

SUBMISSION DUE BY 23 FEBRUARY 2023

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Wednesday 15th February 2023

Hon. Allan Bird, MP
Chairman & Governor for East Sepik
The Special Parliamentary Committee on 2022 General Election
P O Box Parliament House Waigani
National Capital District
Email: elections22committee.parliament@gmail.com

Dear Chairman BIRD & Committee members

I QUOTE FROM PRIME MINISTER JAMES MARAPE'S STATEMENT RELEASED TO POST COURIER ON MONDAY AUGUST 22, 2022.

" I CAMPAIGNED HARD TO BETTER PNG AND THESE WILL BE ATTENDED TO WITH NO SECOND-CHANCE MINDSET. I WOULD RATHER LOOSE GOVERNMENT DOING THE RIGHT THING THEN KEEP GOVERNMENT BY DOING WRONG THINGS" ...

I humbly submit herewith for serious consideration by the Special Parliamentary Committee my views as a former Electoral Commissioner. This submission is researched and based on the current Electoral Laws and Electoral Practice governing the conduct of elections for both Parliament and Legislative Arms of LLG in PNG.

The Committee as I understand from its public notice will focus on these four [4] terms of reference [ToR]:

1. The Powers, Functions & Responsibilities of PNGEC & related matters
2. The Electoral Process – Electoral roll, campaigning, voting, counting-declaration, disputed returns & related matters
3. The Expenditure on the Electoral Process & related matters
4. The Security by RPNGC, PNGDF & CIS & related matters.

1.0 ELECTORAL COMMISSION

- a) The Electoral Commission as a Constitutional Office to be further strengthen to incorporate a new independent Board of Commissioners to support the **current single Electoral Commissioner**.
- b) As witnessed in the past electoral events, single commissioner comes under severe attacks from public with no one or body to act as a bouncing board or buffer to safeguard his neutrality-impartiality from tribal terrorism. These

public outbursts were more widespread and pronounced in the last 2022 Electoral Event.

- c) The current law on single commissioner no longer enjoys true protection either from political or tribal terrorism from our very own soil.
- d) Single Commissioner concept endures so much pressure from the general public in courts and can easily surrender to tribal patriotism.
- e) It is a well overdue conversation to **reset and re-enforce its Constitutional independence** supported by the Organic Law on Elections.

2.0 ELECTORAL BOUNDARIES COMMISSION

- a) Remove in the Organic Law, **veto powers** of Parliament to 'accept or reject' recommendations.
- b) Instead, recognize **Head of State, Governor General** to proclaim 'open electorates' because of neutrality, impartiality His Excellency enjoys as the **highest in rank of ALL persons or institutions in PNG.**

3.0 REGISTRATION OF VOTERS & VOTING

- a) Registration of voters nation-wide to close ninety (90) days to date of issue of writs by Head of State, General-General
- b) Biometric system of registration & voting: I personally do not favor the technology as yet for one reason alone: TRIBAL MINDSET. For the Government to adopt in the long run, its must be prepared to **PAY FOR THE SUSTAINABILITY OF THE SYSTEM IN BETWEEN ELECTORAL EVENTS.** This is a huge investment by any Executive Government.
- c) The bad and ugly tribal mindset of a small majority of the population may remain so for generations to come.
- d) Voting Day - Enrolment & Voting:
 - i. Where it is found a person's name is missing on roll
 - ii. He/she can be registered 'on the spot' and **issued ballot papers to vote.**
 - iii. A person who holds a valid NID card or other valid forms of ID ie drivers license, passport - work, school, college or university but name is not found on roll to be 'registered on the spot' and issued ballot paper to vote.

4.0 NOMINATION

- a) Maximum seven (7) days window to be retained
- b) Increase Fees - National Parliament (K5000) and Legislative Arms of LLG (K500)

5.0 CAMPAIGN

- a) Reduce period to 4 weeks; [current law eight (8) weeks]
- b) Blackout/curfew to apply to campaigners, supporters & convoy of vehicles [propose **7days** to start of polling period]
- c) Provision for blackout/curfew to remain until the seat is declared.

