



SUMMARY: GAP ANALYSIS

Tourism Legislative Review

Abstract

This is a summarized version of the Gap Analysis undertaken by PNGTPA in consultation with OSS. This Gap Analysis presents a focused review of PNG's tourism legislative and policy framework as part of the broader Tourism Legislative Review. It identifies key legal, institutional, and policy gaps affecting the effectiveness of the current framework in supporting sustainable tourism development and national economic objectives. The findings highlight areas requiring reform, including institutional mandates and governance arrangements, regulatory and enforcement powers, inter-agency coordination, private sector engagement, and alignment with contemporary tourism practices. Cross-cutting linkages with environmental, cultural heritage, and investment laws are also reviewed. This summary informs the development of the Zero-Draft Bill and stakeholder consultations, providing a clear foundation for modernizing the tourism legal framework to ensure it is coherent, responsive, and fit for purpose.

EXECUTIVE SUMMARY

LEGAL GAP ANALYSIS: FINDINGS SUMMARY – KEY LEGISLATIVE AND POLICY CONSIDERATIONS OF TOURISM LEGAL FRAMEWORK

Purpose: Legal Gap Analysis undertaken by OSS to assess the adequacy, effectiveness, and relevance of PNG’s current tourism legislative framework. The objective was to identify structural, regulatory, and institutional gaps that may limit tourism growth, investment, governance effectiveness, and sustainability.

The analysis was intended to inform legislative reform and support the modernization of PNG’s tourism legal framework in alignment with national development priorities, particularly those outlined in the Tourism Strategic Development Plan and the National Tourism Policy.

Scope of review: The review covered –

- Primary tourism legislation: *Tourism Promotion Authority Act 1993*
- Tourism Strategic Development Plan (TSDP) | National Tourism Policy (draft)*
- Institutional mandate and governance structure
- Cross-sector legislation (impacting tourism – investment, environment, safety, cultural heritage, business regulation)
- Alignment with national development strategies and international best practice

Overview of Current Legislative Framework:

- **Outdated legislative structure:** PNG’s tourism sector operates under an established but outdated legislative structure. While the current framework provides institutional oversight and sector coordination functions, it is more policy-oriented. It *lacks comprehensive regulatory oversight* in several key areas, including the regulation of tourism operators against standards, accreditation, etc.
- **Fragmented responsibilities:** Responsibilities are fragmented and distributed across multiple agencies, requiring stronger coordination mechanisms and clearer delineation of roles. Regulatory mechanisms to support modern tourism development appear limited, particularly in areas of compliance, enforcement, sustainability, digital services, and investment facilitation, among others.

Key Legal Gaps Identified: The analysis identified the following key gaps:

- **Governance and institutional:**
 - Overlapping or unclear mandates between agencies
 - Limited enforcement and inspection powers
 - Weak inter-agency coordination provisions

- Need for establishment of TPA as **industry regulator** & enhancement of functions (additional functions); Expand TPA's mandate to include regulatory and enforcement powers, positioning it as the focal point between government and industry, with formal collaboration across key government agencies, provincial governments, law enforcement, and relevant private sector entities.
- Need to expand **Board powers** and align composition with RSAs, ensuring representation from key government departments and agencies responsible for critical enablers such as law and order, taxation and fiscal incentives, digital technology, and transportation.
- Need to align TPA's **legal status as an RSA** per Schedule 2 of the RSA Act.
- **Regulatory and licensing:**
 - Incomplete/unclear licensing frameworks across the tourism sector and operations
 - Absence of standardized quality assurance and accreditation systems
 - Limited compliance monitoring and penalty provisions
 - Need for establishment of regulatory framework/regime (TSDP and NTP) – Licensing, certification, accreditation, standards (for tourism service providers and hoteliers), and *enforcement powers* of these regulations, including investment and industry development mechanisms
- **Investment and industry development:**
 - Insufficient legislative mechanisms to attract and safeguard tourism investment.
 - Limited support for community-based and sustainable tourism enterprises
 - Absence of structured public-private partnership provisions
- **Consumer protection and safety:**
 - Weak/lack of legal protection for tourists/visitors
 - Limited statutory safety and risk management requirements
 - Inadequate dispute resolution mechanisms/remedies
- **Sustainability and environmental:**
 - Limited integration of environmental safeguards within tourism-specific legislation
 - No formal incorporation of climate resilience principles
 - Inadequate regulation of eco-tourism operations
- **Digital and emerging sector:**
 - No regulatory recognition of online booking platforms and digital tourism services including social media platforms
 - Limited data collection and reporting obligations to support sector planning

