



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 02

Rarotonga.

Sir,

Pursuant to sections 91 and 218 of the Shipping Act 1998, the Regulations Act 1971-72 and the Legislative Service Act 1968-69, I have the honour to submit the Shipping (Maritime Security) Regulations 2004, Serial No. 2004/13

I have the honour to be,

Sir,

Your obedient servant,

Mr Aukino Tairea
Secretary of the Ministry
of Transport

The **HON. TOM MARSTERS**, Minister for Transport

Price \$12.00



SHIPPING (MARITIME SECURITY) REGULATIONS 2004

LAURENCE MURRAY GREIG, Chief Justice of the High Court of the Cook Islands

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 16 th day of June 2004

Present:

HIS HONOUR THE CHIEF JUSTICE OF THE HIGH COURT OF THE COOK ISLANDS IN EXECUTIVE COUNCIL

PURSUANT to Sections 91 and 218 of the Shipping Act 1998, the Chief Justice, acting by and with the advice and consent of the Executive Council hereby makes the following Regulations.

ANALYSIS

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Title and Commencement 2. Application 3. Interpretations 4. Department's Responsibility 5. Maritime Security Committee 6. Security Levels 7. Need for Declaration of Security 8. Issuance of Declaration Security 9. Port Security Plans 10. Port Organization and Responsibility 11. Port Facility Operators' Responsibility 12. Other Port Users | <ol style="list-style-type: none"> 13. Information to be provided by ships prior to entry into port 14. Assessment of information related to ships prior to entry into port 15. Ship Security Plans 16. Shipping Organization and Responsibility 17. Contingency Procedures – Ports 18. Contingency Procedures – Ships 19. Security Training - Ports 20. Security Training – Ships 21. Role of the Police 22. Role of Government Departments and Agencies |
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Price \$12.00

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| 23. Offences
24. Appendices
I Cook Islands International
Ship Security Certificate
II Cook Islands Interim
International Ship
Security Certificate | III. Cook Islands Statement of
Compliance of a Port or
Port Facility.
IV. Declaration of Security
V. Threat/Incident Report for
Port or Port Facility
VI. Threat / Incident Report
for Ship |
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ORDER

1. Title and Commencement - (1) These Regulations may be cited as the Shipping (Maritime Security) Regulations, 2004.

(2) These Regulations shall come into force on 1st July 2004.

2. Application - (1) These Regulations apply to -

- (a) Cook Islands passenger ships, including high-speed craft, engaged on international voyages;
- (b) Cook Islands cargo ships, of 500 gross tonnage and upwards, engaged on international voyages;
- (c) Ports and Port Facilities within ports in Cook Islands that serve vessels engaged on international voyages; and
- (d) all foreign vessels in Cook Islands waters to which the SOLAS Convention applies.

(2) Notwithstanding the provisions of subsection (1), the Secretary may decide the extent of application of these Regulations to those port facilities, which, although used primarily by ships engaged on domestic voyages, are required, occasionally, to serve ships arriving or departing on an international voyage.

(3) Notwithstanding Article III of the Convention, these Regulations apply to fishing vessels 12 metres in length and above fishing in the EEZ of Cook Islands and in international waters.

3. Interpretation and Definitions - (1) In these regulations, unless the context otherwise requires -

“Company” means a shipping company to which these Regulations apply.

“Company Security Officer” (CSO) means the person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port security officer, port facility security officers and the ship security officer. Note: a person may act as a CSO for more than one ship.

“Convention” means the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended.

“Designated Authority”, under the International Ship and Port Facility Security Code, means the Ministry.

“Exclusion Zone” means a waterside area to which access is temporarily restricted to persons authorized by the Ports Authority.

“Gross tonnage” (GT) means the total capacity of a vessel in tonnage units of 100 cubic feet.

“ISPS Code” means the International Ship and Port Facility Security Code.

“Master” means the person having command or charge of a ship.

“Ministry” means the Department of State that with the Authority of the Prime Secretary is for the time being responsible for the administration of these Regulations.

“Port Operator” means the Cook Islands Port Authority established under the Cook Islands Ports Authority Act 1994-95 **“Port Facility Operator”** means the manager of a ship/port interface facility that provides for the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship.

“Port Facility Security Officer” (PFSO) means a suitably qualified person designated by the port facility operator responsible for the development, implementation, review and maintenance of the Port Facility Security Plan and for liaison with ship security officers, the company security officer and the port security officer.

“Port Facility Security Plan” (PFSP) means a plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship’s stores within the port facility from the risks of a security incident.

“Maritime Security Committee” means the committee constituted under Regulation 5 of these Regulations.

“Port Security Officer” (PSO) means a suitably qualified person designated by the Port Operator to facilitate the development, implementation, review and maintenance of the port security plan and for liaison with port facility security officers, company security officer and ship security officers, where appropriate.

“Restricted Areas” means areas on the ship to which access is restricted to the crew, persons invited by the master or ship security officer and persons authorized pursuant to the Ministry’s maritime security regulations.

“Restricted Area” means landside areas to which access is restricted to persons authorized by the port facility operator or persons authorized pursuant to the Ministry’s maritime security regulations.

“Secretary” means the person who is for the time being the head of the Ministry.

“Screener” means a person, approved by the Ministry, who screens people or goods for disallowed items, such as a weapon or a dangerous good, which is not allowed aboard a ship.

“Screening Procedures” means those measures involved in the inspection of people (e.g. passenger, visitor, industry personnel) and goods, checking for disallowed items to make sure these items are not carried into sterile areas where established or onto the ship.

“Security Level 1” means the level for which minimum appropriate protective security measures shall be maintained at all times.

“Security Level 2” means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.

“Security Level 3” means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target.

“Ship Security Officer” (SSO) means the person on board a ship, accountable to the master, designated by the Company as responsible for the security of the ship, who shall perform those duties stipulated in the ISPS Code, including implementation and maintenance of the ship security plan, and liaison with the company security officer, port security officer and port facility security officers.

