
The Parliament of the Commonwealth of Australia

Report of the Australian Parliamentary Delegation to Indonesia and Tonga

24 September – 1 October 2011

Joint Standing Committee on Electoral Matters

May 2012
Canberra

© Commonwealth of Australia 2012

ISBN 978-0-642-79672-1 (Printed version)

ISBN 978-0-642-79673-8 (HTML version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website:

<http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.



Foreword

During September 2011 members of the Joint Standing Committee on Electoral Matters visited Indonesia and Tonga as part of the Asia Pacific Parliamentary Committee Exchange program.

Indonesia with its population of over 200 million, and Tonga with little over 100 000 people, are demographically very different countries in the Asia Pacific region. One thing they have in common is that both are making the important transition to democratic governance, with Indonesia starting its democratic journey in 1999 and Tonga holding its first democratic election in 2010.

The delegation greatly appreciated the time and effort of the many individuals and organisations in Indonesia and Tonga that met with us during our visit. The program included a combination of high level meetings and opportunities for delegates to hear first hand individuals' experiences of their country's democratic progress and their aspirations for a democratic future. This was of great assistance to delegates to better appreciate the democratic transition underway in these still relatively new democracies.

Through its governance and electoral support programs, Australia is playing a role in assisting these countries to make practical democratic improvements. This visit provided a valuable opportunity for delegates to gain an appreciation of the strong relationships that the Department of Foreign Affairs and Trade, AusAID and the Australian Electoral Commission, are building with electoral authorities and key stakeholders in the Asia Pacific.

The effective conduct of elections is an important component of good governance and viable democracies, and was of particular interest to the delegation. It is important for Australia to remain engaged in Indonesia and Tonga, and the broader Asia Pacific region, and provide the governance and electoral support needed to help our neighbours realise their democratic aspirations.

I thank my fellow delegates for their participation and commitment to the demanding program and contribution to a productive and informative delegation visit.

The Hon Alan Griffin MP
Delegation Leader



Contents

Foreword	iii
Membership of the Committee	vii
Membership of the Delegation.....	viii
Acknowledgements	ix
List of abbreviations	xi

REPORT

1 Background to the Delegation	1
The Delegation	1
Australia's engagement in the region	1
Objectives	3
Structure of report	3
2 Indonesia.....	5
Background	5
Elections	7
Voter registration.....	9
Australia and Indonesia.....	10
Electoral assistance	11
Yogyakarta mayoral election.....	14
General observations	17

3	Tonga.....	19
	Background	19
	Australia and Tonga.....	21
	Constitutional and electoral reform.....	22
	Tonga's Electoral Commission.....	25
	Electoral boundaries	27
	2010 General Election.....	27
	Parties and forming government	32
	General observations	32

APPENDICES

	Appendix A – Delegation program	35
	Indonesia	35
	Tonga	37
	Appendix B – Excerpt of <i>Polling Station Staff: Guidebook</i>	39
	Appendix C – Sample Tongan ballot paper	41

FIGURES

Figure 2.1	Delegation visit to the AEC office in Jakarta	13
Figure 2.2	Candidates for the Yogyakarta City Head and Vice Head of Local Government	14
Figure 2.3	Delegation visiting a polling booth in Yogyakarta	16
Figure 2.4	Elector displaying finger ink after voting in Yogyakarta election	16
Figure 2.5	Ballot count for the Yogyakarta election	17
Figure 3.1	Delegation with the Speaker and members of the Tongan Legislative Assembly.....	22



Membership of the Committee

Chair Mr Daryl Melham MP

Deputy Chair The Hon Alexander Somlyay MP

Members The Hon Bronwyn Bishop MP

The Hon Alan Griffin MP

Ms Amanda Rishworth MP

Senator Simon Birmingham

Senator Carol Brown

Senator Helen Polley

Senator Lee Rhiannon

Senator Scott Ryan



Membership of the Delegation

Leader	The Hon Alan Griffin MP Member for Bruce, Victoria
Deputy Leader	
<i>Indonesia</i>	The Hon Bronwyn Bishop MP Member for Mackellar, New South Wales
<i>Tonga</i>	Senator the Hon Gary Humphries Senator for the Australian Capital Territory
Members	Senator Helen Polley Senator for Tasmania Senator Scott Ryan Senator for Victoria
Secretary	Ms Samantha Mannette



Acknowledgements

The delegation thanks His Excellency Mr Greg Moriarty, the Ambassador to Indonesia, and High Commissioner Thomas Roth in Tonga, for providing the delegation with valuable briefings and guidance on undertaking successful visits to the respective countries.

In Jakarta, the delegation appreciated the opportunity to meet with: Vice President Boedino; Mr Irman Guzman, Speaker of the Regional Representatives Council of Indonesia; members of Commission II; Professor Djohermansyah Djohan, Director General for Regional Autonomy, Ministry of Home Affairs; members of the Indonesian Inter-Parliamentary Cooperation Committee and Indonesia-Australia Parliamentary Friendship Group; and Commissioners Nuryanti, Endang and Aziz of the General Elections Commission. The delegation also met with the Director of the International Foundation for Electoral Systems, Indonesian media and representatives of relevant non-government organisations.

The delegation appreciates the work of the Department of Foreign Affairs and Trade (DFAT) officers in the planning and coordination of the delegation program for its visit to Indonesia, the in-country support and briefings, and the briefings provided prior to the delegation's departure. In particular, the delegation extends its thanks to DFAT representatives Mr Michael Bliss and Mr Julian Bowen, and AusAID representatives, Ms Victoria Coakley and Ms Elizabeth St George.

Thanks also go to the Australian Electoral Commission representative in Indonesia, Mr Patrick Satie and local AEC officer Ms Erika Widyaningsih, who provided the delegation with informative briefings on the operation of elections in Indonesia, and accompanied the delegation to polling stations during the local election in Yogyakarta on 25 September 2011.

At the time of the delegation's visit, the then King of Tonga, His Majesty King George Tupou V, was out of the country and so it was not possible to call on His Majesty. Regrettably, in March 2012, the King passed away in Hong Kong and was succeeded by his brother, His Majesty King Tupou VI.

The delegation appreciated the opportunity to meet with: the Acting Prime Minister, the Hon Samiu Vaipulu; the Speaker of the Legislative Assembly of Tonga, Lord Lasike; the Minister for Justice, the Hon Clive Edwards; and a number of Tongan parliamentarians.

In Tonga, the delegates also had interesting meetings with: Mr Barrie Sweetman, the Electoral Commissioner, and officers of the Tongan Electoral Commission and the Electoral Boundaries Commission; and members of civil society groups and local media.

The delegation offers its sincere thanks to the many individuals and organisations who generously gave their time, to meet and share their views and experiences during the visit. This was of great assistance to delegates to better appreciate the democratic transition underway in these countries, and how the Australian Government and Parliament can assist its neighbours to develop and realise their democratic goals.



List of abbreviations

AEC	Australian Electoral Commission
AusAID	Australian Agency for International Development
BRIDGE	Building Resources in Democracy, Governance and Elections
CEC	Constitutional and Electoral Reform Commission
DFAT	Department of Foreign Affairs and Trade
DPD	Regional Representatives Council (Indonesia)
DPR	House of Representatives (Indonesia)
IFES	International Foundation of Electoral Systems
KPU	General Elections Commission
MoHA	Ministry of Home Affairs
MPR	People's Consultative Assembly (Indonesia)
NCPR	National Committee on Political Reform
UNDP	United Nations Development Programme

Background to the Delegation

The Delegation

- 1.1 Each year a parliamentary committee delegation of up to six members travels to two countries in the Asia Pacific region. These delegations are designed to promote a greater understanding of key regional issues and to strengthen inter-parliamentary relations. In 2011 members of the Joint Standing Committee on Electoral Matters (the delegation) were selected to visit Indonesia and Tonga. The delegation undertook this visit in September 2011.
- 1.2 The delegation was led by the Hon Alan Griffin MP and comprised of: the Hon Bronwyn Bishop MP, Senator Helen Polley, Senator Scott Ryan and Senator Gary Humphries. At the time of the delegation visit, Senator Humphries was a participating member of the committee.

