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An Act to amend the COVID-19 Act 2020.

(30 November 2020)

The Parliament of the Cook Islands enacts as follows—

- 1 **Title**
This Act is the COVID-19 Amendment Act (No 2) 2020.
- 2 **Commencement**
This Act comes into force on the day after the date on which it is assented to by the Queen's Representative.
- 3 **Principal Act**
This Act amends the COVID-19 Act 2020 (the **principal Act**).
- 4 **Section 4 amended (Commencement and duration)**
Replace subsection (2) with:
“(2) This Act is repealed at the close of 31 July 2021 unless—
“(a) it is repealed sooner by Order in Executive Council; or
“(b) it is extended by Parliament.”
- 5 **Section 7 replaced (Conflict with other enactments)**
Replace section 7 with:

“7 Conflict with other enactments

- “(1) If a provision of this Act conflicts with a provision of another enactment other than the Constitution, the provision of this Act prevails.
- “(2) If a provision of regulations made under this Act conflicts with a provision of another enactment other than this Act or the Constitution, the provision of the regulations prevails.
- “(3) If a provision of a Ministerial order conflicts with a provision of another enactment other than this Act, the Constitution, or regulations made under this Act, the provision of the Ministerial order prevails.
- “(4) This section is subject to sections 26(2) and 33(3)(a).”

6 Section 8 amended (Ministerial order)

In section 8(1), replace paragraphs (g) and (h) with:

- “(g) prohibit or restrict any specified activity;
- “(h) require persons to stay physically distant from any persons in any specified way;
- “(i) require persons to take any specified action or refrain from taking any specified action, or to comply with any specified measures.”

7 Section 23 amended (Offences)

After subsection (3), insert:

- “(3A) A person commits an offence who, without reasonable excuse, fails to comply with—
- “(a) regulations made under this Act; or
- “(b) a condition imposed by the Minister under regulations made under this Act.”

8 Section 29 repealed (Tax Orders)

Repeal section 29.

9 Section 31 amended (Section 9A notices under the Entry, Residence and Departure Act 1971-72)

After subsection (1), insert:

- “(1A) To avoid doubt, despite section 11 of the Entry, Residence and Departure Act 1971-72, a notice issued under section 9A of that Act in accordance with subsection (1) of this section may deny entry or impose conditions of entry on crew or a category of crew of a commercial vessel or commercial aircraft which arrives at or in the Cook Islands from any overseas place.
- “(1B) Subsection (1A) applies to a notice described in that subsection—
- “(a) whether the notice is issued before or after this section commences; but
- “(b) for a commercial vessel, subject to any regulations made under this Act that are inconsistent with the notice or expressly replace the notice.”

10 New sections 32 and 33 inserted

After section 31, insert:

“32 COVID-19 maritime border regulations

- “(1) The Queen’s Representative may by Order in Executive Council, for the purpose of this Act, make regulations to do any of the following:
- “(a) restrict which vessels (including Cook Islands and foreign vessels) may enter the Cook Islands:
 - “(b) impose quarantine and isolation requirements for persons who enter the Cook Islands by sea:
 - “(c) enable the safe transfer of crew.
- “(2) Regulation 33 applies to regulations made under this section.

“33 Further provisions about COVID-19 maritime border regulations

- “(1) Regulations made under section 32 may do any or all of the following:
- “(a) provide definitions of the terms “Cook Islands vessel”, “foreign vessel”, “foreign State vessel”, “enter the Cook Islands”, “quarantine and isolation requirements”, and “crew”, and any other relevant terms for the purpose of the regulations:
 - “(b) specify which vessels or categories of vessels may enter the Cook Islands, or prohibit all vessels from entering the Cook Islands:
 - “(c) impose quarantine and isolation requirements and other conditions on the entry to the Cook Islands of any vessels or categories of vessels and their crew:
 - “(d) provide exemptions from quarantine and isolation requirements or other conditions imposed in the regulations:
 - “(e) impose restrictions and conditions on the physical interaction of vessels, crew, and other persons based in the Cook Islands with vessels, crew, and other persons entering the Cook Islands on vessels, or prohibit all such physical interaction:
 - “(f) allow the Minister to give permission (which may be subject to conditions that the Minister considers necessary) for a vessel to enter the Cook Islands—
 - “(i) if there is a compelling humanitarian need; or
 - “(ii) if there is a compelling need for reprovisioning, refuelling, delivery of the vessel to a business, or the carrying out of a refit or refurbishment or repair that is more than minor:
 - “(g) impose conditions that the Minister must comply with before granting permission under paragraph (f).
- “(2) Anything in the regulations that prevents or restricts a vessel entering the Cook Islands does not apply—
- “(a) to a vessel that is in distress; or
 - “(b) to a vessel that must enter the Cook Islands to preserve human life; or
 - “(c) to a foreign vessel that is exercising, in accordance with the United Nations Convention on the Law of the Sea, the right of—
 - “(i) innocent passage through the territorial sea; or
 - “(ii) transit passage through straits used for international navigation.
- “(3) Nothing in the regulations may limit or affect—
- “(a) any immigration requirements under any enactment; or
 - “(b) the immunities of a foreign State vessel or its crew.”

This Act is administered by the Ministry of Health.
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