



17 October 2025

By Hand Delivery

The Hon. Ratu Rakuita Vakalalabure
The Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
Government Buildings
Suva

Dear Chairperson

Clarification of Issues – 2022 General Elections Joint Report by the Electoral Commission and Supervisor of Elections

Ni Sa Bula Vinaka from the Fijian Elections Office (**FEO**).

Reference is made to your letter dated 13 October 2025. We acknowledge your invitation to a meeting with the Parliamentary Standing Committee on Justice, Law and Human Rights (**Committee**) on Monday 20 October 2025 and confirm the attendance of the Chairperson of the Electoral Commission, Justice Usaia Ratuveli, the Director Corporate Services of the FEO, Mr. Sanjeshwar Ram, Compliance Coordinator of FEO, Ms. Rachel Simmons and myself.

We further note the request for our response to the above-mentioned subject. In this regard, kindly find below the outlined issues in your letter and our responses to the same.

1. Status of MOG Recommendations

We note that the Committee is seeking clarification on the status of the Multinational Observer Group (**MOG**) summary of recommendations on pages 13 to 18 of the 2022 General Election Joint Report (**Report**).

All correspondences must be addressed to the Supervisor of Elections and sent to the FEO Headquarters

FEO HEADQUARTERS

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In this regard, we have enclosed with this letter the Status of Recommendations from the FEO & Electoral Commission 2022 General Election Joint Report for your reference. This document contains the extracted recommendations from pages 13 to 18 of the Report and their current status.

We further submit that where we have mentioned in above-mentioned enclosed document that the FEO made submissions on proposed amendments to the Fiji Law Reform Commission (**FLRC**), we wish to provide context in this regard and submit that the FLRC and the Electoral Commission (**Commission**) were mandated to undertake a comprehensive review and reform of the current electoral laws in consultation and collaboration with the Ministry of Justice (**MOJ**).

In this regard, submissions were submitted by the FEO and the Commission to the FLRC proposing amendments to the Electoral (Registration of Voters) Act 2012, Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 and Electoral Act 2014. The amendments proposed by the FEO and the Commission were made considering, apart from other things, the recommendations from the report on the 2022 General Election by the MOG.

2. Election Expenditure

We note that the Committee seeks clarification with regards to the Election Expenditure on page 11 of the Report specifically on the difference in the amount of \$481,023.00 denoted as receipt and the operating expenditure budget of \$647,610.20.

We submit that the Commission follows the government financial year from August 2022 till July 2023 for its financial reporting and budgeting whereas the Report incorporates figures from January 2022 to December 2022. We submit that the total budget reflected in the Election Expenditure table on page 11 comprises of figures extracted from three (3) different budgets as follows:

- i) The first budget is the Operating Budget for the Commission for August 2021 to 2022 covering allocated funds from January 2022 to July 2022. This is incorporated as part of the total budget in the Report.
- ii) The second budget is the Election Budget of \$481, 023 allocated specially for expenditure related to writ to return of writ period which falls in the financial year from August 2022 till July 2023. This is incorporated as part of the total budget in the Report.
- iii) The third budget is the Operating Budget for the Commission for August 2022 to July 2023 in the amount of \$337,285.00. The Report reflects the funds allocated to cater for operating expenditure from August 2022 to December 2022. This is incorporated as part of the total budget in the Report.

The total budget allocated from January 2022 till December 2022 from the three (3) different budgets to meet the Commission's expenditure was \$647,610.20. From the allocated budget of \$647,610.20, \$304,667.93 was spent when the Report was compiled.

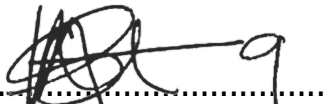
3. *International Support*

We note that the Committee is seeking clarification with regards to the funding provided by UNDP stated in page 11 of the Report and in particular whether this was an addition to the budget allocated for the year. The Committee is also querying the total amount provided to the Commission. The Committee is also seeking clarification as to whether this funding is incorporated in table three (3) of page 11 of the Report.

With regards to this, we submit that the support provided by UNDP was an additional to the FEO's budget and not the Commission's budget. This funding is not reflected on table three (3) on page 11 of the Report. However, this funding is reflected on page 68 of the 2022 General Election Supervisor of Elections report which forms part of the Report as Annex 6.

4. For any further clarifications, please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Mataiciwa', written over a horizontal dotted line.

Ana Mataiciwa (Ms)

Supervisor of Elections

Encl:

1. Status of Recommendations from Fijian Elections Office & Electoral Commission 2022 General Election Joint Report

Status of Recommendations from Fijian Elections Office & Electoral Commission 2022 General Election Joint Report

Status of 2022 General Election MOG Recommendations (pages 13 – 16 of the Report)		
	MOG Recommendations	Status
1.	Review restrictions on election-related activities for domestic and traditional Civil Society Organisations (CSOs), particularly in relation to candidate development activities, which will result in wider participation in the electoral system by all sectors of society, including women (page 15).	We submit that the restrictions on election-related activities are stipulated under the Electoral Act 2014. The FEO has submitted proposed amendments to these provisions to the Fiji Law Reform Commission (FLRC) for consideration. This proposed amendment was drafted with the purpose to, amongst other things, address this MOG recommendation and provide clarity to CSO involvement in election related activities.
2.	Conduct an external audit of the National Voter Register to ensure accuracy and public confidence (page 17).	The Commission had advertised an Expression of Interest on four different occasions (03/11/21, 20/11/21, 01/08/22 and 20/08/22) inviting reputable organisations locally and internationally to submit their biddings regarding the audit of Fiji's National Register of Voters. Despite the Expression of Interest being advertised numerous times, there were still no suitable bidders. On 09/09/22 the Commission agreed in its meeting to re-advertise the Expression of Interest for the audit of Fiji's National Register of Voters after the 2022 General Election is conducted as the Writ could be issued at any time from the date of that meeting. Currently, the Commission is continuing its efforts to source options for the external audit of the National Register of Voters.
3.	Clarify the validity of voter cards and other allowable documents early ahead	Since the last general election, the FEO has taken proactive action to minimize voter confusion with regards to the validity of voter cards. The FEO conducted a Voter Perception Survey in 2024 to gather feedback on the experiences of voters with our services, the previous general election

	of next election to maximise voter turn-out (page 18).	and the best means of engaging voters. These have led to FEO expanding reach to voters through the launch of new revamped social media platforms and the launch of an FEO mascot. Apart from this, the FEO consistently pushes out awareness on voter registration requirements through our social media platforms and voter registration drives.
4.	Consider the appropriateness of the severe criminal penalties in electoral legislation, including the Electoral Act 2014, and whether the desire to deter criminal conduct, ultimately diminishes public confidence in the EC and FEO (aspirational recommendation, page 20).	The FEO has proposed amendments to all offence provisions under the three electoral laws in an effort to consolidate offences and harmonize penalties. These recommendations were submitted to the FLRC for consideration.
5.	Consider whether the length and detail of the Electoral Act 2014 affects the public's readability and understanding of the legal framework regarding elections, to the detriment of public confidence. Consistent with recommendations in 2018, the MOG also recommends relevant Fijian institutions work towards consolidating and simplifying relevant electoral legislation, including the Electoral Act 2014 (aspirational recommendation, page 20).	Currently, there are 60 sections in the Electoral Act, 32 sections in the Political Parties (Registration, Conduct, Funding and Disclosures) Act and 29 sections in the Electoral (Registration of Voters) Act. Consolidating these different laws into one is not necessary as the respective laws each has its own function. For instance, the Electoral Act highlights processes surrounding the conduct of elections, the Political Parties (Registration, Conduct, Funding and Disclosures) Act focuses on the registration and administration of political parties and the Electoral (Registration of Voters) Act concentrates on voter registration and the administration of the National Register of Voters. Instead of consolidating, the Commission and the FEO had sought to clarify certain provisions of each electoral law and this was reflected as follows: 36 amendments made to the Electoral (Amendment) Act, 2021 which commenced on 07 June 2021. 11 amendments made to the Electoral (Registration of Voters) (Amendment) Act 2021 which commenced on 07 June 2021. 13 amendments made to the Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Act 2021 which commenced on 07 June 2021.