“Ship Security Plan” means a plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship’s stores or the ship from the risks of a security incident.

“Sterile Area” means an area of the port approved pursuant to the Ministry’s maritime security regulations to which persons, vehicles and goods are not permitted until given clearance, in relation to maritime security.

“Cook Island ports” means ports in the Cook Islands that service ships engaged on international voyages.

“Cook Islands ships” mean those ships that are registered in Cook Islands.

“Unaccompanied Baggage” means any baggage, including personal effects, which is not with the passenger or member of ship’s personnel at the point where of screening.

“Unlawful Interference” means, by way of examples, any of the following types of acts committed by a person without a lawful excuse:

- (a) seizing, or exercising control of, a ship by force, or threat of force, or any other form of intimidation;
- (b) damaging or destroying a ship that is in service;
- (c) placing, or causing to be placed, on board a ship in service a thing that is likely to:
 - (i) destroy the ship; or
 - (ii) endanger its safety;
- (d) communicating information, which is known to be false, thereby endangering the safety of a ship;
- (e) committing an act of violence against a person, property or the environment at a port, if the act:
 - (i) causes, or is likely to cause, injury or death; and
 - (ii) endangers, or is likely to endanger, the safe and efficient operation of the port or the safety of anyone at the port;
- (f) attempting to commit an act described in any of the above paragraphs.

(2) The term “Contracting Government” includes a reference to the Designated Authority.

(3) Terms not otherwise defined in this part shall have the same meaning as the meaning attributed to them in SOLAS.

(4) The following abbreviations mean:

MSC	Mort Security Committee
PSA	Port Security Assessment
PSP	Port Security Plan
PSO	Port Security Officer
PFSA	Port Facility Security Assessment
PFSP	Port Facility Security Plan
PFSO	Port Facility Security Officer
SSA	Ship Security Assessment
SSP	Ship Security Plan
CSO	Company Security Officer
SSO	Ship Security Officer
RSO	Registered Security Organization
DoS	Declaration of Security

- (d) provide a forum for communication between port tenants/users and shipowners on issues of security and procedures in place to meet threats, providing for normal situations and contingencies for periods of heightened tension and emergency situations;
 - (e) promote security awareness amongst port workers/users and shipowners; and
 - (f) liaise, as considered appropriate, with external agencies to discuss security issues.
 - (g) provide advice as to the National Security Assessment.
- (5) The MSC shall comprise representatives from the following organisations:
- (a) Ministry of Transport
 - (b) Police
 - (c) Customs
 - (d) Foreign Affairs and Immigration
 - (e) Crown Law
 - (f) Quarantine
 - (g) Representative from the Oil Industry.
 - (h) Cook Islands Ports Authority
 - (i) Airport Authority
 - (j) Maritime Cook Islands
 - (k) Representative from local Ship Operators in international trade
 - (l) Ministry of Marine Resources
 - (m) Cook Islands Investment Corporation
- with the chair co-opting other members on an ad-hoc basis.
- (6) The **Ministry** shall ensure that a record of each meeting is kept and minutes are forwarded within one month of the meeting, either in written or electronic form, to all committee members.
- (7) In the event of a security incident the Port Operator, Port Facility Operator or shipowner shall contact the **Secretary** who shall immediately convene a meeting of the MSC, along with other members as determined appropriate, who will set up a support team.
- (8) The role of the support team is to:
- (a) provide technical and operational advice and assistance to the Police in relation to operational matters and resources available at the port;
 - (b) consult with the Police, ensure the orderly conduct of other operations on the port not associated with the incident; and
 - (c) provide incident-related advice and information to their respective organisations and the Ministry.

6. Security Levels - (1) The **Secretary** shall, with the assistance of the MSC, set security levels and provide guidance for protection from security incidents. Higher security levels indicate greater likelihood of occurrence of a security incident. Factors to be considered in setting the appropriate security level include:

- (a) the degree that the threat information is credible;
- (b) the degree that the threat information is corroborated;
- (c) the degree that the threat information is specific or imminent; and
- (d) the potential consequences of such a security incident.

(2) The **Secretary** shall, when necessary, with the assistance of the MSC, issue appropriate instructions and shall provide security related information to the ships and port facilities that may be affected.

(3) At higher levels of alert additional preventive and protective security measures will need to be considered. Such measures may be required in relation to an entire port, specific port operations, certain port facilities, etc.

(4) These additional security measures may be implemented either at the direction of the Ministry or on the initiative of the Port Operator, Port Facility Operator or ship owner. In the latter cases, advice of such implementation shall be immediately passed to the Ministry.

(5) The **Secretary** may delegate to a Recognized Security Organization (RSO) certain duties under these Regulations with the exception of:

- (a) setting of the applicable security level;
- (b) approving a Port/Port Facility/Ship Security Assessment and subsequent amendments to an approved assessment;
- (c) determining the port/port facilities that will be required to designate a Port or Port Facility Security Officer;
- (d) approving a Port, Port Facility or Ship Security Plan and subsequent amendments to an approved plan.

7. The Need for a Declaration of Security - (1) A Declaration of Security (DoS) should be completed in respect of a port or port facility when the **Secretary** deems it necessary or when a ship deems it necessary.

(2) The need for a DoS may be indicated by the results of the Port Facility Security Assessment (PFSA) and the reasons and circumstances in which a DoS is required should be set out in the Port Facility Security Plan (PFSP).

(3) The need for a DoS may be indicated by the Maritime Administration for ships entitled to fly its flag or as a result of a ship security assessment and should be set out in the ship security plan.

(4) It is likely that a DoS will be requested at higher security levels, when a ship has a higher security level than the port facility, or another ship with which it interfaces, and for ship/port interface or ship-to-ship activities that pose a higher risk to persons, property or the environment for reasons specific to that ship, including its cargo or passengers or the circumstances at the port facility or a combination of these factors.

