



A proposal

For a Bill entitled

the

Papua New Guinea Tourism Authority Act 2026

Being an Act to –

- (a) establish the Papua New Guinea Tourism Authority; and
- (b) provide a legal framework for the effective administration and regulation of the tourism sector and its related activities; and
- (c) provide a legal framework for the promotion and development of the tourism sector and its related activities; and

(d) repeal the *Tourism Promotion Authority Act 1993*,

and for related purposes.

MADE by the National Parliament to come into operation by notice in the National Gazette.

PART I. – PRELIMINARY.

1. CONSTITUTIONAL COMPLIANCE.

(1) This Act, to the extent that it regulates or restricts the exercise of a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely –

- (a) the liberty of the person conferred by Section 42; and
- (b) the freedom from arbitrary search and entry conferred by Section 44; and
- (c) the right to freedom of expression conferred by Section 46; and
- (d) the right to freedom of assembly and association conferred by Section 47; and
- (e) the right to freedom of employment conferred by Section 48; and
- (f) the right to privacy conferred by Section 49; and
- (g) the right to freedom of movement conferred by Section 52; and
- (h) the protection from unjust deprivation of property conferred by Section 53,

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of the *Constitution*, is a law that is made pursuant to Section 38 of the *Constitution*, taking into account the National Goals and Directive Principles and the Basic Social Obligations, for the purpose of giving effect to the public interest in public order and public welfare.

- (2) For the purposes of Section 41 of the *Organic Law on Provincial and Local Level Governments 1995*, it is declared that this law relates to a matter of national interest.

2. INTERPRETATION.

In this Act, unless the contrary intention appears –

"accreditation" means the process of accrediting a tourism services operator or tourism product under Part III of this Act;

"Authority" means the Papua New Guinea Tourism Authority established under Section 6;

"Authorized Officer" means a person authorized under Section 96;

"Board" means the Board of the Papua New Guinea Tourism Authority established under Section 9;

"certificate of accreditation" means a certificate issued to a tour operator upon application under Part IV of this Act for the operation of a tourism service and/or tourism product;

"Chairman" means the Chairman of the Board appointed under Section 13;

"Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under Section 25;

"Deputy Chairman" means the Deputy Chairman of the Board appointed under Section 13;

"Ionic Tourism Product" means a tourism product, place, attraction, or experience in Papua New Guinea of national and/or global significance as declared under Section 81;

"Minister" means the Minister with political responsibility over this Act pursuant to Section 148 of the *Constitution*;

"National Tourism Register" means the register established and maintained by the Authority under Section 47;

"Special Purpose Vehicle" means an entity under Section 86, incorporated for the purpose of carrying out, managing, or supporting specific statutory functions, programs, projects, or investments of the Authority, and which is not established to operate primarily as a revenue generating entity, except insofar as such revenue or return is generated or incidental to the statutory functions of the Authority;

"Tourism Advisory Council" means the Tourism Advisory Council established under Section 35;

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“**Tourism Industry Association**” means the Papua New Guinea Tourism Industry Association Incorporated, incorporated under the *Associations Incorporation Act 2023*;

“**tourism hub**” means a designated geographical area or location declared under Section 84 as a tourism destination hub that serves as a primary centre for tourism activity, infrastructure, and/or services;

“**tourism operator**” includes a person providing a tourism service or delivering a tourism product;

“**tourism product**” means a product under Part IV;

“**tourism promotion**” includes any legitimate marketing or business activity undertaken in any country for the purposes of encouraging visitors and tourists to travel to and within Papua New Guinea;

“**tourism service**” means a service under Part IV;

“**Tourism Spoke**” " means a tourism destination, feature, attraction, or location supported by a tourism hub.; and

“**the Act**” includes the Regulations made under it.

3. ACT BINDS THE STATE.

This Act binds the State.

4. APPLICATION OF OTHER ACTS.

The provisions of this Act apply to Tourism Zones declared under the *Special Economic Zones Authority Act 2022*.

5. GUIDING PRINCIPLES.

This Act shall be administered and implemented taking into account the following principles:

- (a) promoting sustainable development practices in the tourism sector, including the preservation of culture and environmentally-sound practices; and
- (b) stimulating economic growth, with the view of improving the economic status and well-being of tourism sector stakeholders and local communities; and
- (c) strengthening good governance in the tourism sector; and
- (d) encouraging inclusivity with the view of collaborative and consultative engagement with tourism sector stakeholders; and
- (e) implementing international standards and best practices.

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PART II. – ADMINISTRATION.

Division 1. – Papua New Guinea Tourism Authority.

6. ESTABLISHMENT OF THE AUTHORITY.

- (1) The Papua New Guinea Tourism Authority is hereby established.
- (2) The Authority –
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may acquire, hold, and dispose of real and personal property; and
 - (d) may sue and be sued in its corporate name.
- (3) All courts, judges, and persons acting in a judicial capacity shall take judicial notice of the seal of the Authority affixed to a document and shall presume that it was duly affixed.

7. FUNCTIONS OF THE AUTHORITY.

- (1) The Authority shall have the primary responsibility for the regulation, development, and promotion of the tourism industry.
- (2) Without limiting the generality of Subsection (1), the functions of the Authority shall be to –
 - (a) develop, implement, coordinate, monitor, review, and evaluate policies, programs, and plans for the tourism sector; and
 - (b) market, promote, and sell Papua New Guinea as a tourist destination domestically and internationally on its own initiative or in co-operation with any relevant stakeholders; and
 - (c) encourage investment and development of tourism products, tourism services and related infrastructure for the tourism sector; and
 - (d) facilitate the development of tourism standards; and
 - (e) administer the registration, licensing, and accreditation framework of tourism operators in the country; and
 - (f) take compliance and enforcement action under this Act or any other law; and
 - (g) maintain a National Tourism Register and the National Tourism Database; and

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- (h) undertake any study or research for the tourism sector; and
- (i) conduct tourism awareness and training; and
- (j) facilitate the implementation of the relevant international obligations and standards; and
- (k) impose and collect fees; and
- (l) develop a national crisis strategy or emergency plan; and
- (m) establish offices domestically or internationally to achieve the objectives of this Act; and
- (n) perform any other function necessary for the effective implementation of this Act.

8. POWERS OF THE AUTHORITY.

The Authority has, in addition to other powers conferred on it by this Act and any other law, the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Division 2. – The Board.

9. ESTABLISHMENT OF THE BOARD.

- (1) The Board of the Papua New Guinea Tourism Authority is hereby established.
- (2) The Board shall consist of –
 - (a) the following *ex officio* members:
 - (i) the Departmental Head of the Department responsible for planning matters, or his nominee; and
 - (ii) the Departmental Head of the Department responsible for Provincial and Local-Level Government Affairs, or his nominee; and
 - (iii) the Chief Migration Officer of the Immigration and Citizenship Authority, or his nominee; and
 - (iv) the Chief Executive Officer, or his nominee; and
 - (v) the Managing Director of the Investment Promotion Authority, or his nominee; and
 - (vi) the President of the Tourism Industry Association, or his nominee;
 - (b) the following are non *ex-officio* members:

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- (i) a representative from the Papua New Guinea Business Council; and
 - (ii) a representative from the airline industry; and
 - (iii) an independent industry expert.
- (3) The members of the Board referred to under Subsection (b)(i) – (iii) shall be –
- (a) appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Office) Act 2004*; and
 - (b) appointed for a term not exceeding four years; and
 - (c) remunerated in accordance with the *Boards (Fees and Allowances) Act 1955*; and
 - (d) eligible for re-appointment for an additional term.

