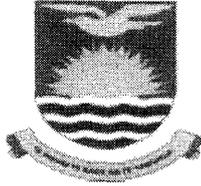


**THE REPUBLIC OF KIRIBATI**



**Arrangement of Sections**

**PART I – PRELIMINARY MATTERS**

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**PART II – ADMINISTRATION OF THE ALLOWANCE**

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9. Ineligibility to the Senior Citizen Allowance
10. Review of the rate

**PART III – PROCESS OF OBTAINING SENIOR CITIZEN'S ALLOWANCE**

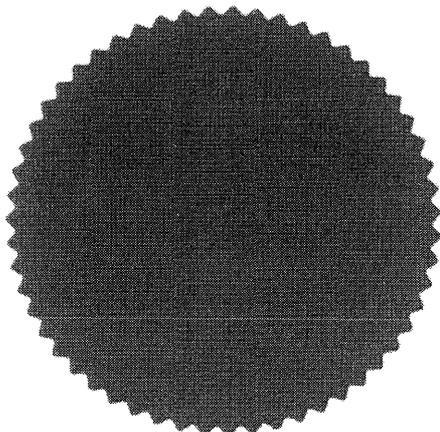
11. Application for Senior Citizen Allowance
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14. General offence
15. Account and audit
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THE REPUBLIC OF KIRIBATI

(no 2 of 2020)



I assent,

  
Beretitenti

14/12/2020

AN ACT

entitled

**AN ACT TO PROVIDE FOR THE PAYMENT OF SENIOR CITIZEN'S ALLOWANCE  
AND OTHER CONNECTED PURPOSES**

Commencement date:  
2020

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

### PART I - PRELIMINARY

**1 Short title**

This Act may be cited as *Te Mwane ni Kara Act 2020*.

**2. Commencement**

This Act commences on a date that the Minister may by notice appoint.

**3. Definitions**

In this Act, unless the context otherwise requires —

“applicant” means a person by whom or on whose behalf an application is made for Te Mwane

Ni Kara under this Act;

"ASWO" is the abbreviation of Administrative and Social Welfare Officer and he/she is the officer responsible to ensure the disbursement of the allowance is made to recipients on the outer islands;

"ECO" is the abbreviation for Elderly Case Officer responsible for the monitoring and evaluation of the Senior Citizen Allowance (SCA) existing payment system;

"EFO" is the Elderly Fund Officer who assists the Social Benefits Officer to administer this allowance on a monthly basis;

"eligible age" means the age stated under section 8;

"Fund" means the Senior Citizen Allowance establish under section 7;

"Minister" means the Minister responsible for this Act;

"Ministry" means the Ministry responsible for this Act;

"reside" means the place where a Senior Citizen live or has a permanent home;

"Social Benefits Officer" means the Social Benefits Officer appointed under section 5 and is the person responsible for the administration of the Senior Citizen Allowance;

"senior citizen" means an old person who is eligible to receive the senior citizen allowance and is currently residing permanently in Kiribati.

#### **4. Administration of this Act**

This Act shall be administered under the direction and control of the Minister responsible for Senior Citizens welfare or people who have reached the eligible age under this Act. The Minister has power to delegate the administration of this Act to officers in the Ministry.

### **PART II – ADMINISTRATION OF THE ALLOWANCE**

#### **5. Appointment of the Social Benefits Officer and other officers to manage the process and application of the Allowance.**

(1) There shall be a Social Benefits Officer who, subject to section 4, is responsible to manage, carry out and supervise all necessary actions for the purposes of this Act. The Social Benefits Officer is to be appointed by the Minister from amongst the staff within the Ministry.

The Social Benefits Officer shall work with the Secretary or Officer in Charge on matters relating to the Fund.

- (2) There shall be an Elderly Fund Officer (EFO) who shall assist the Social Benefits Officer in administering the Fund. The EFO is to be appointed by the Minister amongst the staff within the Ministry.
- (3) There shall be an Elderly Case Officer (ECO) who shall assist the Social Benefits Officer in monitoring and evaluation of the existing payment system. The ECO is to be appointed in accordance with section 99 of the Constitution.
- (4) The ASWO or welfare officers, in addition to their post description, are given the responsibility to support Finance Treasurers to the Fund in the outer islands and are expected to work closely with the Social Benefits Officer and EFO in executing this role.

#### **6. Functions of the EFO**

The EFO functions include the following: -

- (a) collecting data from a population register from the office responsible for Birth, Death and Marriage registration;
- (b) to verify all applications against the population register;
- (c) supervise the allocation of the funds to eligible Senior Citizens;
- (d) supervise and monitor the funds to outer islands;
- (e) assist the Social Benefits Officer in the preparation of the account required by the auditors pursuant to section 15; and
- (f) such other functions to be assigned to him/her by the Social Benefits Officer for the purposes of this Act.

#### **7. Senior Citizen Allowance**

There shall be established the Senior Citizen Allowance which shall from time to time be paid out of the Consolidated Fund after being appropriated by the Parliament for the following purposes:

- (a) payments required to be expended for the Senior Citizens Allowance; and
- (b) all other expenditures necessary for any purpose incidental or related to the purposes of this Act.

#### **8. Eligible Age and Rate payable to Senior Citizens**

- (1) Senior Citizens who have reached the age of 60 and above shall receive a flat rate of \$200 per month.

- (2) Disabilities who have reached 60 years of age and above shall also benefit from this Senior Citizen Allowance.
- (3) The eligible age and rate of allowance may by notice be amended by the Minister in accordance with the advice of Cabinet.