(5) In the case that a ship or a Maritime Administration, on behalf of ships entitled to fly its flag, requests completion of a DoS, the Port Facility Security Officer (PFSO), Port Security Officer (PSO) or Ship Security Officer (SSO), as the case maybe, should acknowledge the request and discuss appropriate security measures.

(6) A PFSO may also initiate a DoS prior to ship/port interfaces that are identified in the approved PFSA as being of particular concern. Examples may include the embarking or disembarking passengers, and the transfer, loading or unloading of dangerous goods or hazardous substances. The PFSA may also identify facilities at or near highly populated areas or economically significant operations that warrant a DoS.

(7) The main purpose of a DoS is to ensure agreement is reached between the ship and the port facility or with other ships with which it interfaces as to the respective security measures each will undertake in accordance with the provisions of their respective approved security plans.

(8) The agreed DoS should be signed and dated by both the port facility and the ship(s), as applicable, to indicate compliance with SOLAS chapter XI-2 and part A of the ISPS Code and should include its duration, the relevant security level, or levels and the relevant contact details.

(9) A change in the security level may require that a new or revised DoS be completed.

(10) The DoS should be completed in English or in a language common to both the port facility and the ship or the ships, as applicable.

(11) A model DoS is included in Appendix IV to these Regulations. This model is for a DoS between a ship and a port facility. If the DoS is to cover two ships this model should be appropriately adjusted.

8. Issuance of a Declaration of Security - (1) The **Secretary** shall determine when a Declaration of Security is required by assessing the risk the ship/port interface or ship-to-ship activity poses to persons, property or the environment.

(2) A ship can request a Declaration of Security when:

- (a) the ship is operating at a higher security level than the port facility or another ship it is interfacing with;
- (b) there is an agreement on a Declaration of Security between Contracting Governments covering certain international voyages or specific ships on those voyages;
- (c) there has been a security threat or a security incident involving the ship or involving the port facility, as applicable;
- (d) the ship is at a port that is not required to have and implement an approved port facility security plan; or
- (e) the ship is conducting ship-to-ship activities with another ship not required to have and implement an approved ship security plan.

(3) Requests for the completion of a Declaration of Security, under this section, shall be acknowledged by the applicable port facility or ship.

(4) The Declaration of Security shall be completed by:

- (a) the master or the ship security officer on behalf of the ship(s); and, if appropriate,
- (b) The Port Facility Security Officer or, if the Contracting Government determines otherwise, by any other body responsible for shore-side security, on behalf of the port facility.

(5) The Declaration of Security shall address the security requirements that could be shared between a port facility and a ship (or between ships) and shall state the responsibility for each.

(6) The Declaration of Security shall specify the minimum period for which it shall be kept by the port facilities located within Cook Islands.

(7) The Maritime Administration shall specify the minimum period for which Declarations of Security shall be kept by ships entitled to fly the Cook Islands flag.

9. **Port Security Plans** - (1) The Port Operator shall, in accordance with the requirements of these Regulations and following discussion with the MSC, conduct a Port Security Assessment (PSA) and produce a draft Port Security Plan (PSP), issued under the authority of the Port Security Officer or the person in overall charge of the port.

(2) The Ministry shall review the Draft PSP and may approved its content prior to its circulation and shall approve all amendments prior to their being put into effect. Upon approval of the PSP, the Ministry shall issue a statement of compliance certificate for the Port concern in accordance with Appendix III of these Regulations.

(3) The Port Security Officer (PSO) may amend the Plan as necessary, subject to approval by the Ministry, in consultation with the MSC.

(4) The completed and approved PSP shall be classified "Confidential" and, while selected members of staff will need to be apprised of particular aspects of the Plan, it shall be protected from unauthorized access or disclosure.

(5) No part of the PSP may be reproduced or transmitted, in any form or by any means, without the written consent of the PSO.

(6) The PSO may, at any time, review this Plan. In reviewing the Plan the PSO may have regard to:

- (a) developments in relation to human and other resources used and procedures followed concerning security; and
- (b) experience gained in relation to security by other port authorities.

(7) If the Port Operator/Port Facility Operator, in consultation with the Maritime Security Committee, is satisfied that:

- (a) the approved Plan is no longer adequate for any one or more of the Plans purposes; or
- (b) the effectiveness of the Plan for those purposes could be substantially improved:

the PSO/PFSO should prepare and submit to the Ministry for approval, proposals for any variation of the Plan considered necessary.

10. **Port Organization and Responsibility** - (1) All employees and agents of the Port Operator whose duties require them to implement security controls at the port or routinely access a Restricted Area at the port have a responsibility to ensure that the protective security arrangements covered by this Plan are observed at all times.

- (2) Any employee or agent on becoming aware of a:
 - (a) breach or suspected breach of security arrangements;
 - (b) any deficiency in the Plan; or
 - (c) who observes activities of a suspicious nature;

must report the matter immediately to the PSO.

(3) The Port Operator, in conjunction with the MSC, shall ensure compliance with the provisions of the PSP and for the implementation of complementary additional security measures as required by the Ministry.

(4) The Port Operator, in conjunction with the MSC, shall initiate periodic internal audits or reviews of the PSP to ensure compliance with, and appropriateness of, existing security measures.

(5) The Port Operator shall appoint a Port Security Officer (PSO) who, with the authority of management, shall administer the day-to-day operations of the PSP at the port.

(6) The duties and responsibilities of the PSO shall include, but not be limited to:

- (a) ensuring that appropriate security measures are maintained at the port;
- (b) maintain and supervise the implementation of the PSP, including any amendments to the Plan;
- (c) propose modifications to the PSP;
- (d) report to management any deficiencies and non conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions;
- (e) attend maritime security committee meetings;
- (f) enhance security awareness and vigilance by all staff;
- (g) ensure adequate security training has been provided to port employees and agents with regard to their security roles and responsibilities and maintenance of training records;
- (h) ensure that security equipment is appropriately operated, tested, calibrated and maintained, if any;
- (i) ensure effective communication and cooperation between the port and members of the port security committee
- (j) report all security incidents to the Ministry by completing the form set out in Appedix V of these regulations ; and
- (k) oversee the issue of copies of the PSP and maintain a record of all authorised holders.