10. MINIMUM QUALIFICATIONS FOR NON-EX-OFFICIO MEMBERS.

A person nominated as a non *ex officio* member shall-

- (a) be less than 65 years of age; and
- (b) be ordinarily resident in the country; and
- (c) possess the relevant educational qualifications and/or have at least 15 years of knowledge of and experience in the tourism industry or a related field;
- (d) be a person of integrity; and
- (e) have good standing and reputation in the community; and
- (f) shall not be disqualified under Section 15.

11. FUNCTIONS OF THE BOARD.

- (1) The Board shall provide strategic and policy oversight on the performance of the functions of the Authority; and
- (2) In performing strategic and policy oversight under Subsection (1), the Board shall give effect to any policy direction of the Minister or the National Executive Council, which shall be consistent with this Act and its objectives.

12. POWERS OF THE BOARD.

The Board has, in addition to other powers conferred on it by this Act and any other law, the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

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13. CHAIRMAN AND DEPUTY CHAIRMAN.

- (1) The Minister shall, upon the recommendation of the Board, appoint a member of the Board to be the Chairman, and another member of the Board to be the Deputy Chairman, of the Board.
- (2) The Chairman and Deputy Chairman shall be appointed for a term not exceeding two years, and shall be eligible for reappointment.
- (3) The Chairman and Deputy Chairman shall remain as Chairman and Deputy Chairman, respectively, until the expiration of the period of their respective appointments or until each of whom ceases to be a member of the Board, whichever first occurs.
- (4) Subject to Subsection (5), the Chief Executive Officer shall not be the Chairman or the Deputy Chairman.
- (5) The Chief Executive Officer shall preside over the first meeting of the Board, at which the Board shall recommend a Chairman and a Deputy Chairman to be appointed by the Minister under Subsection (1).

14. ALTERNATES.

- (1) Where an *ex officio* member of the Board is unable to attend a meeting, he may appoint an alternate member to attend that meeting of the Board.
- (2) An alternate shall be subject to the same terms and conditions as the member for whom a person is the alternate, and may exercise all of the member's powers and responsibilities, and this Act applies accordingly.
- (3) An alternate may, unless the Board otherwise directs, attend meetings of the Board but may not, except where he is attending in the absence of the member of the Board for whom he is the alternate, take part in a debate, vote on any matter, or be counted toward a quorum.

15. DISQUALIFICATION FROM OFFICE.

A person shall not be appointed or remain as a member of the Board, other than an *ex-officio* member, if the person –

- (a) is a member or candidate for election as a member of the National Parliament, a member of a Provincial Assembly, or a Local-level Government; or
- (b) is an office-holder or candidate as an office-holder in a registered political party; or
- (c) is an undischarged or insolvent person declared by a Court of competent jurisdiction; or
- (d) is of unsound mind based on a current medical opinion from a qualified medical practitioner; or

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- (e) has been sentenced to imprisonment for more than three months for a criminal offence, including misappropriation of properties belonging to another person whilst under his care and obligations; or
- (f) is or has been bankrupt, or has applied to take the benefit of any law for the benefit of a bankrupt or insolvent debtor, or has compounded with his creditors or made assignment of his remuneration for their benefit; or
- (g) is standing or is liable to stand trial for, or has been convicted of any offence punishable under a law by imprisonment for more than three months; or
- (h) has been found guilty of misconduct in office under the *Organic Law on Duties and Responsibilities of Leadership*.

16. LEAVE OF ABSENCE.

Leave of absence may –

- (a) in the case of the Chairman and Deputy Chairman, be granted by the Minister on such terms and conditions as the Minister determines; and
- (b) in the case of other members, be granted by the Chairman on such terms and conditions as the Chairman determines.

17. VACATION OF OFFICE.

- (1) There shall be a vacancy on the Board where a member of the Board, other than an *ex-officio* member:
 - (a) dies; or
 - (b) resigns in accordance with Section 18; or
 - (c) reaches the age of retirement; or
 - (d) is not re-appointed prior to the expiry of his term of appointment; or
 - (e) is removed in accordance with Section 19.
- (2) The performance of a function or the exercise of a power of the Board is not invalidated by reason only of a vacancy in the membership of the Board.

18. RESIGNATION FROM OFFICE.

- (1) A member of the Board, other than an *ex-officio* member, may resign by giving to the Minister, three-months' notice in writing of his intention to do so.
- (2) The period of three months specified in Subsection (1) is deemed to commence on the fourteenth day after the receipt, by the Minister, of the notice, except where the Minister,

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by notice in writing to the member, fixes an earlier date for the commencement of that period.

- (3) A member of the Board may withdraw his resignation at any time before the period of three months referred to in Subsection (1) commences.

19. REMOVAL.

- (1) If a member of the Board, other than an *ex officio* member –
- (a) is absent, except with the written consent of the Minister or the Chairman in accordance with Section 16, from three consecutive meetings of the Board; or
 - (b) becomes ineligible under Section 10 to remain as a member of the Board; or
 - (c) fails to comply with disclosure of interest requirements under Section 21; or
 - (d) does not comply with or commits an offence against this Act or any other law,

his appointment shall be revoked in accordance with this Section.

- (2) The Minister shall inform a member (other than an *ex officio* member) by written notice that he intends to terminate the member's appointment on any or all of the grounds referred to in Subsection (1).
- (3) Within 14 days after receiving a notice under Subsection (2), the member may reply in writing to the Minister, who shall consider the reply and, where appropriate, recommend to the National Executive Council to advise the Head of State to revoke the appointment.
- (4) Where the member referred to in Subsection (2) does not reply in accordance with Subsection (3), the Minister may proceed to recommend to the National Executive Council to advise the Head of State to revoke the appointment.

20. MEETINGS OF THE BOARD.

- (1) The Board shall meet as often as the business of the Board requires, and at such a time and place as the Board determines, or as the Chairman, or in his absence, the Deputy Chairman directs, but in any event shall meet not less than once in every quarter.
- (2) Where he receives a written request to do so by the Minister or by no less than four members, the Chairman, or in his absence the Deputy Chairman, shall convene a Special Meeting of the Board within 14 days, provided that at least three working days' notice has been given to every member of the Board.
- (3) At a meeting of the Board –
- (a) five members, of which at least three shall be *ex officio* members, shall constitute a quorum; and

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- (b) the Chairman, or in his absence, the Deputy Chairman, shall preside, and if both the Chairman and Deputy Chairman are absent, the members present may elect, from among them, a chair to preside over that meeting; and
- (c) subject to Paragraph (e), each member of the Board has one vote; and
- (d) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (e) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

(4) The Board shall cause minutes of each of its meetings to be recorded and kept.

(5) The procedures of the Board are as determined by the Board.

21. DISCLOSURE OF INTEREST.

- (1) A member who has a direct or indirect interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minutes of the meeting.
- (2) The Board member making the disclosure shall –
 - (a) not participate, after the disclosure, in any debate, deliberation, decision, or vote of the Board in relation to the matter during the meeting at which the disclosure is made or at any other meeting of the Board; and
 - (b) be disregarded for the purpose of determining whether a quorum is present for any such deliberation, decision, or vote.

22. BOARD SECRETARY.

- (1) The Board shall have a Secretary who –
 - (a) shall be an officer of the Authority appointed under Section 29; and
 - (b) is a registered and practicing lawyer under the *Lawyers Act* 1986.
- (2) The function of the Board Secretary is to provide secretariat support to the Board.

23. COMMITTEES.

- (1) The Board may establish one or more Committees to advise the Board on such matters as the Board considers necessary.
- (2) In addition to members appointed under Subsection (3), the Board shall appoint at least one member of the Board to be a member of the Committee.

