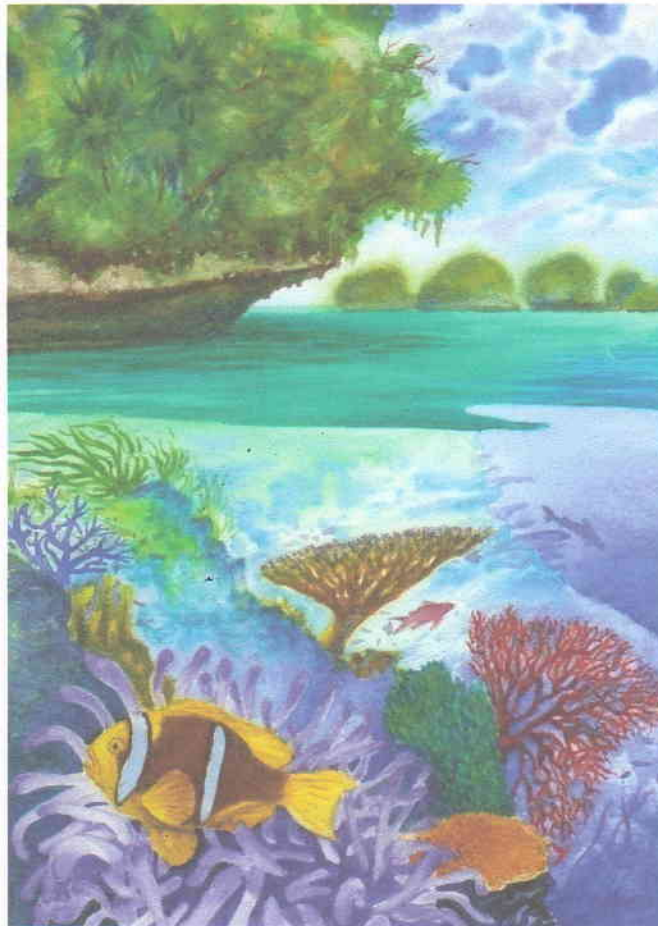




# **Koror State Government Tour Guide Certification Regulations Amendments**

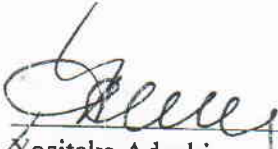


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These Regulations were adopted pursuant to the authority of Section 10, Koror State Public Law K9-263-2013 (effective July 1, 2014) with their implementation effective upon signature in April, 2015, and are hereby amended pursuant to the same statutory authority, with the effective implementation upon signature below.

DATED this 30 day of March, 2015

  
Yositaka Adachi  
Governor

## ARTICLE 1: GENERAL PROVISIONS

### 1.1 **SHORT TITLE:**

These Regulations may be cited as the KSG Tour Guide Certification Regulations.

### 1.2 **AUTHORITY:**

These regulations are promulgated pursuant to the authority contained in Koror State Public Law (KSPL) No. K9-263-2013 Section 10, and KSPL K8-207-2009. These regulations shall have the force and effect of law.

### 1.3 **PURPOSE AND APPLICABILITY:**

The purpose of these regulations is to ensure that industry best practices are followed that protect the environment and culture and ensure that visitors to Koror have a safe and positive experience.

### 1.4 **FEES & PENALTIES:**

Unless otherwise provided for by law or regulations, fees and penalties shall be imposed pursuant to KSPL No. K9-263-2013 and these regulations.

### 1.5 **DEFINITIONS:**

“Acting as a Tour Guide” means accompanying, escorting, guiding, supervising or assisting people on a Commercial Tour to tour, see, or visit the Rock Islands, a marine lake or any other location in the waters or on the land of the State of Koror.

“Commercial Tour” means any trip, excursion or tour to the Rock Islands and/or the waters of Koror State or any other area within Koror State, including any land trip or tour and any marine lake trip or tour, performed or offered in exchange for a fee, or offered as part of a package tour, or provided in exchange for any good and valuable consideration, and may, but is not necessarily limited to, even a single individual as a customer for a business, yet does not include JellyFish Lake or Rock Island Permits which are purchased directly from Koror State by a customer for personal usage and bear the Written Notation “Private” or “Personal” on the Permit where a Business or Company name should be reflected.

“CPR” means cardiopulmonary resuscitation.

“Rock Islands” means all islands, including the land, beaches, waters, and marine lakes, within the territorial jurisdiction of Koror State, with the exception of the islands of Koror (Oreor), Malakal, Ngerkebesang, Ngerur Island, and any other small islands or islets joined to them by a causeway or bridge.

