



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 120

Rarotonga.

Mr Speaker,

Pursuant to section 34r and 36 of the COVID-19 Act 2020, the Regulations Act 1971-72 and the Legislative Service Act 1968-69, I have the honour to submit the COVID-19 (Air Border Entry Requirements) Regulations 2021, Serial No. 2021/15

I have the honour to be,

Sir

Bob Williams
Secretary of Health

The HON. VAINETUTAI ROSE TOKI-BROWN, Minister Responsible for Health



COVID-19 (Air Border Entry Requirements) Regulations 2021

Sir Tom J. Marsters, KBE

Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this 23rd day of December 2021

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to sections 34 and 36 of the COVID-19 Act 2020, His Excellency the Queen's Representative, after approval of the Secretary of Health and acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Regulations

- 1 Title**
These regulations are the COVID-19 (Air Border Entry Requirements) Regulations 2022.
- 2 Commencement**
These regulations come into force on **10 January 2022**.
- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
- Act** means the COVID-19 Act 2020
- air carrier**, in relation to an aircraft—
- means the owner or charterer of the aircraft; and
 - if the owner or charterer is not in the Cook Islands, includes the agent in the Cook Islands for the owner or charterer; and
 - if there is no agent in the Cook Islands, includes the person in charge of the aircraft
- air crew member** means any person who—
- is identified as a crew member on the crew manifest for the aircraft on which they arrive in the Cook Islands; or

- (b) is not identified as a crew member on that manifest but is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant

at-home quarantine means quarantine in accordance with regulation 17

Cook Islander—

- (a) means a person who is part of the Maori race indigenous to the Cook Islands; and
- (b) includes a person descended from a person referred to in paragraph (a)

delayed or rebooked, in relation to a person's flight to the Cook Islands, means—

- (a) the person's flight is delayed for a period of more than 12 hours but less than 24 hours; or
- (b) the person's booking is cancelled for any reason and the person is subsequently rebooked for departure more than 12 hours but less than 24 hours after the cancellation

evidence of vaccination means evidence that complies with regulation 12

managed quarantine means quarantine in accordance with regulation 18

medical exemption means—

- (a) a medical exemption granted by the Secretary under regulation 15; or
- (b) a COVID-19 vaccination exemption granted by the New Zealand Director-General of Health

medical practitioner includes a medical practitioner registered and entitled to practise in New Zealand

Ministry means the Ministry of Health

online COVID-19 information form means a form on a website maintained by or on behalf the Government requiring particular COVID-19 related information to be provided as directed by the Secretary

permanent resident means a person who is a permanent resident of the Cook Islands (including honorary permanent residents) under the Entry, Residence and Departure Act 1971-72 or any successor Act, and includes a child of a permanent resident

permit holder—

- (a) means a person, other than a Cook Islander or permanent resident, who holds a permit or visa that allows them to reside in the Cook Islands for the duration of the permit or visa; but
- (b) does not include a person who holds a visitor permit

physical distancing means that a person remains at least 1 metre away from any other person, so far as is reasonably practicable

RT-PCR test means an RT-PCR test for SARS-CoV-2 viral ribonucleic acid using reverse transcription polymerase chain reaction

SARS-CoV-2 means severe acute respiratory syndrome coronavirus 2

Secretary means the Secretary of Health

supervised rapid antigen test means a test for antigens specific to SARS-CoV-2 administered by a medical laboratory technician, medical practitioner, nurse, or pharmacist, in New Zealand, that produces a result in less than 1 hour

vaccinated, in relation to a person, means that the person is vaccinated under regulation 11, and **unvaccinated** has a corresponding meaning

visitor permit means a permit allowing a person a single entry to the Cook Islands, whether the person is travelling for recreation, business, or other purposes.

- (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

4 Application of regulations

These regulations apply to the entry, by aircraft, of persons from overseas destinations to the Cook Islands.