11. Port Facility Operators' Responsibility - (1) The Port Facility Operator shall, in co-operation with the Port Operator and in accordance with the requirements of these Regulations and following discussion with the MSC, conduct a

Port Facility Security Assessment (PFSA) and produce a draft Port Facility Security Plan (PFSP), issued under the authority of the Port Facility Security Officer (PFSO).

(2) The PFSP shall be incorporated into the overall PSP where appropriate.

(3) The Ministry shall review the Draft PFSP and may approved its content prior to its circulation and shall approve all amendments prior to their being put into effect. Upon approval of the PFSP, the Ministry shall issue a statement of compliance certificate for the port facility concern in accordance with Appendix III of these Regulations.

(4) The Port Facility Security Officer (PFSO) may amend the Plan as necessary, subject to approval by the Ministry, in consultation with the MSC.

(5) Port facility operators, lessees and tenants are responsible for:

- (a) the security of their facilities and areas specifically allocated for their use;
- (b) maintaining access control procedures as they apply to any of their facilities; and
- (c) ensuring that any staff or other persons, such as contractors, who enter Restricted Areas or sterile areas do so only on current essential duties related to that area;

which could be effected through contractual arrangements.

(6) Port facility operators, lessees and tenants may be required, at short notice from the Port Operator or the Ministry, to comply with security systems and/ or procedure variations resulting from increases in maritime security threats.

(7) Security exercises, to test measures and response arrangements, shall be conducted by the Port Facility Operator at a frequency agreed with the Ministry. Broadly these exercises may take the form of:

- (a) theoretical or desktop exercises; or
- (b) simulated incidents to practice response and handling arrangements.

(8) The object of the exercises is to not only test response arrangements to a simulated act of unlawful interference but to also:

- (a) practice call out of all involved elements;
- (b) test the adequacy of facilities;
- (c) exercise members of the port security committee in the provision of effective support to the Police operational elements; and
- (d) test the adequacy of appropriate contingency plans.

(9) The PSO and appropriate Port Facility Security Officers will review each security exercise and submit a formal report to the Ministry, and the Maritime Security Committee, within two months of the completion of the exercise.

12. Other Port Users - Persons who enter the Port are required to comply with all regulatory provisions brought to their notice by any means including public notices, signs, announcements, publications or oral messages.

13. Information to be provided by ships prior to entry into port - (1) The Secretary may require, as a condition of entry into port in order to assist with ensuring the safety and security of persons, port facilities, ships and other property, that ships intending to enter a Cook Islands port provide the following information:

- (a) confirmation that the ship possesses a valid International Ship Security Certificate ("ISSC") and the name of its issuing authority;
- (b) the security level at which the ship is currently operating;
- (c) the security level at which the ship operated in the previous ten calls at port facilities where it has conducted a ship/port interface;
- (d) any special or additional measures that were taken by the ship during the timeframe specified above including:
 - (i) any records of the measures taken while visiting a port facility located in the territory of a State which is not a Contracting Government, especially those measures that would normally have been provided by port facilities located in the territories of Contracting Governments; and
 - (ii) any Declarations of Security that were entered into with port facilities or other ships.
- (e) that appropriate ship security procedures were maintained during ship-to-ship activity conducted within the period of the last ten calls at a port facility, including:
 - (i) records of the measures taken while engaged in a ship to ship activity with a ship flying the flag of a State which is not a Contracting Government, especially those measures that would normally have been provided by ships flying the flag of Contracting Governments;
 - (ii) records of the measures taken while engaged in a ship to ship activity with a ship that is flying the flag of a Contracting Government but is not required to comply with the provisions of chapter XI-2 and part A of this Code, such as a copy of any security certificate issued to that ship under other provisions; and
 - (iii) in the event that persons or goods rescued at sea are on board, all known information about such persons or goods, including their identities when known and the results of any checks run on behalf of the ship to establish the security status of those rescued, but only to the extent that it does not delay or prevent the delivery of those in distress at sea to a place of safety;
- (f) other practical security related information that may be required include:

- (i) information contained in the Continuous Synopsis Record;
 - (ii) location of the ship at the time the report is made;
 - (iii) expected time of arrival of the ship in port;
 - (iv) crew list;
 - (v) general description of cargo aboard the ship;
 - (vi) passenger list; and
 - (vii) information regarding parties responsible for appointing shipboard personnel, such as ship management companies, manning agents, contractors, concessionaries (for example, retail sales outlets, casinos, etc.);
 - (viii) information regarding parties responsible for deciding the employment of the ship including, time or bareboat charterer(s) or any other entity acting in such capacity; and
 - (ix) in cases when the ship is employed under the terms of a charter party, the contact, details of those parties including time or voyage charterers.
- (2) This information should be provided in the English language.
 - (3) This information should be provided 24 hours before the intended ETA.

14. Assessment of information related to ships prior to entry into port -

(1) If the master declines to provide information requested in accordance with Regulation 13 above, the **Secretary** may deny the ship entry into port. In the event that entry into port is denied, the **Secretary** shall, forthwith by the most expeditious means, ensure that the Flag State Administration is informed in writing (by facsimile or e-mail) specifying the reasons. The RSO, (if applicable) should also be notified.

(2) If the assessment of available information regarding a ship does not establish clear grounds for believing that the ship is not in compliance with these Regulations, the **Secretary** may allow the ship to enter port.

(3) If the assessment of available information regarding a ship shows that there are clear grounds to believe that the ship is not in compliance with these Regulations and the requirements of chapter XI-2 or part A of the ISPS Code, the **Secretary** shall attempt to establish communication with the ship and the Flag State Administration and/or the RSO, in order to rectify the non-compliance.

