

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 246.

Roads Maintenance.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Decentralization at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Decentralization;

“the Department”—should be read as references to the Department of Decentralization.

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¹Subsidiary legislation has not been up-dated.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 246.

Roads Maintenance Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 246.

Roads Maintenance Act.

Being an Act to provide for—

(a) the classification and maintenance of roads; and

(b) the construction of footpaths, kerbs and gutters,

and for those purposes—

(c) to provide for the establishment of a Central Roads Board and Provincial Roads Board; and

(d) to define the powers and functions of those Boards,

and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

“the Central Roads Board” means the Central Roads Board established by Section 7;

“declared minor road” means a minor road declared under Section 10(4);

“feeder road” means a road classified as a feeder road under Section 10(3);

“the Local Government Association” means the Local Government Association of Papua and New Guinea Incorporated;

“maintain”, in relation to a road, means to do such acts and things as are necessary to keep the road in reasonable repair, having regard to the manner of its construction and the purpose for which it is used, and includes—

(a) the collection of standing waters on the road or in drains or culverts constructed or used in connexion with the road; and

(b) such reconstruction as is necessary to keep the road in reasonable repair,

but does not include the construction of a new road;

“major highway” means a road classified as a major highway under Section 10(3);

“minor road” means a road (other than an urban road) not gazetted under this Act as a major highway, trunk road or feeder road, and includes a declared minor road¹;

“occupier”, in relation to any land, includes a person—

(a) who has, or is entitled to have, immediate possession of the land; and

(b) who is entitled to remove timber, minerals, petroleum or other things on or under the land,

whether solely or jointly with another person;

¹Compare the definition “declared minor road” and Section 10(4). Technically, there seems to be a circuitry.

- "the Provincial Roads Board", in relation to a road, means the Provincial Roads Board established for the province in which the road is situated;
- "Provincial Roads Board" means a Provincial Roads Board established by Section 13;
- "public road" means a street, road, lane or thoroughfare open to or used by the public;
- "reasonable repair" means reasonable repair, to the satisfaction of the District Roads Board, in accordance with the minimum standards set by the Central Roads Board under Section 11 for maintaining a road;
- "the regulations" means any regulations made under this Act;
- "road" means a public road or part of a public road, and includes—
- (a) a bridge, culvert and ford on a road; and
 - (b) a vehicular ferry used as a link between two roads,
- but does not include a footpath or footway;
- "Roads Board" means the Central Roads Board or a District Roads Board;
- "this Act" includes the regulations;
- "trunk road" means a road classified as a trunk road under Section 10(3);
- "urban road" means a road in a town, other than a major highway, trunk road or declared minor road.

PART II.—MAINTENANCE OF ROADS.

2. Functions of the State.

(1) Subject to Section 11, the State shall, out of moneys lawfully available for the purpose, maintain major highways, trunk roads and, subject to Section 4, urban roads.

(2) Subject to Section 11, the State may, out of moneys lawfully available for the purpose, maintain a feeder road, or assist a Local Government Council in the maintenance of a feeder road, whether by subsidy or the supply of labour or equipment, or otherwise.

(3) The State shall, out of such moneys as are lawfully available for the purpose, maintain a declared minor road.

(4) The State may—

- (a) maintain bridges on feeder roads at the request of the Central Roads Board; and
- (b) undertake such other works in connexion with the maintenance of a feeder road as, in the opinion of the Minister, are beyond the reasonable capacity of the persons or bodies otherwise liable to maintain it.

(Amended by No. 25 of 1976, Schedule 31.)

(5) The State may, out of moneys lawfully available for the purpose—

- (a) make provision for the construction of footpaths, kerbs and gutters; and
- (b) recover from the owners of the land adjacent to the kerbs and gutters the prescribed charges for their construction.

3. Functions of Local Government Councils.

(1) A Local Government Council shall maintain in reasonable repair a minor road within its area, other than a declared minor road.

(2) Subject to Section 12, a Local Government Council may—

- (a) with or without assistance from the State, accept responsibility for the maintenance of all feeder roads in its area subject to such conditions as are agreed on between the State and the Council; and
- (b) enter into a contract with the State for the maintenance of a major highway or trunk road or part of a major highway or trunk road or of a declared minor road.

