

so as, either singly or in combination with other similar acts of the same or any other person, to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process, or quarry, or any rubbish or cinders, or any other waste, or any putrid solid matter, shall be deemed to have committed an offence against this Act." That is the English law, and the method of carrying that law into effect is by a combination between what is called the Local Government Board and the sanitary authority?—Yes; that would be the same position, practically, as our central Public Health Department and our local authority.

16. Would you consider it advisable, as head of the Health Department, and would you consider it fair to all interests concerned, if this section of the English law were put on our statute-book, the enforcement of the law being left to the Health Department and the local body?—I certainly think so, in regard to solid wastes; but, in my opinion, that is covered by the sections in the Public Health Act that I referred to, plus the regulations and by-laws that you can make under the Act.

17. Can you suggest anything to the Committee which, in conjunction with a provision as regards solid matter, would cause the prevention of wanton injury to an industry by a spiteful person taking out an injunction, although no damage was being done?—In the first place, you said just now that where there is no law existing on the subject in this country English law applies. I maintain that that law does exist in this country on this question, and that law, if enforced properly, would be sufficient, with certain additions which I have indicated. I consider that the sections that I refer to, with the regulations and the by-laws that can be drawn up, would be sufficient. It might be well to make them more explicit, perhaps, setting forth the conditions under which a new industry could be started, stipulating that the site must be approved by the Department and the business conducted under conditions that are approved by the Health authorities.

18. *Mr. Buick.*] That simply gives the Health Officer the powers of a Commissioner?—Yes. Or if it be the opinion of the Committee that you are vesting too much power in the hands of the Department that I have the honour to control, vest it in a Board composed of, say, the Chief Engineer of Public Works, the Chief Health Officer, the Government Analyst, the Government Bacteriologist, and possibly the Chief Veterinarian.

19. We have a suggestion that it should be the Health Department and the Stock Department?—Yes, that would be quite sufficient. As it is now the Public Health Department has the advantage, in matters of this description, of being able to get the opinion of the Government Analyst, the Government Bacteriologist—who is an officer of the Department—the Chief Engineer of Public Works or one of the Public Works Engineers. We have already got the necessary machinery. I maintain that this Oroua business could have been handed over to the Oroua and Manawatu County Councils respectively; those rivers could have been gazetted, on the recommendation of the Public Health Officer, as under those public bodies, and the District Health Officer could by recommendation make such regulations under the Public Health Act, and those local authorities could make such by-laws as would deal absolutely with this case. I maintain that we have the power and are prepared to act on it.

20. *Mr. Buxton.*] Do you not think that if this Bill is put through it will give those who want to manufacture on various streams in New Zealand opportunities to pollute the streams to an extent that would be injurious to the country generally?—I do. I feel very strongly on the point. I think this Bill might be called the "Pollution of Rivers Made Easy Bill." As I said in my opening remarks, what we want to do is to maintain as far as possible the purity of our streams without unduly hampering industries. It can be done, and it ought to be done. I maintain that this Bill would put such power into the hands of the flax-millers and others that they could pollute the streams as they liked.

21. *Mr. J. Bollard.*] You stated that pollution was dangerous to the life of trout?—Yes. I was going on hearsay, mind you. I have had no personal experience.

22. We have had it in evidence before the Committee that fishermen find more trout just immediately below a flax-mill than anywhere else in the river?—Trout are fond of vegetation.

23. *Mr. Buxton.*] You said that a typhoid germ could pass through a septic tank: I presume you would be absolutely opposed to any system of drainage of a town into a river, even through a septic tank?—Oh, no; we could not stop it. It is very much better to run the risk of having a typhoid germ in a river than having a typhoid germ under your house, as might be the case if you had cesspools. There cannot be a hard-and-fast rule.

24. Your contention is that under existing laws you have ample power to meet all the conditions that obtain in New Zealand?—That is what I maintain.

25. *Mr. Buick.*] In the case that has already happened you could not prevent Mr. Pearce or anybody else applying for an injunction, as the law stands now?—No, but we could show that these people had taken reasonable means to prevent any nuisance being caused.

26. *Mr. J. Bollard.*] That would be no good, in view of the law?—Not according to the English law, but I maintain that our law is subsequent to that.

27. *Mr. Buick.*] But there is nothing in our law to prevent a man getting an injunction?—Then why should you not add a clause to section 67 of the Public Health Act to the effect that no injunction should be given effect to if in the opinion of the District Health Officer reasonable and practical means are being taken to prevent a nuisance being caused? That is all you want.

28. *The Chairman.*] It has been suggested that to guard against vindictive proceedings to get an injunction, instead of an injunction being obtainable a plaintiff should be restricted to damages, concurrently with the forbidding of any solid refuse being put into the rivers. What would you think of an alteration providing that damages only could be claimed where the law was effective in preventing solids going into the river?—I do not know. I think that to make it damages only would be rather dangerous. I think it would render blackmailing possible.