

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; TO ESTABLISH TOURISM STANDARDS AND CERTIFICATION SYSTEMS; TO DEFINE THE ROLES AND RESPONSIBILITIES OF TOURISM INSTITUTIONS; TO REPEAL THE HOTEL AND GUEST HOUSES ACT 1973; AND TO PROVIDE 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 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 Department under section 24 to independently verify tourism criteria self-assessments;

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

“Certification” means the process of verifying and documenting that a tourism enterprise complies with prescribed standards under this Act;

“Climate resilience” means the capacity of tourism infrastructure, operations and communities to anticipate, prepare for, respond to, and recover from climate-related hazards and impacts;

“CIMTE” means a Community, Indigenous and Micro Tourism Enterprise classified under the Tourism Enterprise Classification Schedule, being an enterprise owned or operated by indigenous or local communities, including iTaukei communities, that provides tourism accommodation or services;

“Council” means the National Tourism Council established under section 7;

“Department” means the Department of Standards within the Ministry responsible for Tourism;

“Destination management” means the coordinated planning, development, management, and marketing of a defined geographic area as a tourism destination, involving the integrated management of all elements that contribute to the destination, including attractions, amenities, access, infrastructure, services, marketing, and human resources, and undertaking to optimise visitor experience, economic benefit, environmental sustainability, and social and cultural outcomes, this includes destination planning, product and experience development, visitor flow management, quality and standards

oversight, risk and crisis management, marketing and promotion, and stakeholder coordination across public, private, and community sectors;

“Destination management organisation” means any public, private, or community-based entity, whether established by law or otherwise formally recognised, that is mandated or designated to lead, coordinate, manage, or facilitate destination management within a defined geographic area, and to implement relevant policies, standards, or programmes to support desired tourism outcomes;

“Environmental Impact Assessment” means a process for evaluating the potential environmental, social, cultural and economic impacts of a proposed tourism development;

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

“International Body” means the internationally recognized entity that establishes, governs and manages global standards for tourism;

“Legal criteria” means the compliance requirements arising from any written law of Fiji applicable to a tourism enterprise by reason of its activities, location or nature;

“Micro” 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, as may be amended from time to time;

“MSME” means micro, small and medium enterprise;

“Minister” means the Minister responsible for tourism;

“Ministry” means the Ministry responsible for tourism including the Permanent Secretary and its officers;

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

“Register” means an official statutory record of Tourism Enterprises that is maintained by the Ministry or a designated authority under this Act;

“RPI” or “Recognition Pathway for Industry” means formal recognition granted by the Ministry 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 included on the Register;

“Registration” means the process of an enterprise applying for both classification under the Tourism Enterprise Classification Schedule, and recognition under the Recognition Pathway for Industry, having satisfied the requirements of the Regulations;

“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 enterprise at the time of assessment, and submitted in a prescribed form, that include supporting documentation, records, or declarations as required, and is subject to verification, audit, or review by the competent authority or an authorised body or an acceptable verifier;

“Self-declaration” means a formal statement made by a tourism enterprise, in a prescribed form, by which it attests that the information provided and any claims 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 which is legally binding on the person or entity making the declaration, and subject to penalties, enforcement action, suspension, or withdrawal of recognition in the event of false, misleading, or incomplete information;

“Standards Officer” means an official within the Department of Standards appointed by the Ministry to carry out its duties under section 29 and section 30;

“TECS” or “Tourism Enterprise Classification Schedule” means the schedule established under section 14;

“TIC” or “Tourism Industry Criteria” means the criteria established under section 15;

“Tourist” means a domestic, inbound or outbound overnight visitor or a same-day visitor or an excursionist;

“Tourism” means a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional 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 short-term 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 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 Fiji” means the entity continued under the Tourism Fiji Act 2004;

“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;

“Tourism supporting services” 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 consumed 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; 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 including business, leisure or other personal purpose, other than to be employed by a resident entity in the country or place visited.

Application

3. (1) 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, service or experience to visitors.