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- (3) In establishing a Committee under Subsection (1), the Board may –
- (a) appoint such persons as it considers necessary to be members of the committee; and
 - (b) specify the purpose, functions, and procedures of the committee.
- (4) The Board may –
- (a) direct the committee on such matters relevant to the purpose for which the committee was established; and
 - (b) revoke the appointment of any member of the committee or appoint such other persons to be members of the committee; and
 - (c) approve the engagement of any person to provide any required expert or technical assistance to the committee, *in lieu* of compensation and on such terms of reference as determined by the Board.

24. REPORTS.

The Board shall furnish to the Minister, in addition to the annual report under Section 46, such other report in relation to the functions of the Authority as requested by the Minister.

Division 3. – Chief Executive Officer.

25. CHIEF EXECUTIVE OFFICER.

- (1) There shall be a Chief Executive Officer of the Authority whose manner of appointment, suspension, and dismissal are as specified in the *Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*.
- (2) The Chief Executive Officer shall be –
- (a) the head of the staff of the Authority; and
 - (b) employed under a contract of employment and on terms and conditions determined by the Board, subject to the *Salaries and Remuneration Commission Act 1988*;
 - (c) appointed for a term not exceeding four years; and
 - (d) is eligible for re-appointment.

26. FUNCTIONS AND POWERS OF THE CHIEF EXECUTIVE OFFICER.

The functions of the Chief Executive Officer are to –

- (a) manage the day-to-day administration and operations of the Authority; and

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- (b) facilitate the implementation of policy directions from the Board; and
- (c) report to the Board on any matter concerning the Authority; and
- (d) perform the functions of the Authority, unless the Act requires that a function is to be performed by the Board; and
- (e) coordinate meetings of the Tourism Advisory Council; and
- (f) perform the functions as required of him under this Act and his contract of employment; and
- (g) perform such other functions, powers, and duties as the Board may determine, from time to time.

27. DELEGATION.

The Chief Executive Officer may, in writing, delegate any or all of his functions and powers under this Act, except the power of delegation itself, to an Executive Manager, officer of the Authority, or an Authorized Officer.

Division 4. – Staff of the Authority.

28. EXECUTIVE MANAGERS.

- (1) The Chief Executive Officer may, upon approval of the Board, appoint such number of Executive Managers as he considers necessary to perform his functions under this Act.
- (2) An Executive Manager shall be appointed from among the officers employed under Section 29 of the Act.

29. STAFF.

- (1) The Chief Executive Officer may, in accordance with the procedures approved by the Board, employ such persons as he considers necessary to be officers of the Authority, for the purpose of carrying out the functions of the Authority and for giving effect to this Act.
- (2) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, the employees of the Authority under Subsection (1) shall be employed on such terms and conditions as determined by the Authority.
- (3) The Chief Executive Officer, Executive Managers, and the officers appointed under Subsection (1) shall constitute the staff of the Authority.

30. TEMPORARY AND CASUAL STAFF.

The Chief Executive Officer may employ casual or temporary officers as he considers necessary, in accordance with procedures approved by the Board, to perform his functions under this Act.

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31. CONTRACTS OF EMPLOYMENT.

- (1) Officers of the Authority appointed under Section 29 shall be employed under a written contract of employment.
- (2) The contract of employment referred to in Subsection (1) shall be executed by the Chief Executive Officer on behalf of the Authority, under the Common Seal of the Authority in accordance with the relevant laws and approved procedures of the Authority.

32. PUBLIC SERVICE RIGHTS.

- (1) Where a person appointed as Chief Executive Officer was, immediately before the appointment, an officer of the Public Service within the meaning of the *Public Services (Management) Act 1995*, the person's service as that officer shall, for all purposes, be counted as service as the Chief Executive Officer of the Authority.
- (2) Where a person appointed as an Executive Manager, or officer of the Authority was, immediately before the appointment, an officer of the Public Service within the meaning of the *Public Services (Management) Act 1995*, the person's service as that officer shall, for all purposes, be counted as service as an officer of the Authority.

33. CONSULTANTS.

- (1) The Chief Executive Officer may engage a qualified technical expert as a consultant as he considers necessary to efficiently carry out his functions under the Act.
- (2) A consultant engaged under Subsection (1) shall be employed under a consultancy agreement on such terms and conditions as determined by the Board, on the advice of the Chief Executive Officer.

34. ADMINISTRATIVE ORDERS.

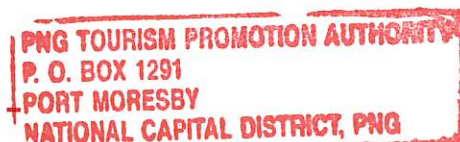
The Board may make Administrative Orders as to any matter required or permitted by this Act to be made, or that are necessary or desirable to be made, for carrying out or giving effect to this Act for the good governance of the Authority, the conduct and discipline of the staff of the Authority and the better management and control of the finances and assets of the Authority.

Division 5. – National Consultation Framework.

35. TOURISM ADVISORY COUNCIL.

- (1) The Tourism Advisory Council is hereby established.
- (2) The Tourism Advisory Council shall consist of members who shall be of no less than Deputy-level or equivalent, representing the following:
 - (a) key economic sector departments and agencies; and
 - (b) key social sector departments and agencies; and

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- (c) relevant regulatory bodies and authorities; and
 - (d) relevant industry representative bodies; and
 - (e) any other relevant stakeholders as the Authority considers reasonably necessary.
- (3) The Tourism Advisory Council, subject to and in accordance with this Act, shall provide a forum for the members to –
- (a) have regular stakeholder engagement, open dialogue, and information and knowledge exchange; and
 - (b) plan and coordinate the implementation of sectoral policies; and
 - (c) formulate policy advice for the Board; and
 - (d) align sectoral activities relating to tourism; and
 - (e) address any other issues affecting the tourism sector.
- (4) The Tourism Advisory Council shall:
- (a) be chaired by the Chief Executive Officer; and
 - (b) meet at least once a year.
- (5) The Authority shall provide secretariat support to the Tourism Advisory Council.
- (6) The Chair of the Tourism Advisory Council shall provide reports of its meetings to the Board.

36. INSTITUTIONAL ARRANGEMENTS AND INTERNATIONAL COOPERATION.

The Authority may enter into Agreements or any other arrangement with a public body, a private sector entity, a foreign government, an international organization, or other relevant entity for the effective implementation of its functions under this Act.

PART III. – FINANCES.

37. APPLICATION OF ACTS.

The following Acts apply to and in relation to the Authority –

- (a) *Public Finances (Management) Act 1995*; and
- (b) *National Procurement Act 2018*; and
- (c) *Non-Tax Revenue (Administration) Act 2022*.

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38. FINANCES OF THE AUTHORITY.

The finances of the Authority shall consist of —

- (a) all monies appropriated by the National Parliament to the Authority, for the purposes of carrying out or giving effect to this Act; and
- (b) all fees and fines paid or payable to the Authority under this Act or any other law; and
- (c) all monies received by the Authority by way of grants, donations, contributions, and subscriptions; and
- (d) all monies received by the Authority from investments or borrowings; and
- (e) all monies earned or arising from any property, mortgages charges or debentures acquired by or vested in the Authority.

39. EXPENDITURE.

The finances of the Authority may be expended for the following reasons: -

- (a) payment or discharge of expenses, obligations and liabilities of the Authority; and
- (b) remuneration of the staff of the Authority; and
- (c) payment of any allowances to the members of the Board, or members of any committee of the Board in accordance with the *Boards (Fees and Allowances) Act 1955*; and
- (d) payment of fees and costs for professional services rendered to the Authority; and
- (e) payment of any charges on any amount which may be allocated to the Authority from loan funds; and repaying any moneys borrowed under this Act and any interest payable; and
- (f) the disbursement of grants, loans or other financial assistance under this Act; and
- (g) making investments authorized by this Act and other relevant laws; and
- (h) such other purposes as are consistent with the functions of the Authority after consultation with and approval by the Board.

