

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 159.

Tourism.

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), the administration of this Chapter was vested in the Minister for Labour, Commerce and Industry.

Accordingly, as at that date, except where a different intention is clearly indicated, by note or in the text, references in or in relation to this Chapter to—

“the Minister”—should be read as references to the Minister for Labour, Commerce and Industry;

“the Departmental Head”—should be read as references to the Secretary for Labour, Commerce and Industry¹;

“the Department”—should be read as references to the Department of Labour, Commerce and Industry².

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¹ Previously the Secretary, Department of Labour and Industry.

² Previously the Department of Labour and Industry.

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CHAPTER NO. 159.

Tourism Act.

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CHAPTER NO. 159.

Tourism Act.

Being an Act to provide for the regulation, control and promotion of tourism in the interests of national development, and for that purpose to establish—

- (a) a Tourism Advisory Council; and
- (b) a Tourism Co-ordinating Committee,

and to define their powers and functions, and for related purposes.

PART I.—PRELIMINARY.

1. Purposes of this Act.

The purposes of this Act are—

- (a) to co-ordinate governmental activity in the field of tourism; and
- (b) to promote, control and regulate the development of the tourist industry in the country.

2. Interpretation.

In this Act, unless the contrary intention appears—

“the Chairman”, in relation to—

- (a) the Council, means the Chairman of the Council; and
- (b) the Committee, means the Chairman of the Committee;

“the Committee” means the Tourism Co-ordinating Committee established by Section 9;

“the Council” means the Tourism Advisory Council established by Section 5;

“the Director” means the Director of the Office of Tourism in the Department of Labour and Industry;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations;

“tourist enterprise” means any business that is wholly or partly engaged in providing services—

- (a) for visitors to the country; or
- (b) for persons travelling within the country for the purposes of holidays, recreation or amusement,

or both, by way of transport, accommodation, tours, guides or the sale of goods, whether or not the services are provided inside or outside the country.

PART II.—THE MINISTER.

3. Powers and functions of the Minister.

For the purposes of this Act and subject to the regulations, the powers or functions of the Minister include—

- (a) devising and implementing plans for the development and promotion of the tourist industry; and
- (b) the examination, in consultation with the National Investment Development Authority, of any proposal submitted to it for investment in tourist enterprises; and
- (c) the giving of directions, within the limit of funds lawfully available, as to the implementation of national or regional plans referred to in Paragraph (a); and
- (d) the registration and regulation of tourist enterprises; and
- (e) the authorization of the establishment of tourist associations and the formation of national industry groups within the tourist industry; and
- (f) the determination, after consultation with the relevant Ministers, Departments, authorities and representatives of tourist enterprises, of—
 - (i) the areas most suitable for the development of tourist facilities; and
 - (ii) the infrastructure requirements for the development of any tourist facility; and
 - (iii) the industry, manpower and training requirements for the development of any tourist facility,and the issuing of instructions and directions as to how those requirements should be met; and
- (g) the co-ordination, in conjunction with the Trustees of the Papua New Guinea Public Museum and Art Gallery, the National Parks Board, Local Government Councils and other bodies, of the preservation of and access to national cultural and historic treasures and monuments; and
- (h) assisting Local Government Councils, and Authorities and other local and regional organizations to further the development of tourism; and
- (i) arranging through Local Government Councils and Authorities and other institutions the education of the people of Papua New Guinea as to the meaning and value of tourism; and
- (j) causing surveys and investigations to be conducted into the development of tourism where he is of the opinion that such surveys and investigations are necessary; and
- (k) causing public inquiries to be conducted into any aspect of the tourist industry where he is of the opinion that such inquiries are necessary; and
- (l) such other functions as are incidental to the performance of the functions referred to in this section.

4. Additional powers of the Minister.

Subject to this Act, the Minister has such powers as are necessary or convenient for, or incidental to, the exercise or performance of his functions under this Act.

PART III.—TOURISM ADVISORY COUNCIL.