		2 amendments made to the Electoral (Registration of Voters) (Amendment) (No.2) Act, 2021 which commenced on 06 October 2021; and 5 amendments made to the Electoral (Amendment) Act 2022 which commenced on 02 September 2022. These respective amendments have now allowed the EC and FEO to deliver more effective election operations and further promotes consistency between the electoral laws in regards to the definition of certain terms and processes. With the electoral review and reform undertaken by the FLRC and the Commission this year, the FEO has also submitted proposals on recommended amendments to our electoral laws in the efforts to further improve the readability and clarity of these laws.
6.	Review the appropriateness of the Supervisor of Election's (SoE) powers, particularly in subsections 6(1A) - (1C) of the Electoral Act 2014 (page 23).	The FEO has taken this recommendation into account and have submitted proposed amendments to these sections to the FLRC.
7.	Ensure best efforts are undertaken to use full parliamentary consultation processes when amending electoral legislation, including providing advice to relevant decision-makers regarding the appropriateness of using Standing Order 51 when passing amendments to election-related legislation (aspirational recommendation, page 23).	The FEO and the Commission have no mandate in relation to the parliamentary process. However, we support the use of the full parliamentary consultation and legislative amendment process. The review and reform of the electoral laws was jointly undertaken by the FLRC and the Commission this year and the FEO and the Commission actively participated in this process by submitting our proposed amendments to the Electoral (Registration of Voters Act) 2012, Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 and the Electoral Act 2014.

	Develop and better publicise procedures for the EC to ensure due process in considering complaints against the SoE, political parties and the FEO (page 26).	The Commission has substantive plans to review internal procedures in the beginning of 2026 in order to ensure due process is afforded and that there are proper mechanisms in place dealing with these complaints.
8.	Review the appropriateness of section 115 of the Electoral Act 2014, especially when its effect on free political debate is considered cumulatively with the newly inserted subsections 110A and 144A (aspirational recommendation, page 28).	The FEO has made submissions to the FLRC proposing amendments to section 115 that address this issue. These proposed amendments were made taking into account MOG recommendations and submissions from CSO's, political parties and other important stakeholders following the 2022 General Election.
9.	Develop guidelines for the conduct of Ministers, Members of Parliament and the civil service when the government is in 'caretaker mode' to reinforce public confidence in a level political playing field (aspirational recommendation, page 35).	The FEO and the Commission does not have the mandate or the power to make decisions with regards to the conduct of Ministers, Members of Parliament and the civil service when the government is in 'caretaker mode'. This is a matter for Parliament and Cabinet to make decisions on. However, we understand that democratic international good practice recognises the value of guidelines for their conduct during the caretaker period to ensure public confidence in elections.
11.	Require all political parties to report campaign expenditure and consider setting campaign expenditure limits (page 37).	With the review of the three (3) electoral laws conducted by the FLRC and the Commission this year, the FEO has actively participated by making submission to the FLRC regarding this issue. The FEO has proposed substantive amendments with regards to campaign expenditure limits in the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013.
12.	Consider providing technical support and potentially public funding for the costing of parties' political manifestos to ensure voters have reliable policy information (aspirational recommendation, page 38).	We submit that as election management bodies are required to remain politically neutral, it would be inappropriate for such support in relation to political party manifestos to be provided by Commission or the FEO.

		However, we submit that with the electoral law review conducted by FLRC this year, the FEO in its submission to FLRC on proposed amendments, have recommended amendments to these provisions under the Electoral Act that directly address this issue.
13.	The MOG recommends that the EC and FEO strengthen efforts to build productive partnerships with civil society organisations during both the pre-election phase and following the issuance of the Writ, and to actively work with CSOs in voter awareness, information, and education activities (page 41).	Following the 2022 General Election, the FEO conducted a review of the 2022 General Election and sought feedback from stakeholders including CSO's which was taken on board to improve our planning for the next general election and for the improvement of our service delivery. Apart from this, CSO's were consulted by the FEO for their input into our current Strategic Plan thereby having a direct contribution to the planning of our activities for the period 2024 -2027. Further, the FEO has actively engaged CSO's in our awareness and engagement activities through the Community Elections Advocate (CEA) Programme. The CEA Programme was an initiative launched October 14, 2025 where 450 trained volunteers would be deployed across Fiji to conduct awareness on elections in communities. This CEA Programme is a collaborative approach between FEO and CSO's where all of these volunteers were those that were nominated by CSO's from their pool of volunteers to be trained by FEO as CEA's. The 450 CEA's are part of the initial rollout with more CEA's planned to be trained and deployed until the next general election.
14.	Consider how domestic observers and other international non-governmental observers can be incorporated into future electoral processes (page 41).	Currently, section 119 of the Electoral Act 2014 clearly states that the Minister responsible for Elections may appoint or invite any person, organisation or entity to be observers for any elections. There is no restriction to domestic observers. Any agency interested in observation activity must apply for approval from the said Minister. The Commission does not have any jurisdiction in this matter. However, the FEO has also submitted recommendations for amendment to section 19 which provides clarity on the reading of this provision and also allow for processes to be implemented which will directly address this issue.
15.	All stakeholders continue their efforts to promote women's representation and safeguard gender diversity in the electoral system, including as	Following the 2022 General Election, the FEO has prioritized strengthening its relationship with all stakeholders including CSO's.

	candidates; and that gender safeguards be integrated into any electoral system reforms (page 42).	The collaborative CEA initiative by the FEO with CSO's includes FWRM, Femlink Pacific and faith-based organizations, all of whom advocate in the space of women's representation. They have nominated volunteers to be trained by FEO as CEA advocates and push out electoral information and awareness in their communities. Part of this would include them pushing this information to the people they advocate for in their communities including women.
16.	Continue the work of the Elections Disability Access Working Group (EDAWG) to develop better support services for voters with disabilities (page 43).	Since the last general election, EDAWG has continued work in the space of developing better support services for voters with disabilities. Most notably, on 03 November 2023 EDAWG launched its 4 Year Workplan setting out the roadmap of activities for the next four years including up to the next general election including accessibility audits on venues, information materials and websites, organizing disability-sensitive training for election officials and collaborating with our development partners to develop disability-inclusive policies for the FEO. The FEO continues to monitor this Workplan to ensure that all activities are achieved.
17.	Review the Media Industry Development Authority of Fiji's (MIDA) mandate and operations and relevant procedures to create greater certainty and clarity for media organisations (aspirational recommendation, page 46).	MIDA Act 2010 has been repealed under the Media Industry Development (Repeal) Act 2023 and consequently all provisions under the Electoral Act referring to MIDA has been deleted. Further, the Commission and the FEO are not in charge of the media regulatory framework and cannot make decisions regarding this.
18.	Review the operation of media blackout requirement in the law and providing greater clarity through published guidelines (page 46).	The MIDA Act 2010 has been repealed under the Media Industry Development (Repeal) Act 2023 and consequently all provisions under the Electoral Act referring to MIDA has been deleted.
19.	Review the appropriateness of the EC guidelines on the conduct of opinion polls and their effective constraint on the media's ability to contribute to	The FEO has recommended amendments to the FLRC regarding the provisions under the Electoral Act relating to the EC Guidelines on opinion polls (section 110A) to ensure workability to Fiji's context, ensure clarity of processes for opinion polls.

	public discourse and political accountability (page 46).	
20.	Review the policies and methods of communication of important election information, including provisional and final results, and consider a simple analogue backup, such as a manual results tally board, to complement the digital FEO Results App with strengthened verification protocols (page 58).	We submit that the FEO Results App will no longer be used to disseminate election results to the public and instead the FEO will be disseminating election results through our website, social media platforms and through the media channels.
Status of Further Recommendations by Electoral Commission and FEO (pages 16 – 18 of Joint Report)		
	MOG Recommendations	Status
1.	EC Institutional Continuity, Accountability and Effectiveness	We submit that this is solely a constitutional matter. We understand that constitutional review is outside of the mandate for the review of the national electoral legislation and therefore any revision to the terms of appointment of Commission members are solely matters for the government, the President and the Constitutional Offices Commission to initiate.
2.	Secretary to the EC	We submit that we have recommended to the FLRC the amendment of this provision under the Electoral Act 2014 in support of this recommendation.
3.	Audit of FEO Systems	We submit that internal audits of our core systems remain ongoing in preparation for the next general election. With regards to the external audit of the National Register of Voters (NRV), we submit that plans are in place to ensure that the NRV is audited before the next general election.
4.	Legal Framework	(a) Maintaining Election Management Body Neutrality We submit that we have made recommendations to the FLRC for the amendment of provisions in the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 which directly supports this recommendation.