4. Maintenance of urban roads.

(1) Notwithstanding any other provision of this Act—

- (a) a Local Government Council may, subject to such conditions as are agreed on between the Council and the State, assume responsibility for the maintenance of all urban roads within its boundaries; or
- (b) the Minister may direct a Local Government Council to assume the responsibility for the maintenance of all urban roads within its boundaries.

(2) A Local Government Council that assumes the responsibility for maintenance of urban roads under Subsection (1)(a) or is directed to assume the responsibility for urban roads under Subsection (1)(b) shall maintain them in reasonable repair.

(3) A Local Government Council may—

- (a) construct footpaths, kerbs and gutters adjacent to urban roads for which it is responsible; and
- (b) recover from the owners of the land adjacent to the kerbs and gutters the prescribed charges for the construction.

5. Maintenance of minor roads.

(1) A Local Government Council may direct a person or group who is the occupier of land served by a minor road within the Council area—

- (a) to maintain the road; or
- (b) to do specified work in relation to the maintenance of the road.

(2) Where there is no Local Government Council in an area, a District Officer for the area may direct a person or group who is the occupier of land served by a minor road within that area—

- (a) to maintain that road; or
- (b) to do specified work in relation to the maintenance of the road.

(3) Subject to Section 19, a person or group who is directed to maintain a minor road under Subsection (1) or (2) and who fails to comply with that direction is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K4.00.

(4) Conviction of an offence against this section does not relieve an occupier of his obligation to obey a direction under Subsection (1).

14. Tenure of office of Local Government Member.

(1) The member of a Provincial Roads Board referred to in Section 13(2)(c)—

(a) holds office during the pleasure of the Minister; and

(b) is deemed to have vacated his office if—

(i) his appointment is terminated by the Minister; or

(ii) he resigns his office in writing addressed to the Minister and his resignation is accepted by the Minister; or

(iii) he is absent except on leave granted by the Provincial Roads Board from three consecutive meetings of the Board; or

(iv) he becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his property for their benefit; or

(v) he is of unsound mind as that expression is used in the *Public Health Act*; or

(vi) he is convicted of an offence punishable under a law of Papua New Guinea, or of Australia or a State or Territory of Australia, by death or imprisonment for one year or longer and, as a result of the conviction, is under sentence of death or imprisonment.

(2) A vacancy in the office of the member of a Provincial Roads Board referred to in Section 13(2)(c) due to one of the reasons specified in Subsection (1) shall be filled in the manner specified in Section 13(2)(c), except that the Minister may, until such time as an appointment is made as specified in that paragraph, appoint a person to act as a temporary member of the Provincial Roads Board.

Subdivision B.—Powers and Functions.

15. Recommendations to the Central Roads Board.

(1) Before making a reference to the Central Roads Board under Section 10(1)(a), a Provincial Roads Board shall—

(a) consider all submissions and requests by Local Government Councils or other persons or bodies within its area relating to the maintenance of roads; and

(b) take into consideration in relation to each road—

(i) the length of the road to be maintained; and

(ii) the terrain through which the road passes; and

(iii) the existing surface material; and

(iv) the amount and nature of the traffic using or likely to use the road; and

(v) the population living adjacent to the road from whom assistance could be obtained for the maintenance of the road.

(2) A Provincial Roads Board shall recommend to the Central Roads Board the manner in which it thinks the roads in the province should be classified under Section 10.

(3) The Provincial Roads Board shall—

(a) recommend to the Central Roads Board the priorities for maintenance that should be apportioned to the roads in the province (other than urban roads, that under Section 4 a Local Government Council is responsible to maintain; and

- (b) advise the Central Roads Board of—
- (i) the funds available for road maintenance in the province; and
 - (ii) assistance available for any particular road in the province; and
 - (iii) the approximate cost of maintaining each of the roads for which a priority is recommended.

