



*Tonga*

**PUBLIC HEALTH (COVID-19)  
REGULATIONS 2021**





# PUBLIC HEALTH (COVID-19) REGULATIONS 2021

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# PUBLIC HEALTH (COVID-19) REGULATIONS 2021

## PUBLIC HEALTH ACT [CAP 12.15]

*IN EXERCISE of the powers conferred by section 249 of the Public Health Act [Cap 12.15], the Minister responsible for health, with the approval of Cabinet, makes the following Regulations -*

### PART 1 – PRELIMINARY

#### 1 Short Title

This Regulation may be cited as the Public Health (COVID-19) Regulations 2021.

#### 2 Interpretation

In these Regulations, unless the context otherwise requires –

“**Act**” means the Public Health Act [Cap 12.15];

“**authorised officer**” has the same meaning as provided for under section 2 of the Act;

“**Chief Executive Officer**” has the same meaning as provided for under section 2 of the Act;

“**conveyance**” has the same meaning as provided for under section 2 of the Act;

“**COVID-19**” means an Emergency Notifiable Condition declared under section 171 and 172 of the Act dated 12 March and gazetted on 13 March 2020;

**“COVID-19 related purpose”** includes a purpose for or related to maintaining public health, safety, order and security during the public health emergency period;

**“Declaration”** means a Declaration of a Public Health Emergency made under section 164 and 165 of the Act;

**“designated quarantine facility”** means any place that is used for the detention of a traveller ordered and designated by the Chief Executive Officer in accordance to section 100 of the Act;

**“emergency officer”** means an emergency officer appointed under section 177(1) of the Act;

**“isolation”** has the same meaning as provided for under section 2 of the Act;

**“medical emergency officer”** means a medical emergency officer appointed under section 178(1) of the Act;

**“Minister”** means the Minister responsible for Health unless otherwise required;

**“Ministry”** means the Ministry of Health unless otherwise required;

**“protective clothing”** means any clothing which includes a mask, handkerchief, gloves, garments or equipment’s designed to minimise the risk of an infection;

**“public health emergency period”** means the period which the Declaration of a Public Health Emergency (COVID-19) is in force;

**“social distancing”** means keeping a distance of at least 1.5 meters or any other distance issued by the World Health Organization from time to time from any other person at all times and includes physical distancing; and

**“traveller”** has the same meaning as provided for under section 2 of the Act.

### 3 Objectives

The objectives of these Regulations is to prevent and limit the risks of the spread of COVID-19 by –

- (a) putting in place isolation and quarantine requirements for persons arriving in Tonga in a conveyance;
- (b) prevent, protect, control and provide a public health response to the international and domestic spread of the COVID-19;
- (c) manage and minimise the impacts of COVID-19; and
- (d) restricting entry to any managed quarantine facility to persons who are authorised or required to enter.

#### **4 Application**

These Regulations shall apply to all the land and sea areas of the Kingdom of Tonga.

### **PART 2 – NOTIFIABLE CONDITION**

#### **5 Notifiable disease**

COVID-19 Novel Coronavirus is an infectious disease notifiable for the purposes of the Act.

### **PART 3 – AUTHORISED OFFICERS AND MEDICAL EMERGENCY OFFICERS**

#### **6 Appointment of authorised officers**

- (1) Pursuant to section 6(1)(c) of the Act, the Chief Executive Officer may appoint as an authorised officer any person who holds necessary expertise and experience to assist during a declared Public Health Emergency period.
- (2) Pursuant to section 177(1)(a) all authorised officers appointed under sub-regulation (1) are deemed as emergency officers during a Declaration period.

#### **7 Appointment of medical emergency officers**

Pursuant to section 178 of the Act, the Chief Executive Officer may designate health practitioners as medical emergency officers or any person who holds necessary expertise and experience to assist during a declared Public Health Emergency period.