		(b) 5.Legislative Stability in Election Year We submit that legislative authority is reserved to Parliament under Part A of Chapter 3 of the Constitution. Therefore, constitutional amendment would be the most appropriate way to achieve the aim in this recommendation. (c) Early Disclosure of Election Date We submit that the FEO supports this proposal but understood constitutional review to be outside the mandate for the review of the national electoral legislation and therefore has not prepared any draft amendments to this effect. The adoption of a fixed national election may require constitutional amendment the decision of which rests with the government. (d) Enhancing Voter Participation via Access to Elected Representatives We submit Fiji’s current electoral system is stipulated under the Constitution and any decision regarding the revision or adoption of an alternative system are decisions for the Parliament and Government of the day to decide.
5.	Legal Framework: Further Recommendations of the EC	(a) Independent Registrar of Political Parties, and the Greater Public Disclosure We have made proposals on amendments to the Political Parties (Registration, Conduct, Funding and Disclosures) Act to the FLRC to ensure transparency of political party funding and expenditure. Further, the FEO has sought to address the potential for misuse of the position of the Registrar through substantive amendments recommended to FLRC such as removing excessive powers and clarifying the roles and functions of this position.

(b) Enhancing Participation of Persons with Disabilities in the Electoral System

The rights of persons to participate in voting are prescribed in section 55 of the Constitution, including that those who have been declared to be of unsound mind and not eligible (and this is mirrored in the Electoral (Registration of Voters) Act 2012). The FEO considers any change would require a review of the Constitution.

The FEO acknowledges that not all polling stations are easily accessible for some people with disabilities, however on average FEO requires 2,200 polling stations. These must be located throughout the country where there are concentrations of voters, and are predominantly schools and village or community halls. The FEO is not in a position to modify all these state or publicly owned premises, and as the relevant authorities continue to enhance accessibility to their premises FEO and voters will benefit from the enhanced accessibility. FEO has revised the provisions in the Electoral Act 2014 to enhance the voting experience at the polling station for eligible voters living with disabilities.

[VERBATIM REPORT]

STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

ANNUAL REPORT

2022 General Elections Joint Report - Electoral Commission and Supervisor of Elections

ENTITY: Electoral Commission
Fijian Elections Office
VENUE: Big Committee Room (East Wing)
DATE: Monday, 20th October, 2025

VERBATIM REPORT OF THE MEETING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS HELD AT THE BIG COMMITTEE ROOM, PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON MONDAY, 20TH OCTOBER, 2025 AT 2.38 P.M.

Present

- | | | | |
|----|-------------------------------|---|----------|
| 1. | Hon. Ratu R.S.S. Vakalalabure | - | Chairman |
| 2. | Hon. S. Nand | - | Member |
| 3. | Hon. J. Usamate | - | Member |
| 4. | Hon. F.S. Koya | - | Member |

Submittee: **Fijian Elections Office and Electoral Commission Fiji**

- | | | | |
|----|------------------------|---|------------------------------|
| 1. | Justice Usaia Ratuveli | - | Chairman |
| 2. | Ms. Ana Mataciwa | - | Supervisor of Elections |
| 3. | Ms. Rachael Simmons | - | Compliance Coordinator |
| 4. | Mr. Sanjayshwar Ram | - | Director, Corporate Services |

Honourable Members, members of the public, the Secretariat, viewers, ladies and gentlemen; a very good afternoon to you all.

At the outset, for information purposes, under Standing Order 111 of the Standing Orders of Parliament, please, note that the submission is open to the public and media, and is also being streamed live on Parliament's website and social media platforms.

For any sensitive information concerning the matter before us this afternoon that cannot be disclosed in public, this can be provided to the Committee, either in private or in writing. However, please, be advised that there are only a few specific circumstances that allow for non-disclosure, which includes national security matters, third-party confidential information, personnel or human resource matters, and Committee deliberation and development of Committee's recommendation and reports.

This is a parliamentary meeting, and all information gathered is covered under the Parliamentary Powers and Privileges Act. However, please, bear in mind that we do not condone slander or libel of any sort, and any information brought before this Committee should be based on facts.

In terms of the protocol of this Committee, please, minimise the usage of mobile phones and all mobile phones are to be on silent mode while the meeting is in progress. I also wish to remind honourable Members and our guests this afternoon that all questions to be asked are to be addressed through the Chair.

Honourable Members, I would now like to take this time to welcome our submittees this afternoon. Appearing before the Standing Committee on Justice, Law and Human Rights is the Chairperson of the Electoral Commission Fiji, Justice Usaia Ratuveli; the Supervisor of Elections, Ms. Ana Mataciwa; Director, Corporate Services, Mr. Sanjayshwar Ram; and Compliance Coordinator, Ms. Rachel Simmons.

[Introduction of Members of the Committee]

Honourable Members, today, the Committee will be hearing submission from the Fijian Elections Office (FEO) and the Electoral Commission Fiji on the 2022 General Elections Joint Report by the Electoral Commission and the Supervisor of Elections.

Without further ado, I now give this time to the Supervisor of Elections (SOE) and the Chairperson of the Electoral Commission to, please, proceed with their public submission. I understand that this is a fairly quick one where there are three questions from the Committee so we can get them clearly out of the way. You have the floor, SOE.

MS. A. MATAICIWA.- Thank you, Mr. Chairman. We believe there are three questions that we need to clarify today, beginning with the status of the Multinational Observer Group (MOG) recommendations from the 2020 General Election, the Election expenditures, as well as the international support.

We will start off with the 2022 recommendations and its status. There are currently 20 recommendations, and we have further recommendations that are also in place. In terms of the MOG 2022 General Election recommendations, we will go through it one by one.

Recommendation No. 1

Review restrictions on election-related activities for domestic and traditional Civil Society Organisations (CSOs), particularly in relation to candidate development activities, which will result in wider participation in the electoral system by all sectors of society, including women (page 15).

Response

The restriction on election-related activities are currently stipulated in the Electoral Act 2014. However, you might be aware that there was a review done to all the three existing electoral laws.

We had submitted proposed amendments to this provision, Mr. Chairman, for consideration. The proposed amendments that we have submitted also reflected on some of these restrictions. This one, in particular, looks at section 115 of the Electoral Act 2014 which currently requires those who receive funds from foreign partners, et cetera, to make an application to the FEO once the election date is announced. The FEO will then review their application and see whether they should be granted approval to conduct certain electoral activities, such as probably a public forum or a poll, et cetera.

What we have proposed for the new amendments is that the Electoral Commission to just do a guideline and then assist those who intend to do some civic governance or election information next year as we prepare for the next general election. So, that is one of the proposals that we have put forth in the Fiji Law Reform Commission submission. If it does come through, that will be one avenue where we could work closely with the CSOs, to ensure that the stakeholders, especially the general public, receive consistent information throughout.

Recommendation No. 2

Conduct an external audit of the National Voter Register to ensure accuracy and public confidence (page 17).

Response

This is still pending. It was actually one of the recommendations from the previous General Elections as well. However, we had already made an undertaking to this Committee that this

is something that we will consider as we prepare for the next general election.

Recommendation No. 3

Clarify the validity of voter cards and other allowable documents early ahead of next election to maximise voter turn-out (page 18).

Response

We do understand that whilst preparing for the 2022 General Election, there were some mixed messages from the FEO in terms of the green card, blue card, as well as the details surrounding documents that are required for obtaining such cards.

As we now prepare for the next upcoming general election, we are putting some proactive measures to minimise voter confusion. At the moment, we have started with voter registrations. We have been doing it for our local citizens, however, we have started with our Fijian diaspora last month.

