

TOURISM BILL 2026
(BILL NO. 10 OF 2026)

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BILL NO. 10 OF 2026

A BILL

FOR AN ACT TO PROVIDE FOR THE REGULATION, DEVELOPMENT AND MANAGEMENT OF THE TOURISM SECTOR IN FIJI, TO ESTABLISH A FRAMEWORK FOR TOURISM PRACTICES, TO PROMOTE INCLUSIVE PARTICIPATION, CLIMATE RESILIENCE AND ENVIRONMENTAL PROTECTION IN TOURISM, TOURISM STANDARDS AND CERTIFICATION SYSTEMS, TO DEFINE THE ROLES AND RESPONSIBILITIES OF TOURISM INSTITUTIONS, TO REPEAL THE HOTELS AND GUEST HOUSES ACT 1973, AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Tourism Act 2026.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

2.—(1) In this Act, unless the context otherwise requires—

“acceptable verifier” means a person or body approved by the Permanent Secretary under section 29 to independently verify tourism criteria self-assessments;

“accredited certification body” means an entity to which the Department has delegated the functions of certification of Fiji Tourism Standards under section 28;

“audit” means a systematic examination and evaluation of a tourism enterprise’s compliance with the Fiji Tourism Standards;

“authorised body” means a body, organisation, institution or entity approved, appointed or authorised by the Minister or a competent authority that must undertake specified functions relating to tourism standards, certification, verification, auditing, assessment, accreditation, destination management, training, monitoring or compliance activities;

“certification” means the process of auditing, independently verifying and documenting that a tourism enterprise is compliant with prescribed standards under section 28;

“community, indigenous and micro tourism enterprise” or “CIMTE” means an enterprise under the Tourism Classification System, owned or operated by indigenous or local communities, that provide tourism accommodation or services;

“competent authority” means a ministry, department, statutory authority, public agency, local authority, or other legally empowered entity designated under this Act or any other written law to have primary responsibility, jurisdiction, regulatory oversight, enforcement powers or decision making authority in relation to a matter regulated under this Act;

“Council” means the National Tourism Council established under section 8;

“Department” means the Department of Standards within the Ministry;

“Fiji Tourism Standards” or “Standards” means the comprehensive system of criteria and procedures for recognising, regulating and certifying tourism enterprises;

“Investment Fiji” has the same meaning under section 2 of the Investment Fiji Act 2022;

“legal compliance declaration” means a formal statement made by a tourism enterprise in a prescribed form which attests that the information provided and any claim of compliance with applicable standards, criteria, or regulatory requirements under this Act or any regulations or guidelines made under it are true, complete and accurate and is subject to penalties, enforcement action, suspension, or withdrawal of recognition in the event of false, misleading or incomplete information;

“legal criteria” means legal requirements a tourism enterprise must comply with under the laws of Fiji;

“micro enterprise” means a tourism enterprise that has an annual turnover and a total number of employees not exceeding the threshold prescribed for micro enterprises under applicable national MSME policy;

“Minister” means the Minister responsible for tourism;

“Ministry” means the Ministry responsible for tourism;

“MSME” means micro, small and medium enterprise;

“Permanent Secretary” means the permanent secretary responsible for tourism;

“Recognition Certificate” means a certificate granted by the Permanent Secretary under section 23 to a tourism enterprise;

“Recognition Pathway for Industry” or “RPI” means formal recognition under section 18 confirming that a tourism enterprise has satisfied the applicable legal criteria and tourism criteria at the tier applied for and has been registered on the Register;

“Register of Approved Tourism Industry Certifications” or “RATIC” means the Register of Approved Tourism Industry Certifications established under section 16;

“registration” means the process of an enterprise applying to be registered under the Tourism Classification System, and recognition under the Recognition Pathway for Industry, having satisfied the requirements for the registration for a classification and for a Recognition Certificate under this Act;

“self-assessment” means a structured process by which a destination management organisation or tourism enterprise evaluates and declares its own level of compliance with applicable standards, criteria, or regulatory requirements under this Act or any regulations or guidelines made under it, based on evidence available to the organisation or enterprise at the time of assessment, that includes supporting documentation, records, or declarations as required, and submitted in a prescribed form, and is subject to verification, audit or review by:

(a) a competent authority;

- (b) an authorised body; or
- (c) an acceptable verifier;

“Standards Officer” means an officer within the Department authorised by the Permanent Secretary under section 30 to act as a standards officer;

“supporting service” means any service, activity, or facility that enables, facilitates, or supports the operation, delivery, or quality of tourism accommodation or tourism services, but which is not itself primarily used by visitors or tourists as a tourism experience, and includes business-to-business services, supply chain inputs, and operational support functions such as maintenance and repair, cleaning and laundry, security, waste management, utilities and infrastructure provision, food and beverage supply, transport logistics, equipment hire, marketing and distribution, booking and reservation systems, training and workforce development, and professional advisory services;

“tourism” means a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal, business, professional, or other purposes;

“tourism accommodation” means any premises, structure, building, facility, or part thereof, whether on or under land or water, that is made available on a temporary basis for the overnight stay of visitors or tourists, in exchange for monetary payment or other form of consideration, and includes hotels, resorts, motels, serviced apartments, guesthouses, hostels, bed and breakfasts, lodges, eco-accommodation, farm stays, campgrounds, glamping sites, houseboats, live-aboard vessels, short-term rentals offered through peer-to-peer platforms or similar services, and community-hosted accommodations such as homestays and village stays;

“Tourism Classification System” or “TCS” means the system of classifications based on the tourism type and activity provided under section 14;

“tourism criteria” means tourism-specific compliance requirements determined by the Permanent Secretary under this Act;

“tourism enterprise” means any natural person, partnership, company, community group, organisation, or other entity that provides goods, services, or experiences primarily for the benefit of visitors or tourists, and for tourism or recreational purposes, for the purpose of generating revenue, and includes tourism accommodation and tourism services;

“Tourism Enterprise Register” or “Register” means the Register maintained by the Department under section 17;

“Tourism Fiji” means the entity continued under the Tourism Fiji Act 2004;

“Tourism Industry Criteria” or “TIC” means the set of criteria established by the Permanent Secretary under section 15;

“tourism service” means any tourism-related activity, product, or experience, other than overnight accommodation, offered to visitors or tourists in exchange for monetary payment or other value, and includes guided tours, recreational or adventure activities, cultural, heritage or nature-based experiences, visitor attractions, food and beverage service primarily for the benefit of visitors or tourists, local transport and transfers, wellness service, event-related service, interpretation and information service, and digital or online platforms that facilitate visitor experience;

“tourist” means a domestic, inbound or outbound overnight visitor whose trip or visit includes an overnight stay, or a same-day visitor or an excursionist; and

“visitor” means a traveller taking a trip to a main destination outside his or her usual environment, for less than a year, for any main purpose, other than to be employed by a resident entity in the country or place visited.