5. Establishment of Tourism Advisory Council.

(1) There shall be a Tourism Advisory Council, which shall consist of—

- (a) two members to represent airlines operating to or within the country; and
- (b) two members to represent accommodation interests within the country; and
- (c) one member to represent ground tour operators (including shipping interests); and
- (d) one member to represent Local Government interests; and
- (e) one member to represent Regional Tourist Associations; and
- (f) two other members.

(2) The members of the Council referred to in Subsection (1) shall be appointed by the Minister, by notice in the National Gazette, for terms each not exceeding two years, and are eligible for re-appointment.

(3) The Minister shall appoint one of the members to be the Chairman of the Council and one of the members to be the Deputy Chairman of the Council.

(4) The Director is entitled to attend meetings of the Council and to take part in debate, but is not entitled to vote and shall not be counted towards a quorum.

(5) The Council is a Board within the meaning of the *Boards (Fees and Allowances) Act*.

6. Vacation of office of members of the Council.

If a member of the Council—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand addressed to the Minister; or
- (c) is absent, except on leave granted by the Chairman, from three consecutive meetings of the Council,

the Minister shall terminate his appointment.

7. Meetings of the Council.

(1) The Council shall meet at least twice and, except with the approval of the Minister, not more than four times in any year, at such times and places as the Council determines or as the Chairman directs.

(2) Except with the approval of the Minister, a meeting of the Council shall not be held unless at least 14 days' written notice, served either personally or by post or telegram, has been given to each member.

(3) At a meeting of the Council—

- (a) five members are a quorum; and
- (b) the Chairman, or in his absence the Deputy Chairman, or in the absence of both a member of the Council appointed by the members of the Council for the purpose, shall preside; and
- (c) a question shall be decided by a majority of the votes of members present and voting; and
- (d) the member presiding has a deliberative and, in the event of an equality of votes on a question, also a casting vote.

(4) The Council shall cause minutes of its meetings to be kept and to be given to the Minister within a reasonable period after each meeting.

(5) Subject to this Act, the procedures of the Council are as the Council determines.

8. Functions of the Council.

(1) The Tourism Advisory Council—

(a) shall consider, and make recommendations to the Minister concerning, any matter connected with tourism that is referred to it by the Minister; and

(b) may consider, and make recommendations to the Minister concerning, any other matter connected with tourism; and

(c) has such other functions as are prescribed.

(2) The Council shall, when directed to do so by the Minister, meet with—

(a) the Minister; or

(b) the Committee,

or both, at a time and place fixed by the Minister, for the general discussion of matters relating to tourism.

PART IV.—TOURISM CO-ORDINATING COMMITTEE.

9. Establishment of Tourism Co-ordinating Committee.

(1) There shall be a Tourism Co-ordinating Committee, which shall consist of—

(a) the Secretary, Department of Labour and Industry, who shall be Chairman; and

(b) the Director of the Office of Tourism, who shall be Deputy Chairman; and

(c) the Director of Public Works; and

(d) the Secretary for Finance; and

(e) the Secretary, Department of Business Development; and

(f) the Director of Lands, Surveys and Mines; and

(g) the Secretary, Department of Transport; and

(h) the Director of the Office of Environment and Conservation; and

(i) the Director of the Office of Cultural Affairs; and

(j) any person deemed to be a member under Section 10 in relation to a question before the Committee.

(2) A member of the Committee (other than a co-opted member) shall appoint, by written notice, an alternate.

(3) An alternate—

(a) shall, in the absence of the member of whom he is the alternate from a meeting of the Committee, stand in the place of that member for all purposes of the meeting; and

(b) may, with the approval of the member and of the Chairman, attend any other meeting of the Committee but, except as provided by Paragraph (a), is not entitled to vote or be counted towards a quorum in relation to any matter.

