitutional systems.

8. Reconstitute the Constitutional Offices Commission as a genuinely independent body

This is one of the most important reforms required. The GDC substantially restores the 2013 COC model: the Prime Minister as chair, the Attorney-General, two Prime Ministerial nominees, the Leader of the Opposition and one Opposition nominee. This produces an effective 4–2 government-aligned majority on a body responsible for advising appointments to major constitutional offices.

CDD's July submission proposed a different model:

- equal numbers of nominees from the Prime Minister and Leader of the Opposition, with political-disqualification requirements;
- one Fiji Law Society nominee;
- one distinguished academic nominated collectively by the Vice-Chancellors of Fiji's universities, with expertise in law, governance, public administration, political science, human rights, development studies or a related discipline; and
- an independent chair, preferably a retired judge or senior legal practitioner, appointed by consensus between the Prime Minister and Leader of the Opposition, with a Fiji Law Society shortlist fallback if consensus cannot be reached.

The essential principle is straightforward: institutions created to scrutinise government should not depend for their leadership on an appointments body structurally dominated by government. CDD recommends replacing the GDC COC with an independent model reflecting the above CDD proposal.

9. Restore independent appointment of the Chief Justice and President of the Court of Appeal

The CRC Draft removed direct Prime Ministerial advice from appointment of the Chief Justice and President of the Court of Appeal and transferred those senior appointments to a more independent constitutional appointments mechanism. The GDC restores direct Prime Ministerial advice for both offices. CDD recommends reversing this.

Senior judicial appointments should be made through the independent COC or a strengthened Judicial Services Commission, through publicly stated criteria, transparent merit-based assessment and appropriate cross-party consultation. That was the position advanced in our July submission.

CDD further reiterates its earlier recommendation that any suspension of the Chief Justice must trigger a tribunal within a fixed short period, such as seven days, with a defined timetable for completing the inquiry except where extended by the Supreme Court for exceptional reasons. No government should possess the practical ability to convert suspension into indefinite removal by delaying the tribunal process.

10. Strengthen public-service and disciplined-service independence

The CRC removed the requirement for Prime Ministerial agreement to appoint or remove Permanent Secretaries. GDC improves on 2013 by replacing agreement with consultation with the responsible Minister, but CDD considers the CRC model stronger. Permanent Secretaries administer the State and should not depend on political approval for appointment or continued tenure. CDD's July submission therefore proposed strengthening the Public Service Commission and removing the Prime Minister's agreement requirement.

The CRC also gave the Police and Corrections Commissioners greater independence over personnel arrangements by removing the express requirement for ministerial agreement over employment terms, qualifications, recruitment procedures, pay and staffing levels, subject to the approved budget.

CDD recommends restoring these protections. Ministers should legitimately determine broad policy. They should not have unnecessary leverage over operational staffing arrangements in institutions that require a high level of professional independence.

11. Restore the Cabinet cap and Prime Ministerial limit

The CRC capped Cabinet at 15 members and limited a person to appointment as Prime Minister on two occasions. GDC removes both restraints. CDD recommends restoring them.

A 15-member Cabinet cap reduces executive bloat and limits the use of ministerial office as a mechanism of political reward. The Constitution should additionally require Cabinet, as far as practicable, to reflect Fiji's gender, cultural, ethnic and regional diversity. Our July submission also proposed a narrowly limited ability to appoint outside ministers for diversity or specialist expertise, subject to parliamentary confirmation and full accountability requirements.

CDD also continues to support a constitutional limit on repeated service as Prime Minister. The precise drafting may be framed as two parliamentary terms or two appointments, but the objective should be clear: prevent excessive personalisation of executive power and encourage democratic leadership renewal.

12. Strengthen the independence of the Speaker

CDD reiterates its earlier recommendation that the Speaker should be constitutionally protected as an independent guardian of Parliament. The Speaker should be elected by a meaningful parliamentary supermajority rather than by a bare government majority and should be constitutionally required to act with strict political neutrality. A legislature cannot effectively scrutinise government if its presiding officer is structurally treated as an extension of the governing majority.

13. Retain the major Bill of Rights improvements, but restore the CRC enforcement architecture

CDD strongly supports several improvements contained in both CRC and GDC. The stronger proportionality test for restricting rights is a major improvement. Government should bear the burden of showing that interference with a right is reasonable and justifiable in an open and democratic society and that less restrictive alternatives are unavailable.

CDD also supports:

- express recognition of the right to strike;
- removal of the 2013 Constitution's specific media-regulation limitation ground;
- stronger consideration of relevant international law;
- stronger protection of personal information and data; and
- the strengthened rights framework generally.

These should be retained. However, GDC removes several highly desirable CRC enforcement mechanisms.

CDD recommends restoring:

1. broader public-interest standing;
2. representative actions for persons unable to litigate themselves;
3. the High Court's ability to initiate constitutional proceedings where appropriate;
4. discretion to protect genuine public-interest applicants from adverse costs;
5. the express constitutional right to a remedy and to the truth;
6. investigation and disclosure rights following serious rights violations;
7. preservation of evidence and access to relevant archives;
8. reparation and recognition of the interests of victims, families and affected communities; and
9. direct access by appropriate independent bodies, including the Human Rights and Anti-Discrimination Commission, to the Supreme Court for constitutional determinations.

Rights do not protect citizens merely because they appear in constitutional text. They require realistic and affordable mechanisms of enforcement.

14. Delete the constitutional permission for physical punishment of children

Section 40(1)(e) should be deleted. The provision protects children from abuse, harmful practices, violence and inhumane punishment, but then states that “lawful and moderate chastisement is permissible for the purposes of correction.” CDD considers it grossly inappropriate for a modern Bill of Rights to constitutionalise an express permission for physical punishment of children.

The clause is also difficult to reconcile with the same provision's protection against violence and with section 40(2), which makes the child's best interests the primary consideration in every matter concerning the child. The Constitution should provide children with a floor of protection against

violence. It should not create a constitutional exception allowing physical punishment and leave future courts to determine what level of physical force is sufficiently "moderate". CDD recommends deleting the sentence entirely.

15. Restore constitutional regulation of political parties, political finance and campaigning

The CRC places important safeguards for political competition directly in the Constitution. CDD recommends restoring constitutional principles governing:

- internal democratic standards for political parties;
- political donations and prohibited sources;
- financial reporting and transparency;
- campaign-finance rules;
- fair-campaign standards;
- media access; and
- accountability for campaign expenditure.

These matters should not depend entirely on ordinary legislation because an incumbent parliamentary majority should not be able easily to rewrite the rules of political competition for its own advantage. Detailed monetary limits may properly remain in legislation, but core principles of transparency, fairness, disclosure and equal political competition should have constitutional protection.

16. Restore the constitutional gender-representation mechanism

CDD's July submission proposed constitutional incentives for gender balance, including public-funding incentives for parties reaching at least 40 per cent representation of either gender. The CRC went further and required party lists to alternate women and men.

