

# **Fijian Electoral Commission**

## **Annual Report**

**2016**

**January 2017**

## FOREWORD



As is well enshrined in the Constitution, the Electoral Commission is an independent body established by the Constitution and given the responsibility of conducting “free and fair elections”. Each of the members of the Commission endeavoured in every way possible to achieve that goal for the 2014 Elections, sometimes under trying conditions. We sincerely believe we delivered a free and fair election and can only hope the people of Fiji share those sentiments.

It was in the spirit of maintaining the independence of the office of the Commission that we decided to initiate the litigation seeking clarification on the two points now firmly decided by the Court of Appeal on 29<sup>th</sup> November 2016. The Commission cannot discharge its constitutional duty freely and fairly if any direction given by the Commission to the Supervisor of Elections is not followed by him. The recent Court of Appeal judgement (Civil Appeal No. 69 of 2014) has now declared that the Supervisor of Elections must follow the directions of the Electoral Commission. Hence, the Supervisor of Elections is the administrative officer appointed to carry out the decisions of the Commission in an effort to obtain a free and fair election.

However, the independence of the Electoral Commission is still a work in progress. It does not have a budget that it can really call its own and it is imperative that it should. In furtherance of that independence, the Electoral Commission should also be allowed to exercise its right to decide how it is to spend funds allocated to it and only be subject to enquiries of the Auditor-General.

We remain hopeful that the Government will adopt the recommendations that we had made in our previous reports and before the Parliamentary Standing Committee on 29<sup>th</sup> July 2016.



## EXECUTIVE SUMMARY

- (i) Pursuant to section 75(4) of the Constitution, this Report is submitted for the period 1 January to 31 December 2016 to His Excellency the President, Major-General (Rt'd). Jioji Konousi Konrote and the Secretary General to Parliament;
- (ii) The Electoral Commission met seven times in 2016. Its work included:
  - Filling vacancies in Parliament;
  - Dealing with complaints;
  - Establishing a governance, operational and procedural framework in accordance with its responsibilities under the Constitution and Electoral Decree (see 3.1);
  - Presenting its 2014 Annual Report to the Parliamentary Standing Committee on Law, Justice and Human Rights;
  - Preparing for the Electoral Commission's Court of Appeal case;
  - Attending and contributing to election-related conferences in Fiji and overseas;
  - Considering the Supervisor of Elections' reports;
  - Writing its 2015 and 2016 annual reports.
- (iii) Correspondence included complaints against the Attorney General and Minister for Elections, the Fiji First Party and the Supervisor of Elections;
- (iv) Civil Appeal No. ABU0069 of 2014 'Electoral Commission v. Supervisor of Elections' to the Court of Appeal was against the judgement of the High Court delivered on 24 August 2014 in the Suva High Court Action No. 240 of 2014. Notice of Motion and Grounds of Appeal were filed on 1 October 2014. The Appeal was heard on 11 November 2016, and Judgement was delivered in the Electoral Commission's favour on 29 November 2016;
- (v) A handover procedure to the new Electoral Commissioners has been prepared with the assistance of the New Zealand Electoral Commission;
- (vi) The Commission has made one important recommendation in regard to its independence. Apart from this, the Commission has no further recommendation to make in 2016 but reiterates the need for those already made in its 2014 Annual Report, its 2015 Annual Report, and its submission in July 2016 to the Parliamentary Standing Committee on Law, Justice and Human Rights, to be addressed as soon as possible before the next General Elections in 2018.

<b>CONTENTS</b>	<b>PAGE</b>
<b>FOREWORD BY THE CHAIRPERSON</b>	<b>2</b>
<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>1.0 INTRODUCTION</b>	<b>5</b>
<b>2.0 INSTITUTIONAL SUPPORT</b>	<b>5</b>
2.1 Secretariat	5
2.2 Budget	5
2.3 Members' Allowances	5
2.4 Payment for Legal Service	6
<b>3.0 WORK OF THE FIJIAN ELECTORAL COMMISSION IN 2016</b>	<b>6</b>
3.1 Fijian Electoral Commission's Memorandum of Understanding with the New Zealand Electoral Commission	6
3.2 Conference Participation	7
3.3 Presentation to the Parliamentary Standing Committee on Law, Justice and Human Rights	7
<b>4.0 CORRESPONDENCE</b>	<b>8</b>
<b>5.0 CIVIL APPEAL NO. ABU0069 of 2014 (ELECTORAL COMMISSION v SUPERVISOR of ELECTIONS)</b>	<b>8</b>
<b>6.0 REPORTS FROM THE SUPERVISOR OF ELECTIONS</b>	<b>8</b>
<b>7.0 TENURE OF MEMBERS OF THE ELECTORAL COMMISSION</b>	<b>9</b>
<b>8.0 HANDOVER PROCEDURE</b>	<b>9</b>
<b>9.0 RECOMMENDATION</b>	<b>9</b>
<b>10.0 EXPRESSION OF GRATITUDE</b>	<b>10</b>
<b>Annex 1 – Memorandum of Understanding with the New Zealand Electoral Commission</b>	<b>11-19</b>
<b>Annex 2 – Register of Complaints and Appeals</b>	<b>20-23</b>