40. FEES AND CHARGES.

- (1) The Authority may impose fees and charges prescribed in the Schedule of this Act.
- (2) The fees and charges under Subsection (1) may be collected in such a manner as the Chief Executive Officer may determine from time to time.

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41. BANK ACCOUNTS.

The Authority shall open and maintain such bank accounts as are necessary for the exercise and performance of its functions, and shall pay into them all monies referred to in Section 38.

42. INVESTMENT AND BORROWING.

- (1) Monies of the Authority that are not immediately required may be invested on deposit with a bank or financial institution in accordance with the *Public Finances (Management) Act 1995*.
- (2) The Authority may borrow money in accordance with the *Public Finances (Management) Act 1995*.
- (3) Subject to Subsection (2), the Authority shall not borrow money –
 - (a) if and to the extent that, immediately after the money is borrowed, the total principal amount outstanding of all monies borrowed by the Authority exceeds 10% of the total assets of the Authority; and
 - (b) from a person other than an Authorized Institution as defined under the *Banks and Financial Institutions Act 2000*; and
 - (c) unless approved by the Board; and
 - (d) where a land purposed for a function of the Authority is intended to be mortgaged or charged against a borrowing — that borrowing must not in aggregate result in more than 10 per cent of the land purposed for that function of the Authority being imposed with a charge, mortgage, lien, or other encumbrance.

43. ANNUAL BUDGETARY APPROPRIATIONS.

The Authority, in relation to a submission for an annual appropriation shall, before or by the date prescribed as a due date, submit—

- (a) in respect of the operational funding, to the Departmental Head of the Department responsible for treasury matters, an operational budget; and
- (b) in respect of the development funding, to the Departmental Head of the Department responsible for planning matters, a development budget,

in respect of the year (or years) immediately succeeding the year in which the submission is made.

44. ACCOUNT, RECORDS, ETC...,

The Authority shall, in accordance with the generally acceptable accounting standards and practices and Financial Instructions, issued by the departmental head of the department responsible for financial matters, keep proper accounts of its transactions and affairs, and shall

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do all things to ensure that all expenditure of its funds are authorized in accordance with law, and that adequate control is maintained over its assets, or assets in its custody and over the incurring of liabilities.

45. AUDITS.

For the avoidance of doubt, Part III of the *Audit Act 1989* applies to and in relation to the books, records and accounts of the Authority.

46. REPORT AND FINANCIAL STATEMENTS.

The Authority shall, before 31 March each year, prepare and furnish to —

- (a) the Minister; and
- (b) any State body as the Authority considers relevant, a report on the operation of the Authority for the year ended 31 December, together with the financial statements in respect of that preceding year.

PART IV. – REGULATORY CONTROL.

Division 1. National Tourism Register and National Tourism Database

47. NATIONAL TOURISM REGISTER.

- (1) The Authority shall establish and maintain a register to be known as the National Tourism Register.
- (2) Without limitation, the Authority shall enter into the National Tourism Register –
 - (a) information on tourism services registered under Section 50; and
 - (b) information on a tourism service license granted under Section 51; and
 - (c) information on tourism products registered under Section 67; and
 - (d) information on a tourism product licenses granted under Section 68; and
 - (e) information on certificates of accreditation under this Part; and
 - (f) information on certificates and licenses under Paragraph (a)-(e) that have been issued, varied or cancelled; and
 - (g) any other information pertaining to matters contained under this Part.

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48. NATIONAL TOURISM DATABASE.

- (1) The Authority shall maintain a database to be known as the National Tourism Database.
- (2) The National Tourism Database may contain:
 - (a) information extracted from the National Tourism Register; and
 - (b) the statistical data on the aggregate and disaggregated contribution by the tourism industry, to—
 - (i) the Gross Domestic Product; and
 - (ii) formal employment; and
 - (iii) the tax or public revenue collection; and
 - (iv) the foreign exchange earnings or savings; and
 - (c) to the extent possible, the foregoing data by tourism services, tourism products, or any other broad grouping or classification pertinent to the tourism industry in Papua New Guinea; and
 - (d) any other information or data that the Authority considers necessary.
- (3) The data from the National Tourism Database may only be used in relation to any –
 - (a) provision of information or reporting to the Government and any public body; or
 - (b) evidenced-based policy and planning; or
 - (c) assessment on the performance of the Tourism Industry; or
 - (d) official reporting on international obligations; or
 - (e) other use, which the Authority may consider as necessary.
- (4) The Authority may establish institutional arrangements and mechanisms with a public body, which may include a digital integration system, as the Authority considers necessary, by which the Authority may source any relevant data for the purpose of the National Tourism Database.

Division 2. – Categories of Tourism Services

49. CATEGORIES OF TOURISM SERVICES.

- (1) The Authority shall establish and maintain a system for the categorization of tourism services.

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- (2) The categorization of tourism services under this Division shall include the following:
- (a) Accommodation; and
 - (b) Food and Beverage; and
 - (c) Transportation; and
 - (d) Marketing and Promotions; and
 - (e) Travel Agencies; and
 - (f) Tour Operators; and
 - (g) Event Management.

Division 3.- Registration of Tourism Services.

50. REGISTRATION OF TOURISM SERVICES

- (1) A person who intends to operate a tourism service shall make an application to the Authority to be registered.
- (2) An application for registration shall:
- (a) be made in the prescribed form; and
 - (b) be accompanied by the prescribed fee; and
 - (c) provide a clear and detailed description of the tourism service intended to be delivered;
 - (d) include all relevant information as prescribed under this Act or in a Regulation; and
 - (e) provide any additional information as required by the Authority.
- (3) An application may be made electronically in a manner approved by the Authority.

Division 4. – Licensing of Tourism Services.

51. TOURISM SERVICE LICENSE

- (1) A person who registers under Section 50 who intends to operate a tourism service within a category or sub-category under Schedule 2 shall apply for a license under this Section.
- (2) An application for a tourism service license shall:
- (a) be made to the Authority in the prescribed form; and

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- (b) be accompanied by the prescribed fee; and
 - (c) provide a clear and detailed description of the tourism service intended to be delivered; and
 - (d) include all relevant information and documentation as prescribed under this Act or in a Regulation; and
 - (e) provide any additional information as required by the Authority.
- (3) An application may be made electronically in a manner approved by the Authority.

52. GENERAL REQUIREMENTS FOR A TOURISM SERVICE LICENSE.

An applicant for a license under this Division shall –

- (a) be a registered business incorporated in Papua New Guinea; and
- (b) be a member of the Tourism Industry Association; and
- (c) hold a local bank account with a financial institution, under which revenue generated from business in Papua New Guinea is held; and
- (d) provide evidence of the appropriate insurance coverage, as applicable; and
- (e) any other requirements as prescribed under this Act, or as required from time to time by the Authority.

53. SPECIFIC REQUIREMENTS.

In addition to the general requirements prescribed under Section 52, an applicant shall also satisfy requirements for a specific category of tourism service as prescribed in a Regulation.

54. GRANT OF TOURISM SERVICE LICENSE.

- (1) Where an application is received by the Authority under Section 51, the Authority shall consider the application and make a determination as to whether the applicant satisfies:
- (a) the general requirements and specific requirements under this Division; and
 - (b) any other requirements as determined by the Authority.
- (2) Where the Authority has determined that the application has satisfied the requirements under Subsection (1), the Authority shall issue a Tourism Service License.
- (3) A License issued under Subsection (2) shall:
- (a) contain the necessary details of the applicant; and

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- (b) state the category of tourism service; and
 - (c) impose general conditions of the license; and
 - (d) specify an approved validity period, which shall not exceed two years; and
 - (e) any other information as determined by the Authority.
- (4) The Authority shall enter the particulars of the tourism service license in the National Tourism Register.