Australia's engagement in the region

- 1.3 Australia plays a significant role in the Asia Pacific region through its overseas aid programs, enhancing the capacity and development of countries in the region. In 2012-2013 the Australian Government will provide AUD\$5.2 billion in Overseas Development Assistance, over 70 per cent will be delivered in the Asia Pacific region.¹

¹ Senator the Hon Bob Carr, Minister for Foreign Affairs, Media Release, *2012-13 International Development Assistance Budget*, 8 May 2012.

- 1.4 One key area in which Australia is involved is providing assistance for good governance programs in the region. It is recognised that good governance can positively impact on other aspects of development. Governance aid has focused on strengthening formal political institutions and processes, building more effective relationships between government and communities, and developing leaders. This has included providing support to parliaments, political parties and in the conduct of elections.
- 1.5 The effective conduct of elections is an important component of good governance and viable democracies, and was of particular interest to the delegation.
- 1.6 In response to the March 2009 report *Power to the People: Australia's support in strengthening political governance in developing countries*, the Australian Agency for International Development (AusAID) committed to providing support based on full electoral cycles. AusAID draws on the Australian Electoral Commission's (AEC) expertise for relevant programs in the region.
- 1.7 In Australia, the AEC is responsible for conducting federal elections and referendums, and maintaining the Commonwealth electoral roll. The AEC also provides a range of electoral information and education programs and activities, and can conduct elections for industry and organisations on a fee for service basis.
- 1.8 The *Commonwealth Electoral Act 1918* allows the AEC to provide assistance to authorities of foreign countries and organisations on matters relating to elections and referendums, subject to the approval of the Minister for Foreign Affairs. The AEC's work in the Asia Pacific is funded primarily by AusAID, under a Strategic Partnership Agreement. In recent years the AEC has undertaken electoral support activities in East Timor, Indonesia, Kiribati, Palau, Papua New Guinea, the Solomon Islands and Tonga.
- 1.9 The AEC is one of the founding partner organisations in the Building Resources in Democracy, Governance and Elections (BRIDGE) initiative, an international collaboration that provides practical capacity building workshops for electoral administrators. In 2010 the BRIDGE initiative won the United Nations Public Service Award in the category of 'improving the delivery of public services'. BRIDGE courses have been conducted throughout the world, including Indonesia and Tonga.

Objectives

- 1.10 The delegation's objectives for the visit were to:
- strengthen parliamentary relationships and cooperation with Indonesia and Tonga; and
 - gain an understanding of the democratic developments in these countries and the electoral support that Australia provides.

Structure of report

- 1.11 A program of the delegation's meetings and activities is outlined in Appendix A. Chapter 2 focuses on the delegation's visit to Indonesia. Chapter 3 covers the visit to Tonga. Each chapter provides a general country background, key developments in democratic governance and electoral practice, Australia's engagement in providing electoral support, and the delegation's observations on certain key issues.

Indonesia

Background

- 2.1 The Indonesian archipelago comprises over 17 000 islands, covering a land area of 1 905 000 square kilometres. Indonesia has the fourth largest population in the world, with a 2010 census figure of 237.6 million people. The majority of Indonesians identify as Muslim, with smaller communities of Christians, Hindus and non-specified groups.¹
- 2.2 Indonesia is the largest economy in South East Asia. Despite the recent global financial crisis the Indonesian economy has continued to grow. The International Monetary Fund forecast Indonesia's Gross Domestic Product for 2011 as US\$ 834.3 billion. Indonesia's largest trading partners are China, Japan and the United States. The Indonesian Government has a Master Plan for the Acceleration and Expansion of Indonesia's Economic Development 2011-2025, with a goal of becoming one of the top ten global economies by 2025. Economic growth has enabled millions of Indonesians to rise from poverty. However, Indonesia faces some significant challenges, for example, 49 per cent of Indonesians are living on less than US\$2 a day.²
- 2.3 The Republic of Indonesia gained independence in 1945. In 1998, after decades of authoritarian rule, Indonesia began its transition to democracy, spurred by the economic crisis of 1997-1998. The democratisation process involved amending the Constitution, with changes including:

1 Department of Foreign Affairs and Trade, *Indonesia country brief*, <<http://www.dfat.gov.au/geo/indonesia/>>, viewed 2 April 2012.

2 AusAID, *Australia Indonesia Partnership Country Strategy 2008-13*, 2008, p. 2.

- the direct election of the President and Vice-President;
- stronger checks and balances mechanisms;
- restraining the executive's power and increasing the parliament's power;
- establishing two houses of parliament; and
- a commitment of 20 per cent of the budget to education.³

2.4 More than a decade since moving to democracy, Indonesia has made significant progress. However, it is a relatively young democracy, and still faces political, economic and social development challenges. Economic growth and addressing corruption, legal system weaknesses and financial accountability are some of the country's key priorities.

2.5 Political changes in Indonesia have included a process of decentralisation, which has involved transferring certain powers of public expenditure and service delivery from the central government to over 450 provincial and local governments.

2.6 Indonesia is a unitary state. The President and Vice President are directly elected for a five year term, and govern with the assistance of an appointed Cabinet. There is a bicameral parliamentary system in Indonesia. The People's Consultative Assembly (MPR) is the primary representative body, which is comprised of two houses: the 560-member House of Representatives (DPR) and the 132-member Regional Representative Council (DPD). Members are elected for five years by proportional representation. The DPR is a legislative and monitoring body of the executive arm, while the DPD has oversight of region matters, with members representing Indonesian provinces.⁴

3 Secretariat General of DPD RI, *DPD RI (Senate) in the Parliament of Indonesia*, p. 1.

4 Department of Foreign Affairs and Trade, *Indonesia country brief*, <<http://www.dfat.gov.au/geo/indonesia/>>, viewed 2 April 2012.

Elections

- 2.7 As the world's third largest democracy, after India and the United States, Indonesian elections are conducted on a huge scale. Voting is not compulsory in Indonesia. Elections are held every five years. In its move to democracy, three national elections have been held in Indonesia (1999, 2004 and 2009). The next national election will be in 2014.
- 2.8 Significant changes to electoral law were made in 2007 and 2008, which affected electoral processes for the 2009 national election. Reviews of Indonesia's electoral law have occurred since and led to legislative changes earlier this year. However, as these changes represent a compromise on certain issues, some feel that the changes are not significant reforms.⁵ The 2012 amendments to the General Elections Law include:
- increasing the parliamentary threshold from 2.5 to 3.5 per cent for the upcoming 2014 general election;
 - adopting the open-list electoral system, under which electors can vote for specific candidates rather than parties; and
 - the allocation of parliamentary seats for each region.
- 2.9 In the last national election in 2009, there were 171 265 442 voters, with 519 920 polling stations manned by 4 679 280 staff.⁶ The election was complicated by changes to the procedures for voting and the determination of successful candidates.
- 2.10 Elections are held to directly elect representatives for the various levels of government. There are a large number of elections held in Indonesia. For example, in 2010 there were more than 240 local elections conducted. As well as being important to the administration of a given area, local elections are significant as they can be a litmus test for the national election.
- 2.11 The Australian Agency for International Development (AusAID) stated:
- ...problems evident in the 2009 national elections have not been resolved, and may be worsening. Violence was associate with

5 Jakarta Post, Articles: < <http://www.thejakartapost.com/news/2012/04/13/editorial-higher-threshold.html>>, <<http://www.thejakartapost.com/news/2012/04/16/new-election-law-gets-mixed-reviews.html>> and <<http://www.thejakartapost.com/news/2012/04/12/new-election-law-makes-no-progress-critics.html>>, viewed 30 April 2012.