Implications:

- **Failure to address these gaps** has/may result in:

- Reduced investor confidence and slower tourism sector growth
 - Regulatory inefficiencies and enforcement challenges
 - Reputational risks affecting visitor confidence
 - Increased environmental and community impact risks
 - Misalignment with national economic and development objectives
- **Targeted reform** presents an opportunity to modernize the sector and place tourism as a key driver of inclusive economic growth.

Reform Priorities:

- **Legislative amendments:** Clarification required on institutional mandate; Strengthen enforcement and compliance powers; Introduction of base-level licensing and operational standards
- **Regulatory strengthening:** Development of comprehensive licensing and accreditation frameworks; Integration of sustainability and environmental safeguards; Establishment of clear investment facilitation mechanisms.
- **Comprehensive reform:** Enactment of a modernized Tourism Act; Embed digital governance, sustainability, and resilience principles/provisions; Alignment of the tourism legislation with national development strategies and economic reform frameworks across sectors.

[Extract]: Summary of Findings:

- **Establishment of regulatory regime:** TSDP calls for the establishment of a regulatory regime to be established under the Act to provide for licensing, certification, and accreditation for tourism service providers and hoteliers; as well as a minimum standards of service. The current Act does not have this framework in place. The Act will need to be reviewed to incorporate a regulatory framework, which should include, amongst others, requirements, fees and processes for obtaining a license or certificate, as well as establish minimum standards of operation and accreditation. This regime should also align with Government policies in relation to the Special Economic Zones implemented through the *Special Economic Zones Authority Act 2019*, which provides for the licensing of Tourism Zones. The Act should also establish a body to administer and enforce the regulatory mechanism. Additionally, enforcement provisions will also need to be included to regulatory body possesses the relevant powers and processes to enforce the regulatory regime under the Act.
- **Industry regulator & additional TPA functions:** TPA is recognized under the TSDP as being the lead Government agency to develop the tourism sector, and the focal point between Government and industry players. Therefore, it is proposed that TPA be established as the body responsible for the regulating the tourism industry. This will involve amendments to the current functions and powers of TPA under the Act. Currently, TPA's functions are more policy-oriented and relate to the formulation and implementation of tourism policies; and to promote tourism in PNG and tourism development. The TSDP emphasizes the importances of the role of TPA in achieving the objectives of the TSDP. TPA is envisaged to play a more proactive role in driving the tourism sector forward including, amongst others; ♦work in collaboration with other Government sectors and private entities to improve critical

enablers; ♦provide leadership, synergy and coordination at the national level amongst all tourism sector players; ♦play a lead role in facilitating and coordinating the monitoring and evaluation of the tourism sector at industry and government levels. The current Act does not foresee these elevated roles of TPA. Hence, these additional functions will need to be captured in the Act, in addition to the regulatory functions which TPA should assume. Moreover, the functions and powers of the Board and CEO will need to be amended accordingly to cater for the expansion of functions of TPA.

