
ELECTORAL ACT 2014
Adjudication Procedure Rules 2026

Rules adopted by the Electoral Commission under section 155(1) of the Electoral Act 2014.

TABLE OF CONTENTS

Part 1 – Preliminary Provisions

1. Short Title and Commencement
2. Definitions
3. Purpose
4. Application
5. Timeframes and Method of Filing

Part 2 – Pre-Hearing Procedures

6. Notice of Adjudication
7. Notice to Supervisor
8. Notice to Join as Third Party
9. Withdrawal of Adjudication
10. Dismissing an Adjudication

Part 3 – Hearing Procedures

11. Hearings
12. In-person Hearings
13. Witnesses and Production of Documents
14. Evidence

Part 4 – Decisions

15. Commission Decision

Part 1 – Preliminary Provisions

1. Short Title and Commencement

- (1) These Rules may be cited as the Adjudication Rules 2026.
- (2) These Adjudication Rules come into effect on 29 July 2026.

2. Definitions

- (1) In these Adjudication Rules, and any other Rules pertaining to Adjudications adopted by the Electoral Commission, unless a contrary intention appears:

“Act” means the Electoral (Registration of Voters) Act 2012, Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013, Electoral Act 2014, and the Local Government Act 1972;

“Adjudication, Adjudicated and Adjudicates” means the consideration and determination by the Commission of any appeal, application for review, or other similar matter, prescribed for the Adjudication of the Commission under any Act;

“Applicant” means the person or persons seeking adjudication of any matter by the Commission;

“Chairperson” means the Chairperson of the Commission or, if the Chairperson is absent, a member elected by the other Commission members present in accordance with section 5(2) of the Electoral Act 2014;

“Commission” means the Electoral Commission as set out in section 75 of the Constitution of the Republic of Fiji 2013;

“conflict of interests” means a conflict of interests as set out in section 13 of the Electoral Act 2014;

“hearing” means a meeting at which the Commission will consider the information and evidence pertaining to an Adjudication;

“in-person hearing” means a hearing that the Parties are invited to attend and present their submissions and evidence;

“Party or Parties” means the Applicant, the Supervisor, or any Third Party;

“Regulations” means any Regulations made under the Acts;

“Representative” includes one or more lawyers or agents authorised in writing to represent a Party;

“Supervisor” means the Supervisor of Elections appointed under section 76 of the Constitution, including in his or her capacity as Registrar under the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013; and

“Third Party” means a political party or person invited to be joined as a Party by the Commission during the Adjudication process, and includes any person who is the subject of an objection made to the Commission under an Act or Regulations.

- (2) In these Adjudication Rules, and any other Rules pertaining to Adjudications adopted by the Commission, unless a contrary intention appears words not defined in subrule (1) have the same meaning as defined in the Act or Regulations the Adjudication pertains to.

3. Purpose

- (1) These Adjudication Rules are adopted under section 155(1) of the Electoral Act 2014 to provide generic procedures applying to Adjudications by the Commission. They will be supplemented by Rules issued by the Commission which provide particulars specific to the matter to be Adjudicated.

4. Application

- (1) These Adjudication Rules are to be read together with the relevant Act or Regulations and any Commission Rules applying to the specific Adjudication. In the event of any inconsistency, the relevant Act or Regulations shall prevail.
- (2) Where there is no applicable provision in the Constitution, the Act, the Regulations or any Commission Rules, the Commission may adopt any approach it considers practicable in the circumstances so long as that approach is not inconsistent with the Constitution, the relevant Act or Regulations and Rules, these Adjudication Rules, and the rules of natural justice.
- (3) For the avoidance of doubt, these Adjudication Rules do not apply to situations that do not require the Commission to Adjudicate.

5. Timeframes and Method of Filing

- (1) The timeframes for actioning matters set out in these Adjudication Rules, along with Forms for Notices and other particulars specific to the matter to be Adjudicated upon, are as specified in the relevant Rules or Procedures.
- (2) If any Party fails to comply with the timeframes set out in a relevant Rule:

- (a) if there is no relevant timeframe prescribed in the Act or Regulations the Commission may by written notice to the Parties extend the timeframe for compliance if, in the opinion of the Commission, to do so would not compromise the conduct of the Adjudication or a fair process for the other Parties; or
 - (b) in any other case, the Commission must disregard any Adjudication-related information or document that is filed outside a timeframe prescribed in a Rule.
- (3) Parties may file documents with the Commission electronically, and:
 - (a) The Commission may require any party to provide the original of any document filed electronically and, unless the Commission specifies a different timeframe, the original must be filed with the Commission by the time prescribed in the relevant Rule for the filing of any response to a Notice to Join as Third Party.
 - (b) Electronic documents must be emailed to the email address for filing Adjudication documents published on the Commission website.
 - (c) Original documents must be delivered to the physical address for filing Adjudication documents published on the Commission website.
- (4) All Notices must be completed in the English language.

