



COVID-19 (Public Health Measures) Regulations 2022

Sir Tom J. Marsters, KBE

T. J. Marsters
Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this *29th* day of *April*, 2022

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to section 36 of the COVID-19 Act 2020, after approval by the Secretary of Health, His Excellency the Queen's Representative, 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 (Public Health Measures) Regulations 2022.

2 Commencement

These regulations come into force on 1 May 2022.

Part 1

Preliminary provisions

3 Application of regulations

- (1) Part 3 applies in relation to any travel to the Pa Enea, except Aitutaki.
- (2) The rest of these regulations apply to the whole of the Cook Islands.

4 Ministerial orders prevail in particular circumstances

- (1) Subclause (2) applies if a ministerial order is expressed to prevail over these regulations.
- (2) If there is an inconsistency between the ministerial order and these regulations, the ministerial order prevails.

5 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the COVID-19 Act 2020

air carrier, in relation to an aircraft,—

- (a) means the owner or charterer of the aircraft; and
- (b) if the owner or charterer is not in the Cook Islands, includes the agent in the Cook Islands for the owner or charterer; and
- (c) if there is no agent in the Cook Islands, includes the person in charge of the aircraft

airside means any part of an airport that is inaccessible to the general public but that is accessible to international arriving passengers

business or service includes a business or service that—

- (a) is a voluntary or not-for-profit service; and
- (b) is a private sector business or service; and
- (c) is a public sector business or service; and
- (d) provides space for other businesses or services to operate within (for example, a marketplace); and
- (e) provides facilities or venues for events or activities if people pay to attend an event or participate in an activity or pay to hire a facility or venue; and
- (f) provides facilities for the playing of sports

education facility means—

- (a) a primary or secondary school;

(b) a tertiary institution;

(c) a vocational training provider

face covering means a covering of any type that—

(a) covers the nose and mouth of a person; and

(b) is secured to the person's head by ear loops or a head loop

face covering rule has the meaning given in regulation 7

health facility means—

(a) a Government-operated health clinic;

(b) a hospital;

(c) a medical practitioner's clinic;

health professional means—

(a) the Director of Public Health appointed by the Ministry;

(b) a public health specialist appointed by the Ministry;

(c) a medical practitioner;

(d) a public health coordinator appointed by the Ministry;

(e) a public health protection officer appointed by the Ministry;

(f) a public health nurse;

(g) a health officer

health service means a service provided for the purpose of assessing, improving, protecting, or managing the physical or mental health of persons or groups of persons

medical practitioner means a medical practitioner registered and entitled to practise in the country where they practise

Ministry means the Ministry of Health

PCR test means a test for SARS-CoV-2 viral ribonucleic acid using polymerase chain reaction

public transport service—

(a) means a service for the carriage of passengers for hire or reward that is available to the public, including—

(i) a public bus; and

(ii) a school bus; and

(iii) an airport and tourist transfer service; and

(iv) a taxi; and

(b) includes a service described in paragraph (a) provided by means of a small passenger vehicle

rapid antigen test means a test for antigens specific to SARS-CoV-2 that produces a result in less than 1 hour, of a type specified by the Secretary in writing and listed on a publicly accessible website maintained by or on behalf of the Ministry

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

Secretary means the Secretary of Health

specified frontline worker has the meaning given in regulation 8

worker, in relation to a business or service, means any person who carries out work in any capacity for that business or service (whether paid or unpaid).

- (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.

6 Meaning of face covering rule

In these regulations, the **face covering rule** requires that a person must wear a face covering, except—

- (a) if the person—
 - (i) is under the age of 6 years; or
 - (ii) has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
- (b) when outdoors; or
- (c) when taking medicine; or
- (d) when eating or drinking; or
- (e) when in a defined or an enclosed space that is separate from the passenger area of a vehicle that is in use as part of a public transport service; or
- (f) when communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) when asked to remove the face covering to ascertain the person's identity; or
- (h) if wearing a face covering is not safe in all of the circumstances; or
- (i) when in an emergency; or
- (j) when removal of, or not wearing, the face covering is otherwise required or authorised by law.