- **Board membership/composition:** The membership of the TPA Board (Board) should be reconsidered to ensure that the Board consists of the relevant persons necessary to progress the agendas of TPA and the tourism industry. Goal 6 of the TSDP Sub-Sector Plan focuses on critical enablers which re external factors that influences the growth of the tourism sector. The TSDP recognizes the need to work in collaboration with other sectors and other government bodies to positively influence the critical enablers. The critical enabling factors pertinent to the tourism sector mainly include, amongst others: ♦law and order; ♦government policies aiding tourism such as taxation and fiscal policy incentives; ♦critical infrastructure including transportation services; and, ♦digital technology. The relevant Government Departments and agencies whose mandate concerns these critical enables should be considered as members of the Board.
- **RSA status:** TPA is established as a Regulatory Statutory Authority under Schedule 2 of the *Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004 (RSA Act)*. Therefore, the appointments of the non-officio Board members and the appointment, suspension, and dismissal of the Chief Executive Officer (CEO) shall automatically be subject to the RSA Act. [The appointment processes under Sections 9 and 21, however, do not reflect the processes under the RSA Act.](#) Therefore, to ensure certainty in the appointment process for the non-officio Board members and the appointment, suspension, and dismissal of the CEO, the Act must expressly subject these persons to the RSA Act. [It is further emphasised to set out clearly theses processes in a RSA's enabling legislation.](#)
- **Repeal, transitional and savings provisions:** The provisions in regards to repeal, and transitional and savings are also required to change to ensure the smooth transition of TPA and the tourism industry players into the new regime under the Act.
- **Governance & institutional arrangements:** Other minor issues identified in the Bill are also captured in the Matrix for consideration. These issues seek to improve the governance arrangement and give more certainty to the substantive provisions of the Act. Given the substantive nature of the amendments being proposed, it is recommended that the Act be repealed and replaced in its entirety.

In-depth review of the existing TPA Act & proposed amendments:

➤ **Preamble – Long title:**

The **Preamble** of the Act should be expanded to **reflect its broad objectives, including the establishment of a robust regulatory framework proposed** under the Act.

<p>Part I. – Preliminary.</p> <p>➤ Section 1 – Constitutional compliance:</p>	<p>This provision is intended to ensure that all relevant constitutional rights that may be restricted or regulated under the Act are captured due to the introduction of the regulatory mechanism framework proposed under the new Act.</p>
<p>➤ Section 2 – Interpretation:</p>	<p>New/additional definitions may need to be considered and added under the new Act.</p>
<p>Part II. – Tourism Promotion Authority.</p> <p>➤ Section 3 – Establishment of the Authority:</p>	<ul style="list-style-type: none"> • Part II to be titled “Administration” and outline the governance mechanism and institutional arrangements of the Authority, and related matters, comprising establishment of the Authority, Board, and staff of the Authority (including CEO and divisional heads), setting out also their respective appointments, employment terms and conditions, functions and powers, etc. • Section 3 establishes the creation of a statutory body – Tourism Promotion Authority. The new Act can establish the Authority as the “National Tourism Authority”, consistent with other Regulatory Statutory Authorities (RSAs) such as NFA, NEA, etc.
<p>➤ Section 4 – Incorporation of the Authority:</p>	<p>This provision will be retained as it outlines the incorporation and legal status of the Authority; it establishes TPA as a separate legal entity with perpetual succession, with the power to acquire, hold, and dispose of real and personal property, and can sue and be sued in its corporate name, being legally responsible for its actions.</p>
<p>➤ Section 5 – Functions of the Authority:</p>	<ul style="list-style-type: none"> • Broad functions of the Authority, as these functions are more policy-oriented and relate to the formulation and implementation of tourism policies, encouraging tourism in PNG, and tourism development. Section 5 should be revised to incorporate the regulatory functions to be vested in the Authority to carry out per Goal 5 of the TSDP Sub-Sector Plan, pertaining to licensing, accreditation, certification, and setting of minimum service standards for tourism providers and hoteliers. • The regulatory functions of the Authority may include: <ul style="list-style-type: none"> ▪ Licensing and registration ▪ Quality assurance ▪ Accreditation ▪ Consumer protection

