FIJIAN ELECTIONS OFFICE

- This version of the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 has been re-formatted and annotated to include amendments that were passed on Friday 6 November 2026.
- It is provided for guidance only, the official versions of the Act and Amendment Acts are respectively published on https://www.laws.gov.fj/#/acts/DisplayAct/2486 and https://www.parliament.gov.fj/acts/ .
- While FEO has striven for accuracy, FEO takes no responsibility for any reliance on this version. FEO welcomes notification of any potential error identified.

GOVERNMENT OF FIJI

FIJIAN ELECTIONS OFFICE

POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES) ACT 2013

(ACT NO. 4 of 2013)

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POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES ACT 2013
(ACT NO. 4 of 2013)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Act 2009, I hereby make the following Act—

PART 1—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 and shall come into force on 18th January, 2013.

Interpretation

2. In this Act, unless the context otherwise requires—

"applicant" or "applicants" means those members of a proposed political party who apply to be registered as a political party in accordance with the provisions of this Act;

"branch" means any devolved unit of a political party;

"corrupt electoral practice" has the meaning given to it under section 2 of the Electoral Act 2014;

"Division" or "Divisions" means the Central Division, Western Division, Northern Division and Eastern Division of Fiji as described in the Third Schedule;

"election" has the meaning given in section 2 of the Electoral Act, 2014.

"existing political party" means any political party existing or registered prior to the commencement of this Act;

"financial year" means the period from the 1st day of January to the 31st day of December, both days inclusive;

"illegal electoral practice" has the meaning given to it under section 2 of the Electoral Act 2014;

"independent candidate" means any person who stands as an independent candidate and who is not nominated or supported by a political party registered under this Act;

"member" means a natural person;

"merger" means where two or more political parties consolidate their operations and combine all officers, structure, and other functions of the political parties;

"Minister" means the Minister responsible for Elections;

"office holder" in relation to a political party means any person who is elected or appointed by the members of the political party to hold office in that political party, and shall include the president, vice-president, treasurer, secretary and the registered officer of the political party;

"political party" means an association of persons or an organisation, the object or activity, or one of the objects or activities of which, is the promotion of the election to Parliament of a candidate or candidates endorsed by it;

"polling day" has the meaning given in section 2 of the Electoral Act, 2014.

"proposed political party" means the association of persons or an organisation that applies for or has applied for registration as a political party under this Act;

"Register" means the Register of Political Parties established under this Act; and

"Registrar" means the Supervisor of Elections appointed under section 76 of the Constitution of the Republic of Fiji.

PART 2—REGISTRATION AND REGULATION OF POLITICAL PARTIES

Registration of political parties

3. (1) An association of persons or an organisation shall not operate, function, represent or hold itself out to be a political party unless it has been registered as a political party in accordance with the provisions of this Act.

(2) If any association of persons or an organisation operate, function, represent or hold itself out to be a political party without being registered in accordance with the provisions of this Act, then any person who is a member of or holds office in any such association or organisation commits an offence which is a corrupt electoral practice.

(2A) If any media organisation reports, represents or holds out an association of persons or an organization as a political party when that association of persons or an organisation is not registered as a political party under this Act or when its application for registration has not been determined by the Registrar, then the directors of that media organization and the editor and publisher or the chief executive officer of that media organization, as the case may be, commit an offence which is an illegal electoral practice.

(3) The Registrar shall not register an association of persons or an organisation as a

political party if such association or organisation does not comply with the provisions of this Act.

(4) The Registrar shall establish and maintain a Register, to be known as the Register of Political Parties, containing a list of political parties that are registered under this Act including the names, terms of office and contact details of the office holders and the bank account details of each political party, the names and contact details of the auditor and legal advisor of each political party and such other particulars of such political parties as are required to be contained under this Act.

(5) The Registrar must update the Register annually.

Existing political parties to register under this Act within 28 days

4. (1) An existing political party shall continue to operate as a political party for a period of 28 days from the date of the commencement of this Act.

(2) Where an existing political party seeks to continue to operate as a political party after the expiry of the period mentioned in subsection (1), then it must apply to register as a political party in accordance with the provisions of this Act within 28 days from the date of the commencement of this Act.

(3) If an existing political party applies to register as a political party in accordance with the provisions of this Act within 28 days from the date of the commencement of this Act, then it shall, from the date when the application is received by the Registrar, be deemed to be a proposed political party and it must not operate or function as a political party after the expiry of 28 days from the date of commencement of this Act until such time when it is registered under this Act, provided however that if the Registrar makes a determination under section 10(2) that the application by an existing political party to register as a political party should be refused, then the Registrar shall wind up any such existing political party in accordance with this Act and any outstanding net assets of that existing political party shall vest in the State.

(4) If an existing political party does not apply to register in accordance with the provisions of this Act within 28 days from the date of the commencement of this Act, then it shall be deemed to be deregistered upon the expiry of 28 days from the date of the commencement of this Act and the Registrar shall wind up any such existing political party in accordance with this Act and any outstanding net assets of that existing political party shall vest in the State.

Registered voters to be members and office holders etc.

5. (1) Only those persons who are registered as a voter under the Electoral (Registration of Voters) Act 2012 may—

(a) contest for an elective position in a proposed political party or in any political party registered under this Act;
(b) be an applicant for registration of a proposed political party;
(c) be a member of a proposed political party or of any political party registered

under this Act; or

(d) be an office holder in a proposed political party or in any political party registered under this Act.

(2) A person is disqualified from being an applicant or a member of a proposed political party if that person has, in the 5 years preceding the date of the application for registration—

(a) been declared an undischarged bankrupt; or

(b) been convicted of an offence which is a corrupt electoral practice.