7 Meaning of specified frontline worker

In these regulations, **specified frontline worker** means a worker—

- (a) who works at the Cook Islands border, including, but not limited to,—
 - (i) aircrew and the crew of vessels;
 - (ii) baggage handlers, airside workers, and port workers;
 - (iii) customs and immigration officials and other workers who interact with international arriving passengers;
- (b) who facilitates, supervises, or works in a quarantine or isolation facility or transports persons to a quarantine or isolation facility; or
- (c) who works at an education facility and who—
 - (i) may have contact with children or students in the course of carrying out that work; or
 - (ii) will be present at the education facility at a time when children or students are also present; or
- (d) who works at an early childcare service or who provides a home-based education and care service; or
- (e) who works at a health facility and who—
 - (i) may have contact with persons seeking or receiving a health service in the course of carrying out that work; or

- (ii) will be present at the health facility at a time when persons seeking or receiving a health service are also present; or
- (f) who provides a health service to patients in person.

Part 2

Public health measures

8 Face coverings

A person must comply with the face covering rule if the person is at a health facility.

9 Surveillance testing

- (1) Specified frontline workers may be required to submit to surveillance testing for COVID-19.
- (2) A specified frontline worker who refuses or fails to submit to surveillance testing without good reason must not continue working in that role until the worker provides a negative result from a PCR test.
- (3) The worker's employer may redeploy a worker who refuses or fails to submit to surveillance testing to another position and may terminate the worker's employment in accordance with the Employment Relations Act 2012 if another role is not available or is not agreed to by the worker.
- (4) In this regulation, **surveillance testing** means regular testing for COVID-19, either by a PCR test or a rapid antigen test, in accordance with directions in writing by the Secretary.

10 COVID-19 health and safety officer

- (1) A business or service (including a Government department or agency) with 2 or more employees must appoint a COVID-19 health and safety officer.
- (2) The business or service must provide the name and contact details of the COVID-19 health and safety officer to the Ministry.
- (3) The Ministry may—
 - (a) liaise with the health and safety officer about matters relating to the application of these regulations to the business or service; and
 - (b) require the health and safety officer to be released from duties at work (without deduction to their pay) to undergo training relating to managing and preventing the spread of COVID-19, including training to supervise rapid antigen tests.

Part 3

Travel to Pa Enua (except Aitutaki)

11 Travel to Pa Enua (except Aitutaki)

- (1) A person must not travel to the Pa Enua, except Aitutaki, unless, before departure for the Pa Enua, the person provides—
 - (a) evidence of a negative result from a rapid antigen test in accordance with subclause (2); or
 - (b) a letter or other document from a medical practitioner that confirms that—

- (i) the person has had COVID-19 within the 3-month period before their scheduled date of departure for the Pa Enua; and
 - (ii) the medical practitioner considers that the person is no longer infectious with COVID-19.
- (2) Evidence of a negative result from a rapid antigen test must be—
- (a) from a test taken, and supervised by a health professional, on the day of departure for the Pa Enua; and
 - (b) in a form approved by the Secretary.
- (3) A document provided by a medical practitioner under subclause (1)(b) must include—
- (a) the name of the person to which it relates and the date on which the person tested positive for, or was otherwise considered to be infected with, COVID-19; and
 - (b) the name and address of the medical practitioner who provided the document.

12 **Obligations of domestic air carriers**

A domestic air carrier must not allow a person to travel to the Pa Enua, except Aitutaki, if they do not meet the requirements in regulation 12.

Part 4 Other provisions

13 **Person must not provide false or misleading document**

A person must not provide a document or evidence required under these regulations that the person knows is false or misleading in any material particular.

14 **Enforcement**

A constable or health officer may take any action (including entry into premises) to ensure that these regulations are being complied with.

15 **Revocation**

The COVID-19 (Public Health Measures) Regulations 2021 are revoked.


 Clerk of the Executive Council

 These regulations are administered by the Ministry of Health.

These regulations were made on the 29 day of April 2022.