



PARLIAMENT OF THE COOK ISLANDS

SEABED MINERALS AMENDMENT BILL 2024

EXPLANATORY NOTE

The purpose of this Bill is to improve the effectiveness and administrative efficiency of the Seabed Minerals Act 2019, and to make other minor improvements and corrections.

- Clause 1** sets out the Title of the Bill.
- Clause 2** states that the Bill comes into force on 1 March 2024.
- Clause 3** states that the Act amends the Seabed Minerals Act 2019 (the **principal Act**).

Part 1 **Amendments to principal Act**

- Clause 4** amends section 6 of the principal Act. The main amendments—
- insert a definition of minerals harvesting; and
 - clarify that the definition of mining includes minerals harvesting.
- Clause 5** amends section 11(e) of the principal Act to clarify that the instruments referred to in that section may support the regulation and monitoring of the development of the seabed minerals sector, in addition to directly providing for that regulation and monitoring.
- Clause 6** inserts *new section 13A* into the principal Act to set out—
- what the standards and guidelines issued by the Cook Islands Seabed Minerals Authority (the **Authority**) may cover; and
 - the prerequisites for making the standards and guidelines.
- Together, *new sections 13A and 178A* in effect replace regulation 50 of the Seabed Minerals (Exploration) Regulations 2020.
- Clause 7** amends section 17 of the principal Act to align with amendments made by *clause 8*.
- Clause 8** amends section 18 of the principal Act—

Hon. Mark Brown

Seabed Minerals Amendment Bill 2024

Contents

1	Title	2
2	Commencement	2
3	Principal Act amended	2
Part 1		
Amendments to principal Act		
4	Section 6 amended (Interpretation)	2
5	Section 11 amended (Functions of Authority)	2
6	New section 13A inserted (Authority may issue standards and guidelines)	2
7	Section 17 amended (Information management)	3
8	Section 18 amended (Information disclosure in respect of third party information)	3
9	Section 18A amended (Guidelines about confidential information)	3
10	Section 48 amended (Cadastre and register of titles)	3
11	Section 91 amended (Adherence to laws and rules)	4
12	Section 144 amended (Monitoring powers)	4
13	Section 167 amended (Regulations giving effect to this Part)	4
14	New section 168A inserted (Change of name of title holder)	4
15	Section 178 amended (Regulations)	4
16	New section 178A inserted (Incorporation by reference)	4
17	Section 181 amended (Transitionals, savings, and orderly implementation of Act and related enactments)	5
18	New sections 181B and 181C inserted	5
19	Schedule 1 amended	5
20	Schedule 2 amended	6
Part 2		
Consequential amendments to Seabed Minerals (Exploration) Regulations 2020		
21	Principal regulations amended	6
22	Regulation 42 amended (Collection, record, analysis and keeping of samples)	6
23	Part 3 revoked	6

An Act to amend the Seabed Minerals Act 2019 to improve its effectiveness and administrative efficiency and make other minor improvements and corrections.

- “(2) The Authority must maintain a register of titles that contains up-to-date and accurate records of—
- “(a) applications of the kind described in subsection (1)(a); and
 - “(b) titles granted.”

11 Section 91 amended (Adherence to laws and rules)

Replace section 91(2)(a) with:

- “(a) this Act, the regulations, and standards issued under section 13A; and”

12 Section 144 amended (Monitoring powers)

In section 144(2)(a) and (3), replace “observer” with “inspector”.

13 Section 167 amended (Regulations giving effect to this Part)

In section 167(1), replace “Queen’s” with “King’s”.

14 New section 168A inserted (Change of name of title holder)

After section 168, insert:

“168A Change of name of title holder

- “(1) If a title holder changes its name, the title holder must—
- “(a) notify the Authority of the title holder’s new name; and
 - “(b) provide the Authority with a copy of the certificate of incorporation that records the change in name; and
 - “(c) pay the Authority the prescribed fee (if any) for updating the title holder’s name in the register of titles.
- “(2) The Authority must update the name of the title holder in the register of titles after receiving the information and fee (if any) required by subsection (1).”