Application

3. This Act applies to—

- (a) all tourism enterprises operating within Fiji;
- (b) tourism-related activities conducted within the territorial boundaries and maritime zones of Fiji;
- (c) government agencies, statutory bodies and other entities engaged in tourism planning, development, regulation or promotion; and
- (d) any person or entity providing tourism-related goods, services or experiences to visitors.

Objectives

4. The objectives of this Act are to—

- (a) establish a comprehensive legal and institutional framework for the development, regulation and management of tourism in Fiji;
- (b) promote tourism practices that support sustained economic growth, protect the environment, preserve cultural heritage and enhance community wellbeing;
- (c) provide for the implementation of the Standards aligned with regional and international best practices;
- (d) foster inclusive and equitable participation in tourism, particularly for MSMEs, CIMTE, women, youth and people with disabilities;
- (e) facilitate sustainable tourism investment and provide incentives for environmentally and socially responsible tourism enterprises;

- (f) clarify the respective roles, responsibilities and functions of institutions involved in tourism governance; and
- (g) align Fiji's tourism sector with national development priorities and international commitments.

Guiding principles

5. The management and regulation of the tourism industry including any person performing any duty or exercising any power pursuant to this Act must be guided by the following principles—

- (a) tourism must be managed so as to generate sustainable economic growth, create meaningful employment opportunities, attract investment, and ensure that the economic benefits of tourism are equitably distributed across Fiji's regions and communities;
- (b) tourism development and operations must protect the environment and ecosystems, support climate action, and promote efficient use of natural resources;
- (c) tourism must benefit all Fijians, especially women, youth, people with disabilities, and indigenous communities;
- (d) the tourism sector must be capable of adapting to unforeseen events, including pandemics, natural disasters and climate-related events;
- (e) tourism must uphold and celebrate Fiji's diverse cultures, traditions, and heritage;
- (f) tourism must be managed through multi-stakeholder collaboration among government, industry, communities and development partners to achieve sustainable tourism outcomes; and
- (g) tourism governance must be transparent, evidence-based and accountable to all stakeholders.

PART 2—INSTITUTIONAL FRAMEWORK AND GOVERNANCE

Functions and powers of Minister

6.—(1) The Minister has the following functions and powers—

- (a) formulating and reviewing national tourism policies;
- (b) overseeing the implementation of this Act;
- (c) supporting tourism investment priorities and incentive schemes; and
- (d) performing any other function under this Act.

(2) The Minister may delegate any of the Minister's functions or powers under subsection (1), except the power to further delegate, to any other person or body the Minister considers appropriate.

(3) A delegation under subsection (2)—

- (a) must be in writing;
- (b) may be subject to conditions or limitations specified by the Minister;
- (c) is revocable at any time; and
- (d) does not prevent the Minister from exercising the delegated function or power.

Roles and responsibilities of Ministry

7. The Ministry is responsible for—

- (a) the administration and enforcement of this Act;
- (b) coordinating implementation of this Act; and
- (c) carrying out any other function prescribed by this Act.

National Tourism Council

8.—(1) This section establishes the National Tourism Council.

(2) The Council is an advisory body to the Minister on matters relating to tourism policy, strategy, Standards and development.

(3) The Council comprises—

- (a) the Permanent Secretary, as the chairperson;
- (b) the chief executive officer of Tourism Fiji;
- (c) the chief executive officer of Investment Fiji;
- (d) a representative from the ministry responsible for environment;
- (e) a representative from the ministry responsible for climate change;
- (f) a representative from the ministry responsible for iTaukei Affairs;
- (g) a representative from the iTaukei Land Trust Board;
- (h) not more than 5 representatives from the tourism industry, including representatives from accommodation, tour operators, and community and indigenous based tourism enterprises, appointed by the Minister;
- (i) a representative from civil society appointed by the Minister;
- (j) a representative from MSMEs, appointed by the Minister;
- (k) a representative from an academic or research institution with expertise in tourism, appointed by the Minister; and
- (l) any other person the Minister considers appropriate.

(4) The Minister may appoint a secretary to the Council.

(5) The functions of the Council are to advise the Minister on tourism policy and strategy including—

- (a) providing recommendations on the development and review of the Fiji Tourism Standards;
- (b) reviewing and recommending approval or refusal of destination management plans;
- (c) advising on tourism investment priorities and incentive schemes;
- (d) facilitating coordination among stakeholders in the tourism sector; and
- (e) performing any other advisory function assigned by the Minister.

(6) The Minister must determine—

- (a) the terms and conditions of appointment of Council members;
- (b) the procedures governing the convening and conduct of meetings of the Council; and
- (c) any other matter relating to the operation of the Council.

(7) Members of the Council appointed by the Minister hold office for a period not exceeding 3 years and are eligible for reappointment.

Tourism Fiji

9.—(1) Tourism Fiji as established under section 3 of the Tourism Fiji Act 2004 is responsible for the marketing and promotion of Fiji as a tourism destination.

(2) In carrying out its function under subsection (1), Tourism Fiji must—

- (a) integrate sustainability awareness into national branding and marketing campaigns;
- (b) collaborate with the Ministry on the development and promotion of consumer-focused branding for the Fiji Tourism Standards;
- (c) promote tourism enterprises that are registered in accordance with section 20;
- (d) support product and destination development in collaboration with the Ministry;
- (e) collaborate with the Ministry on tourism statistics and market intelligence; and
- (f) align its activities with the objectives and guiding principles of this Act.

Coordination with other agencies

10.—(1) The Permanent Secretary must, in the performance of his or her functions under this Act, coordinate with relevant government agencies, statutory bodies and other entities on matters affecting tourism including—

- (a) environmental protection, natural resource management and climate change;

- (b) land use planning and development control;
- (c) transport infrastructure and connectivity;
- (d) health and safety standards;
- (e) labour, employment and workforce development;
- (f) investment facilitation;
- (g) cultural heritage preservation;
- (h) maritime and fisheries management; and
- (i) consumer protection and trade standards.

(2) The Permanent Secretary may establish inter-agency coordination mechanisms to facilitate cooperation and alignment on tourism-related matters.

PART 3—FIJI TOURISM STANDARDS

Division 1—Establishment and components of Fiji Tourism Standards

Establishment of Fiji Tourism Standards

11.—(1) This section establishes a national system for standards known as the Fiji Tourism Standards, which serves as the overarching mechanism for advancing sustainability, quality and accountability in Fiji’s tourism sector.

(2) The Fiji Tourism Standards comprise the following—

- (a) Tourism Destination Standard under section 12; and
- (b) Tourism Industry Standards under section 13.

(3) The Fiji Tourism Standards must be—

- (a) appropriate to the diverse contexts of tourism enterprises in Fiji, including MSMEs and CIMTEs;
- (b) developed and reviewed through consultation with industry stakeholders, communities and experts; and
- (c) reviewed and updated periodically to reflect evolving best practices, stakeholder needs and international developments.

(4) The Permanent Secretary is responsible for implementing, monitoring and updating the Fiji Tourism Standards.