What we have done now which we lacked previously was awareness, which means our Fijians to be aware of the requirements to be brought if they intend to register as new voters or if they want to replace their cards.

Recommendation No. 4

Consider the appropriateness of the severe criminal penalties in electoral legislation, including the Electoral Act 2014, and whether the desire to deter criminal conduct, ultimately diminishes public confidence in the EC and FEO (aspirational recommendation, page 20)

Response

Mr. Chairman, our new proposed amendment is that we have requested for the consolidation of offences and harmonising the penalties. Basically, if you look at our three electoral laws, we have different offences that are spread throughout the existing electoral laws. We recommend that we categorize these offences basically either as illegal electoral practice offences which are minor offences, or corrupt electoral practices which are the major or more serious offences that might require prison term or disqualification as a voter.

Recommendation No. 5

Consider whether the length and detail of the Electoral Act 2014 affects the public's readability and understanding of the legal framework regarding elections, to the detriment of public confidence. Consistent with recommendations in 2018, the MOG also recommends relevant Fijian institutions work towards consolidating and simplifying relevant electoral legislation, including the Electoral Act 2014 (aspirational recommendation, page 20).

Response

We do understand that the three electoral laws are lengthy, but if we look at them closely, the Electoral Act 2014 has 60 provisions, the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 has 32 provisions, and the Electoral (Registration of Voters) Act 2012 has 29 provisions. These three electoral laws look at different administrative parts of the processes.

The Electoral (Registration of Voters) Act 2012 focusses on the administration of the National Register of Voters, whereas the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 focusses on the administration of political parties, whilst the Electoral Act 2014 looks at the entire electoral processes. If we look at these three laws, they represent

the three different factors in the electoral cycle so at the moment, it is quite convenient when there are three separate legislations for us, as we are able to ensure that all the provisions in these three different laws are actioned effectively and efficiently.

Recommendation No. 6

Review the appropriateness of the Supervisor of Election's (SoE) powers, particularly in subsections 6(1A) and (1C) of the Electoral Act 2014 (page 23).

Response

A full review of the SOE's power has been recommended when we made submissions, basically moderating the power to make it more consistent with the current practices with other election management bodies. We do realise that the powers that were stipulated in section 6 (1A) and (1C) is quite excessive, so we had proposed for it to be relooked into.

Recommendation No. 7

(a) Ensure best efforts are undertaken to use full parliamentary consultation processes when amending electoral legislation, including providing advice to relevant decision-makers regarding the appropriateness of using Standing Order 51 when passing amendments to election-related legislation (aspirational recommendation, page 23).

Response

I believe our Electoral Commission and also the FEO have always spoken in previous events of our support for full parliamentary consultation, especially for amendments to the three electoral laws that look into the democracy of the country. We have actively participated in the Fiji Law Reform Commission process and, at the same time, we anticipate that when it does go through the parliamentary process, that we will also be part of those consultative processes.

We are also aware that previously, most provisions had gone through Standing Order 51, which most of the amendments that was done prior to the 2022 General Election. When we looked at other international best practices, we also noted the importance of having parliamentary processes in place instead of what we had practised previously.

(b) Develop and better publicise procedures for the EC to ensure due process in considering complaints against the SoE, political parties and the FEO (page 26).

Response

A proposal was made through the Fiji Law Reform Commission. This is an activity for us, so come January of next year, Electoral Commission Fiji and the FEO will be working closely together to ensure that all the administrative policies and procedures are in place before we move into the general election preparation. So, this is something that we have considered, and it will be implemented in January when we have our workshop.

Recommendation No. 8

Review the appropriateness of section 115 of the Electoral Act 2014, especially when its effect on free political debate is considered cumulatively with the newly inserted subsections 110A and 144A (aspirational recommendation, page 28).

Response

As I have mentioned before, this is something that we have also confirmed that we had proposed amendments to. If they do come through, then we will be able to work closely with our CSOs, to ensure that electoral information that are disseminated to our voters are effective and consistent at the same time.

Recommendation No. 9

Develop guidelines for the conduct of Ministers, Members of Parliament and the civil service when the government is in 'caretaker mode' to reinforce public confidence in a level political playing field (aspirational recommendation, page 35).

Response

We do not have any mandate or power to make decision on this recommendation. So, we will leave this to the Parliament and Cabinet to make a decision on.

Recommendation No. 11

Require all political parties to report campaign expenditure and consider setting campaign expenditure limits (page 37).

Response

Just as we mentioned, these were some things that we had also recommended when we did the review of our three electoral laws. So, all political parties are currently required to report campaign expenditures and have their accounts audited.

Recommendation No. 12

Consider providing technical support and potentially public funding for the costing of parties' political manifestos to ensure voters have reliable policy information (aspirational recommendation, page 38).

Response

We submit that as an election management body, we are required to be politically neutral.

Recommendation No. 13

The MOG recommends that the Electoral Commission and FEO strengthen efforts to build productive partnerships with CSOs during both, the pre-election phase and following the issuance of the Writ, and to actively work with CSOs in voter awareness, information, and education activities (page 41).

Response

In terms of partnership with CSOs, we do recognise that when this MOG recommendation was published, we did not have that relationship with the CSOs, but lessons learned from the 2022 General Election, which is also reflected in our new strategic plan, which is one of the pillars strengthening collaboration with our stakeholders. So, this is something that we are currently and actively engaged in.

To attest to this, at this very moment, we have a community election advocate programme which was implemented earlier this month. This programme was launched on 14th October, so it allowed for 450 trained volunteers who have been handpicked by the CSOs to be trained on election information, and then they are deployed across Fiji to do awareness and elections in the communities. We anticipate that we will continue to use this community election advocates as we gear towards the upcoming general election.

Recommendation No. 14

Consider how domestic observers and other international non-governmental observers can be incorporated into future electoral processes (page 41).

Response

We do understand that there have been talks to have domestic observers as well to be included in the upcoming general election. Even though there have been talks and we have made recommendations to the Fiji Law Reform Commission, what we have also done on the ground is starting to empower our CSOs. So, we have had various workshops that they have participated in.

Firstly, we had workshops that looked at the electoral cycle as a whole and then we looked at international best practices, concentrating on Fiji. So, we hope in the upcoming general election that they do consider domestic observers since they have already been participating to enable them to understand the electoral processes that they will observe if they are given the opportunity to do so.

Recommendation No. 15

All stakeholders continue their efforts to promote women's representation and safeguard gender diversity in the electoral system, including as candidates; and that gender safeguards be integrated into any electoral system reforms (page 42).

Response

As I have mentioned, following the 2022 General Election, the FEO has been prioritising strengthening relationship with our stakeholders. We have had initiatives in place in which we had worked closely with certain CSOs, such as the Fiji Women's Rights Movement, the femLINKPacific, even some faith-based organisations. We also did some advocacy in the spaces of women's representation as well, so this is an ongoing activity for us.

Recommendation No. 16

Continue the work of the Elections Disability Access Working Group (EDAWG) to develop better support services for voters with disabilities (page 43).

Response

We have the Election Disability Access Working Group (EDAWG) which is currently active. At the moment, they have a four-year work plan. Basically, this working group do come together and they provide recommendations on how we could improve our electoral services, some lessons learned from the previous General Election and improvements on it, as we move towards the next general election.

Recommendation No. 17

Review the Media Industry Development Authority of Fiji's (MIDA) mandate and operations and relevant procedures to create greater certainty and clarity for media organisations (aspirational recommendation, page 46).

Response

As we are all aware, the Media Act has been repealed, so any provisions under the Electoral Act 2014 referring to MIDA, through the review of the three existing electoral laws, we have recommended for deletion of the same.

Recommendation No. 18

Review the operation of media blackout requirement in the law and providing greater clarity through published guidelines (page 46).

Response

So, basically, anything to do with MIDA, we have requested their removal from the Electoral Act 2014.

Recommendation No. 19

Review the appropriateness of the Electoral Commission guidelines on the conduct of opinion polls and their effective constraint on the media's ability to contribute to public discourse and political accountability (page 46).