## **1.0 INTRODUCTION**

Pursuant to section 75(4) of the Constitution, the Electoral Commission delivered its 2014 Annual Report to His Excellency the President, Ratu Epeli Nailatikau and the Secretary General in 2015. The Commission's 2015 Annual Report was delivered to His Excellency the President, Major-General (Rt'd). Jioji Konousi Konrote and the Secretary General to Parliament in 2016. This Report, marks the current Commissioners' end of term since their appointment on 9<sup>th</sup> January 2014. The Report is now submitted for the period 1 January to 31 December 2016 to His Excellency the President, Major-General (Rt'd). Jioji Konousi Konrote and the Secretary General to Parliament. As in past practice, copies each will be given to the Minister for Elections and the Supervisor of Elections. A copy of this report will also be given to the Chairperson of the Constitutional Offices Commission.

## **2.0 INSTITUTIONAL SUPPORT**

### **2.1 Secretariat**

For the past three years, the Commission has undertaken to write its own reports and other correspondence. The year 2016 began with two part-time personal assistants who are employed by the Fijian Elections Office but seconded to the Commission from time to time. In May, the Commission was left with one part-time personal assistant because the contract for the other officer was not renewed by the Fijian Elections Office.

### **2.2 Budget**

In practice, the Commission has not been asked to make its own representation on its annual budget. However, it was allocated F\$74,700 for the financial period August 2016 to July 2017. This was a marked increase from its 2015 annual budget of \$17,600. The current budget covers the following; Local Travelling (\$10,000) Hotel Accommodation (\$5,000), Meal Allowances (\$5,000), Communications (\$5,000), Office Stationery & Printing (\$5,000), Chairman's Allowance (\$6,000), 5 ECs (\$36,000) + VAT (\$2,700).

### **2.3 Commissioners' Allowances**

The Commissioners are remunerated a sitting allowance of F\$500 per meeting and also for work undertaken on behalf of FEC as and when required. Since 2014 the work of the Commissioners included the set-up of its office, interviews of senior management positions, preparing a roadmap to the 2014 elections, meetings with political parties, the media, civil society organisations and other government agencies including the Fiji Police, dealing with complaints and appeals, reviews and monitoring, mentoring staff including polling assistants, report writing and other correspondence to name a few.



For participation in conferences locally and overseas where travel per diem is paid by the donor, they do not claim their daily allowance of F\$500. In addition, each Commissioner is allowed a meal allocation of F\$50 per day for each meeting. In practice, they do not collect this allowance and instead opt for FEO to arrange and pay for their meals.

## **2.4 Payment for Legal Service**

After several inquiries, Mr Patel's invoice for NZ\$17,513 which was submitted in July 2015 with regards to legal services for the Leawere case (Court of Disputed Returns – Action No. HBM40 of 2015) was finally paid on 30<sup>th</sup> November 2016. Mr Patel's second invoice totalling NZ\$8,500 for the Fijian Electoral Commission vs. Supervisor of Elections, (for which Judgment was delivered on 29<sup>th</sup> November 2016) was paid in December 2016.

## **3.0 FIJIAN ELECTORAL COMMISSION'S WORK IN 2016**

The Fijian Electoral Commission met seven times in 2016. Its work included:

- Filling vacancies in Parliament;
- Dealing with complaints;
- Establishing a governance, operational and procedural framework in accordance with its responsibilities under the Constitution and Electoral Decree (see 3.1);
- Presenting its 2014 Annual Report to the Parliamentary Standing Committee on Law, Justice and Human Rights;
- Preparing for the Electoral Commission's Court of Appeal case;
- Attending and contributing to election-related conferences in Fiji and overseas;
- Considering the Supervisor of Election's reports;
- Writing its 2015 and 2016 annual reports.