6 Komisi Pemilihan Umum (KPU), *The 2009 Elections in numbers*, 2010, p. 3.

approximately 10% of elections, 80% of results were disputed in the Constitutional Court, and parliamentary revisions to essential electoral legislation have been delayed.⁷

- 2.12 Electoral managers in Indonesia must address a number of issues, including the cost of elections and geographic and logistical challenges. Also, while voter turnout has been exceptionally high, it is now dropping. It was suggested to the delegation that this could be an indication of voter fatigue due to the high number of elections in the country.
- 2.13 The delegation heard that Indonesians at all levels of society engage in public debates on issues during the election period.
- 2.14 The General Election Commission, *Komisi Pemilihan Umum* (KPU), is made up of seven commissioners who serve for a five year period. The current commission period will end in 2012.
- 2.15 In August 2010 the International Foundation of Electoral Systems (IFES) contracted the Polling Center of Jakarta to conduct a nationwide public opinion survey on elections. There were 2 500 people surveyed across the 33 provinces. The goal was for responses to be representative of eligible electors across Indonesia. Key findings included:
- 59 per cent of respondents believed the country was 'going in the right direction';
 - Respondents identified inflation and unemployment as the biggest problems facing Indonesians;
 - 78 per cent of respondents viewed voting as a way to influence decision making in Indonesia (this figure comprised of 74 per cent 'somewhat agree' and 4 per cent 'strongly agree');
 - 65 per cent of respondents believed that the results issued by the Indonesian electoral commission reflected the actual vote, with 9 per cent disagreeing, and 26 per cent responding they did not know;
 - When asked what it means to live in a democracy, 38 per cent of responses referred to freedom, but 41 per cent did not give an answer;
 - 64 per cent of respondents indicated they had received a visit at their home in the past to check the registration status of their families. Visiting homes for registration purposes is not a requirement in Indonesia, as the onus is on the elector to verify their registration status;

7 AusAID, *Annual program performance report 2010: Indonesia*, p. 43.

- 41 per cent of respondents indicated that they had checked to see if their name was on the voters list;
- 78 per cent of respondents indicated they had received little or no information in relation to the local elections that took place that year; and
- 77 per cent of respondents were not concerned about violence at the local elections.⁸

Voter registration

- 2.16 Concerns were raised about inaccuracies in the voter list used for the 2009 national election. It was estimated that a high number of voters were omitted (possibly over 20 per cent). There were also textual errors, voters allocated to the wrong area, and cases of multiple registration.
- 2.17 These problems were attributed to the legislative requirement that the KPU develop the 2009 voter list from population data provided by the Ministry of Home Affairs (MoHA), rather than using the 2004 list as the basis. It was suggested to the delegation that the quality and format of the data was not conducive to forming the basis of an accurate voter list.
- 2.18 The delegation heard that the Government's eKTP initiative should improve the quality of the population data and serve as the basis for future voter lists. The KPU has also launched an initiative to develop and implement a new country-wide voter registration system. The KPU aimed to introduce a comprehensive plan in March 2012. A Steering Committee on Voter Registration was established, comprised of KPU Commissioners, KPU Secretariat, KPU Provinces, MoHA, the Research Center for Biotechnology, civil society and academia. The steering committee engaged to meet fortnightly to oversee the design of the new voter registration system.
- 2.19 There is also a Voter Registration Expert Group, with a membership of six Indonesian experts, dedicated to the research, analysis and design of the new voting registration system. IFES is facilitating the work of this group by: providing administrative and logistical support on the initiative; coordinating legal review and advocacy efforts; providing expertise on comparative voting registration systems; and providing electoral administration advice.

8 International Foundation for Electoral Systems, *IFES Indonesia: Electoral Survey 2010*, November 2010, pp. 3-5.

Australia and Indonesia

- 2.20 Indonesia is one of Australia's closest neighbours, and the countries are linked in a number of ways. There are high level exchanges between governments, parliaments and prominent leaders in these two countries. Australia and Indonesia have a productive working relationship on political, governance, security, commercial, environmental and cultural issues. They cooperate on a number of international and regional issues, including counter-terrorism, people smuggling, climate change and interfaith dialogue.
- 2.21 Australia has strong bilateral ties with Indonesia, these are expressed through a variety of programs and agreements, which include:
- Indonesia-Australia Comprehensive Economic Partnership Agreement;
 - Agreement between the Republic of Indonesia and Australia on the Framework for Security Cooperation, initiated in 2006;
 - Joint Declaration on Comprehensive Partnership between Australia and the Republic of Indonesia, initiated in 2005;
 - The Australia-Indonesia Trade and Investment Framework, initiated in 2005; and
 - Australia-Indonesia Ministerial Forum, leading to outcomes such as the Joint Statement on People Smuggling and Trafficking in Persons.
- 2.22 Australia and Indonesia have a two-way trade and investment relationship. In 2010-2011 Australia imported AUD\$5 755 million in goods from Indonesia (primarily petroleum, gold and wood), and exported AUD\$4 780 million in goods to Indonesia (primarily wheat, petroleum, livestock and aluminium).⁹
- 2.23 Indonesia receives the largest proportion of Australia's overseas aid. It is estimated that Australia's Overseas Development Assistance to Indonesia for 2011-2012 will be AUD\$558 million.¹⁰ Development programs operate within the Australia Indonesia Partnership agreement.
- 2.24 Development priorities for Indonesia include: education and scholarships; health; economic growth; climate change and environmental

9 Department of Foreign Affairs and Trade, *Indonesia: Fact Sheet*, <<http://www.dfat.gov.au/geo/fs/indo.pdf>>, viewed 2 April 2012.

10 Department of Foreign Affairs and Trade, *Indonesia country brief*, <<http://www.dfat.gov.au/geo/indonesia/>>, viewed 2 April 2012.

sustainability; civil society, justice and democracy; economic and public sector reform; and humanitarian assistance.

Electoral assistance

- 2.25 As part of its governance programs in the Asia Pacific region, Australia provides electoral specific support to Indonesia, including supporting the last three national elections in 1999, 2004 and 2009. The Australian Electoral Commission (AEC), DFAT and AusAID cooperate in the provision of electoral assistance in Indonesia. This assistance is aimed at strengthening electoral bodies and increasing elector participation through education.
- 2.26 Australia provided Indonesia with AUD\$14.3 million assistance in the lead up to the 1999 national election. The electoral assistance package included voter education and support for election monitoring by non-government organisations. There were 25 Australian observers involved in monitoring the election.¹¹
- 2.27 In 2003-2004 AusAID provided AUD\$15 million in electoral assistance to Indonesia. This support included voter education, commission staff training, AEC capacity building with the Indonesian electoral commission, and sending election observer teams.¹²
- 2.28 A number of problems emerged in relation to the 2009 national election, including: inaccuracies in the voter list, leading to millions of voters being disenfranchised; errors in vote calculations; and a high level of invalid votes. Following the election, Australia committed to assist Indonesian electoral managers to address these issues.
- 2.29 There is an Australia Indonesia Partnership for Electoral Support. AusAID works in partnership with civil society organisations, the United Nations Development Programme (UNDP) and the AEC to provide electoral support programs. AusAID reported the following achievements in electoral support to Indonesia in 2010:
- Support for the Electoral Resources Information Centre that laid the groundwork for the Electoral Commission to make election information (such as election results) publicly available and meet responsibilities under the 2008 Freedom of Information Law for the first time.
 - Training the local electoral commissions in five provinces that improved their ability to manage the voters list, confirmed the

11 AusAID, *Annual Report 1998-1999*, pp. 48-49.

12 AusAID, *Annual Report 2003-2004*, p. 62.

right to vote for 38 million people, and increased public confidence in the voter registry.

