

Examined and certified by:



Acting Clerk of the Parliament

In the name and on behalf of Her Majesty Queen Elizabeth the Second I hereby assent to  
 this Act this 4<sup>th</sup> day of May, 2020



  
 Queen's Representative

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An Act to—

- (a) update customs legislation to be consistent with the provisions of the Pacific Agreement on Closer Economic Relations Plus (PACER Plus Agreement); and
- (b) enhance the consistency of the principal Act with equivalent legislation overseas and international standards; and
- (c) make other technical and drafting improvements.

The Parliament of the Cook Islands enacts as follows—

- 1 **Title**  
This Act is the Customs Legislation Act 2020.
- 2 **Commencement**  
This Act comes into force on 1 July 2020.

### Part 1

#### Amendments to Customs Revenue and Border Protection Act 2012

- 3 **Principal Act amended in this Part**  
This Part amends the Customs Revenue and Border Protection Act 2012.
- 4 **New sections 50A and 50B inserted**  
The following sections are inserted after section 50:
  - “50A **Access includes access to craft or passenger databases and systems**  
A person who is required to give Customs access to information under section 48 or section 49 must also give Customs access to databases or systems where the information is stored, managed or processed.
  - “50B **Other arrival and departure information**  
Customs may, for the purposes of passenger and crew processing, monitoring the movement of craft and persons, and border security, collect any of the following information about craft and persons arriving in, or departing from, the Cook Islands:
    - “(a) details of craft movements, including the craft name and registration number or identifier, estimated date and time of arrival or departure, and place of origin and destination:
    - “(b) personal information, including the person’s name, date of birth, sex, biometric information, passport number, nationality, and travel movements.”
- 5 **Controls on use by Customs of information**
  - (1) Section 51(1) is amended by, after “section 48”, inserting “and section 49”.
  - (2) Section 51 is amended by repealing subsection (2).
  - (3) Section 51(3) is amended by omitting “sections 52 to 55” and substituting “section 54”.
- 6 **Sections 52 and 53 repealed**  
Sections 52 and 53 are repealed.
- 7 **Search and viewing warrants**  
Section 54(1) is amended by repealing paragraph (c).
- 8 **Cook Islands certificates of origin for goods for export to party to free trade agreement**  
Section 75 of the principal Act is amended by repealing subsections (4) and (5) and substituting the following:

- “(4) The Queen’s Representative may, by Order in Executive Council, declare a country that is a party to a free trade agreement to be a specified party for the purposes of this Act.
- “(5) In this section **free trade agreement** means an international trade agreement to which the Cook Islands is a party.”

**9 Part 13 heading replaced**

The Part 13 heading is repealed and the following heading substituted:

**“Part 13  
“Customs automated systems”**

**10 Access to Customs computerised entry processing systems**

- (1) The heading to section 163 is amended by omitting “**computerised entry processing**” and substituting “**automated**”.
- (2) Section 163 is amended by omitting “computerised entry processing” and substituting “automated”.

**11 Registered users**

Section 164 is amended by omitting “computerised entry processing” in each place where it appears and substituting in each case “automated”.

**12 Registered users to be allocated unique user identifier**

Section 165 is amended by omitting “computerised entry processing” in each place where it appears and substituting in each case “automated”.

**13 Use of unique user identifier**

Section 166 is amended by omitting “computerised entry processing” and substituting “automated”.

**14 Customs to keep records of transmission**

Section 169 is amended by omitting “computerised entry processing” and substituting “automated”.

**15 Unauthorised access to or improper use of Customs computerised entry processing system**

- (1) The heading to section 236 is amended by omitting “**computerised entry processing**” and substituting “**automated**”.
- (2) Section 236 is amended by omitting “**computerised entry processing**” in each place where it appears, and substituting in each case “**automated**”.

**16 Interference with Customs computerised entry processing system**

- (1) The heading to section 237 is amended by omitting “**computerised entry processing**” and substituting “**automated**”.
- (2) Section 237 is amended by omitting “computerised entry processing” in each place where it appears and substituting “automated”.

**17 Offences in relation to security of, or unauthorised use of, unique user identifiers**

Section 238 is amended by omitting “computerised entry processing” in each place where it appears and substituting in each case “automated”.

**Part 2**  
**Amendments to Customs Tariff Act 2012**

- 18 Principal Act amended in this Part**  
This Act amends the Customs Tariff Act 2012.
- 19 Section 20A amended**  
Section 20A is amended by repealing the definition of **free trade agreement** and substituting the following definition:  
“**free trade agreement** means an international trade agreement to which the Cook Islands is a party.”
- 20 Section 22E amended**  
Section 22E(1)(b)(i) is amended by omitting the word “**PICTA**”, and substituting the words “**free trade agreement**”.

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This Act is administered by the Revenue Management Division of the Ministry of Finance  
and Economic Management.

Printed under the authority of the Cook Islands Parliament—2020.

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