In light of Fiji's persistent under-representation of women, CDD supports incorporating a meaningful constitutional gender-representation mechanism. If the existing OLPR system is retained, the exact mechanism should be redesigned for OLPR rather than copied mechanically from the CRC's MMP list structure. The constitutional principle, however, should remain: political parties must carry enforceable obligations to improve women's representation rather than leaving the matter entirely to voluntary party practice.

17. Restore elected local government as a constitutional guarantee

The CRC requires local governments to be regularly elected, gives them constitutionally protected powers and resources, requires adequate and reasonably predictable revenue and limits central government intervention.

GDC removes these guarantees and largely returns local government to ordinary legislation. CDD considers this a major lost opportunity.

Our July submission specifically argued that decentralisation should strengthen elected local government, municipal councils, provincial democratic structures and community-based decision-making rather than create ethnically defined structures of political power.

Fiji has experienced long periods without municipal elections. A Constitution intended to deepen democracy should ensure that local democracy cannot simply be suspended indefinitely by ordinary political decision. CDD recommends restoring the CRC local-government chapter.

18. Restore the National Planning Commission and National Infrastructure Council

CDD supports restoring the CRC's National Planning Commission and National Infrastructure Council. Long-term national development and infrastructure planning should not depend entirely on the electoral cycle or the policy preferences of the government of the day. Constitutional recognition can provide continuity, transparency and a structured national planning process while leaving detailed functions to legislation.

19. Constitutionally guarantee an Opposition-chaired Public Accounts Committee

CDD strongly supports the CRC provision constitutionally establishing the Public Accounts Committee and requiring Opposition leadership. The PAC examines public expenditure and therefore performs one of Parliament's most important executive-accountability functions. The body scrutinising how government spends public money should not be controlled by government.

Our July submission expressly recommended constitutional recognition of the PAC and an Opposition chair. That protection should be restored.

20. Restore comprehensive constitutional integrity and conduct rules

CDD recommends restoring the CRC's more detailed constitutional code of conduct for State officers. Core requirements concerning conflicts of interest, improper private gain, gifts, disclosure, use of confidential information and financial interests should not be left almost entirely to future legislation. The Constitution should establish minimum integrity standards that no ordinary parliamentary majority can remove.

The Salaries and Benefits Commission should also cover political office-holders. Creating an independent remuneration body but expressly excluding MPs, the Speaker, Deputy Speaker, President and Vice-President removes from its mandate precisely the offices where public confidence in independent salary-setting is especially important.

21. Retain and constitutionally protect FICAC or an equivalent independent anti-corruption commission

The GDC expressly repeals the Fiji Independent Commission Against Corruption Act 2007 but establishes no corresponding permanent constitutional anti-corruption commission. CDD considers this an unacceptable institutional gap unless a clear, independent and durable replacement is established.

The CRC retained FICAC as a constitutional institution while separating investigation from prosecution by requiring prosecution recommendations to be referred to the independent Director of Public Prosecutions.

CDD recommends retaining that broad model, or establishing an equivalent independent anti-corruption commission with constitutionally guaranteed:

- institutional independence;
- secure tenure;
- independent investigation powers;
- protected funding;

- transparent appointment procedures;
- annual reporting; and
- separation between investigation and final prosecutorial decision-making.

Pending investigations cannot be the only transitional concern. Fiji requires a permanent institutional architecture for preventing and investigating corruption.

22. Restore a more independent and clearly defined BLV, but do not give it disproportionate national legislative power

CDD recognises the legitimate constitutional importance of the Bose Levu Vakaturaga in relation to iTaukei culture, welfare, customary governance, community interests and reconciliation. CDD supports constitutional recognition of those responsibilities and supports CRC-style provisions requiring institutional independence, clearly defined functions and annual reporting to Parliament.

However, CDD distinguishes between protecting indigenous rights and giving a communal institution disproportionate control over national political institutions. Under GDC, 14 of 23 Senators are appointed on BLV advice. This creates an outright Senate majority. The BLV also appoints the President and Vice-President after consultation with the Prime Minister and is given special constitutional roles in relation to particular amendments.

CDD recommends:

- retaining constitutional recognition of the BLV;
- defining and protecting its cultural, customary, welfare and reconciliation functions;
- requiring annual public reporting to Parliament;
- protecting its institutional independence;
- removing its Senate-majority role because CDD recommends no Senate;
- replacing direct selection of the President with a pluralistic appointment mechanism; and
- protecting specified indigenous laws through carefully designed constitutional supermajorities rather than a permanent unelected legislative chamber.

The Constitution should strongly protect indigenous rights without recreating ethnically defined structures of national political power.

23. Adopt a pluralistic mechanism for selecting the President

CDD recommends reconsidering GDC's direct appointment of the President by the BLV. The CRC's broader Presidential Appointment Commission model is preferable because the Head of State is a national constitutional office representing all citizens.

A pluralistic and politically balanced appointment mechanism can preserve dignity and independence while ensuring the President is not institutionally identified with one political, ethnic or communal constituency. The mechanism should include meaningful indigenous participation while remaining national in character.

24. Restore the National Consultative Land Forum and stronger participatory land governance

CDD supports the stronger participatory land-governance architecture proposed by the CRC.

The Constitution should include:

- meaningful consultation with persons and communities whose land rights or interests may be affected;
- free, prior and informed consent for appropriately defined major projects;
- continuing consultation while projects continue to affect those rights or interests; and
- a permanent National Consultative Land Forum giving landowners, tenants and other affected interests an institutional voice.

These protections should be carefully drafted so that indigenous and community rights are genuinely protected without creating unnecessarily broad vetoes capable of preventing legitimate and proportionate development in the wider public interest.

25. Restore the independent Constitution Implementation Commission

The GDC makes Government responsible for implementing the new Constitution for the first five years. The House **may** establish an implementation oversight committee. CDD considers this insufficient.

A new Constitution necessarily requires the Government to enact laws and administrative measures that may constrain the Government itself. Implementation should therefore not be supervised principally by the institution being regulated.The CRC establishes an independent Constitution Implementation Commission and a mandatory parliamentary oversight committee. CDD recommends restoring both.

The Implementation Commission should independently monitor legislation, institutional establishment, transitional arrangements and implementation deadlines and report publicly on delays or failures. Parliamentary oversight should be mandatory, not optional.

26. Expressly distribute sovereign authority

CDD supports restoring the CRC provision expressly recognising that sovereign authority belongs to the people and is distributed among the constitutional institutions through which public power is exercised. This provision captures a central principle of constitutional democracy: no single institution, including the Executive, owns State power.

Expressly identifying Parliament, the Executive, the courts, independent bodies, local government and other constitutional institutions reinforces the principle that each exercises only the authority constitutionally assigned to it. This would be especially valuable in a Constitution intended to correct executive concentration.

27. Restore the CRC interpretive materials provision

CDD supports allowing courts, when interpreting the new Constitution, to have regard to the official record of the CRC process, its report, relevant parliamentary debates and formally identified constitutional materials. This promotes transparency about constitutional purpose and helps courts resolve ambiguity by reference to the documented history of the reform process. Any such materials must be officially identified and publicly accessible.