Tourism Destination Standard

12.—(1) The Tourism Destination Standard provides a framework for assessing the governance, planning, environmental management, cultural heritage protection and community engagement of tourism at a place-based level.

(2) The Tourism Destination Standard must include—

- (a) criteria covering environmental protection, climate resilience, cultural preservation and social equity;

- (b) governance and operational mechanisms;
 - (c) health, safety and visitor management criteria;
 - (d) accessibility for persons with disabilities; and
 - (e) other international, regional or national standards.
- (3) The Department is responsible for administering the Tourism Destination Standard.
- (4) For the purpose of assessing compliance with the Tourism Destination Standard, the Permanent Secretary may —
- (a) formulate and implement a self-assessment programme at national or sub-national level;
 - (b) apply for assessment by an internationally recognised body that governs tourism; or
 - (c) pursue third-party certification through an international, regional or national accredited certification body.
- (5) The Tourism Destination Standard and any related certification or assessment outcomes must be made publicly available at the Ministry and on the official website of the Ministry.

Tourism Industry Standards

- 13.—**(1) The Tourism Industry Standards is a system for classifying tourism enterprises and recognising compliance with the Tourism Industry Criteria, aligned with international and regional standards.
- (2) The Tourism Industry Standards must include the following—
- (a) Tourism Classification System;
 - (b) Tourism Industry Criteria;
 - (c) Register of Approved Tourism Industry Certifications;
 - (d) Recognition Pathway for Industry; and
 - (e) other international, regional or national standards.
- (3) The Department is responsible for administering the Tourism Industry Standards.
- (4) The Permanent Secretary must determine differentiated or phased requirements for new or emerging categories of tourism enterprises for the Tourism Industry Standards.

Division 2 – Components of Tourism Industry Standards

Tourism Classification System

- 14.—**(1) The Permanent Secretary must establish the Tourism Classification System in which tourism enterprises are classified as follows—
- (a) tourism accommodation;

- (b) tourism services;
- (c) community, indigenous and micro tourism enterprises; or
- (d) supporting services.

(2) A tourism enterprise that provides more than one distinct activity may, at the discretion of the Permanent Secretary, receive more than one classification under the TCS.

(3) The Permanent Secretary may add, remove or modify a classification under the TCS.

Tourism Industry Criteria

15.—(1) The Permanent Secretary must establish a set of criteria known as the Tourism Industry Criteria.

(2) The Tourism Industry Criteria includes—

- (a) legal criteria; and
- (b) tourism criteria.

(3) The Permanent Secretary may add, remove or modify a Tourism Industry Criteria.

Register of Approved Tourism Industry Certifications

16.—(1) The Department must establish and maintain a register to be known as the Register of Approved Tourism Industry Certifications to record certification schemes approved by the Permanent Secretary.

(2) The Permanent Secretary may add, remove or modify a scheme from the RATIC.

(3) The removal of a scheme from the RATIC does not affect the validity of a Recognition Certificate granted on the basis of that scheme, however the tourism enterprise must satisfy the applicable tourism criteria at its next renewal.

Tourism Enterprise Register

17. The Department must maintain and update a Tourism Enterprise Register of all tourism enterprises recognised under this Act, which may—

- (a) record the tourism enterprise name, address, TCS, tier, date of recognition, date of expiry, and any suspension or cancellation; and
- (b) be publicly accessible at the Ministry or the official website of the Ministry.

Recognition Pathway for Industry

18.—(1) This section establishes the Recognition Pathway for Industry as the national mechanism for recognising a tourism enterprise that complies with the Tourism Industry Criteria.

(2) The Recognition Pathway for Industry is to—

- (a) operate on a tiered and progressive basis as prescribed by regulations; and
- (b) apply to all tourism enterprises.

(3) The Minister may, by regulations prescribed the manner in which a Recognition Pathway for Industry may be awarded or removed.

Division 3—Requirement to Register

Requirement for registration

19.—(1) Subject to section 50, a person must not operate a tourism enterprise unless the enterprise is registered under this Part.

(2) A tourism enterprise must not represent itself or use a RPI under this Act unless it holds a valid Recognition Certificate.

(3) Any person operating a tourism enterprise who contravenes this section commits an offence and is liable to a fine not exceeding \$500.

Application for registration

20.—(1) A tourism enterprise must submit to the Permanent Secretary in the prescribed form an application to be registered under this Act.

(2) An application must be accompanied by—

- (a) the applicant's classification under TCS;
- (b) a legal compliance declaration under section 21;
- (c) a tourism criteria self-assessment under section 22; and
- (d) the applicable prescribed fee.

(3) The Permanent Secretary may determine the appropriate classification to be given to the tourism enterprise under the TCS.

(4) The Permanent Secretary must, within 30 days of receiving a completed application—

- (a) register the tourism enterprise, issue a Recognition Certificate and record the tourism enterprise in the Tourism Enterprise Register; or
- (b) refuse the application and notify the applicant in writing of the reasons, giving the applicant a reasonable opportunity to remedy any deficiency.

(5) The Permanent Secretary must not register a tourism enterprise if—

- (a) the application is incomplete or contains false or misleading information;
- (b) the applicant does not pay the prescribed fee; or
- (c) the enterprise does not meet minimum requirements prescribed by regulations.

Legal compliance declaration

21.—(1) An applicant for registration under section 20 and a recognised tourism enterprise at the time of applying for a renewal under section 25, must complete a legal compliance declaration.

(2) A legal compliance declaration must—

- (a) identify each written law of Fiji applicable to the tourism enterprise by reason of its activities, location or nature of operations;
- (b) confirm that the enterprise is in compliance with each applicable written law identified as at the date of declaration; and
- (c) be signed by the proprietor, a director, or an authorised officer of the tourism enterprise.

(3) Where compliance with a written law is regulated or enforced by another competent authority, the Department is entitled to rely on information provided by that authority.

(4) A person who makes or causes to be made a legal compliance declaration knowing it to be false or misleading commits an offence and is liable under section 332 of the Crimes Act 2009.

Tourism criteria self-assessment

22.—(1) An applicant for recognition must complete a tourism criteria self-assessment against the tourism criteria as prescribed by regulations.

(2) A tourism criteria self-assessment must—

- (a) be completed using the prescribed form for the relevant tier and classification;
- (b) address each mandatory criterion specified in the applicable criteria for that tier; and
- (c) address each criterion that the applicant elects to satisfy where the criteria set permits a choice.

(3) The tourism criteria self-assessment is the primary basis on which the Permanent Secretary grants recognition approval to be registered in the Register.

(4) The Department is not required to independently verify the tourism criteria self-assessment except in the exercise of its Standards Officers' functions to audit and inspect under section 30.

Grant of Recognition Certificate

23.—(1) Where the Department is satisfied that an application complies with this Part, the Permanent Secretary must grant recognition and issue a Recognition Certificate to the tourism enterprise.

