

# GOVERNMENT PRESS SECRETARIAT

## MINISTRY OF THE PRIME MINISTER & CABINET

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### AMENDED STATE OF EMERGENCY ORDERS FOR CORONAVIRUS (COVID-19) 16th June 2020

GOVT. PRESS SECRETARIAT; By the powers of Article 106 of the Constitution, the Head of State, le Ao Mamalu ole Malo, Tuimalealiifano Vaaletoa Sualauvi II after consultation with Cabinet has signed into law new amendments to the Orders COVID 19 State of Emergency Orders

The new amendments are incorporated in the State of Emergency Orders signed into law are published below verbatim;

#### 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) Except in exceptional circumstances approved by Cabinet, all international travel to and from Samoa by plane are ceased.
- (2) The following are important under this Order:
  - (a) For any passengers intending to travel to Samoa, the following considerations and categories of travelers are relevant:
    - (i) returning residents with returning tickets;
    - (ii) returning resident students;
    - (iii) where travel permits or visas for New Zealand have expired;
    - (iv) the need for essential services for Samoa;
    - (v) returning resident patients who travelled overseas for medical purposes;
    - (vi) families with children and persons over the age of 60 years;
    - (vii) returning resident sports teams and seasonal employees with expired employment contracts;
    - (viii) general returning residents (*tagata lautele*);
    - (ix) any other special and relevant ground for travel to Samoa.

- (b) The following mandatory terms applies for each passenger travelling into Samoa except a passenger from American Samoa:
- (i) a COVID 19 test has been done within three (3) days before departure for Samoa to be paid by the passenger; and
  - (ii) confirmation of completion of the 14 day quarantine period, before departure for Samoa; and
  - (iii) to be quarantined on arrival in Samoa for 14 days on the following terms:
    - A. at the places and conditions to be determined by Cabinet;
    - B. costs of accommodation and breakfast for passengers to be borne by the Government but dinner will be the passenger's responsibility whilst in isolation;
    - C. 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;
  - (iv) prohibit travel for those attending family *faalavelave*;
  - (v) for those who have purchased their returning ticket with Samoa Airways Tickets will need to purchase a new returning ticket with Air New Zealand, and liaise with the Samoa Airways on ways to make use of the cancelled ticket; and
  - (vi) to provide a list of confirmed passengers to Air New Zealand after the usual clearance protocol.
- (c) Travelling between Samoa and American Samoa is permitted under the following terms and conditions:
- (i) the person travelling to Samoa has resided in American Samoa for more than 14 days;
  - (ii) the person upon arrival is not subject to quarantine.
- (3) All boats and ships or yachts are prohibited access except:
- (a) for trade and petroleum; and
  - (b) fishing boats approved for offloading, refueling and the restock of necessary supplies only;
  - (c) any other category of ships, boats and yachts for offloading, refueling and the restock of necessary supplies only;
  - (d) a boat as approved by Cabinet for travel between Samoa and American Samoa.
- (4) For fishing boats under (3)(b) the following apply:

- (a) a maximum of 2 boats may dock in a day; and
- (b) medical and quarantine requirements are to be complied with;
- (c) no crew member is to leave the boat;
- (d) boat schedules 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.

- (5) The Ministry of Health is to continue with the approved medical clearance of all involved.
- (6) Travelling conditions permitted under subclause (2)(c) cease once American Samoa opens its borders for travel to and from Hawaii.

### **3. Public gatherings:**

- (1) For Church, the following applies:

- (a) church service on Sabbath day (e.g. on Sunday for EFKS, on Saturday for SDA) is permitted to have more than 1 church service; and
- (b) church services which include general church programmes during the week are permitted except for programmes involving the national gathering of churches, example any gathering of more than one (1) church congregation (*so'o, mafutaga tuufaatasi ma isi*);
- (c) social distancing of 2 meters is to be observed; and
- (d) the church Minister (faifeau) is to ensure the 2 meter social distancing in the church is adhered to.

- (2) The meetings of villages are permitted on the following conditions:

- (a) social distancing of 2 meters is to be observed; and
- (b) must not be conducted on Sundays.