Part 1

Restrictions on entry to Cook Islands

5 Entry requirements for group 1

- (1) A person in group 1 may only enter the Cook Islands if the person complies with the requirements in Schedule 1.
- (2) A person is in **group 1** if the person is seeking to enter the Cook Islands—
- (a) on a visitor permit; or
 - (b) otherwise than on a visitor permit and the person is not in group 2 or 3.

6 Entry requirements for group 2

- (1) A person in group 2 may only enter the Cook Islands if the person complies with the requirements in Schedule 2.
- (2) A person is in **group 2** if the person is a permit holder.

7 Entry requirements for group 3

- (1) A person in group 3 may only enter the Cook Islands if the person complies with the requirements in Schedule 3.
- (2) A person is in **group 3** if the person is a Cook Islander or permanent resident.

8 Persons entitled to diplomatic immunity exempt from entry requirements

- (1) A person entitled to diplomatic immunity is exempt from the requirements in these regulations.
- (2) In subclause (1), **diplomatic immunity** means any immunity from jurisdiction—
- (a) under the Diplomatic Privileges and Immunities Act 1968, the Consular Privileges and Immunities Act 1971, or the New Zealand Representative Act 1980; or
 - (b) by any order under any of those Acts.

9 Aircrew exempt from entry requirements

- (1) An aircrew member of an aircraft, that has travelled from overseas to the Cook Islands or is about to fly overseas from the Cook Islands, is exempt from the requirements of these regulations.

- (2) The exemption in subclause (1) only applies if the aircrew member complies with any conditions imposed by the Secretary of Foreign Affairs and Immigration in writing and notified to the air carrier responsible for the aircraft on which the person is an aircrew member.

10 Secretary may waive entry requirements

- (1) The Secretary may, after consultation with the Secretary of Foreign Affairs and Immigration, waive any or all of the requirements in these regulations—
- (a) if there is, or has been, a medical emergency or natural disaster that makes it impracticable for the requirements to be complied with;
 - (b) if critical work needs to be urgently carried out that makes it impracticable for the requirements to be complied with;
 - (c) if the requirements should be waived on compassionate or humanitarian grounds.
- (2) A waiver may be for a person or a class of persons.
- (3) A waiver must be in writing.

Part 2
Provisions applying to entry restrictions

Vaccination

11 COVID-19 vaccines

- (1) A person is **vaccinated** if the person has received at least all of the doses of any of the COVID-19 vaccines specified in Schedule 4.
- (2) The person must be vaccinated at least 14 days before the scheduled departure date of their journey to the Cook Islands.

12 Evidence of vaccination

- (1) **Evidence of vaccination** for a person is an electronic or hard copy document that confirms—
- (a) that the person has received a COVID-19 vaccine; and
 - (b) the name of the COVID-19 vaccine that the person has received; and
 - (c) the name of the Government or national agency that issued the certificate; and
 - (d) the date on which the person received—
 - (i) the dose of the COVID-19 vaccine, if only 1 dose is specified for that vaccine in Schedule 4; or
 - (ii) the last dose of the COVID-19 vaccine, if more than 1 dose is specified for that vaccine in Schedule 4.
- (2) The Secretary of Health may accept as evidence of vaccination a document that does not comply with subclause (1), if the Secretary considers that the document provides satisfactory evidence that the person is vaccinated.

*Medical exemptions from vaccination requirements***13 Application for medical exemption from vaccination requirements**

- (1) A medical practitioner may apply to the Secretary for a medical exemption on behalf of a person who is unvaccinated.
- (2) An application may only be made on the ground in regulation 14.
- (3) An application must be in a form approved by the Secretary.
- (4) The person must—
 - (a) certify that the information they have provided to the applicant for the purposes of making the application is accurate; and
 - (b) sign the application.
- (5) An application must be accompanied by a certificate signed by the applicant certifying that they—
 - (a) have reviewed the person's medical history and assessed the person's state of health; and
 - (b) reasonably believe that the person meets the requirements of the ground in regulation 14.
- (6) The applicant must state the reasons for believing that the person meets the requirements of the ground in regulation 14.
- (7) On receiving an application, the Secretary may ask the applicant or person to provide any evidence or further information that the Secretary reasonably requires for the purposes of deciding whether to grant the application.