“Tourist Guide or Tour Guide” means a person who serves or acts, whether as an employee, contractor or self-employed individual, as a guide, instructor, supervisor, or leader of a Commercial Tour, including persons who serve as scuba diving and snorkeling guides, and

including escorts on land tours and trips to marine lakes, and also includes “Assistant Tourist Guide or Assistant Tour Guide,” which “means a person who serves or acts, whether as an employee, contractor or self-employed individual as an assistant guide, assistant instructor, assistant supervisor, or assists the leader(s) of a Commercial Tour, including persons who serve as assistant scuba diving and assistant snorkeling guides, and including escorts on land tours and trips to marine lakes”

~~“Waters of Koror State” means all ocean waters from the land of Koror State to twelve nautical miles seaward from the traditional baselines, and also includes any marine lake or landlocked lake.~~

## ARTICLE 2: GENERAL CERTIFICATION REQUIREMENTS

- 2.1** No person shall act as a Tour Guide on the Rock Islands, marine lake, or any other location in the waters or on the land of the State of Koror unless the person holds a valid tour guide certification card issued by the Department of Conservation and Law Enforcement (DCLE) for Koror State Government.
- 2.2** An applicant for a Tour Guide Certification Card shall fill out the application form provided by the DCLE and submit all required documentation. Upon determination of eligibility, the date of required course(s) and/or certification examination(s) shall be scheduled.
- 2.3** Aside from Palauan Citizens, No Tour Guide shall engage in business or do business in Koror State with a company or individual not properly licensed by the Palau National Government and Koror State Government; and registered with Palau Visitors Authority and/or Bureau of Tourism, Ministry of Natural Resources, Environment, and Tourism (MNRET).
- 2.4** All businesses or other entities which provide Commercial Tours in Koror State shall conspicuously post a notice at their operating site which states that such business or entity employs or uses the services of Tour Guides who have been certified by the Koror State DCLE. Notice shall be provided by Koror State DCLE.

## **ARTICLE 3: TOUR GUIDE TRAINING**

### **3.1 TOUR GUIDE REQUIREMENT**

A) Koror State DCLE shall work with relevant agencies to develop the Koror State Tour Guide Certification Program which shall include at a minimum:

- 1) Koror State Rock Island Management Regulations
- 2) Koror State Environmental Laws
- 3) National Government Environmental and Cultural and Historical Preservation Laws
- 4) Safety Guidelines for tourists engaged in water or other outdoor activities
  - i. National and State Water Safety Laws & Regulations
    - a) Boat Requirements
    - b) Safety Equipment
    - c) Palau Marine Advisory System
    - d) Koror State Personal Watercraft Regulations
  - ii. Tour Guide shall have a list of the entire tour group in Roman Alphabet, as shown on their Passports, before the tour takes place that matches the names on permits on a given tour readily available for the inspection of Rangers.
  - iii. Tour Guide shall be trained and certified in CPR and First Aid by Internationally recognized organizations and known by Koror State DCLE.
  - iv. Tour Guide shall ensure that means of communication with tour station is continuous and uninterrupted at all times.
  - v. Tour Guide shall ensure life jackets or buoyancy compensator devices (BCD) are onboard for each passenger during sea tour operations at all times.
  - vi. Tour Guide shall ensure that appropriate safety gears are available and used by customers.
  - vii. Tour Guide shall ensure that a tour dive boat is equipped with functional emergency medical oxygen kit and emergency first aid kit at all times.
  - viii. Tour Guide shall give briefings before a tour.
  - ix. Tour Guide shall ensure full accessibility of the emergency channel/frequency (Channel 16 or established emergency channel) at all times.
- 5) Guidelines and "best practices" to minimize impact on the environment from snorkeling, scuba diving and other outdoor activities (details in Tour Guide Manual).
  - i. Tour Guide shall give site specific briefings before a site tour.