(2) A Recognition Certificate must state—

- (a) the name and address of the tourism enterprise;
- (b) the tourism enterprise's TCS classification;
- (c) the tier at which recognition has been granted;
- (d) the date of issue and the date of expiry; and

(e) the authorised officer assigned by the Permanent Secretary.

(3) A recognised tourism enterprise may be eligible to receive benefits or incentives as prescribed which include the following—

- (a) participation in national and international tourism marketing and promotional initiatives administered by Tourism Fiji;
- (b) access to capacity-building programmes;
- (c) eligibility for government support initiatives; or
- (d) other forms of recognition.

Acceptance of third-party certification

24.—(1) A tourism enterprise that is issued with a valid certification scheme by a body listed on the RATIC may apply for recognition at the highest tier without completing a tourism criteria self-assessment.

(2) An application under subsection (1) must be accompanied by—

- (a) the applicant's classification under the TCS;
- (b) evidence of a valid certification listed on the RATIC;
- (c) a legal compliance declaration; and
- (d) the prescribed fee.

(3) The Permanent Secretary may grant a Recognition Certificate at the highest tier if satisfied that the certification listed on the RATIC is valid and that the legal compliance declaration complies with section 21.

Division 4—Renewal, tier progression, suspension and cancellation

Renewal of Recognition Certificate

25.—(1) A Recognition Certificate is valid from the date of issue for the period stated in the certificate.

(2) A tourism enterprise must apply for renewal before expiry of a Recognition Certificate by submitting—

- (a) an updated legal compliance declaration;
- (b) a declaration confirming that the information in its tourism criteria self-assessment remains accurate, or an updated self-assessment where information has changed; and
- (c) a declaration confirming that the classification under TCS is accurate; and
- (d) the prescribed renewal fee.

(3) Where a Recognition Certificate expires and an application for a renewal has not been made, the tourism enterprise may submit a new application for a Recognition Certificate with the prescribed fee, subject to compliance with this Part.

Tier progression

26.—(1) A recognised tourism enterprise may, at any time during the validity of its Recognition Certificate, apply to progress to a higher recognition tier by submitting a new tourism criteria self-assessment at the higher tier and an accompanying legal compliance declaration.

(2) The Department must support tourism enterprises in progressing through tiers by providing access to guidance materials, training and other necessary tools approved by the Permanent Secretary.

Suspension and cancellation of Recognition Certificate

27.—(1) The Permanent Secretary may in writing, suspend or cancel a Recognition Certificate of a tourism enterprise if—

- (a) the tourism enterprise has breached this Act or any other written law;
- (b) the tourism enterprise was registered or certified on the basis of false or misleading information; or
- (c) the tourism enterprise has ceased to meet the requirements for registration or a Recognition Certificate.

(2) Before suspending or cancelling a Recognition Certificate, the Permanent Secretary must—

- (a) give the tourism enterprise written notice of the proposed action and the reasons;
- (b) give the tourism enterprise at least 15 working days to provide a written response to paragraph (a); and
- (c) consider any submissions received before making a final decision.

(3) A tourism enterprise whose recognition is cancelled—

- (a) must not represent itself as recognised under this Act; and
- (b) may reapply for recognition after such a period as prescribed by regulations.

(4) Where the Department discovers, in the exercise of its functions, a breach of a written law by a tourism enterprise, the Department must report the breach to the relevant competent authority.

(5) A suspension or cancellation takes effect on the date specified in the notice.

(6) The filing of an appeal under section 42 does not revoke the decision of the Permanent Secretary to suspend or cancel a Recognition Certificate unless the court orders otherwise.

PART 4—CERTIFICATION AND ACCEPTABLE VERIFIERS

Certification under Fiji Tourism Standards

28.—(1) A tourism enterprise may apply for certification under the Fiji Tourism Standards in accordance with this section.

(2) An application for certification must be made in the prescribed form and accompanied by the prescribed fee and evidence of compliance with the applicable standards.

(3) The Department or an accredited certification body, must assess the application and may conduct an audit of the tourism enterprise.

(4) If satisfied that the enterprise meets the Fiji Tourism Standards, the Department or accredited certification body must issue a certificate indicating the level of certification achieved.

(5) A certificate issued under subsection (4) is valid for a period prescribed by regulations and may be renewed on successful reassessment.

Acceptable verifiers

29.—(1) The Permanent Secretary must establish and maintain a register of acceptable verifiers for independent verification.

(2) The Permanent Secretary may approve a person or body as an acceptable verifier if satisfied that the person or body—

- (a) has the technical competence to assess compliance with the applicable tourism criteria;
- (b) is independent of the tourism enterprise to be verified; and
- (c) satisfies any other requirement prescribed by regulations.

(3) The register of acceptable verifiers must be published on the Ministry's official website.

(4) The Permanent Secretary may suspend or revoke an approval under this section by written notice if the acceptable verifier no longer satisfies the requirements for approval.

PART 5—AUDITING, INSPECTION AND SPOT CHECKS

Auditing and inspection powers

30.—(1) The Permanent Secretary may authorise a person to act as a Standards Officer for the purposes of this Act.

(2) A Standards Officer may, at any reasonable time and on production of his or her official government issued identification, with consent of the tourism enterprise—

- (a) enter and inspect any premises where a tourism enterprise operates;
- (b) examine any equipment, facility, record or document;
- (c) take photographs or make recordings;
- (d) interview any person present at the premises inspected; and
- (e) exercise any other power prescribed by regulations.

(3) A person must not obstruct a Standards Officer in the exercise of the officer's powers.

(4) A person who obstructs the Standards Officer from exercising his or her powers is liable to a fine not exceeding \$500.

(5) A Standards Officer must conduct audits and inspections in accordance with procedures prescribed by regulations.

Compliance notices

31.—(1) If a tourism enterprise is not complying with this Act and any mandatory standard, the Standards Officer may issue a compliance notice or refer the matter to a competent authority.

(2) The compliance notice issued by the Standards Officer must be—

- (a) in writing;
- (b) specify the non-compliance;
- (c) specify the action required to remedy the non-compliance; and
- (d) specify a reasonable period within which the action must be taken.

(3) Any person who receives a compliance notice must comply with it within the period specified in the notice.

(4) A person who does not comply with the compliance notice issued under subsection (1) is liable to a fine not exceeding \$500.

Spot checks

32.—(1) The Department must conduct spot checks of tourism enterprises recognised under this Act, in particular enterprises holding Recognition Certificates.

(2) In selecting enterprises for spot checks, the Department may use—

- (a) random selection;
- (b) risk-based criteria, including complaints received or patterns of non-compliance; or
- (c) thematic programmes targeting a class of enterprise or activity.

(3) The Department must give an enterprise at least 24 hours' notice before conducting a spot check, except where a Standards Officer reasonably believes that a notice is likely to defeat the purpose of the spot check.

(4) A Standards Officer must prepare a written record of each spot check within 5 working days of its conclusion, and a copy must be provided to the tourism enterprise within 10 working days of the written record thereafter.