## **3.1 Memorandum of Understanding with the New Zealand Electoral Commission**

When members of the Fijian Electoral Commission came into office in January 2014, the Electoral Decree had not been adopted till two months later in March. The Fijian Electoral Commission negotiated with potential donors for technical assistance, a part of which was development of policies and procedural matters to ease its role. Requests made to the Attorney General and Minister for Elections for endorsement were unanswered. As a result, the 2013 Constitution and the 2014 Electoral Decree became the Commissioners' daily companions as points of reference. In 2015, the Fijian Electoral Commission developed several procedural documents and by December of that year, signed a Memorandum of Understanding with the New Zealand Electoral Commission for technical assistance.



Following the signing of the Memorandum of Understanding (*refer annex 1*), a copy of which was given to the Fijian High Commission by the New Zealand Electoral Commission, the Fijian Electoral Commission analysed and identified 55 responsibilities under the 2013 Fijian Constitution 75, (2) (e) and 76, (2) and, the 2014 Electoral Decree. In August 2016, Ms Tamsin Wilkins, a New Zealand lawyer, was appointed as Governance Technical Advisor for the Fijian Electoral Commission. Ms Wilkins who is based in New Zealand, worked with Commissioners Arms and Daurewa to develop a Governance and Operational Guideline Manual, a document on procedural key areas, and a refined list of policies for further development, from the Fijian Electoral Commission's list of 55 responsibilities. The following documents were completed and approved by the Fijian Electoral Commission in December 2016:

- Governance and Operational Guideline manual;
- A process document for some of the main procedural areas;
- A list of policies to be developed further and agreed to by the next Commissioners of the Fijian Electoral Commission.

The Fijian Electoral Commission produced these documents with the intention of ensuring that its institutional knowledge and experiences were captured and sustained. The Fijian Electoral Commission is hopeful that these documents will serve as a platform for guidance which can be further improved by successive Fijian Electoral Commissions.

### **3.2 Presentation to the Parliamentary Standing Committee on Law, Justice and Human Rights – “Briefing – Reports on the 2014 General Elections”**

On Friday, 29<sup>th</sup> July 2016, the Electoral Commission described its situation, clarified its recommendations made in its 2014 Report and emphasised the importance of an independent Electoral Commission if Fiji's General Election is to be truly free and fair.

### **3.3 Conference Participation**

Three Invitations for conference participation on electoral matters were received. The Pacific Electoral Network meeting was held on 9<sup>th</sup> to 11<sup>th</sup> May in Nadi. Commissioners Daurewa and Thomas attended. Secondly, the UNDP's conference on 'Achieving SDG16 in Melanesia: Creating Political and Parliamentary Stability to Catalyse Development' was held at Radisson Blu Resort, Nadi, on 27<sup>th</sup> and 28<sup>th</sup> June. Commissioners Arms and Daurewa attended. Commissioner Young participated in the Annual Democracy Forum 2016, held in Ulaanbaatar, Mongolia on 25<sup>th</sup> and 26<sup>th</sup> August. All costs for the Commissioners' participation were funded respectively by the New Zealand Electoral Commission, the UNDP, the Mongolian Government and IDEA



(International Institute for Democracy and Electoral Assistance).

#### **4.0 CORRESPONDENCE**

Complaints against the Attorney General and Minister for Elections, the Fiji First Party and the Supervisor of Elections received in late 2015 were considered in 2015 and on into 2016. The Electoral Commission responded to these complaints. In addition, letters dated 18<sup>th</sup> January 2016 and 4<sup>th</sup> March 2016 were received from Mr Mahendra Chaudhry, Secretary-General of the Fiji Labour Party, seeking an interpretation of Section 24 (1) (b) of Political Parties (Registration, Conduct and Funding) Decree No. 4 of 2013. The Electoral Commission responded to Mr Chaudhry. Overall since 2014, the Electoral Commission has registered forty-three complaints (including objections and appeals pursuant to Sections 22, 30 and 31 of the Electoral Decree). *Annex 2 refers.*

#### **5.0 CIVIL APPEAL NO. ABU0069 of 2014 (ELECTORAL COMMISSION v SUPERVISOR of ELECTIONS)**

Civil Appeal No. ABU0069 of 2014 'Electoral Commission v. Supervisor of Elections' to the Court of Appeal was against the judgement of the High Court delivered on 24<sup>th</sup> August 2014 in the Suva High Court Action No. 240 of 2014. Notice of Motion and Grounds of Appeal were filed on 1<sup>st</sup> October 2014. The Appeal was heard on 11<sup>th</sup> November 2016, and Judgement was delivered in the Electoral Commission's favour on 29<sup>th</sup> November 2016.

