REPUBLIC OF VANUATU

CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU ACT [CAP 295]

Approval of the English Text of the Referendum Consolidation Edition 2025 Order No. 67 of 2025

In exercise of the powers conferred on me by subsection 9(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295], I, the Honourable JOB SAM ANDY, Minister of Youth, Justice and Community Services, make the following Order:

1 Approval of the English Text of the Referendum Consolidation Edition 2025

The English Text of the Referendum Consolidation Edition 2025 is approved.

2 Appointed day

The appointed day for the coming into operation of the Referendum Consolidation Edition 2025 is the day on which this Order is made.

3 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 25TH **day of** April **, 2025.**

Honourable JOB SAM ANDY
Minister of Youth, Justice and Community Services

Commencement: 29 March 2005

CHAPTER 297

REFERENDUM

Act 4 of 2004
Act 12 of 2016
Act 20 of 2023
Act 9 of 2024

ARRANGEMENT OF SECTIONS

1. Interpretation
2. Responsibility of the Electoral Commission in a national referendum
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4. Date for national referendum
5. Ballot paper
6. When referendum binding
7. Persons eligible to vote in a national referendum
8. Application of the Electoral Act No. 16 of 2023
9. Results of referendum
10. Cost of referendum
11. Regulations

SCHEDULE 1 – *(Repealed)*
SCHEDULE 2 – Provisions of the Electoral Act No. 16 of 2023 not applicable in respect of a national referendum

REFERENDUM

An Act to provide for national referendums.

1. Interpretation

In this Act, unless the contrary intention appears:

"Constitution" means the Constitution of the Republic of Vanuatu.

"elector" means a person eligible to vote at a national referendum.

"Electoral Commission" means the Electoral Commission established by Article 18 of the Constitution;

"Minister" means the Minister responsible for Internal Affairs.

"national referendum" means the submission to the electors of an amendment of a provision of the Constitution.

2. Responsibility of the Electoral Commission in a national referendum

Whenever in accordance with Article 86 of the Constitution a national referendum is required, the Electoral Commission, with the assistance of the Principal Electoral Officer, is responsible for the organisation, administration and conduct of a national referendum.

3. *(Repealed)*

4. Date for national referendum

(1) The Electoral Commission is to determine by Order, a day for electors to vote for the purposes of a national referendum.

(1A) The Electoral Commission may, on the advice of the Principal Electoral Officer, extend the timing and date of voting in specified polling stations if the Electoral Commission is satisfied that there are special circumstances in those locations.

(2) A national referendum may be held in conjunction with a general election, provincial election and municipal election or separately on a day provided in the order.

5. Ballot paper

A ballot paper must be in the green colour to represent "Yes" and the red colour to represent "No" so that each elector may indicate whether or not he or she supports:

(a) the proposed amendment to the Constitution; or

(b) each proposed amendment to the Constitution if there is more than one proposed amendment to the Constitution.

6. When referendum binding

If a majority of electors validly voting at a national referendum vote the same way on a question stated, the result in relation to that question is binding on the government.

7. Persons eligible to vote in a national referendum

(1) A person is eligible to vote in a national referendum if that person:

(a) is 18 of age or more; and

(b) is a naturalised or indigenous citizen of Vanuatu; and

(c) is in possession of a National ID.

(2) To avoid doubt, a person who is not registered in the electoral roll is eligible to vote at a national referendum.

8. Application of the Electoral Act No. 16 of 2023

(1) Subject to this Act, the Electoral Act No. 16 of 2023 and the regulations under it, as adapted under subsection (4) apply in respect of a national referendum.

(2) *(Repealed)*

(3) The provisions of the Electoral Act No. 16 of 2023 referred to in Schedule 2 do not apply in respect of a national referendum.

(4) The Minister may, by Order, adapt the Electoral Act No. 16 of 2023 and the regulations made under it in such manner as the Electoral Commission considers necessary for the purposes of applying that Act and those regulations in respect of a national referendum.

9. Results of referendum

(1) The Electoral Commission must announce the result of a national referendum on radio and print media or television, as soon as practicable after the result is known.

(2) The Electoral Commission must publish in the Gazette the result of a national referendum as soon as practicable after the result is announced.

10. Cost of referendum

The cost of conducting a national referendum is to be paid out of the Public Fund within the meaning of the Public Finance and Economic Management Act [Cap. 244].

11. Regulations

The Minister may make regulations:

(a) to amend the Schedules to this Act; or

(b) for any other matters that the Minister considers necessary to give effect to this Act.

SCHEDULE 1 - *(Repealed)*

SCHEDULE 2

(Section 8(3))

Provisions of the Electoral Act No. 16 of 2023 not applicable in respect of a national referendum

(a) Section 8;
(b) Part 4;
(c) Divisions 1 and 2 of Part 6;
(d) Paragraph 64(2)(a);
(e) Section 68;
(f) Paragraph 80(1)(b);
(g) Section 81;
(h) Section 82;
(i) Paragraph 84(a);
(j) Part 9;
(k) Part 10;
(l) Section 26;
(m) Section 141;
(n) Part 12;
(o) Any other provision prescribed by the Regulations.

Table of Amendments

1	*Amended by Act 12 of 2016*	*8(heading)*	*Amended by Act 20 of 2023*
2	*Substituted by Act 12 of 2016*	*8(1) – (4)*	*Amended by Act 20 of 2023*
3	*Repealed by Act 12 of 2016*	*8(2)*	*Repealed by Act 9 of 2024*
4(1)	*Substituted by Act 12 of 2016*	*8(4)*	*Amended by Act 12 of 2016*
4(1A)	*Inserted by Act 9 of 2024*	*8(5), (6)*	*Repealed by Act 12 of 2016*
4(2)	*Amended by Act 12 of 2016*	*9(1), (2)*	*Amended by Act 12 of 2016*
7	*Amended by Act 20 of 2023*	*Schedule 1*	*Repealed by Act 12 of 2016*
7	*Substituted by Act 9 of 2024*	*Schedule 2*	*Substituted by Act 20 of 2023*