(4) If the communication does not result in rectification of the apparent non-compliance, or if the **Secretary** has clear grounds for believing the ship is non-compliant, the **Secretary** may:

- (a) allow the ship to enter port, knowing that the ship is apparently non-compliant;
- (b) inspect the ship before it enters port;
- (c) deny the ship entry into port.

15. Ship Security Plans - (1) Companies owning ships that are registered in Cook Islands or operating in Cook Islands waters shall, in accordance with the requirements of these Regulations and following discussion with the Maritime Security Committee (MSC), conduct a Ship Security Assessment (SSA) and produce a draft Ship Security Plan (SSP), issued under the authority of Company Security Officer (CSO).

(2) The Ministry shall review the Draft SSP and may approved its content prior to its circulation and shall approve all amendments prior to their being put into effect.

(3) The CSO may amend the Plan as necessary, subject to approval by the Ministry, in consultation with the MSC.

(4) The completed and approved SSP shall be classified "Confidential" and, while Company staff and ship's crew will need to be apprised of particular aspects of the Plan, it shall be protected from unauthorised access or disclosure.

(5) No part of the SSP may be reproduced or transmitted, in any form or by any means, without the written consent of the CSO.

(6) The CSO may, at any time, review this Plan. In reviewing the Plan the CSO may have regard to:

- (a) developments in relation to human and other resources used and procedures followed concerning ship security; and
 - (b) experience gained in relation to ship security by other ship operators.
- (7) If the CSO is satisfied that:
- (a) the approved Plan is no longer adequate for any one or more of the Plan purposes; or
 - (b) the effectiveness of the Plan for those purposes could be substantially improved:

the CSO should prepare and submit to the Ministry for approval, proposals for any variation of the Plan considered necessary.

16. Shipping Organization and Responsibility - (1) The Company shall ensure compliance with the provisions of the SSP and for the implementation of complementary additional security measures as required by the Ministry.

(2) The Company shall initiate periodic internal audits or reviews of the SSP to ensure compliance with, and appropriateness of, existing security measures.

(3) The Company shall appoint a Company Security Officer (CSO), who, with the authority of management, shall administer the overall operations of the SSP on all the Company's ships.

(4) The Company shall appoint a Ship Security Officer (SSO) for each ship, who, with the authority of management, shall administer the day-to-day operations of the SSP on each of the Company's ships.

be limited to: (5) The duties and responsibilities of the CSO shall include, but not

- (a) advising the level of threats likely to be encountered by the ship, using appropriate security assessments and other relevant information;
- (b) ensuring that ship security assessments are carried out and regularly reviewed;
- (c) ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the Ship Security Plan;
- (d) ensuring that the Ship Security Plan is amended, as appropriate, to correct perceived shortcomings and satisfy the security requirements of the individual ship;
- (e) arranging for internal audits and reviews of security activities;
- (f) ensuring that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
- (g) enhancing security awareness and vigilance;
- (h) ensuring adequate training for personnel responsible for the security of the ship;
- (i) ensuring effective communication and cooperation between the Ship Security Officer and the relevant Port Facility Security Officers;
- (j) ensuring consistency between security requirements and safety requirements;
- (k) ensuring that, if sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately;
- (l) ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained; and
- (m) authorizing the issue of copies of the Ship Security Plan and maintaining a record of all authorized holders.

be limited to: (6) The duties and responsibilities of the SSO shall include, but not

- (a) undertaking regular security inspections of the ship to ensure that appropriate security measures are maintained;
- (b) maintaining and supervising the implementation of the Ship Security Plan, including any amendments to the Plan;
- (c) coordinating the security aspects of the handling of cargo and ship's stores with other shipboard personnel and with the relevant Port Facility Security Officers;

- (d) proposing modifications to the Ship Security Plan;
- (e) reporting to the CSO any deficiencies and non conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions;
- (f) enhancing security awareness and vigilance on board;
- (g) ensuring adequate training has been provided to shipboard personnel with regard to their security roles and responsibilities and maintenance of training records;
- (h) reporting all security incidents by completing the form set out in Appendix VI of these regulations;
- (i) coordinating implementation of the Ship Security Plan with the CSO and the relevant Port Facility Security Officer; and
- (j) ensuring that security equipment is properly operated, tested, calibrated and maintained, if any.

(7) All employees and agents of the company, including crew, have a responsibility to ensure that the protective security arrangements covered by the Ship Security Plan are observed at all times. Any employee or agent becoming aware of a:

- (a) breach or suspected breach of security arrangements;
 - (b) any deficiency in the Plan; or
 - (c) who observes activities of a suspicious nature;
- must report the matter immediately to the CSO or SSO as appropriate.

(8) Nothing in these Regulations removes from the master the overriding authority and responsibility to make decisions with respect to the safety and security of the ship and to request the assistance of the Company or of any government as may be necessary.

17. Contingency Procedures – Ports - (1) In the event of an employee or agent of the Port Operator or Port Facility Operator becoming aware of a significant act of unlawful interference (e.g. one involving the use of weapons or force) or an unlawful threat (e.g. bomb or sabotage threat), that person shall report the incident/ threat as soon as practicable to the PSO.

(2) Where the incident/threat directly impacts upon another organisation, or may impact upon one or other organisations, the PSO is to relay details of the incident/threat to the organisation(s) concerned as soon as possible.

(3) The assessing and classifying of all threats, such as bomb or sabotage threats, against any of the port's amenities rests with the Port Operator.

(4) Threats are to be classified as either "GENUINE", in which case appropriate response procedures are to be enacted, or "HOAX", in which case no further action (other than to report the incident to the Police and the Ministry) is necessary.

