EMERGENCY ORDER 37

CONSTITUTION OF THE INDEPENDENT STATE OF SAMOA 1960 (ARTICLES 105/106)

I, TUIMALEALI'IFANO VA'ALETOA SUALAUVI II, Head of State of the Independent State of Samoa, in consultation with Cabinet under **FK (21) 1**, and pursuant to **Article 106** of the Constitution, make the following **ORDERS**:

1. **National fasting and prayer:**

   A national period of fasting and prayer is to be observed by every family in Samoa from Sunday 22 March 2020 until Sunday 29 March 2020 from 6.00am – 12.00pm daily.

2. **International travel, planes and ships:**

(1) All international travel to and from Samoa by plane are suspended except as provided in exceptional circumstances approved by Cabinet.

(2) Any passenger, pilot and crew members travelling into Samoa by plane exempted under (1) and (4) must complete the Medical Clearance Health Documentation Check in Form and specifically declare whether or not they have been infected with the COVID19 virus, and must be quarantined on arrival in Samoa for 14 days on the following terms and conditions:

   (a) at the places and conditions to be determined by Cabinet and costs of accommodation, breakfast and lunch for Samoan citizen passengers only are to be borne by the Government but dinner will be their responsibility whilst in quarantine;

(b) at the passenger's home as approved by the Director General of Health upon prescribed conditions determined by him or her for approval for self-isolation quarantine.

(3) It is prohibited for a person who holds more than one citizenship to use a foreign passport to travel out of Samoa, and returns to Samoa using his or her Samoan passport for a short term trip.

(4) Cargo flights to Samoa are permitted to bring in cargo goods every week and any other passenger as approved by Cabinet, unless the Cabinet determines otherwise.

(5) Airforce flights to Samoa are permitted as approved by Cabinet for the carriage of firearms and ammunition.

(6) All boats and ships and yachts are prohibited access, except:

(a) for trade and petroleum;

(b) fishing boats approved for offloading, refueling, and the restock of necessary supplies only or as approved by Cabinet for exceptional circumstances;

(c) any other category of ships, boats and yachts for offloading, refueling and the restock of necessary supplies only or as approved by Cabinet for exceptional circumstances;

(d) a boat as approved by Cabinet for travel between Samoa, and American Samoa or any other country.

(7) For fishing boats under (6)(b) above the following apply:

(a) a maximum of 4 boats may dock at Matautu Wharf for not more than 48 hours for the offloading of fish and restocking of the supplies before leaving Samoa; and

(b) medical and quarantine requirements issued by the Director General of the Ministry of Health are to be complied with; and

(c) no crew member is to leave the boat unless approved by Cabinet; and

(d) boat schedules and crew list must be submitted to the Samoa Ports Authority (SPA); Ministry of Agriculture and Fisheries (MAF); Ministry of Police and Prisons Services (MOPPS) and the Ministry of Health (MOH); and

(e) the date of departure from the last port, or the exchange of any crew members whilst at sea, must not be less than 28 days, before arrival at Apia wharf; and

(f) notification of arrival date must be received by the relevant authorities (MAF and SPA) 5 days prior; and

(g) there shall be no exchange of crew members whilst as sea.

(8) For trade boats allowed under (6) (a) above, a maximum of 2 trade boats are permitted to be docked at Matautu Wharf at one time and must meet safety requirements set by Samoa Ports Authority and other relevant Government Ministries and Corporations.

(9) The Ministry of Health is to continue with the approved medical clearance of all involved under this order.

3. Public gatherings:

(1) Public gatherings in most places accessible by the public are permitted and the public are required to observe safety rules as advised by the Ministry of Health or the National Emergency Operation Centre from time to time.

(2) Swimming at beaches and rivers is permitted, except on Sunday.

(3) All people are prohibited from gathering at airports or wharves unless it is permitted for travel.

4. Public transport:

Buses and Vehicles

(1) For bus transport:

(a) buses may continue normal operation; and

(b) no bus service is to operate on Sunday.

(2) Operators of public transport that carry less than 5 people are permitted to continue operation.

Ferries

(3) Ferry services between Upolu and Savaii are on the following terms:

(a) there shall be no ferry services on Sunday; and

(b) ferry services are on Monday to Saturday, operating the normal schedules.