16. Notice to maintain road.

(1) Where a Provincial Roads Board is satisfied that a road (other than a minor road) for which a Local Government Council is responsible under this Act is not being kept in reasonable repair, it may give notice to the Local Government Council responsible for the maintenance of the road requiring the Council to maintain the road in reasonable repair without delay.

(2) If a Local Government Council fails to comply with the notice under Subsection (1) the State may—

- (a) re-assume the responsibility for the road; and
- (b) recover from the Council as a debt the cost of maintaining the road, to the relevant minimum standard set by the Central Roads Board under Section 11.

Division 3.—Local Government Roads Authorities.

17. Establishment of Local Government Roads Authorities.

(1) Where for any special reason he thinks it proper to do so, the Minister may, by notice in the National Gazette, authorize a Local Government Authority established under the *Local Government Act* to be the Roads Authority for the area specified in the notice. (Amended by No. 25 of 1976, Schedule 31.)

(2) An authorization under Subsection (1) may be made subject to such limitations and conditions as the Minister thinks proper and specifies in the notice under that subsection. (Amended by No. 25 of 1976, Schedule 31.)

(3) Except to the extent allowed by the limitations and conditions to which the authorization under Subsection (1) was made subject, a Provincial Roads Board has no jurisdiction and may not exercise any functions as a Provincial Roads Board in or in relation to the area for which a Roads Authority is established, and where the authorization under Subsection (1) was not subject to any such limitation or condition it is not necessary to appoint a Provincial Roads Board for that area.

(4) Subject to any limitations or conditions to which the authorization under Subsection (1) was made subject, a Roads Authority has all the jurisdiction, powers, functions, duties and responsibilities, in and in relation to the area for which it was established, of a Provincial Roads Board, and—

- (a) a reference in this Act (other than in Section 13 or 14) or any other law to a Provincial Roads Board shall be read as including a reference to a Roads Authority; and
- (b) any such reference to the Chairman or a member of a Provincial Roads Board shall be read as including a reference to the persons appointed to be the President and members of the Local Government Authority authorized to be the Roads Authority.

18. Meetings of Boards.

- (1) A Roads Board shall meet—
 - (a) at least once in every three months; and
 - (b) at such times and places as are fixed by the Chairman or as are directed by the Board.
- (2) At a meeting of a Board—
 - (a) the Chairman shall preside; and
 - (b) all questions arising at the meeting shall be determined by a majority of the votes of the members present and voting.
- (3) Subject to this Act, the procedure at meetings of any Board are as the Board determines, or as are prescribed.
- (4) Each Board shall cause minutes of its proceedings to be kept.

PART IV.—MISCELLANEOUS.

19. Appeals.

- (1) A person or group aggrieved by a direction under Section 5 may appeal to a District Court.
- (2) An appeal under Subsection (1) may be made on the ground that—
 - (a) the appellant is not served, or is not a member of a group served, by the minor road; or
 - (b) the use made of the minor road by the appellant is occasional or sporadic only; or
 - (c) the work ordered to be done is excessive having regard to the relative amounts of use made of the minor road by the appellant and other persons; or
 - (d) in all the circumstances the direction is unjust, inequitable or unreasonable in relation to the appellant.
- (3) The District Court shall consider the appeal and may—
 - (a) allow the appeal; or
 - (b) vary a direction as to the maintenance or work to be done by the appellant; or
 - (c) dismiss the appeal.
- (4) The decision of the District Court is final¹.

20. Certificate to be evidence.

- (1) In this section, "the road" means a road for which the State has re-assumed responsibility under Section 16(2)(a).
- (2) For the purposes of an action by the State to recover payment from a Local Government Council under Section 16(2)(b), a certificate purporting to be signed by the Chairman of the Provincial Roads Board that, as at a specified date—
 - (a) the State had commenced to repair the road; and

¹But see Constitution, Section 155.

(2) For the purposes of an action by the State to recover payment from a Local Government Council under Section 16(2)(b), a certificate purporting to be signed by the Chairman of the Provincial Roads Board that, as at a specified date—

- (a) the State had commenced to repair the road; and
- (b) the road was not in reasonable repair,

is evidence of those matters.