(2) This Act applies in conjunction with other laws relating to environment, land use, labour, health and safety, consumer protection, and other matters relating to tourism.

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 the economy, protect the environment, preserve cultural heritage, and enhance community wellbeing;
- (c) implement 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) strengthen climate resilience and environmental protection in tourism development and operations;
- (f) facilitate sustainable tourism investment and provide incentives for environmentally and socially responsible tourism enterprises;
- (g) enhance destination planning, management and competitiveness;
- (h) clarify the roles and responsibilities of institutions involved in tourism governance; and
- (i) 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) Economic Contribution: tourism must 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) Sustainability: tourism development and operations must protect ecosystems, support climate action, and promote efficient use of natural resources;
- (c) Inclusion: tourism must benefit all Fijians, especially women, youth, people with disabilities, and indigenous communities;
- (d) Resilience: the tourism sector must be capable of adapting to shocks, including pandemics, natural disasters and climate-related events;
- (e) Cultural Respect: tourism must uphold and celebrate Fiji's diverse cultures, traditions, and heritage;
- (f) Partnership: multi-stakeholder collaboration among government, industry, communities and development partners is essential to achieving sustainable tourism outcomes; and
- (g) Transparency and Accountability: tourism governance must be transparent, evidence-based and accountable to all stakeholders.

PART 2—INSTITUTIONAL FRAMEWORK AND GOVERNANCE

Functions and powers of the Minister

6. (1) The Minister is responsible for—

- (a) formulating and reviewing the national tourism policy;
- (b) overseeing the implementation of this Act;
- (c) approving the Standards and any amendments and its prescribed regulations thereto;
- (d) approving destination management plans;
- (e) supporting tourism investment priorities and incentive schemes; and
- (f) performing any other function conferred on the Minister by 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.

Role of the Ministry

7. The Ministry is responsible for granting, suspending or cancelling the Recognition Certificate as provided under this Act.

National Tourism Council

8.(1) The Minister may, establish a 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 shall consist of—

- (a) the Permanent Secretary responsible for tourism, 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 with expertise in environmental or social sustainability, appointed by the Minister;
- (j) a representative from an academic or research institution with expertise in tourism, appointed by the Minister; and
- (k) any other person or persons the Minister considers appropriate.

(4) The functions of the Council include—

- (a) advising the Minister on tourism policy and strategy;
- (b) providing input on the development and review of the Standards;
- (c) reviewing and recommending approval of destination management plans;
- (d) advising on tourism investment priorities and incentive schemes;
- (e) facilitating coordination among stakeholders in the tourism sector; and
- (f) performing any other advisory function assigned by the Minister at his or her discretion.

(5) The Minister must prescribe—

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

9. A member of the Council holds office for a period, not exceeding 3 years, as is specified in the instrument of the member's appointment, and is eligible for reappointment.

Role of Tourism Fiji

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

(2) In carrying out its function, Tourism Fiji shall—

- (a) integrate sustainability messaging into national branding and marketing campaigns;
- (b) promote tourism enterprises that are recognised in the Register under section 19;
- (c) support product and destination development in collaboration with the Ministry;

- (d) collaborate with the Ministry on tourism statistics and market intelligence; and
- (e) align its activities with the objects and guiding principles of this Act.

Coordination with other agencies

11. (1) The Ministry must coordinate with relevant government agencies, statutory bodies and other entities on matters affecting tourism, including—
- (a) environmental protection and climate change;
 - (b) land use planning and development control;
 - (c) transport infrastructure and connectivity;
 - (d) health and safety standards;
 - (e) labour and employment;
 - (f) investment facilitation;
 - (g) cultural heritage preservation;
 - (h) maritime and fisheries management; and
 - (i) consumer protection and trade standards.
- (2) The Ministry 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

12. (1) There is established a national system to be 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 Standards comprise —
- (a) the Tourism Destination Standard established under section 12; and
 - (b) the Tourism Industry Standards established under section 13.
- (3) The 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 Department is responsible for administering, implementing and reviewing the Standards.

