

Chapter 301.

Building Act 1971.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 301.

Building Act 1971.

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
 - “Board”
 - “the Board”
 - “building”
 - “Building Authority”
 - “the Central Building Tribunal”
 - “Departmental Head”
 - “erect”
 - “excavation”
 - “filling”
 - “member”
 - “prescribed area”
 - “the regulations”
 - “structure”
 - “this Act”
 - “township”

PART II – APPLICATION OF ACT.

2. Act to bind the State.
3. Declaration of townships and prescribed areas.
4. Application to buildings.
5. Exemptions.

PART III – ADMINISTRATION.

6. Building Boards.
7. Constitution of Boards.
- 7A. Committees of Boards.
8. Building Authorities.
9. Reference to Departmental Head.

10. Inspection.

PART IV – APPROVALS.

11. Requirement of approval.

12. Application for approval.

13. Approval.

14. Conditions of approval.

PART V – REQUIREMENTS BY BUILDING BOARDS.

15. Demolition of buildings.

16. Dangerous buildings, etc.

17. Provision of facilities.

18. Demolition, etc., by Board.

PART VI – APPEALS, ETC.

19. Reasons to be given.

20. Central Building Tribunal.

21. Appeals.

PART VII – LEGAL PROVISIONS.

22. Saving of rights against third parties.

23. Service of notices, etc.

24. Proof and evidence.

25. Responsibility of Boards, etc.

PART VIII – MISCELLANEOUS.

26. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Building Act 1971,

Being an Act to regulate and control construction, including—

- (a) the classification, construction, maintenance, alteration and demolition of buildings; and
- (b) the use of a building and the land on which the building is erected, both during and after construction of the building; and
- (c) the erection, maintenance and demolition of hoardings; and
- (d)¹ the execution of an excavation or filling,

and for related purposes.

Note Section 33 of the *National Water Supply and Sewerage Act 1986* (No. 68 of 1986) provides that:

“Where any provisions in this Act [ie the *National Water Supply and Sewerage Act 1986*] relating to plumbing, draining, water supply, sewerage or sanitation matters are inconsistent with provisions of the *Building Act* (Chapter 301) and regulations made thereunder, the provisions of this Act [ie the *National Water Supply and Sewerage Act 1986*] shall apply.”

PART I. – PRELIMINARY.

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

“**Board**” means a Building Board established under this Act;

¹ Long title, paragraph (d) added by *Building (Amendment) Act* (No. 8 of 1991), s1.

“the Board”, in relation to a building or proposed building, means the Board established for the township or specified for the prescribed area under Section 6;

“building” includes—

- (a) a structure or thing in the nature of a structure and an erection, the structural sufficiency of which is essential to ensure the safety of the public and the users of the structure, thing or erection; and
- (b) a grandstand, structure or erection in which sitting or standing accommodation is provided, whether or not the grandstand, structure or erection is enclosed; and
- (c) subject to Subsection (2), a retaining wall any part of which—
 - (i) exceeds a height of 1,200mm measured vertically from the bottom of its footing to the highest point of the top of the wall; or
 - (ii) is within 1.2m of the boundary of a street or public place; and
- (d) subject to Subsection (2), a wall—
 - (i)² of concrete or masonry any part of which is of a height that exceeds 1,500mm; or
 - (ii)³ of other material any part of which is of a height that exceeds 1,800mm,
 measured vertically from the base of the wall to the highest point at the top of the wall, but does not include a framework, supporting mesh or wire or netting, or other similar open material; and
- (e) a tank, including its supporting structure—
 - (i) that has a capacity of not less than 20,000l; or
 - (ii) that has a capacity of 2,000l or more and is supported at a height of more than 1,800mm from the bottom of its footing; or
 - (iii) that is supported at a height of more than 3,600mm from the bottom of its footing; and
- (f)⁴ an outbuilding, a fence any part of which is 1200mm in height, a structure for the support or partial support of electrical

² Section 1 (definition of “building” paragraph (d)(i)) amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 Schedule.