PART 6—TOURISM FUND

Tourism Fund

33.—(1) This section establishes a fund to be known as the Tourism Fund.

(2) The Tourism Fund comprises the following—

- (a) all funds collected from registration, renewal, reinstatement, fast-track and fines; and
- (b) any other monies appropriated by Parliament.

(3) The Tourism Fund may be used by the Ministry for—

- (a) the administration of the Recognition Pathway for Industry and the Fiji Tourism Standards;
- (b) the development of training, guidance and support materials for tourism enterprises at all tiers;
- (c) the training, accreditation and travel costs of Standards Officers and acceptable verifiers;
- (d) technical assistance to tourism enterprises including CIMTE;
- (e) support for MSMEs and CIMTE capacity-building programmes;
- (f) awareness and community outreach campaigns;
- (g) tourism infrastructure priorities identified by the National Tourism Council; and
- (h) the costs of implementing the Tourism Destination Standard.

(4) The Tourism Fund is administered by the Ministry and is subject to financial management and audit requirements under the Financial Management Act 2004.

(5) The Minister may, by regulations, prescribe the administration and management of the Tourism Fund, eligibility criteria for accessing the Fund, application and approval processes, and monitoring and reporting requirements.

Fees

34.—(1) The Minister may, by regulations, prescribe fees for applications for registration, renewal of registration, audits and inspections, provision of information or other services by the Ministry.

(2) The Minister may waive or reduce fees for registered tourism enterprises.

PART 7—TOURISM INVESTMENT AND INCENTIVES

Investment framework

35. The Minister may, in collaboration with Investment Fiji and other relevant agencies, establish a framework for tourism investment.

Investment incentives

36.—(1) Subject to relevant tax and investment laws the Minister may consult with relevant ministries on the priorities and incentive schemes for inclusive tourism investments.

(2) Incentive schemes may include—

- (a) tax concessions and exemptions;
- (b) duty exemptions on imported equipment and materials;
- (c) grants or subsidies for specific types of investments;
- (d) preferential financing arrangements;
- (e) expedited approval processes; and
- (f) any other forms of support prescribed by regulations.

(3) The Permanent Secretary must monitor and evaluate the effectiveness of incentive schemes and may recommend adjustments based on performance and policy priorities.

PART 8—CULTURAL TOURISM AND PROTECTION OF TRADITIONAL KNOWLEDGE

Experiential and cultural tourism

37.—(1) The Ministry must support the development of authentic experiential and cultural tourism products that—

- (a) provide meaningful engagement with Fijian cultures and traditions;
- (b) benefit local communities and culture bearers;
- (c) are developed with community involvement and consent;
- (d) protect and preserve intangible cultural heritage;
- (e) promote intercultural understanding and respect; and
- (f) contribute to cultural pride and identity.

(2) Cultural tourism products must be delivered in accordance with protocols and guidelines developed in consultation with indigenous communities and cultural authorities.

Protection of traditional knowledge and cultural practices

38.—(1) A tourism enterprise must respect and protect the traditional knowledge, cultural practices and intellectual property rights of indigenous communities.

(2) The Permanent Secretary must, in collaboration with the ministry responsible for iTaukei affairs, develop guidelines for the respectful and appropriate use of indigenous cultural heritage in tourism.

PART 9—MONITORING, REPORTING AND DATA MANAGEMENT

Tourism statistics and data collection

39.—(1) The Permanent Secretary must, in collaboration with the Fiji Bureau of Statistics and other relevant agencies, establish and maintain a comprehensive tourism statistics and data system.

(2) The tourism statistics and data system must collect, analyse and disseminate information on—

- (a) visitor arrivals, characteristics and expenditure;
- (b) tourism employment and economic contribution;
- (c) tourism enterprise performance and trends;
- (d) environmental impacts of tourism;
- (e) social and cultural impacts on communities;
- (f) destination competitiveness indicators;
- (g) alignment with the international and regional indicators; and
- (h) any other tourism-related data required for policy-making and planning.

(3) A tourism enterprise must provide information and data to the Ministry as may be required.

Annual reporting

40.—(1) The Ministry must submit to the Minister an annual report on operations, business and affairs in accordance with the requirements under the Financial Management Act 2004.

(2) The Minister must, as soon as practicable, lay before Parliament a copy of the annual report of the Ministry.

(3) The annual report must be made publicly available.

PART 10—INTERNAL REVIEW AND RIGHT TO APPEAL

Internal review

41.—(1) A person may request an internal review of any decision by the Permanent Secretary to the Minister within 14 days of the decision.

(2) The Minister must complete the internal review within 30 days and notify the person of the outcome.

Right to appeal

42.—(1) A person who is aggrieved by a decision made by the Minister arising under this Act may seek to resolve the dispute through—

- (a) mediation, conducted by a mediator agreed upon by the parties; or
- (b) arbitration, conducted in accordance with the Arbitration Act 1965.

(2) Where the parties agree in writing to refer a dispute to arbitration under subsection (1)(b)—

- (a) the arbitration agreement is binding on the parties;
- (b) a party may not commence or continue an appeal in respect of the same dispute unless the arbitration agreement is set aside or the arbitral proceedings are terminated without resolution; and

- (c) an arbitral award is final and binding on the parties, subject to any right of appeal or review available under the Arbitration Act 1965.

(3) Unless otherwise agreed by the parties, each party is to bear its own costs in any alternative dispute resolution process.

(4) The filing of an appeal does not suspend the operation of the decision by the Minister or the Ministry unless the court orders otherwise.

PART 11—MISCELLANEOUS

Confidentiality

43.—(1) A person who, in performing functions or exercising powers under this Act, obtains confidential information about a tourism enterprise or individual must not disclose that information except—

- (a) with the consent of the person to whom the information relates;
- (b) for the purposes of administering this Act;
- (c) as required by law;
- (d) to law enforcement or regulatory agencies for enforcement purposes;
- (e) in aggregated or anonymised form for statistical or research purposes; or
- (f) as authorised by the Minister.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding \$500.

Protection from liability

44.—(1) A person appointed under the Act is not personally liable for any act done or omitted to be done in good faith in the performance or purported performance of functions or exercise of powers under this Act.

(2) Subsection (1) does not affect the liability of the Government for any act or omission of a person to whom subsection (1) applies.

Service of documents

45.—(1) A document required or authorised to be served under this Act may be served—

- (a) by delivering it personally to the person;
- (b) by leaving it at the person’s last known place of residence or business;
- (c) by sending it by registered post to the person’s last known address;
- (d) by electronic means to an email address provided by the person; or
- (e) in any other manner prescribed by regulations.

(2) A document sent by post is deemed to be served 7 days after posting.

(3) A document sent electronically is deemed to be served on the day after sending.