55. REFUSAL.

- (1) The Authority shall refuse to issue or renew, as the case may be, a tourism service license, where the Authority determines that:
- (a) the applicant has submitted an application that is incomplete, incorrect, falsified, or inconsistent with this Act; or
 - (b) a ground of cancellation exists under Section 57.
 - (c) the applicant has breached any of the terms or conditions of a tourism service license.
- (2) Where a tourism service license has been refused under Subsection (1), the Authority shall notify the applicant of the refusal and the grounds for the refusal and afford the applicant an opportunity, within a prescribed time frame, to rectify the circumstances giving rise to the ground for refusal.
- (3) Where an applicant has not taken the appropriate action to rectify the circumstances giving rise to the grounds for refusal within a time specified in notice by the Authority under Subsection (2), the Authority may uphold the refusal.
- (4) A refusal under Subsection (1) shall not prevent the applicant from making a fresh application under Section 51.

56. RENEWAL.

- (1) An operator that has a valid tourism service license shall, not less than 30 days before the expiration of the tourism service license, apply to the Authority for renewal.
- (2) An application under Subsection (1) shall be made in accordance with Section 51.
- (3) Where an operator satisfies the requirements under this Section, the Authority shall renew a tourism service license.

57. CANCELLATION.

- (1) Where the Authority is satisfied that –

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- (a) the validity period of the tourism service license has lapsed, and an application is not being considered by the Authority; or
- (b) the tourism service license was granted as a result of a false, misleading or misrepresented information; or
- (c) there has been a breach of any terms or conditions of the tourism service license; or
- (d) the operator has committed an offence under this Act; or
- (e) the operator has been declared bankrupt, insolvent, placed into liquidation, or has had a receiver and/or manager appointed; or
- (f) the operator granted the tourism service license, is a partnership, joint venture, or revokable trust – the partnership, joint venture, or revokable trust is dissolved,

the Authority may, by written notice, cancel the tourism service license.

- (2) A cancellation under Subsection (1) shall not prevent an operator from making an application under Section 51

Division 5. – Accreditation of Tourism Services.

58. APPLICATION FOR ACCREDITATION.

- (1) A person who intends to operate a tourism service shall make an application to the Authority for accreditation.
- (2) An application for accreditation shall:
 - (a) be made in the prescribed form; and
 - (b) be accompanied by the prescribed fee; and
 - (c) provide a clear and detailed description of the tourism service intended to be delivered; and
 - (d) include all relevant information and documentation as prescribed under this Act or in a Regulation; and
 - (e) provide any additional information as required by the Authority.
- (3) An application may be made electronically in a manner approved by the Authority.

59. GENERAL REQUIREMENTS FOR ACCREDITATION.

An applicant for accreditation under this Division shall –

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- (a) be registered under this Part; and
- (b) be a registered business incorporated in Papua New Guinea; and
- (c) be a member of the Tourism Industry Association; and
- (d) hold a local bank account with a financial institution, under which revenue generated from business in Papua New Guinea is held; and
- (e) provide evidence of the appropriate insurance coverage, as applicable; and
- (f) any other requirements as prescribed under this Act, or as required from time to time by the Authority.

60. SPECIFIC REQUIREMENTS.

In addition to the general requirements prescribed under Section 59, an applicant shall also satisfy requirements for a specific category of tourism service as prescribed in a Regulation.

61. GRANT OF ACCREDITATION.

- (1) Where an application is received by the Authority under Section 58, the Authority shall consider the application and make a determination as to whether the applicant satisfies:
 - (a) the general requirements and specific requirements under this Division; and
 - (b) any other requirements as determined by the Authority.
- (2) Where the Authority has determined that the application has satisfied the requirements under Subsection (1), the Authority shall issue a certificate of accreditation.
- (3) A certificate of accreditation issued under Subsection (2) shall:
 - (a) contain the necessary details of the applicant; and
 - (b) state the category of tourism service; and
 - (c) impose general conditions of accreditation; and
 - (d) grant an accreditation rating, as applicable; and
 - (e) specify an approved validity period, which shall not exceed two years; and
 - (f) any other information as determined by the Authority.
- (4) The Authority shall enter the particulars of the certificate of accreditation in the National Tourism Register.

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62. REFUSAL.

- (1) The Authority shall refuse to issue or renew, as the case may be, a certificate of accreditation, where the Authority determines that:
 - (a) the applicant has submitted an application that is incomplete, incorrect, falsified, or inconsistent with this Act; or
 - (b) a ground of cancellation exists under Section 64.
 - (c) the applicant has breached any of the terms or conditions of a certificate of accreditation.
- (2) Where a certificate of accreditation has been refused under Subsection (1), the Authority shall notify the applicant of the refusal and the grounds for the refusal, and afford the applicant an opportunity to rectify the circumstances giving rise to the ground for refusal.
- (3) Where an applicant has not taken the appropriate action to rectify the circumstances giving rise to the grounds for refusal within a time specified by the Authority in notice under Subsection (2), the Authority may uphold the refusal.
- (4) A refusal under Subsection (1) shall not prevent the applicant from making a fresh application under Section 58.

63. RENEWAL.

- (1) An operator that has a valid certificate of accreditation shall, not less than 30 days before the expiration of the certificate of accreditation, apply to the Authority for renewal.
- (2) An application under Subsection (1) shall be made in accordance with Section 58.
- (3) Where an operator satisfies the requirements under this Section, the Authority shall renew a certificate of accreditation.

64. CANCELLATION.

- (1) Where the Authority is satisfied that –
 - (a) the validity period of the certificate of accreditation has lapsed, and an application is not being considered by the Authority; or
 - (b) the certificate of accreditation was granted as a result of a false, misleading or misrepresented information; or
 - (c) there has been a breach of any terms or conditions of the certificate of accreditation; or
 - (d) the operator has committed an offence under this Act or any other Act; or

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- (e) the operator has been declared bankrupt, insolvent, placed into liquidation, or has had a receiver and/or manager appointed; or
- (f) the operator granted the certificate of accreditation is a partnership, joint venture, or revokable trust – the partnership, joint venture, or revokable trust is dissolved,

the Authority may, by notice in writing, cancel the certificate of accreditation.

- (2) A cancellation under Subsection (1) shall not prevent an operator from making an application under Section 58.

65. ACCREDITATION RATING.

- (1) The Authority shall establish and administer an accreditation rating system for tourism services.
- (2) A Regulation shall provide for the criteria and procedures for the administration of the accreditation rating system.

Division 6. – Categories of Tourism Products.

66. CATEGORIES OF TOURISM PRODUCTS.

- (1) The Authority shall establish and maintain a system for the categorization of tourism products.
- (2) The categorization of tourism products shall include the following:
 - (a) cultural tourism products; and
 - (b) natural tourism products; and
 - (c) historic tourism products; and
 - (d) man-made tourism products; and
 - (e) any other category of tourism products as determined by the Board.

Division 7. – Registration of Tourism Products.

67. REGISTRATION OF TOURISM PRODUCTS.

- (1) A person who intends to deliver a tourism product shall make an application to the Authority to be registered.
- (2) An application for registration shall:
 - (a) be made in the prescribed form; and
 - (b) be accompanied by the prescribed fee; and

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- (c) provide a clear and detailed description of the tourism product intended to be provided; and
 - (d) include all relevant information as prescribed under this Act or in a Regulation; and
 - (e) provide any additional information as required by the Authority.
- (3) An application may be made electronically in a manner approved by the Authority.

Division 8. – Licensing of Tourism Products.