Tourism Destination Standard

13. (1) The Ministry shall establish the Tourism Destination Standard for assessing the governance, planning, environmental management, cultural heritage protection and community engagement of tourism at a place-based level.
- (2) The scope of 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) The Ministry may —
 - (a) establish a self-assessment programme at national or sub-national level;
 - (b) apply for assessment by an internationally recognized 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.

Tourism Industry Standards

14. (1) The Ministry shall establish the Tourism Industry Standards, a system for classifying enterprises and recognising compliance with the Tourism Industry Criteria, aligned with international and regional standards.
- (2) The scope of the Tourism Industry Standards must include —
 - (a) the Tourism Enterprise Classification;
 - (b) the Tourism Industry Criteria;
 - (c) the Register of Approved Tourism Industry Certifications;
 - (d) the 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 Tourism Industry Standards must include differentiated or phased requirements for —
 - (a) MSMEs and CIMTEs;
 - (b) enterprises in remote or outer island locations; or
 - (c) new or emerging categories of tourism enterprises.

Division 2

Classification and Criteria

Tourism Enterprise Classification Schedules

15. (1) The Ministry shall establish the Tourism Enterprise Classification Schedules as prescribed.
- (2) The TECS classifies tourism enterprises by activity type and includes —
- (a) tourism accommodation of different types and scales;
 - (b) tourism services including tour operators, attractions, activity providers and non-indigenous or community-owned cultural experiences;
 - (c) Community, Indigenous and Micro Tourism Enterprises, including village-based accommodation and indigenous or community owned tourism services; and
 - (d) tourism supporting services.
- (3) A tourism enterprise that carries on more than one distinct activity may receive more than one classification under the TECS.
- (4) The Minister may, add, remove or modify a prescribed classification.

Tourism Industry Criteria

16. (1) The Ministry shall establish a set of criteria to be known as the Tourism Industry Criteria as prescribed.
- (2) The Tourism Industry Criteria comprises two types of criteria —
- (a) legal criteria — requirements with which a tourism enterprise must comply under the Laws of Fiji applicable to it; and
 - (b) tourism criteria — tourism-specific compliance requirements determined by the Minister under this Act.
- (3) The Minister may, add, remove or modify a prescribed criterion.

Register of Approved Tourism Industry Certifications

17. (1) The Ministry shall establish and maintain a register to be known as the Register of Approved Tourism Industry Certifications.
- (2) The Minister may, add, remove or modify a scheme from the prescribed RATIC.
- (3) Removal of a scheme from the RATIC does not affect a recognition certificate already granted on the basis of that scheme, but the tourism enterprise must satisfy the applicable tourism criteria at its next renewal.

PART 4—Registration and Recognition of Tourism Enterprises

Division 1

Obligation to register and tiers of recognition

Requirement for registration

18. (1) Subject to the transitional provisions in section 59, 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 any recognition mark under this Act unless it holds a valid recognition certificate.
- (3) A MSME and CIMTE shall register in accordance to the conditions prescribed in Regulations.

Recognition Pathway for Industry

19. (1) The Recognition Pathway for Industry is hereby established as the national mechanism for recognising Tourism Enterprises in accordance with the Tourism Industry Criteria.
- (2) The Recognition Pathway shall —
- (a) operate on a tiered progressive basis as prescribed; and
 - (b) shall apply to all tourism enterprises as prescribed by regulations.

Division 2

Application for Registration

20. (1) A tourism enterprise must submit an application to Register to the Ministry in the prescribed form.
- (2) An application must be accompanied by —
- (a) the applicant's classification under the TECS;
 - (b) a legal compliance declaration under section 20;
 - (c) a tourism criteria self-assessment under section 21; and
 - (d) the applicable registration fee prescribed in Regulations.
- (3) The Ministry must, within 30 days of receiving a complete application —
- (a) register the tourism enterprise, issue a recognition certificate and record the 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.
- (4) The Ministry may refuse to register a tourism enterprise if —
- (a) the application is incomplete or contains false or misleading information;
 - (b) the applicant does not pay the prescribed registration fee; or
 - (c) the enterprise does not meet minimum requirements prescribed by regulations.