(3) A person is disqualified from being an office holder of a political party that is registered under this Act if that person has, in the 5 years preceding the date when he or she applies to become an office holder of the political party—

(a) been declared an undischarged bankrupt; or

(b) been convicted of an offence which is a corrupt electoral practice.

Application for registration

6. (1) An association of persons or an organisation applying to be registered as a political party shall apply to the Registrar for registration.

(2) An application for registration of a proposed political party shall be in writing and be signed by at least 5 applicants, all of whom must be members of the proposed political party.

(3) An application for registration shall—

(a) set out the name of the proposed political party in the English language;

(b) set out the symbol of the proposed political party;

(c) if the proposed political party wishes to use an abbreviation or acronym of its name, set out that abbreviation or acronym;

(d) be accompanied by a copy of the constitution of the proposed political party which shall comply with the provisions of this Act;

(e) set out the names, voter identification card numbers and addresses of all the applicants who have signed the application, and the particulars of the capacity in which each applicant is making the application;

(f) include an undertaking by all the applicants who have signed the application, to be bound by this Act and the Code of Conduct set out in the First Schedule;

(g) set out the names, voter identification card numbers and addresses of the office holders of the proposed political party;

(h) set out the name of the registered officer of the proposed political party, who must also be an applicant;

(i) be accompanied by a schedule setting out the names, addresses, signatures and voter identification card numbers of at least 5,000 members of the

proposed political party from all the four Divisions with a minimum number of members from each Division as follows—

(i) Central Division—2,000 members;

(ii) Western Division—1,750 members;

(iii) Northern Division—1,000 members;

(iv) Eastern Division—250 members;

(j) set out the location of its head office, which shall be a registered office within Fiji and a postal address to which notices and other communication may be sent, as well as set out the location and addresses of the branch offices of the proposed political party, which shall be in all the Divisions of Fiji; and

(k) be accompanied by a fee of $5005.00.

(4) Upon receipt of an application for registration under subsection (2), the Registrar shall deal with the application in accordance with this Act and determine whether the proposed political party can be registered.

No registration during elections

7. No political party shall be registered during the period commencing at the time and day on which the writ for a general election is issued and ending at the time and day on which the writ is returned.

Parties with certain names not to be registered

8. The Registrar shall refuse an application for the registration of a proposed political party if—

(a) the name of the proposed political party comprises of more than 5 words;

(b) the name of the proposed political party, the abbreviation or acronym of the name or the symbol is obscene or offensive;

(c) the name of the proposed political party, the abbreviation or acronym of the name or the symbol is the name, or is an abbreviation or acronym of the name, or is the symbol that has been reserved by another proposed political party by notice in writing to the Registrar;

(d) the name of the proposed political party, the abbreviation or acronym of the name or the symbol so nearly resembles the name, or an abbreviation or acronym of the name, or the symbol of another political party that is registered under this Act or that has applied for registration under this Act and the application has been received by the Registrar and has not yet been refused by the Registrar, that it is likely to be confused with or mistaken for that name, or an abbreviation or acronym of the name, or the symbol, as the case may be;

(e) the name of the proposed political party comprises of the word "Independent";

(f) the name of the proposed political party is not in the English language; or

(g) the abbreviation or acronym of the name of the proposed political party does not reflect the actual name of the proposed political party.

(h) the name of the proposed political party, the abbreviation or acronym of the name of the symbol is the same as the name, the abbreviation or acronym of the name or symbol of-

(i) an existing political party that has not made an application to register in accordance with the provision of this Act;

(ii) an existing political party that made an application to register in accordance with the provisions of this Act, and the Registrar has made a determination that the application by the existing political party to register as a political party should be refused; or

(iii) a political party which has been deregistered or wound up by the Registrar under this Act or any repealed law governing registrations of political parties,

that is likely to be confused with or mistaken for the name, the abbreviation or acronym of the name or the symbol of an existing political party or a political party described in paragraphs (i), (ii) or (iii).

Procedure for dealing with application

9. (1) Where an application for registration is lodged with the Registrar, the Registrar shall within 14 days after the application is lodged, publish in the *Gazette* and in the media, a notice of the application.

(2) A notice under subsection (1) in relation to an application shall—

(a) set out the particulars specified in the application in accordance with section 6(3) of this Act; and

(b) invite any person who believes that the application—

(i) is not in accordance with section 6 of this Act; or

(ii) should be refused under section 8 of this Act,

to submit written particulars of the grounds for that belief to the Registrar within 7 days after the date of the publication of the notice in the *Gazette* and in the media.

(3) Particulars submitted by a person under subsection (2)*(b)* shall be signed by, and specify an address of, that person.

(4) Particulars submitted under subsection (2)*(b)* shall, as soon as practicable, be made available at the office of the Registrar in Suva for inspection by members of the public.

(5) Where any particulars are submitted to the Registrar under subsection (2)*(b)*, the Registrar shall give a copy of all of the particulars submitted under subsection (2)*(b)* to the person who is to be the registered officer of the proposed political party concerned, and at the same time, give to the registered officer a notice inviting the proposed political party to submit a reply to the particulars to the Registrar within 7 days.

(6) A reply submitted under subsection (5) shall, as soon as practicable, be made available at the office of the Registrar in Suva for inspection by members of the public.

(7) The Registrar shall not register a political party unless—

(a) the Registrar has published notice of the application for registration in accordance with this section;

(b) a period of at least 7 days has elapsed after the date of publication of notice of the application in the *Gazette* and in the media;

(c) where particulars have been submitted under subsection (2)*(b)* either—

(i) the period of 7 days under subsection (5) has expired; or

(ii) a reply to the particulars has been received; and

(d) the Registrar has considered those particulars (if any) and any reply to the particulars.

