

# Declaration – COVID-19 Wage Subsidy Scheme

This declaration applies to you if you applied for the COVID-19 Business Grant and Wage Subsidy on or after 4pm on 31 March 2020.

## 1. By submitting this form, you are declaring that you meet the eligibility criteria:

- You meet the eligibility criteria for the Wage Subsidy (**subsidy**):
  - you operate a registered **business** in the Cook Islands that employs and pays the employees named in your application; and
  - the **employees** named in your application are legally employed by your business and are employed in the Cook Islands; and are currently in the Cook Islands; and
  - your business has experienced a minimum 30% decline in revenue over the period of a month when compared to the same month last year, or a reasonably equivalent month for a business operating less than a year, and that revenue loss is attributable to the COVID-19 outbreak; and
  - before making your application for the subsidy, you have taken active steps to mitigate the impact of COVID-19 on your business activities (including but not limited to engaging with your bank, drawing on your cash reserves as appropriate, making an insurance claim); and
  - you are not currently receiving the COVID-19 Wage Subsidy or COVID-19 Self-isolation payment in respect of any of the employees named in your application.

## 2. Your obligations to use the subsidy to retain and pay your employees

- You acknowledge that the granting of your application and your receipt of the subsidy does not override your existing obligations under the Employment Relations Act 2012;
- You will not make any changes to your obligations under any employment agreement, including to rates of pay, hours of work and leave entitlement, without the written agreement of the relevant employee;
- You will retain the employees named in your application as your employees for the period you receive the subsidy in respect of those employees;
- You will not unlawfully compel or require any of the employees named in your application to use their leave entitlements for the period you receive the subsidy in respect of those employees;
- You will only use the subsidy for the purposes of meeting your named employees ordinary wages and salary and your obligations in relation to this subsidy.
- You remain responsible for paying your employees ordinary wages and salary for the employees named in your application.
- You will for the period you receive the subsidy:
  - use your best endeavours to pay at least 80 per cent of each named employee's ordinary wages or salary; and

- pay at least the minimum wage rate to the employee.
3. Providing information about you, your business and your employees to the Ministry of Finance and Economic Management (MFEM), the Ministry of Internal Affairs (INTAFF) and the Cook Islands National Superannuation Fund (CINSF)
- You will provide MFEM, INTAFF and CINSF with information about you, your business and (with their consent) the employees named in your application to the extent required by MFEM, INTAFF, CINSF, or its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.
4. Consent to MFEM, INTAFF and CINSF sharing information about your application with other agencies
- You consent to MFEM, INTAFF and CINSF sharing information about you or your business provided with respect to your application (both at the time of application, and any information provided at a later time) with other agencies to the extent necessary to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.
5. Consent to other agencies providing information about you to MFEM, INTAFF & CINSF
- You consent to other agencies providing information about you or your business to MFEM, INTAFF, CINSF, or its auditors, to the extent necessary in order for MFEM to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.
6. Discuss your application with your employees and gain their consent to information sharing
- You have discussed this application with the employees named in it.
  - The employees named in your application have consented to the following matters:
    - The employees consent to:
      - the information about them in your application being provided to MFEM, INTAFF and CINSF; and
      - you providing MFEM, and CINSF with any further information about them required in order for a decision to be made about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
      - you advising MFEM and CINSF if they end their employment relationship with your business at a time when you are receiving a subsidy with respect to them.

- The employees consent to the information about them being provided to MFEM, INTAFF and CINSF with respect to this application (both at the time of application, and any information provided at a later time):
  - being used by MFEM to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
  - being shared by MFEM with other agencies to the extent necessary in order for MFEM and its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
  - being used by MFEM and INTAFF to make decisions about other assistance and entitlements to the extent your application and any subsidy granted is relevant to them (for instance, where your application is relevant to an employee's application for other assistance).
- The employees consent to other agencies providing information about them to MFEM and its auditors, to the extent necessary in order for MFEM to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees.

## 7. Publication of information about you

- You consent to MFEM and CINSF publishing information about your business and the level and duration of any subsidy provided to you (excluding any personal information about the employees named in your application) on a publicly accessible register.

## 8. Notify changes in eligibility

- You will notify MFEM and CINSF within 5 working days if anything changes that may affect your eligibility or entitlement to the subsidy, including if any of the employees named in your application end their employment relationship with you.

## 9. Repaying the subsidy

- You agree to repay the subsidy or any part of the subsidy paid to you if you:
  - fail to meet any of the obligations about how you must use the subsidy; or
  - were not or stop being eligible for the subsidy or any part of the subsidy;
  - provide false or misleading information in your application; or
  - receive insurance such as business interruption insurance for any costs covered by the subsidy.

## 10. Provision of true and correct information

- You acknowledge and agree that all of the information you have provided to MFEM and CINSF is true and correct.
- You are aware that providing false or misleading information or documentation in support of your application will result in the application being declined and may result in prosecution.

## 11. Consequences of Non-compliance

- You acknowledge that you may be subject to civil proceedings for the recovery of any amount you receive that you are not entitled to and/or to prosecution for offences under the Crimes Act 1969 if you:
  - have provided false or misleading information; or
  - fail to meet any of the obligations about how you must use the subsidy; or
  - receive any subsidy or part of a subsidy that you were not entitled to receive.

## 12. Authority to make this declaration

- You are making this declaration on behalf of your business and you have the authority to do so.

## 13. MFEM may amend this declaration

- You acknowledge that MFEM may amend this declaration at any time and at its discretion.

## 14. Declaration forms part of your application

- You acknowledge that this declaration forms part of your application.

## 15. In submitting your application you also acknowledge and/or agree:

- MFEM collects the information in this application to determine whether you are eligible to receive assistance.
- MFEM, INTAFF and CINSF will use the information provided in this application for the purposes addressed in this document, including to assess your eligibility to receive the subsidy and to audit and review any subsidies granted. We may also use the information to contact you or for research and reporting purposes, or to advise you on the matters relating to the assistance you applied for.

## 16. Revenue Management Division to assess your entitlement

- You consent to the Revenue Management Division assessing your entitlement based on tax information they currently hold for tax purposes or the information that you provide in support of your application.