#### **6.0 REPORT FROM THE SUPERVISOR OF ELECTIONS**

In addition to verbal reports at the Commission's meetings, three written reports for 2016 were received from the Supervisor of Elections; the Quarter 1 (17 March), Quarter 3 (24 October) reports, Quarter 4 (4 January 2017). While the Fijian Elections Office has formulated its policies, it is hoped the Commission's Governance and Operational Guideline manual will help steer the way for a coordinated electoral management approach between the two institutions. In accordance with the Constitution Sections 75 (2) (e) and 76 (2) (b and c) and (3), the Commission has a role to perform in other elections beside the General Elections. In accordance with the Electoral Decree 2014 Section 154, the Fijian Elections Office conducted the elections for a number of registered Trade Unions in 2016. The Supervisor of Elections reported to the Commission on such Trade Union elections, but the Commission did not find it necessary to issue any directives on this matter. Overall, the Fijian Elections Office is preparing for the 2018 General Elections and at the same time, networking with other electoral bodies in the Pacific and other international organisations, sharing lessons learnt and placing Fiji's experiences on those respective platforms.



## **7.0 TENURE OF MEMBERS OF THE FIJIAN ELECTORAL COMMISSION**

Commissioner Vijay Naidu resigned his membership effective 1<sup>st</sup> January 2015. The remaining commissioners' (Chen B Young, James G Sowane, Jenny M B Seeto, Larry J Thomas, David G Arms and Alisi W Daurewa) terms expire on 9<sup>th</sup> January 2017.

## **8.0 HANDOVER PROCEDURE**

A handover procedure has been prepared by the Fijian Electoral Commission which the New Zealand Electoral Commission will facilitate with the assistance of the Fijian Elections Office after the end of the current Commission's term on 9<sup>th</sup> January 2017. This will include the following:

- The Fijian Electoral Commission-New Zealand Electoral Commission Memorandum of Understanding and the 5 year programme plan from which it was formulated after discussions between the Commission, the New Zealand Ministry of Foreign Affairs And Trade and the New Zealand Electoral Commission in 2015;
- Annual Activity Plan agreed between the Fijian Electoral Commission and the New Zealand Electoral Commission (up until the expiry of the current Commission's term);
- Hard copies of the resources and a full set soft copy of Memory Stick, for each new Commissioner and the new Fijian Electoral Commission;
- Handover notes for anyone who comes afterwards to assist the new Fijian Electoral Commission;
- Summary of what has been considered and/or prepared and reasons some have been left for new Commissioners;
- A folder (hard copy and soft copy) for the Commissioners that contains all the litigation there has been so far including any associated appeals.

The Fijian Electoral Commission is grateful for the assistance of the New Zealand government through the New Zealand Electoral Commission.

## **9.0 RECOMMENDATION**

The Fijian Electoral Commission requires an independent budget that would allow it to function and carry out its onerous responsibility by having its own secretariat, legal advisor(s) and other personnel, and to determine how it is to utilise its budget, subject to the eventual independent scrutiny of the Auditor-General's Office.

The Fijian Electoral Commission reiterates the need to put into effect the recommendations made in its 2014 Annual Report, its 2015 Annual Report and its submission in July 2016 to the Parliamentary Standing Committee on Law, Justice and Human Rights as soon as possible before the next General Elections in 2018.

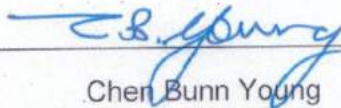
## 10.0 EXPRESSION OF GRATITUDE

As its term of office comes to an end, the Fijian Electoral Commission wishes to express its sincere thanks to the Supervisor of Elections and the whole Fijian Elections Office for the team spirit that we have experienced over the past three years. We also express our gratitude to Government and all political parties for the degree of cooperation we have experienced. Also to the foreign governments and overseas organisations, the media, civil society organisations, the transport industry and the Fiji Police for their assistance in various capacities.

Finally, we wish to thank wholeheartedly the people of Fiji for their full, indeed enthusiastic, participation in the 2014 General Elections.

All members of the Fijian Electoral Commission feel it has been a great honour to be appointed to serve the country on the Fijian Electoral Commission, and we extend our best wishes to the incoming members of the Fijian Electoral Commission.