14 Ground for grant of medical exemption

- (1) The ground for granting a medical exemption is that the person on whose behalf an application is made cannot receive a COVID-19 vaccine because the vaccine is contraindicated for the person and a suitable alternative vaccine is not readily available.
- (2) To avoid doubt, the following are not valid reasons for granting a medical exemption for a person:
 - (a) the person has had a negative experience with other vaccines;
 - (b) the person is disabled;
 - (c) the person is pregnant.

15 Grant of medical exemption

- (1) The Secretary may grant the application if the Secretary is satisfied, on the basis of the evidence or other information provided, that the person on whose behalf an application is made meets the requirements of the ground in regulation 14.
- (2) A medical exemption is valid for the period that the Secretary determines.

*Negative RT-PCR test***16 Evidence of negative RT-PCR test**

A person required to provide evidence of a negative result from an RT-PCR test must provide an electronic or hard copy document that confirms—

- (a) the person's name; and
- (b) the person's date of birth or passport number; and

- (c) the date and time the test was conducted; and
- (d) the name of the laboratory that carried out the test; and
- (e) the type of test carried out; and
- (f) the test result.

At-home quarantine

17 At-home quarantine

- (1) A person required to enter at-home quarantine under these regulations must comply with the requirements in this regulation throughout their period of at-home quarantine.
- (2) The person must notify the Ministry, in the manner approved by the Secretary, of—
 - (a) the address of the residence or other accommodation that they intend to be their place of at-home quarantine; and
 - (b) an email address and telephone number, if possible, at which they may be contacted.
- (3) The person must remain at the accommodation notified to the Ministry, except as permitted by this regulation.
- (4) The person must maintain physical distancing (to the greatest extent practicable) from every person in or outside their place of at-home quarantine.
- (5) The person must not permit any other person to enter their accommodation unless—
 - (a) the place is a residence at which the other person lives; or
 - (b) the entry is for home-help services (excluding cleaning services) for persons who require assistance because of sickness or disability.
- (6) The person must report for, and undergo, medical examination and testing for COVID-19 as required by the Act or these regulations or as directed by a health officer.
- (7) For the purposes of preserving or protecting the relevant person's or another person's life, health, or safety in an emergency, or if permitted by the Secretary,—
 - (a) the person may leave the accommodation, despite subclause (3):
 - (b) the person may permit another person to enter the accommodation, despite subclause (5):
 - (c) the person is not required to report for, or undergo, medical examination and testing, despite subclause (6).

Managed quarantine

18 Managed quarantine

- (1) A person required to enter managed quarantine under these regulations must comply with the requirements in this regulation throughout their period of managed quarantine.
- (2) The person must remain at a managed quarantine facility directed by the Secretary.

- (3) The person must travel from the airport at which they entered the Cook Islands to the managed quarantine facility in accordance with directions of the Secretary.
- (4) Throughout the period during which the person is at the airport and travelling from the airport to their managed quarantine facility, they must,—
 - (a) to the greatest extent practicable, maintain physical distancing from all other persons (other than fellow travellers); and
 - (b) wear personal protective equipment as directed by a health officer.
- (5) The person must comply with all conditions of any quarantine order or category quarantine order made under the Act.
- (6) A person may be ordered into isolation under section 13 of the Act from, after, or instead of, managed quarantine under this regulation.
- (7) The person may leave the managed quarantine facility, despite subclause (2),—
 - (a) for the purposes of preserving or protecting the relevant person's or another person's life, health, or safety in an emergency; or
 - (b) if the person is permitted to leave by the Secretary.