(4) Despite (3) (a) above, ferry services may operate on Sunday:

(a) from 3.00pm, for transporting fuel and cargo only between Upolu and Savaii; and

(b) At 5:00pm for transporting passengers only from Savaii to Upolu and the ferry to dock at the Mulifanua wharf for the night.

Domestic flight

(5) Domestic flight services between Upolu and Savaii may operate on Sundays for emergency medical services only.

5. Markets, small shops, supermarkets, and businesses:

(1) For markets:

(a) the markets at Savalalo, Fugalei, Salelologa, Vaitele, Taufusi and Afega, and all other flea markets, fish market or any market which the public have access to:

(i) are permitted to open from Monday to Saturday, from 6.00am – 7.00pm; and

(ii) no person is to sleep overnight at any marketplace; and

(b) all markets are closed on Sunday, inclusive of:

(i) the markets at Savalalo, Fugalei, Salelologa, Vaitele, Taufusi, Afega; and

(ii) the Fish Markets at Savalalo, Vaigaga, Fasitoo Uta, Afega, and

any other roadside fish selling; and

(iii) any such market where the public has access to.

(2) For supermarkets:

(a) from Monday – Saturday, the opening hours are from 6.00am -10.00pm; and

(b) for Sunday, the opening hours are from 3.00pm-10.00pm.

(3) All businesses must close on Sunday, except:

(a) small shops which may operate from 3.00pm; and

(b) the supermarkets in the restricted opening hours under (2)(b) above; and

(c) Petroleum Products Supply Limited for the purpose of refueling; and

(d) Petrol stations from 3.00pm – 10.00pm; and

(e) Pharmacies which may operate from 3.00pm – 10.00pm.

(4) For the purposes of this Order:

(a) "supermarket" is a shop where a person walks in through doors to purchase any groceries, and any other item; and

(b) "small shop" means a small shop with no walk in doors, and where purchase is made through the window opening/s.

(5) Nightclubs and bars may open on the following conditions:

(a) from 6.00am to 11.00pm from Monday to Saturday and must remain closed on Sunday;

(b) must not sell alcohol to any person under the age of 21 years;

(c) must not allow any person under the age of 21 years to enter its premises;

(d) all fundraising dances are strictly prohibited.

(6) All gaming is prohibited except for the following:

(a) Bingo to be held from Monday to Saturday from 6.00am to 11.00pm; and

(b) Casinos may open on the conditions that is opened from Monday to Saturday from 4.00pm to 4.00am except on Saturday on which it must close at 12.00 midnight.

(7) For Hotels on the following conditions apply:

(a) hotel bars may open from Monday to Saturday from 6.00am to 11.00pm and must close on Sundays;

(b) entertainment shows, including Samoan *faafiafiaga* and floor shows, are permitted;

(c) non-guests are permitted to have lunch or dinner on Sundays from 12.00pm to 10.00pm.

(8) Theatres may open for normal business hours.

(9) Restaurants are opened:

(a) for dining and take away from 6.00am to 11.00pm from Monday to Saturday; and

(b) for Sunday from 12noon to 10.00pm for dining in or take away.

6. Street vendors:

(1) The selling of goods by street vendors in Apia is permitted, but on the following conditions:

(a) only fruits, vegetables, cooked food and designed/*elei* materials/lavalava are allowed to be sold;

(b) selling of fizzy drinks and bongo is prohibited;

(c) encourage the use of Health Cards for those who are preparing the food allowed to be sold in Apia for hygiene purposes required;

(d) the ban on selling goods on the footpath remains in effect.

(2) Children under the age of 16 years selling goods in public is strictly prohibited.

7. Selling of alcohol

The selling of alcohol by any shop (whether supermarket or small shop) and in hotels must only be done on the following conditions:

(a) from Mondays to Saturdays from 6:00am to 10:00pm;

(b) must not be sold on Sunday; and

(c) must not be sold to any person under the age of 21 years.

8. Schools:

(1) Schools open on Monday 4 May 2020, until further notice.

(2) The Ministry of Education, Sports and Culture is to design and determine appropriate programs and schedules i.e. which classes to attend school on which days of the week, what programs to undertake under the modes of teaching available to MESC at the time, for all schools (church, government, private) and so on.

(3) Where possible, parents and guardians are encouraged to use private vehicles for the drop off and pick up of children, to discourage crowdedness at schools, bus stops and other public places.

(4) There shall be no crowding in public places such as bus stops and markets by students.