- ii. Tour Guide shall demonstrate appropriate dive etiquette, e.g. do not touch, handle, or provoke any marine organism; do not alter or deface anything on the reef; do not collect or remove any corals, sea grass, algae, or any other marine organisms.
  - iii. Tour Guide shall ensure appropriate practice of boat mooring instead of anchoring at applicable sites.
  - iv. Tour Guide shall ensure diving ratio is a maximum of 8 divers to 1 tour guide, while maintaining the same ratio in the water with the same divers.
  - v. Tour Guide shall ensure snorkeling ratio is a maximum of 10 snorkelers to 1 tour guide, while maintaining the same ratio in the water with the same snorkelers.
  - vi. Tour Guide shall ensure gloves are prohibited while diving or snorkeling.
  - vii. Tour Guide shall ensure that reef hooks are properly placed to minimize environmental impact.
  - viii. Tour Guide shall ensure that trash is properly disposed. All trash shall be removed upon departure from the site.
  - ix. Tour Guide shall ensure tourists never stand on, kick or hold coral or other stationary marine life.
  - x. Tour Guide shall ensure prevention of cross contamination in accordance with established guidelines at designated sites, i.e. do not bring anything but clean snorkel gear into Jellyfish Lake and not to take anything from the lake into the ocean (*this includes things that appear dead like seashells, marine or terrestrial rocks, which can house potentially invasive organisms*).
- 6) Code of conduct to minimize impact on cultural, historical, and archaeological sites and place (details in Tour Guide Manual). Tour Guide shall ensure that tourists:
- i. Remember to take everything they brought to the site when they leave and not to leave anything.
  - ii. Do not move or remove anything from the site. Tourists may think something is not significant to the site, all pieces make up the whole.
  - iii. Remember that many sites include culturally sensitive areas and therefore behavior should always be respectful.
  - iv. Respect every place/site visited.
- B) Pass the examination offered for such program  
 (1) A person may choose to take the exam without completion of the Tour Guide Certification Course.
- C) All Tour Guides shall take an initial annual “refresher” course in order to remain certified as a Koror State Tour Guide.  
 (1) In order to take the initial “refresher” course, a tour guide must have:
- i. Valid working permit if not a citizen of Palau;

- ii. Valid CPR and First Aid Certification; and,
- iii. Verification of Employing Tour Company

#### ARTICLE 4: TOUR GUIDE CERTIFICATION REQUIREMENTS

##### 4.1 TOUR GUIDE CERTIFICATION EXAMINATION:

A person applying for a Tour Guide Certification shall:

- 1) Be at least eighteen (18) years of age
- 2) Be proficient in the Palauan or English language, to respond to DCLE inquiry
- 3) Have a valid working permit as a tour guide from Palau National Government, if not a Palauan citizen, or a Provisional Visa that allows taking the exam, yet does not allow final certification without a valid Work Permit
- 4) Have a valid CPR and First Aid Certification from an entity that is internationally recognized and known by the Koror State DCLE.
- 5) Tour Guide Certification Examination
  - i. An applicant must submit the Tour Guide Certification Application Form to Koror State DCLE with the following:
    - a. Two (2) copies of a valid CPR and First Aid certification issued by an internationally recognized CPR and First Aid certifying authority and known by the Koror State DCLE.
    - b. Two (2) copies of valid picture I.D.
      - Passport, driver's license, or national I.D. for citizen
      - Passport and driver's license, or national I.D. for non-citizen
    - c. Two (2) copies of tour guide working permit issued by the Palau National Government if non-citizen. Work permit and passport shall have same name on both documents.
    - d. Original Valid Picture ID's, Passports, and Work Permits must be provided for examination/verification with all photocopies
  - ii. The Koror State DCLE will review Tour Guide Certification Examination Application Form to determine eligibility. Examinations will be scheduled thereafter, and administered by any combination of Koror State Government, DCLE, and/or Palau Community College personnel.
  - iii. Koror State Government, DCLE, and/or Palau Community College personnel may also promulgate qualifications for English proficiency, as a pre-requisite, post-Application, yet pre-Examination. Applicants who are not proficient in the English language may reapply to take the Exam as many times as they prefer, following attainment of proficient English
  - iv. An applicant must bring 2 pencils/pens on the examination day. Any electronic devices (i.e. cellphone and radio) are prohibited in the



- examination room. Notes, headwear, nonprescribed glasses, or any other types of booklets for reference are not allowed during testing.
- v. An applicant will be given a maximum of one (1) hour to complete the Koror State Tour Guide Certification Exam.
  - vi. An applicant must pass an examination under the supervision of the Koror State DCLE covering knowledge of tourist sites, points of the island historical and cultural; marine and terrestrial fragile environment; safety regulations, and general interests in Koror State.
  - vii. The passing grade for Koror State Tour Guide Certification Examination is 80%.
  - viii. The result for Koror State Tour Guide Certification Examination will be available in ten (10) working days, and any unsuccessful applicant may retake the exam as many times as they prefer.
  - ix. Persons found to be engaged in any form of testing violations will be failed from the exam, and barred from taking the exam for one (1) year ~~form~~ from date of violation
  - x. Any persons found to assist, aid or abet any person committing any form of testing violations will be failed from the exam, and barred from taking the exam for one (1) year from the date of violation
  - xi. Any persons who have been issued a Koror State Tour Guide License found to assist, aid, or abet any persons in committing any form of testing violations shall have their license cancelled/revoked, and barred from taking the exam for one (1) year from the date of violation

