

Hon. Mark Brown

Seabed Minerals Amendment Bill 2021

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An Act to amend the Seabed Minerals Act 2019 to—

- (a) **clarify that only companies incorporated in the Cook Islands and that are registered under the Companies Act 2017 may apply for a prospecting permit, an exploration or mining licence, or a sponsorship certificate; and**
- (b) **include transitional provisions for licence applications that have not yet been determined.**

The Parliament of the Cook Islands enacts as follows—

- 1 Title**
This Act is the Seabed Minerals Amendment Act 2021.
- 2 Commencement**
This Act comes into force on the day after the date it is assented to by the Queen's Representative.
- 3 Principal Act amended**
This Act amends the Seabed Minerals Act 2019 (the **principal Act**).

- 4 Section 6 amended (Interpretation)**
In section 6(1), repeal the definitions of **applicant** and **body corporate**.
- 5 Section 53 amended (Grant of prospecting permit)**
Replace section 53(2) with:
“(2) An application for a prospecting permit may only be made by a person that is a company incorporated in the Cook Islands and that is registered under the Companies Act 2017.”
- 6 Section 58 amended (Exploration and mining within Cook Islands national jurisdiction)**
In section 58, replace “who is a body corporate holding” with “who holds”.
- 7 Section 59 amended (Application for a licence)**
Replace section 59(2) with:
“(2) An application for a licence may only be made by a person that is a company incorporated in the Cook Islands and that is registered under the Companies Act 2017.”
- 8 Section 64 amended (Qualification criteria for grant of licence)**
Before section 64(a), insert:
“(aaa) the applicant is a company incorporated in the Cook Islands and that is registered under the Companies Act 2017:”
- 9 Section 119 amended (Interpretation)**
In section 119(1), definitions of **sponsored party** and **sponsorship applicant**, replace “body corporate” with “company”.
- 10 Section 120 amended (Scope of this Part)**
In section 120(1)(b), omit “established under this Act”.
- 11 Section 134 amended (Qualification criteria)**
Replace section 134(2)(a)(i) with:
“(i) is a company incorporated in the Cook Islands and that is registered under the Companies Act 2017, or is a Cook Islands state enterprise; and”.
- 12 Section 138 amended (Terms of sponsorship certificate)**
Replace section 138(b)(i) with”
“(i) a company incorporated in the Cook Islands and that is registered under the Companies Act 2017 or a Cook Islands state enterprise; or”
- 13 New section 181A inserted (Transitional provisions relating to Seabed Minerals Amendment Act 2021)**
After section 181, insert:
“**181A Transitional provisions relating to Seabed Minerals Amendment Act 2021**
“(1) Section 64(aaa) applies to licence applications—

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- “(a) made on or after the date that the Seabed Minerals Amendment Act 2021 comes into force; and
- “(b) made before the date that the Seabed Minerals Amendment Act 2021 comes into force and that has not been either granted or declined under section 70 before that date.
- “(2) In the case of a licence application made before the date that the Seabed Minerals Amendment Act comes into force, the application of section 64(aaa) is not affected by any determination by the Authority under the Seabed Minerals (Exploration) Regulations 2020 that the application complies with prescribed requirements or is otherwise complete.
- “(3) No compensation or damages is or are payable by the Crown to any person for any loss or damage arising from the application or operation of the Seabed Minerals Amendment Act 2021.

This Act is administered by the Seabed Minerals Authority.
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