Legal compliance declaration

21. (1) Every applicant for recognition, and every recognised tourism enterprise at the time of renewal under section 26, 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;
 - (b) confirm that the enterprise is in compliance with each applicable law identified; and
 - (c) be signed by the proprietor, a director, or an authorised officer of the tourism enterprise.

(3) The Ministry is not required to independently verify compliance with the laws identified in a legal compliance declaration. Where compliance with a law is regulated by another competent authority, the Ministry is entitled to rely on the declaration and on information provided by that authority.

(4) A person who makes a legal compliance declaration knowing it to be false or misleading in a material particular commits an offence and is liable on conviction to a fine prescribed by regulations.

Tourism criteria self-assessment

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

- (2) A tourism criteria self-assessment must —
- (a) be completed using the form or tool published by the Ministry for the relevant tier and classification;
 - (b) address each criterion specified in the applicable criteria set as mandatory for that tier; and
 - (c) address each criterion that the applicant elects to satisfy where the criteria set permit a choice.

(3) The self-assessment is the primary basis on which the Ministry grants recognition. The Ministry is not required to independently verify the self-assessment except in the exercise of its audit and inspection functions under section 29.

Division 3 Grant of recognition

23. (1) Where the Department is satisfied that an application complies with this Part, the Ministry 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 enterprise's TECS 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 Department.

(3) The Department must maintain an updated Tourism Enterprise Register of all tourism enterprises recognised under this Act, which must —

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

(4) A recognised tourism enterprise may be eligible to receive benefits or incentives determined by the Ministry.

(5) Such benefits may be prescribed in regulations and include:

- (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.

Certification under the Fiji Tourism Standards

24. (1) A tourism enterprise may apply for certification under the Standards in accordance with this section.
- (2) An application for certification must be made in the prescribed form, 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 applicable standards, the Ministry or certification body must issue a certificate indicating the level of certification achieved.
- (5) Certification is valid for a period prescribed by regulations and may be renewed upon successful reassessment.

Acceptable verifiers

25. (1) The Ministry must establish and maintain a register of acceptable verifiers for independent verification.
- (2) The Ministry 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 criteria sets;
 - (b) is independent of the tourism enterprise to be verified; and
 - (c) satisfies any other requirements prescribed by regulations.
- (3) The register of acceptable verifiers must be published on the Ministry's official website.
- (4) The Ministry may suspend or revoke an approval under this section by written notice if the acceptable verifier no longer satisfies the requirements for approval.

Recognition of third-party certification

26. (1) A tourism enterprise that holds a valid certification issued 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) evidence of a valid certification listed on the RATIC;
 - (b) a legal compliance declaration under section 20; and
 - (c) the applicable fee prescribed in Regulations.
- (3) The Ministry may grant recognition at the highest tier if satisfied that the certification is valid and that the legal compliance declaration complies with section 20.

Division 4
Renewal, tier progression and sanctions
Renewal of Recognition Certificate

27. (1) A recognition certificate is valid from the date of issue as prescribed by Regulations.
- (2) A tourism enterprise must apply for renewal before expiry by submitting —
- (a) an updated legal compliance declaration under section 20; and
 - (b) a declaration confirming that the information in its tourism criteria self-assessment remains accurate, or an updated self-assessment where information has changed.
- (3) The renewal fee is as prescribed in the Regulations.
- (4) Where a recognition certificate lapses through non-renewal of recognition certificate, the tourism enterprise may apply for renewal in reinstatement on payment of the reinstatement fee prescribed in Regulations, subject to compliance with this Part.

Tier progression

28. (1) A recognised tourism enterprise may at any time apply to progress to a higher tier by submitting a new tourism criteria self-assessment at the higher tier, an updated legal compliance declaration, and the applicable fee.
- (2) The Department must support tourism enterprises in progressing through tiers by providing access to guidance materials, training and other necessary tools identified by the Department.