9. Access to Health Facilities:

(1) All persons are prohibited from accessing any health facility unless he or she is seeking medical attention at any health facility.

(2) A person that is admitted to the hospital may:

(a) only have one carer to tend to him or her; and

(b) only be visited by 2 people at any one time.

(3) All patients intended for travel overseas under the Samoa Medical Treatment Scheme are hereby suspended unless approved by Cabinet.

10. Restriction for Government services:

(1) The Public Service Commission ("Commission") is to determine conditions in which employees are to continue working under, with the objective of ensuring minimal spread of infection.

(2) The Commission's conditions shall apply to all Government Ministries and Public Bodies.

(3) All Government trips overseas are hereby suspended unless approved by Cabinet.

11. Ministry of Health duties:

The Ministry of Health shall ensure to implement awareness programmes for the prevention of the spread of the Covid-19.

12. Samoa Police Service:

The Samoa Police Service shall enforce this Order.

13. Special Powers of Government Chief Executive Officers:

(1) All Chief Executive Officers of Government Ministries and Public Bodies are empowered to exercise their statutory functions, duties and powers provided under any legislation, or administrative functions for the implementation of the Sector Preparedness and Response Matrix Consolidated for Corona Virus Pandemic ("Response Matrix").

(2) Cabinet is empowered to make Regulations, Rules or Orders for the implementation of the public sector duties and responsibilities, for public health safety and the maintenance of peace and order.

14. Emergency Order Offence Notice:

(1) A police officer may serve an Emergency Order Offence Notice on a person who has committed an offence to which this Emergency applies.

(2) A Notice under this Order shall be in the form approved by the

Commissioner of Police.

(3) A person who has been served with a Notice may elect to pay the fine stated in the Notice within 24 hours of the issuance of the Notice.

15. Penalties:

(1) A person commits an offence where the person does not comply with any of the above orders, attracting the following penalties:

(a) a fine of:

(i) for an individual, a fine of $200 for a first offence, and a fine of $500 for a continuous offence; or

(ii) for an organization or corporation or similar such legal entity, a fine of $5,000 for a first offence, a fine of $7,000 for a continuous offence; or

(b) detainment by the Police not exceeding 3 months; or

(c) both detainment and fines prescribed under paragraph (a).

(2) A person who holds more than one citizenship, who uses a foreign passport to travel out of Samoa, and returns to Samoa using his or her Samoan passport for a short term trip, breaches order 2(3) and is subject to a fine of $2000.00 in addition to being subject to paying his or her own costs for quarantine as required.

(3) A person commits an offence, where the person does not comply with quarantine requirements issued by the Director General of the Ministry of Health attracting a penalty of $2,000.00.

(4) The payment of a fine under this Order, shall avoid any further prosecution for the offence stipulated in the Notice issued under Order 14.

(5) Where a person is convicted of an offence under these Orders, he or she shall be liable to a fine not exceeding $10,000.00 or imprisonment not exceeding 12 months, or both.

(6) Any business that breaches Order 5 (5) (b), (c) or Order 7(c) under these Orders will have their business license or liquor license, or both, revoked for the duration of the State of Emergency, in addition to penalties already provided under the relevant legislation regarding business licenses and liquor licenses.

16. Advisory Board – Article 108:

The Advisory Board appointed under Article 108 of the Constitution, shall not incur any liability for actions done in good faith under Article 108.

17. Flexibility of procedures:

(1) Given the pandemic Covid19, procedures of Cabinet and Parliament, may be relaxed during the State of Emergency, so that decision making for the good of the country may continue.

(2) For effective decision making for the country, the above Orders do not bar any urgent and essential meetings of Cabinet and Parliament to take place during the State of Emergency.

18. Financing:

The financing of the implementation of this Order shall be funded by the appropriate budget approved by the Government.

19. Validation:

For the purpose of Order 2, all actions made to implement the requirements from 21st May 2020 to date, are treated as valid under this Order.

20. National Disaster Management Plan

These Orders form part of the National Management Plan established under the Disaster and Emergency Management Act 2007.

The **Emergency Order 36** issued on **4 January 2021** is revoked.

This Order commences on **7th January 2021 until 17th January 2021**.

Dated this **6th** day of **January 2021**.

(Tuimaleali'ifano Va'aletoa Sualauvi II)
HEAD OF STATE