28. Retain secularism and remove constitutional preference for Christianity

CDD reiterates its July position that Fiji must remain a secular State. GDC states that religion and the State are separate and that public office-holders must treat religions equally. Those protections should remain. However, the simultaneous constitutional identification of Christianity and family values as

founding values, together with the statement that worship and reverence for God are the source of good governance and leadership, creates an unnecessary tension with State religious neutrality.

Secularism protects religion by preventing the State from privileging one faith over another or religious belief over non-religious belief. The Constitution should protect Christianity, Hinduism, Islam and every other faith equally while remaining institutionally neutral. CDD therefore recommends retaining the strong religious-liberty provisions but removing language that constitutionally privileges one religion as a State founding value.

29. Retain common and equal citizenship and the common national identity

CDD supports retaining the GDC provisions recognising the equal status of all citizens and continuing the common national identity of citizens as Fijians. This is consistent with our July submission. A common civic nationality does not erase ethnic or indigenous identity. A person may simultaneously possess an ethnic, cultural or indigenous identity and a common legal nationality. These provisions should not be weakened.

30. Retain the narrower military role and express civilian authority

CDD supports GDC's narrowing of the constitutional role of the RFMF compared with the broad 2013 responsibility for Fiji's "security, defence and well-being". The military's principal constitutional purpose should be external defence, together with tightly regulated assistance to civilian authorities when lawfully requested. The Commander should remain expressly subject to civilian constitutional authority. This is a significant democratic improvement and should be retained.

31. Retain constitutional caretaker conventions

CDD also supports the caretaker provisions contained in both CRC and GDC. These provisions provide important safeguards against an outgoing government using incumbency during the election period to take major policy decisions, enter significant commitments or bind an incoming administration except where required by the public interest. They should remain.

32. Reform the urgent-legislation procedure

CDD does not support GDC's approach under which the Prime Minister personally certifies a Bill as urgent for the special accelerated process. Our July submission proposed that departure from ordinary legislative scrutiny should require a two-thirds parliamentary majority except for narrowly defined genuine emergencies, such as major natural disasters, war, public-health emergencies or independently certified urgent fiscal measures.

Even in such cases:

- reasons should be given in writing;
- the accelerated process should be narrowly time-limited;
- public consultation should occur wherever practicable; and
- the law should receive mandatory post-enactment parliamentary review.

Urgency should not depend principally on the judgment of the Prime Minister whose Government is seeking passage of the Bill.

33. Create a constitutional citizens' petition mechanism

CDD reiterates its July recommendation for a citizens' petition mechanism. Citizens should be able, upon obtaining a prescribed number of signatures, to require Parliament to refer an issue of national importance, an existing law or a proposed legislative reform to the appropriate parliamentary committee. A higher threshold could trigger mandatory parliamentary debate.

This would not allow citizens to bypass Parliament or enact law directly. It would ensure that Parliament cannot simply disregard matters that attract substantial demonstrated public support.

34. Remove the new immunity provisions, or at minimum prevent any extension into future governmental activity

CDD recommends removing the new immunity regime. At minimum, the Constitution must not extend immunity beyond the historical period already protected by existing arrangements.

Section 206 grants extraordinarily broad immunity for direct or indirect participation, appointment or involvement in Government from 5 December 2006 until the first sitting of the first Parliament elected after the new Constitution commences. This resets the endpoint used in the 2013 Constitution and creates the possibility that governmental activity occurring after commencement falls within the immunity period. This is unnecessary if the objective is merely to preserve historical immunity.

The problem becomes more serious when read with the commencement and transition provisions. The existing Prime Minister and Ministers continue under the new Constitution, while the current Parliament continues only for the balance of its existing four-year term. If the Constitution were commenced before the new electoral arrangements were operational and Parliament then expired, Fiji could face a period of profound uncertainty concerning democratic legislative authority while Cabinet continued.

CDD does not assert that such an outcome is intended. But constitutional drafting should eliminate such a possibility, not create it. There is also a serious textual tension. Section 2(6) states that attempts to establish government otherwise than in accordance with the Constitution are unlawful and that no immunity may lawfully be granted for actions furthering such an attempt. Sections 204–207 then preserve and create an exceptionally broad immunity framework, while s206 potentially reaches participation in Government after the new Constitution has commenced.

CDD recommends:

Primary position: remove the new immunity provisions and reconsider continued constitutional entrenchment of historical coup immunity.

Minimum position: expressly limit any retained immunity to an already concluded historical period and make it impossible for any act, appointment, participation or involvement in government occurring after commencement of the new Constitution to attract immunity.

35. Make commencement absolutely clear

The commencement provisions must be rewritten. The outer Bill states that the Act comes into force on 31 March 2028. Proposed s211(2) also states that the Constitution comes into force on 31 March 2028. Yet s211(3) purports to authorise the President by proclamation to fix an earlier date as the date of commencement of “this Act”.

This creates unnecessary uncertainty, including a question about how a power contained in an Act that has not yet commenced can itself be exercised to commence that Act earlier. The matter is too constitutionally important to leave ambiguous.

CDD recommends:

1. one fixed commencement date;
2. deletion of s211(3);
3. no discretion for Cabinet or the President to trigger earlier commencement;
4. commencement only after all necessary constitutional, electoral and administrative arrangements are legally and operationally ready; and

If 31 March 2028 is retained, that date should be stated once and applied unequivocally.

36. Correct the GDC's major drafting defects and internal inconsistencies before enactment

Quite apart from policy disagreements, the current draft contains significant drafting problems that should not appear in a final Constitution.

CDD has identified at least twelve serious errors, contradictions, ambiguities or incomplete design issues requiring correction.

36.1 Conflicting election-petition deadlines and standing

Section 97 provides in one place that a petition may be brought by a voter or candidate within 21 days of declaration of the poll, while a later subsection allows a voter, candidate or Attorney-General to bring a petition within six weeks.

Both cannot simultaneously be the general filing rule. Election litigation is inherently time-sensitive. The Constitution must state one deadline and one clear rule on standing.

36.2 Cabinet declares an emergency, but later subsections call it a Prime Ministerial declaration

Section 200(1) states that Cabinet, on the recommendation of the National Security Council, may declare a state of emergency. Later subsections refer repeatedly to “the declaration made by the Prime Minister”. This is a basic internal inconsistency concerning who exercises one of the most exceptional powers in the Constitution. The provision must identify one constitutional decision-maker throughout.

36.3 Immunity is declared unamendable, but the amendment chapter provides a method for amending it

Section 207 states that the immunity chapter and immunities granted or continued under it cannot be reviewed, amended, altered, repealed or revoked. Section 209, however, expressly identifies ss204–207 as “entrenched provisions” that may be amended with a three-quarter majority in each House. These propositions are irreconcilable. The Constitution cannot simultaneously declare a provision incapable of amendment and prescribe the majority required to amend it.

36.4 Tension between the prohibition on future unconstitutional immunity and the new immunity period

Section 2(6) states that government established outside the Constitution is unlawful and that no immunity can lawfully be granted for acts furthering such an attempt.

Section 206 creates an immunity period ending only with the first sitting of the first Parliament elected after commencement.

The relationship between these provisions requires complete clarification so that no post-commencement unconstitutional exercise of governmental authority could possibly fall within an immunity provision.