#### **9. Ineligibility to the Senior Citizen Allowance**

- (1) Those who are imprisoned are not eligible under this scheme and may apply or re-apply upon release.
- (2) Those residing outside Kiribati for more than one month are also not eligible to get this benefit however they may reapply at least one month upon return to benefit from the SCA.
- (3) Those who benefit from other Support Funds or Allowances provided by the Government unless specified.

#### **10. Review of rate**

The Social Benefits Officer, in consultation with the Secretary or Officer in Charge, shall collect information necessary for the purposes of review of rate payable to Senior Citizens every 4 years, taking into account the number of Senior Citizens eligible for the allowance as recorded in the population register. The information collected together with the recommendations shall be submitted to the Minister in line with section 8.

### **PART III – PROCESS OF OBTAINING SENIOR CITIZEN'S ALLOWANCE**

#### **11. Application for Senior Citizen Allowance**

- (1) Any person having reached the eligible age or persons on their behalf can apply for this allowance.
- (2) Applications must be submitted in the prescribed form.
- (3) The Social Benefits Officer should provide a prescribed form for the applicant to fill in.
- (4) The prescribed forms shall be disseminated to the outer islands for the ASWO to make it available for the old citizens or persons applying on their behalf.
- (5) Applications shall be lodged at the Ministry or the Island Councils for those on the outer islands.
- (6) Applications should all be verified and screened by the Social Benefits Officer and the EFO, in consultation with the Secretary or Officer in Charge to ensure its credibility and authenticity.

(7) Subject to the approval of the Secretary or Officer in Charge, the Social Benefits Officer may require the applicant or persons applying on their behalf to provide other document as he or she thinks necessary for the purposes of this Act.

(8) Where a senior citizen is over the eligible age at a time of filing his or her application, he or she can only claim for a one year pay back as his or her entitlement.

## **12. Proof of identity**

(1) The applicant may not go through all the processes stated in section 11 if he or she can provide the Social Benefits Officer or the EFO with their national identity card as provided in the *National Identity Registration Act 2019*.

(2) The applicant or the person applying on their behalf shall attach a certified copy of the national identity card with the application.

## **13. Residence of Senior Citizen**

(1) A Senior Citizen must reside in Kiribati at all times to be eligible for this Allowance.

(2) Senior Citizens who reside outside Kiribati and wish to apply for the Allowance must return to reside in Kiribati permanently.

(3) A Senior Citizen who is residing in South Tarawa, Betio and in Outer islands who wishes to change their place of residence shall notify the ASWO or the EFO of their new place who shall inform the Social Benefits Officer for the purposes of the transfer of the Allowance and update of particulars.

## **PART IV – MISCELLANEOUS**

### **14. General Offence**

(1) Any officer of the Ministry who misapplies, improperly and unlawfully use, any of the Allowance under this Act commits an offence.

(2) Any person who submitted a fraudulent application under this Act commits an offence.

(3) Any person who claimed or received the Allowance through dishonesty and fraudulent actions or other unlawful means commits an offence.

(4) An offence committed under this Act shall be dealt with according to the provisions of this Act, the Penal Code and any other relevant laws of Kiribati.

(5) An offence committed under this Act is punishable by a fine of \$3000 and/or to imprisonment of 12 months or other relevant penalties in the Penal Code and other laws of Kiribati.

## **15. Accounts and audit**

- (1) The Social Benefits Officer shall work with the Senior Accountant to keep proper accounts and proper records in respect of the operation and transaction of this Allowance.
- (2) The Social Benefits Officer with the support of the Senior Accountant shall cause a statement of accounts to be prepared annually.
- (3) The account shall be audited annually by the auditors of the Kiribati Audit Office.
- (4) The auditors shall, on the completion of the audit of the accounts of the Senior Citizen Allowance for each year, prepare and submit to the Minister the results of the auditing carried out in subsection 3.
- (5) Any person who wilfully hinders or obstruct the auditors in carrying out their duties under this Act, commits an offence and shall be liable on conviction to a fine of \$1,000 and/or to imprisonment for 6 months.

## **16. Regulations**

The Minister, upon the advice of Cabinet, may make regulations relating to –

- (a) the prescribed form of any application, notice, certificate and other document required for the purposes of this Act;
- (b) any fees, if any, to be paid for services provided under this Act; and
- (c) any matter in respect of which the Minister considers necessary or expedient for the effective execution of the provisions of this Act.

### Explanatory Memorandum

The Act deals with the administration of the payment of senior citizen's allowance known in this Act as 'Te Mwane ni Kara'.

The Act has only 4 parts. Part 1 deals with the preliminary matters such as interpretation of terms used in this Act.

Part 2 deals with the establishment of official positions to look after the senior citizen's fund such as the Social Benefits Officer, EFO, ECO and ASWO. This part also regulates the eligible age and payable rate which is 60 and over and \$200 flat rate per month. The eligible age and rate of allowance can be changed by notice by the Minister responsible with the advice of Cabinet. The rate is to be reviewed every 4 years taken into account the number of eligible citizens as per the data recorded in the population register. This means that the rate can only be reviewed every 4 years while the eligible age can be reviewed anytime depending on the current circumstance.

Part 3 deals with how the allowance can be applied for, the criteria for eligibility and those who are ineligible and so forth.

Part 4 deals with the offences and penalties. It also requires the fund to be audited by recognised auditors from the Kiribati Audit office. The power to make Regulations is also govern under this Part.

HONOURABLE MARTIN MORETI

Minister for Women, Youth, Sport and Social Affairs.

### LEGAL REPORT

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

TETIRO MAATE SEMILOTA

ATTORNEY GENERAL