	<ul style="list-style-type: none"> ▪ Environmental and cultural conservation ▪ Safety and security ▪ Destination management ▪ Compliance and enforcement ▪ Promotion of local tourism-related businesses <ul style="list-style-type: none"> • Revision of Section 6 is also required to ensure certain functions listed as powers under Section 6 are transferred to Section 5.
<p>➤ Section 6 – Powers of the Authority:</p>	<p>Broad powers of the Authority are listed under Section 6; however, certain listed powers are functions in nature and therefore Section 6 needs to be revised.</p> <ul style="list-style-type: none"> • Functions of the Authority should be exhaustively set out under the Act (s.5) followed by a general provision giving broad powers to the Authority for the performance of these functions and other powers vested in the Authority. • The Authority should have the following powers: <ul style="list-style-type: none"> ▪ Policy development ▪ Tourism promotion ▪ Licensing and regulation ▪ Monitoring and evaluation
<p>➤ Section 7 – Policy directions:</p>	<p>Section 148 of the <i>Constitution</i> provides sufficient provision for the responsible Minister to provide policy directions; however, it is also noted that this provision provides the Minister and NEC to make policy and administrative directions to the Authority.</p> <p>From a governance point of view, Ministerial powers should be limited to political oversight only, and limit interference in the administration of the Act.</p>
<p>Part III. – Board.</p> <p>➤ Section 8 – The Board:</p>	<p>Establishment of the TPA Board and setting out the functions of the board, which are to give effect to the government’s tourism policy; manage TPA affairs; and advise the Minister on tourism promotion and the industry.</p> <ul style="list-style-type: none"> • Section 8(2) restates s.148 of the <i>Constitution</i>, which provides sufficient provision for the TPA Board to advise the Minister on tourism matters. Section 8 also allows the Minister to take administrative actions that are the functions, powers, and responsibilities of the Board and CEO.

	<ul style="list-style-type: none"> • While the establishment of the Board will remain, the functions of the Board must be considered further to give effect to the new objectives of the Authority and the regulatory framework under the new Act. Section 8 should be revised and refined to clarify the specific role of the Board, esp. with respect to the performance of regulatory functions, and the administration of the Act. TPA to consider whether it is the intention for the Board to remain as a governance body or to be given regulatory functions as well.
<p>➤ Section 9 – Board membership:</p>	<ul style="list-style-type: none"> • Board composition: Section 9 provides for the composition of the Board, noting that it needs to be updated to ensure that the Board consists of the relevant qualified and experienced persons to give effect to the TSDP and the revised functions of the Authority and the Board. The provision needs to be updated by selecting the appropriate ex officio and non-officio board members relevant to the present-day tourism sector, with direct influence on <i>critical enablers (alignment with Goal 6 TSDP pertaining to influence in growth of the tourism sector)</i>, such as: <ul style="list-style-type: none"> ▪ <i>Legal</i> – Ocean Office & State Solicitor’s Office – DJAG ▪ <i>Immigration</i> – Immigration and Citizenship Authority ▪ <i>SEZ</i> – Special Economic Zones Authority ▪ <i>Taxation</i> – Internal Revenue Commission ▪ <i>Transport</i> – Department of Transport ▪ <i>ICT</i> – Department of Information & Communication Technology ▪ <i>Infrastructure</i> – Department of Works ▪ <i>SMEs</i> – Small & Medium Enterprises Corporation ▪ <i>Provincial administration</i> – Department of Provincial & LLG Affairs ▪ <i>Maritime</i> – National Maritime Safety Authority • RSA Act application: Furthermore, the RSA Act 2004 would apply to the appointment of board members, consistent with other statutory authorities established for regulatory purposes, noting also that the Authority is declared as an RSA under section 3(3)(b) and Schedule 2 of the RSA Act. Applies also to the appointment of the CEO. • CEO – board member: Consideration also as to whether the CEO should remain as a member of the Board or provide secretariate role with the board secretary, given that the CEO will be reporting and is accountable to the Board, and therefore a possible conflict of interest may arise where he is a voting member of the board.