36.5 Circular or ineffective earlier-commencement mechanism

As noted above, the outer Bill comes into force on 31 March 2028, while s211(3), contained within the new constitutional text, purports to allow an earlier date for the commencement of "this Act". The legal basis for exercising a commencement power before the provision creating that power is itself operative is at best unclear. The solution is simple: remove the discretionary earlier-commencement mechanism.

36.6 Inconsistent definitions of "this Constitution"

Section 212 defines "this Constitution" as the Constitution Amendment Act 2026. Section 213, for the transitional Part, separately defines "This Constitution" as the Constitution of the Republic of Fiji as amended by the Constitution Amendment Act 2026. A supreme constitutional text should not use materially different definitions of the same expression without compelling and unmistakable justification. The terminology should be corrected and standardised.

36.7 Section 229 is circular

Section 229 begins:

"Subject to Part E of this Chapter..."

Section 229 itself is contained in Part E.

This appears to be an erroneous self-reference and must be corrected.

36.8 Unclear interaction between preservation of the old immunity chapter and repeal of the 2013 Promulgation Decree

The outer Bill expressly preserves Chapter 10 of the 2013 Constitution. Proposed s229 then states that the Constitution of the Republic of Fiji (Promulgation) Decree 2013 is repealed. The intended legal relationship between preservation of Chapter 10 and repeal of the instrument containing it should be stated unequivocally rather than left to implication.

36.9 Mercy Commission transitional cross-references appear defective

Section 217(2) identifies four first-appointed Mercy Commission members for staggered terms, but paragraphs (a), (b) and (c) all refer to members appointed under s140(2)(b). Those cross-references should be checked and corrected before enactment.

36.10 FICAC repeal creates an institutional and transitional gap

The GDC repeals FICAC's founding Act while providing for pending investigations to continue. However, there is no permanent corresponding anti-corruption institution in the Constitution and the long-term institutional destination of functions, personnel, assets and future investigations is insufficiently clear. A constitutional transition should identify the successor institution before abolishing the institution presently performing the function.

36.12 The child-chastisement clause conflicts with the protective purpose of the same provision

Section 40 simultaneously protects children from "any form of violence" and inhumane punishment, permits "lawful and moderate chastisement" and declares the best interests of the child to be the

primary consideration. Even apart from CDD's substantive objection to physical punishment, this is conceptually incoherent drafting. The exception should be deleted.

37. Additional provisions requiring reconsideration

CDD also recommends reconsideration of the following:

Attorney-General professional misconduct

Under the 2013 Constitution and CRC approach, serious professional misconduct creates a continuing integrity disqualification. GDC limits the professional-misconduct exclusion to the previous eight years. No clear constitutional rationale is apparent for why a finding of professional misconduct should cease to matter after precisely eight years for the office of the Government's chief legal adviser. The permanent integrity requirement should be restored.

Judicial removal wording

Where a properly constituted tribunal or medical board recommends removal of a judge for incapacity or misbehaviour, the GDC states that the President **may** remove the judicial officer. CDD recommends reviewing whether this should instead require the President to act in accordance with the independent tribunal's determination, as stronger protection against political discretion.

National Security Council

The CRC constitutionally specifies a broader National Security Council structure, including Opposition and parliamentary participation, while Police and military leadership participate as non-voting advisers. GDC leaves considerably more of the Council's composition and functions to legislation. CDD recommends restoring the CRC safeguards so that national-security decision-making cannot be redesigned solely by an ordinary government majority.

Political salaries

As noted earlier, political office-holders should not be excluded from the Salaries and Benefits Commission. Independent salary-setting is particularly important where office-holders would otherwise participate in determining their own remuneration.

38. Summary of CDD's priority amendments

CDD recommends that Bill No. 32 be comprehensively revised to:

1. retain national OLPR and the national constituency, with the threshold reduced to 2 per cent;
2. delete MMP constituencies and the Constituency Boundaries Commission, thereby eliminating gerrymandering risk;
3. retain a unicameral, fully elected legislature;
4. replace special Senate protections for indigenous laws with carefully designed supermajority protections in the elected Parliament;
5. retain a four-year parliamentary term;
6. remove the office of Vice-President;
7. establish a genuinely independent Constitutional Offices Commission;
8. restore independent appointment arrangements for the Chief Justice and President of the Court of Appeal;
9. cap Cabinet at 15;
10. introduce a constitutional Prime Ministerial service limit;
11. strengthen Public Service, Police and Corrections independence;
12. restore the CRC's political-party, political-finance and campaign safeguards;
13. provide a meaningful constitutional gender-representation mechanism;

14. restore constitutional protection for elected local government;
15. restore the National Planning Commission;
16. restore the National Infrastructure Council;
17. restore the independent Constitution Implementation Commission;
18. make the Constitution Implementation Oversight Committee mandatory;
19. restore the National Consultative Land Forum;
20. restore CRC public-interest standing and costs protections;
21. restore the constitutional right to truth and remedy;
22. restore a detailed constitutional code of conduct;
23. constitutionally protect FICAC or an equivalent independent anti-corruption commission;
24. constitutionally guarantee an Opposition-chaired Public Accounts Committee;
25. expressly recognise the distribution of sovereign authority among constitutional institutions;
26. allow official CRC and parliamentary materials to serve as constitutional interpretive aids;
27. protect a clearly defined and independent BLV but remove disproportionate national legislative power;
28. adopt a pluralistic mechanism for appointment of the President;
29. delete the “lawful and moderate chastisement” provision;
30. reform the urgent-legislation procedure by requiring a two-thirds majority except in tightly defined emergencies;
31. create a citizens' petition mechanism;
32. retain secularism and State religious neutrality;
33. retain common and equal citizenship and the common Fijian national identity;
34. retain the stronger general rights-limitation test, right to strike, improved media-freedom framework, caretaker conventions and narrowed military role;
35. remove the new immunity provisions or, at absolute minimum, ensure that immunity cannot extend into future governmental activity;
36. establish one unambiguous commencement date with no executive power to bring the Constitution into force early; and
37. conduct a complete technical redrafting exercise to correct every internal contradiction, duplicate provision, defective cross-reference and unresolved transitional issue before the Constitution proceeds.

39. Conclusion

CDD supports constitutional reform, but constitutional reform must solve the problems that justify it.

The principal structural problem in the 2013 Constitution is not equal citizenship, secularism, national proportional representation, a fully elected legislative chamber or its modern Bill of Rights. Those are strengths.

The deeper problem is the **concentration of constitutional power**, particularly the ability of the political Executive to exercise excessive influence over institutions intended to constrain it.

The CRC Draft was not perfect and CDD does not support every aspect of it. In particular, CDD does not support the proposed Senate or the move away from national OLPR. But the CRC did make a serious attempt to redistribute constitutional power through a more independent appointments system, stronger executive restraints, independent implementation machinery, elected local government, stronger integrity institutions and more effective rights enforcement.

Many of those reforms have disappeared from the GDC.