Dated this                      9th                      day of                      January                      2017



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Chen Bunn Young

**CHAIRPERSON OF THE FIJIAN ELECTORAL COMMISSION**



**MEMORANDUM OF UNDERSTANDING  
BETWEEN**

**THE NEW ZEALAND ELECTORAL COMMISSION  
AND  
THE FIJIAN ELECTORAL COMMISSION**

**1 November 2015 – 30 JUNE 2020**

## Table of Contents

1.	PARTIES TO THIS MEMORANDUM.....	2
2.	INTERPRETATION .....	2
3.	BACKGROUND TO THIS MEMORANDUM OF UNDERSTANDING .....	2
4.	PURPOSE AND SCOPE OF THIS MEMORANDUM .....	3
5.	TERM.....	3
6.	ELECTORAL ASSISTANCE PROGRAMMES.....	3
7.	ROLES AND RESPONSIBILITIES .....	4
8.	CONFIDENTIALITY .....	5
9.	PERSONNEL .....	5
10.	COSTS.....	6
11.	EFFECT OF THIS MEMORANDUM.....	6
12.	RELATIONSHIP MANAGEMENT.....	6
13.	VARIATIONS TO THIS MEMORANDUM .....	7
14.	NOTICES .....	7
15.	EXECUTION .....	7
	APPENDIX A – NOMINATED REPRESENTATIVES .....	8

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Page | 1



## 1. PARTIES TO THIS MEMORANDUM

1.1. This Memorandum of Understanding is made this       day of       2015

**BETWEEN** the **NEW ZEALAND ELECTORAL COMMISSION** (the "NZEC"),  
an independent Crown entity established under section 4B of the  
New Zealand Electoral Act 1993;

**AND** the **FIJIAN ELECTORAL COMMISSION** (the "FEC"),  
established under the Fiji State Services Decree 2009;

who acknowledge as follows:

## 2. INTERPRETATION

2.1. In this Memorandum of Understanding, unless the context otherwise requires:

"Electoral Assistance" means technical advice and other electoral support  
provided by the NZEC (in association with MFAT under the New Zealand Aid  
Programme) in accordance with this Memorandum;

"FEC" means the Fijian Electoral Commission;

"Memorandum" means this Memorandum of Understanding and all  
documents appended to it as Schedules and Appendices;

"MFAT" means the New Zealand Ministry of Foreign Affairs and Trade; and

"NZEC" means the New Zealand Electoral Commission.

## 3. BACKGROUND TO THIS MEMORANDUM OF UNDERSTANDING

3.1. At the request of the Fijian government the NZEC provided Electoral  
Assistance to the Fijian electoral authorities in preparation for the Fiji  
parliamentary election in 2014.

3.2. The FEC intends to continue strengthening its institutional capacity over the  
next 5 years and requests ongoing Electoral Assistance during its institutional  
strengthening programme; and

(a) the NZEC will provide Electoral Assistance to the FEC on the terms set out  
in this Memorandum; and

(b) the parties recognise the independent statutory functions of each other  
and the need for the business of the NZEC and the FEC to be conducted  
independently of each other despite any such Electoral Assistance  
arrangements.

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Page 12

#### 4. PURPOSE AND SCOPE OF THIS MEMORANDUM

4.1. This Memorandum:

- (a) is entered into for the purpose of facilitating the NZEC providing Electoral Assistance to the FEC in carrying out its statutory functions;
- (b) sets out the roles and responsibilities of each party;
- (c) establishes guidelines on consultation and communication between the parties; and
- (d) provides a mechanism to maintain the independence of the parties and to manage the relationship between the parties.

4.2. The parties acknowledge that any Electoral Assistance may only be provided at the request of the FEC and with the agreement of the NZEC.

4.3. The parties further acknowledge that, notwithstanding any Electoral Assistance provided by the NZEC, the FEC remains solely responsible for its decisions and electoral outcomes.

#### 5. TERM

5.1. The term of this Memorandum will commence on execution and end on 30 March 2020, unless earlier terminated by notice in writing by either party.

5.2. The parties may, by agreement in writing, extend the term of this Memorandum.

#### 6. ELECTORAL ASSISTANCE PROGRAMMES

6.1. The parties may agree a plan for supporting the FEC's institutional strengthening objectives for the term of this Memorandum, which will be reviewed annually or at any other time agreed by the parties.

6.2. The parties will target Electoral Assistance programmes at achieving the objectives identified in the agreed plan.

6.3. Electoral Assistance programmes may include deploying technical advisors (TAs) to the FEC or sourcing such advisors, knowledge exchange programmes involving personnel of one party spending time with a host party, the sharing and/or development of materials (strategies, policies, procedures, etc), and provision or funding of other electoral related activities.

