



EMERGENCY ORDER 70

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 (22) Faapitoa 14**, and pursuant to **Article 106** of the Constitution, make the following **ORDERS**:

1. International travel by plane, boat or ship:

- (1) All international travel to and from Samoa by plane or boat or ship are suspended except as provided in exceptional circumstances approved by Cabinet.
- (2) 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 or foreign passport with a visa exemption for a short-term trip.
- (3) Cargo flights to and from Samoa are permitted to bring in or take cargo goods every week and any other passenger as approved by Cabinet.
- (4) Despite quarantine requirements under Order 2, passengers approved by Cabinet to travel to Samoa may be exempt from quarantine requirements on the following conditions:
 - (a) for a forensic pathologist and morgue technician:
 - (i) the passenger produces proof before travel to Samoa that he or she has been administered with a COVID -19 immunization vaccine; and

- (ii) the passenger complies with all other health requirements including wearing the PPE gear whilst carrying out the post mortem examinations; and
- (iii) that upon the completion of the post mortem examinations, the passengers depart Samoa immediately.

(5) Airforce flights to Samoa are permitted as approved by Cabinet for:

- (a) the carriage of firearms and ammunition, or
- (b) the transporting of any assistance for emergency; or
- (c) any other purpose in exceptional circumstances.

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

- (a) 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) ships approved for uplifting submarine cable supplies from the Samoa Cable Hub;
- (d) 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;
- (e) a boat as approved by Cabinet for travel between Samoa and American Samoa, Tokelau or any other country;
- (f) no crew member is to leave the boat unless approved by Cabinet.

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

- (a) a maximum of 4 boats may dock at Matautu Wharf, for:
 - (i) purse seiners fishing boats, not more than 120 hours for transshipment, the offloading of fish and restocking of the supplies before leaving Samoa; and
 - (ii) long liners fishing boats whose cargo are between 100 – 130 tons, not more than 72 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 and ships allowed under (6) (a) and (c) above, a maximum of 2 trade boats or ships 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) For a boat approved under (6)(e) for **travel between Samoa and Tokelau**, the following conditions apply:
- (a) Travel is permitted except where the Ministry of Foreign Affairs and Trade instructs that travel shall cease or is not permitted;
 - (b) The Ministry of Foreign Affairs and Trade must be informed of intended travel of every person to Samoa, the purpose of travel and the date of intended arrival of every person travelling from Tokelau.
- (10) The Ministry of Health is to continue with the approved medical clearance of all involved under this order.

- (11) The Ministry of Foreign Affairs and Trade shall coordinate travel arrangements with the New Zealand Government on terms and conditions agreeable for the commencement of a **travel bubble between Samoa and New Zealand.**

2. Isolation and Quarantine

- (1) Any passenger, pilot and crew members travelling into Samoa by plane or boat exempted under Order 1(1) (3) 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 21 days or a period as determined by the Director General 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.

- (2) All frontline and support staff must isolate and quarantine if directed by the Director General in accordance with the terms and conditions as determined by the Director General of the Ministry of Health.

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

3. Public gatherings:

- (1) Public gatherings and events are prohibited except for the purposes of Order 6 on the following conditions::
- (a) must be 12 years of age and above;
 - (b) must show COVID-19 Vaccination card;

- (c) observe social distancing;
 - (d) must wear face masks.
- (2) Swimming at beaches, rivers and pools are prohibited.
- (3) All people are prohibited from gathering at airports or wharves unless it is permitted for travel.

4. Church worship and gatherings

All church worship and gatherings are prohibited.

5. Domestic Travel:

(1) *Buses and Taxis*

All public transport and commuting by buses and taxis are prohibited.

(2) *Other vehicles*

(a) Cargo and delivery trucks are permitted on the road on the following conditions:

(i) from 9:00am to 5:00pm on Saturday 19 March 2022 and Monday 21 March 2022; and

(ii) for the purposes of delivering essential supplies only.

(b) Rubbish collection trucks as contracted by the Ministry of Natural Resources and Environment (MNRE) are permitted on the road for the purposes of rubbish collection.

(3) *Ferries*

All domestic travel by Boat and ferries are prohibited except for:

(c) the purposes of transporting cargo and delivery trucks to transport essential supplies and medical emergencies as approved by Cabinet;

(d) for any other purposes as approved by Cabinet.

(4) *Domestic Flights*

Domestic flight services are prohibited except for emergencies as approved by Cabinet.

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

(1) All businesses must close except for the following which are permitted to open from 8:00am to 2:00pm on Saturday 19th March 2022, Monday 21st March 2022 and Tuesday 22nd of March 2022:

(a) Markets (including flea markets and fish market or any market which the public have access to) and no person is to sleep overnight at any marketplace;

(b) The supermarkets and small shops;

(c) Restaurants for takeaway only;

(d) Wholesales;

(e) Pharamacies;

(f) Water suppliers;

(g) Petrol Stations;

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

(i) Security services providers are permitted to operate normal security services;

(j) Gas outlets;

(k) Stevedoring services on the wharves are permitted to operate normal services of the wharf as required for loading and off loading cargo for vessels;

(l) Rubbish collection providers are permitted to operate normal services pursuant to their contracts with MNRE.