	<ul style="list-style-type: none"> • Irrelevance of certain board members: Certain members of the board, such as the non-ex officio member under s.9(1)(d)(iii) and (iv) (<i>national airline & commuter and charter airline industry</i>), more or less refer to the same stakeholder. <u>Note</u> s.3(3)(b) and Schedule 2 RSA Act clearly set out the two appointment processes for non-ex officio board members. The new Act will ensure consistency with the RSA Act with regard to the appointment process for members of the board of RSAs. • Board member appointment: In consideration of s.9(2), it is noted that the <i>principle of implied repeal</i> applies – meaning the later law prevails over the former law where there are any inconsistencies. In this case, the appointment process under the RSA Act 2004 would prevail over the TPA Act 1993; therefore, the appointment process under s.9(2) needs to be amended or omitted. • Required amendments/updates: Furthermore, any provisions with reference to terms no longer in use, such as “<i>Secretary of the Department of Personnel Management</i>”, must be updated to the current term “<i>Departmental Head of the Department responsible for...</i>”.
<p>➤ Section 10 – Chairman & deputy chairman:</p>	<p>Key provision to retain: Provides for the appointment of the Chairman and Deputy Chairman of the Board, and is a key provision in maintaining efficient operations of the Board.</p>
<p>➤ Section 11 – Leave of absence.</p>	<ul style="list-style-type: none"> • Allows the Minister to interfere with the operations of the Board by granting leave of absence to members of the Board. In effect, it enables the Minister to control the administration operations of TPA. TPA to consider whether the Minister should retain this administrative power. • It is also recommended that the Chairman should have the final decision on the Board members’ leave for the smooth and effective operation of the Board, and the Minister’s power should be reserved to only grant leave of absence to the Chairman.
<p>➤ Section 12 – Vacation of office:</p>	<p>Provides for the process of resignation of non ex-officio members, setting out the grounds and process by which such a member can be removed from the Board.</p> <ul style="list-style-type: none"> • Absence of disqualification grounds provision: It is noted that there are no grounds for disqualification of persons to be considered as

	<p>members of the Board; therefore, a provision needs to be incorporated to provide for this.</p> <ul style="list-style-type: none"> • Ex officio v non-ex officio: Ex officio members are members of a board by virtue of their positions, as the functions, duties, roles, and responsibilities of the Government/State offices they represent on the board are needed to progress TPA matters (tourism growth, priority matters, etc.). Non-officio members refer to members appointed/elected/nominated. (<i>Ex officio: by virtue of office Non-ex officio: by direct appointment/election/nomination</i>) • Ministerial power abuse consideration: Section 12(3) vests the power in the Minister to terminate a board member; this enables the Minister to interfere with the operations of the Board. The considered risk here is the possibility of abuse of this power. • Furthermore, ex officio members cannot be terminated by the Minister, considering their appointments are by virtue of office. Instead, non-ex officio members can be terminated by the Minister, while ex officio members (and their replacements) can be removed administratively by the relevant State authority.
<p>➤ Section 13 – Vacancy not to affect powers,..</p>	<p>Emphasizes that the Board’s ability to perform its functions and powers is not invalidated by a vacancy on the membership of the Board. This principle is provided for under Section 38 of the <i>Interpretation Act 1975</i>; therefore, a vacancy on a board/committee does not affect the authority or validity of that body to continue to perform its functions and powers – No major issues.</p>
<p>➤ Section 14 – Call Board meetings:</p>	<p>Prescribes the minimum requirements for the Board to call a meeting – No major issues.</p>
<p>➤ Section 15 – Board meetings:</p>	<p>Board meeting procedures: Section 15 prescribes the general procedures of the Board. In light of the proposed revisions to the board composition, etc., the quorum of the Board may be revised/amended.</p> <p>In any case, the quorum must be half of the board members, plus 1, considering that quorum requirements directly affect the validity of a meeting and its outcomes.</p>
<p>➤ Section 16 – Disclosure of interest:</p>	<p>General disclosure of interest provision necessary to ensure transparency and fairness in matters deliberated on before the Board – No major issues.</p>

<p>➤ Section 17 – Board committees:</p>	<p>Empowers the Board to establish committees to perform specific tasks in relation to the performance of the Board’s functions. However, it is noted that the establishment of internal committees is administrative in nature, and therefore any remuneration or allowances for board committee members should be determined administratively by the Authority, as opposed to being compensation pursuant to the <i>Board (Fees and Allowances) Act</i>. Consider omitting subsection (3), which provides for committee member allowances determined under the <i>Board (Fees and Allowances) Act</i>.</p>
<p>➤ Section 18 – Delegation:</p>	<p>Delegation to CEO (and not senior officer): Allows the Board to delegate any of its functions or powers to a senior officer of the Authority. It is advisable to amend the provision by changing “delegation by board to CEO” instead of senior officer(s). This is because the CEO is responsible for management and administration, and therefore, the executive powers are legally vested in the CEO, and not in other senior officers who report to him or the divisional manager.</p> <p>Alternatively, the delegation of board powers to committees can assist in the performance of the Board’s functions and powers.</p>
<p>➤ Section 19 – Corporate plan:</p>	<p>Requires the Board to prepare and submit to the Minister a corporate plan for the Authority for a period of 3-5 years. In effect, it makes provision for the Board to prepare a corporate plan (long-term strategic plan) for the Authority with an effective operational plan in place.</p> <ul style="list-style-type: none"> • Whether provision relevant?: The question of whether this provision is relevant or necessary is raised here. This can be dealt with administratively in compliance with the <i>Papua New Guinea Planning and Monitoring Responsibility Act 2016 (PMRA)</i>, which streamlines national development by establishing frameworks for planning, budgeting, and monitoring; further requires all public and statutory bodies to link annual budgets to the MTDP, enhancing accountability in service delivery and reporting, and imposes requirements for corporate plans and regulates the implementation of these plans. <p>TPA may consider omitting this provision as the PMRA provides adequate regulation for corporate plans.</p>