### **PART 4 – BORDER CONTROL AND SECURITY**

#### **8 Conveyances**

- (1) All conveyances travelling to Tonga shall be subject to quarantine.
- (2) All foreign vessels calling in Tongan ports during the Declaration period shall comply with Instructions, as amended from time to time issued by the Minister responsible for marine and ports under Regulation 9 of the Shipping (International Ship and Port Facility Security) Regulations.
- (3) All international aircrafts calling into Tonga during the Declaration period shall comply with the Procedures and Instructions, as amended from time to time issued by the Director of Civil Aviation pursuant to the Civil Aviation Act.

- (4) Clearance of conveyances to enter a port or airport in Tonga shall be issued by the Ministry responsible for marine and ports and the Ministry responsible for Civil Aviation.

## 9 Exemption

The crew on the conveyances who will remain on board all throughout the period the conveyance is in the port or the airport in Tonga are exempted from being quarantined.

# PART 5 – HEALTH AND QUARANTINE PROCEDURES

## 10 Interpretation

For the purposes of this Part unless the context otherwise requires –

**“excluded arrival”** means any of the following persons –

- (a) any aircraft pilots or flight crew members;
- (b) any maritime crew members transferring to a ship immediately after their arrival in Tonga;
- (c) any medical attendants assisting with medical air transfers; or
- (d) any person designated by the Chief Executive Officer as critical to providing services to assist with the response to COVID-19;

**“fellow roommate”** means a person who is quarantined together in the same room at a designated quarantine facility with another person; and

**“quarantine supervisor”** means a person appointed by the Chief Executive Officer to manage the Quarantine facility.

## 11 Medical examinations, testing and quarantine on entry to Tonga

- (1) A person who enters Tonga (other than excluded arrivals) shall –
- (a) immediately report for and submit to, medical examination and testing, after their arrival at the security designated area at which they arrive;
  - (b) be quarantined for the required period by remaining throughout at a designated quarantined facility, unless permitted to leave the quarantine facility;
  - (c) maintain social distancing throughout that period from all other persons except for your fellow roommate;
  - (d) further report for and submit to, medical examination and testing, as directed by a medical emergency officer, at any time during the required period of quarantine; and



- (e) wear personal protective equipment as directed by a medical emergency officer.
- (2) The required period of quarantine of a person under this section is 21 days, or as amended from time to time, after the date on which a person arrives in Tonga and was ordered into a quarantine facility and upon the medical emergency officer providing clearance to the person after being satisfied that the person is COVID-19 free.
- (3) A quarantined person shall only leave a quarantine facility –
  - (a) on the person’s quarantine period ending;
  - (b) if the Chief Executive Officer authorises a person to leave due to exceptional circumstances; or
  - (c) to move to another place of isolation or quarantine.
- (4) Before authorising a person to leave the quarantine facility, the Chief Executive Officer shall –
  - (a) take into account any advice from the medical emergency officer of any risk that may occur if the person is released; and
  - (b) be satisfied that the person will comply with any conditions of the authorisation.

## **12 Restrictions to Quarantine Facilities**

- (1) A person shall not enter a quarantine facility unless –
  - (a) their entry has been approved by the quarantine supervisor; or
  - (b) they are authorised or required by law to enter the quarantine facility.
- (2) A person who is not authorised or required by law to enter a quarantine facility may do so without approval if it is –
  - (a) necessary to preserve or protect a person’s life, health or safety; and
  - (b) not reasonably practicable to obtain approval.

## **13 Duty to remain at the quarantine facility for risk assessment**

A person who enters a quarantine facility in breach of section 18 shall remain at the quarantine facility until –

- (a) a medical emergency officer is available to assess whether the person is at risk of having been exposed to COVID-19 as a result of their entry; and
- (b) if there is a risk a determination by the medical emergency officer pursuant to the Public Health Act.