³ Section 1 (definition of “building” paragraph (d)(ii)) amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 Schedule.

reticulation or pipeline or other appliance, drainage or sewerage or other appurtenance of a building, whether temporary or permanent; and

- (g)⁵ any part of a building, including any construction—
- (i) for the permanent or partial support of a building; and
 - (ii) of any attachment, to a building, as may be prescribed by the regulations,

when that construction is erected or placed in position on the site as an independent stage in the erection of a building,

but does not include—

- (h) a wharf or other marine structure; or
- (i) a road or bridge; or
- (j) a pole or post carrying telegraph or electric lines, or any similar construction, on a public road; or
- (k) except as provided in Paragraph (c), a retaining wall;

“Building Authority” means a Building Authority established under Section 8;

“the Central Building Tribunal” means the Central Building Tribunal established by Section 20;

“Departmental Head” means the Departmental Head of the Department responsible for works matters;

“erect” includes re-erect;

“excavation” means the removal of earth, clay, rock or other like material in preparation for the construction of buildings, sport or recreation areas and roadways, when that construction is executed as an independent stage in the erection of a building;

“filling” means the placing of earth, clay, rock or other like material in preparation for the construction of buildings, sport or recreation areas and roadways, when that construction is executed as an independent stage in the erection of a building;

⁴ Section 1 (definition of “building” paragraph (f)) repealed and replaced by the *Building (Amendment) Act* (No. 8 of 1991), s2(a).

⁵ Section 1 (definition of “building” paragraph (g)) repealed and replaced by the *Building (Amendment) Act* (No. 8 of 1991), s2(a).

⁶ Section 1 (definition of “Building Authority”) added by No. 22 of 1977, s1; amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

⁷ Section 1 (definition of “Departmental Head”) inserted by the *Building (Amendment) Act* (No. 8 of 1991), s2(b).

⁸ Section 1 (definition of “excavation”) inserted by the *Building (Amendment) Act* (No. 8 of 1991), s2(c).

⁹ Section 1 (definition of “filling”) inserted by the *Building (Amendment) Act* (No. 8 of 1991), s2(c).

¹⁰“**member**”, in relation to a Building Board, or the Central Building Tribunal, includes a person appointed to act in the place of a member of a Building Board or the Central Building Tribunal, as the case may be;

“**prescribed area**” means an area declared under Section 3(b) to be a prescribed area for the purposes of this Act;

“**the regulations**” means any regulations made under this Act;

“**structure**” includes a mast, post, pole, tower or stand visible from any public place, other than any such thing constructed on a public road;

“**this Act**” includes the regulations;

“**township**” means a town declared under Section 3(a) to be a township for the purposes of this Act.

(2) In Paragraphs (c) and (d) of the definition of “building” in Subsection (1), a reference to a retaining wall includes a reference to any wall that performs the functions of a retaining wall, whether or not the wall also performs some other function, and where calculations give different values for the height of a wall or retaining wall at different parts of it then the height of the whole wall shall, for the purposes of this section, be taken as the height represented by the greatest of those values.

¹⁰ Section 1 (definition of “member”) repealed and replaced by the *Building (Amendment) Act* (No. 8 of 1991), s2(d).

PART II. – APPLICATION OF ACT.

2. ACT TO BIND THE STATE.

This Act binds the State.

3. DECLARATION OF TOWNSHIPS AND PRESCRIBED AREAS.

The Minister may, by notice in the National Gazette, declare—

- (a) a town to be a township; and
- (b) an area to be a prescribed area,

for the purposes of this Act.

4. APPLICATION TO BUILDINGS.

This Act applies to all buildings in townships and to such buildings or such classes of buildings in prescribed areas as are declared by the Minister, by notice in the National Gazette, to be subject to this Act.

5. EXEMPTIONS.

After the Minister has considered the advice of the Central Building Tribunal, he may, by notice in the National Gazette, exempt an area or a building or class of buildings from some or all of the provisions of this Act on such conditions as he thinks proper.

PART III. – ADMINISTRATION.**6. BUILDING BOARDS.**

¹¹(1) A Building Board for each province is hereby established.

(2) A Board shall be known by the name of the province for which it is established followed by the words “Provincial Building Board”.

(3) Subject to Subsection (4), each Provincial Building Board has jurisdiction in relation to every town and prescribed area within the boundaries of the province.

(4) The jurisdiction of a Provincial Building Board does not extend to any area which is under the jurisdiction of a Building Authority.

7. CONSTITUTION OF BOARDS.

(1) A Board consists of such members, not being less than three, as the Minister, by notice in the National Gazette, appoints.

(2) A member appointed under Subsection (1), other than a member appointed by office, holds office for a period of three years or such period as the Minister, in any particular case, specifies, but is eligible for reappointment.

