

Unvalidated References:

Roads Maintenance Act 1971

Physical Planning Act 1989

Place Names Act 1965

Land Act 1996

Land Act

Land Act 1996

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....
Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 246.

Roads Maintenance Regulation 1973

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
“commercial or industrial purpose”
“maintenance authority”
“owner”

PART II – PROCEDURE AT MEETINGS OF ROADS BOARDS.

2. Appointment of Secretary.
3. Agenda.
4. Minutes.
5. Meetings of Roads Board not open to the public.

PART III – CLASSIFICATION OF ROADS.

6. Notice of intention to make reference.
7. Objections to classifications.
8. Consideration of objections, requests and submissions.
9. Form of recommendations.
10. Review of classification of roads.

PART IV – MAINTENANCE OF FEEDER AND URBAN ROADS BY COUNCILS.

11. Notice to Local-level Government.
12. Acceptance or assumption of responsibility for maintenance.
13. Recommendation for grants payable to Local-level Governments.

PART V – RESTRICTION OF USE, OR CLOSURE, FOR MAINTENANCE OR PUBLIC SAFETY.

14. Restriction of use, or closure, of road.
15. Notice to be publicised.

PART VI – WARNING DEVICES.

16. Warning signs, barriers and warning lamps.
17. Approval of warning signs.
18. Approval of barriers and warning lamps.

PART VII – FOOTPATHS, KERBS AND GUTTERS.

19. Interpretation of Part VII.
“construction authority”
“the improved land”
“improvements”
20. Charges for improvements.
21. Notice of intention to construct improvements, etc.
22. Exemption of certain improved land from charges.
23. Recovery of charges.
24. Payment of charges by joint owners.

PART VIII – OFFENCES.

25. Removal, etc., of signs.

26. Failure to report damage to a sign.
27. Use of road contrary to a notice.

PART IX – MISCELLANEOUS.

28. Direction to occupiers to maintain a minor road.
29. Notice to a Local-level Government to maintain a road.
30. Certificate as to state of repair of road.

SCHEDULE 1

**SCHEDULE 2 – CHARGES FOR FORMATION OF FOOTPATHS,
KERBS, KERB-CROSSINGS AND GUTTERS.**

Roads Maintenance Regulation 1973

MADE under the *Roads Maintenance Act 1971*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**commercial or industrial purpose**” means a purpose that cannot be carried out in an area zoned as a Residential Zone under the *Physical Planning Act 1989*;

“**maintenance authority**” means–

- (a) where the State is responsible for the maintenance of a road–the Director of Public Works; and
- (b) where a Local-level Government is responsible for the maintenance of a road–the Local-level Government;

“**owner**”–

- (a) in relation to land, means–
 - (i) in the case of freehold land–the proprietor of the freehold; and
 - (ii) in the case of land the subject of a State lease–the lessee; and
 - (iii) in the case of land the subject of a granted application for a State lease–the person entitled to the issue of the lease; or
 - (iv) in the case of land the subject of a mortgage–a mortgagee in possession; or

s. 1.

Roads Maintenance Regulation 1973

- (b) in relation to customary land—the persons, or the members of the community, entitled by custom to the land.

PART II. – PROCEDURE AT MEETINGS OF ROADS BOARDS.

2. APPOINTMENT OF SECRETARY.

A Roads Board may appoint a person to act as the Secretary to the Board.

3. AGENDA.

The Chairman of a Roads Board shall, wherever possible, cause an agenda to be prepared for each meeting of the Board, and cause copies of the agenda to be distributed to all members before the time fixed for the meeting.

4. MINUTES.

The Chairman of a Roads Board shall cause copies of the minutes of each meeting of the Board to be sent, as soon as possible after the meeting—

- (a) to the other members of the Board; and
- (b) in the case of a meeting of the Central Roads Board—to each Provincial Roads Board; and
- (c) in the case of a meeting of a Provincial Roads Board—to the Central Roads Board.

5. MEETINGS OF ROADS BOARD NOT OPEN TO THE PUBLIC.

(1) A meeting of a Roads Board is not open to the public unless the Board otherwise directs.

(2) Notwithstanding Subsection (1), a Roads Board may, by resolution, permit any person to attend a meeting of the Board to assist it in its deliberations.