Part 2 – Pre-Hearing Procedures

6. Notice of Adjudication

- (1) An Adjudication may be sought by filing a Notice of Adjudication with the Commission.
- (2) A Notice of Adjudication must be in the Form prescribed in the relevant Rules (example, Notice of Appeal, Notice of Objection, Notice of Review), and must:
 - (a) identify the decision about which Adjudication is sought;
 - (b) state the grounds for the Adjudication;
 - (c) set out the facts the Applicant relies on;
 - (d) set out any witnesses the Applicant intends to call;
 - (e) be dated and signed by the Applicant, or if more than one then by all the Applicants, or by any Representative of the Applicant(s); and
 - (f) be filed with the Commission within the timeframe specified in the relevant Rules.

7. Notice to Supervisor

- (1) The Commission must send a copy of the Notice of Adjudication to the Supervisor, and request the Supervisor's response.
- (2) Additionally, the Commission may, at any time during the Adjudication process, request the Supervisor to provide written submissions in relation to the matter under Adjudication.
- (3) All Parties must be provided a copy of any Notice of Response or other submissions from the Supervisor, and be provided an opportunity to respond, unless the Commission considers it is not necessary in the circumstances and/or it is not practicable within the timeframe for making a decision set out in the Act.
- (4) For the avoidance of doubt, the Supervisor will be a Party to the Adjudication but will not be involved in the deliberations of the Commission on the Adjudication.

8. Notice to Join as Third Party

- (1) Where the Applicant is not the political party or person that is the subject of the decision about which Adjudication is sought, or the Commission considers that other political parties or persons may have a substantive interest in the matter, the Commission must:
 - (a) send a copy of the Notice of Adjudication to that political party or person; and
 - (b) invite that political party or person to be joined as a Third Party to the Adjudication.
- (2) For the purposes of subrule (1), a political party is deemed to have a substantive interest in an Adjudication that pertains to the eligibility of a person to be nominated by that political party as a party candidate.
- (3) If the political party or person wishes to accept the Commission's invitation to be joined as a Third Party they must confirm that to the Commission by filing a Notice to Join as Third Party in the Form prescribed in the relevant Rules, setting out any response they wish to make to the Notice of Adjudication.
- (4) The Commission must provide a copy of the Notice to Join as Third Party to the other Parties to the Adjudication, and provide them an opportunity to respond to the Notice.

- (5) A person or political party that did not receive from the Commission an invitation to be joined as a Third Party, and considers they have a substantive interest in the Adjudication, may apply to the Commission by filing an Application to be Joined as Third Party in the Form prescribed in the relevant Rules setting out the substantive interest they have in the Adjudication.
- (6) Where the Commission receives an Application to be Joined as Third Party in accordance with subrule (5):
 - (a) the Commission must promptly determine whether the applicant has a substantive interest in the Adjudication, and may take into account any relevant factors including who is eligible to be a party to the Adjudication under the relevant Act; and
 - (b) the Commission must promptly notify the Applicant in writing whether it has accepted or rejected their Application, and provide written reasons; and
 - (c) if the Commission accepts the Application, the Commission must also promptly provide the person or political party a copy of the Notice of Adjudication (and any other documents pertaining to the Adjudication that have been filed by that time) and invite them to file a Notice To Join as Third Party.
- (7) For the avoidance of doubt:
 - (a) a Notice To Join as Third Party filed in accordance with subrule (6) must be treated the same as any other Notice To Join as Third Party under the relevant Rules, including compliance with timeframes set out in those Rules; and
 - (b) for that reason, the Commission may decline to accept an Application to be Joined as Third Party if under the relevant Rules the timeframe for filing a Notice To Join as Third Party has lapsed.

9. Withdrawal of Adjudication

- (1) An Applicant may apply to the Commission to withdraw from the Adjudication at any time before the Commission makes its decision on the Adjudication.
- (2) The application must be made by filing with the Commission a Notice of Withdrawal of Adjudication in the Form prescribed in the relevant Rules.
- (3) If the Commission receives the Notice of Withdrawal before the Commission has made its decision on the Adjudication, the Commission must:
 - (a) consider whether in all the circumstances it would be fair and reasonable to grant the withdrawal; and
 - (b) determine whether to grant the withdrawal; and

- (c) notify the Applicant in writing of its decision on the Notice of Withdrawal, including whether as a result the Adjudication is discontinued; and
 - (d) if the Adjudication is discontinued, provide to all other Parties a copy of the Commission's notice to the Applicant.
- (4) If the Commission receives the Notice of Withdrawal after it has made its decision on the Adjudication, the Commission must:
 - (a) notify the Applicant in writing that it has made its decision on the Adjudication and the Notice of Withdrawal is therefore not valid; and
 - (b) provide the Applicant a copy of the Commission's written decision and reasons for it.