6.0 POLLING PERIOD - VOTING & COUNTING AT POLLING PLACE LEVEL

- a) Propose **One Day voting nation-wide** out of seven (7) days window; [current law allows 14days]
- b) Counting of primary or 1st preference votes to be undertaken in polling place immediately after day's voting; [current law allows 21days]

- c) Counting procedures will be undertaken before watchful eyes of party agents, scrutineers & crowd [promotes greater visibility & transparency]
- d) Polling place vote tallies of primary counting to be transmitted 'same speed' to Returning Officer to enter as 'primary or 1st preference vote tallies'
- e) This procedure will reduce and prevent level of violence experienced in 2022 and previous general elections and
- f) Better control costs often incurred at 'district or centralized counting center'; [ie lodging, security, allowances, transportation & catering]

7.0 DECLARATION

- a) Returning Officer to declare seat in a '**safe and secured facility**' either at District HQs or
- b) Other designated safe and secured facility **within or outside of the province** appointed by Returning Officer after consulting with the Provincial Police Commander & Electoral Commissioner
- c) Returning Officer to receive, verify vote tallies from each designated polling place, managed by Presiding Officer

8.0 ELECTION PETITIONS

- a) Petitioner to file **21days after seat is declared**; [current law allows **40days after seat is declared**]
- b) Filing fees to increase to K5,000 National Parliament & K500 LLG Legislative Arms [**current law allows NP K1000 & LLG K500/K200 respectively**]
- c) National Court security deposit to increase to K10,000 for NP, K1000 for LLG [**current law K5,000/K500 respectively**]

9.0 LLG TERM ELECTION

- a) *Section 34* of OLPG & LLG directs Electoral Commission to conduct general election for Legislative Arms of LLGs either concurrently or three (3) months after return of Writs for National Parliament general election.
- b) I propose that LLG election-nationwide to be conducted **2.5 years after** return of Writs for National Parliament general election and
- c) Continue to complete five-year term.

10.0 BUDGET- EXPENDITURE & ACCOUNTABILITY

Let there be no negative questions entertained, misgivings or fake information that PNGEC was not appropriated adequate funds. **PNGEC was and has always received adequate funding by successive Executive Governments. The management of these funds has always been the real issue.**

I repeat, the 2022 electoral event, was adequately funded in the Budget by Parliament in November 2021.

Every five years the budget for PNGEC **gets better attention than previous electoral event** from successive Executive Governments and Parliaments. Last electoral event in 2022 was no different. There were adequate funds appropriated to plan and complete the nation-wide electoral event.

The Executive Government of the day at each electoral event always appropriates adequate funds to undertake the nationwide electoral process. However, it's the bad politicking meted out by certain members of public or MPs from opposite aisle of Parliament to tarnish the posture of Government of the day.

Clearly, the management of these funds by the bureaucrats is the real issue of concern and I take this opportunity to draw the attention of this esteemed Committee to seriously stop and inquire into the fraudulent mob-scheme spending by PNGEC.

Since 2012 Electoral Event, there have been legacy issues that remain so deep and inherent that no authority has ever paid any real attention to undertake **serious forensic audit on yearly expenditure by PNGEC.**

There are numerous reported cases of fraudulent and wasteful spending by PNGEC for years – both in Headquarters and provinces. This is a serious statement and I will stand by this statement.

Does AG need to be questioned

The Committee must further address a separate issue to **urgently establish a team of credible forensic auditors from The Commonwealth or IFES to track fraudulent, wasteful non-core electoral expenditure in 2022 general election and report back to the Executive Government and Parliament.**

by the Committee

PAC

Inquiry into EC

Numerous reports by the Office of the Auditor General in its yearly scheduled audits points out these serious weaknesses in the management of these funds.