<p>➤ Section 20 – Reports:</p>	<p>All public and statutory bodies are required to report to their respective Minister, pursuant to the <i>PFMA</i> (section 20 reflects this requirement) – <i>No major issues.</i></p>
<p>Part IV. – Staff of the Authority</p> <p>➤ Section 21 – CEO:</p>	<p>Establishes the office of the CEO, the appointment process, and the determination of his employment terms and conditions. The process set out under s.21 is consistent with other RSAs, as the CEO is appointed pursuant to the RSA Act.</p> <ul style="list-style-type: none"> • Subsection (3) transitional provision: Subsection (3) is a transitional arrangement relating to the first CEO appointed under the TPA Act of 1993. Considering there have been subsequent CEO appointments since then, subsection (3) is redundant. • Proposed changes – new Act: <ul style="list-style-type: none"> ▪ Recommend merging Part II with Part IV as a new Division as it relates to Administration and Staff. ▪ Ensure the appointment of the CEO is consistent with and subject to the RSA Act. TPA to also provide the specific term of appointment for the CEO for clarity. ▪ Deletion of subsection (3) – first CEO transitional provision.
<p>➤ Section 22 – CEO functions:</p>	<p>Establishes the role and appointment process for the CEO, outlining the employment contract, the authority responsible for appointment and dismissal, and any transitional provisions for the first appointed CEO.</p> <p>While there are <i>no major issues</i> with section 22, this provision may be subject to change to give effect to the additional functions which the Authority intends to obtain pursuant to the TSDP, including the introduction of a regulatory framework.</p>
<p>➤ Section 23 – TPA Staff:</p>	<p>Vests the power to appoint officers and employees of the Authority in the Board, in accordance with the terms and conditions it determines, subject to the <i>Salaries and Conditions Monitoring Committee Act 1998</i>, thereby categorizing the CEO and TPA officers and employees as TPA Staff.</p> <ul style="list-style-type: none"> • Staff ceiling – not exceeding 25: The staff ceiling of 25, as prescribed under section 23(1), is restrictive as it prohibits the CEO from recruiting officers as and when necessary to perform duties, functions, and responsibilities that requires staff number of more than 25 persons to undertake. Therefore, it is necessary to expand the staff number beyond

	<p>25 in order for TPA to perform the additional regulatory functions proposed under the new Act.</p> <ul style="list-style-type: none"> • Proposed amendment/inclusion: Proposed inclusion of the appointment of inspectors or enforcement officers to perform the regulatory functions of the Authority under the proposed regulatory framework. • Regulation of staff appointment & employment: In considering subsection (3), it is noted that TPA is a separate service from the National Public Service (NPS), and therefore, there must be subordinate legislation/administrative orders made under the TPA Act to regulate the appointment and employment of staff. For example, a proposal to adopt provisions comparable to the Public Service General Orders (similar to the approach taken by NAQIA) to regulate the appointment and employment of staff.
<p>➤ Section 24 – Public service rights:</p>	<p>The provision is now outdated following the abolition of the Department of Tourism and the transfer of staff to TPA. Similar to s. 27 of the <i>National Agriculture Quarantine and Inspection Authority Act 1997</i>, which was interpreted in <i>National Agriculture Quarantine & Inspection Authority v Tetaga [2009] PGNC 220; N4030</i> to confirm that NAQIA staff are not members of the National Public Service, the provision clarifies that TPA staff are likewise not part of the National Public Service. Accordingly, prior public service employment does not automatically carry over for entitlement purposes, and benefits such as furlough are calculated based on service with TPA only. It is recommended that the provision be updated to reflect TPA’s current status as an Authority.</p>
<p>➤ Section 25 – Consultants:</p>	<p>Public monies are used to engage consultants, and therefore, the <i>National Procurement Act 2018 (NPA)</i> and the PFMA procurement processes must be complied with. Propose to update the provision to be consistent with the NPA and PFMA.</p>
<p>➤ Proposed New Provisions/Part:</p>	<p>Proposed new provisions/amendments:</p> <ul style="list-style-type: none"> • National coordination mechanism: Inclusion of new provisions providing for a national coordination mechanism for stakeholder consultation and engagement, through a technical committee, or forum. • Licensing/accreditation requirements (<i>tour operators/hoteliers</i>)