#### **4.2 TOUR GUIDE CERTIFICATION CARD:**

- A. The Tour Guide Certification Card will be issued in 10 working days following examination date.
- B. The Tour Guide Certification Card components shall be:
  - 1) Full name of an applicant
  - 2) Birthdate of an applicant
  - 3) Employing Tour Company (except for Palauan citizen)
  - 4) Tour Guide Certification number
  - 5) Tour Guide Certification issuance date
  - 6) Tour Guide Certification expiration date
  - 7) Seal of Koror State DCLE
  - 8) Signature of Director of Koror State DCLE
  - 9) Recent passport size picture
- C. The validation for Tour Guide Certification Card
  - 1) The validation of Tour Guide Certification Card is one (1) year, provided that CPR and First Aid Certification is valid for that period.
- D. The Tour Guide Certification Fee
  - 1) The fee for the first Tour Guide Certification Card is \$30.00
  - 2) The fee for each annual renewal of tour guide certification is \$10.00
- E. All fees shall be payable to Koror State Finance Office.

#### **4.2.1 TOUR GUIDE CERTIFICATION CARD—DAMAGED, LOST, STOLEN, OR LOANED CARDS:**

- A. Tour Guide Certification Cards that are Damaged to the point that they cannot be easily read, that are Lost, and/or that are Stolen must be reported to the DCLE Office and accompanied by a written Statement under oath or affirmation
- B. Tour Guide Certification Cards that are Damaged, Lost or Stolen require filing a new Tour Guide Application, and new Testing Process if previous Test Results have expired
- C. Newly Reissued Tour Guide Certification Cards based on a previous Card having been Damaged, Lost, or Stolen will cause cancellation of the previously issued Card Number and a new issue date and expiration date, along with the standard \$30.00 fee, with replacement cards due to change in employment will be issued for a \$10.00 fee
- D. In the event a Newly Reissued Tour Guide Certification Cards based on a previous Card having been Damaged, Lost, or Stolen also resulted in a Damaged, Lost, or Stolen National Work/Entry Permit, the re-issuance with the Tour Guide Certification Card with a new number will be pending re-issuance of all necessary National Work/Entry Permits prior to re-issuance of the Tour Guide Certification Cards
- E. Tour Guide Certification Cards that are Borrowed or Loaned to persons other than the Cardholder for purposes of conducting a Commercial Tour shall be seized and revoked with the Cardholder precluded from retaking the Tour Guide Certification Examination for one year from the date of Card Seizure or Revocation, whichever is later

**4.3 COMMERCIAL TOURS:**

- a) All businesses or other entities which provide Commercial tours in Koror State shall conspicuously post a notice at their operating site which states that such business or entity employs or uses the services of Tour Guides who have been certified by the Koror State Tour Guide Certification Program.
  - 1) The notice must be issued by the Koror State DCLE.
    - i. The notice components include the following:
      - a) Name of the business or an entity
      - b) Seal of the Koror State DCLE
      - c) Signature of Director of Koror State DCLE (or)
      - d) Signature of Koror State Governor, or the Governor's Designee
  - 2) The notice will be seized from the business or entity operating site by Koror State DCLE if a business or entity violates Article 8 Section 1, 2, 3, and 4.

## **ARTICLE 5: CPR AND FIRST AID CERTIFICATION REQUIREMENT**

### **5.1 CPR AND FIRST AID CERTIFICATION REQUIREMENT:**

- a) Any person who wishes to work or act as a tour guide in Koror State must be CPR and First Aid certified by a verifiable and internationally recognized as CPR and First Aid certifying authority such as International Red Cross.
- b) All Commercial Tour companies shall submit an up-to date list of all CPR and First Aid certified tour guides to Koror State DCLE throughout the year.
  - 1) An electronic copy shall be sent to [rangers@kororstategov.com](mailto:rangers@kororstategov.com) by the end of each quarter.
    - i. End of the 1<sup>st</sup> quarter is by the last Monday of March
    - ii. End of the 2<sup>nd</sup> quarter is by the last Monday of June
    - iii. End of the 3<sup>rd</sup> quarter is by the last Monday of September
    - iv. End of the 4<sup>th</sup> quarter is by the last Monday of December

### **5.2 VERIFIABLE CPR AND FIRST AID AUTHORITY:**

A verifiable CPR and First Aid certifying authority can be an NGO, government, or business entity that is capable of training, certifying and issuing CPR and First Aid certification and is internationally recognized and known by Koror State DCLE. The department will maintain an up-to-date list of verifiable CPR and First Aid certifying authorities.