21. Responsibility joint and several.

(1) Where two or more persons are responsible under this Act for the maintenance of a road or part of a road, the responsibility is joint and several.

(2) Where—

- (a) two persons are liable under this Act to maintain or to do work in relation to a road or part of a road because they are occupiers of the same land; and
- (b) the rights or interests by virtue of which they are respectively such occupiers are of different natures,

the cost of maintenance shall be borne by them in such proportions as are agreed on or, in default of agreement, as is settled by arbitration.

22. Damaging, etc., roads.

(1) In this section, "road" includes a footpath, footway, kerb or gutter formed or used, or being formed or used, in conjunction with a road.

(2) Subject to any other law, a person who, without the consent of the Provincial Roads Board—

- (a) forms, digs or opens any drain or sewer in a road; or
- (b) removes, or causes to be removed, from a road any turf, clay, sand, soil, stone, gravel or other matter used, or to be used, in the formation of the road; or
- (c) wantonly breaks up or damages a road; or
- (d) wilfully obstructs, or hinders or prevents the free passage of, any person, vehicle, horse or cattle on a road; or
- (e) deposits rubbish or litter of any kind on a road,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

23. Closure of roads.

Where the State or a Local Government Council is responsible for the maintenance of a road it may, in the prescribed manner, restrict the use of the road or close the road for the purpose of maintenance or public safety.

24. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing—

- (a) the manner in which the use of a road may be restricted or a road closed for maintenance; and

Roads Maintenance

- (b) the form of any notices to be served or given under this Act and the manner of their service or use; and
- (c) warning devices that may or must be used for the safety of the public when a road is under repair; and
- (d) the charges to be made to occupiers of adjacent land for footpaths, kerbs and gutters constructed under this Act; and
- (e) penalties of fines not exceeding K200.00 and default penalties of fines not exceeding K5.00 for offences against the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter No. 246.

Roads Maintenance Regulation.

ARRANGEMENT OF SECTIONS.

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 "commercial or industrial purpose"
 "maintenance authority"
 "owner".

PART II.—PROCEDURE AT MEETINGS OF ROADS BOARDS.

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3. Agenda.
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PART III.—CLASSIFICATION OF ROADS.

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

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19. Interpretation of Part VII.—
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PART IX.—MISCELLANEOUS.

- 28. Direction to occupiers to maintain a minor road.
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SCHEDULES.

SCHEDULE 1.—

FORM 1.—Notice of Restriction of Use or Closure of a Road.

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

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

FORM 4.—Certificate under Section 20 of the Roads Maintenance Act.

SCHEDULE 2.—Charges for Formation of Footpaths, Kerbs, Kerb-crossings and Gutters.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter No. 246.

Roads Maintenance Regulation.

MADE under the *Roads Maintenance Act.*

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 *Town Planning Act*,

“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 Government Council is responsible for the maintenance of a road—the Local Government Council;

“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

(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 Government Council and Local Government 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 Government Councils or Authorities.

7. Objections to classifications.

A Local Government Council or 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* 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 Government Council or Authority through which it passes; and
- (b) where the recommendation is at variance with the views of a Local Government Council or 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 Council, 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 Government Council.**

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

- (a) notify the Council what roads in its area have been classified as feeder roads; and
- (b) provide the Council with an adequate description of each feeder road in its area; and

- (c) ask the Council 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 Council the amount of money that may be granted to the Council 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 Government Council 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 Government Council 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 Government Council shall negotiate the conditions for the assumption by the Council 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 Government Council 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 Government Council have failed to agree and are unlikely to agree on conditions for the assumption by the Local Government Council 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 Government Council 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 Council to assume responsibility for that maintenance.

(9) Where no reply is received from a Local Government Council within three months after the date of the notice under Section 11, the Council 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 Councils.

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 Government Councils 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 Councils 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 Government Council is responsible—by the Council.

15. Notice to be publicised.

The Director of Public Works, a person authorized by him for the purpose, or the Local Government Council, 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 Government Council has assumed responsibility for urban roads and forms improvements or causes improvements to be formed adjacent to those roads—the Council;

“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 Government Council—

- (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 Council the cost, as assessed by the Council, 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*; 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*.