(5) Where the search of a building or facility (over which the Port Operator or Port Facility Operator has management control) is considered necessary, the threat shall be considered to remain genuine until the PSO advises that the threat

has been reclassified as a hoax, or any suspicious object discovered during the search has been removed or declared safe.

(6) The PSO will report to the Police details of significant breaches of security or threats impacting upon the operations of the Port Operator or Port Facility Operator involving violence.

(7) The PSO is to report, at the earliest opportunity; all security related incidents as well as actual or suspected acts of terrorism impacting upon the operations of the Port Operator or Port Facility Operator such as:

- (a) discovery of weapons or prohibited items (including explosive devices) within the Port or Port Facility;
- (b) unauthorized access to restricted areas;
- (c) unauthorized access to a ship
- (d) bomb or sabotage threats;
- (e) disruptive and/or abusive passengers or stevedores; and
- (f) incidents that have attracted media attention.

to the Secretary.

(8) Contingency procedures shall be developed and maintained to provide for situations that could present a threat to the security of the Port or Port Facility.

(9) These procedures shall form part of the PSP or PFSP.

(10) Other types of emergencies that should be provided in the PSP or PFSP include:

- (a) bomb search routine;
- (b) evacuation procedures;
- (c) security equipment failure; and
- (d) action to be taken in respect of a major security incident at the port.

(11) Where it may not be possible to provide a full report within a reasonable time frame, due to the need to investigate certain aspects, a preliminary report shall be forwarded.

(12) The type of information that the PSO should include in any report to the Ministry is detailed at [Appendix V](#).

18. Contingency Procedures – Ships - (1) In the event of any person becoming aware of a significant act of unlawful interference on board a ship at sea or in port (e.g. one involving the use of weapons or force) or an unlawful threat (e.g. bomb or sabotage threat), that person shall report details on the incident/ threat as soon as practicable to the master/SSO/CSO.

(2) Where the incident/threat directly impacts upon (or may impact upon) another organisation, the master/CSO is to relay details of the incident/ threat to the other organisation concerned as soon as possible.

(3) The duty of assessing and classifying of all threats, such as bomb or sabotage threats, against the ship or other facilities rests with the Company.

(4) Threats are to be classified as either "GENUINE", in which case appropriate response procedures are to be enacted, or "HOAX", in which case no further action (other than to report the incident to the Police and the Ministry) is necessary.

(5) Where a search is considered necessary, the threat shall be considered to remain genuine until the master/CSO advises that the threat has been reclassified as a hoax, or any suspicious object discovered during the search has been removed or declared safe.

(6) The master/CSO (as appropriate) will report to the Police details of significant breaches of security or threats impacting upon the operations of the ship involving violence

(7) The master/CSO shall report, at the earliest opportunity, all incidents as well as actual or suspected acts of terrorism or other acts of unlawful interference that may affect the security of the ship, such as:

- (a) discovery of weapons or prohibited items (including explosive devices) aboard the ship;
- (b) unauthorized access to restricted areas;
- (c) unauthorized access to the ship
- (d) bomb or sabotage threats;
- (e) disruptive and/ or abusive passengers; and
- (f) incidents that have attracted media attention.

to the Company, and the Secretary.

(8) Contingency procedures shall be developed and maintained to provide for situations that could present a threat to the security of the ship.

(9) These procedures shall form part of the SSP.

(10) Other types of emergencies that should be provided in the SSP include:

- (a) bomb search routine in port;
- (b) bomb search routine at sea;
- (c) repelling unsolicited boarders at sea;
- (d) evacuation of the vessel;
- (d) security equipment failure; and
- (f) security procedures while in dry-dock or extended maintenance.

(11) Where it may not be possible to provide a full report within a reasonable time frame, due for example to the need to investigate certain aspects, a preliminary report shall be forwarded.

(12) The type of information that the SSO should include in any report to the CSO is detailed at [Appendix VI](#). Upon receipt of the report the CSO shall forward a copy to the Ministry, which may contain supplementary information.

19. Security Training – Ports - (1) Responsibility for developing and maintaining the security awareness and training of the Ports Operator employees and agents rests with the Ports Operator.

(2) The PSO shall ensure that relevant employees and agents of the Ports Operator are provided with a basic level of training, the object of which is to establish a rudimentary level of security awareness. The minimum level of training shall include the following:

- (a) port layout and organizations;
- (b) the role of the Ports Operator, the Ministry, Police and other government agencies;
- (c) basic port security procedures;
- (d) access control;
- (e) threat response; and
- (f) other training specific to their duties.

(3) The PSO shall ensure that employees and agents of the Ports Operator engaged in port security activities undertake more advanced training, which as a minimum shall include the following:

- (a) principles of protective maritime security;
- (b) legislation;
- (c) IMO standards;
- (d) Port Security Committee;
- (e) law enforcement interface;
- (f) passenger and baggage screening (where applicable);
- (g) bomb threat assessment; and
- (h) search and evacuation guidelines.

(4) The training modules offered shall be reviewed periodically, as shall the need for refresher training, with regard being given to developments in equipment used and procedures.

(5) The PSO shall ensure that records on the content, duration and dates of those training activities undertaken by employees and agents of the Ports Operator are retained for the previous five years.

(6) Port Facility Security Training is the responsibility of the Port Facility Operator. The Port Facility Operator is responsible for developing and maintaining security awareness and training of its employees and agents, and it shall follow as closely as possible the procedures required to be followed by the Ports Operator for the ports.

20. Security Training – Ships - (1) The company will ensure that all crewmembers are provided with sufficient training to enable them to understand and carry out their security responsibilities.

(2) Training will consist of initial training in procedures and practices applicable to their position and, as appropriate, refresher training, which takes into account developments in relation to the equipment used and procedures followed relative to maritime security.

(3) The company shall ensure that records of the content, duration and dates of those training activities undertaken by crewmembers are retained for the previous five years.

(4) Crewmembers are to also be provided with current travel advice information prepared by the Ministry of Foreign Affairs for those foreign ports

they are to operate to/from and the potential impact that any special port security procedures in place may have.