- The first standardised manual for polling officials working on sub-national elections across the country to ensure that all polling officials are able to consistently manage local elections.
- Production of evidence-based research on election financing, women's candidacy and elections monitoring to inform amendments to the elections management law and local elections law. These have been favourably received by the Ministry of Home Affairs and Parliament.
- Elections financing research that was the first of its kind. It will assist increased transparency in elections budgeting, advise decision-makers of potential cost savings in the conduct of elections, and inform electoral legislation revisions.¹³

2.30 AusAID is working with KPU to address some of the issues evident in the 2009 election prior to the next national election in 2014.

2.31 AusAID's longer-term Australia Indonesia Electoral Support Program commenced in 2011, and aims to improve the conduct of elections in Indonesia by developing manuals, providing training to election officials, and assisting with the preparations of a national voter registration system in preparation for the 2014 election.¹⁴

2.32 The AEC is one of the five partners in the Building Resources in Democracy, Governance and Elections (BRIDGE) program. The BRIDGE program partners are the AEC, International IDEA, IFES, UNDP and the United Nations Electoral Assistance Division. The program aims are to: promote internationally accepted principles of democracy and good electoral practice; enhance confidence in electoral processes; electoral capacity building; and develop a support network for stakeholders to encourage a culture of sharing information and best practice electoral processes. The courses include providing training for polling staff.

2.33 BRIDGE programs are conducted throughout the world. A BRIDGE course has been customised for Indonesia. The delegation received feedback that the BRIDGE programs had been very beneficial for Indonesia. There is an emphasis on enabling those who receive training to transfer their skills to others.

2.34 Since 2009 the AEC has maintained a permanent presence in Indonesia, with an officer assisting with electoral affairs and maintaining

13 AusAID, *Annual program performance report 2010: Indonesia*, p. 44.

14 AusAID website, <<http://www.aid.gov.au/country/trans-indonesia/civ-soc-just-dem-init2.cfm>>, viewed 2 April 2012.

relationships with Indonesian electoral officials on an ongoing basis. The delegation received a tour of the AEC's Jakarta office and met the local staff.

- 2.35 Recent AEC electoral assistance has included helping KPU to develop and edit a manual for polling station staff at local government elections, which are in the local language. The delegation was provided with copies translated into English. The manual included a detailed outline of the election process and polling staff responsibilities. Appendix B depicts staff roles at polling stations.

Figure 2.1 Delegation visit to the AEC office in Jakarta



Yogyakarta mayoral election

2.36 On Sunday, 25 September 2011 the delegation had the opportunity to observe a local government election held in Yogyakarta to select the Mayor and Vice Mayor of Yogyakarta City. Mayors serve for five year terms. The candidate teams are depicted in Figure 2.2. The election was conducted by the KPU Yogyakarta City.

Figure 2.2 Candidates for the Yogyakarta City Head and Vice Head of Local Government



Source Provided by AusAID

2.37 Of the 322 840 eligible electors, 200 753 (approximately 62 per cent) voted at the Yogyakarta mayoral election. The KPU had 839 polling stations for the election, including one at the prison.

2.38 While the count for these local elections take place at the polling place after polling closes, the ballots are sent to sub district officers for rechecking. All ballot boxes and documentation then go to the city before the winner is determined.

2.39 The Haryardi Suyuti-Imam Prioyono pairing received 97 074 votes (48.3 per cent), the Hanafi Rais-Tri Harjun Ismaji pairing 84 122 votes (41.9 per cent), and the Zuhri Hudaya-Aulia Reza Bastian pairing 19 557 votes (9.7 per cent).

- 2.40 KPU regulations provide that the successful candidate will receive more than 50 per cent of the vote, or if no candidate receives more than 50 per cent, then a candidate with more than 30 per cent will be declared the winner. However, if two candidates each receive more than 30 per cent of all votes then the winner will be determined by examining the total votes by sub district. The candidates who secures the greater number of sub districts will be the winner. If no candidates gains more than 30 per cent of all votes, then there will be a second round election. In some Indonesian local elections there is a run-off election even if more than 30 per cent of the vote is secured.
- 2.41 In Yogyakarta the sub district approach is applied. As two of the candidate pairings (Haryardi Suyuti-Imam Priyono and Hanafi Rais-Tri Harjun Ismaji) secured more than 30 per cent of the vote, the KPU examined the sub district results. The final result was determined on 4 October 2011. Dr Haryard Suyuti and Dr Imam Priyono were the successful candidates, and will hold the positions of Mayor and Vice Mayor of Yogyakarta until 2016.
- 2.42 The AEC in Jakarta advised that the ten day delay between the election on 25 September and the formal announcement of results on 4 October was normal for local elections.
- 2.43 Electors receive 'invitation letters' five days prior to the election day. Eligible people can attend a polling booth and vote without a letter, if they satisfy certain identification requirements. However, it is easier to present their letter and vote. The ballot paper contains a picture of all the candidates, on which the elector will indicate their preferred candidate pairing. Once an elector has voted, one of their fingers is marked with ink (see Figure 2.4). This serves as a means of combating multiple voting.
- 2.44 The delegation heard about Indonesia's national identification number program, under which all Indonesians will be issued with a unique number. This can be used for identification purposes when voting. It is anticipated that by the end of 2012 every Indonesian will have a national identity number.
- 2.45 The delegation was accompanied by KPU, AEC, DFAT and AusAID representatives during its visit to a number of different polling stations in Yogyakarta.

Figure 2.3 Delegation visiting a polling booth in Yogyakarta



Figure 2.4 Elector displaying finger ink after voting in Yogyakarta election



Figure 2.5 Ballot count for the Yogyakarta election



General observations

- 2.46 A recurring theme in discussions during the visit was that while Indonesians can be proud of what they have already achieved, there is still work to be done to consolidate and grow their democracy. Discussions reflected an appreciation that while democracy is a shared destination, countries sometimes take different roads. Indonesia realises that it is important to learn from the experiences of other countries, but also develop its own unique form of democracy.
- 2.47 Australia and Indonesia place importance on improving participation in the electoral process. A proportion of the electoral work in Indonesia is focused on educating the population about the electoral process. Democracy becomes a viable option over civil unrest or violence when people have confidence in the independence and transparency of electoral processes and can see the Parliament having an effective role in change.
- 2.48 The holding of free and fair elections is essential to a successful democracy. Australia's electoral assistance to Indonesia is important. The delegation was impressed with the work that DFAT, AusAID and the AEC has been doing in Indonesia to build the capacity of Indonesia's electoral management bodies. The permanent AEC presence in Indonesia since 2009 is illustrative of the strong relationship between the two countries, and the shared commitment to enhancing electoral processes.
- 2.49 The delegation greatly appreciated the range of meetings arranged for its visit, from high level Indonesian leaders and officials, to personnel

working on the day to day conduct of elections. Delegates benefited from being able to observe the Yogyakarta mayoral election, and learn about Indonesians' experiences of voting, the democratic transition, and their aspirations for Indonesia's future.

Tonga

Background

- 3.1 The Tongan archipelago is located in the South Pacific. It has a land area of 748 square kilometres, which comprises 176 islands, of which 36 are inhabited. Its administrative divisions are spread across three island groups – Tongatapu, Ha’apai and Vav’u. The capital, Nuku’alofa, is located on the island of Tongatapu. The country has a predominately Polynesian Christian population and a small European community. Census figures for 2011 estimated Tonga’s population to be 103 036.¹
- 3.2 Tonga has a small open economy which is vulnerable to external developments. The International Monetary Fund estimated that in 2011 Tonga’s Gross Domestic Product would reach US\$378 million. This represents a modest economic growth of 1.4 per cent from the previous financial year.²
- 3.3 Tonga imports a high proportion of its goods. During 2010-2011 Tonga imported AUD\$8 518 000 worth of goods from Australia, while Australia imported AUD\$416 000 worth of goods from Tonga (primarily vegetables,

1 Department of Foreign Affairs and Trade, *Tonga: Fact sheet*, <<http://www.dfat.gov.au/geo/tonga/index.html>>, viewed 26 March 2012.