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 Council 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.

SCHEDULES.

SCHEDULE 1.

PAPUA NEW GUINEA.

Roads Maintenance Act.

Reg., Sec. 14.

Form 1.

NOTICE OF RESTRICTION OF USE OR CLOSURE OF A ROAD.

TAKE NOTICE that as from a.m./p.m.* on 19 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 19

Dated 19

Director of Public Works

(or)

Local Government Council.

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.

Roads Maintenance

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PAPUA NEW GUINEA.
Roads Maintenance Act.

Act, Sec. 5.

Reg., Sec. 28.

Form 2.

NOTICE TO AN OCCUPIER OF LAND SERVED BY MINOR ROAD TO MAINTAIN THE ROAD.

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 _____ 19 .

Local Government Council.

(or)

(*Designation of officer.*)

PAPUA NEW GUINEA.
Roads Maintenance Act.

Act, Sec. 16.

Reg., Sec. 29.

Form 3.

NOTICE TO A LOCAL GOVERNMENT COUNCIL TO MAINTAIN ROAD.

To:

The President,

Local Government Council,

WHEREAS your Council 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 Council, 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 Council as a debt the cost of maintaining the road, or the part of a road, as the case may be.

Dated _____ 19 .

Chairman,

Provincial Roads Board.

SCHEDULE.

Name of road:

Classification of road:

Terminal points of road:

Section of road referred to in this Notice:

* Strike out whichever is inapplicable.

Ch. No. 246

Roads Maintenance

**PAPUA NEW GUINEA.
Roads Maintenance Act.**

Act, Sec. 20.

Reg., Sec. 30.

Form 4.

CERTIFICATE UNDER SECTION 20 OF THE ROADS MAINTENANCE ACT.

I, _____, Chairman of the _____ Provincial Roads Board, certify that—
(a) on _____ 19____ 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 _____ 19____

Chairman,
Provincial Roads Board.

SCHEDULE.

Name of road:
Classification of road:
Terminal 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.

TABLE.

Type of work.	Charge (commercial or industrial purposes). K	Charge (non-commercial and non-industrial purposes). 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)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 246.

Roads Maintenance.

SUBSIDIARY LEGISLATION.

1. Regulation, Section 15(*d*)—Restrictions of use, or closure of road.

Mount Hagen—

Kupanda St., the part fronting Section 79, Mount Hagen—closed permanently to all traffic.

INDEPENDENT STATE OF PAPUA NEW GUINMEA.

CHAPTER NO. 246.

Roads Maintenance.

APPENDIXES.

APPENDIX 1.

Part A.—Previous Legislation.

Roads Maintenance Act 1971 (No. 104 of 1971)

as amended by—

Statute Law Revision (Transfer of Powers) Act 1976 (No. 25 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	5
2	6
3	7
4	8
5	9
6	10
7	11
8	12
9	13
10	14(1)-(4)
11	14(5)
12	15
13	16
14	18,19
15	20
16	21
17	17
18	22,23
19	24
20	25
21	26
22	27
23	28
24	29

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

APPENDIX 2.

SOURCE OF THE ROADS MAINTENANCE REGULATION.

Part A.—Previous Legislation.

Roads Maintenance Regulations 1973 (Statutory Instrument No. 34 of 1973)
as amended by—

Roads Maintenance (Amendment) Regulation 1975 (Statutory Instrument No. 15
of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	3	20	22
2	4	21	23
3	5	22	24
4	6	23	25
5	7	24	26
6	8	25	27
7	9	26	28
8	10	27	29
9	11	28	30
10	12	29	31
11	13	30	32
12	14	Schedules—	Schedules—
13	15	Schedule 1—	Schedule 1—
14	16	Form 1	Form 1
15	17	Form 2	Form 2
16	18	Form 3	Form 3
17	19	Form 4	Form 4
17	19	Form 4	Form 4
18	20	Schedule 2	Second Schedule
19	21		

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