	<ul style="list-style-type: none"> • Implementation of SEZs in tourism: Whether enabling provision can be included in the new Act for tourism zones to be declared under the SEZ Act framework.
<p>Part V. – Finances of the Authority.</p> <p>➤ Section 26 – Application of PFMA:</p>	<p>TPA is subject to the PFMA 1995 (any references to the PFMA 1989 must be deleted and updated to 1995). TPA should also be subject to the <i>Audit Act 1989</i> and the <i>NPA</i>. New Act to be made subject to the appropriate Acts of Parliament, including updating of references to such Acts.</p>
<p>➤ Section 27 – Authority’s moneys generally:</p>	<ul style="list-style-type: none"> • Conflicting provisions – TPA Act v PFMA: <ul style="list-style-type: none"> ▪ Considering TPA is subject to the PFMA, this provision comes into conflict with s.11 of the PFMA, where it stipulates all public money must be kept in the bank as directed by the Finance Departmental Head (subject only to specific directions of the Finance Minister). ▪ Furthermore, s. 27(2)(a) (which provides for payment of loans) comes in conflict with the PFMA, which regulates State loans, as arrangements under the PFMA require the TPA/CEO to liaise with the Secretary and Ministry of Treasury on obtaining/repaying loans. • Possible hindering provisions: Additionally, s. 27(2)(d) & (e) may prove as hindrances to the administrative operation of the TPA in relation to the payment of remuneration and allowances of Board members, and any other payments the Authority is required to make under the TPA Act or any other law.
<p>➤ Section 28 – Liable to taxation:</p>	<p>Revenue of a public authority is exempt from income tax under Section 24(1) of the <i>Income Tax Act 1959</i>. TPA is not classified under the <i>Income Tax Act</i> as being excluded from this requirement. Recommend deleting this provision for non-applicability to TPA.</p>
<p>Part VI. – Miscellaneous.</p> <p>➤ Section 29 – Personal liability protection:</p>	<p>Board members, the CEO, and staff of the Authority cannot be personally sued or held personally responsible for actions or honest mistakes made and in good faith while carrying out their official duties for the Authority.</p> <p>Standard legislative provision that is maintained for the above reason – No major issues.</p>

➤ Section 30 – Proof of certain matters:	Standard legislative provision that deems matters listed under s. 30 are as conclusively proven and established, should a proceeding be brought by or against the Authority – No major issues .
➤ Section 31 – Service process:	Unnecessary to retain in the Act – Given that the <i>National Court Rules</i> prescribe court document service and require that all court documents be delivered to the parties of the court proceedings. Recommend to omit this provision as this can be administratively determined and need not be captured in the legislation.
➤ Section 32 – Document authentication:	Unnecessary to retain in the Act – It is an administrative matter. Consider omitting from the Act.
➤ Section 33 – Appointment of attorneys:	Unnecessary to retain in the Act – Appointment of attorneys can be dealt with administratively, being it a commercial practice for legal entities such as TPA to enter into commercial transactions with agents, including attorneys. Recommend omitting this provision.
➤ Section 34 – Compensation:	Unnecessary to retain in the Act – All citizens are entitled to civil proceedings in any court of law to claim compensation for loss or damages. Recommend omitting this provision.
➤ Section 35 – Recovery of money due:	
➤ Section 36 – Regulations:	Generic/standard legislative provision: Empowers the Head of State to approve a range of regulations that offer technical and procedural elaborations on matters established or provided for under the Act, to give effect to the implementation of the provisions of the Act. Need to consider further to allow regulations to be developed pertaining to the regulatory functions of the Authority, including the regulation of specific tourism products, such as bird watching, diving, snorkelling, cruise ships, etc.
Part VII. – Repeal & Transitional Arrangements.	Standard repeal provision: Recommendation to drafting similar provision to effect the repeal of the Act, upon the new Act coming into operation.
➤ Section 37 – Repeal:	
➤ Section 38 – Determination of tourism assets, ...:	
➤ Section 39 – Transfer of Corporation assets, ...:	
➤ Section 40 – Transfer of accounts:	
➤ Section 41 – Savings of contracts:	
➤ Section 42 – Contracts of employment:	