Penalty

46.—(1) A person who is subject to a requirement or prohibition under this Act commits an offence if the person—

- (a) does an act that the person is forbidden to do by or under a provision of this Act; or
 - (b) fails to do an act that the person is required or directed to do by or under a provision of this Act.
- (2) A person who commits an offence under subsection (1) is liable on conviction to—
- (a) a penalty not exceeding the maximum penalty prescribed for the contravention of the relevant provision; or
 - (b) if no maximum penalty is prescribed for that provision, a penalty not exceeding \$500.
- (3) This section does not apply to—
- (a) the Minister, the Permanent Secretary, or the Department in the performance of their functions, duties, or powers under this Act; or
 - (b) any other public authority or statutory officeholder acting in the exercise of a power or discharge of a duty conferred by this Act.

Regulations

47.—(1) The Minister may make regulations for any purpose related to the implementation of this Act.

- (2) Without limiting subsection (1), regulations under this section may—
- (a) prescribe forms, procedures and requirements for applications and approvals under this Act;
 - (b) establish detailed standards and criteria for the Fiji Tourism Standards;
 - (c) establish requirements in the Fiji Tourism Standards for applicable tourism enterprises that are resilient to climate-related hazards and environment protection in tourism development and operations;
 - (d) prescribe requirements for different categories of tourism enterprises;
 - (e) establish audit and inspection procedures;
 - (f) prescribe penalties for contraventions of regulations;
 - (g) prescribe fees under this Act;
 - (h) provide for transitional arrangements;
 - (i) prescribe criteria for MSMEs and CIMTEs and other enterprise categories;
 - (j) provide for the operation of the National Tourism Council;
 - (k) support investment priorities and incentive schemes;

- (l) prescribe data collection and reporting requirements;
- (m) provide for the recognition and support of destination management organisations;
- (n) establish guidelines for the respectful and appropriate use of indigenous cultural heritage in tourism; and
- (o) prescribe any other matter required or permitted to be prescribed under this Act.

Repeal

48. The Hotels and Guest Houses Act 1973 is repealed.

Transitional

49.—(1) A person operating a tourism enterprise immediately before the commencement of this Act may continue to operate as a tourism enterprise for 12 months from the date of commencement of this Act.

(2) A licence, permit or approval issued under the Hotels and Guest Houses Act 1973 or any other law and in force immediately before the commencement of this Act continues in force until —

- (a) it expires;
- (b) it is replaced by a registration or certification under this Act; or
- (c) it is cancelled or suspended.

Savings

50.—(1) Notwithstanding the repeal of the Hotels and Guest Houses Act 1973 —

- (a) any licence or approval granted under that Act remains valid in accordance with section 49;
- (b) any proceedings commenced under that Act may be continued and completed as if that Act had not been repealed;
- (c) any offence committed under that Act may be prosecuted and punished as if that Act had not been repealed; and
- (d) any right, privilege, obligation or liability acquired, accrued or incurred under that Act continues to exist.

(2) Notwithstanding section 48, the subsidiary laws made under the Hotels and Guest Houses Act 1973 and in force immediately before the commencement of this Act, except where they are inconsistent with the provisions of this Act or any other written law, continues in force until altered, amended or revoked in accordance with this Act.

Consequential amendments

51. The Land Sales Act 1974 is amended in section 7A(3)(c) by deleting “Hotels and Guest Houses Act 1973” and substituting “Tourism Act 2026”.

May 2026

TOURISM BILL 2026

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Tourism Bill 2026 (**‘Bill’**) seeks to establish a modern, fit-for-purpose legal framework for the regulation, development, and management of Fiji’s tourism sector.
- 1.2 The Bill seeks to enforce tourism standards, regulate emerging tourism activities, and respond effectively to industry challenges.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill provides for the definitions of distinct terms referred to in the Bill, these include definitions for acceptable verifier, accredited certification body, audit, certification, community, indigenous and micro tourism enterprise, competent authority, the National Tourism Council, the Department of Standards, Fiji Tourism Standards, legal criteria, micro, MSME, Minister, Ministry, Recognition Certificate, Recognition Pathway for Industry, Register of Approved Tourism Industry Certifications, Registration, self-assessment, Legal compliance declaration, Standards Officer, supporting services, tourism, tourism accommodation, Tourism Classification System, tourism criteria, tourism enterprise, Tourism Enterprise Register, Tourism Fiji, Tourism Industry Criteria, tourism service, tourist and visitor.
- 2.3 Clause 3 of the Bill provides that the Bill applies to all tourism enterprises operating in Fiji, as well as government agencies and other entities engaged in tourism planning, development, regulation, or promotion.

- 2.4 Clause 4 of the Bill provides for the objectives of the Bill which is to achieve sustainable economic growth, environmental protection, cultural heritage preservation, inclusive participation, responsible investment, institutional clarity, and alignment with national and international commitments and best practices.
- 2.5 Clause 5 of the Bill provides for guiding principles which include economic contribution, sustainability, inclusivity, resilience, cultural respect, partnership, transparency and accountability which guide the exercise of all powers and functions under the Bill by any person, and the management and regulation of the tourism industry.
- 2.6 Clause 6 of the Bill provides for the functions and powers of the Minister responsible for tourism (**‘Minister’**), which includes to formulate and review national tourism policy, oversee implementation of the Act, and support tourism investment priorities. The clause also provides for the power of the Minister to delegate any of his or her functions or powers, except the power to further delegate.
- 2.7 Clause 7 of the Bill provides for the role of the Ministry responsible for tourism.
- 2.8 Clause 8 of the Bill provides for the establishment of the National Tourism Council as an advisory body to the Minister, comprising representatives from government, statutory bodies, the tourism industry, civil society, and academia, to provide strategic guidance on policy, Standards, destination management, and investment.
- 2.9 Clause 9 of the Bill provides for the roles of Tourism Fiji in destination marketing and promotion.
- 2.10 Clause 10 of the Bill provides for the Permanent Secretary’s duty to coordinate with relevant government agencies, statutory bodies and other entities on matters affecting tourism and across areas including environment, land use, transport, health and safety, labour, investment, cultural heritage, maritime management, and consumer protection.
- 2.11 Clause 11 of the Bill provides for the establishment of the Fiji Tourism Standards as the overarching mechanism for advancing sustainability, quality, and accountability in the tourism sector. The Fiji Tourism Standards comprise of two components, the Tourism Destination Standard, and the Tourism Industry Standards.
- 2.12 Clause 12 of the Bill provides for the Tourism Destination Standard, a framework that will assess the governance, planning, environmental management, cultural heritage and protection and community engagement of tourism at a place based level.