(3) The Minister may appoint a member of a Board to be Chairman of the Board.

(4) The Minister may, by written notice, appoint a person to be the deputy of a member of a Board and a person so appointed may exercise and perform, during any inability to act of the member of whom he is the deputy, or in the event of his absence from a meeting of the Board, all the powers and functions of that member.

(5) Where, on account of illness, absence from the country or other reason, a member of the Board is unable to carry out his duties as a member, the Minister may, by notice in the National Gazette, appoint a person to act in his stead, and the person so appointed may exercise and perform, during the inability to act of the member in whose stead he is appointed, all the powers and functions of a member of the Board.

(6) Unless there is no business for consideration, each Board shall meet at least once in each month, at such time and place as the Chairman determines.

(7) At a meeting of a Board—

(a) a quorum is such number of members as is fixed in relation to the Board by the Minister by notice in the National Gazette; and

(b) the Chairman, or in his absence one of the members elected by the members present, shall preside; and

(c) all matters before the meeting shall be decided on a majority of votes; and

¹¹ Section 6 repealed and replaced by No. 22 of 1977, s2.

- (d) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

7A. COMMITTEES OF BOARDS.

¹²A Board may, subject to the approval of the Departmental Head, by notice establish committees and define their jurisdiction, powers and procedures.

8. BUILDING AUTHORITIES.

¹³(1)¹⁴ ¹⁵Where for any special reason the Head of State, acting on advice, thinks it proper, the Head of State, acting on advice, may, by notice in the National Gazette, authorize the Minister to establish a Building Authority for an area specified in the notice, in such manner and subject to such conditions and limitations as are specified in the notice.

(2)¹⁶ ¹⁷A Building Authority shall be known by the name specified in the notice under Subsection (1).

(3) In or in relation to an area for which a Building Authority is established—

- (a) a Building Board has no jurisdiction, except to the extent allowed by the limitations and conditions to which the authorization under Subsection (1) was made subject; and
- (b) it is not necessary to appoint a Building Board for the area where the authorization under Subsection (1) is not subject to any limitations or conditions.

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

- (a) a reference in—
 - (i) this Act (other than in Section 6 or 7); or
 - (ii) any other law; or
 - (iii) any document,

to a Building Board shall be read as including a reference to a Building Authority; and

¹² Section 7A inserted by the *Building (Amendment) Act* (No. 8 of 1991), s3.

¹³ Section 8 headnote amended by the *Building (Amendment) Act* (No. 8 of 1991), s4(a).

¹⁴ Section 8(1) amended by the *Building (Amendment) Act* (No. 8 of 1991), s4(b).

¹⁵ Section 8(1) amended by the *Building (Amendment) Act* (No. 8 of 1991), s4(b).

¹⁶ Section 8(2) amended by the *Building (Amendment) Act* (No. 8 of 1991), s4(c).

¹⁷ Section 8(2) amended by the *Building (Amendment) Act* (No. 8 of 1991), s4(c).

- (b) any such reference to the Chairman or a member of a Building Board shall be read as including a reference to the Chairman or a member, as the case may be, of the Building Authority.

(5) Subject to any limitations or conditions to which the authorization under Subsection (1) was made subject, a Building Authority may—

- (a) establish committees and define their procedures; and
 (b) by instrument, delegate to any such committee all or any of its powers and functions under this Act (except this power of delegation).

(6)¹⁸ ¹⁹Notwithstanding anything in this section, where for any reason, the Head of State, acting on advice, thinks it proper, the Head of State, acting on advice, may, by notice in the National Gazette, dissolve or amend the powers of a Building Authority established under Subsection (1).

9. REFERENCE TO DEPARTMENTAL HEAD.

²⁰(1)²¹ ²²If, at a meeting of a Board, a member of the Board considers that a matter should be referred to the Departmental Head, the Chairman of the Board shall request the Departmental Head to advise the Board on the action to be taken or to determine the matter.

(2)²³ ²⁴The Departmental Head shall investigate the matter, referred to him under Subsection (1), and advise the Chairman of the Board by which the reference was made of his advice or determination.

10. INSPECTION.

²⁵(1) A member of a Board or a person authorized by a Board for the purpose may at all reasonable times enter and inspect any building for the purposes of this Act.

(2) A person who hinders or obstructs a member of a Board or person in the exercise of his powers under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default penalty: A fine not exceeding K100.00.