At the same time, the GDC introduces new and unnecessary constitutional structures, including an unelected Senate and Vice-President; creates serious concerns around constituency boundary-setting; removes important independent institutions; creates a new immunity framework; constitutionalises an exception permitting physical punishment of children; and contains numerous internal contradictions and drafting defects that should never appear in the final supreme law of the State.

Fiji should not replace one Constitution simply to reproduce the principal structural defect of the Constitution being replaced.

A durable constitutional settlement should preserve what is democratic and progressive, correct what concentrates power, strengthen independent institutions, protect indigenous and minority rights without unnecessarily fragmenting national political authority, and ensure that every public institution remains accountable under law.

Above all, Fiji needs a Constitution that distributes power rather than concentrates it, protects rights in practice rather than merely in text, and belongs equally to all the people of Fiji.

CDD Proposed Amendment Schedule for Bill No. 32 of 2026

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
Outer Bill s1(2)	Fixes commencement at 31 March 2028, while proposed Constitution s211(3) purports to permit an earlier date.	Retain one fixed commencement date only and make it identical throughout the Bill. Delete every power to commence earlier.	Commencement of a Constitution must not depend on executive discretion or create transitional uncertainty.
Outer Bill s2(a)	Preserves Chapter 10 of the 2013 Constitution, thereby preserving the existing immunity regime.	Delete s2(a) if immunity is removed. If historical immunity is retained, expressly confine it to its already concluded historical period.	The new Constitution should not perpetuate or expand immunity unnecessarily.
Outer Bill s3	Contains obvious drafting defects, including “neccessary”, “lawfull” and “ommission”, and awkward syntax.	Completely redraft and proofread s3 before enactment.	A supreme constitutional instrument should not contain elementary drafting errors.
Preamble	Gives unusually extensive constitutional prominence to Christianity, while the Constitution simultaneously declares State/religion separation. It also awkwardly lists “Indians, descendants of Girmitiyas”.	Rewrite in religiously neutral and historically coherent language. Recognise the contribution of all faith communities without privileging Christianity. Replace the Girmitiya wording with historically accurate, non-duplicative language.	CDD supports a secular State and common equal citizenship.
s1(1)(a)	Makes “Christianity and family values” founding constitutional values.	Delete “Christianity” as a State founding value. If desired, replace with neutral language such as “family, community, mutual responsibility and social cohesion”.	Secularism requires the State not to constitutionally prefer one religion.
s1(2)	Declares worship and reverence for God to be the source of good governance and leadership.	Delete subsection (2).	Good governance should rest constitutionally on democracy, law, integrity and accountability, while religious belief remains protected personally.
New provision after s2	GDC lacks CRC’s express distribution of sovereign authority.	Insert a provision declaring that sovereign authority belongs to the people and is distributed among Parliament, Executive, Judiciary, independent institutions and constitutionally protected levels of government.	One of the central purposes of reform is to disperse power rather than concentrate it.
s3	Does not include CRC’s fuller recognition of official constitutional materials as interpretive aids.	Add that courts may consider the CRC Report, official constitutional records, relevant parliamentary materials and other formally identified constitutional history.	Improves interpretive transparency and preserves the documented purpose of reforms.
s5	Citizenship by birth is narrower than CRC because birth in Fiji alone does not generally confer citizenship.	Adopt the CRC birth-citizenship model, subject only to tightly defined conventional exceptions.	More inclusive citizenship and lower risk of statelessness.
s8	Stronger proportionality test.	Retain. No substantive weakening.	This is one of the GDC’s important positive reforms.
s10	Returns largely to 2013’s narrower rights-enforcement standing.	Adopt CRC standing: permit public-interest applicants, representatives for persons unable to act, appropriate organisational standing and High Court own-motion action.	Makes rights practically enforceable.
s10	No CRC-style discretionary costs protection.	Add power for the Court to protect bona fide public-interest constitutional applicants from adverse costs where justice requires.	Access to constitutional justice should not depend on wealth.
New provision after s10	GDC omits CRC’s right to remedy and truth.	Insert CRC-style right to effective remedy and truth, including investigation, disclosure, preservation of evidence, appropriate reparation and access to relevant records.	Important modern rights/accountability safeguard.
s18 / rights enforcement framework	GDC lacks CRC’s broader remedial architecture.	Expressly empower courts to grant just and effective constitutional remedies, including appropriately suspended or prospective invalidity where necessary.	Courts need flexible remedies for unconstitutional laws.
s20	GDC removes 2013’s media-specific constitutional regulation ground.	Retain this improvement.	Media restrictions should be justified under ordinary constitutional standards rather than a special media-control clause.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
s23	Expressly protects right to strike.	Retain.	Important improvement in collective labour rights.
s29	GDC substantially restores 2013 exceptions relating to State employment/public office that CRC had removed.	Adopt the narrower CRC equality exceptions. Remove unnecessary special constitutional exceptions for State-service restrictions and exclusion from public offices.	Government itself should ordinarily comply with the equality guarantee.
s31	Applies the general resources/progressive-realisation qualification across all Part C rights, including children and persons with disabilities.	Amend s31 so that immediate civil protections in ss40–41 are not subject to progressive realisation or available-resource qualification.	Protection from violence, abuse and discrimination should not depend on government resources.
s32	Removes the broader 2013 right to further education and uses the unusual formulation of "free further education" only for persons unable to complete primary/secondary schooling.	Restore a general right to further education subject to progressive realisation, with a separate catch-up education guarantee.	Clearer and broader education protection.
s32	Changes "Fiji Hindi" to "Hindi" and replaces "compulsory subjects" with "must be taught".	Review and clarify the language provision deliberately rather than through ambiguous drafting.	The constitutional effect should be intentional and clear.
s40(1)(e)	Permits "lawful and moderate chastisement … for the purposes of correction".	Delete the sentence entirely.	It conflicts with protection from violence and the best-interests-of-the-child principle, control key human rights convention and has no place in a modern day democracy.
s40(2)	Best-interests principle is strong.	Retain.	Positive safeguard.
s42	HRADC lacks CRC's direct Supreme Court constitutional-reference power.	Add power for HRADC to seek a Supreme Court determination on constitutional questions within its mandate.	Strengthens institutional enforcement of rights.
ss44–45	Consultation improvements are positive, but GDC omits CRC's continuing-consultation obligation.	Add an express duty of continuing consultation for so long as a project materially affects rights or interests.	Land participation should continue after initial approval where effects persist.
s45(3)–(4)	"Large project" category and process can largely be defined by ordinary law.	Place minimum criteria for large projects and FPIC directly in the Constitution. Legislation may add detail but not narrow the constitutional minimum.	Prevents ordinary legislation from hollowing out the protection.
New provision after s45	No National Consultative Land Forum.	Establish the CRC National Consultative Land Forum constitutionally.	Gives landowners, tenants and affected communities an enduring institutional voice.
s50	Indigenous/Rotuman/Banaban statutory protection depends on an unelected Senate and specified communal Senators.	Rewrite for a unicameral Parliament. Require an enhanced elected-House majority, preferably two-thirds, for alteration of specified protected land/indigenous laws, together with mandatory consultation with the relevant indigenous institution.	Protects indigenous laws without maintaining an expensive unelected chamber.
s52	Does not reproduce CRC's equal constitutional language status framework.	Consider adopting the CRC formulation recognising English, iTaukei, Rotuman and Hindi at constitutional level while protecting indigenous languages specifically.	Clarifies language status while retaining special protection for indigenous languages.
s55	Creates bicameral Parliament comprising President, elected House and unelected Senate.	Replace with a unicameral Parliament consisting of the President and one elected House.	CDD's primary position is a fully elected legislative chamber.
s56(3)	Senate may reject an ordinary Bill only once, calling into question the need for a permanent second chamber.	Delete as consequential to abolishing Senate.	Legislative scrutiny can be achieved more efficiently through committees and consultation.
s56(4)	Prime Minister personally certifies urgency.	Replace with a two-thirds House vote for expedited consideration, except tightly defined genuine emergencies. Require written reasons and post-enactment review.	Urgency should not be controlled personally by the head of government. CDD proposed this in July.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
ss57–58	Structured around a Senate.	Consequentially redraft for unicameral Parliament. Preserve special rules for Money Bills where necessary.	Senate removal requires consequential revision.
ss63–64	Establish 33 constituencies and 22 party-list seats under an MMP-type structure.	Replace with the existing national open-list proportional representation system and single national constituency.	CDD expressly proposed retaining OLPR.