**14 Importation of human remains to the Kingdom**

- (1) A permit shall be first issued by the Ministry for the importation of a human remain to the Kingdom before it is imported.
- (2) All human remains imported to the Kingdom shall be prior to importation –
  - (a) embalmed;
  - (b) enclosed in a hermetically sealed casket with a clear glass directly over the head of the human remain to allow for ease of identification of the human remain;and
  - (c) accompanied with the following documentations –
    - (i) death certificate confirming cause of death; and
    - (ii) certificate of embalming.
- (3) Upon the arrival of the human remains in the Kingdom –
  - (a) all relevant documentations shall be immediately submitted to the Ministry upon the arrival of the human remains;
  - (b) human remains shall be transported from the Fua‘amotu Airport to Vaiola Hospital Mortuary under the Ministry’s supervision;
  - (c) human remains will be viewed on arrival only under the supervision of the Ministry; and
  - (d) human remains will remain under the close supervision of an authorised officer for 72 hours before permission for viewing by the family is granted.
- (4) All funerals conducted for the human remains shall be in a closed casket and the human remains is to be viewed using a clear glass during the burial ceremony.
- (5) The human remains shall be buried in accordance to the Ministry’s burial guidelines.

**PART 6 – CLOSING OF PLACES AND RESTRICTIONS ON PUBLIC MEETINGS, GATHERING AND ASSEMBLY****15 Closing of places and restriction of movement of persons**

- (1) An emergency officer may upon the advice of the Chief Executive Officer issue Directions, to close places, restrict or prevent the movement of a person or thing for COVID 19 related purposes.
- (2) The directions given under sub-regulation (1) shall –
  - (a) be in writing;
  - (b) state the area to which it applies;

- (c) state when it comes into force; and
  - (d) announced through radio or published on the Government website and notified in the Gazette at least 48 hours before it comes into force.
- (3) The 48 hours period under sub-regulation (2)(d) may not be complied with where the Chief Executive Officer is satisfied that the directions should come into force urgently to prevent or contain COVID-19 outbreak or spread and in such a case, sub-regulation (2)(d) shall be thereafter complied with as soon as practicable.

## **16 Restrictions of public meeting, gathering and assembly**

An emergency officer upon the advice of the Chief Executive Officer may direct a person not to enter or not to remain within a place. Such direction shall specify the restrictions on the maximum amount of people who can attend in relation to –

- (a) private gatherings;
- (b) public gatherings; or
- (c) weddings and funerals.

## **PART 7 – MISCELLANEOUS**

### **17 Organisation of Committees**

- (1) The National Emergency COVID-19 Operations Committee is hereby established, which shall have the following functions –
- (a) activate ministries and organisations in response to a public health emergency event that has happened, is happening or may happen;
  - (b) liaise with ministries, non government organisations and community groups in the execution of their emergency management roles and responsibilities;
  - (c) carry out initial assessment of the public health emergency situation;
  - (d) collate and prioritise immediate public health relief requirements; and
  - (e) manage the distribution of immediate relief supplies.
- (2) The National Emergency COVID-19 Operations Committee shall consist of the following members –
- (a) the Minister who shall be the chairman;
  - (b) the Chief Executive Officer;
  - (c) Commissioner of Tonga Police;
  - (d) Chief of the Defence Staff of His Majesty's Armed Forces;

- (e) Secretary for Foreign Affairs;
  - (f) Solicitor General;
  - (g) Chief Secretary and Secretary to Cabinet; and
  - (h) Chief Executive Officer of the Ministry responsible for Disaster Risk Management.
- (3) The Ministry shall be responsible for the secretariat duties to the National Emergency Operations Committee.

## **PART 8 – OFFENCES**

### **18 Offence relating to compliance with directions**

A person who contravenes any of the provisions of these regulations commits an offence and is liable on conviction to a fine, not exceeding \$5,000 or imprisonment for a term not exceeding 2 years.

Made at Nuku'alofa this **23<sup>rd</sup>** day of **November**, 2021.

**Honourable Associate Professor 'Amelia Latu Afuha'amango Tu'ipulotu  
Minister for Health**