- 2.13 Clause 13 of the Bill provides for the Tourism Industry Standards, which set out a system for classifying tourism enterprises and recognising their compliance with the Tourism Industry Criteria, aligned with international and regional standards. The clause identifies the components of the Tourism Industry Standards and assigns administrative responsibility to the Department of Standards.
- 2.14 Clause 14 of the Bill provides for the establishment of the Tourism Classification System as a classification framework covering tourism accommodation, tourism services, Community, indigenous and micro tourism enterprises, and supporting services. The clause also provides that an enterprise offering more than one distinct activity may receive more than one classification, and that the Permanent Secretary may add, remove or modify classifications.
- 2.15 Clause 15 of the Bill provides for the establishment of the Tourism Industry Criteria, comprising legal criteria and tourism criteria, which form the basis of compliance requirements for tourism enterprises. The clause also provides that the Permanent Secretary may add, remove or modify prescribed tourism criteria.
- 2.16 Clause 16 of the Bill provides for the establishment of the Register of Approved Tourism Industry Certifications, which records certification schemes approved by the Permanent Secretary. The clause also provides that the removal of a scheme from the Register does not affect the validity of a Recognition Certificate already granted on the basis of that scheme, but that the enterprise must satisfy the applicable tourism criteria at its next renewal.
- 2.17 Clause 17 of the Bill provides for the establishment and maintenance of the Tourism Enterprise Register, which records all tourism enterprises recognised under the Bill. The Register must record key enterprise details including name, address, classification, tier, recognition dates and any suspension or cancellation, and must be publicly accessible.
- 2.18 Clause 18 of the Bill establishes the Recognition Pathway for Industry as the national mechanism for recognising tourism enterprises in accordance with the Tourism Industry Criteria. The pathway operates on a tiered and progressive basis and applies to all tourism enterprises. The Minister may add, remove or modify a recognition pathway as prescribed.
- 2.19 Clause 19 of the Bill provides for the requirement for registration. Subject to transitional provisions, a person must not operate a tourism enterprise unless it is registered, and must not represent itself as recognised under the Bill unless it holds a valid Recognition Certificate. Contravention of these requirements is an offence attracting a fine not exceeding \$500.

- 2.20 Clause 20 of the Bill provides for the application process for registration. An application must be submitted in the prescribed form, accompanied by the applicant's TCS classification, a legal compliance declaration, a tourism criteria self-assessment, and the applicable prescribed fee. The Permanent Secretary must, within 30 days of receiving a complete application, either register the enterprise and issue a Recognition Certificate, or refuse the application with reasons.
- 2.21 Clause 21 of the Bill provides for the legal compliance declaration. Every applicant for registration, and every recognised tourism enterprise at the time of renewal, must complete a legal compliance declaration identifying applicable written laws and confirming compliance with each. The declaration must be signed by the proprietor, a director, or an authorised officer. Making a false or misleading declaration is an offence under section 332 of the Crimes Act 2009.
- 2.22 Clause 22 of the Bill provides for the tourism criteria self-assessment. An applicant must complete a self-assessment against the tourism criteria using the prescribed form for the relevant tier and classification, and addressing all mandatory and elected criteria. The self-assessment is the primary basis on which the Permanent Secretary grants recognition, and the Department is not required to independently verify the self-assessment except in the exercise of audit and inspection functions.
- 2.23 Clause 23 of the Bill provides for the grant of a Recognition Certificate. Where the Department is satisfied that an application complies with the Bill, the Permanent Secretary must issue a Recognition Certificate stating the enterprise name and address, TCS classification, recognition tier, dates of issue and expiry, and the authorised officer assigned. The clause also provides that recognised tourism enterprises may be eligible for benefits or incentives, including access to national and international marketing initiatives, capacity-building programmes, and government support.
- 2.24 Clause 24 of the Bill provides for the acceptance of third-party certification. A tourism enterprise issued with a valid certification scheme from a body listed on the RATIC may apply for recognition at the highest tier without completing a tourism criteria self-assessment. The Permanent Secretary may grant recognition at the highest tier if satisfied that the certification is valid and the legal compliance declaration complies with section 21.
- 2.25 Clause 25 of the Bill provides for the renewal of Recognition Certificates. A tourism enterprise must apply for renewal before expiry by submitting an updated legal compliance declaration and relevant declarations confirming the accuracy of its tourism criteria self-assessment and TCS classification.

- 2.26 Clause 26 of the Bill provides for tier progression. A recognised tourism enterprise may, at any time during the validity of its Recognition Certificate, apply to progress to a higher recognition tier by submitting a new tourism criteria self-assessment at the higher tier and an updated legal compliance declaration. The Department must support tourism enterprises in progressing through tiers by providing access to guidance materials and training.
- 2.27 Clause 27 of the Bill provides for the suspension and cancellation of Recognition Certificates. The Permanent Secretary may suspend or cancel a certificate if a tourism enterprise has breached the Bill or other laws of Fiji, was registered on the basis of false information, or has ceased to meet registration requirements. Before suspending or cancelling, the Permanent Secretary must give the tourism enterprise written notice and at least 15 working days to make written submissions. A cancelled tourism enterprise must not represent itself as recognised and may reapply only after a prescribed period.
- 2.28 Clause 28 of the Bill provides for certification under the Fiji Tourism Standards. A tourism enterprise may apply for certification in the prescribed form, accompanied by the prescribed fee and evidence of compliance with the applicable standards. The Department or an accredited certification body must assess the application, may conduct an audit, and must issue a certificate if the enterprise meets the applicable standards. Certification is valid for a period prescribed by regulations and may be renewed upon successful reassessment.
- 2.29 Clause 29 of the Bill provides for acceptable verifiers. The Permanent Secretary must establish and maintain a register of acceptable verifiers for independent verification purposes. A person or body may be approved as an acceptable verifier if they possess the necessary technical competence, are independent of the enterprise to be verified, and satisfy any other prescribed requirements. The register must be published on the Ministry's official website. The Permanent Secretary may suspend or revoke an approval where a verifier no longer satisfies the requirements.
- 2.30 Clause 30 of the Bill provides for auditing and inspection powers. The Permanent Secretary may authorise Standards Officers who may, at any reasonable time and on production of their official identification, enter and inspect premises, examine equipment, records and documents, take photographs or recordings, and interview persons present. It is an offence to obstruct or hinder a Standards Officer, attracting a fine not exceeding \$500. Standards Officers must conduct audits and inspections in accordance with prescribed procedures.

- 2.31 Clause 31 of the Bill provides for compliance notices. Where a Standards Officer finds that a tourism enterprise is not complying with the Bill or any mandatory standard, the officer may issue a compliance notice or refer the matter to the competent authority. A compliance notice must be in writing, specify the non-compliance and the required remedial action, and set a reasonable timeframe for compliance. Failure to comply with a notice attracts a fine not exceeding \$500.
- 2.32 Clause 32 of the Bill provides for spot checks. The Department must maintain a programme of spot checks of recognised tourism enterprises, using random selection, risk-based criteria, or thematic programmes. The Department must give at least 24 hours' notice before a spot check, except where notice would defeat its purpose. A Standards Officer must prepare a written record of each spot check within 5 working days and provide a copy to the enterprise within 10 working days.
- 2.33 Clause 33 of the Bill provides for the the establishment of the Tourism Fund. All registration, renewal, reinstatement, fast-track and fines collected under the Bill, together with any appropriated funds, must be paid into the Tourism Fund. The Fund may be used by the Ministry for administration of the recognition and Standards systems, development of training and guidance materials, capacity-building programmes, technical assistance to CIMTEs and MSMEs, outreach campaigns, and tourism infrastructure priorities. The Fund is subject to applicable financial management and audit requirements under the Financial Management Act 2004.
- 2.34 Clause 34 of the Bill provides for the prescription of fees by the Minister, including fees for applications for registration and renewal, audits and inspections, and provision of information or other services by the Ministry. The Minister may waive or reduce fees for registered tourism enterprises.
- 2.35 Clause 35 of the Bill provides for the establishment of an investment framework. The Minister may, in collaboration with Investment Fiji and other relevant agencies, establish a clear and transparent framework for tourism investment.
- 2.36 Clause 36 of the Bill provides for investment incentives. The Minister may, in accordance with relevant tax and investment legislation, consult key Ministries on priorities and incentive schemes for inclusive tourism investments. Incentive schemes may include tax and duty concessions, grants or subsidies, preferential financing, expedited approvals, and other prescribed forms of support. The Permanent Secretary must monitor the effectiveness of incentive schemes and may recommend adjustments based on performance and policy priorities.