Response

We have made recommendations for amendments. We did have the guidelines that were in place but for clarity of the processes on opinion poll, et cetera, we need to ensure that the Electoral Commission Guideline is basically in Fiji's context, so that is something that has been considered as well.

Recommendation No. 20

Review the policies and methods of communication of important election information, including provisional and final results, and consider a simple analogue backup, such as a manual results tally board, to complement the digital FEO Results App with strengthened verification protocols (page 58).

Response

There has been an Electoral Commission decision that was made earlier this year in terms of the FEO Results Mobile App, that will no longer be used for the upcoming general election.

Instead, the FEO is looking at other options of disseminating election results through our FEO website, social media platform, and we are also going to bring back the media centre. We did have it in 2014 and 2018, but we removed it in 2022 and replaced it with a mobile application. We saw the repercussion of it, we have learned from it, and so we are bringing back the traditional methods of disseminating election results.

Mr. Chairman and honourable Members below are further recommendations.

Recommendation No. 1

EC Institutional Continuity, Accountability and Effectiveness.

Response

We submit that it is a constitutional matter. This is something that is beyond us, but we are ready to accept whatever the new changes to it.

Recommendation No. 2

Secretary to the Electoral Commission.

Response

Basically, when we look at that, it is something that was an amendment to the Act, but we do understand the importance of the independence of the Electoral Commission and FEO.

We also understand the importance, if need be, if they need a separate one, then that is something that we will also accept. However, whatever the outcome, we have practised both. In the 2014 General Election, we had a separate Electoral Commission Secretary. In the previous one, after the amendments, we have had the SOE, and we are ready to provide the services, whatever the recommendation is.

Recommendation No. 3
Audit of FEO Systems.

Response

We do submit that the internal audit is quite important, especially for our core system. In preparation for the upcoming general election, this is something that we will ensure that we do carry out before we move into election readiness for the upcoming general election and we do note that one of these is the National Register of Voters.

Recommendation No. 4
Legal Framework.

Response

In terms of maintaining the election management body neutrality, we have made a recommendation to the Fiji Law Reform Commission for amendment of provisions, particularly in the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013, basically to align with international good practices, standards and compliance with Fiji's obligations.

For the legislative stability in the election year, the legislative authority is reserved for Parliament. Therefore, constitutional amendment would be the most appropriate way to achieve this, and that is our submission Mr. Chairman.

In terms of the disclosure of election date, we definitely support this proposal because when we are made aware of the election dates, not only does it allow us more time to prepare logistically, it also allows our Fijians who are the users of the electoral processes, to also prepare themselves and be ready to come in and cast their vote.

In terms of enhancing voter participation via access to elected representatives, Fiji's current electoral system is stipulated in the Constitution, Mr. Chairman, so any decision on this would have to be a decision for Parliament and the respective bodies.

Recommendation No. 5
Legal Framework: Further Recommendations of the EC

Response

For the legal framework in terms of the independent Registrar of political parties and greater public disclosures, we have made proposals on amendments to the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013. We have also sought to address the potential for misuse of the position of the registrars through substantive amendments as well to the Fiji Law Reform Commission, and also the removing of excessive powers and just basically clarifying the roles and functions of this position.

Lastly, enhancing participation of persons with disabilities in the electoral system, so we do acknowledge that not all polling stations are easily accessible. However, our team is basically

trying their best to go through these 2,200 polling stations and check on their accessibilities, not only accessibility in terms of getting voters to those areas, but also accessibilities in terms of connectivity. We have schools, villages and community halls, most of which meet this standard. However, for those that do not meet that standard, we try our best to lease with the owners just to make sure that there is comfort for our voters when they do come in to vote.

In terms of their polling station and having a person to be with them when they cast their vote as well, that is something that is already in the Act. Other than that, we do intend not to leave anyone behind in terms of electoral processes and casting their vote on election day. So, we are trying our best to facilitate all categories of Fijians.

Our Director, Corporate Service, will take us through number 2 – Election Expenditure and number 3 – International Support.

MR. S. RAM.- Thank you. Mr. Chairman and honourable Members of the Committee, in terms of the two issues, the first one being the budget for the Electoral Commission, please, note that there were three budgets used during that one financial year, because this expenditure was incurred from January to December.

The first operating budget was used for FEO. The second budget was used for election - the Writ Day. The FEO and Electoral Commission are allocated two budgets for the election year. The third budget that was used was for the next financial year for 2022. So, the three budgets combined, as I have given in detail, totalled \$647,610. That was the reason why the expenditure from three budgets were combined and it gave a total figure for January to December – the finances that was incurred by the Electoral Commission.

With regard to the second part - international support, we submit that the support provided by the UNDP was additional to the FEO's budget and not the Commission's budget. This funding is not reflected in Table 3 of Page 11 of the Report. However, this funding is reflected on page 68 of the 2022 General Election Supervisor of Elections Report, which forms part of this Report as Annex 6. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you very much, Director Corporate, and Madam Supervisor.

Honourable members, I now open the floor for questions to our guests this afternoon. Are there any supplementary questions to the responses given by the SOE? Honourable Koya?

HON. F.S. KOYA.- Thank you, Mr. Chairman, and SOE. If I could just go back to the SOE's submission in the beginning with the MOG recommendations. In your submissions that were made to the Fiji Law Reform Commission regarding amendments to certain provisions, just an example, you talked about the CSO one. These submissions that were made, were made of your own volition or was there an exercise that was taken by the Electoral Commission or the SOE's Office with respect to what might be the thoughts of the people and institutions, et cetera? Did you go through that consultation exercise before making those submissions to the Fiji Law Reform Commission?

MS. A. MATAICIWA.- In terms of our recommendations to the Fiji Law Reform Commission, after the 2022 General Election, we did have a review with different stakeholders. Whatever was gathered from this review were then stipulated into recommendations.

Apart from what we had gathered from our stakeholders, we then looked at operational aspects of things - whether operationally they are achievable, some of those feedback, and then from

there, we then submitted to the Fiji Law Reform Commission through the Electoral Commission.

HON. F.S. KOYA.- When you say stakeholders, you mean across the board - political parties and the general public, CSOs, et cetera?

MS. A. MATAICIWA.- Yes, we did have our review. We categorised it. We had one for our CSOs, then we had one specifically for parties, one for our media, and then we had one even for our international communities, as well as our donors. So, whatever feedback was gathered from there, we were then able to put it into recommendations.

HON. F.S. KOYA.- Just quickly, on the external audit - that recommendation that came in the MOG Report, I know you explained the last time also that there was simply no one coming forward to actually do the audit. To date, has the Commission found a way to actually try and get someone to do it, even if it is offshore, or if there is another methodology that can be used to get that external audit done?

MS. A. MATAICIWA.- In terms of this external audit, we do note that in previous events where we look for audit, it was a last minute too from our end. However, for this one, we do anticipate having it audited way before our election readiness timeline.

As of the current status, we have not submitted any recommendations up to the Electoral Commission to be tabled in the meeting. It is because we are still on the ground, trying to facilitate all the necessary documentation relating to audit before we could then provide a recommendation to the Electoral Commission on the way forward for this.

HON. F.S. KOYA.- Obviously, when you made your submissions to the Fiji Law Reform Commission, you would not have had the advantage of an audit?

MS. A. MATAICIWA.- No, for the National Register of Voters.

HON. J. USAMATE.- Mr. Chairman, I think, just one suggestion that in future, when you do that budgeting, you spell it out because it is very difficult for us to understand what was happening.

I have one question. Why is it that you are thinking about getting rid of the results because people found it very handy. Was it because the way that it was because it is basically just reporting on what has been on the voting ballot, or because it did not allow you to adequately check what was going in?

MS. A. MATAICIWA.- Mr. Chairman, in terms of the FEO mobile App, we are not going to be using it for the upcoming general election because with the App, you have to be constantly uploading the results. So, it puts the pressure on our results team, which means that the process that they had initially initiated to have verifications, et cetera, have been compromised to ensure that we put results out on the mobile App. So, that is added pressure that is not needed for the upcoming general election.

The second part of it is the inclusivity. So, from the 2022 General Election review that we had looked at, some of the feedback from our stakeholders as well in terms of the mobile app was that it was causing confusion for them because sometimes, the app had different results, our website had different results, and our media stakeholders had different results.