(2) Hotels may open on the following conditions:

(i) for in-house hotel guests for room service and takeaway only

(ii) hotel restraurants may open to the public from 8:00am to 2:00pm on Saturday 19th March 2022, Monday 21st March 2022 and Tuesday 22nd of March 2022 for takeaway only.

(3) All businesses must close on Sunday.

(4) For the purpose of this order all persons must comply with the measures

in Order 3 and measures for the prevention of the spread of COVID 19 as advised by the Ministry of Health and National Emergency Operation Centre from time to time;

7. Street vendors:

- (1) The selling of goods by street vendors is prohibited.
- (2) Children under the age of 16 years selling goods in public is strictly prohibited.

8. Selling of alcohol

The selling of alcohol by any shop (whether supermarket or small shop) and in hotels is prohibited.

9. Schools:

- (1) All schools and tertiary education institutions are to close until further notice.
- (2) The Ministry of Education Sports and Culture must ensure that the alternative modes of delivery (i.e online learning) are activated for all schools and children to minimize disruption to school operations.

10. Access to Health Facilities:

- (1) All persons are prohibited from accessing any hospital unless it is an emergency, or he or she is seeking urgent medical attention or assistance at any health facility.
- (2) All persons are prohibited from accessing any health facility including the National Kidney Foundation and private medical clinics unless it is an emergency, or he or she is seeking urgent medical attention or assistance at any health facility on the following conditions:
 - (a) must show COVID-19 Vaccination card;

- (b) observe social distancing;
 - (c) must wear face masks.
- (3) 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.
- (4) All patients intended for travel overseas under the Samoa Medical Treatment Scheme are hereby suspended unless approved by Cabinet.

11. Essential Services:

All essential and emergency services are permitted to operate as approved by Cabinet.

12. Government Services:

- (1) All Government Services are suspended except for essential and emergency services.
- (2) 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.
- (3) The Commission’s conditions shall apply to all Government Ministries, Public Bodies and other Government Agencies.
- (4) The Commission’s conditions supersede the Labour and Employment Relations Act 2013 and other public body legislation during the State of Emergency.
- (5) All Government trips overseas are hereby suspended unless approved by cabinet.

13. Ministry of Health duties:

- (1) The Ministry of Health shall ensure to implement awareness programmes and measures for the prevention of the spread of the Covid-19.

- (2) The Director General of the Ministry of Health is to determine and coordinate a Health Travel Advisory for travelers entering Samoa for the measures for the prevention of the spread of the Covid-19.

14. Samoa Police Service:

The Samoa Police Service shall enforce this Order.

15. Samoa Fire and Emergency Services Authority

The Samoa Fire and Emergency Services Authority to continue Ambulance Service, Fire Suppression and Rescue operation for public.

16. 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.

17. Emergency Order Offence Notice:

- (1) A police officer may serve an Emergency Order Offence Notice (“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 must pay the fine stated in the Notice within 24 hours (not including any period in which the country is in lockdown) of the issuance of the Notice.

18. Penalties:

- (1) A person commits an offence where the person does not comply with any of the above orders except for order 1, 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, and 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 commits an offence where the person does not comply with order 1 attracting the following penalties:
 - (a) for an individual, a fine of \$2000;
 - (b) for an organization or company, a fine of \$15,000 for a first offence, and a fine of \$20,000 for a continuous offence.
- (3) 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 or foreign passport with a visa exemption for a short-term trip, breaches Order 1(2) 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.
- (4) 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.
- (5) The payment of a fine under this Order, shall avoid any further prosecution for the offence stipulated in the Notice issued under Order 17.

(6) 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.

(7) Any business that breaches Order 6 and 8 under these Orders will have their business license revoked for the duration of the State of Emergency, in addition to penalties already provided under the relevant legislation regarding business and alcohol licenses.

19. 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.

20. 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 or Parliament to take place during the State of Emergency.

21. Financing:

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

22. Validation:

(1) For the purpose of Order 1, all actions made to implement the requirements from 21st May 2020 to date, are treated as valid under this Order.

(2) For the purpose of Order 8, all actions made to implement requirements

for the selling of alcohol during the Easter period from 1st April 2021 at 10pm to 3rd April 2021 at 6am, are treated as valid under this Order.

(3) The quarantine period determined by the Director General of Health of a period other than 21 days, is considered valid under this Order.

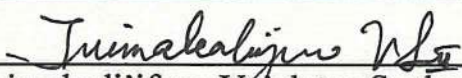
23. National Disaster Management Plan:

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

The **Emergency Order 69** issued on 17th March 2022 is **revoked** upon the **commencement** of this **Emergency Order 70**.

This **Emergency Order 70** commences from **12:00am** on **19 March 2022** until **12:00am** on **23 March 2022**.

Dated this 18th day of March 2022.


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