PART III. – CLASSIFICATION OF ROADS.**6. NOTICE OF INTENTION TO MAKE REFERENCE.**

(1) Subject to this section, before making a reference to the Central Roads Board for the classification or re-classification of a road a Provincial Roads Board–

- (a) shall, by written notice to each Local-level Government and Local-level Government Special Purposes Authority in its area; and
- (b) may, by written notice publicly displayed at each District Office, Sub-district Office and patrol post in its area; and
- (c) may, in any other manner that it thinks appropriate,

give notice of its intention to make the reference.

(2) A notice under this section shall specify–

- (a) the road that the Board intends to refer to the Central Roads Board; and
- (b) the classification that it proposes to recommend for the road under Section 15(2) of the Act; and
- (c) subject to Subsection (3), the day when it is intended to finally consider any submissions or requests referred to in Section 15(1)(a) of the Act.

(3) A submission or request shall be finally considered not less than two months after the last day on which copies of the notice under Subsection (1) are forwarded to Local-level Governments or Local-level Government Special Purposes Authorities.

7. OBJECTIONS TO CLASSIFICATIONS.

A Local-level Government or Local-level Government Special Purposes Authority whose area or part of whose area is within the area of a Provincial Roads Board, and any person or body within the area of the Board, may–

- (a) by written notice to the Provincial Roads Board–
 - (i) object to a classification or proposed classification; or
 - (ii) request that a classification or proposed classification be varied; or
- (b) make a submission to the Provincial Roads Board relating–
 - (i) to a classification or proposed classification; or
 - (ii) generally to the maintenance,

of a road in the area of the Provincial Roads Board, whether or not the road is included in a proposed reference to the Central Roads Board.

8. CONSIDERATION OF OBJECTIONS, REQUESTS AND SUBMISSIONS.

In the case of a proposed recommendation as to the classification of a road, the Provincial Roads Board—

- (a) shall consider all objections, requests and submissions referred to in Section 7; and
- (b) may confirm or vary the proposed recommendation.

9. FORM OF RECOMMENDATIONS.

Where a Provincial Roads Board makes a recommendation under Section 15(2) of the Act for the classification or re-classification of a road, it shall—

- (a) include in the recommendation—
 - (i) in relation to the road—the matters set out in Section 15(1)(b) of the Act; and
 - (ii) the starting and finishing points of the road; and
 - (iii) the name of the road (if any) or pending a decision of the Place Names Committee established by the *Place Names Act 1965* the proposed name of the road (if any); and
 - (iv) the names and descriptions of any prominent features along its length (including rivers, towns and mountains); and
 - (v) for feeder roads—the estimated length within the area of each Local-level Government or Local-level Government Special Purposes Authority through which it passes; and
- (b) where the recommendation is at variance with the views of a Local-level Government or Local-level Government Special Purposes Authority, or of any other person or body—
 - (i) forward to the Central Roads Board copies of the objections, submissions and requests and a report on them by the Provincial Roads Board; and
 - (ii) forward to the Local-level Government, Local-level Government Special Purposes Authority, person or body a copy of its recommendations.

10. REVIEW OF CLASSIFICATION OF ROADS.

A Provincial Roads Board may make a reference to the Central Roads Board—

- (a) of its own motion; or
- (b) when requested by the Central Roads Board,

in accordance with the procedure set out in this Part, for the reclassification of the roads in its area.

PART IV. – MAINTENANCE OF FEEDER AND URBAN ROADS BY COUNCILS.

11. NOTICE TO LOCAL-LEVEL GOVERNMENT.

(1) As soon as practicable after the classification of roads as feeder roads in a Local-level Government area has been approved, the Provincial Roads Board shall by written notice—

- (a) notify the Local-level Government what roads in its area have been classified as feeder roads; and
- (b) provide the Local-level Government with an adequate description of each feeder road in its area; and
- (c) ask the Local-level Government whether it is prepared to assume responsibility for the maintenance of all feeder or all urban roads, or both, in its area; and
- (d) so far as is practicable, indicate to the Local-level Government the amount of money that may be granted to the Local-level Government by the Government to assist it in maintaining the feeder and urban roads in its area.

(2) Subsection (1)(d) does not place any obligation on the State.

12. ACCEPTANCE OR ASSUMPTION OF RESPONSIBILITY FOR MAINTENANCE.

(1) A Local-level Government may advise the Provincial Roads Board by written notice that it is prepared to assume responsibility for the maintenance of all feeder or all urban roads, or both, in its area.

