



## COVID-19 (Air Border) Regulations 2022

Sir Tom J. Marsters, KBE

*Tom Marsters*  
Queen's Representative

### Order in Executive Council

At Avarua, Rarotonga this *17<sup>th</sup>* day of *March*, 2022

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 acting on the advice and with the consent of the Executive Council, after approval by the Secretary of Health, makes the following regulations—

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## Regulations

### 1 Title

These regulations are the COVID-19 (Air Border) Regulations 2022.

### 2 Commencement

These regulations come into force on **18 March 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,—

- (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

**aircrew member** means any person who—

- (a) 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

**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)

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**COVID-19 test** means—

- (a) an RT-PCR test; or
- (b) a supervised rapid antigen test

**evidence of vaccination** means evidence that complies with regulation 12

**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

**relevant health professional** means a medical laboratory technician, medical practitioner, nurse, pharmacist, or pharmacist technician

**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

**specified 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

**supervised rapid antigen test** means a test for antigens specific to SARS-CoV-2, supervised by a relevant health professional, that produces a result in less than 1 hour

**unvaccinated**, in relation to a person, means that the person has not been vaccinated

**vaccinated**, in relation to a person, means that the person is vaccinated as provided under regulation 11

**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 enter the Cook Islands only 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 (*see* regulations 6(2) and 7(2)).

**6 Entry requirements for group 2**

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

**7 Entry requirements for group 3**

- (1) A person in group 3 may enter the Cook Islands only 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) applies only 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 if—
  - (a) there is, or has been, a medical emergency or natural disaster that makes it impracticable for the requirements to be complied with;
  - (b) critical work needs to be urgently carried out that makes it impracticable for the requirements to be complied with;

- (c) 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**

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 at least 14 days before the scheduled departure date of their flight to the Cook Islands.

#### **12 Evidence of vaccination**

- (1) In these regulations, **evidence of vaccination** for a person is an electronic or paper 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 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 from vaccination requirements 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 unvaccinated person must—
  - (a) certify that the information they have provided to the medical practitioner 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 medical practitioner certifying that they—
  - (a) have reviewed the unvaccinated person's medical history and assessed the person's state of health; and

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- (b) reasonably believe that the unvaccinated person meets the requirements of the ground in regulation 14.
- (6) The medical practitioner 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 medical practitioner or unvaccinated 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 from vaccination requirements**

- (1) The ground for granting a medical exemption from vaccination requirements is that the unvaccinated 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 an unvaccinated 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 from vaccination requirements**

- (1) The Secretary may grant an application for a medical exemption from vaccination requirements if the Secretary is satisfied, on the basis of the evidence or other information provided, that the unvaccinated 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 COVID-19 test result*

### **16 Evidence of negative result from COVID-19 test**

- (1) A person required to provide evidence of a negative result from a COVID-19 test must provide an electronic or paper document that complies with this regulation.
- (2) The document must contain the following information:
  - (a) the person's name:
  - (b) the person's date of birth or passport number:
  - (c) the date and time the test was administered:
  - (d) the type of test carried out:
  - (e) the test result.
- (3) If the COVID-19 test was an RT-PCR test, the document must include the name of the laboratory that conducted the test.
- (4) If the test was a supervised rapid antigen test, the document must include, in relation to the relevant health professional who supervised the test,—
  - (a) their name and title; and
  - (b) the letterhead of their workplace (for example, a pharmacy or medical centre) or a stamp that confirms their name and title.

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- (5) This regulation is subject to regulations 17 and 18.

### **17 Secretary may accept other document as evidence of detail**

The Secretary may accept a document as evidence of a detail required to be in a document under regulation 16, despite the document not complying with that regulation, if the Secretary considers that the document provides satisfactory evidence of the detail.

*When positive COVID-19 test result allowed*

### **18 Positive result from RT-PCR test allowed in certain circumstances**

- (1) This regulation applies if a person required to provide evidence of a negative result from a COVID-19 test provides an RT-PCR test result that is positive.
- (2) The person must be treated as providing evidence of a negative result if the person provides a letter from their general practitioner confirming that—
- (a) the person has had COVID-19 within the 3-month period before their scheduled date of departure for the Cook Islands; and
  - (b) the general practitioner considers that the person is no longer infectious with COVID-19.
- (3) In this regulation, **general practitioner** means a medical practitioner who works in general practice either in the Cook Islands or New Zealand.