Registration

10. (1) Where the Registrar determines that a proposed political party, an application for the registration of which has been made, should be registered, he or she shall—

(a) register the political party by entering in the Register—

(i) the name of the political party;

(ii) the symbol of the political party;

(iii) if an abbreviation or acronym of the name of the political party was set out in the application, that abbreviation or acronym; and

(iv) the name and address of the person who has been nominated as the registered officer of the political party

for the purposes of the Act;

(b) give written notice to the applicant or applicants that he or she has registered the political party;

(c) if any person or persons submitted particulars in response to the invitation referred to in section 9(2) of this Act in relation to the application, give written notice to that person or those persons that he or she has registered the political party, and may, if he or she thinks fit, set out in the notice to each person the reasons for rejecting the particulars which were so submitted by the person; and

(d) publish in the *Gazette* and in the media, a notice of the registration of the political party.

(2) Where the Registrar determines that an application for the registration of a proposed political party should be refused, he or she shall give the applicant or applicants written notice that he or she has refused the application, and shall set out the reasons for so refusing.

(3) Upon receipts of any complaint with respect to an application for the registration of a proposed political party, or where the Registrar reasonably believes that any information or particulars contained in any such application is false or incorrect or has been obtained in a fraudulent manner, the Registrar shall conduct such investigation, including requiring written statements from any person or requiring the production of documents, as he or she deems necessary.

(4) Any person who fails to provide any written statement or to produce any document as required by the Registrar under subsection (3), or fails to comply with any directive issued by the Registrar in the conduct of investigations under subsection (3), commits an offence which is an illegal electoral practice.

(5) The Registrar shall refuse an application for the registration of a proposed political party if the Registrar is satisfied that the application contains any information or particulars which is false or incorrect or which has been obtained in a fraudulent manner.

(6) A political party must open a bank account within 90 days of its registration and provide the bank account details to the Registrar.

(7) A political party registered under this Act at the commencement of the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Act 2021, must within 60 days of the commencement, open a bank account and provide the bank account details to the Registrar.

(8) If a political party registered under this Act at the commencement of the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Act 2021 has a bank account, the political party is not required to open a new bank account but must, within 60 days of the commencement, provide the bank account details to the Registrar.

(9) If there is a change in the bank account details, the political party must notify the Registrar of the change as soon as practicable.

Changes to the Register

11. (1) Where a political party is registered under this Act, an application may be made to the Registrar to change the Register by—

(a) changing the name of the political party to a name specified in the application;

(b) changing the symbol of the political party to a symbol specified in the application;

(c) if an abbreviation of the name of the political party is entered in the Register, changing that abbreviation to an abbreviation specified in the application;

(d) if an abbreviation of the name of the political party is not entered in the Register, entering in the Register an abbreviation of the name of the political party, being an abbreviation specified in the application; or

(e) substituting for the name of the registered officer entered in the Register the name of a person specified in the application.

(2) An application under subsection (1)—

(a) shall be in writing and signed by a majority of the office holders of the political party; and

(b) in the case of an application to substitute the name of a person as the name of the registered officer of a political party, shall be signed by that person and a majority of the office holders of the political party.

(3) Upon receipt of an application under subsection (1), the Registrar shall deal with the application in accordance with this Act and determine whether the change requested in the application should be made.

(4) Where the Registrar determines that an application under subsection (1) should be granted, he or she shall—

(a) change the Register accordingly;

(b) give the applicant or applicants written notice that he or she has made the change;

(c) publish in the *Gazette* and in the media, a notice of the change.

(5) Where the Registrar determines that an application under subsection (1) should be refused he or she shall give the applicant or applicants written notice that he or she has so determined, and shall set out the reasons for that determination.

Contents of the constitution or rules of a political party

12. (1) The constitution or rules of every political party shall provide for all the matters specified in the Second Schedule to this Act.

(2) The Registrar may, by notice in writing, require a political party to amend its name, constitution or rules to comply with this Act or any other written law.

(3) The notice referred to in subsection (2) shall specify the areas of non-compliance, the nature of the amendment and the reason for such amendment.

(4) If a political party does not comply with a notice issued under subsection (2), that political party shall be deregistered.

Mergers

13. (1) A political party may merge with another political party if the merger is in accordance with the constitution, rules and procedures of the political parties.

(2) The decision to merge shall be in writing and shall be duly executed by the registered officer of each of the political parties.

(3) The office holders of each political party that intends to merge under subsection shall—

(a) determine the constitution, rules, regulations and the principles which shall form the basis of the merger and the registration of the new political party; and

(b) sign the merger agreement and the particulars for the new political party to be registered under this Act.

(4) The merger agreement signed under subsection (3)*(b)* shall be deposited with the Registrar within 21 days of the signing of the agreement.

(5) The political parties which have merged into a new political party under this section shall be deemed to have been dissolved upon registration of the new political party.

(6) Where a political party merges with another political party, a member of the political party that has merged with another political party who is a member of Parliament, and who does not desire to be a member of the political party formed after the merger shall continue to serve as a member of Parliament, and may join another political party or choose to be an independent member for the remainder of the term of the member.

Restrictions on public officers ~~in a political party~~

14. (1) A public officer shall not—

(a) be eligible to be an applicant or a member of a proposed political party or a political party registered under this Act;

(b) be eligible to hold office in a proposed political party or a political party registered under this Act;

(c) engage in political activity that may compromise or be seen to

compromise the political neutrality of that person's office in an election; or

(d) publicly indicate support for or opposition to any proposed political party or a political party registered under this Act or candidate in an election.