## **ARTICLE 6: RESOURCES FOR KOROR STATE TOUR GUIDE CERTIFICATION**

### **6.1 KOROR STATE TOUR GUIDE CERTIFICATION PROGRAM MANUAL and BOOKLET**

Koror State DCLE has the following resource materials:

- Koror State Government Tour Guide Certification Program Manual
- Koror State Government Tour Guide Booklet
- Koror State Government Website

### **6.2 CPR CERTIFICATION**

A person or business entity may seek CPR and First Aid training program from entities that are internationally recognized and known by the Koror State DCLE.

### **6.3 OTHERS**

Additional information on the following topics may be obtained from the Koror State DCLE:

- Terrestrial and Marine Environment
- Traditional and Contemporary Culture
- Palauan History

## **ARTICLE 7: CERTIFIED TOUR GUIDE ON ALL COMMERCIAL TOURS**

### **7.1 CERTIFIED TOUR GUIDE ON ALL COMMERCIAL TOURS**

A) A certified tour guide must be present on all commercial tours in Koror State

(1) The certified tour guide shall be proficient in English and/or Palauan languages.

(2) Any tour guide conducting a tour without a Koror State Tour Guide License permit shall be cited on site and immediate return to its tour station may take place if safety of the passengers and the tour is at risk. Any subsequent similar offenses shall result in citation including immediate return to its tour station.

(3) All tour guides must be registered under a tour agency, with the exception of Palauan Citizens.

(4) A certified tour guide shall have a valid working permit, if not a citizen of Palau.

(5) All tour agencies shall provide an updated list of their certified tour guides to the DCLE.

### **7.2 PROOF OF POSSESSION**

A) A certified tour guide shall carry a valid Tour Guide Certification Card at all times while working or otherwise acting as a tour guide in Koror State.

(1) Every tour guide on any tour must be able to produce his/her tour guide certification card upon request of any Koror State Ranger.

(2) Any tour guide conducting a tour without a permit shall be cited on site and immediate return to its tour station may take place if safety of the passengers and the tour is at risk. Any subsequent similar offenses shall result in citation including immediate return to its tour station.

## **ARTICLE 8: PENALTIES**

- 8.1** Any person found to be working as a tour guide in Koror State without a valid and current Tour Guide certification card shall be convicted of a misdemeanor and be sentenced to pay a fine to the Koror State Treasury after conviction:
1. First offense is \$100.00
  2. Second offense is \$250.00
  3. Third offense is \$500
- 8.2** Any person or business entity that employs a person as a Tour Guide who does not possess a valid and current Tour Guide Certification as required in Articles 3,4, &5 shall be convicted of a misdemeanor and be sentenced to pay a fine to the Koror State Treasury after conviction:
1. First offense is \$100.00
  2. Second offense is \$250.00
  3. Third offense is \$500
- 8.3** Any person or business entity that does not provide an up-to-date list to Koror State Department of Conservation and Law Enforcement of all of its CPR and First Aid certified tour guides as required by Article 5 shall pay a fine to the Koror State Treasury after conviction.
1. First offense is \$100.00
  2. Second offense is \$250.00
  3. Third offense is \$500.00 and KSG business license of such violator shall be subject to suspension, revocation and/or cancellation as provided in KSPL No. K8-188-2007 (November 21, 2007) and/or its consequent amendments.
- 8.4** Any person or business entity that conducts a Commercial tour in the land or waters of Koror State without the presence of a Tour Guide who is validly certified under the Koror State Tour Guide Certification Program and who is CPR and First Aid certified shall pay a fine to Koror State Treasury after conviction.
1. First offense is \$100.00
  2. Second offense is \$250.00
  3. Third offense is \$500.00 and KSG business license of such violator shall be subject to suspension, revocation and/or cancellation as provided in KSPL No. K8-188-2007 (November 21, 2007) and/or its consequent amendments.
- 8.5** It shall be unlawful to aid, abet, counsel, command, induce, or procure or cause the commission of violation of Article 3, Article 4, Article 5 or Article 7 of these regulations, which if directly performed by any person would be a violation of Article 3, Article 4, Article 5 or Article 7 of these regulations, and any such person may and shall be punished as a principal. No distinction is made between principals in degrees, and no distinction is made between a principal and what may be referred to as an accessory before the fact.