## **Part 3 Other provisions**

### **19 Obligations of air carriers under these regulations**

An air carrier must not allow a person to travel to the Cook Islands if the person does not meet the requirements for entry in these regulations.

### **20 Revocation**

The COVID-19 (Air Border Entry Requirements) Regulations 2022 (which are also referred to as the COVID-19 (Air Border Entry Requirements) Regulations 2021) are revoked.

### **21 Consequential amendment**

In regulation 11(2) of the COVID-19 (Public Health Measures) Regulations 2021, replace “COVID-19 (Air Border Entry Requirements) Regulations 2021” with “COVID-19 (Air Border) Regulations 2022”.

**Schedule 1**  
**Entry requirements for group 1**

**1. Entry requirements for group 1**

- (1) A person in group 1 must—
- (a) be vaccinated and provide evidence of vaccination; and
  - (b) 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
  - (c) provide a negative result from a COVID-19 test carried out in New Zealand,—
    - (i) in the case of an RT-PCR test, no earlier than 48 hours before the scheduled departure time of their flight to the Cook Islands; or
    - (ii) in the case of a supervised rapid antigen test, no earlier than 24 hours before the scheduled departure time of their flight to the Cook Islands.
- (2) If the person does not leave New Zealand on a flight to the Cook Islands within 24 hours after their scheduled departure time, the person must comply with the entry requirements in subclause (1) in relation to any new departure time.
- (3) In subclause (2) **new departure time** means a new scheduled departure time for the same flight or the scheduled departure time for a different flight.

**2. Exemption from group 1 vaccination requirements**

A person in group 1 who is under the age of 5 years and 3 months is exempt from the requirement to be vaccinated.



## 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) be vaccinated and provide evidence of vaccination, unless clause 3 applies; 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 a COVID-19 test carried out in New Zealand,—
      - (i) in the case of an RT-PCR test, no earlier than 48 hours before the scheduled departure time of their flight to the Cook Islands; or
      - (ii) in the case of a supervised rapid antigen test, no earlier than 24 hours before the scheduled departure time of their flight to the Cook Islands.
  - (2) If the person does not leave New Zealand on a flight to the Cook Islands within 24 hours after their scheduled departure time, the person must comply with the entry requirements in subclause (1) in relation to any new departure time.
  - (3) In subclause (2) **new departure time** means a new scheduled departure time for the same flight or the scheduled departure time for a different flight.
- 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 specified permit holder.
- 3. Exemptions from group 2 vaccination requirements**
  - (1) A group 2 exempted person is exempted from the requirement to be vaccinated.
  - (2) 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 5 years and 3 months; or
    - (c) is a partially vaccinated child under the age of 12 years.
  - (3) In this clause, **partially vaccinated child** means a child who—
    - (a) has received only the first dose of a 2-dose course of a COVID-19 vaccine specified in Schedule 4; and
    - (b) has received the first dose at least 14 days before the scheduled departure date of their flight to the Cook Islands; and
    - (c) provides evidence, in a manner approved by the Secretary, of having received the first dose and the date on which they received it.

### 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; and
    - (b) 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
    - (c) provide a negative result from a COVID-19 test carried out in New Zealand,—
      - (i) in the case of an RT-PCR test, no earlier than 48 hours before the scheduled departure time of their flight to the Cook Islands; or
      - (ii) in the case of a supervised rapid antigen test, no earlier than 24 hours before the scheduled departure time of their flight to the Cook Islands.
  - (2) If the person does not leave New Zealand on a flight to the Cook Islands within 24 hours after their scheduled departure time, the person must comply with the entry requirements in subclause (1) in relation to any new departure time.
  - (3) In subclause (2) **new departure time** means a new scheduled departure time for the same flight or the scheduled departure time for a different flight.
2. **Evidence that person in group 3**

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

  - (a) if they are a Cook Islander, by 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) if they are a permanent resident, by showing—
    - (i) an endorsement in their passport stating that they are a permanent resident or a 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.

**Schedule 4**  
**COVID-19 vaccines**

- (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.

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**Clerk of the Executive Council**

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These regulations are administered by the Ministry of Health.

These regulations were made on the 17<sup>th</sup> day of March 2022.