Charges for managed quarantine

19 Charges for stay in managed quarantine facility

- (1) A person required to enter a managed quarantine facility under these regulations must pay charges for costs incurred by the Cook Islands Government in respect of the managed quarantine.
- (2) The charges payable are specified in Schedule 5.
- (3) The Secretary may determine that a lesser charge is payable in respect of a person who stays in a managed quarantine facility for less than 10 days. The lesser charge must be calculated on a pro rata basis (rounded up to a number of whole days).
- (4) All adults in a room are jointly and severally liable to pay any charges that apply in respect of themselves and their fellow residents.
- (5) Charges are inclusive of VAT.
- (6) Charges are not payable for at-home quarantine.

20 Secretary of Finance may waive charges in cases of undue financial hardship

- (1) The Secretary of Finance may waive, in whole or in part, the payment of charges payable by a person for managed quarantine if the Secretary of Finance considers that payment would cause the person undue financial hardship.
- (2) In considering whether to grant a person a waiver under subclause (1), the Secretary of Finance may take into account the following:
 - (a) the person's income;
 - (b) the person's outgoings (for example, mortgage or loan repayments);
 - (c) the person's assets;
 - (d) the person's liabilities;
 - (e) the person's reasons for travel.

- 21 Secretary of Finance may waive charges in other special circumstances**
- (1) The Secretary of Finance may waive, in whole or in part, the payment of charges payable by a person for managed quarantine if the person establishes, to the satisfaction of the Secretary of Finance, that a waiver is justified by special circumstances.
- (2) In subclause (1), **special circumstances** may include, without limitation, circumstances in which—
- (a) a person has left the Cook Islands for the purposes of accompanying back to the Cook Islands a person who has a condition or disability that means they are unable to travel alone; or
 - (b) a person has travelled to the Cook Islands, or is returning to the Cook Islands having travelled overseas, for the purposes of obtaining medical treatment; or
 - (c) a person enters managed quarantine to care for a person who has a condition or disability that means they require care; or
 - (d) a person enters managed quarantine as guardian for an unvaccinated person under 18 years old who travelled to the Cook Islands unaccompanied; or
 - (e) a person has entered managed quarantine after being rescued, or having performed a rescue, at sea.
- 22 When charges payable**
- (1) A person who is required to enter managed quarantine on entry to the Cook Islands—
- (a) must pay the charges before their arrival in the Cook Islands; and
 - (b) is not allowed to enter the Cook Islands if payment has not been made.
- (2) However, the Secretary of Finance may agree to defer the time for payment if the Secretary considers that a deferment is appropriate in the circumstances, and in that case the person may enter the Cook Islands.
- 23 How charges must be paid**
- (1) The Secretary of Finance may allow a person to pay charges for managed quarantine by specified instalments over a specified period if the Secretary considers that financial hardship would otherwise result.
- (2) In any other case, charges are payable in a manner determined in writing by the Secretary of Finance to be acceptable.

Obligations on air carriers

- 24 Obligations of carriers under these regulations**
- An air carrier must not allow a person to travel to the Cook Islands who does not meet the requirements for entry in these regulations.

Schedule 1

Entry requirements for group 1

1. Entry requirements for group 1

- (1) A person in group 1 must—
 - (a) have been in New Zealand or the Cook Islands for a continuous period of at least 10 days before the scheduled departure date of their flight to the Cook Islands; and
 - (b) be vaccinated and provide evidence of vaccination; and
 - (c) have completed the online COVID-19 information form no earlier than 96 hours before the scheduled departure time of their flight to the Cook Islands; and
 - (d) provide a negative result from an RT-PCR test administered no earlier than 48 hours before the scheduled departure time of their flight to the Cook Islands.
- (2) If the person's flight is delayed or rebooked, the person must also provide a negative result from a supervised rapid antigen test administered no earlier than 12 hours before the new scheduled departure time of their flight to the Cook Islands.
- (3) However, if the person does not leave New Zealand on a flight to the Cook Islands within 24 hours after their original scheduled departure time, the entry requirements in subclause (1) must be complied with in relation to any new scheduled departure time.