(2) Where a Local-level Government advises under Subsection (1) that it is prepared to assume responsibility for maintenance, the Provincial Roads Board shall forward to the Director of Public Works a copy of the notice that it receives under that subsection.

(3) After receipt by the Director of Public Works of the notice referred to in Subsection (2), the State and the Local-level Government shall negotiate the conditions for the assumption by the Local-level Government of responsibility of all feeder or all urban roads, or both, in its area.

(4) The Provincial Roads Board may request the Director of Public Works and the Local-level Government to advise it on the progress of the negotiations referred to in Subsection (3).

(5) Where the negotiations referred to in Subsection (3) have been concluded, the Director of Public Works shall—

- (a) forward a copy of the agreement to the Provincial Roads Board and the Central Roads Board; or

- (b) advise the Provincial Roads Board and the Central Roads Board that the Government and the Local-level Government have failed to agree and are unlikely to agree on conditions for the assumption by the Local-level Government of responsibility for maintenance of the roads specified in the advice.

(6) When the Provincial Roads Board receives a notice under Subsection (5)(b) that relates to a feeder road, it shall consider the matter and recommend to the Central Roads Board whether the State should maintain the road.

(7) Where the Central Roads Board receives a recommendation under Subsection (6), it shall consider the matter and make a recommendation to the Director of Public Works.

(8) Where a Local-level Government refuses to assume responsibility for the maintenance of feeder or urban roads in its area, the Provincial Roads Board may, from time to time, by written notice, request the Local-level Government to assume responsibility for that maintenance.

(9) Where no reply is received from a Local-level Government within three months after the date of the notice under Section 11, the Local-level Government shall be deemed, for the purposes of this section, to have refused to assume responsibility for the maintenance of feeder and urban roads in its area.

13. RECOMMENDATION FOR GRANTS PAYABLE TO LOCAL-LEVEL GOVERNMENTS.

The Central Roads Board may recommend to the Department of Finance the method by which the funds that are lawfully available for the purpose should be apportioned—

- (a) as between the Local-level Governments responsible for the maintenance of feeder and urban roads; and
- (b) where the State is responsible for the maintenance of any particular feeder or urban road—as between the Local-level Governments responsible for maintenance and the State.

PART V. – RESTRICTION OF USE, OR CLOSURE, FOR MAINTENANCE OR PUBLIC SAFETY.

14. RESTRICTION OF USE, OR CLOSURE, OF ROAD.

Subject to Section 15, the use of a road may be restricted, or a road may be closed, by notice in Form 1 given—

- (a) in the case of a road for the maintenance of which the State is responsible—by the Director of Public Works or a person authorized by him for the purpose; and
- (b) in the case of a road for the maintenance of which a Local-level Government is responsible—by the Local-level Government.

15. NOTICE TO BE PUBLICISED.

The Director of Public Works, a person authorized by him for the purpose, or the Local-level Government, as the case requires, shall take such action as he or it thinks desirable—

- (a) to publicise a notice under Section 14; and
- (b) in particular to cause a legible sign, with letters not less than 15 cm high, advising road-users of the restriction or closure provided for in the notice to be placed—
 - (i) at or near each end of the road or the part of the road the subject of the notice; and
 - (ii) at or near all intersections on the road or the part of the road or any other part of the road that he or it thinks suitable for the placing of such a sign; and
- (c) to cause copies of the notice to be forwarded promptly to—
 - (i) the Provincial Roads Board for the area in which the road is located and to the Central Roads Board; and
 - (ii) each Local Government Council, District Office, Sub-district Office and patrol post in the province in which the road is located, to be publicly displayed at those offices; and
- (d) where practicable (having regard to the expected duration of the notice and the date when the restriction or closure is to commence), cause a copy of the notice to be published in the National Gazette.

PART VI. – WARNING DEVICES.

16. WARNING SIGNS, BARRIERS AND WARNING LAMPS.

A maintenance authority may place or erect warning signs, barriers or warning lamps as are approved under Section 17 or 18 on or near a road when it is of the opinion that such signs, barriers or lamps are necessary for public safety.

17. APPROVAL OF WARNING SIGNS.

The Central Roads Board may approve the use of any warning signs the standard specifications for which are set out in Australian Standard No. E.38 of the Standards Association of Australia.