(2) For the purposes of this section, "public officer" means any person—

(a) holding any office in, or as a member of, a statutory authority, a commission, or a board established by or continued in existence by any written law;

(b) holding an office of a judge, a magistrate or an office of any court or tribunal established by written law;

(c) holding any office in the public service, the Fiji Police Force, Fiji Corrections Services or the Republic of Fiji Military Forces; or

(d) who is holding any office in-

(i) any trade union registered under the Employment Relations Promulgation 2007(whether elected or appointed to that office, and including any position or arrangement under which a person receives remuneration, salary, allowances or fees from a trade union);

(ii) any federation, congress, council or affiliation of trade unions (whether elected or appointed to that office, and including any position or arrangement under which a person receives remuneration, salary, allowance or fees from any federation, congress, council or affiliation of trade union); or

(iii) any federation, congress, council or affiliation of employers (whether elected or appointed to that office, and including any position or arrangement under which a person receives remuneration, salary, allowances or fees from any federation, congress, council or affiliation of employers).

(3) Notwithstanding anything contained in subsection (2), for the purposes of this section, "public officer" does not include the President, the Prime Minister, a Minister, the Leader of the Opposition or a Member of Parliament.

(4) Any public officer who intends to be an applicant or a member of, or hold office in, a proposed political party or a political party registered under this Act, must resign from the respective public office prior to applying to become an applicant or a member of, or hold office in, a proposed political party or a political party registered under this Act.

(5) A public officer is deemed to have vacated his or her office mentioned in subsection (2) immediately before the time at which he or she applies to become an applicant or a member of, or hold office in, a proposed political party or a political party registered under this Act.

(6) A person disqualified from holding public office under any written law is not eligible to be an applicant, a member or an office holder of a proposed political party or a political party registered under this Act.

(7) Any public officer who contravenes subsections (1)*(c)* and *(d)* commits an offence which is an illegal electoral practice.

(8) Any public officer who has resigned from public office under subsection (4) or has been deemed to have resigned from public office under subsection (5) and continues to hold that public office or is reappointed to any public office after he or she has become a member of, or holds office in a proposed political party or a political party registered under this Act commits an offence which is an illegal electoral practice.

Resignation from political party

15. (1) A member of a political party who intends to resign from the political party shall give a written notice prior to his or her resignation to—

(a) the political party; and

(b) the Registrar.

(2) The resignation of the member of the political party shall take effect upon receipt of such notice by the Registrar.

(3) A person shall not be a member or an office holder of more than one proposed political party or political party registered under this Act at the same time.

(4) Any person who applies to become or becomes a member or an office holder of more than one proposed political party or political party registered under this Act, commits an offence which is an illegal electoral practice.

(5) A member of a political party may only be expelled from that political party if the member has infringed the constitution of the political party and after the member has been afforded a fair opportunity to be heard in accordance with the internal party disputes resolution mechanisms as prescribed in the constitution of the political party.

Corporate status of political party and declaration of assets etc.

16. (1) A political party which has been registered under this Act shall be a body corporate with perpetual succession and have a common seal and shall be capable, in its own name of—

(a) acquiring and disposing of property;

(b) suing and being sued; and

(c) doing or performing all such acts and things as a body corporate may by law do or perform.

(2) A political party shall, within 30 days after being registered, submit to the Registrar a written declaration giving details of all assets and liabilities incurred and income and expenditure including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the political party.

(3) A declaration submitted to the Registrar under subsection (2) shall—

(a) state the sources of all funds and other assets of the political party;

(b) contain such other relevant particulars as the Registrar may prescribe; and

(c) be supported by a statutory declaration made by the registered officer of the political party.

(4) The Registrar shall, within 14 days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the *Gazette* and in the media, and the costs of any such publication shall be paid by or recovered from the political party.

(5) Notwithstanding any other penalty prescribed by this Act or any other written law, the Registrar shall deregister a political party in accordance with section 19, which—

(a) fails to comply with this section; or

(b) submits a declaration which is false in any material particulars.

Records of political party

17. (1) A political party shall maintain at its head office and at each of its district or divisional office in the approved form, an accurate and authentic record of—

(a) a register of its members in a form prescribed in the Second Schedule;

(b) a copy of the constitution of the political party;

(c) a copy of the policies and plans of the political party;

(d) particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the political party;

(e) estimates of the expenditure of the political party in accordance with the laws relating to public finance management;

(f) particulars of any property that belongs to the political party and the time and mode of acquisition of the property;

(g) the latest audited books of accounts of the political party which shall be in

accordance with the principles of accounting having regard to the purpose of this Act, showing—

(i) the sources of the funds of the political party and names, addresses and such other contact details as the Registrar may require of any persons who have contributed thereto;

(ii) membership dues paid;

(iii) donations in cash or in kind;

(iv) indirect contributions to the party and all receipts and disbursements, including income and expenditure transactions of the political party;

(v) all the financial transactions and records of assets and liabilities of the political party; and

(h) such other relevant particulars as the Registrar may direct.

(2) A person, who interferes with, damages or destroys the records of a registered political party commits an offence is an illegal electoral practice.

(3) Any person may, during working hours and on payment of the prescribed fee, inspect and obtain copies of the records of a political party maintained at its head office or district or divisional office.

(4) If a political party registered under this Act fails to comply with subsection (1), then the office holders of that political party commit an offence which is an illegal electoral practice.

Duty of political party to inform Registrar

18. (1) The Registrar may issue a written notice to the registered officer of a political party to furnish for inspection by the Registrar, the records required to be maintained under section 17, or such other information as is reasonably required by the Registrar to ensure compliance with the provisions of this Act.