6.4. Neither party is under any obligation to agree to any Electoral Assistance programme.

  
Page | 3



- 6.5. Each party reserves the right to terminate an Electoral Assistance programme, or to seek the other party's agreement to modify it (including to change or replace a participant), for any reason including that the party can no longer accommodate or facilitate the Electoral Assistance programme in the form it was originally agreed.

## 7. ROLES AND RESPONSIBILITIES

### The NZEC

- 7.1. The NZEC's roles and responsibilities are to:

- (a) deliver the Electoral Assistance as agreed under this Memorandum and in a manner that facilitates the FEC strengthening its institutional capacity;
- (b) keep the FEC informed, in a timely manner, of any matters that may have a significant effect on the Electoral Assistance provided under this Memorandum;
- (c) appropriately acknowledge FEC ownership of any FEC electoral resources developed with the support of Election Assistance programmes and used as a base or model for similar assistance the NZEC delivers to other developing election management bodies; and
- (d) respect the independence of the FEC.

### The FEC

- 7.2. The FEC's roles and responsibilities are to:

- (a) identify in a timely manner Electoral Assistance programmes that will make prudent use of the Electoral Assistance that may be provided under this Memorandum;
- (b) work collaboratively with the NZEC to facilitate the delivery of the Electoral Assistance, and participate in the programmes, in a manner that ensures optimum outcomes;
- (c) keep the NZEC informed, in a timely manner, of any matters that may have a significant effect on the Electoral Assistance provided under this Memorandum;
- (d) in the interests of ensuring that the Electoral Assistance is appropriate to the needs of the FEC, provide the NZEC with feedback on the effectiveness of the Electoral Assistance in assisting the FEC to achieve its identified institutional strengthening objectives;
- (e) permit the NZEC to use FEC electoral resources developed with the support of Election Assistance programmes as a base or model for similar assistance the NZEC delivers to other developing electoral bodies; and
- (f) respect the independence of the NZEC.

  
Page 14

## 8. CONFIDENTIALITY

- 8.1. Neither party will, at any time, without the consent of the other party, disclose to a third party information referred to by, or obtained under or in connection with, this Memorandum:
- (a) concerning the affairs of the other party (except as specifically required or allowed by this Memorandum or as necessary for the NZEC to provide the Electoral Assistance); or
  - (b) otherwise deemed to be confidential by the other party;
- unless the disclosure is required by law.
- 8.2. The parties will consult before complying with any legal obligation to disclose any confidential or commercially sensitive information referred to by, or obtained under or in connection with, this Memorandum.
- 8.3. The parties acknowledge that the provision of the Electoral Assistance may attract media interest and that either party may wish to issue media releases about the Electoral Assistance. Wherever practicable the parties will agree media strategies in relation to each Electoral Assistance programme, and when dealing with any media queries or releases the relevant party:
- (a) will ensure that the content is constructive and in the spirit of this Memorandum; and
  - (b) will consult with the other party before disclosing any confidential or commercially sensitive information referred to by, or obtained under or in connection with, this memorandum.
- 8.4. The parties further acknowledge that the Fijian Elections Office has a separate relationship with the NZEC, and:
- (a) the NZEC will respect the FEC's independence from the Fijian Elections Office and the FEC will respect the independent relationship the NZEC has with the Fijian Elections Office; and
  - (b) the parties may, where appropriate, invite the Fijian Elections Office to participate in Electoral Assistance programmes or identify other opportunities for joint institutional strengthening activities.

## 9. PERSONNEL

- 9.1. Each party will ensure that its personnel respect and comply with:
- (a) the confidentiality requirements of this Memorandum; and
- when being hosted by the other party:
- (b) the policies of the host party; and



- (c) any reasonable requests or instructions of the host party.
- 9.2. A party who is hosting personnel of the other party may request the other party to withdraw any of its personnel and:
- (a) the other party will promptly comply with any such request; and
  - (b) the host party will inform the other party of the reasons for its request so the other party may consider any further appropriate action.

## 10. COSTS

- 10.1. To the extent agreed, the NZEC will pay the costs of delivering the Electoral Assistance programmes. The parties acknowledge the Electoral Assistance is predominantly funded by MFAT under the New Zealand Aid Programme and as such requires the approval of MFAT.
- 10.2. In all other respects, each party will bear its own costs under this Memorandum unless agreed otherwise.