We had introduced it for the 2022 General Election. We looked at how we were doing it in 2014 and 2018, so for the upcoming general election, we are anticipating bringing back the media centre. This media centre would then allow all our media stakeholders to be present in the centre, they get updates as to when the results come in from the National Result Centres and they already have the platform to disseminate the results to all Fijians.

HON. J. USAMATE.- Basically, you are going to give them more time to make sure that the results are correct, and you will not do the dissemination, but let them do the dissemination?

MS. A. MATAICIWA.- Yes.

HON. J. USAMATE.- I am interested to know what recommendations you are making in relation to No. 11 of the additional recommendations on campaign funding/expenditure. You said that you would make recommendations. Would you be in a position to tell us what kind of recommendations you are making, or is that becoming a bit too forward?

MS. A. MATAICIWA.- Just give me a second.

HON. J. USAMATE.- In the meantime, I will tell you why. We never want to have in this country what happens in the United States of America. In the USA, these people put so much campaign money into it by big corporates, and that influences the way things go. So, I just wanted to be sure that we can maintain things in this country, we do not go down that route so that whoever has the most money begins to determine what happens in the election.

MS. A. MATAICIWA.- Some of the amendments we had recommended in terms of No. 11, for instance, one is when we look at donations. Some international best practices, they look at campaign expenditure limits, et cetera, is the disclosures. For instance, any donation that is exceeding \$10,000 which is the limit at the moment, and you have to be a Fijian citizen, we had proposed, that those who exceed \$10,000 must disclose it within 10 days of providing that donation, and this is because of international best practices. We are basically just looking at transparency.

HON. J. USAMATE.- In that recommendation, you have removed....

MS. A. MATAICIWA.-Yes. These are some of the feedback that we had received when we had meetings with our political parties and our other stakeholders as well. What we have done, for instance, one of the recommendations was on this. What we did was we looked at international best practices to see how we could put it into Fiji's context.

At the moment for Fiji, it is just 10,000 limit, but when we look at other international best practices, they do have some that exceed certain limit. But then there is also a transparency provision where they have to declare within 10 days instead of waiting for the audit of the account at a later month.

We did consider some of the recommendations from our stakeholders to some extent, but at the same time, we also look at international best practices. Those that are beyond, we did not put forth but those that we saw was of convenient and of best practice to other countries are the ones that we had recommended.

HON. J. USAMATE.- It makes me very nervous because I know in the election in the United States, one guy put \$270 million into one candidate, and he was basically doing control of government for a few months. That is not something you want us to have.

I have another question; you mentioned that you used to have a separation of the Secretary for the Electoral Commission and the SOE. I can understand the benefits of having either one, I mean, there are pros of this one. From your experience, has it worked equally well when they were separated, as opposed to being the same person because obviously, the SOE has that technical knowledge of how things operate because the SOE is the operational arm of the Commission. Are you more comfortable with the other, or are they equally the same in terms of your assessment?

MS. A. MATAICIWA.- In the previous one, they had the legal team that held the role as secretary, which meant I was a secretary whilst the SOE was doing his role. However, to look at the two different categories of secretariat work, when the legal team was secretary to the Electoral Commission, there was a lot of back and forth between the SOE and the Electoral Commission Team, apart from the scheduled meetings, ad hoc meetings, because information they needed was not there on time because the secretariat had to go to the SOE and get the information.

However, when we had the SOE as secretary, it is more convenient because some of the information that is required by the Electoral Commission is provided right there and then by the SOE, who also sits in the meeting. So, timewise and in terms of decision-making, it is more convenient to have the SOE as the secretariat, compared to having the legal team.

HON. S. NAND.- Mr. Chairman, through you, as the regulating authority and the custodians of the Electoral Commission, how can FEO and Electoral Commission ensure that political parties do not oversell to the people of Fiji to benefit from their votes and later on end up under-delivering? How can the Electoral Commission and the FEO assist the voters on that?

MS. A. MATAICIWA.- For us, at the FEO and the Electoral Commission, our mandate is to conduct elections and provide all the basic necessary awareness that needs to be provided to all Fijians. Their decision on who to cast a ballot on is solely on them, but we have to ensure that information that are disseminated either from the Electoral Commission through the FEO, or even through our stakeholders, is not only consistent but also relate to the existing electoral laws. At the end of the day, that is the empowerment that we can give to our Fijians. However, the decision-making in terms of casting their ballot and how they sway their decision towards it, is solely on them. We ensure that they are empowered enough to understand their right to vote and the importance of them voting.

HON. S. NAND.- I understand that you cannot control what the political party says to the voter. Is there a programme of educating the voters on how to assess the proposals and see that what is being sold to them is realistic or what is being sold to them is high up in the clouds and never due?

MS. A. MATAICIWA.- Sir, section 115 talks about how the CSOs can come up with these different events to empower the voters, but then there is only one restriction there - if we had approved.

What normally happens previously it that we would check all their documents, et cetera, but previously in the three General Elections, we were just concentrating on how to vote. Through section 115, it is just how to vote contents that are going out but now, we are also into the importance of voting and empowering our Fijians. That is why we had recommended for section 115 to have rules and regulations - the guidelines that will be approved by the Electoral Commission.

With that said, when we look at the voters and if there is any event, at the moment, to empower them in terms of your question, we have not gone to that extent yet with our stakeholders. At the

moment, we are looking at just empowering on the importance of them to come and why it is important for them to vote.

However, I am pretty sure as we move towards the upcoming general election, I mean, if we look at it, we are just eight months away from 24th June, which is not long, which means we also have our CSOs that are also preparing some of these contents surrounding what you have raised. When we do receive that, the voters will then be empowered through that, but at this stage, we have not come across any yet, but we anticipate that we will receive that as we get nearer to the general election.

HON. F.S. KOYA.- Just a question on the recommendation that came from MOG – Recommendation 15, which was specifically to do with women's representation. Just recently, that was a discussion that we had about the lack of female representation in parliament.

I see from your response, and you basically said that you prioritised strengthening your relationships with all stakeholders. The question that was being asked from us is, what have you specifically done to target more female or women participation in the elections as candidates because we seem to have a very small percentage in terms of representation and even candidates that stand here. What are the actual issues? What did you do since the 2020 Elections in order to enhance that?

MS. A. MATAICIWA.- Mr. Chairman, in our recommendation to the Fiji Law Reform Commission, we had drafted an amendment to the Electoral Act. We had proposed for the party list of candidates that are submitted to us during candidate nomination to have, at least, 30 percent of each gender on it. What we have seen when we look at women participation, especially for women candidates, when we look at the existing political parties, some have women win but we see that even the empowerment of women in the party itself is not really present.

When we look at the previous party lists that have been submitted in the past three General Elections, we looked at recommendations on how to improve women participation, instead of going for major legislative changes, we had recommended that perhaps, we go through the party list and see if it does work before we touch into the TSM section. That is something we had recommended, but at the end of the day, it will be up to those who accept the recommendation or not.

We got this recommendation after discussions not only with those affected by this provision but also by looking at international best practices. We thought that we might just look at the party list first, we see the gender balance from that area, put a quota to it, and if it gets accepted, we try it out in the next general election and if not, we will see how we improve from there on.

Other than that, when we are invited to events through femLINKPacific and FWRM, we have potential candidates who are present who also raised their concerns. What we emphasise to them is that we can be empowering them all from the electoral processes and how to vote, but at the end of the day it comes back to the party that they choose and what is in the party itself.

We will see if it does come through. If it does, then it is something we can test on. If not, maybe for the next amendments to the law, we can see what else is available there.

HON. F.S. KOYA.- On the domestic observer recommendation, I think the recommendation was to consider how domestic observers and other international people can be incorporated into the future process. Do you find that it is going to be a difficult exercise, bearing in mind that literally in Fiji, we have such a small population? Having domestic observers may mean that whoever is going

to be an observer is going to be classified as aligning with someone or another because of that. Is that not a difficulty?