Suspension and cancellation of Recognition Certificate

29. (1) The Minister may in writing, suspend or cancel a recognition certificate of a tourism enterprise if —
- (a) the tourism enterprise has breached this Act, its regulations or other laws of Fiji;
 - (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 certification.
- (2) Before suspending or cancelling, the Minister 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 make written submissions; 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 52 does not revoke the decision of the Minister to suspend or cancel a recognition certificate unless the court orders otherwise.

PART 5—AUDITING, INSPECTION AND ENFORCEMENT

Auditing and Inspection Powers

30. (1) The Ministry may authorise a person to act as a standards officer for the purposes of this Act.
- (2) A standard officer may, at any reasonable time and on production of his or her identification—
- (a) enter and inspect any premises where a tourism enterprise operates;
 - (b) examine any equipment, facilities, records or documents;
 - (c) take photographs or make recordings;
 - (d) interview persons present at the premises; and
 - (e) exercise any other power prescribed by regulations.
- (3) A person must not obstruct or hinder a standards officer in the exercise of the officer's powers.
- (4) A Standards Officer must conduct audits and inspections in accordance with procedures prescribed by regulations.

Compliance notices

31. (1) If a standards officer finds that a tourism enterprise is not complying with this Act and any mandatory standard, the officer may issue a compliance notice.
- (2) A compliance notice must be:
- (a) in writing;
 - (b) specify the non-compliance;
 - (c) specify the action required to remedy the non-compliance;
 - (d) specify a reasonable period within which the action must be taken; and
 - (e) state the consequences of failure to comply.
- (3) A person who receives a compliance notice must comply with it within the period as specified in the notice.

Spot checks

32. (1) The Department must maintain a programme of 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 the Department reasonably believes that notice would defeat the purpose of the 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 enterprise within 10 working days.

PART 6—FEES AND TOURISM FUND

Fees

33. (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 and any other related matter under this Act.

(2) The Minister may waive or reduce fees for registered tourism enterprises as prescribed by regulations.

(3) The fees payable under the Registration Pathway for Industry are as set out in the Regulations, which may be amended by the Minister.

Tourism Fund

34. (1) The Ministry shall establish a fund to be known as the Tourism Fund.

(2) The following must be paid into the Fund —

- (a) all registration, renewal, reinstatement, fast-track and penalty fees collected under this Act;
- (b) any other monies appropriated by Parliament or approved by the Minister for the purposes of the Fund.

(3) Money in the Fund may be applied by the Ministry for —

- (a) the administration of the Recognition Pathway for Industry and the 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 CIMTEs;
- (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 in section 12.

(4) The Fund is administered by the Ministry and is subject to financial management and audit requirements under applicable financial management legislation.

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

PART 7—ENVIRONMENTAL PROTECTION AND CLIMATE RESILIENCE

Environmental impact assessments

35. A person must not undertake a tourism development without an environmental impact assessment approved by the relevant authority.

Climate resilience requirements

36. The Ministry must, in consultation with the Ministry responsible for climate change and Ministry responsible for Infrastructure, ensure all tourism infrastructure and facilities must be designed, constructed and maintained to be resilient to climate-related hazards.

Protected areas and sensitive sites

37. (1) Tourism activities in or adjacent to protected areas, marine protected areas, heritage sites, and culturally sensitive areas must be conducted in accordance with—

- (a) relevant legislation and management plans for those areas;
- (b) guidelines issued by relevant authorities; and
- (c) best practices for minimising impacts.

(2) The Ministry may, in consultation with relevant authorities, establish specific requirements and conditions for tourism enterprises operating in or near protected or sensitive areas.

(3) The Ministry in consultation with key Ministries, may establish buffer zones around protected or sensitive areas where tourism development is restricted or prohibited.

Marine and nature-based tourism

38. (1) Marine and nature-based tourism activities must be conducted in a manner that—

- (a) protects marine ecosystems and biodiversity;
- (b) does not harm or disturb wildlife;
- (c) respects traditional fishing grounds and customary rights;
- (d) contributes to conservation efforts; and
- (e) aligns with blue economy principles.