10. Dismissing an Adjudication

- (1) The Commission may dismiss an Adjudication if the Notice of Adjudication:
 - (a) does not make out any statutory ground that applies to the matter of the Adjudication;
 - (b) appears frivolous, vexatious, or an abuse of process (such as the Commission has within the same electoral cycle already determined substantially the same matter); or
 - (c) where the Applicant fails to attend an in-person hearing as set out at **Rule 12(6)**.
- (2) The Commission must provide to all the Parties a copy of the notice of dismissal of the Adjudication, along with the reasons for it.

Part 3 – Hearing Procedures

11. Hearings

- (1) The Commission may conduct a hearing on the papers only.
- (2) Ordinarily, the Commission will not conduct an in-person hearing unless:
 - (a) after considering the written information submitted by the Parties, the Commission concludes that an in-person hearing is required; and
 - (b) the Commission considers that it is practicable to conduct an in-person hearing within the timeframe prescribed in the Act or Regulations for the Commission to issue a decision.

12. In-person Hearings

- (1) If the Commission determines to conduct an in-person hearing in accordance with **Rule 11(2)**, the Commission must:
 - (a) schedule the in-person hearing and any associated matters based on any relevant statutory or regulatory timeframes, and taking account of the nature of the matter to be Adjudicated and the degree of evidence and legal submissions the parties propose to present; and
 - (b) provide written notice to the Parties of the date, time and place of the in-person hearing.
- (2) Unless the Commission otherwise directs, the only persons who may attend the in-person hearing are:
 - (a) the Parties and their Representatives;
 - (b) any witnesses the Parties named in their Notice of Adjudication or Notice to Join as Third Party; and
 - (c) Commission members, staff and advisors, as set out in sub-rule (3).
- (3) The in-person hearing will be conducted in English. Any party may request the Commission to provide an interpreter for:
 - (a) iTaukei (Fijian);
 - (b) Fiji Hindi; or
 - (c) Fijian Sign Language.
- (4) At least four (4) Commission members must be present at the in-person hearing.
 - (a) The Commission may be accompanied by members of its Secretariat staff and any relevant legal or other advisors, but such staff and advisors will not have any vote in the decision making of the Commission.
 - (b) The Commission and each of its members present must act in a professional and impartial manner, and must recuse themselves if they have a conflict of interests with the Applicant or any Third Party.
- (5) The in-person hearing will be presided over by the Chairperson, who has the authority to control proceedings to ensure that the in-person hearing is conducted in a manner that is respectful of all Parties and accords with the rules of natural justice.

- (6) If a Party (or their Representative) does not attend a scheduled in-person hearing the Commission may make any order it considers appropriate including:
 - (a) if the Applicant does not attend, dismiss the Adjudication; or
 - (b) conduct the in-person hearing in the absence of any Party; or
 - (c) adjourn the in-person hearing to a later date if the Commission considers that in all the circumstances it is fair and practicable to do so, and would not compromise a fair process for the other Parties.

13. Witnesses and Production of Documents

- (1) Section 138(9) of the Constitution provides that the Commission has the same powers as the High Court in respect of attendance and examination of witnesses and in respect of production of documents. In particular, and without limiting those powers, the Commission may exercise all or any of the powers set out in this Rule.
- (2) The Commission may:
 - (a) examine witnesses under oath or affirmation;
 - (b) cause depositions of witnesses to be taken; and
 - (c) exclude a witness from an in-person hearing until they are called to give evidence.
- (3) At any stage of an Adjudication (including before or after any hearing), the Commission may require any Party to produce any document in their possession, custody or power relating to any matter in question in the Adjudication, and when it is produced the Commission may deal with it in such manner as it thinks fit.

14. Evidence

- (1) The Commission will determine any questions regarding evidence, including the relevance of evidence to the Adjudication.
- (2) The Commission may receive and consider evidence and information on oath or affirmation, by affidavit, or otherwise as the Commission considers appropriate.
- (3) The Commission must give the Parties a reasonable opportunity to make submissions and present evidence.

- (4) The Commission may determine the Adjudication on the basis of the evidence and submissions of the Parties without further investigating the matter.

Part 4 – Decisions

15. Commission Decision

- (1) In making its decision on an Adjudication, the Commission may:
- (a) uphold the decision under Adjudication;
 - (b) overturn the decision under Adjudication;
 - (c) modify the decision under Adjudication; and
 - (d) make any other decision or give any direction in respect to the matter under Adjudication.
- (2) A decision of the Commission must be signed on behalf of the Commission by the Chairperson presiding at the Adjudication hearing.
- (3) The Commission must provide notice of its decision to the Parties in writing, which must:
- (a) include the findings of fact on which the decision is based;
 - (b) state the conclusions reached;
 - (c) give reasons for the decision; and
 - (d) if relevant, state the date the decision is to have effect from.
- (4) The Commission must issue its decision within any timeframe set out in the relevant Act, Regulations or Rules, and publish the decision (on its website or by other means) within 5 days but after the decision has been provided to the Parties.
- (5) As set out in the Acts and Regulations, the decision of the Commission (including a decision to dismiss an Adjudication in accordance with these Rules) is final and shall not be subject to review, appeal or reconsideration in any court of law or body.