

KIRIBATI RED CROSS BILL 2021



Arrangement of Sections

**AN ACT TO ESTABLISH, RECOGNISE AND REGULATE THE KIRIBATI RED
CROSS SOCIETY**

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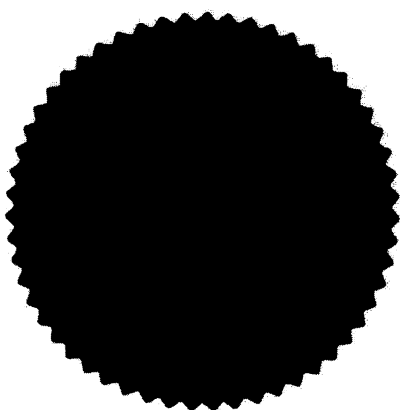
SCHEDULE 1

Geneva Conventions and Protocols

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Red Cross Emblem and Logo

THE REPUBLIC OF KIRIBATI
(No.9 of 2021)



I assent,


Beretitenti

21/09/2021

AN ACT
entitled

AN ACT TO ESTABLISH, RECOGNISE AND REGULATE THE KIRIBATI RED
CROSS SOCIETY

Commencement

.....2021

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

PART I
PRELIMINARY

1. Short title and commencement

This Act –

- (a) may be cited as the Kiribati Red Cross Society Act 2021; and
- (b) shall come into operation on a date appointed by the Minister.

2. Interpretation

In this Act, unless the context otherwise requires –

“auxiliary roles” means additional supports provided by the Red Cross to the Government and the people;

"Fundamental Principles" means the seven Fundamental Principles of the International Red Cross and Red Crescent Movement as adopted by the International Conferences of the Red Cross and Red Crescent, which are –

- (a) *Humanity*: The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavors, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples;
- (b) *Impartiality*: It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavors to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress;
- (c) *Neutrality*: In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature;
- (d) *Independence*: The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement;
- (e) *Voluntary Service*: It is a voluntary relief movement not prompted in any manner by desire for gain;
- (f) *Unity*: There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory;
- (g) *Universality*: The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide;

"Government" refers to the Government of Kiribati;

"IFRC" means the International Federation of Red Cross and Red Crescent Societies;

"Level 2" occurs where the local/island capacity to address immediate needs is overwhelmed so a national response action is required as defined in the laws responsible for national disasters;

"Level 3" occurs where the national response to immediate needs is overwhelmed so international community provides support and assistance locally and nationally as defined in the laws responsible for national disasters;

"Minister" means the Minister responsible for the administration of the Red Cross in Kiribati;

"Ministry" means the Ministry responsible for the administration of this Act;

"public authorities" includes all Ministries of the Government, State Owned Enterprises and Statutory Corporations;

"Scheduled Conventions and Protocols" means the four Geneva Conventions and their three Additional Protocols specified in Schedule 1 to this Act;

"Statutes" mean the statutes contained in section 3 of this Act; and

"the Society" means the Kiribati Red Cross Society.

PART II REGULATION AND OBJECTIVES OF THE SOCIETY

3. Establishment, recognition and regulation of the Society

- (1) Notwithstanding section 13, the Society established under the *Kiribati Red Cross Society Act 1989* continues as if established under this Act.
- (2) The Society is the only National Society of the Red Cross in Kiribati and carries out its activities in the entire territory of Kiribati.
- (3) The Society is a body corporate with perpetual succession and a common seal with power to –
 - (a) purchase, take, hold and dispose of property;
 - (b) enter into contracts;
 - (c) sue and be sued in its corporate name; and
 - (d) such other acts as it may consider necessary or expedient for the purpose of performing its functions or achieving its objects under this Act.
- (4) The Society is a voluntary aid society and humanitarian organization, auxiliary to the public authorities in the humanitarian field, recognized and authorized on the basis of the Geneva Conventions (and Additional Protocols) set out in Schedule 1 to render assistance to the medical services of the armed forces in times of armed conflict and to provide humanitarian and disaster relief services.
- (5) The public authorities, in recognition of the Society's auxiliary role under subsection (4), shall respect and support –
 - (a) the adherence of the Society to the Fundamental Principles;
 - (b) the independent and voluntary nature of the Society, in accordance with Resolution 55(1) relating to National Red Cross Societies, as adopted by the General Assembly of the United Nations on November 19, 1946;
 - (c) the voluntary work of the Society; and
 - (d) the Society in its efforts to mobilize, recruit, train and retain volunteers that play an important role in fulfilling its objects and its auxiliary status.
- (6) The Society shall act in conformity with –
 - (a) the Geneva Conventions (and their Additional Protocols) set out in Schedule 1; (b) the laws of Kiribati;
 - (c) the Fundamental Principles of the International Red Cross and Red Crescent Movement adopted by the International Conference of the Red Cross and Red Crescent;
 - (d) the Statutes of the International Red Cross and Red Crescent Movement;
 - (e) the Resolutions of the International Conference of the Red Cross and Red Crescent and of the Council of Delegates; and (f) the Constitution of the IFRC.