It would seem there exist in PNGEC a grand scheme of compulsive lying by the top, middle to junior electoral officers using service providers as fronts. The depth of this scheme can be easily traced back to several electoral events.

11.0 SECURITY

Unlike more affluent western democracies, PNG for many generations will continue to require the services of Police, supported by PNGDF and CIS *call out in-aid to civil power, but allow* PNGEC to independently lead the management and administration of the Electoral Process.

This arrangement is fairly well entrenched and compliments well the ultimate goal of returning MPs on legal timeline stipulated. Security Forces led by RPNGC needs to advance its security procedures in field operations by embracing technology appropriate to reassure public and key stakeholders on timely capture of rogues well ahead of voting or counting-declaration phases.

Often times, members of security forces are accused of excessive use of firepower in certain parts of the country but that's now the reality and one way to curtail rogues-terrorists during electoral event in PNG.

Members of security forces are just human and can fall into the soft trap of inducement or accused of being a bad cop - 'paid off' in kind by certain candidates to assist smoothen the path to victory-power to Waigani Parliament.

CONCLUSION

I sincerely trust your esteemed Committee would seriously deliberate and capture these views in its final submission to the Executive Government to assist and enable it take urgent appropriate steps to amend aspects of the **Constitution, Organic Laws on Elections & Electoral Regulations and related Laws.**

Sincerely I remain,

A



Reuben T Kaiulo, *MBE*

Electoral Commissioner (1991-2003)

Pensioner: Constitutional Office Holder

Consulting: Election Management & Administration



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Summary - joined public service on 5th February 1973 internship under the leadership of the first indigenous chief election officer, *late* Simon Kaumi. I continued to serve post-independence as deputy electoral commissioner under prominent public policy electoral administrators late James Mileng, Henry Veratau and Luke Lucas.

In my watch as Electoral Commissioner, I directed, managed and successfully delivered **three major** national electoral events well on constitutional and legal timeframes - 2002, 1997 and 1992.

On expiry of my second term on 8 August 2003, I opted for Constitutional Office-Holders' life-time pension benefits.

Bio-Data:

DOB: 08 October 1955 – Lalaura village, Abau District, Central Province

Marital status: married

Disclosure: Director Stars Ltd

Education:

- 1987 - Diploma Economic Policy Analysis, National Research Institute NCD
- 1985 – Diploma Public Administration, Institute of Public Administration NCD
- 1976 – Certificate Middle Management, Institute of Public Administration NCD
- 1972-1969: Grade 7-10 Certificate Kwikila High School, Rigo District Central province
- 1968 – 1963: Grade 1-6 Konepoti Primary School, Abau District Central province

In-country exposure:

1973 – Joined Government Public Service as Electoral Clerk trainee, pre-independence electoral office under the auspices of Department of Social Development & Home Affairs, later re-named Department of Interior.

In my watch as Electoral Commissioner I administered, managed and successfully delivered three (3) national general elections:

- 2002 national general election
- 1997 national general election, concurrently with 1st ever nation-wide elections for Local Government Legislatures, following amendments to the Organic Law on Provincial & Local Government in 1995
- 1992 national general election

Bougainville Provincial Government Election:

In 1976 appointed Returning Officer by Commissioner James Mileng, under the Prime Minister-ship of Grand Chief Sir Michael Somare posted and worked over 12 months on Bougainville Island where I planned, managed and successfully delivered the **first-ever provincial government elections in PNG** - now the autonomy region of Bougainville.

International exposure:

1975 – In order to prepare national public servants to occupy senior positions in departments leading to full political Independence on 16 September 1975, I was selected under APETS – Australia Pacific Education Scheme for practical on-the-job training relative to electoral matters in various Australian electoral offices.

Spent 4 months on-the-job training in Australia Electoral Commission Head Office, Canberra and various divisional electoral offices, NSW State electoral office and Sydney City Local Government council election office.

