

Examined and certified by:



Clerk of the Parliament

In the name and on behalf of His Majesty King Charles III, I hereby assent to this Act
this 21st day of February, 2024




King's Representative

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	Section 227 amended (Regulations)	1
5	New section 229A inserted (Fee for attendance of immigration officers and designated officers)	2
6	New sections 250A to 250C inserted	2

An Act to amend the Cook Islands Immigration Act 2021 to enable the Crown to recover the cost of officers attending the arrival and departure of craft.

The Parliament of the Cook Islands enacts as follows—

- 1 Title**
This Act is the Cook Islands Immigration Amendment Act 2024.
- 2 Commencement**
This Act comes into force on the day after the date it is assented to by the King's Representative.
- 3 Principal Act amended**
This Act amends the Cook Islands Immigration Act 2021.
- 4 Section 227 amended (Regulations)**
After section 227(4), insert:
 - “(5) Regulations under subsection (2)(d) may—
 - “(a) prescribe the persons liable to pay the fees or charges;
 - “(b) prescribe when the fees or charges must be paid;
 - “(c) make different provision for different cases on any differential basis.
 - “(6) Fees and charges payable under this Act are a debt due to the Crown and may be recovered in any court of competent jurisdiction.”

- 5 **New section 229A inserted (Fee for attendance of immigration officers and designated officers)**
After section 229, insert:
- “229A Fee for attendance of immigration officers and designated officers**
“(1) This section applies if immigration officers or designated officers are required to attend the arrival or departure of a craft in or from the Cook Islands for the purpose of performing their functions under this Act.
“(2) The carrier must pay the prescribed fee (if any) for the attendance.”
- 6 **New sections 250A to 250C inserted**
After section 250, insert:
- “250A Transitional provision relating to Cook Islands Immigration Amendment Act 2024: fees generally**
“(1) Section 227(5) (as inserted by the amendment Act) applies, and always has applied, in relation to a fee or charge prescribed under section 227(2)(d) before the amendment Act comes into force.
“(2) Section 227(6) (as inserted by the amendment Act) applies, and always has applied, in relation to a fee or charge that becomes payable under this Act before the amendment Act comes into force.
“(3) In this section and sections 250B and 250C, **amendment Act** means the Cook Islands Immigration Amendment Act 2024.
- “250B Transitional provision relating to Cook Islands Immigration Amendment Act 2024: fee for attendance of immigration officers and designated officers**
“(1) This section applies if—
“(a) immigration officers or designated officers are required to attend the arrival or departure of a craft in or from the Cook Islands for the purpose of performing their functions under this Act; and
“(b) the attendance occurs within the period that starts 6 months before the amendment Act comes into force and ends on the earlier of the following:
“(i) 3 months after the amendment Act comes into force;
“(ii) immediately before the first regulations to prescribe a fee for the purposes of section 229A (the **regulations**) come into force; and
“(c) a requirement of the kind described in section 250C has not been imposed on the carrier in relation to the attendance.
“(2) The carrier must pay the fee prescribed by the regulations by the date notified in writing to the carrier by the principal immigration officer.
“(3) The regulations otherwise apply (with any modification prescribed by the regulations) to a fee payable under this section as if it were payable under section 229A.
- “250C Validation relating to Cook Islands Immigration Amendment Act 2024**
“(1) This section applies if, before the amendment Act comes into force,—
“(a) immigration officers or designated officers are required to attend the arrival or departure of a craft in or from the Cook Islands for the purpose of performing their functions under this Act; and

- “(b) the carrier is required to pay costs incurred by the Department or another government agency in relation to the attendance of those officers; and
- “(c) the amount required is no more than the actual and reasonable costs incurred.
- “(2) The requirement is and always has been validly imposed.
- “(3) An amount required to be paid is and always has been a debt due to the Crown and may be recovered accordingly.
- “(4) Payment received as a result of the requirement is and always has been lawfully collected and applied.”

This Act is administered by the Ministry of Foreign Affairs and Immigration.

Printed under the authority of the Cook Islands Parliament—2024