¹⁸ Section 8(6) added by the *Building (Amendment) Act* (No. 8 of 1991), s4(d).

¹⁹ Section 8(6) added by the *Building (Amendment) Act* (No. 8 of 1991), s4(d).

²⁰ Section 9 headnote amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

²¹ Section 9(1) amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

²² Section 9(1) amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

²³ Section 9(2) amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

²⁴ Section 9(2) amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

²⁵ Section 10 amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

PART IV. – APPROVALS.

11. REQUIREMENT OF APPROVAL.

²⁶Where—

- (a) an owner or occupier of land; or
- (b) an architect, builder, contractor or engineer employed by an owner or occupier of land in any capacity; or
- (c) a person employed by an owner or occupier of land in an advisory or supervisory capacity,

wilfully or negligently—

- (d) commences or continues to carry out, or to assist in the carrying out of; or
- (e) permits the carrying out of,

the erection or alteration of a building on the land, unless—

- (f) the position; and
- (g) the plans and specifications,

of the proposed building or alteration have been approved by the Board, he is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default penalty: A fine not exceeding K100.00.

12. APPLICATION FOR APPROVAL.

²⁷(1) An application for approval under Section 11 shall be made by the owner or the occupier or his agent to the Board or Building Authority that has jurisdiction over the area where the building the subject of the application is situated.

(2) An application shall be in the prescribed form and accompanied by such copies of the plans and specifications of the proposed building or alteration, in the prescribed form and containing the prescribed particulars, as the Board requires.

(3) One copy of the plans and specifications referred in Subsection (2) shall be retained by and form part of the records of the Board.

13. APPROVAL.

A Board may grant an approval under this Act, subject to such conditions, not inconsistent with this Act, as the Board thinks proper.

²⁶ Section 11 amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule.

²⁷ Section 12 repealed and replaced by No. 22 of 1977, s3.

14. CONDITIONS OF APPROVAL.

²⁸(1) A person to whom approval under this Act has been granted, or an architect, builder, contractor or engineer employed in any capacity, or any other person employed in an advisory or supervisory capacity, in connection with the erection or alteration of a building to which approval under this Act has been given, who, wilfully or negligently—

- (a) fails to comply with the conditions (if any) to which the approval is subject; or
- (b) erects or alters, or permits a person to erect or alter, the building otherwise than in the position and in accordance with the plans and specifications approved,

is guilty of an offence.

(2) Where an approval specifies the purpose or purposes for which a building may be used, a person who uses the building, or permits it to be used, for a purpose other than the purpose or purposes specified is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default penalty: A fine not exceeding K100.00.

²⁸ Section 14 amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and Schedule 1.

PART V. – REQUIREMENTS BY BUILDING BOARDS.

15. DEMOLITION OF BUILDINGS.

²⁹(1) The owner of a building erected or altered in contravention of this Act must, if required in writing to do so by a Board, demolish or alter the building to the satisfaction of the Board.

(2) A person who, without reasonable excuse (proof of which is on him), fails to comply with a requirement under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default penalty: A fine not exceeding K100.00.

16. DANGEROUS BUILDINGS, ETC.

³⁰(1) Where a Board is of the opinion that a building, an advertising sign or hoarding or a fence or the like—

(a) is abandoned or dilapidated, or is so unsightly that it should be demolished or altered; or

(b) is dangerous or likely to cause damage to a person or property,

the Board may, in writing, require the owner of the building, sign, hoarding or fence (or as the case may be) to demolish, alter or repair it, or to provide safeguards to the satisfaction of the Board.

(2) A person who fails, without reasonable excuse (proof of which is on him), to comply with a requirement under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default penalty: A fine not exceeding K100.00.

17. PROVISION OF FACILITIES.

³¹(1) A Board may, in writing, require the owner of a building to provide such sanitary, ablutionary, laundry or other facilities on the premises, not inconsistent with this Act and any other law, as the Board, in view of the use or proposed use to which the building is or is to be from time to time put, thinks necessary.

(2) A person who, without reasonable excuse (proof of which is on him), fails to comply with a requirement under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

Default penalty: A fine not exceeding K100.00.

²⁹ Section 15 amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and the Schedule.

³⁰ Section 16 amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and the Schedule.

³¹ Section 17 amended by the *Building (Amendment) Act* (No. 8 of 1991), s7 and the Schedule.

