



## EMERGENCY ORDER 62

### 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 03**, 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 prohibited.
- (2) Cargo flights to Samoa are permitted to bring in cargo goods and any other passenger as pre-approved by Cabinet.
- (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) 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.

#### **2. Isolation and Quarantine**

- (1) Any passenger, pilot and crew members travelling into Samoa by plane 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) All Public gatherings and events are prohibited.
- (2) All persons must be isolated and remain at their place of residence except for authorized personnel.
- (3) For the purpose of this order, all persons must comply with the measures for the prevention of the spread of COVID 19 put in place by the Ministry of Health and National Emergency Operation Centre.

### **4. Domestic Travel:**

- (1) All public transport and commuting by buses, taxis and private vehicles

are prohibited.

(2) All domestic travel by Planes, Boats, and Ferries are prohibited.

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

(1) All markets, small shops, supermarkets and all businesses are to close until further notice.

(2) For the purposes of this Order:

“supermarket” is a shop where a person walks in through doors to purchase any groceries, and any other item; and

“small shop” means a small shop with no walk in doors, and where purchase is made through the window opening/s.

**6. 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.

**7. Selling of alcohol**

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

**8. Schools:**

All schools and tertiary education institutions are to close until further notice.

**9. Access to Health Facilities:**

All persons are prohibited from accessing any health facility unless it is an emergency, or he or she is seeking urgent medical attention or assistance at any health facility.

**10. Restriction for Government services:**

All government services are suspended except for essential and emergency services.

**11. Ministry of Health duties:**

The Ministry of Health shall ensure to implement awareness programmes and measures 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 must 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 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 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 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 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:**

- (1) For the purpose of Order 1, all actions made to implement the requirements from 21<sup>st</sup> May 2020 to date, are treated as valid under this Order.
- (2) For the purpose of Order 7, all actions made to implement requirements for the selling of alcohol during the Easter period from 1<sup>st</sup> April 2021 at 10pm to 3<sup>rd</sup> 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.

**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 61** issued on **14<sup>th</sup> January 2022** is **revoked** upon the **commencement** of this **Emergency Order 62**.

This **Emergency Order 62** commences from **6pm on 22<sup>nd</sup> January 2022** to **6pm 24<sup>th</sup> January 2022**.

Dated this **22<sup>nd</sup>** day of **January 2022**.

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