PART 8—DESTINATION PLANNING AND MANAGEMENT

Destination management plans

39. (1) The Minister may, on the advice of the Tourism Council, approve destination management plans for specific tourism destination areas.

(2) A destination management plan may be developed by—

- (a) the Ministry;
- (b) a Destination Management Organisation;

- (c) local government authorities; or
 - (d) any other entity designated by the Minister.
- (3) A destination management plan must —
- (a) be developed through consultation with local communities, landowners, tourism enterprises and other stakeholders;
 - (b) identify the tourism assets, attractions and unique features of the destination;
 - (c) assess the carrying capacity and sustainability limits of the destination;
 - (d) establish goals and strategies for sustainable tourism development;
 - (e) address infrastructure needs and investment priorities;
 - (f) include measures for environmental protection and cultural preservation;
 - (g) provide for equitable distribution of tourism benefits;
 - (h) include monitoring and evaluation mechanisms; and
 - (i) align with national and regional planning frameworks.

Destination Management Organisations

40. (1) The Minister may, on the recommendation of the Council, recognise and support Destination Management Organisations for specific tourism regions or destinations.
- (2) A Destination Management Organisation may be responsible for—
- (a) coordinating tourism development and marketing for the destination;
 - (b) developing and implementing destination management plans;
 - (c) facilitating cooperation among tourism stakeholders;
 - (d) monitoring tourism impacts and managing visitor flows;
 - (e) engaging with local communities and ensuring benefit-sharing; and
 - (f) performing any other functions assigned by the Minister.

41. The Ministry may provide financial or technical support to Destination Management Organisations.

Tourism zoning and land use planning

42. (1) Tourism development must comply with national, regional and local land use plans and zoning regulations.
- (2) The Ministry must coordinate with authorities responsible for land use planning to ensure that—
- (a) tourism is appropriately integrated into spatial planning frameworks;
 - (b) suitable areas are identified and designated for tourism development;
 - (c) tourism development is balanced with other land uses and community needs;
 - (d) environmentally and culturally sensitive areas are protected; and
 - (e) infrastructure is planned to support sustainable tourism growth.
- (3) The Minister or Ministry may provide input on tourism considerations for inclusion in national and regional land use plans.

Tourism dispersal and balanced development

43. (1) The Ministry must promote balanced tourism development across Fiji, including—
- (a) diversification beyond traditional high-volume tourism areas;
 - (b) development of tourism in under utilised regions, rural areas and outer islands;
 - (c) management of visitor numbers and impacts in high-density destinations; and

- (d) creation of new tourism products and experiences in emerging destinations.
- (2) Strategies for tourism dispersal may include—
- (a) targeted marketing and promotion;
 - (b) infrastructure development and connectivity improvements;
 - (c) capacity building for tourism enterprises in emerging destinations;
 - (d) preferential incentives for developments in priority dispersal areas; and
 - (e) partnerships with communities and landowners.

Tourism infrastructure coordination

44. (1) The Minister must advocate for and coordinate tourism infrastructure development with relevant agencies, including infrastructure for—
- (a) transport connectivity including roads, airports, wharves and jetties;
 - (b) water supply and wastewater treatment;
 - (c) renewable energy and power supply;
 - (d) telecommunications and digital connectivity;
 - (e) public amenities and facilities for visitors; and
 - (f) any other infrastructure supporting tourism.

PART 9—TOURISM INVESTMENT AND INCENTIVES

Investment framework

45. The Minister must, in collaboration with Investment Fiji and other relevant agencies, establish a clear and transparent framework for tourism investment.

Investment incentives

46. (1) The Minister may, in accordance with relevant tax and investment legislation, consult with key Ministries on the priorities and incentive schemes for inclusive tourism investments.
- (2) Incentives 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) Eligibility for incentives under subsection (2) must be conditional upon the relevant laws and agencies as well as any other incentives prescribed by regulations.
- (4) The Ministry must monitor and evaluate the effectiveness of incentive schemes and may recommend adjustments based on performance and policy priorities.