## 11. EFFECT OF THIS MEMORANDUM

- 11.1. This Memorandum confirms the relationship between the parties based on a spirit of goodwill and cooperation. For the avoidance of doubt, this Memorandum does not create any legally binding obligations between the parties and may not be enforced in any Court in Fiji, New Zealand or elsewhere.
- 11.2. Where there are changes to the respective governments' policy or to the business needs of the NZEC or the FEC which affect the purpose and functions of this Memorandum, each party agrees to inform the other party of those changes as soon as practicable and to meet to renegotiate if necessary any aspects of this Memorandum.

## 12. RELATIONSHIP MANAGEMENT

- 12.1. The parties agree to work together in the spirit of mutual cooperation and to operate a 'no surprises' relationship with each other. They will notify each other immediately of any matter in relation to the Electoral Assistance which may put provision of the Electoral Assistance at risk and seek to devise a mutually acceptable course of action.
- 12.2. Each party has nominated a Relationship Manager to facilitate this relationship, and:
- (a) the Relationship Manager's details are set out in Appendix A;
  - (b) each party will promptly notify the other party of any change to its Relationship Manager;

- (c) each Relationship Manager is responsible for keeping the other party informed as appropriate of any matters arising that affect this Memorandum; and
  - (d) the Relationship Managers will meet at least annually to review the operation of this Memorandum and the parties' relationship under it.
- 12.3. If any issue or dispute arises between the parties concerning this Memorandum, the parties will endeavour to resolve the dispute promptly, and in the spirit of this Memorandum.

### 13. VARIATIONS TO THIS MEMORANDUM

- 13.1. This Memorandum may be amended at any time during its term by agreement in writing between the parties. If either party proposes to amend this Memorandum, then that party will give to the other party reasonable notice of the proposed amendment and the reasons for it, and the other party will give fair and prompt consideration to the proposed amendment.

### 14. NOTICES

- 14.1. All notices given under this Memorandum are to be in writing and delivered by registered post, courier or email, or via the parties' respective embassies.

### 15. EXECUTION

#### The Electoral Commission

Signed by Robert Peden, Chief Electoral Officer, NZEC:

 12/11/15  
Signed Date

#### The Fijian Electoral Commission

Signed by Chen Bunn Young, Chairperson, FEC:

 12/12/15  
Signed Date

  
Page 17



## APPENDIX A – NOMINATED REPRESENTATIVES

### 1. Nominated Relationship Managers for each party (Clause 12)

#### 1.1 The NZEC's nominated Relationship Manager's details are:

Deidre Brookes  
Manager Statutory Relationships  
Phone: +64 4 806 3522  
Email: [deidre.brookes@elections.govt.nz](mailto:deidre.brookes@elections.govt.nz)

#### 1.2 The FEC's nominated Relationship Manager's details are:

Alisi Daurewa  
Electoral Commissioner  
Phone: +679 923 1784  
Email: [awdaurewa@hotmail.com](mailto:awdaurewa@hotmail.com)

  
Panel A

**Annex 2:**

**FIJIAN ELECTORAL COMMISSION**  
**COMPLAINTS and APPEALS REGISTER**  
**2014 to 9<sup>th</sup> JANUARY 2017**

<b>No.</b>	<b>Date</b>	<b>From</b>	<b>Issue</b>	<b>Outcome</b>
1	24/2/14	NFP	Regressive and draconian decrees	Addressed at FEC's meeting with political parties on 26/3/14
2	2/4/14	SODELPA	Media freedom and certain aspects of the Electoral Decree	Address at FEC's meeting with political parties on 20/5/14
3	8/4/14	NFP	Concerns about ballot paper for the election of members of Parliament	Ditto
4	5/5/14	SODELPA	Uncertain about certain parts of the Electoral Decree	Ditto
5	16/5/14	SODELPA	Concerns about the Electoral Decree and its implementation	Ditto
6	20/5/14	FLP	Concerns with certain provisions of the Electoral Decree and voting procedures	FEC responded via letter of 18/6/14. Also addressed at FEC's meeting with political parties on 25/6/14
7	3/7/14	FLP	Pre-polling arrangements/hire of private security firm for Electoral duties/Security of ballot boxes/ballot papers etc	FEC responded via letter of 22/7/14. Also addressed at FEC's meeting with political parties on 30/7/14
8	15/7/14	FLP	National Register of Voters (NRV) Amendments made to the Electoral (Registration of Voters) Decree 2012 vide Decree 9 of 2014 gazetted on 28/3/14.	Addressed at FEC's meeting with political parties on 30/7/14
9	23/7/14	FLP	Concerns relating to September General Elections	Addressed at FEC's meeting with political parties on 30/7/14
10	Ditto	SODELPA	Ditto	Ditto