10. Co-option of other members.

(1) Where in the opinion of the Minister or of the Committee a question before the Committee affects or may affect—

- (a) a Department, the Departmental Head of which is not ex officio a member of the Committee; or
- (b) an instrumentality of the Government or a governmental body; or
- (c) a particular group of persons in an area,

a representative of the Department, the instrumentality or body or the group of persons, as the case may be, nominated in accordance with Subsection (2), shall be deemed to be a member for the purposes of the discussion and determination of that question.

(2) The representative referred to in Subsection (1) shall be nominated—

- (a) in the case of a Department—by the Departmental Head; and
- (b) in the case of an instrumentality of the Government or a governmental body—by the instrumentality or body; and
- (c) in the case of a group of persons—by the Minister.

11. Functions of Deputy Chairman.

In the event of the absence (whether from the country or from a meeting) of the Chairman or his inability or unavailability to act, the Deputy Chairman has all the powers and functions of the Chairman.

12. Meetings of the Committee.

(1) Meetings of the Committee shall be held at such times and at places as the Chairman, or in the absence of the Chairman the Deputy Chairman, or in the absence of the Chairman and the Deputy Chairman the Minister, determines.

(2) At a meeting of the Committee—

- (a) six members, of whom one is the Chairman or Deputy Chairman are a quorum; and
- (b) the Chairman, or in the absence of the Chairman the Deputy Chairman, shall preside; and
- (c) a question shall be decided by a majority of the votes of members present and voting; and
- (d) the member presiding has a deliberative and, in the event of an equality of votes on a question, also a casting vote.

(3) The Committee shall cause minutes of its meetings to be kept.

(4) Subject to this Act, the procedures of the Committee are as the Committee determines.

13. Functions of the Committee.

(1) Subject to this Act and to any other law, it is the duty of the Committee to contribute to the achievement of the purposes of this Act, especially in relation to the regulation, control and promotion of tourism.

(2) In particular, but subject to any directions of the Minister, the Committee—

- (a) shall recommend national and regional plans for the promotion, regulation and control of tourism for the consideration of the Minister; and

- (b) shall assist, when required by the Minister to do so, in the implementation of approved national and regional plans; and
- (c) shall consider any matter connected with tourism that is referred to it by the Minister; and
- (d) may consider any other matter connected with tourism; and
- (e) shall, in conjunction with other planning agencies of the Government, contribute to planning for the development of tourism; and
- (f) shall co-ordinate—
 - (i) Government planning for the promotion, control and regulation of tourism; and
 - (ii) action approved by the Government for the promotion, control and regulation of tourism; and
- (g) has such other functions as are prescribed.

14. Powers of the Committee.

(1) Subject to Subsection (2) and to any direction of the Minister, the Committee has power to do, in the country or elsewhere, all things necessary or convenient to be done for or in connexion with the exercise and performance of its functions.

(2) The Committee has no power of direction or control of any Department or branch of a State Service or any instrumentality of the Government or governmental body.

15. Protection of the Committee.

A member of the Committee, the Director or an officer or employee of a State Service is not liable for any act or omission done or made bona fide and without negligence under or for the purposes of this Act.

PART V.—MISCELLANEOUS.

16. 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, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing—

- (a) the manner of doing, and the fees payable in respect of, any matter or thing that is required or permitted to be done under this Act; and
- (b) all matters relating to the registration and control of tourist enterprises; and
- (c) all matters relating to provision of tourist accommodation; and
- (d) the nature and subject of promotional activities; and
- (e) the means by which co-ordination of activity in relation to tourism can be achieved; and
- (f) the reports, returns and information to be supplied under or for the purposes of this Act; and
- (g) penalties of fines not exceeding K200.00 and default penalties of fines not exceeding K20.00 for offences against the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 159.

Tourism.

APPENDIX.

SOURCE OF THE TOURISM ACT.

Part A.—Previous Legislation.

Tourism Act 1975 (No. 109 of 1975).

Part B.—Cross Reference.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	1	9	9
2	2	10	10
3	3	11	11
4	4	12	12
5	5	13	13
6	6	14	14
7	7	15	15
8	8	16	16

¹ Unless otherwise indicated, references are to the Act set out in Part A.