68. TOURISM PRODUCT LICENSE

- (1) A person who registers under Section 67 that delivers a tourism product within a category or sub-category under Schedule 3 shall also make an application to be licensed.
- (2) An application for licensing under this Division shall:
 - (a) be made to the Authority in the prescribed form; and
 - (b) be accompanied by the prescribed fee; and
 - (c) provide a clear and detailed description of the tourism product intended to be delivered; and
 - (d) include all relevant information and documentation as prescribed under this Act or in a Regulation; and
 - (e) provide any additional information as required by the Authority.
- (3) An application may be made electronically in a manner approved by the Authority.
- (4) A Regulation may provide for additional requirements and process for the licensing of tourism products.

69. GENERAL CRITERIA.

- (1) A Regulation shall set out the minimum criteria for licensing of a tourism product, including criteria in relation to –
 - (a) accessibility requirements; and
 - (b) connectivity requirements; and
 - (c) safety requirements; and
 - (d) security requirements; and

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- (e) other qualitative requirements.
- (2) An operator shall only be licensed if the tourism product meets the minimum requirements set out under this Section, and as prescribed in a Regulation.
- (3) A Regulation may provide for other specific requirements for a category of tourism products.

70. GRANT OF TOURISM PRODUCT LICENSE.

- (1) Where an application is received by the Authority under Section 68, the Authority shall consider the application and make a determination as to whether the applicant satisfies:
 - (a) the general criteria under this Division; and
 - (b) the specific criteria for a category of tourism product as prescribed in a Regulation; and
 - (c) any other requirements as determined by the Authority.
- (2) Where the Authority has determined that the application has satisfied the requirements under Subsection (1), the Authority shall issue a tourism product license.
- (3) A tourism product license issued under Subsection (2) shall:
 - (a) contain the necessary details of the applicant; and
 - (b) state the category of tourism product; and
 - (c) impose general conditions of license; and
 - (d) specify an approved validity period, which shall not exceed two years; and
 - (e) any other information as determined by the Authority.
- (4) The Authority shall enter the particulars of the tourism product license in the National Tourism Register.

71. REFUSAL OF TOURISM PRODUCT LICENSE.

- (1) The Authority shall refuse to issue or renew, as the case may be, a tourism product license where the Authority determines that:
 - (a) the applicant has submitted an application that is incomplete, incorrect, falsified, or inconsistent with this Act; or
 - (b) a ground of cancellation exists under Section 73; or

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- (c) the applicant has breached any of the terms or conditions of a tourism product license.
- (2) Where a tourism product license has been refused under Subsection (1), the Authority shall notify the applicant of the refusal and the grounds for the refusal and afford the applicant an opportunity to rectify the circumstances giving rise to the ground for refusal.
- (3) Where an applicant has not taken the appropriate action to rectify the circumstances giving rise to the grounds for refusal within a time specified by the Authority in notice under Subsection (2), the Authority may uphold the refusal.
- (4) A refusal under Subsection (1) shall not prevent the applicant from making a fresh application under Section 68.

72. RENEWAL OF TOURISM PRODUCT LICENSE.

- (1) An operator that has a valid tourism product license shall, not less than 30 days before the expiration of the tourism product license, apply to the Authority for renewal.
- (2) An application under Subsection (1) shall be made in accordance with Section 68.
- (3) Where an operator satisfies the requirements under this Section, the Authority shall renew a tourism product license.

73. CANCELLATION OF TOURISM PRODUCT LICENSE.

- (1) Where the Authority is satisfied that –
 - (a) the validity period of the tourism product license has lapsed, and an application is not being considered by the Authority; or
 - (b) the tourism product license was granted as a result of a false, misleading or misrepresented information; or
 - (c) there has been a breach of any terms or conditions of the tourism product license; or
 - (d) the operator has committed an offence under this Act or any other Act; or
 - (e) the operator has been declared bankrupt, insolvent, placed into liquidation, or has had a receiver and/or manager appointed; or
 - (f) the operator granted the tourism product license a partnership, joint venture, or revokable trust – the partnership, joint venture, or revokable trust is dissolved,

the Authority may, by notice in writing, cancel the tourism product license.

- (2) A cancellation under Subsection (1) shall not prevent an operator from making an application under Section 68.

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Division 9. – Accreditation of Tourism Products.

74. APPLICATION FOR ACCREDITATION.

- (1) A person who intends to deliver a tourism product shall make an application to the Authority for accreditation.
- (2) An application for accreditation under this Division shall:
 - (a) be made in the prescribed form; and
 - (b) be accompanied by the prescribed fee; and
 - (c) provide a clear and detailed description of the tourism product intended to be delivered; and
 - (d) include all relevant information and documentation as prescribed under this Act or in a Regulation; and
 - (e) provide any additional information as required by the Authority.
- (3) An application may be made electronically in a manner approved by the Authority.
- (4) A Regulation may provide for additional requirements and process for the accreditation of tourism products.

75. GENERAL CRITERIA.

- (1) A Regulation shall set out the minimum criteria for accreditation of a tourism product, including criteria in relation to –
 - (a) accessibility requirements; and
 - (b) connectivity requirements; and
 - (c) safety requirements; and
 - (d) security requirements; and
 - (e) other qualitative requirements.
- (2) A tourism product shall only be accredited if it meets the minimum requirements set out under this Section, and as prescribed in a Regulation.
- (3) A Regulation may provide for other specific requirements for a category of tourism products.

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76. GRANT OF ACCREDITATION.

- (1) Where an application is received by the Authority under Section 74, the Authority shall consider the application and make a determination as to whether the applicant satisfies:
 - (a) the general criteria under this Division; and
 - (b) the specific criteria for a category of tourism product as prescribed in a Regulation; and
 - (c) any other requirements as determined by the Authority.
- (2) Where the Authority has determined that the application has satisfied the requirements under Subsection (1), the Authority shall issue a certificate of accreditation.
- (3) A certificate of accreditation issued under Subsection (2) shall:
 - (a) contain the necessary details of the applicant; and
 - (b) state the category of tourism product; and
 - (c) impose general conditions of accreditation; and
 - (d) grant an accreditation rating, as applicable; and
 - (e) specify an approved validity period, which shall not exceed two years; and
 - (f) any other information as determined by the Authority.
- (4) The Authority shall enter the particulars of the certificate of accreditation in the National Tourism Register.

77. REFUSAL.

- (1) The Authority shall refuse to issue or renew, as the case may be, a certificate of accreditation, where the Authority determines that:
 - (a) the applicant has submitted an application that is incomplete, incorrect, falsified, or inconsistent with this Act; or
 - (b) a ground of cancellation exists under Section 79; or
 - (c) the applicant has breached any of the terms or conditions of a certificate of accreditation.
- (2) Where a certificate of accreditation has been refused under Subsection (1), the Authority shall notify the applicant of the refusal and the grounds for the refusal, and afford the applicant an opportunity to rectify the circumstances giving rise to the ground for refusal.

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- (3) Where an applicant has not taken the appropriate action to rectify the circumstances giving rise to the grounds for refusal within a time specified by the Authority in notice under Subsection (2), the Authority may uphold the refusal.
- (4) A refusal under Subsection (1) shall not prevent the applicant from making a fresh application under Section 74.

78. RENEWAL.

- (1) An operator that has a valid certificate of accreditation shall, not less than 30 days before the expiration of the certificate of accreditation, apply to the Authority for renewal.
- (2) An application under Subsection (1) shall be made in accordance with Section 74.
- (3) Where an operator satisfies the requirements under this Section, the Authority shall renew a certificate of accreditation.