- (3) The restricted number of no more than 5 people apply to funerals and reunions.

- (4) Matai title bestowment, opening ceremonies for buildings (umusaga) and birthdays are now permitted but attendance is restricted to 50 couples.

- (5) Weddings may only be permitted to take place:

- (a) in Hotels but are restricted to 50 couples and must finish at 10pm; and
- (b) at wedding venues but are restricted to 50 couples.

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

- (a) Bingo on the following conditions:
  - i. to be held on Saturdays only;

- ii. to be closed at 5.00pm;
  - iii. in observance of social distancing; and
- (b) Casinos may open on the following conditions:
- i. from Monday to Saturday at 4:00pm to 4:00am except for Saturday on which it must close at 12.00 midnight;
  - ii. it must close on Sunday;
  - iii. in observance of social distancing.

(7) The conduct of sports whether for tournaments are allowed on the condition that organisers must enforce the 2 meters social distancing rule.

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

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

(a) from 2pm to 10pm 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;

(10) Hotel bars may open on following conditions:

(a) from Mondays to Saturdays only;

(b) from 6:00am to 10:00pm;

(11) Entertainment shows, including Samoan faafiafiaga and floor shows, are permitted on the condition that organisers must enforce the 2 meters social distancing rule;

(11) Theatres may open for normal business hours on the condition that the theatre owners are to monitor and enforce the 2 meters social distancing rule;

(12) Restaurants are opened:

(a) for dining in and take away from 6:00am to 10:00 pm; and

(b) during dining, the restaurant owners are to monitor and enforce the 2 meters social distancing rule.

(13) All people are prohibited from gathering at airports or wharves unless it is for permitted 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 5 people or less 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; and
- (c) the shipping authorities are to monitor and enforce the 2 meters social distancing rule during travel.

(4) All persons 60 years and above are strongly advised to adhere with the restrictions under Order 9 (travel restricted to only if seeking medical attention).

(5) A Pensioner who chooses to travel for any reason outside of those under Order 9 will not be able to use the Pension benefit of free travel.

## **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 – 6.00pm; 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-7.00pm except for Saturday to be closed at 9.00pm; and

(b) for Sunday, the opening hours are from 3.00pm-7.00pm; and

(c) this rule for supermarkets does not affect small shops which may operate normal hours.

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

(a) small shops which may operate normal hours; and

(b) the supermarkets in the restricted opening hours as stated above in (2)(b).

(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.

## **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) to issue appropriate penalties to those who breach these conditions;
  - (e) the ban on selling goods on the footbath 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 remain closed 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:
  - (a) 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; and
  - (b) is to, as much as possible administer the 2 meter social distancing rules. The schedules and programs under (a) are targetted to assist the Ministry's attempts to maintain this rule.
- (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 of the age of 60 and above are encouraged to remain at home and not move out and about in public, unless he or she is seeking medical attention at any health facility.
- (2) All persons are prohibited from accessing any health facility unless he or she is seeking medical attention at any health facility.
- (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 patient care intended for travel overseas under the Samoa Medical Treatment Scheme are hereby suspended until further notice.

## **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 until further notice.

## **11. Ministry of Health duties:**

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

## **12. Samoa Police Service:**

The Samoa Police Service shall implement 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

(3) maintaining safety, for the best interests of and the welfare of the country.

#### **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 (except for Order 2(2)(b)(iii)), 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 commits an offence where the person does not comply with Order 2(2)(b)(iii) attracting a penalty of \$2,000.00

(3) The payment of a fine under this Order, shall avoid any further prosecution for the offence stipulated in the Notice issued under Order 13.

(4) 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.

(5) Any business that breaches Order 3(9)(b), (c) or Order 7(c) under these Orders will have their business license or liquor licenses, or both, revoked for the duration of the Proclamation 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 21<sup>st</sup> May 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 17** issued on **10<sup>th</sup> June 2020** is revoked.

This Order commences on **18<sup>th</sup> June 2020**.

Dated this **17<sup>th</sup>** day of **June** 2020.

Tuimaleali'ifano Va'aletoa Sualauvi II)

**HEAD OF STATE**