No.	Date	From	Issue	Outcome
11	6/8/14	Legend FM News	Former PM Qarase's statement during SODELPA campaign	FEC investigated and decided no action was necessary
12	8/8/14	Proposed Activist People's Party (APP)	Appeal against SoE's decision over proposed APP	FEC responded via letter 11/8/14. Plus follow-up email 11/8/14.
13	19/8/14	Benjamin Padarath	Objected to candidate Koleta Sivivatu	Objection dismissed by FEC
14	Ditto	Makereta Waqavonovono	Objected to Aiyaz Sayed-Khaiyum	Ditto
15	Ditto	Dalip Kumar	Objected to Mereseini Vuniwaqa	Ditto
16	Ditto	Aman Ravindra-Singh	Objected to Inia B Seruiratu	Ditto
17	Ditto	Ditto	Objected to Joeli R Cawaki	Ditto
18	Ditto	Ditto	Objected to Laisenia Tuitubou	Ditto
19	Ditto	Ditto	Objected to Pio Tikoduadua	Ditto
20	Ditto	Ditto	Objected to Brij Lal	Ditto
21	Ditto	Ditto	Objected to Praveen Kumar	Objection upheld by FEC
22	Ditto	Benjamin Padarath	Objected to Praveen Kumar	Objection dismissed by FEC
23	Ditto	Ilai Tusega	Objected to Kini Maraiwai	Ditto
24	Ditto	Jagath Karunaratne	Appeal on nomination	FEC dismissed Appeal
25	Ditto	Anare Jale	Ditto	Ditto
26	Ditto	Steven P Singh	Ditto	FEC allowed Appeal
27	Ditto	Mohammed Tahir	Ditto	FEC dismissed Appeal
28	Ditto	Arvin Datt	Ditto	Ditto
29	Ditto	Mahendra Chaudhry	Ditto	Ditto
30	Ditto	Daniel U Manufolau	Ditto	Ditto
31	Ditto	Hiroshi Taniguchi	Ditto	Ditto
32	Ditto	Lekima Lawanitoakula	Ditto	Ditto

33	Dittio	Patrick Singh	Ditto	Ditto
34	26/8/14	NFP	Clarification sought on pre-polling process	Noted. Referred to SoE/FEO
35	29/8/14	NFP	Pre-polling media black-out and specimen ballot paper	FEC responded via letter of 1/9/14
36	5/9/14	NFP	Complaint against FijiFirst Party for defamatory campaign	Referred complaint to the FijiFirst. Received FF's response and forwarded it to the NFP
37	15/9/14	NFP	Breach of Section 63 of the Electoral Decree by various political parties	FEC wrote to the various parties and forwarded their replies to the NFP
38	18/9 & 19/9	One Fiji Party, NFP, PDP, FLP & SODELPA	Corrupt and unlawful practises of the 2014 General Elections	FEC investigated and found no evidence to support the allegations. FEC responded to the parties on 21/9/14 inviting them to let Commissioners sight the original ballot paper which formed the basis of one of their complaints. No formal response was received by FEC, nor was the ballot paper produced for inspection.
39	Prior to final result	Candidate (unnamed)	Verbally complained that 2 votes for her were not recorded in the protocol of results	FEC investigated and found that she had erroneously examined a protocol of results for a polling station that she did not vote in. When the protocol of result for the polling station she had voted in was found, the 2 votes she had queried were indeed recorded in that protocol of results.



40	29/10/15	Leader of Opposition	False declaration of assets and liabilities by Hon. Aiyaz Sayed-Khaiyum	FEC responded 13/11/15
41	4/11/15	Ben Padarath of FLP	Facilitate request for disclosure of financial records of the FijiFirst party	Sought legal advice from Solicitor-General. FEC responded via letter of 6/11/15
42	16/11/15	Kamlesh Sharma, Director of Corporate Services, FEO	Wrongful suspension/dismissal	Sought legal advice from Solicitor-General. FEC agreed that Mr Sharma's case was an operational matter and was to be addressed by the SoE
43	18/1/16 and 4/3/16	Mahendra Chaudhry, FLP	Sought interpretation of Section 24 (1) (b) of Political Parties (Registration, Conduct and Funding) Decree No. 4 of 2013	Sought legal advice from Solicitor-General via letter of 26/1/16. SG's reply of 1/3/16 was unclear. FEC sought clarity via letter 6/6/16. No response to date. FEC apologised to Mr Chaudhry via letter of 6/6/16 and asked for clarity on interpretation being sought.