(7) The Society shall comply with its duties as a component of the Movement and as a member of the IFRC.

(8) The Society shall act in accordance with its Statutes.

4. Objectives of the Society

(1) The principal objective of the Society is to prevent and alleviate suffering with complete impartiality, making no discrimination as to nationality, race, ethnic origin, sex, language, religious beliefs, class, political opinions or any similar criteria.

(2) The Society shall –

- (a) act in case of armed conflict, and in peace times prepare to act in all the situations covered by the Geneva Conventions and on behalf of all persons affected by armed conflict, both civilian and military;
- (b) contribute to the improvement of the conditions of the weak and the vulnerable including health, prevention of diseases, responding to health emergencies and alleviation of suffering;
- (c) organize preparedness and emergency relief services for persons affected by disasters, however caused, and coordinating through the national disaster risk management structures and arrangements as far as possible;
- (d) recruit, train and assign such personnel and volunteers as are necessary for the discharge of its responsibilities and to involve volunteers in the activities and promote capacity building of staff and volunteers within the Society;
- (e) promote the participation of children and young people in the work of the Society;
- (f) propagate the Fundamental Principles of the International Red Cross and Red Crescent Movement and International Humanitarian Law in order to develop, among the population, a culture of peace, mutual respect and understanding and the development of humanitarian ideals;
- (g) co-operate with public authorities at all levels to ensure respect and updates for International Humanitarian Law are attained to and to protect the Red Cross, Red Crescent and Red Crystal emblems;
- (h) co-operate with public authorities at all levels and in compliance with the Movement resolutions and agreements to ensure information on relatives is communicated to family members from whom they have been separated;
- (i) organize activities to increase the community resilience and alleviate the climate change induced sufferings; and
- (j) in locations where the Society does not have local chapters or volunteers present, the Society may be expected to provide surge support for Level 2 and Level 3 actions from its head office or its international counterparts.

PART III FINANCIAL PROVISIONS

5. Acceptation, administration, contribution and payment of funds

(1) The Society may –

- (a) in accordance with its object and functions, accept unrestricted contributions and assistance in any form from individuals, the public authorities and private or public bodies; or

- (b) accept as agent or trustee funds or property in trust or earmarked for a particular use, provided that such use is within the general scope of its object and functions.
 - (2) The Society may constitute and administer any reserve, insurance or other funds for its activities or staff.
 - (3) In recognition of the unique nature of the Society's auxiliary role throughout Kiribati, the Government may provide support to the functioning of the Society on an ad hoc basis, when necessary.
 - (4) In applying for the support from the Government the Red Cross shall provide the Ministry with the following:
 - (a) a strategic plan;
 - (b) a costed annual work plan;
 - (c) its annual budget; and
 - (d) and any matters required by the Ministry.
 - (5) The public authorities shall pay for the cost of any service or activity it may entrust to the Society, such service or activity shall be—
 - (a) within the scope of the Society's objects and functions; and
 - (b) subject to conditions set out in an agreement.
- 6. Financial reporting and audit**

The Society shall provide a financial report to the Minister for all expenditure used from the Government's annual contribution and other public funds provided to them from other public entities before the end of each financial year and be made available for auditing by the Auditor General.

PART IV FIRST AID

7: Accreditation

- (1) The Society shall be recognized as one of the accredited providers of First-Aid training in Kiribati.
- (2) The Society shall ensure that—
 - (a) its First-Aid trainers are properly trained;
 - (b) that the First-Aid training and certification programs are up to date; and
 - (c) compliant with international standards and guidelines, including the International Federation's International First Aid and Resuscitation Guidelines.

8. Good Samaritan Principle

- (1) A Society First Aid trainer or person accredited under section 7, who voluntarily administers first aid to a person who is ill, injured or unconscious as a result of an emergency or accident, is not liable for damages or harm as a result of his or her, actions or omission.

- (2) Subsection (1) does not apply if it is established that the person administering first aid —
- (a) is a registered health care professional;
 - (b) acted with reasonable expectation of receiving a reward or compensation;
 - (c) acted with gross negligently; or
 - (d) acted in bad faith.