s64	Parliament can change constituency/list numbers by ordinary written law.	Delete this power. Under retained OLPR, parliamentary size should follow an objective constitutional population mechanism or fixed constitutional formula.	Incumbent majorities should not redesign the electoral architecture under which they compete.
s64	Proposed MMP has no clear overhang-seat mechanism.	Moot if OLPR retained. If MMP remains, constitutionally or statutorily establish a clear overhang/compensatory mechanism before commencement.	Otherwise the system would fail to function properly.
s64 gender provisions	GDC does not reproduce CRC's strong mandatory gender mechanism.	Require party candidate lists to include at least 40% of each gender, with an effective placement/numbering rule adapted to OLPR.	Implements CDD's earlier gender-balance proposal while making it enforceable.
s66	Five-year House term.	Replace "5 years" with "4 years".	Four years better balances governing time and electoral accountability.
s69(2)	Polling may commence up to 70 days after nominations.	Reduce to no more than 30 days after nominations, unless a tightly defined emergency requires otherwise.	Avoids an unnecessarily prolonged election timetable.
s73	Speaker remains essentially a majority appointment.	Require election of Speaker by a two-thirds majority or other meaningful cross-party supermajority and impose an express constitutional duty of neutrality.	CDD July recommendation.
ss75–80	Establish and operate 23-member unelected Senate, including 14 BLV-advised members, 6 PM-advised, 2 Opposition-advised and 1 Rotuma-advised.	Delete Part C in its entirety.	Costly unelected chamber with limited ordinary veto power is unnecessary.
s83	Does not constitutionally establish an Opposition-chaired PAC.	Insert constitutional Public Accounts Committee, with Opposition member as chair and government minority/control safeguards appropriate to oversight.	PAC scrutiny of public expenditure should not be government-controlled.
New provisions near s83 / financial chapter	No National Planning Commission or National Infrastructure Council.	Insert CRC-style National Planning Commission and National Infrastructure Council.	Long-term planning should survive electoral cycles.
s89	Provides public access/participation but not CDD's citizens' petition mechanism.	Add petition thresholds requiring committee hearing/report and, at a higher threshold, parliamentary debate.	Gives citizens a formal route to place nationally supported issues before Parliament.
s91	Establishes separate Senate Secretary-General.	Delete Senate references consequentially.	Unicameral Parliament.
s92	Electoral Commission appointed through political GDC COC; party regulation left largely to ordinary law.	Appointment through reconstituted independent COC. Insert constitutional minimum standards for party democracy, finance, disclosure and campaign fairness.	Electoral rules should not be easily altered for partisan advantage.
New electoral provisions after s92 or s97	GDC omits CRC constitutional political-party, finance and campaign safeguards.	Add constitutional principles on donations, prohibited sources, disclosure, expenditure transparency, equitable campaign rules and enforcement.	Incorporates infographic/CRC safeguards.
s94	Creates Constituency Boundaries Commission with PM-advised chair, one Opposition member and four senior State officials.	Delete entirely if OLPR retained. If constituencies remain, replace with CRC-style independent commission appointed through electoral/independent bodies.	Eliminates or greatly reduces gerrymandering risk.
s96	Nine-month bar on enactment of major election laws.	Retain.	Useful electoral stability safeguard.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
s97(3), (6), (7)	Contains conflicting election-petition rules: one filing period is 21 days, another is six weeks, with different standing provisions.	Use one regime only. Recommended: petition within 21 days; standing limited clearly to a voter or candidate; remove duplicate six-week regime unless a distinct proceeding is expressly identified.	Election disputes require certainty.
ss101–108	Creates permanent Vice-President whose principal role is Presidential substitution.	Delete office of Vice-President. Amend succession so Speaker temporarily performs Presidential functions when necessary.	Avoid unnecessary permanent constitutional office and public cost.
s103	President and Vice-President appointed by BLV after consultation with PM.	Replace with a pluralistic Presidential Appointment Commission or other cross-community, cross-party mechanism.	Head of State should represent the whole Republic.
s107	PM decides whether an adverse Presidential removal report even reaches BLV.	Remove PM gate. Once independent tribunal/medical board reports adversely, require automatic referral to the constitutionally designated removal body, preferably elected Parliament acting by supermajority.	Executive should not control whether an adverse independent report proceeds.
s108	Vice-President first substitute, Speaker second.	After deleting VP, provide directly for Speaker or another constitutionally neutral office-holder to act temporarily.	Consequential amendment.
s110(1)	Cabinet size entirely determined by PM.	Cap Cabinet at 15, including PM and AG if AG is a Cabinet Minister.	CDD July recommendation.
s110 / s114	No constitutional diversity obligation for Cabinet.	Require Cabinet, as far as practicable, to reflect gender, cultural, ethnic and regional diversity.	CDD July recommendation.
s114	Ministers generally must be parliamentarians except AG outsider mechanism.	Permit up to five outside Ministers only for defined diversity/expertise needs, subject to parliamentary confirmation, no House vote, full questioning, asset and conflict rules.	CDD's proposed inclusion mechanism.
s112	No limit on repeated appointment as PM.	Insert maximum of two parliamentary terms or two appointments as Prime Minister, including non-consecutive service.	Prevents excessive personalisation of executive power.
s115	Caretaker conventions.	Retain substantially unchanged.	Major democratic improvement.
s116(1)	Political AG remains Government's chief legal adviser.	Adopt CRC separation: Solicitor-General should be Government's principal independent legal adviser; AG remains political Minister responsible for legal policy.	Better separates law from political direction.
s116(2)(b)	Professional-misconduct disqualification lasts only eight years.	Remove "in the 8 years immediately before". Restore permanent professional-misconduct disqualification.	No persuasive reason why serious professional misconduct becomes constitutionally irrelevant after eight years.
s118(3)	Judicial immunity does not expressly require good faith.	Add "acting in good faith in the exercise of a judicial function".	Protect judicial independence without unnecessarily immunising bad-faith conduct.
s118(4)	Judicial independence can be qualified "as otherwise prescribed by law".	Delete or tightly narrow ordinary-law exception.	Ordinary legislation should not be able to erode judicial independence.
s118(5)	Senior judicial remuneration involves an "independent committee" appointed by PM and final PM advice.	Transfer remuneration determination to an independent Salaries and Benefits Commission or similarly insulated body.	Removes unnecessary executive leverage.
s123	Military Court constitutionally entrenched but jurisdiction should remain tightly confined.	Specify that jurisdiction is limited to genuine military/service offences involving persons lawfully subject to military discipline, with civilian judicial leadership and ordinary appellate review.	Prevents expansion of military jurisdiction into ordinary civilian justice.
s127	JSC nominee architecture allows political COC influence and GDC permits nominating bodies to remove nominees.	Adopt CRC JSC structure and protect member tenure from at-will removal by nominators.	Judicial appointments body should itself be independent.
s129(1), (3)	CJ and Court of Appeal President appointed/acted on PM advice.	Replace PM advice with independent COC or strengthened JSC advice following transparent merit selection and cross-party consultation.	CDD July recommendation.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
s133	Tribunal may advise removal but President "may" remove; PM controls initiation/suspension.	Require President to act in accordance with tribunal/medical-board recommendation. Add tribunal-convening deadline, preferably seven days after suspension.	Prevent indefinite suspension and residual political discretion.
s134	Same "may remove" problem for other judicial officers.	Replace "may remove" with mandatory action in accordance with the tribunal/medical-board finding.	Consistency and judicial security of tenure.
s135	ILSC functions largely left to ordinary law.	State its essential disciplinary and professional-independence functions constitutionally.	Core accountability institutions should not depend wholly on ordinary statute.
s136	SG independent but not Government's chief legal adviser.	Make SG the independent chief legal adviser to Government, while retaining tenure and remuneration protections.	CRC separation model.
s138(3)	Legal Aid Commission must provide regular updates/advice to AG.	Replace with reporting to Parliament or an independent oversight arrangement, while permitting general policy coordination with AG.	Avoid appearance of political supervision over individual legal-aid work.
s139	Law Reform Commission membership/functions entirely left to ordinary law.	Constitutionally state its independence and principal law-reform functions and permit constitutional-reference access to Supreme Court.	Incorporates CRC safeguard.
s140	Mercy Commission chaired by political Attorney-General.	Adopt CRC-style independent chair, preferably a judge, with diverse independent membership.	Mercy decisions should be insulated from political leadership.
s145	PSC appointed through political COC.	Appointment through independent reconstituted COC.	Strengthens professional public service.
s146(1)(a)–(b)	PSC must consult responsible Minister when appointing/removing Permanent Secretaries.	Delete ministerial consultation requirement.	Permanent Secretaries should serve the State, not depend on Ministers for appointment/removal.
s147(6)	Permanent Secretary must consult Minister on appointment/removal of director-level and above staff.	Delete this political consultation requirement.	Professional personnel decisions should remain administrative and merit-based.
s149(3)	Police Commissioner appointed through political COC.	Use independent COC.	Police leadership must be institutionally insulated.