- 2.37 Clause 37 of the Bill provides for the development of experiential and cultural tourism. The Ministry must support the development of authentic cultural tourism products that provide meaningful engagement with Fijian cultures and traditions, benefit local communities, are developed with community involvement and consent, protect intangible cultural heritage, and contribute to cultural pride. Cultural tourism products must be delivered in accordance with protocols developed in consultation with indigenous communities and cultural authorities.
- 2.38 Clause 38 of the Bill provides for the protection of traditional knowledge and cultural practices. Tourism enterprises must respect and protect the traditional knowledge, cultural practices and intellectual property rights of indigenous communities. The Permanent Secretary must, in collaboration with the ministry responsible for iTaukei affairs, develop guidelines for the respectful and appropriate use of indigenous cultural heritage in tourism.
- 2.39 Clause 39 of the Bill provides for tourism statistics and data collection. The Permanent Secretary must, in collaboration with the Fiji Bureau of Statistics and other relevant agencies, establish and maintain a comprehensive tourism statistics and data system. The system must collect, analyse and disseminate data on visitor arrivals, tourism employment and economic contribution, enterprise performance, environmental and social impacts, destination competitiveness, and other tourism-related data required for policy-making. Tourism enterprises must provide information and data to the Ministry as prescribed.
- 2.40 Clause 40 of the Bill provides for annual reporting. The Ministry must, cause an annual report on operations, business and affairs to be made and transmitted to the Minister. The Minister must lay a copy of the report before Parliament as soon as practicable, and the report must be made publicly available.
- 2.41 Clause 41 of the Bill provides for internal review. A person may request an internal review of a decision by the Permanent Secretary to the Minister within 14 days of the decision. The Minister must complete the internal review within 30 days and notify the person of the outcome.
- 2.42 Clause 42 of the Bill provides for the right to appeal. A person aggrieved by a decision of the Minister may seek to resolve the dispute through mediation or arbitration conducted in accordance with the Arbitration Act 1965. Where parties agree in writing to arbitration, the arbitration agreement is binding, and any arbitral award is final and binding on the parties subject to applicable rights of review. Subject to the internal review and alternative dispute resolution provisions, a person aggrieved by a recommendation of the mediator may appeal to the High Court. An appeal must be filed within 30 days of the decision. On an appeal, the High Court may confirm, vary or set aside the decision, or remit the matter for reconsideration. The filing of an appeal does not suspend the operation of the decision by the Minister or the Ministry unless the court orders otherwise.

- 2.43 Clause 43 of the Bill provides for confidentiality. A person who obtains confidential information about a tourism enterprise or individual in performing functions under the Bill must not disclose that information except with consent, for purposes of administering the Bill, as required by law, to law enforcement or regulatory agencies for enforcement purposes, in aggregated or anonymised form for statistical or research purposes, or as authorised by the Minister. Contravention is an offence attracting a fine not exceeding \$500.
- 2.44 Clause 44 of the Bill provides for protection from liability. A person appointed under the Bill is not personally liable for any act done or omitted in good faith in the performance or purported performance of functions or exercise of powers under the Bill. This protection does not affect the liability of the Government for any such act or omission.
- 2.45 Clause 45 of the Bill provides for service of documents. A document required or authorised to be served under the Bill may be served by personal delivery, by leaving it at the person's last known place of residence or business, by registered post, by electronic means to an email address provided by the person, or in any other manner prescribed by regulations. A document sent by post is deemed to be served 7 days after posting, and a document sent electronically is deemed to be served on the business day after sending.
- 2.46 Clause 46 of the Bill provides that a person commits an offence if the person does an act prohibited under the Act or fails to comply with a requirement or direction imposed under the Act. The clause further provides for the applicable penalties, including a default maximum penalty of \$500 where no specific penalty is prescribed. The clause also clarifies that the offence provision does not apply to the Minister, the Permanent Secretary, the Department, or any public authority or statutory officeholder acting in the exercise of functions, duties or powers under the Act.
- 2.47 Clause 47 of the Bill provides for regulation-making powers. The Minister may make regulations for the purposes of the Bill, including prescribing forms, procedures and requirements for applications and approvals, establishing detailed standards and criteria for the Fiji Tourism Standards, prescribing requirements for different categories of tourism enterprises, establishing audit and inspection procedures, prescribing fees and penalties, and providing for transitional arrangements, investment incentives, data collection, destination management organisations, indigenous cultural heritage guidelines, and any other matter necessary to give effect to the Bill.
- 2.48 Clause 48 of the Bill provides for the repeal of the Hotels and Guest Houses Act 1973, which will be repealed upon the commencement of the Bill.

- 2.49 Clause 49 of the Bill provides for transitional provisions. A person operating a tourism enterprise immediately before the commencement of the Bill may continue to operate without being registered, but must apply for registration within 12 months of commencement. Licences, permits or approvals issued under the Hotels and Guest Houses Act 1973 or any other law and in force at commencement continue in force until they expire, are replaced by registration or certification under the Bill, or are cancelled or suspended.
- 2.50 Clause 50 of the Bill provides for savings. Notwithstanding the repeal of the Hotels and Guest Houses Act 1973, any licence or approval granted under that Act remains valid in accordance with the transitional provisions, proceedings commenced under that Act may be continued and completed, any offence committed under that Act may be prosecuted and punished, and any right, privilege, obligation or liability acquired, accrued or incurred under that Act continues to exist.
- 2.51 Clause 51 of the Bill provides for consequential amendments arising from the repeal of the Hotels and Guest Houses Act 1973. The clause preserves the continued operation of subsidiary laws made under the repealed Act, to the extent that they are not inconsistent with this Act or any other written law, until such subsidiary laws are altered, amended or revoked under this Act. The clause also amends the Land Sales Act 1974 to update the reference from the Hotels and Guest Houses Act 1973 to the Tourism Act 2026.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for tourism.

S. D. TURAGA
Acting Attorney-General