Schedule 2

Entry requirements for group 2

1. Entry requirements for group 2

- (1) A person in group 2 must—
- (a) provide evidence, in accordance with clause 2, that the person is in group 2; and
 - (b) have been in New Zealand or the Cook Islands for a continuous period of at least 10 days before the scheduled departure date of their journey to the Cook Islands; and
 - (c) be vaccinated and provide evidence of vaccination, unless clause 3 applies; and
 - (d) have completed the online COVID-19 information form no earlier than 96 hours before the scheduled departure time of their journey to the Cook Islands; and
 - (e) provide a negative result from an RT-PCR test administered no earlier than 48 hours before the scheduled departure time of their journey to the Cook Islands.
- (2) If the person's flight is delayed or rebooked, the person must also provide a negative result from a supervised rapid antigen test administered no earlier than 12 hours before the new scheduled departure time of their flight to the Cook Islands.
- (3) However, if the person does not leave New Zealand on a flight to the Cook Islands within 24 hours after their original scheduled departure time, the entry requirements in subclause (1) must be complied with in relation to any new scheduled departure time.

2. Evidence that person in group 2

A person must provide evidence that they are in group 2 by showing the permit or visa that makes them a permit holder.

3. Exemptions from group 2 vaccination requirements

- (1) A group 2 exempted person is exempted from the requirement to be vaccinated.
- (2) However, a group 2 exempted person must comply with the requirements in clause 4 after entry to the Cook Islands.
- (3) In this clause, **group 2 exempted person** means a person in group 2 who—
- (a) has a medical exemption; or
 - (b) is under the age of 12 years and 3 months.

4. Additional requirements for group 2 exempted persons

A person who is a group 2 exempted person under clause 3 must—

- (a) enter, and remain in, at-home quarantine for 5 days after their arrival in the Cook Islands; and
- (b) undertake an RT-PCR test on—

- (i) the day of, or day after, their arrival in the Cook Islands; and
- (ii) the fifth day after their arrival in the Cook Islands.

Schedule 3

Entry requirements for group 3

1. Entry requirements for group 3

- (1) A person in group 3 must—
- (a) provide evidence, in accordance with clause 2, that the person is in group 3.
 - (b) have been in New Zealand or the Cook Islands for a continuous period of at least 10 days before the scheduled departure date of their journey to the Cook Islands; and
 - (c) notify the Ministry of their vaccination status and, if they state that they are vaccinated, provide evidence of vaccination; and
 - (d) have completed the online COVID-19 information form no earlier than 96 hours before the scheduled departure time of their journey to the Cook Islands; and
 - (e) provide a negative result from an RT-PCR test administered no earlier than 48 hours before the scheduled departure time of their journey to the Cook Islands.
- (2) Persons who are unvaccinated must comply with the additional requirements in clauses 3 and 4, as applicable.
- (3) If the person's flight is delayed or rebooked, the person must also provide a negative result from a supervised rapid antigen test administered no earlier than 12 hours before the new scheduled departure time of their flight to the Cook Islands.
- (4) However, if the person does not leave New Zealand on a flight to the Cook Islands within 24 hours after their original scheduled departure time, the entry requirements in subclause (1) must be complied with in relation to any new scheduled departure time.

2. Evidence that person in group 3

A person must provide evidence that they are in group 3 by,—

- (a) for a Cook Islander, showing—
 - (i) an endorsement in their passport stating that they are a Cook Islander; or
 - (ii) a letter from the Ministry of Foreign Affairs and Immigration confirming that the person has proved their status as a Cook Islander and that their passport will be endorsed on arrival in the Cook Islands; or
- (b) for a permanent resident, showing—
 - (i) an endorsement in their passport stating that they are a permanent resident or child of a permanent resident; or
 - (ii) a letter from the Ministry of Foreign Affairs and Immigration confirming that the person is a permanent resident.