2 Department of Foreign Affairs and Trade, *Tonga: Fact sheet*, <<http://www.dfat.gov.au/geo/tonga/index.html>>, viewed 26 March 2012.

fruit and nuts). The country has a narrow export base in agriculture and 70 per cent of the population derive part of their livelihood from farming.³

- 3.4 The Tongan economy is primarily supported by foreign monies. According to the Department of Foreign Affairs and Trade (DFAT), the Tongan economy relies heavily on foreign aid and remittances from Tongans working overseas. The foreign development assistance is comprised of loans, grants and direct aid. Remittances come primarily from Tongans working in the United States, New Zealand and Australia. Another source of economic growth for Tonga is construction and infrastructure projects funded by donor grants and soft loans.
- 3.5 The Australian Agency for International Development (AusAID) identifies Tonga's key development challenges as increasing levels of debt, declining quality of education, rising levels of non-communicable disease such as diabetes and heart disease, and limited employment opportunities.⁴ In addition to ongoing issues and the global financial crisis, Tonga has also had to respond to the challenges of the 2009 tsunami and the sinking of the *MV Princess Ashika*.
- 3.6 Tonga is a constitutional monarchy. In 2006 His Majesty King George Tupou V was crowned. Regrettably, since the delegation's visit, His Majesty passed away in March 2012. An official period of mourning was declared from 19 March to 19 June 2012. King George Tupou V has been succeeded by his brother, King Tupou VI. While King George Tupou V's reign was relatively short, his significant legacy was to cede key governing powers from the monarchy and allow for the country's first democratic election in November 2010. A first past the post voting system was introduced for the election.
- 3.7 In 2009-2010 many governing powers were devolved from the Monarchy to the Cabinet. The effect was that the Tongan Government then had responsibility for the day to day running of the country.
- 3.8 Tonga's unicameral legislature is called the Fale Alea. The governing structure comprises the Executive (Cabinet), Legislature and Judiciary. The Legislative Assembly has 17 People's Representatives and nine Noble Representatives. The People's Representatives are elected by Tongans aged 21 or over, and the Noble Representatives are elected by the 33 Tongans that hold noble titles. The term is for three years, but the
-

3 Department of Foreign Affairs and Trade, *Tonga: Fact sheet*, <<http://www.dfat.gov.au/geo/tonga/index.html>>, viewed 26 March 2012.

4 AusAID website, <<http://www.ausaid.gov.au/countries/pacific/tonga/Pages/tonga-challenges.aspx>>, viewed 19 April 2012.

Legislative Assembly can be dissolved before the end of the term. The Government is also able to bring in outside people to serve in Cabinet.

- 3.9 The Tongan Parliament generally sits from June to December, four days a week.

Australia and Tonga

- 3.10 There is an Australia-Tonga Partnership for Development, in which both countries agree to work together to meet common challenges and to raise the standard of living and quality of life for the people of Tonga. The four priority areas for development in Tonga are: improving the efficiency and effectiveness of the Tongan public sector; improving health outcomes; improving the skill level of the Tongan workforce; and improving the country's infrastructure. The partnership document also indicated that a focus would be on continuing Tonga's progress on many of the Millennium Development Goals.⁵
- 3.11 Australia and Tonga also cooperate on defence issues in the region. Tonga has sent a number of workers to Australia under the Pacific Seasonal Worker Pilot Scheme.
- 3.12 Australia is Tonga's largest bilateral donor. In 2011-2012, it is estimated that Tonga will receive AUD\$32.1 million in Overseas Development Assistance, which will include AUD\$19 million from the AusAID country program.⁶
- 3.13 Tonga has received a number of high level visitors from Australia in recent years, including the Governor-General, Her Excellency Ms Quentin Bryce AC CVO, and the President of the Senate, Senator John Hogg. There are also many people to people connections, with a number of Tongans working in Australia and many Australian's claiming Tongan ancestry.⁷
- 3.14 While Australia and Tonga are linked in a number of ways, as members of the Australian parliamentary Joint Standing Committee on Electoral

5 The Australia-Tonga Partnership for Development, August 2009, is available on the AusAID website at: <<http://www.ausaid.gov.au/countries/pacific/partnership/Pages/tonga.aspx>>

6 AusAID website, <<http://www.ausaid.gov.au/countries/pacific/tonga/Pages/tonga-challenges.aspx>>, viewed 19 April 2012.

7 DFAT website, <http://www.dfat.gov.au/geo/tonga/tonga_brief.html>, viewed 16 April 2012.

Matters, the delegation's main focus was on gaining an appreciation of Tonga's experience as a new democracy in the Asia Pacific region.

- 3.15 In the Australia-Tonga Partnership for Development, both countries acknowledged 'the important political reform process being undertaken by the Government of Tonga and Australian Government support for the process'.⁸ Australia has provided technical and funding support to Tonga in relation to constitutional and electoral reform, and law and justice initiatives.

Figure 3.1 Delegation with the Speaker and members of the Tongan Legislative Assembly



Constitutional and electoral reform

- 3.16 In 2010 significant changes were made to the *Constitution of Tonga 1875*. The process of constitutional and electoral reform in Tonga includes the following key changes:

- the transfer of Executive power from the King to the Government of the day;
- a parliament with the majority of its members elected by universal suffrage;

⁸ *Partnership for Development between the Government of Australia and the Government of Tonga*, August 2009, p. 1.

- a prime minister elected by a majority of the elected members of parliament;
 - a cabinet nominated by the prime minister and comprised largely of elected members of parliament; and
 - a strong and independent judiciary free of political influence.⁹
- 3.17 Significantly, the number of directly elected People's Representatives in the Legislative Assembly was increased from nine to 17. The total number of Legislative Assembly members was also reduced to 26 from the previous 32. The majority of the Tongan Parliament are now directly elected.
- 3.18 The number of parliamentary standing committees has increased, with Ministers serving on these committees. Previously there were only two committees (finance and law) now there are five standing committees.
- 3.19 A number of factors contributed to Tonga's move to democracy. Pro-democracy supporters have been campaigning for reform for over 30 years. Following pro-democracy demonstrations and the public sector strike in 2005, the Tongan Government commissioned the National Committee on Political Reform (NCPR) to engage with Tongans at home and abroad on the political changes needed in Tonga. AusAID provided AUD\$250 000 to assist the NCPR to consult with the Tongan diaspora.
- 3.20 In November 2006 riots occurred in the Tongan capital Nuku'alofa, as a reaction to what was perceived by some as the slow pace of democratic change. The riots resulted in a number of deaths and destroyed much of the central business district in Nuku'alofa, leading to the Government declaring a state of emergency. Australia and New Zealand, at the request of the Tongan Government, undertook a joint deployment of 150 defence and political personnel, to respond to the civil unrest and contribute to the restoration of law and order, and business recovery and reconstruction.¹⁰
- 3.21 Reform then progressed steadily over the next few years. In 2007 a committee comprising the Cabinet, Nobles and People's Representatives put forward a report to the Legislative assembly. The *Constitutional and Electoral Commission Act 2008* established the Constitutional and Electoral Reform Commission (CEC). The CEC was tasked with reporting to the Privy Council and the Legislative Assembly on constitutional and electoral reform. It commenced work in January 2009 and presented its final report

9 Lord Tu'ivakano, Prime Minister of Tonga, *Prime Minister's Statement at the General Debate of the 66th Session of the United Nations General Assembly*, 24 September 2011.

10 Department of Foreign Affairs and Trade, *Annual Report 2006-2007*, October 2007, p. 87.

in November 2009. The CEC members were appointed on the recommendation of Cabinet, the Nobles, the People's Representatives and the Judicial Services Commission.