PART V MISCELLANEOUS

9. Use and Protection of the Emblem

- (1) Save as provided in section 9 of the *Geneva Conventions Act 1993*, the Society is authorized to use as its emblem a red cross on a white background and the designation “Red Cross” as provided in Schedule 2 for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity—
- (a) with the Geneva Conventions of 1949 and its Additional Protocols; and
 - (b) the Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20th Red Cross and Red Crescent International Conference on 1965 and revised by the Council of Delegates in 1991.
- (2) The Society’s distinctive logo as provided in Schedule 2 and seal shall be —
- (a) the heraldic sign of the Red Cross on a white background;
 - (b) surrounded by two concentric black circles in which the words “Kiribati Red Cross Society” appear written in black; and
 - (c) the text in subsection (b) is preceded by two black pentagrams and followed by two black pentagrams.
- (3) The Society may authorize a person to use the Society’s logo, subject to conformity with subsection (1) (a) and (b).
- (4) Any use of the Society’s emblem, logo and name other than foreseen in the Geneva Conventions or in paragraphs 1 and 2 of the present Section, is prohibited and shall be punished in accordance with Section 10 of this Act and with any other applicable laws of the country.

10. Offence

A person who contravenes any of the provisions of section 9 commits an offence and is liable on conviction—

- (a) a fine not exceeding \$1000 or to imprisonment for a term not exceeding 3 months or both; and
- (b) to forfeit any goods;
 - (i.) bearing the emblem, designation, design or wording; or
 - (ii.) connected to the use of the emblem, designation, design or wording.

11. Regulations

The Minister may make regulations for the purpose of giving full effect to this Act and for its due administration.

12. Consequential amendment to the Geneva Conventions Act 1993

Section 9(3)(a) of the *Geneva Convention Act 1993* is amended by repealing the amount “\$500” and substituting it with “\$1,000”.

13. Repeal

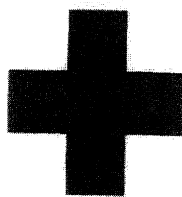
The *Kiribati Red Cross Society Act 1989* is repealed.

SCHEDULE 1

1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field, of the 12th August, 1949;
2. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of the 12th August 1949;
3. Geneva Convention relative to the Treatment of Prisoners of War, of the 12th August 1949;
4. Geneva Convention relative to the Protection of Civilian Persons in time of War, of the 12th August, 1949
5. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, done at Geneva on 8 June 1977;
6. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, done at Geneva on 8 June 1977;
7. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem, done at Geneva on 8 December 2005.

SCHEDULE 2

1. Red Cross emblem



2. Kiribati Red Cross Society logo



KIRIBATI RED CROSS ACT 2021

EXPLANATORY MEMORANDUM

The main purpose of this Act is to repeal and replace the 1989 Kiribati Red Cross Society Act but continuing the Kiribati Red Cross Society's (Society) legal status as a humanitarian and autonomous organization. It recognizes the Society as a voluntary aid society, auxiliary to the public authorities of Kiribati and legislates the objects, structure and activities of the Society.

PART I PRELIMINARY

Section 1 provides the short title and commencement date.

Section 2 provides interpretation of terms used throughout the Bill.

PART II REGULATION AND OBJECTIVES OF THE SOCIETY

Section 3 provides for the continuation of the Society's status as established under the Kiribati Red Cross Society Act 1989 and that it is a body corporate. It also provides the regulation of the Society as a voluntary aid Society and humanitarian organization.

Section 4 provides the objectives and activities of the Society.

PART III FINANCIAL PROVISIONS

Section 5 provides the Society's finance provisions relating to acceptance of contributions to the Society, administration of funds, and support by Government on an ad hoc basis, when necessary.

Section 6 requires the Society to prepare a financial report on all expenditures made from the public funds and available for auditing.

PART IV FIRST AID

Section 7 recognized the Society as one of the accredited First-Aid training providers in Kiribati. It also requires the Society to ensure compliance with international standards for its First Aid trainers and training program.

Section 8 sets out the Good Samaritan Principle with regards to who is eligible for protection from liability in administration of First Aid, and exceptions to protection under this principle.

PART V MISCELLANEOUS

Section 9 provides for –

- (a) authorization of the Society to use the Red Cross Emblem and designation of "Red Cross";
- (b) The Society's emblem and seal;
- (c) Protection of the emblems and designations, from unauthorized use and abuse.

Section 10 provides an offence for abuse and unauthorized use of the Society's emblem and designations.

Section 11 provides the regulation making power of the Minister.

Section 12 is the consequential amendment where it amends the fine provided in section 9(3) (a) of the *Geneva Conventions Act 1993* from \$500 to \$1,000.

Section 13 repeals the *Kiribati Red Cross Society Act 1989*.

SCHEDULES

Schedule 1 – Lists the four Geneva Conventions and their Additional Protocols.

Schedule 2 – Kiribati Red Cross Society Emblem and Logo.

Hon. Martin Moreti
Minister of Women, Youth, Sport and Social
Affairs


LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Tetiro Maate Semilota
Attorney-General

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Red Cross Act 2021 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 16th August 2021 and is found by me to be a true and correctly printed copy of the said Bill.


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Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 21 day
of September 2021.


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Eni Tekanene
Clerk of the Maneaba ni Maungatabu