s149(7)	Ministerial agreement required for Police employment matters.	Delete requirement for Minister's agreement; Commissioner acts within approved budget.	CRC model gives stronger operational personnel independence.
s149(5)	General ministerial policy directions possible.	Retain only with express prohibition on directions concerning particular investigations, prosecutions, arrests or operational cases.	Clarifies distinction between legitimate policy and operational interference.
s150(3), (7)	Same appointment/personnel concerns for Corrections.	Independent COC appointment; delete ministerial agreement over personnel matters; retain only general lawful policy directions.	Institutional independence.
s151	Narrows military role and strengthens civilian authority.	Retain core provision. Ensure Commander appointment flows through independent COC.	Major improvement over 2013.
s152	BLV constitutionally recognised, but GDC does not give the same detailed independence/accountability architecture as CRC while elsewhere giving it major national powers.	Define BLV's independence, customary/cultural/welfare/reconciliation functions and annual reporting directly in Constitution.	Strong indigenous institution without disproportionate national political power.
s153	Entrenchment relies partly on Senate/BLV Senator structure.	Rewrite for unicameral Parliament: enhanced House majority plus mandatory BLV consultation for defined BLV provisions.	Consequential to Senate abolition.
ss154–157	Rotuma autonomy/self-government provisions generally strong but Senate-related protections require redesign.	Retain substantive Rotuman protections; replace Senate veto mechanisms with enhanced elected-House majority plus Rotuma Island Council consent where justified.	Protect Rotuma without maintaining Senate.
s168(1)(d) and other Senate references	Standing appropriations include Senate offices.	Delete consequential Senate references.	Unicameral legislature.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
s168(1)(p)	Refers to Mercy Commission members under s146(2)(c), (d) and (e), an obviously incorrect cross-reference.	Correct to the appropriate s140 reference.	Pure drafting error.
New provisions after s172 or separate chapter	GDC omits CRC National Planning Commission and National Infrastructure Council.	Insert both institutions with defined independent/long-term planning functions and reporting requirements.	Incorporates infographic/CRC reforms.
s173(2)	Vice-President chairs Salaries and Benefits Commission.	Delete VP role. Establish independent chair selected through an independent appointments process.	Consequential to VP abolition and improves independence.
s173(3)	Four members divided between PM and Opposition advice.	Use independent appointment mechanism based on professional expertise and public representation.	Salary-setting body should not itself be politically constituted.
s173(4)	Commission members' remuneration determined on PM advice.	Have remuneration set by an objective statutory/independent mechanism.	Avoid direct executive leverage over salary-setters.
s173(5)	Excludes MPs, Speaker, Deputy Speaker, President and VP from Commission's remit.	Delete exclusions for political offices. Include MPs, Speaker and President within independent remuneration framework.	Political salaries are precisely where independent determination matters.
s174 / s193	Leaves much of integrity enforcement to future law; GDC less detailed than CRC.	Restore detailed CRC constitutional conduct rules covering conflicts, gifts, confidential information, recusals, improper gain and disclosure.	Minimum integrity standards should be entrenched.
s174	No strong constitutional asset-disclosure regime comparable with 2013's public annual disclosures.	Require regular public declarations of relevant assets, liabilities and interests for senior State officers and political office-holders.	Transparency and anti-corruption.
s178	Independent institutions list excludes FICAC, SG and BLV; includes CBC and Senate Secretary architecture.	Add independent anti-corruption commission, SG and appropriately protected BLV; remove CBC and Senate-related offices if abolished.	Align independent-institution framework with revised Constitution.
s179	Restores PM-chaired COC with effective 4–2 government-aligned majority.	Replace entirely with CDD independent COC model: balanced politically disqualified PM/Opposition nominees, Fiji Law Society nominee, jointly nominated university academic and independent consensus chair.	Central reform required to reduce executive concentration.
s180	General qualifications do not substitute for CDD's stronger political-disqualification rules for COC.	Add specific recent-political-office/candidacy/adviser exclusions to COC membership, preferably at least five years.	Prevent partisan capture.
s182	Independence clause contains broad ordinary-law qualification.	Delete any wording permitting ordinary law to subject independent institutions to direction/control. Allow only constitutionally defined exceptions and judicial review.	Independence should not be defeasible by simple majority legislation.
s190	Ordinary law may make further provision for independent institutions.	Add express proviso that such law may supplement but not diminish constitutional functions, independence, tenure, funding or powers.	Prevent statutory erosion.
s191	Contains grammatical error "must make provide an annual report".	Correct to "must provide an annual report".	Drafting correction.
s192(2)(c)	Tribunal recommends removal but President "may" remove.	Require President to act in accordance with tribunal/medical-board advice.	Removes residual political discretion.
s192(3)	Refers to appointment of tribunal/medical board "under subsection (3)", apparently self-referential, and overlaps with subsection (4).	Correct cross-reference to subsection (2), and consolidate duplicated suspension provisions.	Clear drafting defect.
s193	General integrity wording but detailed machinery left elsewhere/to law.	Replace/supplement with CRC detailed code.	Incorporates infographic safeguard.
s194	Requires State bodies to create access processes.	Retain, but expressly preserve s28 as directly enforceable even where a State body fails to create the required process.	Access to information must not depend on administrative compliance.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
s195	Whistleblower protection.	Retain and consider extending to protected disclosures to appropriate independent bodies and, under defined conditions, public disclosure.	Positive provision.
s196(4)	Ombudsman functions entirely prescribed by ordinary law.	Constitutionally state minimum complaint, investigation, reporting and remedial/recommendatory powers, broadly reflecting CRC.	Legislature should not be able to hollow out Ombudsman.
s200(1), (4), (5)	s200(1) says Cabinet declares emergency, while later subsections refer to "declaration made by the Prime Minister".	Use "Cabinet" consistently throughout, or identify one constitutional decision-maker expressly.	Serious internal inconsistency.
s200	GDC lacks CRC's express individual judicial route to challenge continued justification of emergency.	Add express right to apply to High Court for review of whether emergency remains constitutionally justified.	Stronger emergency accountability.
s203	NSC composition/functions entirely left to ordinary law.	Constitutionally prescribe core membership, including government and Opposition/parliamentary representation, with Police/military leadership as non-voting professional advisers.	Prevent government majority redesigning security oversight at will.
ss204–207	Preserve old immunity and create new further immunity extending to first Parliament after new Constitution commences.	Primary recommendation: delete Chapter 14.	CDD opposes creation of further/future immunity.
s206	Potentially extends immunity into post-commencement governmental activity.	If Chapter 14 is retained, amend endpoint to an expressly concluded historical date and state that no act or participation after commencement receives immunity.	Minimum safeguard against future immunity.
s207	Says immunity cannot be amended, repealed or revoked.	Delete if immunity removed. If retained, reconcile expressly with s209.	Current text contradicts amendment chapter.
s209(2), (4)	Treats ss204–207 as amendable entrenched provisions requiring three-quarters, contradicting s207's claim they cannot be amended.	Remove contradiction. Under CDD position, delete immunity-specific entrenchment entirely.	Constitution cannot say both "never amendable" and prescribe how to amend.
ss208–209 generally	Bicameral amendment procedure.	Rewrite for unicameral Parliament. Retain meaningful supermajority, 30-day interval, full debate and committee scrutiny.	Consequential to Senate abolition while maintaining constitutional stability.
s210	Gives special vetoes to specified BLV Senators and embeds Senate structures.	Delete and replace with targeted House supermajorities and relevant BLV/Rotuma consultation or consent for narrowly defined protected provisions.	Protect group rights without an unelected second chamber.
s211(2)–(3)	Fixed 31 March 2028 date plus Presidential power to choose earlier date.	Delete subsection (3). Keep one unambiguous date.	Removes constitutional-vacuum and executive-discretion risk.
s212	Defines "this Constitution" as the Constitution Amendment Act 2026.	Redraft definition so "this Constitution" consistently means the Constitution of the Republic of Fiji 2026 / amended constitutional text.	Avoid conflict with s213.
s213	Defines "This Constitution" differently from s212.	Use one uniform definition across Chapter 16.	Internal inconsistency.
s214	Government itself is responsible for monitoring and overseeing constitutional implementation.	Replace with independent Constitution Implementation Commission, with Government responsible for execution but Commission responsible for independent monitoring.	Government should not be sole monitor of restraints imposed upon itself.
s215	House may create implementation oversight committee.	Change "may" to "must" and prescribe Opposition participation/chairing or balanced membership.	Parliamentary implementation oversight should be mandatory.
s216	Existing Electoral Commission terms can be re-designated through advice of GDC COC.	If staggered terms are retained, designation should occur through the reconstituted independent COC/Implementation Commission and must not amount to arbitrary premature removal.	Protect commission independence during transition.