3. Additional requirements for group 3 exempted persons

- (1) A group 3 exempted person must—
- (a) enter, and remain in, at-home quarantine for 5 days after their arrival in the Cook Islands; and
 - (b) undertake an RT-PCR test on—
 - (i) the day of, or day after, their arrival in the Cook Islands; and
 - (ii) the fifth day after their arrival in the Cook Islands.
- (2) This clause is subject to clause 5.
- (3) In this clause, **group 3 exempted person** means a person in group 3 who—
- (a) has a medical exemption; or
 - (b) is under the age of 12 years and 3 months.

4. Additional requirements for other unvaccinated persons

A person in group 3 who does not provide evidence of vaccination and is not a group 3 exempted person under clause 3 must—

- (a) enter, and remain in, managed quarantine for 10 days after their arrival in the Cook Islands; and
- (b) undertake an RT-PCR test on—
 - (i) the day of, or day after, their arrival in the Cook Islands; and
 - (ii) the fifth day after their arrival in the Cook Islands; and
 - (iii) the ninth day after their arrival in the Cook Islands.

5. Children must enter manage quarantine with adults

Children who are not required to be vaccinated but who are travelling with a person aged 18 years or older who is required to enter managed quarantine must enter managed quarantine with that person.

Schedule 4

COVID-19 vaccines

1. COVID-19 vaccines

The COVID-19 vaccines are as follows:

- (a) 2 doses of Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2):
- (b) 2 doses of AstraZeneca (Vaxzevria, AZD1222):
- (c) 2 doses of AstraZeneca (Covishield):
- (d) 2 doses of Moderna (Spikevax, mRNA-1273):
- (e) 2 doses of Sinopharm, Beijing (BBIBP-CorV, Sinopharm COVID-19 vaccine, BIBP vaccine, Covilo):
- (f) 2 doses of Sinovac (CoronaVac, Sinovac COVID-19 vaccine, PiCoVacc):
- (g) 2 doses of Bharat Biotech (Covaxin, BBV152):
- (h) 1 dose of Janssen/Johnson & Johnson (Janssen COVID-19 Vaccine, Ad26.COV2.S, Ad26COVS1, JNJ-78436735):
- (i) a COVID-19 vaccine (including a combination of doses of different vaccines), specified in writing by the Secretary and published on a publicly accessible website maintained by, or for, the Ministry.

Schedule 5

Charges for managed quarantine

1. Charges for room in managed quarantine facility

- (1) The charges for managed quarantine in a room are—
- (a) \$2,142 for the first person; and
 - (b) \$825 for an additional adult; and
 - (c) \$500 for each child who is aged 3 or over and less than 13 years; and
 - (d) \$250 for each child under 3 years old.

- (2) In this clause,—

the **first person** in a room is an adult in respect of whom charges are payable under this regulation

room means a room in a managed quarantine facility with capacity for adults and children in the room specified by the Ministry on a publicly accessible website maintained by the Ministry or on its behalf.

2. Charges for villa in managed quarantine facility

- (1) The charges for managed quarantine in a villa are—
- (a) \$3,350 for the first person; and
 - (b) \$790 for each additional adult; and
 - (c) \$500 for each child who is aged 3 or over and less than 13 years; and
 - (d) \$250 for each child under 3 years old.

- (2) In this clause,—

the **first person** in a room is an adult in respect of whom charges are payable under this regulation

villa means villa-type accommodation in a managed quarantine facility with capacity for adults and children in the accommodation specified by the Ministry on a publicly accessible website maintained by the Ministry or on its behalf.

JJ Harold Browne

Clerk of the Executive Council

These regulations are administered by the Ministry of Health.

These regulations were made on the _____ day of _____ 2021