18. DEMOLITION, ETC., BY BOARD.

If, within 14 days or such further period as the Board specifies, after service of a requirement under Section 15, 16 or 17, the building (or as the case may be) the subject of the requirement is not demolished, altered or repaired, or facilities are not provided, in accordance with the requirement, the Board may—

- (a) demolish, alter or repair the building (or as the case may be) or provide the facilities in accordance with the requirement; and
- (b) recover the cost of the demolition, alteration or repair or of the provision of the facilities, as the case may be, from the owner as a debt.

PART VI. – APPEALS, ETC.

19. REASONS TO BE GIVEN.

Where a Board refuses an application for approval or makes a requirement under this Act, it shall expeditiously give to the applicant or the owner, as the case may be, a written notice of its reasons for so doing.

20. CENTRAL BUILDING TRIBUNAL.

(1) For the purposes of this Act, there shall be a Central Building Tribunal.

(2) The Central Building Tribunal shall consist of–

- (a) the Departmental Head or his nominee, who shall be the Chairman; and
- (b) three members appointed by the Minister, one from each of a panel of names submitted to the Minister by–
 - (i)³² the Society of Professional Engineers of Papua New Guinea; and
 - (ii)³³ the Papua New Guinea Institute of Architects; and
 - (iii)³⁴ the private sector of the building industry in Papua New Guinea.

(3) Where the Minister is not satisfied that there is on a panel of names submitted to him under Subsection (2)(b) the name of any person suitable for appointment by him under this section, the Minister may request the relevant organization to submit a further name or further names.

(4) In the event of a failure on the part of the organization to submit a panel of names under Subsection (2)(b), or a further name or further names under Subsection (3), within what, in the opinion of the Minister, is a reasonable period after having been requested by him to do so, the Minister may appoint the necessary number of persons without further reference to the organization.

(5) The Tribunal has such powers, functions, duties and responsibilities as are prescribed.

(6)³⁵ ³⁶Where, on account of illness, absence from the country or other reason, a member of the Board is unable to carry out his duties as a member, the Minister may, by notice in the National Gazette–

- (a) in the case of the Chairman, appoint an officer to act as Chairman; and
- (b) in the case of a member referred to in Subsection (2)(b), appoint a person from the appropriate organization referred to in Subsection (2)(b)(i), (ii) or (iii), to act as a member,

³² Section 20(2)(b)(i) repealed and replaced by the *Building (Amendment) Act* 1991 (No. 8 of 1991), s5(a).

³³ Section 20(2)(b)(ii) repealed and replaced by the *Building (Amendment) Act* 1991 (No. 8 of 1991), s5(a).

³⁴ Section 20(2)(b)(iii) repealed and replaced by the *Building (Amendment) Act* 1991 (No. 8 of 1991), s5(a).

³⁵ Section 20(6) added by the *Building (Amendment) Act* 1991 (No. 8 of 1991), s5(b).

³⁶ Section 20(6) added by the *Building (Amendment) Act* 1991 (No. 8 of 1991), s5(b).

during the illness or absence of the Chairman or a member and a person so appointed may exercise and perform the powers and functions of the Chairman or the member, as the case may be, in whose stead he is appointed.

21. APPEALS.

(1) Within the prescribed time and in the prescribed manner, a person dissatisfied by the refusal of an application, a condition of an approval or a requirement under this Act may appeal to the Central Building Tribunal against the refusal, condition or requirement.

(2) The Tribunal shall consider the appeal and recommend to the Minister whether the appeal should be allowed or disallowed.

(3) The Minister may—

- (a) allow the appeal, and direct the Board to amend its decision accordingly; or
- (b) disallow the appeal, and direct the Board to proceed with the matter accordingly; or
- (c) refer the matter back to the Board with such direction as he thinks just in the particular circumstances of the case.

(4) The decision of the Minister is final.

PART VII. – LEGAL PROVISIONS.

22. SAVING OF RIGHTS AGAINST THIRD PARTIES.

This Act does not affect any rights that the owner or occupier of a building may have against a person in respect of the erection, alteration, repair or demolition of the building or the provision of facilities.

23. SERVICE OF NOTICES, ETC.

A notice or requirement required by this Act to be given to or served on a person may be given or served—

- (a) personally; or
- (b) by leaving it with a person in charge or apparently in charge of the building, or the erection or alteration of the building, to which the notice relates; or
- (c) by affixing it securely to the door or some other conspicuous place on the building.