GDC provision	Issue in present GDC	Recommended change	CDD position / reason
s217	Transitional Mercy Commission drafting is awkward; all four staggered members are described through the same s140(2)(b) category and grammar is defective ("2 members ... serves").	Redraft clearly, identify which members receive each staggered term and correct grammar.	Transitional law must be unambiguous.
s219	Current Parliament continues only to existing constitutional expiry; dangerous if commencement/electoral machinery are misaligned.	Add an express transitional guarantee that commencement may occur only when the successor electoral system is legally and operationally capable of producing the next Parliament within the ordinary constitutional timetable.	Prevent democratic vacuum.
s220	Future Presidential appointments follow current BLV model.	Consequentially amend to new pluralistic appointment mechanism.	Head-of-State reform.
s221	Existing PM/Ministers automatically continue after commencement.	Retain only with clear constitutional continuity and no interaction allowing Cabinet to continue without an elected Parliament beyond ordinary caretaker necessity.	Avoid unintended unelected-government period.
s224	General succession provision does not solve FICAC abolition problem.	If FICAC is retained, expressly preserve it. If replaced, name successor institution and transfer functions, staff, assets, records and liabilities expressly.	Anti-corruption continuity.
s226(2)	Preserves the 2013 s173(4) jurisdictional bar on specified historical proceedings.	Delete if immunity/jurisdictional bars are being removed. If retained, clearly explain its scope and relationship with the new right to truth/remedy.	Avoid indefinite historical ouster of courts.
s229 opening words	Says "Subject to Part E of this Chapter" while s229 itself is in Part E.	Correct the self-reference.	Pure drafting error.
s229(b)	Repeals FICAC Act without permanent constitutional replacement.	Delete paragraph (b) and retain FICAC, or replace it only after constitutionally establishing an equivalent independent anti-corruption commission and detailed succession arrangements.	Avoid accountability vacuum.
s229 / Outer Bill s2(a)	Repeal of 2013 constitutional instrument sits awkwardly beside express preservation of its Chapter 10.	If immunity removed, delete preservation and repeal cleanly. If retained, state expressly how preserved Chapter 10 survives repeal.	Legal effect should not be left to implication.