- 3.22 The CEC made 82 recommendations, around two-thirds of which were accepted by the Legislative Assembly. Accepted recommendations relevant to elections included that:
- An independent Electoral Commission be established (recommendation 65);
 - The Electoral Commission regulate and control all matters of election and candidate expenditure within or outside the election period and require the presentation of accounts within two weeks of the declaration of the result of the election from all candidates whether successful or not (recommendation 68);
 - Immediate steps be taken on an up-to-date and accurate register of electors (recommendation 71); and
 - Tongans living overseas shall continue to be entitled to register and can vote if they are present in Tonga on polling day (recommendation 79).¹¹
- 3.23 The *Electoral Amendment Act 2010* and the Electoral Regulations 2010 subsequently gave effect to the changes supported by the Tongan Parliament.
- 3.24 King George Tupou V played a significant role in the democratic reforms in Tonga. When taking the throne in 2006, he expressed his support for political reform in Tonga. In 2008, it was noted in a Tongan Government media release that:

King George had felt for a long time that Tonga's political system was not evolving quickly enough and that it should keep pace with the diversifying of the economy. He gave his support to an electoral and parliamentary reform process based on extensive public consultations and a search for consensus among legislators.¹²

11 Constitutional and Electoral Commission, *Final Report*, 5 November 2009, Kingdom of Tonga, pp. 118-119.

12 Government of Tonga, *His Majesty King George Tupou V: A Monarch for a Time of Change*, 28 July 2008, < <http://www.pmo.gov.to/election/political-reform/244-his-majesty-king-george-tupou-v-a-monarch-for-a-time-of-change>>

- 3.25 One of the former King's significant legacies will be as an 'architect of the evolving democracy in Tonga'.¹³ The delegation is optimistic that his successor, King Tupou VI, will demonstrate a similar belief in, and commitment to, democracy in Tonga.

Tonga's Electoral Commission

- 3.26 An independent Electoral Commission was established in May 2010 under the *Electoral Commission Act 2010*. It is the first electoral commission to be established in Tonga. It is responsible for overseeing all electoral related matters in the country and ensuring that electoral activities are implemented in a free and fair environment. Prior to 2010 electoral matters had been managed by the Prime Minister's Office.
- 3.27 The Electoral Commission Board is comprised of a Chairman appointed by the King for a five-year term, the Supervisor of Elections, and the Auditor-General. The Chairman, Mr Barrie Sweetman, was appointed by King George Tupou V in July 2010.
- 3.28 Section 10 of the Electoral Commission Act provides that the Tongan Electoral Commission will:
- (a) undertake the long term planning for the proper conduct of elections and the establishment and maintenance of proper records and rolls;
 - (b) consider the need for regulations and other rules for the proper and efficient conduct of elections and related activities;
 - (c) as authorised by law, make and amend regulations and keep them under review;
 - (d) make recommendations for changes to the law concerning elections;
 - (e) under the powers granted to it in the Electoral Act, determine appeals, challenges and any other disputes;
 - (f) recommend prosecution for election offences;
 - (g) devise, undertake and review programmes of education for voters, candidates and others involved in elections;

13 ABC News, *Tonga's colourful king dead at 63*, 20 March 2012, <<http://www.abc.net.au/news/2012-03-19/king-of-tonga-dead/3897426>>, viewed 26 March 2012.

- (h) compile and make reports on elections and related matters, and recommend changes to the law and procedures to improve the electoral system;
- (i) publish for general information such data and reports on elections as the Commission thinks fit;
- (j) within 3 months after any general election, report to the Cabinet on any changes that it recommends should be implemented before the next general election;
- (k) for the purpose of promoting fairness and equal opportunities for all candidates and to prevent abuses, to regulate the use of radio, television, newspaper, internet and other political notices, reports, appeals and advertising during the election period;
- (l) regulate and monitor electoral expenditure by candidates in accordance with section 24 of the Electoral Act; and
- (m) perform any of the functions that are specified for it in the Electoral Act or any other Act.

3.29 During its visit, the delegation met with the Chairman, Mr Barrie Sweetman, and Mr Pita Vuki, who serves as the Supervisor of Elections and Electoral Commissioner. Mr Vuki oversees the day to day operations of the office, with a core staff comprising an Assistant Supervisor of Electors, a Senior Returning Officer, a computer operator, a driver and a security officer. Many of these staff members formerly worked for the elections section of the Prime Minister's Office.

3.30 As the Auditor-General, Mr Pohiva Tu'i'onetoa, ran as a candidate in the 2010 General Election, it was agreed that it was not appropriate for him to participate in electoral commission business.

3.31 The Electoral Commission describes its long term objectives as:

- to maintain a free and fair electoral process;
- to maintain an updated and accurate electoral roll;
- to have an informed community;
- to encourage and promote public participation in national elections; and
- to provide relevant assistance and support on electoral matters.

Electoral boundaries

- 3.32 In 2009 an Electoral Boundaries Commission was appointed to develop options for Tonga's electoral boundaries. It provided the Legislative Assembly with three options for consideration, with the second as the preferred option.
- 3.33 The Prime Minister indicated that Cabinet intended to present another option incorporating the best features of the three options presented by the Electoral Boundaries Commission. However, the Legislative Assembly voted in favour of the second option.
- 3.34 New electoral boundaries applied for the 2010 General Election. There are 17 electoral districts in Tonga: Tongatapu 1 to 10; Eua 11; Ha'apai, 12 and 13; Vavu'u 14 to 16, and Ongo Niua 17.
- 3.35 During the visit, delegates met with the Chief Government Statistician, Mr 'Ata'ata Finau. The 2010 election boundaries were based on 2006 census data. A census was scheduled for November 2011, and the Electoral Boundaries Commission has recommended a census be undertaken every five years.
- 3.36 The distribution of the Tongan population across a number of islands, poses geographical challenges when determining electoral boundaries. The majority of the population reside in the main island of Tongatapu. The Chief Statistician noted that only four of the constituencies have an even distribution of electors.
- 3.37 The 2010 election boundaries represented a measured transition into the new arrangements. It is proposed that the Electoral Boundaries Commission will review the boundaries prior to the 2014 election. This will include community consultation on any proposed changes.

2010 General Election

- 3.38 His Majesty King George Tupou V issued the Writs of Election on 30 September 2010. The General Election on 25 November 2010 was the culmination of commitments to political reform in Tonga. The election was covered by local and international media.
- 3.39 During 2010 the Australian Electoral Commission (AEC) assisted Tonga in the lead up to, and the conduct of, the Legislative Assembly elections on 25 November 2010. This assistance was provided at the request of the Tongan Government, which illustrates the experience and reputation that

Australia is building in the region for its governance and electoral assistance.

- 3.40 The election was historic because it was the first time the people of Tonga were able to elect more representatives to the Legislative Assembly than are appointed by the King. Previously there were only nine elected members in a 32 member Parliament.
- 3.41 As many of the significant electoral changes came into effect in May 2010, the Electoral Commission only had a few months for election preparations.
- 3.42 A by-election was held in September 2011 for the Tongatapu 9 constituency, following the death Mr Kaveinga Fa'anunu. Mr Falisi Tupou MP was the successful candidate.

Voter registration

- 3.43 Voter registration is mandatory in Tonga, but voting is voluntary. There were 42 409 registered electors for the 2010 General Election, with over 90 per cent voter turnout.
- 3.44 A new system of voter registration was designed for the election. The Electoral Commission undertook voter education programs using television, radio and print media to ensure that the Tongan people understood the arrangements.
- 3.45 In May 2010 teams of people visited each constituency to undertake voter registration. The process involved an elector completing a registration form and being photographed to produce the national identification card.
- 3.46 The National Identity Card was introduced in Tonga in 2010. Electoral Regulations require registered voters to produce these identity cards – or another form of identification satisfactory to the Returning Officer – at polling stations. This photographic identity card displays the cardholder's personal identity number, name, date of birth, gender, nationality, signature, residential address and, if applicable, drivers licence number. It is intended that in addition to being used for election purposes, the cards will be issued to Tongan residents 14 years and older to be used as an identification alternative to passports and drivers licences.
- 3.47 Prior to, and following the election, Tongan residents registered for this card at the Tongan Electoral Commission. The Electoral Commission will continue to work closely with the office responsible for the National Identity Cards to help ensure data sharing and the maintenance of the electoral roll.