1980 Visited and observed Canada Federal election in Ottawa and Toronto

Member the Commonwealth Election Observer Missions:

On invitation of Secretary General to the Commonwealth Secretariat, London UK, I represented PNG Government as a Member of the Commonwealth Observer Mission to –

- Solomon Islands general election 2019
- Fiji general election 2001
- Bangladesh general election 1996
- Zimbabwe general election 1980

MSG Mission to Republic of Vanuatu:

2016 nominated by PNG Government as Member of Melanesian Observer Group, (MSG) that reported on the 22 January 2016 general election for the Republic of Vanuatu following **early** dissolution of the Parliament.

IFES Mission to Indonesia General election:

1999 nominated by the *International Foundation for Election Systems* (IFES) Washington DC represented PNG Government, observed and witnessed the **democratic election in Indonesia** – after decades of authoritarianism.

Public Service Achievements:

2003 – Opted for Constitutional Office-Holders *pension* on expiry of second term on 8th August 2003.

1991 - 2003 Electoral Commissioners:

- 1991 appointed by the Electoral Commission Appointment Committee, chaired by Rt. Hon. Sir Rabbie Namaliu as Prime Minister.
- 1997 February reappointed to act for six months 21 days chaired by Prime Minister late William Skate
- 1997 August substantively appointed for a second term, chaired by Prime Minister late William Skate This full six years ended on 8 August 2003 enabling me to opt for COH retirement.
- I served well **over two full six-year terms** ie 12years, 6months & 21days.

1978 - 1991 Deputy Electoral Commissioner:

- 1978 promoted to post of Deputy Electoral Commissioner by an independent public services selection committee.
- I occupied the Office of Deputy Commissioner for 12years.

Landmark Electoral Reforms in my watch:

The landmark electoral reforms successfully undertaken during my watch includes the repeal of the old *First-Past-the-Post* voting system in 2002 to the current Limited Preferential Voting, (*LPV*) system of voting. I was a pioneer member to permanent registry of *Integrity of Political Parties & Candidates Commission* following an enactment of the Organic Law, under the political leadership of late Rt. Hon. Sir Mekere Morauta.

Awards:

- Imperial award by Her Majesty Queen Elizabeth the second - Order of Member of the British Empire, (MBE)
- Independence medal by Government
- Independence silver jubilee medal by Government
- Long meritorious public services medal by Government

Referees:

On electoral policy matters, I worked in harmony with the very top national political leadership, reported directly to Prime Ministers – Rt. Hon. Sir Rabbie Namaliu, Rt. Hon. Sir Julius Chan, Rt Hon. Paias Wingti, Sir William Skate, Sir Mekere Morauta and Grand Chief, Sir Michael T Somare.

Advisory-Consulting role in Government (Electoral Commission) of Papua New Guinea:

From 16 November 2015 to 16 November 2020:

My private company Stars Ltd was contracted to assist Electoral Commission plan and manage the 2017 General election, followed by 2019 nation-wide general election for Legislative Arms of Local-level Government.

I am a trained and experienced public policy administrator - worked as an election practitioner for 45 years in a long distinguished career on election administration, election law and election practice.

In any given policy or operational task I display high degree of work ethics and discipline coupled with administrative and communication abilities.

I am familiar with the PNG *Constitution* and inner workings of the 3 arms of government system and the functions of line departments, agencies and provincial administrations.

Advisory role on 2019 Bougainville Referendum:

Of interest was my engagement from 2015-2019 as Special Adviser to PNGEC, in conjunction with Office of Bougainville Electoral Commission and Bougainville Referendum Commission supported by external stakeholders namely UNDP, GoA, GoNZ & International Foundation on Election Systems.

I have kept myself abreast on PNG elections, electoral laws & practice and related electoral issues after my retirement and continue to maintain currency with changing and evolving circumstances. I am computer literate both in word and excel apps.

Finally, I am physically, mentally and medically fit to take up any offer of advisory-consulting services to the Executive Government in its overarching agenda to reform the current electoral system it publicly announced following the recently concluded 2022 National Electoral Event.