



EMERGENCY ORDER 81

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 29**, and pursuant to **Article 106** of the Constitution, make the following **ORDERS**:

1. Public Health Advisory

For all public places to encourage the following conditions:

- (a) Observe social distancing;
- (b) must wear face masks; and
- (c) must comply with the 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.

2. International travel by plane, boat or ship:

- (1) All international travel to and from Samoa by plane or boat or ship is permitted for Samoan citizens only or other passengers as provided in special circumstances approved by Cabinet.
- (2) Cargo flights to and from Samoa are permitted to bring in or take cargo goods every week.
- (3) 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.
- (4) 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 it is for the purposes of (4)(b) above and provided they meet the medical requirements of the Ministry of Health or as approved by Cabinet.
- (5) For fishing boats under (4)(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 it is for the purposes of (4)(b) above and provided they meet the medical requirements; 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 Matautu 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.
- (6) For trade boats and ships allowed under (4) (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.
- (7) For a boat approved under (4)(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.
- (8) The Ministry of Health is to continue with the approved medical clearance of all involved under this order.

3. Arriving passengers

- (1) Any passenger, pilot and crew members travelling into Samoa by plane or boat exempted under Order 2(1) and (2) must:
- (a) complete the Medical Clearance Health Documentation;
 - (b) specifically declare whether or not they have been infected with the

COVID19 virus;

(c) do a COVID19 test as prescribed by the Ministry of Health on day 5 of arrival at any health facility or private clinic;

(d) self-isolate for 7 days at his or her own home if the passenger's COVID 19 test on day 5 is positive and must conduct another test after 7 days from the date the passenger tested positive.

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

4. Public gatherings:

Public gatherings and events in most places accessible by the public are permitted.

5. Church worship and gatherings

All church worship and gatherings are permitted.

6. Operating hours for all businesses:

(1) All businesses are permitted to open for their normal business hours.

(2) All businesses open to the public have the responsibility of ensuring public health measures are in place for the protection of all members of the public.

7. Selling of alcohol

(1) The selling of alcohol by any business with any alcohol licence issued under the Alcohol Control Act 2020 is permitted in accordance with the Alcohol Control Act 2020 and conditions allowed under their respective alcohol licences.

(2) For the purpose of this Order some types of alcohol are permitted to be sold except for alcohol prohibited by any Notice issued by the Alcohol Control Board.

8. Schools:

- (1) All tertiary education institutions and all schools can commence opening.
- (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.
- (3) All schools have the responsibility of ensuring public health measures for the protection of staff members and students.

9. Access to Health Facilities:

- (1) Unless permitted by the Director General, 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 on the following conditions:
 - (a) observe social distancing;
 - (b) must wear face masks.
- (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. 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.
- (3) The Director General of the Ministry of Health is to determine and coordinate:

- (a) the continuation of vaccination for children;
- (b) the screening and testing of people for COVID19 (Rapid Antigen tests) in hospitals and health facilities, and other areas determined to conduct tests and vaccinations.

11.Samoa Police Service:

The Samoa Police Service shall enforce this Order.

12.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.

13.Penalties:

- (1) A person commits an offence where the person does not comply with any of the above orders except for order 2, 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 2 and 3 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 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 12.
- (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 6 and 7 under these Orders will have their business or alcohol 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.

14. 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.

15. 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.

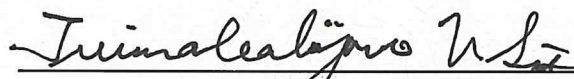
16. National Disaster Management Plan:

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

The **Emergency Order 80** issued on **31st May 2022** is **revoked** upon the **commencement** of this **Emergency Order 81**.

This **Emergency Order 81** commences at **12:00am** on **29th June 2022** until **11:59pm** on **26th July 2022**.

Dated this **28th day of June 2022**.


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