24. PROOF AND EVIDENCE.

(1) In a prosecution under this Act, an averment of the informant containing the information that he was authorized by a Board to prosecute for and on behalf of the Board shall be deemed to be proved in the absence of proof to the contrary.

(2) In a prosecution under this Act or in relation to any proceedings relating to this Act, the production of the minute book of a Board from its proper custody is, in the absence of proof to the contrary, proof of any matter or thing resolved by the Board that is recorded in the minute book.

(3) In a prosecution under this Act or in relation to any proceedings relating to this Act, any documents, letters and copies of documents and letters produced from the proper custody of a Board shall be admitted as evidence.

25. RESPONSIBILITY OF BOARDS, ETC.

A Board incurs no responsibility by reason of any approval or requirement given or made in good faith under this Act.

PART VIII. – MISCELLANEOUS.**26. REGULATIONS.**

(1) 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 appointment of persons to administer this Act and the definition of their powers and duties; and
- (b) the forms to be used for the purposes of this Act, the manner in which they shall or may be signed, prepared or completed, and generally regulating the signing, preparation and completion of those forms; and
- (c) the issue of permits or certificates and the granting of approval by a Board for any matter or thing under this Act; and
- (d) the form of, and the particulars to be contained in, notices to be served under this Act; and
- (e) the fees to be charged for any matter or thing under this Act; and
- (f) the classification of buildings and the types of construction for all types of occupancy; and
- (g) site requirements, building sizes and heights and room sizes and heights; and
- (h) street alignments and projections beyond street alignments; and
- (i) requirements for light and ventilation; and
- (j) the materials, including fire-resisting materials, to be used; and
- (k) requirements for off-street parking to apply to buildings of any type of construction or class of occupancy in a township; and
- (l) working stresses and loads, including wind loads and provisions for seismic conditions and zoning of seismic areas; and
- (m) requirements for foundations, footings and excavations; and
- (n) types of construction and fire protection; and
- (o) provisions relating to the uniting or subdivision of buildings; and
- (p) building services including sanitation, sewerage, drainage and plumbing, and equipment to be used for those services; and
- (q) provisions for the restoration and alteration of buildings; and
- (r) requirements for dealing with ruinous and dangerous buildings; and
- (s) requirements for fences, awnings and sun-blinds; and
- (t) permissible locations of dangerous buildings; and

- (u) the requirements for public buildings; and
- (v)³⁷ the regulation or restriction of the erection, alteration and construction of advertising signs and hoardings but not to the regulation or restriction of such signs in the interests of amenity, traffic safety or traffic control where regulations to safeguard such interests have been made under the *Physical Planning Act 1989*; and
- (w) special requirements for kitchens, bathrooms, laundries, living rooms, bedrooms, sleep-outs, workshops, garages, car-ports, stables, sheds, chimneys, swimming and wading pools, shops, supermarkets, kiosks, workrooms, change rooms, rest rooms, factories, hospitals and office buildings; and
- (x) special requirements in specified areas; and
- (y) the powers, functions, duties, responsibilities and procedures of the Central Building Tribunal; and
- (z)³⁸ penalties of fines not exceeding K2,000.00 and default penalties of fines not exceeding K100.00 for offences against the Regulations.

(2) The regulations may be of general application or may be limited to particular areas or to particular buildings or classes of buildings, or to buildings put to particular uses.

(3)³⁹ ⁴⁰The regulations may adopt, subject to such modifications, conditions and restrictions as are prescribed, any standard code or procedure laid down by the Standards Association of Papua New Guinea or any other authority approved by the Head of State, acting on advice, in relation to any of the matters that are required or permitted to be prescribed by the regulations.

(4) The regulations may empower a Board to vary, or to grant exemptions from, any of the provisions of the regulations where the Board is of the opinion that such variation or exemption is desirable to meet the circumstances of a particular case.

Office of Legislative Counsel, PNG

³⁷ Section 26(1)(v) amended by the *Physical Planning (Consequential Amendments) Act 1989* (No. 33 of 1989), s15.

³⁸ Section 26(1)(z) repealed and replaced by the *Building (Amendment) Act 1991* (No. 8 of 1991), s6.

³⁹ Section 26(3) amended by the *Building (Amendment) Act 1991* (No. 8 of 1991), s7 and the Schedule.

⁴⁰ Section 26(3) amended by the *Building (Amendment) Act 1991* (No. 8 of 1991), s7 and the Schedule.