18. APPROVAL OF BARRIERS AND WARNING LAMPS.

The Central Roads Board may approve the design and type of barriers or warning lamps to be used by a maintenance authority.

PART VII. – FOOTPATHS, KERBS AND GUTTERS.**19. INTERPRETATION OF PART VII.**

In this Part, unless the contrary intention appears–

“construction authority” means–

- (a) where the State forms improvements or causes improvements to be formed–the State; or
- (b) where a Local-level Government has assumed responsibility for urban roads and forms improvements or causes improvements to be formed adjacent to those roads–the Local-level Government;

“the improved land” in relation to any improvements, means the parcel of land nearest to the improvements;

“improvements” means footpaths, kerbs, kerb-crossings or guttering.

20. CHARGES FOR IMPROVEMENTS.

(1) Subject to Sections 21 and 22, where the State–

- (a) forms improvements; or
- (b) causes improvements to be formed,

adjacent to a road, the owner for the time being of the improved land shall pay to the State the charges set out in Schedule 2 that are applicable to the work carried out.

(2) Subject to Sections 21 and 22, where a Local-level Government–

- (a) forms improvements; or
- (b) causes improvements to be formed,

adjacent to an urban road for the maintenance of which it has assumed responsibility, the owner for the time being of the improved land shall pay to the Local-level Government the cost, as assessed by the Local-level Government, of forming the improvements.

21. NOTICE OF INTENTION TO CONSTRUCT IMPROVEMENTS, ETC.

Before commencing to form improvements adjacent to an urban road, the construction authority shall notify in writing, the owner of the land that will be the improved land–

- (a) the estimated amount for which he will be liable; and
- (b) the period within which it will be payable.

22. EXEMPTION OF CERTAIN IMPROVED LAND FROM CHARGES.

Charges for the formation of improvements are not payable where the improved land is–

- (a) customary land; or
- (b) Government land within the meaning of the *Land Act 1996*; or
- (c) land reserved, or deemed to be reserved, from lease or further lease under the *Land Act*; or
- (d) land that is the subject of a lease under Division VI.6 of the *Land Act 1996*.

23. RECOVERY OF CHARGES.

An amount due under Section 20 may be recovered by the construction authority as a debt.

24. PAYMENT OF CHARGES BY JOINT OWNERS.

Where the improved land is owned or held jointly by two or more persons, those persons—

- (a) are jointly and severally liable to the construction authority for any amounts payable as a result of the formation of improvements; but
- (b) as between themselves each person is only liable for such part of those charges as is proportionate to the value of his interest in the land,

and if any person pays to the construction authority more than his proportionate part he may recover the excess by way of contribution from the other owner or owners.

PART VIII. – OFFENCES.

25. REMOVAL, ETC., OF SIGNS.

A person who wilfully removes, alters, destroys, defaces or interferes with a sign, barrier or lamp placed on or near a road under this Regulation is guilty of an offence.

Penalty: A fine not exceeding K100.00.

26. FAILURE TO REPORT DAMAGE TO A SIGN.

A person who damages a sign, barrier or lamp placed on or near a road under this Regulation and fails to report the damage to the maintenance authority without delay is guilty of an offence.

Penalty: A fine not exceeding K100.00.

27. USE OF ROAD CONTRARY TO A NOTICE.

A person who, without reasonable excuse (proof of which is on him), fails or refuses to comply with a notice under Section 14 is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART IX. – MISCELLANEOUS.

28. DIRECTION TO OCCUPIERS TO MAINTAIN A MINOR ROAD.

A direction under Section 5 of the Act may be in Form 2.

29. NOTICE TO A LOCAL-LEVEL GOVERNMENT TO MAINTAIN A ROAD.

A notice under Section 16 of the Act may be in Form 3.

30. CERTIFICATE AS TO STATE OF REPAIR OF ROAD.

A certificate under Section 20 of the Act may be in Form 4.

SCHEDULE 1

PAPUA NEW GUINEA.

Roads Maintenance Act 1971.

***Form 1 – NOTICE OF RESTRICTION OF USE OR CLOSURE OF A
ROAD.***

Reg., Sec. 14.

Form 1.

TAKE NOTICE that as from ... a.m./p.m.* on ... 20... the use of the road more particularly described in the Schedule to this notice is subject to the following restriction(s):—

(Insert details of restriction(s) or closure).