(2) The Registrar may make copies of or take extracts from any records or other information furnished to the Registrar under this section.

(3) The registered officer of a political party shall comply with a notice issued by the Registrar under subsection

(4) If the registered officer of a political party fails to comply with this section, he or she commits an offence which is an illegal electoral practice.

Deregistration of a political party

19. (1) The Registrar may deregister a political party if the political party—

(a) has contravened the provisions of this Act;

(b) does not promote free and fair nomination of candidates;

(c) does not adhere to any written law relating to the nomination of candidates;

(d) obtained its registration in a fraudulent manner; or

(e) has instigated or participated in the commission of an offence under this Act.

(2) The Registrar shall, before deregistering a political party—

(a) inform the political party, in writing, of the particulars of the breach or contravention;

(b) inform the political party, in writing, of the intention to deregister the political party; and

(c) direct the political party to remedy the breach or contravention within 60 days or otherwise show cause why the party should not be deregistered.

(3) The Registrar may suspend the registration of a political party to enable that political party to remedy the breach specified in the notice issued by the Registrar under subsection (2).

(4) A political party that has been suspended under subsection (3) shall not be entitled to any of the rights and privileges specified under this Act.

(5) The Registrar shall deregister a political party which has not remedied the breach or contravention or complied with the Act as required by the Registrar under subsection (2).

(6) The Registrar shall deregister a political party which has been declared to be a prohibited organisation under the provisions of any written law.

(7) The Registrar shall deregister a political party if the majority of the members of the political party apply to the Registrar for voluntary deregistration of the political party.

(8) If a political party is deregistered by the Registrar under this section, the Registrar shall publish a notice of the deregistration in the *Gazette* and in the media.

Effect of deregistration

20. (1) Where a political party is deregistered under this Act, no person shall—

(a) summon a meeting of members or officers of the political party other than for the purposes of winding up the political party or for the purposes of challenging the deregistration of the political party;

(b) attend or make a person attend a meeting in the capacity of a member or officer of the political party;

(c) publish a notice or advertisement relating to a meeting of the political party except for the purposes of a meeting under paragraph *(a)*;

(d) invite persons to support the political party;

(e) make a contribution or loan to funds held or to be held by or for the

benefit of the political party or accept a contribution or loan; or

(f) give a guarantee in respect of such funds.

(2) Where a political party that has been deregistered under section 19 had representatives elected to Parliament, such representatives shall continue to serve for the remainder of their term as independents or as members of other political parties.

(3) Notwithstanding subsection (2), where the deregistration of a political party is occasioned by a wilful act or wilful omission of a person who is a member of Parliament, that person shall be deemed to have vacated his or her position as a member of Parliament.

PART 3—FUNDING AND ACCOUNTS OF POLITICAL PARTIES AND CANDIDATES

Sources of funds for a political party and independent candidate

21. (1) The sources of funds for a political party shall only be from—
    (a) membership fees;
    (b) voluntary contributions, donations, bequests and grants from a lawful source, not being from a foreign government, inter-governmental or non-governmental organisation; and
    (c) income derived from any building owned by a political party.

(2) The sources of funds for an independent candidate must only be from voluntary contributions, donations, bequest and grants from a lawful source, not being from a foreign government, intergovernmental or non-governmental organisation.

(3) A political party, a candidate and an independent candidate for election to Parliament shall disclose to the Registrar full particulars of all funds or other resources obtained by it from any source including the name and address of the source.

(4) An official of a political party or other person required to disclose to the Registrar, on behalf of a political party, the funds or other resources of that political party, who fails to disclose, or gives false information in relation to the funds or resources obtained by the political party, commits an offence which is a corrupt electoral practice.

(5) An independent candidate for election to Parliament who fails to disclose, or gives false information in relation to the funds or resources obtained in subsection (2), commits an offence which is a corrupt electoral practice.

Offences related to sources of funds

22. (1) A political party or a candidate for election to Parliament (or any person on behalf of the political party who is involved in the administration of the affairs of the political party including any office holder of the political party, or any person on

behalf of the candidate) who receives any political donation from a foreign government, inter-governmental or non-governmental organisation, or multilateral agency, commits an offence which is a corrupt electoral practice.

(2) Any person who is a Fijian citizen or a former Fijian citizen shall not make any political donation to a political party or to a candidate for election to Parliament (or to any person on behalf of the political party who is involved in the administration of the affairs of the political party including any office holder of the political party, or to any person on behalf of the candidate) of an amount exceeding $20,000 in any one year (whether to one or more registered political parties or candidates); and

(3) Any person who is not a Fijian citizen or a former Fijian citizen, shall not make a political donation to any political party or candidate for election to Parliament.

(7) It shall be unlawful for any—

(a) political party;

(b) office holder of a political party;

(c) candidate for election to Parliament; or

(d) agent, campaigner or servant of a political party or candidate for election to Parliament, to accept any political donation unless the political donation is from an individual.

(8) It shall be unlawful for any—

(a) political party;

(b) office holder of a political party;

(c) candidate for election to Parliament; or

(d) agent, campaigner or servant of a political party or candidate for election to Parliament, to accept any political donation from a company, a body corporate or any other entity.

(9) It shall be unlawful for any company, body corporate or any other entity to make any political donation to any—

(a) political party;

(b) office holder of a political party;

(c) candidate for election to Parliament; or

(d) agent, campaigner or servant of a political party or candidate for election to Parliament.

(10) It shall be unlawful for any company, body corporate or any other entity to make any payment or contribution to any individual for the purpose of that individual making a political donation to any—

(a) political party;

(b) office holder of a political party;

(c) candidate for election to Parliament; or

(d) agent, campaigner or servant of a political party or candidate for election to Parliament.