15 Section 178 amended (Regulations)

- (1) In section 178(1) and (2), replace “Queen’s” with “King’s”.

- (2) Replace section 178(2)(y) with:

- “(y) prescribing fees or charges, or a method for determining fees or charges, for the performance of the Authority’s functions or for any other matters under this Act or the regulations.”

16 New section 178A inserted (Incorporation by reference)

After section 178, insert:

“178A Incorporation by reference

- “(1) The following material may be incorporated by reference in the following instruments:
- “(a) standards or guidelines issued under section 13A may incorporate the standards or guidelines of any—
 - “(i) international, regional, or national organisation; or
 - “(ii) State or regional jurisdiction;
 - “(b) the regulations or the terms and conditions of a permit or licence may incorporate standards or guidelines issued under section 13A.
- “(2) The material may be incorporated—
- “(a) in whole or in part;
 - “(b) with or without modification.

- “(3) Material must not be incorporated under subsection (1)(a) unless it is readily available in the Cook Islands, either in hard copy or electronically, at no more than a reasonable cost.
- “(4) Subsection (5) applies if, after an instrument that incorporates material is made or issued, the material is changed in any of the following ways:
 - “(a) it is amended or replaced;
 - “(b) it expires or is revoked;
 - “(c) it otherwise ceases to have effect.
- “(5) The change has no effect as part of the instrument unless the change is incorporated by reference in a later amendment to, or replacement of, the instrument.”

17 Section 181 amended (Transitionals, savings, and orderly implementation of Act and related enactments)

In section 181(1), replace “Queen’s” with “King’s”.

18 New sections 181B and 181C inserted

After section 181A, insert:

“181B Transitional provision relating to Seabed Minerals Amendment Act 2024: standards and guidelines

- “(1) This section applies to standards and guidelines that are—
 - “(a) issued under regulation 50 of the Seabed Minerals (Exploration) Regulations 2020; and
 - “(b) in force immediately before the amendment Act comes into force.
- “(2) The standards and guidelines—
 - “(a) continue in force as if they were issued under section 13A; and
 - “(b) may be amended or revoked under that section.
- “(3) In this section and section 181C, **amendment Act** means the Seabed Minerals Amendment Act 2024.

“181C Transitional provision relating to Seabed Minerals Amendment Act 2024: application of new annual reporting requirement

- “(1) The new annual reporting requirement applies to a title holder, regardless of whether their title was issued before, on, or after the date on which the amendment Act comes into force.
- “(2) However, if a title holder held their title on 1 January 2024, the first annual report submitted by the title holder under the new annual reporting requirement must cover the period that—
 - “(a) starts on 1 January 2024; and
 - “(b) ends at the end of the reporting period that would otherwise apply under the new annual reporting requirement.
- “(3) In this section, **new annual reporting requirement** means the requirement under clause 15(5) of Schedule 2 (as replaced by the amendment Act).

19 Schedule 1 amended

- (1) In Schedule 1, clause 9(a) and (b), replace “Queen’s” with “King’s”.
- (2) In Schedule 1, clause 10(a), replace “Queen’s” with “King’s” in each place.
- (3) In Schedule 1, clause 11, replace “Queen’s” with “King’s”.

20 Schedule 2 amended

(1) In Schedule 2, clause 15(1), replace “voyage” with “expedition leg”.

(2) In Schedule 2, replace clause 15(5) with:

“(5) The title holder must submit to the Authority a written annual report for each year that the title holder has a title.

“(6) The annual report must—

“(a) contain any information that is prescribed or reasonably required by the Authority; and

“(b) be submitted within 3 months after the anniversary of the date on which the title holder’s title was issued.”

Part 2

**Consequential amendments to Seabed Minerals (Exploration)
Regulations 2020**

21 Principal regulations amended

This Part amends the Seabed Minerals (Exploration) Regulations 2020.

22 Regulation 42 amended (Collection, record, analysis and keeping of samples)

Revoke regulation 42(2).

23 Part 3 revoked

Revoke Part 3.

This Act is administered by the Seabed Minerals Authority.
Printed under the authority of the Cook Islands Parliament—2024.