The purpose of the restriction/closure* is for maintenance/public safety*.

It is expected that the restriction/closure* will remain in force until ... a.m./p.m.* on ... 20...

Dated ... 20...

Director of Public Works

(or)

Local-level Government.

SCHEDULE.

Name of road:

Classification of road:

Description of road or part of road subject to restriction of use/closure*:

* Strike out whichever is inapplicable.

Form 2.—Notice to an Occupier of Land Served by Minor Road to Maintain the Road.

PAPUA NEW GUINEA.

Roads Maintenance Act 1971.

***Form 2 – NOTICE TO AN OCCUPIER OF LAND SERVED BY MINOR
ROAD TO MAINTAIN THE ROAD.***

Act, Sec. 5. Form 2.Reg., Sec. 28.

To:

TAKE NOTICE that you as occupier(s) of land served by the (*insert name and description of minor road*) are directed to carry out maintenance or work as follows:—

on or within the following section of road:—

within a period of . . . from the date of this notice.

Dated . . . 20...

Local-level Government.

(*or*)

(*Designation of officer.*)

Form 3.—Notice to a Local Government Council to Maintain Road.

PAPUA NEW GUINEA.

Roads Maintenance Act 1971.

***Form 3 – NOTICE TO A LOCAL-LEVEL GOVERNMENT TO MAINTAIN
ROAD.***

Act, Sec. 16. Form 3.Reg., Sec. 29.

To:

The President,

... Local-level Government,

WHEREAS your Local-level Government is responsible for the maintenance of the road/part of a road* described in the Schedule to this notice:

AND WHEREAS this Board is satisfied that the road/part of a road* is not being kept in reasonable repair in the following particulars:—

TAKE NOTICE that unless your Local-level Government, within ... of the date of this notice, repairs the road, the Board may recommend to the Government that the State re-assume the responsibility for the maintenance of the road, or the part of a road, and in that event the State may recover from your Local-level Government as a debt the cost of maintaining the road, or the part of a road, as the case may be.

Dated ... 20...

Chairman,
Provincial Roads Board.

SCHEDULE.

Name of road:

Classification of road:

Territorial points of road:

Section of road referred to in this Notice:

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Roads Maintenance Act 1971.

***Form 4 – CERTIFICATE UNDER SECTION 20 OF THE ROADS
MAINTENANCE ACT.***

Act, Sec. 20. Form 4.Reg., Sec. 30.

I, . . . , Chairman of the . . . Provincial Roads Board, certify that—

- (a) on . . . 20 . . . the State commenced to repair the road (or the part of the road) more particularly described in the Schedule to this Certificate; and
- (b) as at that date that road (or that part of that road) was not in reasonable repair.

Dated . . . 20...

Chairman,
Provincial Roads Board.

SCHEDULE.

- Name of road:
- Classification of road:
- Territorial points of road:
- Section of road not in repair:

SCHEDULE 2 – Reg., Sec. 20.

CHARGES FOR FORMATION OF FOOTPATHS, KERBS, KERB-CROSSINGS AND GUTTERS.

The charges for the work specified in the first column of the table in this Schedule are—

- (a) where the maintenance authority is satisfied that the improved land is being used wholly or in part for commercial or industrial purposes—the amount in the second column that appears opposite the description of the work; and
- (b) where the maintenance authority is satisfied that the improved land is being used solely for purposes other than commercial or industrial purposes—the amount in the third column that appears opposite the description of the work.

Type of work.	Charge (commercial or industrial purposes).	Charge (non-commercial and non-industrial purposes).
	K	K
Formation of footpath (without surfacing)	2.50 per cubic metre of cut or fill	1.25 per cubic metre of cut or fill
Concrete surface placed on a footpath	6.00 per square metre	3.00 per square metre
Bitumen surface placed on a footpath	2.50 per square metre	1.25 per square metre
Gravel surface placed on a footpath	0.70 per square metre	0.35 per square metre
Concrete kerb and gutter	14.00 per metre	7.00 per metre
Concrete kerb (without gutter)	7.00 per metre	3.50 per metre
Concrete kerb-crossing	14.00 per metre (minimum charge for a vehicular kerb-crossing, 42.00)	7.00 per metre (minimum charge for a vehicular kerb-crossing, 21.00)

Roads Maintenance Regulation 1973