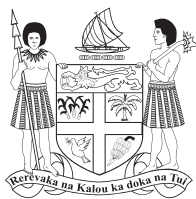


EXTRAORDINARY



# GOVERNMENT OF FIJI GAZETTE

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GOVERNMENT OF FIJI

POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES)  
(AMENDMENT) DECREE 2014  
(DECREE NO. 10 OF 2014)

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 Decree 2009 and section 165(2) of the Constitution of the Republic of Fiji, I hereby make the following Decree—

A DECREE TO AMEND THE POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES) DECREE 2013

*Short title and commencement*

1.—(1) This Decree may be cited as the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Decree 2014 and shall come into force on the date of its publication in the *Gazette*.

(2) The Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 shall be referred to as the “Principal Decree”.

*Section 2 amended*

2. Section 2 of the Principal Decree is amended by deleting the definition of “Registrar” and substituting with the following—

““Registrar” means the Supervisor of Elections appointed under section 76 of the Constitution.”

*Section 8 amended*

3. Section 8 of the Principal Decree is amended in paragraph (c) by inserting “or that has been reserved by another proposed political party by notice in writing to the Registrar” after the words “or is the symbol”.

*Section 14 amended*

4. Section 14 of the Principal Decree is amended by inserting the following new subsections after subsection (6)—

“(7) Any public officer who contravenes subsections (1)(c) and (d) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.

(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 Decree commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.”

*Section 22 amended*

5. Section 22 of the Principal Decree is deleted and substituted with the following—

*“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 and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.

(2) Subject to subsection (6), 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 \$10,000 in any one year (whether to one or more registered political parties or candidates).

(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.

(4) A person who contravenes subsections (2) or (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.

(5) 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 a political donation from any person who is not a Fijian citizen or former Fijian citizen, or receives a political donation exceeding \$10,000 from a Fijian citizen or a former Fijian citizen, commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both, and in addition to the penalty imposed by this Decree, forfeit that amount to the State.

(6) Subsection (2) shall not apply to any political donation made by any founding member of the political party as political donation to the initial assets of the party within the first year of its existence.

(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 (7), (8), (9), (10) and (11) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.”

Given under my hand this 27th day of March 2014.

EPELI NAILATIKAU  
President of the Republic of Fiji