21. Role of the Police - (1) The Police are responsible for responding to any act of terrorism or other act of unlawful interference to maritime operations. The Police retain responsibility for the resolution of any incident notwithstanding that other contingency procedures are activated.

(2) The Police are responsible for providing preventative policing, which includes responding to reports of criminal activity or suspicious behavior and, in consultation with the maritime sector, identifying issues of crime and disorder that are important to the Ministry, the Port Operator, Port Facility Operators, Shipping Companies and the wider community.

22. The Role of Government Ministries and Agencies - A number of government Ministries and agencies have specific powers and responsibilities at seaports in accordance with relevant legislation. The personnel of these authorities, however, shall comply at all times with these Regulations and in accordance with any Port Security Plan, Port Facility Security Plan and Ship Security Plan and shall heed instructions by persons given authority by these Regulations in respect of security in ports and on board ships.

23. Offences and Penalties - (1) Any person doing any thing that is contrary to these regulations, or any person not doing any thing required by these regulations, commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000.

(2) Any person found to be in a restricted area who is not authorized to be in that area, commits an offence and shall be liable upon conviction to a fine not exceeding \$1,000 for the first offence and a fine to be calculated in increments of \$1,000 for each subsequent offence.

G. Harmon
Clerk of the Executive Council

These Regulations are administered by the Ministry of Transport.

BY AUTHORITY:
Cook Islands Government - 2004



APPENDIX I

Form of the International Ship Security Certificate

COOK ISLANDS
INTERNATIONAL SHIP SECURITY CERTIFICATE

Certificate Number

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)

Under the authority of the Government of Cook Islands

by the **Secretary** of Transport.

Name of ship:.....
 Distinctive number or letters:.....
 Port of registry:.....
 Type of ship:.....
 Gross tonnage:.....
 IMO Number:.....
 Name and address of the Company:.....

THIS IS TO CERTIFY:

- 1 That the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of part A of the ISPS Code;
- 2 That the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code;
- 3 That the ship is provided with an approved Ship Security Plan.

Date of initial / renewal verification on which this certificate is based

This Certificate is valid until
 subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code.

Issued at Rarotonga by the **Secretary** of Transport
 _____ (signature)

Issued on theday of 20..... (Seal or Stamp)

ENDORSEMENT FOR INTERMEDIATE VERIFICATION

THIS IS TO CERTIFY that at an intermediate verification required by section 19.1.1 of part A of the ISPS Code the ship was found to comply with the relevant provisions of chapter XI-2 of the Convention and part A of the ISPS Code.

Intermediate verification -

Signed

(Signature of Secretary of Transport)

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

ENDORSEMENT FOR ADDITIONAL VERIFICATIONS*

Additional verification -

Signed

(Signature of Secretary of Transport)

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

Additional verification -

Signed

(Signature of Secretary of Transport)

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

Additional verification -

Signed

(Signature of Secretary of Transport)

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

* This part of the certificate shall be adapted by the Maritime Administration to indicate whether it has established additional verifications as provided for in section 19.1.1.4.

**ADDITIONAL VERIFICATION IN ACCORDANCE WITH SECTION
A/19.3.7.2 OF THE ISPS CODE**

THIS IS TO CERTIFY that at an additional verification required by section 19.3.7.2 of part A of the ISPS Code the ship was found to comply with the relevant provisions of chapter XI-2 of the Convention and part A of the ISPS Code.

Additional verification -

Signed

*(Signature of **Secretary** of Transport)*

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS
THAN 5 YEARS WHERE SECTION A/19.3.3 OF THE ISPS CODE APPLIES**

The ship complies with the relevant provisions of part A of the ISPS Code, and the Certificate shall, in accordance with section 19.3.3 of part A of the ISPS Code, be accepted as valid until the day of 20.....

Signed

*(Signature of **Secretary** of Transport)*

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL VERIFICATION HAS BEEN
COMPLETED AND SECTION A/19.3.4 OF THE ISPS CODE APPLIES**

The ship complies with the relevant provisions of part A of the ISPS Code, and the Certificate shall, in accordance with section 19.3.4 of part A of the ISPS Code, be accepted as valid until the day of 20.....

Signed

*(Signature of **Secretary** of Transport)*

At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE
UNTIL REACHING THE PORT OF VERIFICATION WHERE SECTION
A/19.3.5 OF THE ISPS CODE APPLIES OR FOR A PERIOD OF GRACE
WHERE SECTION A/19.3.6 OF THE ISPS CODE APPLIES**

This Certificate shall, in accordance with section 19.3.5 / 19.3.6* of part A of the ISPS Code, be accepted as valid until the day of 20.....

Signed
(Signature of *Secretary* of Transport)
At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

**ENDORSEMENT FOR ADVANCEMENT OF EXPIRY DATE
WHERE SECTION A/19.3.7.1 OF THE ISPS CODE APPLIES**

In accordance with section 19.3.7.1 of part A of the ISPS Code, the new expiry date** is the day of 20.....

Signed
(Signature of *Secretary* of Transport)
At Rarotonga on theday of..... 20.....

(Seal or Stamp of the authority, as appropriate)

* Delete as appropriate.

** In case of completion of this part of the certificate the expiry date shown on the front of the certificate shall also be amended accordingly.



APPENDIX II

Form of the Interim International Ship Security Certificate

COOK ISLANDS

INTERIM INTERNATIONAL SHIP SECURITY CERTIFICATE

Certificate No.

Issued under the provisions of the

**INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)**

Under the authority of the Government of the Cook Islands
by the **Secretary** of Transport.

Name of ship:

Distinctive number or letters:

Port of registry:

Type of ship:

Gross tonnage:

IMO Number:

Name and address of the Company:

.....