79. CANCELLATION.

- (1) Where the Authority is satisfied that –
 - (a) the validity period of the certificate of accreditation has lapsed, and an application is not being considered by the Authority; or
 - (b) the certificate of accreditation was granted as a result of a false, misleading or misrepresented information; or
 - (c) there has been a breach of any terms or conditions of the certificate of accreditation; or
 - (d) the operator has committed an offence under this Act or any other Act; or
 - (e) the operator has been declared bankrupt, insolvent, placed into liquidation, or has had a receiver and/or manager appointed; or
 - (f) the operator granted the certificate of accreditation is a partnership, joint venture, or revokable trust – the partnership, joint venture, or revokable trust is dissolved,the Authority may, by notice in writing, cancel the certificate of accreditation.
- (2) A cancellation under Subsection (1) shall not prevent an operator from making an application under Section 74.

80. ACCREDITATION RATING.

- (1) The Authority shall establish and administer an accreditation rating system for tourism products.
- (2) A Regulation shall provide for the criteria and procedures for the administration of the accreditation rating system.

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Division 10. – Iconic Tourism Products

81. ICONIC TOURISM PRODUCT.

- (1) The National Executive Council, upon recommendation of the Minister, may declare an iconic tourism product.
- (2) A declaration under Subsection (1) shall only be made upon a submission by the Board, informing the National Executive Council, that the tourism product –
 - (a) is of national significance; and
 - (b) is of global significance, and has been recognized by an international organization.

Division 11. – Foreign Entities.

82. APPLICATION BY FOREIGN ENTITIES.

A foreign entity that seeks to operate a tourism service or deliver a tourism product in Papua New Guinea shall comply with the requirements under this Part.

PART V. – PROMOTION AND DEVELOPMENT.

Division 1. – Tourism Promotion and Sector Development.

83. TOURISM PROMOTION AND SECTOR DEVELOPMENT.

- (1) The Authority shall, in line with sector policies and plans, develop tourism promotion and sector development promotion programs.
- (2) The Authority may design and implement programs to promote and develop the following:
 - (a) destination management; and
 - (b) destination stewardship; and
 - (c) tourism hubs and tourism spokes; and
 - (d) tourism safeguards; and
 - (e) adventure tourism; and
 - (f) culture tourism; and
 - (g) eco-tourism; and
 - (h) niche tourism; and

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- (i) domestic tourism; and
 - (j) sustainable tourism; and
 - (k) support along the tourism value chain, including market support; and
 - (l) support for tourism services development; and
 - (m) support for tourism product development; and
 - (n) any other areas necessary to achieve the functions of the Authority.
- (3) A Regulation shall prescribe specific requirements and procedures for the development and implementation of programs under Subsection (2).

84. TOURISM HUBS AND TOURISM SPOKES.

- (1) The Minister, upon the recommendation of the Board, may declare a location or area in Papua New Guinea to be a Tourism Hub or a Tourism Spoke.
- (2) A declaration under Subsection (1) shall be published in the National Gazette.
- (3) The Authority shall work in collaboration with relevant stakeholders in the development and promotion of a Tourism Hub or Tourism Spoke declared under this Act.

Division 2. – Investment in the Tourism Industry.

85. INVESTMENT PLANS.

- (1) The Board shall, by 31 December of the following year after the coming into operation of this Act, prepare and submit to the National Executive Council for its approval, an investment plan for the next three-year period.
- (2) The Board shall, by 31 December of the year of the expiry of the investment plan, submit an investment plan for the next three-year period.
- (3) An investment plan referred to under this Section shall:
 - (a) contain a full list of:
 - (i) infrastructure investment; and
 - (ii) investment into tourism development; and
 - (iii) other investment pertinent to the implementation of functions of the Authority,

intended to be carried out by the Authority, a Special Purpose Vehicle, or any other body authorized by the Board through any institutional or commercial arrangement; and

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- (b) provide a full financial plan for each proposed investment.

86. INCORPORATION OF SPECIAL PURPOSE VEHICLES.

- (1) The Board may approve the incorporation of special purpose vehicles under the *Companies Act 1997* for the purposes of this Act.
- (2) The *Companies Act 1997* applies to and in relation to the special purpose vehicle, however, in the case of a conflict between a provision of this Act and a provision of the *Companies Act 1997*, the provision of this Act shall prevail.

87. STATUS OF SPECIAL PURPOSE VEHICLE.

A special purpose vehicle established under Section 76 and incorporated under the *Companies Act 1997* –

- (a) is not an agent or instrumentality of the State; and
- (b) cannot represent the State in any matter or dealing, except by express agreement with the Authority; and
- (c) is not exempt from any rate, tax, duty or other impost imposed by or under any law as applicable to every company; and
- (d) cannot render the State liable for any debt, liability or obligation,

unless a law expressly provides otherwise.

88. RESTRICTIONS ON CHANGE OF OWNERSHIP AND CONTROL.

- (1) A special purpose vehicle shall not be merged, restructured, consolidated with, or taken over by a body corporate, including a company.
- (2) A person must not acquire a direct or indirect interest in the special purpose vehicle by any value or percentage of its voting share.
- (3) The special purpose vehicle shall not, without the approval of the Board, enter into any contract, agreement, or arrangement for the transfer of any business, asset, or property.

89. TRUSTEE SHAREHOLDER.

The Board, acting as trustee on behalf of the Independent State of Papua New Guinea, shall be the sole shareholder of a special purpose vehicle.

90. DIRECTORS AND CONSTITUTION OF A SPECIAL PURPOSE VEHICLE.

- (1) The Board shall appoint the directors of a Special Purposes Vehicle, and approve their terms and conditions.

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- (2) The Constitution of a Special Purpose Vehicle shall provide, amongst other things:
- (a) that there shall be no more than five directors of the Special Purpose Vehicle; and
 - (b) the requirements on the restrictions on the change of ownership under Section 88; and
 - (c) the shareholding requirements under Section 89; and
 - (d) that the Board shall approve the activities of the special purpose vehicle, and participation in projects and programs of which:
 - (i) is necessary or convenient for giving effect to the purpose of this Act; and
 - (ii) is economically and financially viable.
 - (e) that any surplus –
 - (i) from the consolidated earning of the special purpose vehicle in any financial year declared (after any retained earnings) as dividend; or
 - (ii) from any proceed from the disposal or sale of assets (after the discharge of any debt, liability and obligation) and the winding-up of the business and affairs of the special purpose vehicle,shall form part of the finances of the Authority; and
 - (f) the processes of recruitment, and terms and conditions for the employment of a Managing Director and the staff of the Special Purpose Vehicle.

91. INVESTMENT PARTNERSHIPS.

The Authority may enter into a contract, an agreement, or any other arrangement with a public body, a private sector entity, an international organization, or other entity for the effective implementation of its functions under this Act.

PART VI. – COMPLIANCE AND ENFORCEMENT.

Division 1.- Compliance and Enforcement.

92. DUTY TO RETAIN RECORDS AND ACCOUNTS.

For the purpose of this Act, the Authority may require a person to prepare and keep such records or accounts in accordance with this Act.

93. REQUEST FOR INFORMATION.

- (1) The Authority may request any person to provide information in their possession or control that may be relevant to the implementation or enforcement of this Act.

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- (2) Where, in the opinion of the Authority –
- (a) any information, book or record in the possession or custody or under the control of a person, is relevant to the exercise of the functions of the Authority under this Act; and
 - (b) it is necessary that the information, books or records be made available for inspection by the Authority,

the Authority may issue to the person a written notice to that effect specifying the relevant information, book or records to be furnished or produced.

- (3) The person on whom a notice is served under Subsection (1), shall furnish or produce the required information, book or record to the Authority, and copies of or extracts from the information, books or records may be made and retained by the Authority.
- (4) The requirements under this Section shall prevail over any law (except a Constitutional Law), contract or Agreement under which any information, book or record is to be kept confidential.
- (5) The Authority shall take all reasonable steps to avoid or protect from unauthorised use or disclosure of information, book or record furnished or produced under this Section.