PART 10—CULTURAL TOURISM AND PROTECTION OF TRADITIONAL KNOWLEDGE

Experiential and cultural tourism

47. (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

48. (1) Tourism enterprises must respect and protect the traditional knowledge, cultural practices and intellectual property rights of indigenous communities.
- (2) The Ministry 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 11—MONITORING, REPORTING AND DATA MANAGEMENT

Tourism statistics and data collection

49. (1) The Ministry 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 system must collect, analyse and disseminate data 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) Tourism enterprises must provide information and data to the Ministry as may be prescribed.

Annual reporting

50. (1) The Ministry shall, after the end of each financial year, cause to be made and transmitted to the Minister an annual report on operations, business and affairs.

(2) The Minister shall, 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 12—PUBLIC PARTICIPATION AND APPEALS

Public participation in decision-making

51. (1) The Ministry must provide for public participation only in relation to—

- (a) the approval of a destination management plan under this Act;
- (b) the designation of a tourism development zone; and
- (c) any other decision prescribed by regulations.

(2) Where public participation is required under subsection (1), the Ministry must—

- (a) publish a notice of the proposed decision in a manner prescribed by regulations;
- (b) make available a summary of the proposed decision;
- (c) invite written submissions within a period not less than 14 days, or such longer period as may be prescribed; and
- (d) consider all submissions received within the prescribed period.

Right to appeal

52. (1) A person aggrieved by a decision of the Minister or the Ministry under this Act may appeal to the High Court.

(2) An appeal under subsection (1) must be filed within 30 days of the decision or within such extended time as the Court may allow.

(3) On an appeal, the High Court may—

- (a) confirm, vary or set aside the decision;
- (b) remit the matter to the Minister or Ministry for reconsideration;
- (c) make any other order it considers appropriate.

(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.

Internal review mechanism

53. (1) A person may request an internal review of a decision by an officer of the Ministry before appealing to the High Court.

(2) A request for internal review must be made to the Ministry within 14 days of the decision.

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

(4) If a person is dissatisfied with the outcome of an internal review, they may appeal to the High Court under section 52.

PART 13—MISCELLANEOUS PROVISIONS

Confidentiality

54. (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 as prescribed by Regulations.

Protection from liability

55. (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

56. (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 business day after sending.

Regulations

57. (1) The Minister may make regulations for the purposes of this Act.
- (2) Without limiting subsection (1), regulations may be made for—
- (a) prescribing forms, procedures and requirements for applications and approvals under this Act;
 - (b) establishing detailed standards and criteria for the Fiji Tourism Standards;
 - (c) prescribing requirements for different categories of tourism enterprises;
 - (d) establishing audit and inspection procedures;

- (e) prescribing penalties for contraventions of regulations;
- (f) establishing the Tourism Fund and its administration;
- (g) prescribing fees under this Act;
- (h) providing for transitional arrangements;
- (i) prescribing criteria for MSMEs and CIMTES and other enterprise categories;
- (j) providing for the operation of the National Tourism Council;
- (k) support investment priorities and incentive schemes;
- (l) prescribing data collection and reporting requirements;
- (m) providing for the recognition and support of Destination Management Organisations;
- (n) establishing guidelines for the respectful and appropriate use of indigenous cultural heritage in tourism;
- (o) prescribing any other matter required or permitted to be prescribed under this Act; and
- (p) providing for any other matter necessary to give effect to this Act.

Repeal

58. The Hotel and Guest Houses Act 1973 is repealed.

Transitional provisions

59. (1) A person operating a tourism enterprise immediately before the commencement of this Act may continue to operate without being registered under this Act.
- (2) Subject to subsection (1) a person must apply for registration within 12 months of the commencement of this Act.
- (3) A licence, permit or approval issued under the Hotel 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 in accordance with law.
- (4) The Minister may, by regulations, make additional transitional or saving provisions necessary for the effective implementation of this Act.

Savings

60. Notwithstanding the repeal of the Hotel and Guest Houses Act 1973—
- (a) any licence or approval granted under that Act remains valid in accordance with section 59;
 - (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.