In that case, should it not be something that perhaps, the FEO and Electoral Commission can say, 'no'? For us, until we get to a level of population where we know, or a perception of that independence or the other, it might be something that does not. I do not agree with the domestic observer, because I still do not believe that we are in a position to say that we can provide a perception of a completely independent observer.

MS. A. MATAICIWA.-The current provision in the law opens it up; it does not restrict. If you look at the past three General Elections, we had one under the Multinational Observer Group. For the upcoming general election, it is something the Minister responsible for election would have to decide on. We do understand there are some keen domestic observers, and we also understand the need to have international observers. If we look at countries that are more mature democracies, they do not even need observers but for us, we will not restrict because the law is open as such.

What we have done instead, and what is reflected in our strategic plan is, if there is a possibility in the upcoming general election that we could or might have domestic observers - instead of waiting for the announcement, what we can do now, leading up to the upcoming general election, is empower our NGOs - all the potential ones. We are pretty sure that some of these domestic observers will be from the CSO. We have been doing empowering, in the sense that they understand the electoral cycle, the electoral processes, the principles surrounding it, and then we zoom into Fiji and its electoral processes. If there is a chance for them, at least, they are not left behind or overwhelmed by the process but have some standard of understanding to enable them to become domestic observers.

HON. F.S. KOYA.- One last one from me - in support of what honourable Usamate mentioned earlier on with respect to the election expenditure. For future reference, I think for purposes of any Committee sitting and having a look at it, it might be best served if how you have explained it is actually how it is written, so that when we are reading it, we know exactly what is where. We could not figure it out and it seems to have been done a bit of a hurried exercise and just gotten something together, but we go through a thing with a fine-tooth comb. Just a word of advice, maybe, it needs to be broken down properly because this is an extremely important report as to whether it is international expenditure or whether it is an expenditure, whichever way that you spell it. It would be grateful if you could actually do that in your next report.

HON. J. USAMATE.- Mr. Chairman, you had a lot of good things that was discussed in the additional recommendations. We see institutional continuity in terms of appointing the commissioners. But as you have pointed out, a lot of these things relate to constitutional provisions. That particular one, and then under the legal framework where legislative stability, all that result around constitutional provisions. Even the next one, early disclosure, and even the last one, I think, for the enhancing of voter participation.

There is quite a few things here that are impinging on constitutional changes. I am just wondering, are these sorts of things already been made known to the Electoral Law Reform Commission? Are they also taking into account those sorts of things, or where are these things being aired, or is it just in this report? And if it needs to be aired, should it be this Committee or has it already gone to that Commission? These things may require constitutional amendments.

MS. A. MATAICIWA.- It has already been reflected in our recommendations and also reflected in the report. So, we have reflected it to the Fiji Law Reform Commission. We do not have any objection if you also reflect it since it is in the report.

MR. U. RATUVILI.- Just to assist, the report that the Fiji Law Reform Commissioners have given to the honourable Minister for Justice and Acting Attorney-General contains basically like a wish list - the ideal, also flagging the areas which has constitutional implications. So, this is the ideal, this is what we can do under the current constitutional framework, and this would be something that requires constitutional reform.

To that end, the Commission has also alerted the honourable Attorney-General and Minister for Justice after the decision of the Supreme Court that we will need a referendum - Act to be passed, because without that, any constitutional amendment process will be incomplete.

You might have the numbers in Parliament, but it requires a constitutional endorsement, a referendum endorsement basically by the people. And the Constitution is very clear - a referendum must be conducted under an Act. So, it is basically all these discussions would be academic without a referendum Act to allow the constitutional process to be complete.

HON. F.S. KOYA.- Mr. Chairman, just on Recommendation No. 4, I think the MOG had said that we should consider the appropriateness of severe criminal penalties in the electoral legislation, including the Electoral Act on voting, and whether the desire to deter criminal conduct ultimately diminishes the public confidence.

I see in your answer you basically said that we have proposed amendments to all offences to be consolidated offences and harmonise the penalties, but the issue that the MOG has put forward has actually not been addressed. In my opinion, in terms of whether the severe criminal penalties has an effect of diminishing public confidence in the Electoral Commission and the FEO. It also has other little quirky things, like people not wanting to take part in Elections because of penalties. For a minor thing, you are actually getting a severe criminal penalty. So, can I just get a little bit on the portion that you have actually said that you had proposed amendments to offer. Was that the only thing that you did, to say that we can harmonize it and consolidate it? Did you look at the aspect of some things do not need to be criminalised?

I say this on the back of us having conversations with institutions offshore, similar with legislations, where they look at it and say, "Alright, it does not need to be criminal offence." You can have a fine, it may be inadvertent, or whatever it is but were those things looked at?

MS. A. MATAICIWA.- Yes, when we looked at the three electoral laws, we basically looked at each provision. So, currently there is either \$10,000, 5 years or both or \$50,000, 10 years or both, and it is standard all throughout. What we have done when we looked at each electoral offence was to categorize it whether it is a corrupt electoral practice which requires hefty penalty.

For instance, if you look at some of the electoral offences, even if a voter takes the ballot paper out of the polling station, there is already a \$10,000 fine, five years, or both. What we have done is, we looked at it and we categorized it, "Alright, this one could only just be a fine or a warning to this", so each provision was critically analysed and categorized. However, once it goes through and we receive it, then we will provide awareness to those different offences, but we do understand that currently it is excessive. So, what we have done is to try to minimize it and make it customized to Fiji. It also is across the board of international best practice as well.

HON. F.S. KOYA.-The danger is that it becomes recognised, that is the point.

HON. S. NAND.- Mr. Chairman, we have around 60 percent of our voters who have come forward and participated in the election. We still have to work on that remaining 40 percent. What activities are being planned between now and the election to encourage or entice them to come and participate and have a say in their vote?

MS. A. MATAICIWA.- Mr. Chairman, we have some activities that are currently being implemented. We did have a Memorandum of Understanding (MOU) that was signed with the Ministry of Employment, as well as with the Ministry of Foreign Affairs. That had allowed us to basically work together and look at our Fijian diaspora.

One of the things that we did lack previously was, for instance, our PALM Scheme as well as New Zealand RSE Scheme. They left our shores without even having any electoral knowledge. What we have done now weekly there are Fijians living either for PALM Scheme in Australia or RSE for New Zealand. So, we have a slot that have been allocated to us for debrief sessions.

We have weekly sessions and, on these sessions, we do advise them of the methods that are available to them. One of the things that we did find out was that those leaving through this Scheme were not aware of the postal applications that they have to complete. Most have the idea that they are in overseas, they automatically receive their postal application, but we have to take them through the process - the method of voting that is available to them.

Secondly, is the change of their address. Some of them are going for three to four years contract, so we also provide them with an opportunity to update their voter card as well. Those that we admit start through these debriefs. We have teams and at the end of September, October, right up to November, they will basically be serving our Fijians in Australia, New Zealand, Tuvalu, American Samoa, Samoa, Cook Islands as well as USA, basically to provide them with electoral services. For our Fijian diaspora, this is the first phase, to get them to register. We are going with the Ministry of Immigration as well, which is quite convenient, especially when it is one of the requirements for Fijian diaspora.

The first phase is to get them to be registered, get their cards updated, or get their address corrected. The second phase, which would take place in the first or second quarter of next year, is awareness on the postal methods available to them and what they need to do. The third phase would be the actual postal. Now, that is the empowering we have for our Fijian diaspora.

Others include our community engagement advocate launched on 14th October. We realised in the previous three General Elections that we did not tap into the already structured community groups out there in the nation. These community election advocates are those already influential in the community, for instance, the women leaders, the men's group, as well as youth groups. Currently, they are being trained, and they are being empowered on understanding the electoral processes. At the same time, they will be provided with election information that would allow them to go into different communities and have discussions on election - basically just empower the Fijians to come in to vote next year. We have others as well that have been implemented.

Apart from these, we have our Year 10 curriculum as well. This is targeting our new eligible voters in schools. We also have a school election toolkit, just to get them to have a sense of how elections are run - the Members of Parliament, general election, so that they get a feel of it as they prepare for the upcoming general election.

We have launched our mascot. We call our translucent mascot FEO, which is a short form for Fijian electoral officer. The FEO is going to come to life next year. We use FEO as someone relatable to the community and just get them to be engaged.