(11) It shall be unlawful for a company, a body corporate or any other entity to provide, and for any political party or candidate for election to Parliament (or any person on behalf of the political party who is involved in the administration of the affairs of the political party including any office holder of the political party, or any person on behalf of the candidate) to accept from a company, a body corporate or any other entity, any of the following—

(a) the full or part payment of expenditure for advertising by a political party or a candidate for election to Parliament; or

(b) the waiving of all or any part of payment of expenditure for advertising by a political party or candidate for election to Parliament.

(12) For the purposes of this section, "political donation" means a donation of money or goods and services, loan, credit facility, bond, share, negotiable security or property that is made at no charge, to a registered political party or to a candidate (or any person on behalf of the political party who is involved in the administration of the affairs of the political party including any office holder of the political party, or any person on behalf of the candidate), but does not include the labour of any person that is provided to a registered political party or to a candidate at no charge by that person.

(13) Any person who contravenes subsections (2), (3), (7), (8), (9), (10) and (11) commits an offence which is an illegal electoral practice.

Publishing sources of funds

23. (1) A political party shall, within ~~30~~ 90 days of the end of the financial year, provide to the Registrar the following information in writing—

(a) the sources of its funds stating—

(i) the amount of money received from its members and supporters; and

(ii) the amount and sources of the donations given to the party.~~;—~~

Campaign expenditure limits

24. — (1) During the period commencing on the first day of the campaign period as prescribed under the Electoral Act 2014 until the sixtieth day after the polling day —

(a) a candidate (whether an independent candidate or a political party candidate) must not spend more than $100,000 on his or her election campaign; and

(b) a political party must not spend more than $4,000,000 on its election

campaign.

(2) The expenditure limits set out in subsection (1) include—

(a) any income pledged, or expenditure incurred outside the prescribed period for use within the prescribed period; and

(b) any gift given by a candidate (whether an independent candidate or a political party candidate) or political party during the campaign period to a village or community group as a protocol (or similar) solely to obtain permission to enter the territory of a village or community group, and such gift must be included in the declarations made under section 25.

(3) Any gift that is given to a village or community group and declared in accordance with section 25 is not bribery within the meaning of section 140 of the Electoral Act 2014.

(4) Notwithstanding any provision in this Act, a political party or candidate (whether an independent candidate or a political party candidate) that breaches the expenditure limits set out in subsection (1), commits an offence which is a corrupt electoral practice.

Declaration of assets, liabilities and expenditure in relation to elections

25. (1) A political party shall, at least 30 days before general elections, submit to the Registrar a statement of its assets and liabilities.

(1A) A political party must, no later than the sixtieth day after polling day, submit to the Registrar a written declaration giving details of all assets and liabilities as at the thirtieth day after polling day and income and expenditure, including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made from the date the writ is issued to the thirtieth day after polling day.

(1B) A candidate (whether elected to Parliament or not) must, not later than the thirtieth day after the polling day, provide to the Registrar the following information in writing —

(a) the amount of money received by him or her from the commencement of the campaign period until the thirtieth day after the polling day;
(b) the amount and source of donation received by him or her from the commencement of the campaign period until the sixtieth day after the polling day; and
(c) the campaign expenditure from the commencement of the campaign period until the thirtieth day after the polling day.

(2) Notwithstanding any other penalty provided in this Act or in any other written law, the Registrar shall deregister a political party which—

(a) fails to comply with this section; or

(b) submits a statement which is false in any material particulars.

(3) The Registrar shall publish the information received by him or her under subsections (1) and (1A) in the *Gazette* and in the media, and the costs of any such publication shall be paid by or recovered from the political party.

(4) Any person who contravenes subsection (1B) commits an offence which is a corrupt electoral practice.

Audit of political parties accounts

26. (1) A political party shall keep proper books and records of account of the income, expenditure, assets and liabilities of the political party.

(2) The accounts of every political party shall be audited annually by an auditor certified by the Fiji Institute of Accountants and shall be submitted to the Registrar within 3 months after the end of each financial year.

(2A) A political party must publish its audited accounts in a format provided by the Registrar on the official website of the Fijian Elections Office within 3 months after the end of each financial year.

(3) The Registrar may approve that an auditor carry out an audit of the accounts of a political party.

(4) Any person shall be entitled to inspect the audited accounts filed by a political party and, upon payment of a fee prescribed by the Registrar, be issued copies of the audited accounts.

(5) An auditor who provides a falsely audited account commits an offence which is a corrupt electoral practice.

Powers of the Registrar

26A. (1) Subject to the provisions of this Act, the Registrar shall have all powers necessary to carry out its functions under this Act.

(2) Notwithstanding the generality of subsection (1) if the Registrar has reason to believe that a person has information or documents relevant to or required by the Registrar for the performance of his or her duties under this Act, the Registrar may by notice in writing, direct the person to furnish such information or documents to the Registrar.

(3) Any person who, having been lawfully required under this section to disclose any information or documents to the Registrar under subsection (2) shall, notwithstanding the provisions of any other law on confidentiality, privilege or secrecy, comply with such direction and any such person who fails to comply with the directions of the Registrar or provides information that is false, commits an offence which is a corrupt electoral practice.

(4) For the purposes of this section, a "person" means a natural or legal person and includes a company, association or body of persons, corporate or unincorporated, Government department, non-governmental organisation, Statutory Authority or any

entity.

PART 4—GENERAL PROVISIONS

Offences

27. (1) A person who—

(a) fails to furnish particulars or information required to be furnished by a political party or by him or her under this Act;

(b) makes a statement which he or she knows to be false or which he or she has no reason to believe to be true; or

(c) recklessly makes a false statement under this Act,

commits an offence which is a corrupt electoral practice.

