

- (4) The total prohibition of the use of wood-fibre board on the premises :
- (5) The use of a system of standpipes throughout the building with hoses attached. These would have enabled the staff to attack the seat of the fire, immediately it was discovered, with a substantial stream of water :
- (6) The enclosure of all lift-shafts and stairways by suitable smoke-stop partitions.

As a matter of comment, we think it can be fairly said that, of these measures which have been enumerated, No. 1 of itself, or No. 2 of itself, the application of Nos. 3 and 4 to Congreve's building only, and possibly the installation of a hose in the vicinity of Congreve's ground floor in accordance with Nos. 3 and 6, would have prevented the catastrophe from taking place.

ORDER OF REFERENCE (4)

Whether the structural design of the building and the fire-protection and egress arrangements complied with all relevant statutes and regulations, and with all relevant by-laws in force in the City of Christchurch.

102. It is obvious, in view of our previous findings, that the condition of Ballantyne's building with its lateral and vertical openings, its unenclosed lift-shafts and staircases, even if not prohibited by statute or regulation, rendered the buildings unsafe for employees.

103. Counsel for the Crown has told us the only statute to be considered in dealing with this question is the Factories Act, and regulations made under it ; and the only by-laws the Christchurch Fire Brigade's Fire Escape By-law, and the Christchurch City Council's Building By-law No. 15 made in 1930.

104. So far as the Factories Act and its regulations are concerned, he said, quite apart from whether adequate or not, he agreed with Mr. Cleary, counsel for Ballantynes, that he could see no breach of the Factories Act or its regulations by the Ballantynes.

Mr. Lascelles, counsel for the City Council, however, has submitted that the egress arrangements from certain rooms on the second floor of Congreve's building did not appear to comply with the Factories Act, 1946, section 53 (1) which reads :—

Efficient fire-escapes shall be provided for every workroom situate on any floor above the ground floor,

or with the Factories Consolidating Regulations 1937, Regulation 7, which requires :—

. . . a fire-escape stairway, not being a stairway ordinarily used for ingress and egress, shall be provided for every floor of a factory above the ground floor . . .

He said that the absence of a fire escape stairway from those rooms was not excused under Regulation 14, as the ordinary stair was not of fire-resisting material. We think this contention would need clarification beyond that given to it by Mr. Lascelles, if it were to be adopted.

The fact is, however, that the building was completely inspected in 1943 by the Labour Department to see whether it complied with the regulations, and, although it has since been at times inspected by that Department, they have on no occasion complained that in any respect there had been a breach of the Regulations or the statute.

105. The only other by-law that arises concerning the structural design of the building, and fire-protection and egress arrangements, is the City Council Building By-law No. 15 of 1930. It is the only building by-law that had local application to Ballantyne's premises at the time of the fire. The various buildings constituting Ballantynes did, it is assumed by every one, comply with the Christchurch by-laws then in force on the erection of buildings.

The particular question that arises here is whether, under this By-law No. 15 of 1930, subsequent alterations to the building complied with the by-laws existing at the time the alterations were made. The alterations were made at different times, some probably under the earlier by-law of 1916, and others under By-law No. 15 of 1930.