Is this a subsequent, consecutive interim certificate? Yes/ No*

If Yes, date of issue of initial interim certificate:

THIS IS TO CERTIFY THAT the requirements of section A/19.4.2 of the ISPS Code
have been complied with.

This Certificate is issued pursuant to section A/19.4 of the ISPS Code.

Date of initial / renewal verification on which this certificate is based

This Certificate is valid until

subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code.

Issued at Rarotonga by the **Secretary** of Transport _____ (signature)

Issued on the day of 20.... _____ (Seal or Stamp)

* Delete as appropriate



APPENDIX III

Form of the International Port Security Certificate

COOK ISLANDS

STATEMENT OF COMPLIANCE OF A PORT OR PORT FACILITY

Certificate Number

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)

Under the authority of the Government of the Cook Islands

by the Secretary of Transport

Name of Facility:

Address:

Telephone: Fax:

..... Chief Executive Officer E:mail

Port Facility Security Officer and Contact Details

..... Harbour Master E:mail

Telephone: Fax: Mobile

THIS IS TO CERTIFY THAT the requirements of the provisions of SOLAS Chapter XI-2 and part A of the ISPS Code have been complied with.

Date of initial / renewal verification on which this certificate is based

This Certificate is valid until

Issued at Rarotonga by the Secretary of Transport _____ (signature)

Issued on the day of 20.... _____ (Seal or Stamp)



APPENDIX IV

Form of a Declaration of Security between a ship and a port facility *

COOK ISLANDS

DECLARATION OF SECURITY

Name of Ship:	
Port of Registry:	
IMO Number:	
Name of Port Facility:	

This Declaration of Security is valid from until, for the following activities

.....
(list the activities with relevant details)

under the following security levels

Security level(s) for the ship:	
Security level(s) for the port facility:	

The port facility and ship agree to the following security measures and responsibilities to ensure compliance with the requirements of Part A of the International Code for the Security of Ships and of Port Facilities.

Activity	The affixing of the initials of the SSO or PFSO under these columns indicates that the activity will be done, in accordance with relevant approved plan, by	
	The port facility:	The ship
Ensuring the performance of all security duties		
Monitoring restricted areas to ensure that only authorized personnel have access		
Controlling access to the port facility		
Controlling access to the ship		
Monitoring of the port facility, including berthing areas and areas surrounding the ship		
Monitoring of the ship, including berthing areas and areas surrounding the ship		
Handling of cargo		
Delivery of ships stores		

* This form of Declaration of Security is for use between a ship and a port facility. If the Declaration of Security is to cover two ships this model should be appropriately modified.
SOLAS/CONF.5/34

Handling unaccompanied baggage		
Controlling the embarkation of persons and their effects		
Ensuring that security communication is readily available between the ship and port facility		

The signatories to this agreement certify that security measures and arrangements for both the port facility and the ship during the specified activities meet the provisions of chapter XI-2 and Part A of Code that will be implemented in accordance with the provisions already stipulated in their approved plan or the specific arrangements agreed to and set out in the attached annex.

Dated at on the

Signed for and on behalf of:	
the Port Facility:	the ship
<i>(Signature of Port Facility Security Officer)</i>	<i>(Signature of Master or Ship Security Officer)</i>

Name and title of person who signed	
Name:	Name:
Title:	Title:

Contact Details (to be completed as appropriate) (indicate the telephone numbers or the radio channels or frequencies to be used)	
for the port facility:	for the ship:

Port Facility
Port Facility Security Officer

Master
Ship Security Officer
Company
Company Security Officer

**COOK ISLANDS****APPENDIX V****THREAT/INCIDENT REPORT****PORT OR PORT FACILITY****General information**

Name of Port/ Facility:

Person providing Report:

Date : Time: Location:

Type of occurrence (e.g. bomb/ sabotage threat, unauthorised entry, suspect device, extortion, etc)

.....

Description of threat/ incident

.....

.....

.....

.....

.....

.....

.....

Alleged offender(s)

Name: Nationality:

Name: Nationality:

Name: Nationality:

Name: Nationality:

Nature and severity of any injuries sustained by others

Name: link to port: Injury:

Name: link to port: Injury:

Name: link to port: Injury:

Name: link to port: Injury:

Circumstances surrounding device(s) used

Type of Device(s):

.....

Method of introduction (c.g. passenger, baggage, cargo, stores, etc):

.....

.....

Security measures circumvented:

.....

.....

Proposed measures and procedures to prevent recurrence of a similar event?

.....

.....

.....

Other pertinent details

.....

.....

.....

.....

.....

.....

.....

.....

Reporting Officer

Signature: Name (printed):

Designation: Date:

Upon receipt of this report the PSO shall forward a copy to the Ministry.



APPENDIX VI

THREAT/INCIDENT REPORT

SHIP

General information

Name of Ship:

Person providing Report:

Date : Time: Location:

Type of occurrence (e.g. bomb/ sabotage threat, unauthorised entry, passenger incident, suspect device, etc)

.....

Description of threat/ incident

.....

.....

.....

.....

.....

.....

.....

Alleged offender(s)

No. Passengers: No. Crew: Other:

Name: Nationality: Embarked:

Name: Nationality: Embarked:

Name: Nationality: Embarked:

Nature and severity of any injuries sustained by passengers, crew or others

Name: Crew/ Pass/ Other: Injury:

Name: Crew/ Pass/ Other: Injury:

Name: Crew/ Pass/ Other: Injury:

Name: Crew/ Pass/ Other: Injury:

Circumstances surrounding device(s) used

Type of Device(s):

.....

Method of introduction (e.g. passenger, baggage, cargo, stores, etc):

.....

.....

Security measures circumvented:

.....

.....

Proposed measures and procedures to prevent recurrence of a similar event?

.....

.....

.....

Other pertinent details

.....

.....

.....

.....

.....

.....

.....

Reporting Officer

Signature: Name (printed):

Designation: Date:

Upon receipt of this report the CSO shall forward a copy to the Ministry.