We also had been part of the festivals in the different Divisions in which we had provided our electoral services and awareness during the Hibiscus, as well as the other festive events that had taken place so far.

HON. S. NAND.- Apart from all those good initiatives which you have just mentioned, do you think we can also have some sort of reward system to entice them to come in and get record stations?

MS. A. MATAICIWA.- For voters, Mr. Chairman?

HON. S. NAND.- Yes.

MS. A. MATAICIWA.- A reward that we do not want to be giving to voters just to force them to come in. What we want to do, which we are doing now, is empower them and get them to understand the importance of coming in to vote. There is merchandise we do give out, but this merchandise is more of an empowerment for them and understanding their right to vote rather than something to drag them into the polling station to vote.

HON. S. NAND.- It was more like a stick and a carrot approach. So, spare the stick, dangle the carrot.

HON. F.S. KOYA.- Just something on the line of the percentage of voters we will be seeing who are completely new in terms of the education process because as far as I understand, and you can correct me if I am wrong, there is no way anything new will happen in this coming election. Everything you are talking about in terms of recommendations, et cetera, is geared towards the next one, because there is a process that needs to happen before next year.

In order to ensure we have a very thorough participation, which is a sore thumb - it sticks out like a sore thumb when it comes to elections, have we targeted the younger population in schools who will end up being eligible to vote, and going out and making sure that they are educated enough with all those wonderful things that you are actually saying? That is an area that we think, if I remember correctly, there was a lack of younger participation in the last Elections.

MS. A. MATAICIWA.- Yes, there was lack of participation from our younger generation, one of which was those at the tertiary level, where they did not update their address. When we do have a chance to go and provide awareness at universities, which we have been doing through invites, these are some of the things that we bring to their attention. We also have invites from different provincial groups in the universities.

One thing that we had lacked in the past three General Elections was our collaboration with our stakeholders. We had run our own lane and then we left them, but then we expected them to understand the electoral processes. However, what we have done now is through collaboration, we are engaging not only on election year, but even way before, which is what we are doing now. When we are invited to that sort of events, we do get them to understand the importance of changing their address and updating it, and we also provide the electoral processes right there and then so that they update it.

Another phase would be to get them to the election to actually vote. For the schools, what we have done last year and what we hope to do next year through approval from Cabinet is our Year 10 curriculum. We already have a Year 10 curriculum but when we had placed it into the Ministry of Education, it was more of a check box - just leave it there, and that is it. What we have done now is we have gathered all the Year 10 Social Science teachers who were delivering that curriculum, as well as the students' feedback, those who have gone through this curriculum.

They have actually allowed us to review our Year 10 curriculum, which we did this year, basically just making it more readable and more understanding of the electoral processes. We do hope that once Cabinet approves it, it will be implemented next year.

Also, the school election toolkit. This is one of the initiatives that we had introduced last year. Basically, we provide all the election materials that you see at the polling stations to schools that intend to do elections for their prefects or their headboys or headgirls. We get them to go through the entire electoral processes from candidate nomination, campaigns, have guidelines for them, right up to polling and then counting. When they go through that, we get feedback from the teachers and students which is something new and exciting to them and they want to try it out when they do come and vote. This is something that we, as an election management body, need to continue to push for as we come to the general election next year - just getting our Fijians informed through various areas.

We are also targeting our young voters through youth groups and have engagements with youth groups in which we empower youth leaders to go out to empower their youth members. This was something that we never did previously, and even with community election advocates, we are getting in the youth as well.

One thing we had learned which is still existing in Fiji is that when we put all the three categories - the men, women and youth, together in one room, not all of them are able to voice their concerns. This is something that was raised when we initially did our workshop that consisted of these three categories.

We looked at administrative convenience - get them all there, get their feedback and come back. However, one feedback from our youth was that they were not able to raise their concerns because the elders were in the room and they felt a bit nervous. We have learned from that, and we have improved on it.

We started categorizing and now we are doing target audience events, which we hope come the next general election, we will see the numbers and the turnout.

MR. CHAIRMAN.- Thank you, SOE.

Honourable Members, since there is no further question, I have only one question so saving it for last. I beg your indulgence, SOE and your team. I have seen you given a lot of submissions to the Fiji Law Reform Commission with respect to the amendment of the electoral laws. My question rests on the idea of having more than one polling day, basically this is to capture the words that you have just uttered - the right to vote. It is a civic duty of a person. Most of the times, in the previous Elections, people were going to the wrong stations, as what was told in the ID, which is not their fault. It was the registration of the FEO's fault.

From your experience, would it be a good idea to have two or three days of election just to capture the low voter turnout, probably we can capture some who are not supposed to vote here they can make their way to where they were supposed to vote, something like that. Is that possible, even

though if it may need a constitutional amendment? In your opinion, with one day voting, it is a very big job, what about the idea of two or three days - would you be open to that?

MS. A. MATAICIWA.- Mr. Chairman, in terms of voting, if we look at our current arrangements, we do put more emphasis on the one day election but if we look at it, we have pre-poll as well which is two weeks before the election date in which they also go into election in the remote areas. Even though we emphasis on a one-day election, however, on the ground we are looking at the two weeks of pre-poll and then one election date.

If there is an intention to increase the number of days, then we also have to consider the budget side of things because that would be money allocated for the other extra days. So far, what we have seen is that one day is sufficient. We have pre-polls but what we need to improve on is basically from our end as the election management body and the awareness bit of it. When you look at the three General Elections, one thing that we did lack in was having that collaboration with the stakeholders to get them to understand where they need to be and when they should come into vote. So, if we are able to fix that, then that is something that we can work towards, which we are working towards for the upcoming general election.

Most of the things that happened was because the voters did not know because we did not have that communication channelled down to them for them to understand. For instance, for the pre-poll, we had schedules two weeks before election day, for them to be casting their ballots but when our team came in, they were not there. They were out fishing, out in farm because they basically were just not aware. So, these are some of the places that we want to basically right the wrong, before we consider what you have suggested.

HON. J. USAMATE.- Mr. Chairman, I like the idea that you have that a lot of the tertiary students need to be able to change their address to be moved to a station that is supposed to where they are. I think, that will capture a significant portion of them. They might still not capture those that are coming and going in terms of short courses, et cetera.

I am just wondering, I think you did an exercise in the last General Election that people who were registered overseas, you set up a polling booth for them to be able to vote here in-country. Am I correct? Would you be considering doing something like that for tertiary students, especially for these young, so that they know no matter what happens, they can still vote? Something along that line. Is that something under consideration?

MS. A. MATAICIWA.- Mr. Chairman, for the overseas polling station, we did set up one at our St. Stephen's building for those who were in the country and did not apply for postal. They were able to walk in and cast their ballots.

Currently, our law assigns our voters to their polling station, so the polling station they are assigned to is according to the address reflected in their voter card. That is an emphasis for them to update their residential addresses.

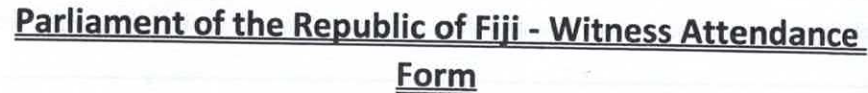
It is just a matter of us just informing them of the place they need to go and vote, which then brings me back to one of the further discussions in the recommendations on the announcement of the election dates. It is reflected in the recommendation, and if Fijians are aware of the election date, they would be able to prepare themselves. Most of the time, even in the feedback that we have received, they just did not know when the election was. This is something beyond our control as we just know the legislative timelines for the election. If they are made aware of the election date, they will be able to plan themselves, and who knows, the numbers can then improve from there.

MR. CHAIRMAN.- Since there are no other questions or supplementary questions to the SOE, that concludes our public submission for this afternoon.

I take this time to thank you, SOE, and your team, specifically the Chairperson of the Electoral Commission. Thank you very much, Sir, for having yourself this afternoon.

Honourable Members, we are adjourned until Wednesday.

The Committee adjourned at 4.02 p.m.



Attendee's Details : Please enter/select your details in the below fields.

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