

buildings used for public meetings, and not to existing buildings except where the engineer of the local body and an officer of the local fire brigade consider the egress provisions for safety are inadequate, it says :—

The requirements of the Code are based upon the fundamental principle that, in general, a building should be so designed that in the event of an emergency the occupants may leave it by one of two or more properly constructed means of egress, remotely separate from each other, free from obstruction, and protected throughout their length by adequately fire resistant materials. Special requirements are included in respect of boardinghouses, hotels, and similar premises, hospitals and shops. The required means of egress for which the Code provides consists of protected passageways, stairways, horizontal exits, ramps, and similar arrangements. The vertical and steep ladders and narrow platforms commonly known as “fire-escapes” are not regarded as satisfactory means of egress. Indeed, such so-called “escapes” are considered by competent opinion to be a source of danger rather than a safety measure. Experience has shown that, under the stress of emergency, people will seek to leave a building by the means by which they entered. The requirements have therefore been so framed that, wherever practicable, the required means of egress will also constitute the normal means of ingress. In the case of fire, the most likely cause of panic, the required means of egress will therefore be the safest portions of the buildings and will provide complete protection for the occupants until they reach the open air or other place of safety.

This part of the Standard Code is not a complete fire protection code, but when read in conjunction with the parts relating to structural stability, already issued, and those dealing with fire-resistant construction and the provision of fire-fighting appliances, yet to be published, it will constitute a comprehensive code of practice, adherence to which will afford to the occupants of a building adequate protection against the dangers of fire and other hazards. While these hazards have, in the past, resulted in some loss of life, New Zealand has fortunately been free from disasters of any great magnitude. Overseas experience, however, emphasizes the need for adequate precautions, and it would be unwise to the point of gross negligence not to heed this experience until major disasters occur in the Dominion. The Code will therefore be welcomed by Government Departments, local authorities, engineers, architects, builders, and the general public, all of whom have repeatedly emphasized the need for proper attention to this aspect of the planning and construction of buildings.

It will be seen, therefore, that the Code in its entirety does not apply to existing buildings, but clause 704 reads as follows :

Every building heretofore erected which is not provided with means of egress as prescribed in this part of this by-law for new buildings, and in which the existing means of egress are, in the opinion of the engineer and an officer of the local fire brigade appointed by the Council for this purpose, inadequate for the safety of the occupants, shall be provided with such means of egress as will comply with this Part of this by-law or, alternatively, as shall be directed in written order by the engineer.

119. It was submitted by the Crown that the clause needed amendment to prevent possible legal controversy as to the powers of the engineer. As the clause stands, it seems that the engineer has power only to require complete compliance with the Code, or direct such means of egress as he thinks fit. Further egress may not best ensure the safety of occupants. It may be action with an old building would be greatly assisted by the installation of, say, a sprinkler system or fireproof doors, as the case may be, and we agree that more flexibility should be given to the engineer and the extent of his powers clarified.

The main controversy that has arisen before us has been as to whether the onus of sufficient compliance with the Code should be thrust upon the owner, and not left to the city engineer. It was said that the city engineer had not sufficient staff to carry out the numerous inspections that would be required, but it seemed to us that, even if the onus were thrown on the owner, and owners made application to the city council to approve steps they proposed taking, the engineer, without sufficient staff, would be unable to make the necessary inspections. It would also place upon him the burden of examining the plans for compliance that would be submitted.

It seemed to us futile to attempt to escape inspections that are needed if buildings are to be safe, and if a body of inspectors has to be set up in each city and priority is given as suggested, a real move towards safety will have been made.

Throwing the onus on the owner is not, in our opinion, a solution that would be effective. The remedy would be sought in most cases after the fire. The remedy then would be damages against the owner. In many cases the owner would not be able to discharge his liability, either in restoration of property lost or lives lost.