(2) Where a political party commits an offence under this Act, every office holder of that political party shall also be deemed to have committed the offence.

(3) Where an offence under this Act is committed by a body of persons other than a political party—

(a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be deemed to have committed the offence; and

(b) in the case of a partnership, every partner shall be deemed to have committed the offence.

(4) A person does not commit an offence under subsection (1) or (2) if that person proves to the satisfaction of the court that he or she exercised due diligence to prevent the commission of that act as he or she ought to have exercised, having regard to all the circumstances.

(5) Where a political party commits an offence under this Act, the Registrar shall have the power to—

(a) issue a warning and require the political party to conform to this Act within a specified period; or

(b) suspend the registration of the political party for a period not exceeding 12 months.

(6) Notwithstanding subsection (5), a person who is a member of a political party that has been suspended and is a member of Parliament, shall continue as a member of Parliament for the unexpired term.

Winding up political party

28. (1) The Registrar shall, upon the deregistration of a political party or its declaration as a prohibited organisation under any law, make an application to the High Court for the winding up and dissolution of that political party, and the disposition of the

property, assets, rights and liabilities of the political party.

(2) The High Court shall make such orders as it may deem just and equitable in the circumstances of the circumstances of the case.

Regulations

29. The Minister may make Regulations to give effect to the provisions of this Act.

Appeals against the decision of the Registrar

30. (1) Any person aggrieved with a decision of the Registrar made under this Act may appeal that decision to the Electoral Commission, provided however that no such appeal shall be accepted or entertained by the Electoral Commission unless the appeal is lodged ~~in~~ with the Electoral Commission within 14 days from the date of the decision of the Registrar.

(2) The decision of the Electoral Commission on any appeal against a decision of the Registrar made under this Act shall be final and binding on all parties and shall not be subject to any further appeal.

(3) Subject to the provisions of this Act, an appeal against a decision of the Registrar to the Electoral Commission under subsection (1) shall be dealt with in accordance with the rules adopted by the Electoral Commission.

Dispute Resolution

30A. (1) A political party may write to the Electoral Commission requesting the Electoral Commission to mediate, and if necessary arbitrate, on a dispute between a political party and another political party on any campaign issue.

(2) The Electoral Commission must make a decision within 3 days upon receipt of an application to mediate or arbitrate any dispute.

(3) The decision of the Electoral Commission on whether to mediate or arbitrate is final and is not subject to any further appeal to, or review by any court, tribunal or any other adjudicating body.

Repeal

31. The Electoral (Registration of Political Parties) Regulations 1991, and section 23(2) of the Electoral (Registration of Voters) Act 2012 are repealed.

GIVEN under my hand this 15th day of January 2013.

EPELI NAILATIKAU
President of the Republic of Fiji

FIRST SCHEDULE

CODE OF CONDUCT FOR POLITICAL PARTIES

1. Every political party shall strictly observe and comply with this code of conduct.

2. This code of conduct shall regulate the behaviour of members and office holders of political parties, aspiring candidates, candidates and their supporters, promote good governance and eradicate political malpractices.

3. Every political party shall—

   (a) respond to the interests, the concerns and the needs of the citizens of Fiji;

   (b) respect and uphold the democratic process as they compete for political power so as to implement their policies;

   (c) promote consensus building in policy decision making on issues of national importance;

   (d) promote national patriotism and national unity; and

   (e) respect, uphold and promote democratic values and principles, performing inclusive participation of political party members and accountable representation in governance.

4. Every political party shall—

   (a) respect the right of all persons to participate in the political process;

   (b) respect and promote human rights and fundamental freedoms and the rule of law; and

   (c) respect, uphold and promote human dignity, equity, social justice, equality and non-discrimination.

5. Every political party shall—

   (a) respect and uphold this Act and any other written law relating to elections and political parties;

   (b) respect and uphold their respective political party constitutions, political party election rules, political party nomination rules and any other political party

rules and regulations developed and agreed upon in accordance with this code of conduct;

(c) respect, uphold and promote good governance, integrity, transparency and accountability;

(d) respect, uphold and promote democratic practices through regular, free, fair and credible elections within the political party and include having democratically elected office holders and political party organs; and

(e) perform transparency and accountability in all party policies, rules, structures, procedures and performance.

6. A political party shall not—

(a) engage in or encourage violence by its members or supporters;

(b) engage in influence peddling, bribery or any other form of corruption;

(c) accept or use illicit or illegal money;

(d) accept or use public resources other than those allocated to the political party; and

(e) advocate hatred that constitutes ethnic or religious incitement or vilification of others or any other communal antagonism. ___

SECOND SCHEDULE

CONTENTS OF THE CONSTITUTION OR RULES OF A POLITICAL PARTY

1. The name of the political party and any abbreviation.

2. The logo and symbol of the political party and party colours.

3. The objects of the political party.

4. Clearly defined vision, mission, guiding principles and values.

5. The physical and postal address of the registered office.

6. Membership requirements including—
   (a) the eligibility criteria;
   (b) subscription fees for joining the political party and for being a member of the political party;
   (c) the criteria for resignation from political party membership or ceasing to be a member;
   (d) the rights and duties of members of the political party;
   (e) membership details to be contained in the register including identification details; and
   (f) the procedure for conducting the annual general meeting or the other general meetings of the political party, including matters which may only be decided upon by a meeting of the political party members.

7. The forming of political party branches and their roles and responsibilities.

8. The financial structure and system including—
   (a) the roles and responsibilities of individual political party officials with regard to the finances of the political party;
   (b) the annual statutory and other audits of accounts of the political party; and
   (c) the purposes for which the funds may be used, and in particular the

prohibition against the distribution of funds among members.