94. INSPECTION.

- (1) The Authority may authorize, in writing, for an Authorized Officer to –
- (a) enter and search a premises or facility; and
 - (b) inspect an activity, good, document, book, record or any other thing; and
 - (c) take or produce evidence or sample of an activity, good, document, book, record or any other thing,

as he thinks fit for the purpose of carrying out the functions of the Authority.

- (2) The *Search Act* 1977 applies to an inspection conducted under this Section.

95. NOTICES AND DIRECTIONS.

The Authority may issue verbal directions or a written notice to any person to take action or refrain from taking action, in order to ensure compliance with this Act.

96. AUTHORIZED OFFICERS.

The Chief Executive Officer may appoint, in writing, any person to be an Authorized Officer for the purposes of carrying out compliance or enforcement functions and powers under this Act.

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Division 2.- Offences and Penalties.

97. OFFENCES.

- (1) A person who,
- (a) operates a tourism service or delivers a tourism product without the appropriate authorization from the Authority;
 - (b) has obtained a license or a certificate of accreditation by means of fraud or false representation; or
 - (c) fails to comply with a condition of a license or certificate of accreditation; or
 - (d) provides information, or a book or record under this Act, that is false or misleading under this Act; or
 - (e) without reasonable excuse, refuses or fails, to furnish or produce information, a book or a record or any other item requested by the Authority under this Act,
 - (f) fails to comply with a direction or notice under Section 95; or
 - (g) obstructs an Authorized Officer during the course of an inspection or other enforcement action taken under this Act,

is guilty of an offence and is liable to an administrative fine not exceeding K10,000.00 and/or cancellation of their license or certification.

- (2) Where a person has committed an offence under Subsection (1), and:
- (a) has committed the offence on more than one occasion; or
 - (b) has resulted or is likely to result in serious injury or death; or
 - (c) has resulted in material monetary loss to the Authority; or
 - (d) has resulted or may result in the loss of reputation or may taint the image of the tourism sector in Papua New Guinea,

commits a criminal offence and is liable to a fine not exceeding K100,000.00, or a term of imprisonment not exceeding 10 years, or both.

98. INVESTIGATION AND PROSECUTION OF OFFENCES.

- (1) The Authority may, in consultation with the Royal Papua New Guinea Constabulary or other relevant authorities, investigate or take other investigative action authorized under this law or any other law, with respect to an offence committed under this Act.
- (2) The Authority may, with the consent of the Public Prosecutor, prosecute or provide counsel to prosecute any person charged with an offence.

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99. MISCONDUCT.

(1) The members of the Board, Chief Executive Officer, an Authorized Officer or a staff of the Authority who –

- (a) is dishonest; or
- (b) intentionally and without reasonable justification causes a delay; or
- (c) accepts a bribe or reward,

in the discharge of functions and powers under this Act, is guilty of an offense.

Penalty: a fine not exceeding K10,000 or imprisonment for a term not exceeding 5 years, or both.

(2) The imposition of a penalty under subsection (1) does not prevent disciplinary action from being instituted against the person who commits an offense.

PART VII. - MISCELLANEOUS.

100. SERVICE OF DOCUMENTS.

Any notice, summons, writ or other process required to be served on the Authority may be served by being left at the office of the Authority or, in the case of a notice, by being sent by post or mailed electronically.

101. AUTHENTICATION OF DOCUMENTS.

Any document requiring authentication by the Authority is sufficiently authenticated with the common seal of the Authority affixed in accordance with this Act.

102. REGULATIONS.

The Head of State, acting on advice, may make Regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed for carrying out or giving effect to this Act.

103. GUIDELINES, STANDARDS, CODES, STANDARD OPERATING PROCEDURES, ETC.

The Authority may develop operational guidelines, policies, standards, protocols, or other documents for the effective performance of its functions consistent with this Act.

PART VIII. – FINAL PROVISIONS.

104. SAVINGS.

- (1) All contracts, agreements, arrangements, conveyances, deeds, leases, licenses and other instruments executed by the Tourism Promotion Authority, are on that coming into operation of this Act, binding on and enforceable against the Authority as if executed by the Authority.
- (2) Nothing in this Act affects the validity of any act or decision done or made by the Tourism Promotion Authority, or the Board or Chief Executive Officer of the Tourism Promotion Authority, before the coming into operation of this Act, and every such act and decision shall be taken to be valid and effectual and to have continuing effect despite anything in this Act.
- (3) Where an Act or a law, other than this Act, or any other document or instrument, wherever made or executed, contains a reference, express or implied —
 - (a) to the Tourism Promotion Authority, that reference, on the coming into operation of this Act, except where the context otherwise requires, shall be read and construed as a reference to the Authority; and
 - (b) to the Board or Chief Executive Officer of the Tourism Promotion Authority, that reference, on the coming into operation of this Act, except where the context otherwise requires, shall be read and construed as a reference to the Board or Chief Executive Officer of the Authority.

105. TRANSITIONAL.

- (1) There is hereby established an Interim Board of the Authority consisting of the board members of the Tourism Promotion Authority appointed under the *Tourism Promotion Authority Act* 1993, immediately before the coming into operation of this Act, and shall be replaced upon the establishment of the Board under Section 9 of this Act.
- (2) There shall be an Interim Chairman of the Board, who shall be the Chairman of the Board of the Tourism Promotion Authority appointed immediately before the coming into operation of this Act.
- (3) The Interim Chairman shall continue to perform the functions and exercise the powers of the Chairman under this Act until such a time that a new Chairman is appointed in accordance with Section 13.
- (4) In the absence of the Interim Chairman, a member elected by the members present at a meeting of the Interim Board shall preside over the meeting.
- (5) A person who immediately before the coming into operation of this Act, held office as a Chief Executive Officer, staff, casual or temporary officers, of the Tourism Promotion Authority is deemed to be a Chief Executive Officer, staff, casual or temporary officer of the Authority in the same or equivalent position or category and on the same terms

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and condition of employment as were applicable to him before that coming into operation of this Act.

106. TRANSFER OF ASSETS, ETC.

All assets, property, rights, obligations and liabilities of Tourism Promotion Authority, upon coming into operation of this Act, shall be —

- (a) transferred to the Authority; and
- (b) exempt from any stamp duty, fee, tax, charge or other duty payable under any Act, notwithstanding the contrary in any Acts or law.

107. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding pending or existing, against or in favour of the Tourism Promotion Authority may be presented, continued and enforced by or against the Authority.

108. REPEAL.

The *Tourism Promotion Authority Act 1993* is hereby repealed.

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SCHEDULE 1. – FEES AND CHARGES.

	TYPE	AMOUNT (K)
Section 50	Application Fee – Tourism Service Registration	A fee not exceeding K1,000.00.
Section 52	Application Fee – Tourism Service License	A fee not exceeding K10,000.00.
Section 58	Application Fee - Tourism Service Accreditation.	A fee not exceeding K10,000.00.
Section 67	Application Fee- Tourism Product Registration	A fee not exceeding K1,000.00.
Section 68	Application Fee – Tourism Product License	A fee not exceeding K10,000.00.
Section 74	Application Fee –Tourism Product Accreditation.	A fee not exceeding K10,000.00.
Section 52	Renewal Fee - Tourism Product Accreditation.	A fee not exceeding K10,000.00.

SCHEDULE 2. – TOURISM SERVICES THAT REQUIRE A LICENSE.

SCHEDULE 3. – TOURISM PRODUCTS THAT REQUIRE A LICENSE.

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