- 3.48 In their review of the election, Australian and New Zealand observers commented that 'the voter identifications cards provided integrity and simplicity to the process'.¹⁴
- 3.49 The provisional rolls were distributed for further review in July 2010 and were open to objections until 10 August. There were objections made in relation to 11 registered voters on residency grounds. These objections were disallowed following investigations by the Electoral Commission. Voter registration continued until the end of August and the final roll was published on 9 September 2010.

Candidates and campaigning

- 3.50 There were 144 candidates, including 11 women, who contested the 17 seats for People's Representatives in the Legislative Assembly of Tonga.
- 3.51 The nomination of candidates took place on 21 and 22 November 2010. The Electoral Commission prepared and distributed a Candidates Information Handbook and undertook information sessions for potential candidates, which outlined the changes to the nomination process.
- 3.52 New campaigning restrictions for this election included requiring appropriate authorisation of printed electoral advertisements and no campaigning in the 24 hours prior to the start of the poll. There was also a candidate election spending limit of TOP\$10 000 (approximately AUD\$6 000).

Polling

- 3.53 The polling on Saturday, 25 November 2010 comprised two parts: the election of the Nobles Representatives (nine positions) and the election of the People's Representatives (17 constituencies). A sample ballot paper is attached at Appendix C.
- 3.54 More than 500 people were recruited to serve as polling staff. Many of the staff were civil servants and were assisted by military personnel to check identity cards at the polling stations.
- 3.55 The results were announced that evening. One of the candidates called for a recount for the constituency of Tongatapu 6. It took place on 29 November, resulting in minor changes to the figures, but no change to the final result.

14 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, Annex III – Joint Statement, p. 1.

Review of 2010 General Election

3.56 The Tongan Electoral Commission produced a report on the conduct of the 2010 General Election, which is required under section 14 of Tonga's Electoral Commission Act.

3.57 The Commission concluded that 'the first election under the new electoral system was fairly conducted in accordance with the Laws of Tonga, although there are some areas of concern that need to be improved'.¹⁵ The Chairman remarked:

Two facts highlighted in the Report clearly indicate that this was an election of momentous importance to the people of Tonga – a turn out on Election Day of 91% of registered voters and an invalid vote count of only 0.17% of all votes cast, figures which few countries have achieved.¹⁶

3.58 The Electoral Commission's report also went on to make a number of recommendations:

- There should be clearer governance arrangements defining the relationships between the Electoral Commission and Government including appointment of the Commission's staff.
- That the Electoral Commission continues to work out a Strategic Plan to cover the next four years including the next major electoral event which will allow the Commission to identify the goals and targets it wishes to achieve.
- That a Commission website be created to provide more electoral information to the people of Tonga both locally and abroad.
- That appropriate provisions under the Electoral Act be reviewed to avoid further donations of any kind within the three months period before the election.
- That a provision be added to the Electoral Act to allow for the suspension of polling and resumption at another time or day in the event of bad weather conditions or civil unrest which makes the poll or the continuance of polling dangerous or impossible for electors and that power to suspend polling shall rest with the Commission.

15 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, p. 21.

16 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, p. 1.

- That an additional form be inserted in a Schedule to the Act showing the format of the Writs and the information required for the advice of the outcome in the form of a Return on the Writs.¹⁷
- 3.59 The Tongan Government invited representatives from Australia and New Zealand to observe the 2010 General Election. The fourteen observers – nine Australians and five New Zealanders – included current and former members of Parliament, senior DFAT officials, a senior electoral commission official, and other senior government officials. They observed polling on the islands of Tongatapu, Ha’apai, Vava’u and Eua, visiting 70 polling stations in 16 of the 17 constituencies.
- 3.60 The election observers concluded that ‘the polling process was extremely well conducted and completely transparent’, with a peaceful environment prevailing on polling day. They were impressed by the ‘meticulous preparations for and conduct of these elections’. Their observations on the process included that:
- People could vote in an open and neutral political environment where contending views could be safely expressed in the election campaign;
 - The counting process went smoothly and was conducted in an efficient, accurate and transparent manner;
 - The Electoral Commission had successfully engaged civil society, churches and the media as part of their education programs, which led to a high level of voter awareness on the day;
 - Feedback suggested that the new electoral roll was a significant improvement; and
 - Procedures were in place for any complaints about the election process to be lodged and dealt with in an even-handed and transparent way.¹⁸
- 3.61 Much of its education work was done via television, radio and newspapers. The Electoral Commission anticipates creating its own website to provide relevant information for Tongans and interested persons.
- 3.62 The Electoral Commission told the delegation that it may need to seek technological assistance in developing IT systems for administrative and election purposes.
-

17 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, pp. 20-21.

18 Office of the Electoral Commission (Tonga), *Report of the Electoral Commission on the conduct of the General Election 2010*, February 2011, Annex III – Joint Statement, pp. 1-2.

Parties and forming government

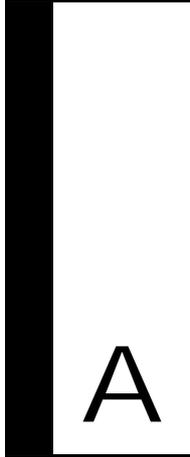
- 3.63 There is no strong political party identification in Tonga. The Electoral Commission advised the delegation that there was not yet provision in Tongan law for registered political parties. However, political party affiliations were evident at the 2010 General Election. Parties included the Democratic Party of the Friendly Islands, People's Democratic Party, Sustainable Nation-Building Party, and the Tongan Democratic Labor Party.
- 3.64 In the absence of a formal party structure, the Democratic Party of the Friendly Islands had a Memorandum of Understanding amongst its members, which they used as a shared campaign platform. Many of these candidates were successful, which they attribute to having that shared party connection. In discussions during the visit, delegates heard that some Tongans thought that the country was not ready for a party system. While others felt political parties would be good for Tonga and were a natural aspect of all democratic governments.
- 3.65 While 12 of the 17 People's Representatives elected in 2010 were part of the Democratic Party of the Friendly Islands, the other five People's Representatives joined with the nine Nobles to form government. The Prime Minister, Lord Tu'ivakano, is a noble.
- 3.66 The Tongan Constitution provides that no-confidence votes cannot occur within the first 18 months of the new government.

General observations

- 3.67 Since the delegation's visit, the Australian Parliament has provided assistance to the Tongan Parliament in developing the Tongan community outreach program. As part of the Pacific Parliamentary Partnerships program, a member of the International and Community Relations Office team travelled to Tonga to assist the Parliament to develop stronger links with the Tongan people.
- 3.68 The delegation greatly appreciated the time and effort of the many individuals and organisations in Tonga who met with the delegation during its visit. Of particular value were people's personal experiences of the progress towards democracy in Tonga, and their aspirations for Tonga's future.

- 3.69 From its discussions, the delegation appreciates that Tonga is a young democracy and still has many challenges ahead. Stakeholders are seeking further changes in a number of areas, including:
- a transition to a fully elected Legislative Assembly, without special provisions made for Nobles;
 - resolving land tenure issues;
 - improved budgeting;
 - public service reform with greater consultation with relevant groups;
 - increasing media freedoms and non-partisan reporting;
 - increasing female participation in decision-making and representation in Parliament; and
 - increasing export capacity and reducing dependence on remittances.
- 3.70 It is important to continue to foster the people to people, parliament to parliament, and more structured aid and technical assistance links between Tonga and Australia. The constitutional and electoral reforms and first democratic election in November 2010 have been important steps for Tonga. During this process Australia and Tonga's relationship has strengthened. It important that Australia remains a key partner with Tonga in its democratic transition.