9. The general organisation structure and management of the political party.

10. The disciplinary measures against a member or official of a political party including—
    (a) the methods and procedure of disciplinary action;
    (b) possible disciplinary actions and reasons;
    (c) criteria for various disciplinary actions; and
    (d) consequences of each action.

11. The right to inspect the books or list of members of the political party by a member of the political party or a member of the public.

12. The authorised officials of a political party, including the names of officials who are authorised to sign, any of the following, on behalf of the political party—
    (a) documents presented to the Registrar including membership register, mergers, and other reports to the Registrar;
    (b) the accounts and bank accounts of the political party; the audited annual
    (c) accounts and financial statements of the political party;
    (d) any report or document of the political party required under this Act or any other written law; and
    (e) the nomination certificates for any nomination or election of a member of the political party.

13. The policy documents which the political party will develop and on which the political party will perform, including the manner and procedures in which they will be developed, approved and implemented.

14. The policy reporting documents and their regularity which the political party will produce, including the manner and the procedures in which they will be developed, approved and publicised.

15. Asset management policies and procedures, the custody and investment of the funds and property of the political party, and the designation of the persons responsible for them.

16. The political party nomination rules and regulations with respect to elections of the party and rules governing the preparation of party lists.

17. Provisions for the amendment of the name, constitution, and rules of the political party.

18. Rules for mergers including—

(a) the circumstances and criteria for mergers; and

(b) the procedure and guidelines for such mergers as approved by an annual general meeting of the political party.

19. Provisions on dissolution of the political party, including—

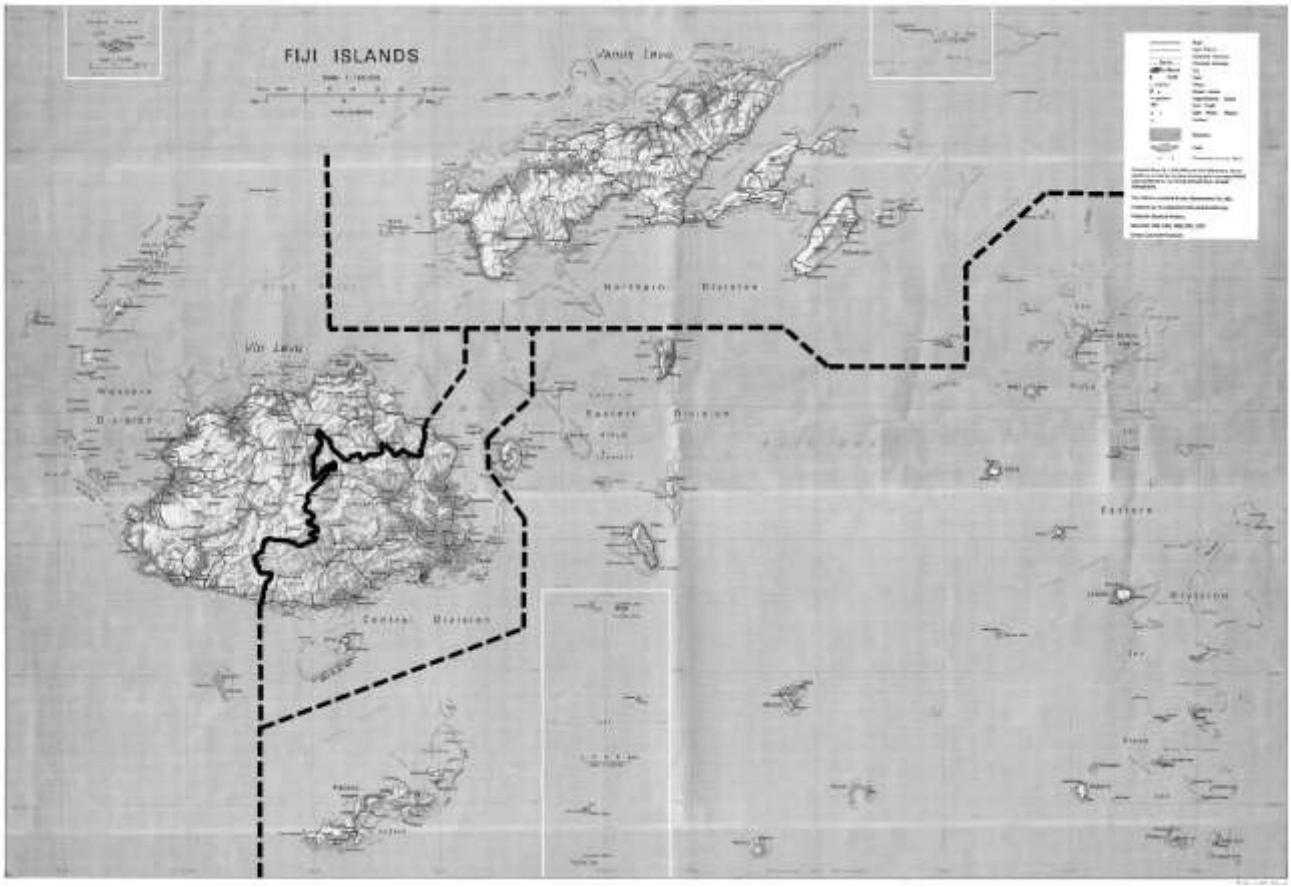
(a) provisions on the disposal of the property of the political party; and

(c) the manner of and procedures to be followed for the dissolution of the political party or any branch of the party.

20. Internal party dispute resolution mechanism.

THIRD SCHEDULE

MAP OF ALL THE FOUR DIVISIONS OF FIJI



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