➤ Section 43 – Actions, etc., not to abate:	
➤ Section 44 – Application of acts, etc.:	There may be tourism products that will remain unregulated in the Tourism Sector – Recommendation for the Authority to consider enacting subordinate laws (Regulations) and Guidelines under the Act to regulate/govern key tourism products such as diving, snorkelling, cruise ship, trekking, mountain climbing, etc.
<p>Conclusion:</p> <p>The current tourism legislative framework provides a foundational structure but requires modernization to effectively support PNG’s tourism ambitions. Addressing identified legal gaps will strengthen governance, enhance investor confidence, protect visitors and communities, and ensure sustainable sector growth.</p> <p>Legislative reform presents a strategic opportunity to reposition tourism as a central pillar of Papua New Guinea’s economic development agenda.</p>	

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Area of Review	Current Position	Identified Gap	Implications/Risks	Recommended Reform Action
Governance & Institutional Framework	Institutional mandates established under existing tourism legislation	Overlapping/unclear mandates; weak coordination mechanisms; limited enforcement powers	Regulatory inefficiency; delayed decision-making; weak compliance	Clarify agency roles; strengthen enforcement provisions; formalize inter-agency coordination mechanisms
Regulatory & Licensing Framework	Basic licensing provisions exist	Inconsistent licensing coverage; absence of accreditation standards; limited compliance monitoring	Variable service standards; reputational risk; weak regulatory control	Develop comprehensive licensing and accreditation regulations; introduce inspection and penalty framework
Investment Facilitation	General investment laws apply; limited tourism-specific provisions	No structured tourism investment incentives; limited PPP framework	Reduced investor confidence; missed development opportunities	Introduce tourism investment facilitation provisions; enable PPP frameworks; align with national investment policy
Industry Development & Community Tourism	Policy support exists but limited legislative backing	Insufficient statutory support for community-based and SME tourism enterprises	Limited inclusive growth; uneven sector participation	Embed provisions promoting community-based tourism and SME support mechanisms
Consumer Protection & Tourist Safety	General laws apply (consumer protection, safety)	No tourism-specific protections; limited dispute resolution mechanisms	Visitor dissatisfaction; reputational damage; liability exposure	Introduce tourism-specific safety standards; establish complaint and dispute resolution mechanisms
Sustainability & Environmental Integration	Environmental laws exist separately	Limited integration of sustainability within tourism legislation; no climate resilience provisions	Environmental degradation; unsustainable development; climate vulnerability	Incorporate sustainability standards; require environmental compliance integration; embed resilience principles
Digital & Emerging Tourism Services	No specific recognition in tourism legislation	No regulation of digital platforms, online booking services, or data reporting	Regulatory blind spots; limited sector intelligence; tax leakage risks	Introduce provisions covering digital tourism services; mandate industry data reporting
Compliance & Enforcement Mechanisms	Limited inspection and monitoring tools	Weak penalties and enforcement authority	Low compliance; difficulty maintaining standards	Strengthen compliance powers; establish graduated penalties; formalize inspection regime
Alignment with National Development Strategy	Tourism referenced in policy frameworks	Legislative framework not fully aligned with economic and development strategies	Strategic misalignment; constrained sector growth	Modernize Tourism Act to align with national development and economic reform agendas

-Annexure: Key Review Points-