The Hon Alan Griffin MP
Delegation Leader
23 May 2012



Appendix A – Delegation program

Indonesia

Saturday, 24 September 2011

- 07:30 Arrive in Jakarta
- 10:30 Arrive in Yogyakarta
- 13:30 Visit to Prambanan Temple
- 17:30 Briefing from DFAT, AusAID and AEC officers
- 18:15 Formal dinner
Guests included Vice Rectors from Gadjah Mada University, senior Indonesian political academics and Australian Alumni based in Yogyakarta

Sunday, 25 September 2011

- 06:30 Visit to polling stations for the Yogyakarta mayoral elections
- 10:00 Tour of Borobodur Temple complex
- 12:30 Attend closing of polling stations and vote counting
- 15:00 Tour of Water Palace
- 20:00 Depart Yogyakarta
- 21:05 Arrive in Jakarta

Monday, 26 September 2011

- 07:30 Embassy policy briefing
- 09:00 Meeting with Vice President Boediono
- 10:30 Meeting with Mr Irman Gusman, Speaker of the Regional Representatives Council of Indonesia (DPD)
- 11:30 Brief tour of Parliament
- 12:00 Meeting with Members of the Inter-Parliamentary Cooperation Committee (BKSAP) and the Indonesia-Australia Parliamentary Friendship Group (GKSB)
- 14:30 Meeting with Professor Djohermansyah Djohan, Director General for Regional Autonomy, Ministry of Home Affairs
- 16:00 Meeting with the General Elections Commission (KPU)
- 18:30 Reception hosted by Ambassador Greg Moriarty

Tuesday, 27 September 2011

- 07:30 Breakfast with senior Indonesian journalists
- 09:25 Meeting with Australian Electoral Commission in-country representatives
- 10:30 Meeting with International Foundation for Electoral Systems In-Country Director Peter Erben and staff
- 12:00 Roundtable and lunch with representatives of Non-Government Organisations working on governance and electoral issues
- 14:00 Meeting with Mr Chairuman Harahap, Chair of Commission II
- 17:00 Depart Jakarta for Tonga

Tonga

Wednesday, 28 September 2011

18:50 Arrive in Nuku'alofa

Thursday, 29 September 2011

11:00 Briefing with High Commissioner Thomas Roth, Australian High Commission

13:00 Lunch meeting with civil society leaders

15:00 Meeting with the Tongan Electoral Commission

16:00 Meeting with local media commentators

Friday, 30 September 2011

09:00 Meeting with the Electoral Boundaries Commission

10:30 Meeting with People's Representatives (opposition figures)

11:30 Meeting with the Speaker of the Legislative Assembly, Lord Lasike

13:00 Lunch hosted by the Speaker

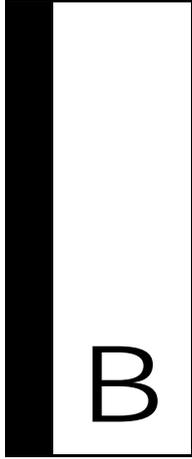
15:00 Meeting with the Acting Prime Minister, the Hon Samiu Vaipulu

16:00 Meeting with the Minister of Justice, the Hon Clive Edwards

18:00 Reception hosted by the High Commissioner
Guests included cabinet ministers, parliamentarians, and visiting Australian doctors and nurses from 'Operation Open Heart'

Saturday, 1 October 2011

05:00 Depart Tonga for Australia

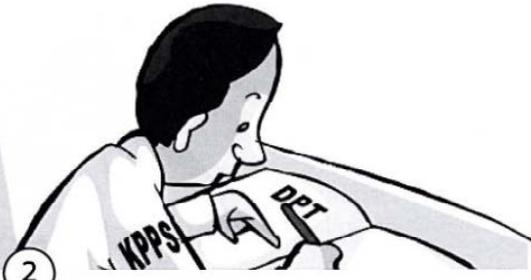


Appendix B – Excerpt of *Polling Station Staff: Guidebook*

POLLING STATION STAFF DISTRIBUTION OF WORK ON VOTING PERIOD



1 KPPS calls name of voters to cast ballot based on order of arrival



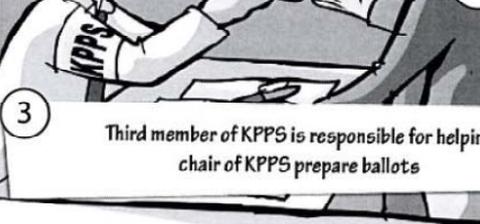
2 Second KPPS matches name and number of voters in voter card with the copy of voters list for polling station



3 Third member of KPPS is responsible for helping chair of KPPS prepare ballots



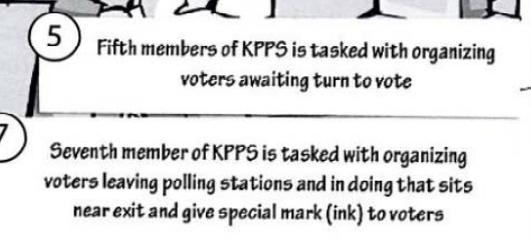
4 Fourth member of KPPS is tasked with receiving voters entering booth and checking ink on fingers of voters



5 Fifth members of KPPS is tasked with organizing voters awaiting turn to vote

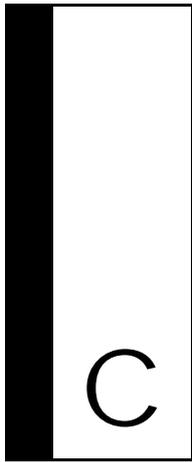


6 The sixth member of the Polling Station Staff is tasked with organizing voters about to put their ballot papers inside the ballot box



7 Seventh member of KPPS is tasked with organizing voters leaving polling stations and in doing that sits near exit and give special mark (ink) to voters





Appendix C – Sample Tongan ballot paper

**“KO E LAO KI HE FILI FALE ALEA, 1989
SIPINGA 5 (KUPU 12(1))**

PEPA PALOTI



№ 1155

PEPA PALOTI MA'AE FAKAFOFONGA 'O E KAKAI

VAHENGANGA FILI : TONGATAPU 2
(Fai'anga Fili)

'Oku ou loto ke fakafofonga ma'ae kakai ki he Fale Alea 'o Tonga 'i he 2011 - 2014

2010
(TA'U)



HINGOA	KOLO	FILI
1. TEVITA KAITU'U FOTU	Fanga-'o-Pilolevu	<input type="radio"/>
2. SEMISI KIOA LAFU SIKA	Haveluloto	<input type="radio"/>
3. MELE TEUSIVI 'AMANAKI	Kolofo'ou	<input type="radio"/>
4. MALIA VIVIENA 'ALISI NUMIA TAUMOEPEAU	Kolofo'ou	<input type="radio"/>
5. SIONE TU'ITAVAKE FONUA	Kolofo'ou	<input type="radio"/>
6. SEMISI 'ULU'AVE MILA	Kolofo'ou	<input type="radio"/>
7. SIALE 'ATAONGO PULOKA	Kolofo'ou	<input type="radio"/>
8. SITAFUOTI 'AHO	Fanga-'o-Pilolevu	<input type="radio"/>
9. VILIAMI TA'U TANGI	Fanga-'o-Pilolevu	<input type="radio"/>
		<input type="radio"/>

TOKANGA:

- Fakahoko 'a ho'o fili 'aki hano faka'ilonga'i'aki ha “✓” 'i he feitu'u ko ia kuo faka'ilonga'i atu 'i he fili pe ko ia 'a e hingoa 'o e Kanititeiti 'e toko 1 'oku ke fili ai.
- 'I he hili 'a ho'o fili, pea ke pelu 'a ho'o lau'i pepa paloti pea fakahu ki he loto puha paloti.