

MINUTES OF THE SECOND MEETING OF SUB-COMMITTEE No. 2 (LEGISLATION), HELD IN ROOM A220, 1st FLOOR, CENTRAL GOVERNMENT OFFICES, CHURCH STREET, PRETORIA, ON WEDNESDAY, 19th NOVEMBER, 1947 at 9.30 a.m.

Present:

- Mr. P.H. Connell (in the chair)
- Mr. Mullan
- Mr. Roberts.

In Attendance:

- Mr. Delpport.

An apology was received from Mr. Nicolson (Chairman).

1. CONFIRMATION OF MINUTES.

Page 4: Paragraph 4. Allocation of Work (b).

It was agreed that Mr. Mullan would not be responsible for the abstraction of information from the Municipal Bye-laws of Johannesburg or any other local authority, the Bye-laws of which were considered to be well advanced, but that the National Building Research Institute would be responsible for this work, which had, in fact, been started. The minutes were then confirmed.

2. MATTERS ARISING OUT OF MINUTES.

Page 3: Terms of Reference.

Mr. Connell pointed out that the Committee still had an opportunity to alter the Terms of Reference if they so desired since the Terms of Reference agreed to at the last meeting had not yet been submitted to the Main Committee for ratification. It was agreed to retain the Terms of Reference as agreed on at the First Meeting.

Page 4: Allocation of Work (c).

Mr. Connell pointed out that the function of the Committee would be to prepare data for a chapter on existing legislation for the Main Committee's final report. The National Building Research Institute would undertake the drafting of the chapter itself and the Committee would be required to edit the draft.

New Membership.

Mr. Connell advised that Mr. Nel had been approached with a view of co-option and agreed to serve on the Committee but asked to do so merely in a consulting capacity in view of his heavy commitments elsewhere.

3. PROGRESS REPORT.

Mr. Mullan reported that he had gathered a considerable amount of information, but that he had not yet cast it in the form of a memorandum. He then gave a short résumé of the history of the Health enactments. He said that after Union in 1910 there was no idea of a central Health control, but that Health

services fell under the aegis of the various Provinces. Certain tentative proposals for the formation of a Department of Public Health under the Union Government were made, however, at a conference held in Bloemfontein in 1917. This meeting was attended by a representative of the Central Government and delegates from the four Provinces. Subsequently the influenza epidemic gave great impetus to the resolutions taken at the 1917 meeting and finally resulted in the Public Health Act, which was passed in 1919.

The policy was to centralise the administration of the Act but to leave the application of it to the various Provinces and Local Authorities. The present policy on the other hand was to revert to the idea of centralisation and to relieve the Local Authorities of the responsibility, this change of approach having resulted from recommendations put forward by the National Health Services Commission. Mr. Mullan pointed out that the Minister of Public Health has unlimited power under the 1919 Act to make regulations in connection with anything which could be described as a danger to health.

The Committee agreed, after many typical examples of clauses contained in the Act had been quoted by Mr. Mullan, that there seemed to be a complete absence of uniformity in the various enactments affecting Housing in the Union, and it was pointed out by Mr. Connell that if the Committee intended to suggest any changes in the regulations they would have to know what constituted the basis of existing legislation at the time it was laid down. Mr. Mullan undertook to try to find this information with the assistance of Dr. Meaker of his Department. It was agreed that Mr. Mullan would prepare a summary of all the information he had gathered. This would be given to Mr. Connell, who would then prepare the memorandum originally undertaken by Mr. Mullan.

Mr. Connell thanked Mr. Mullan for his report and stated that he had written to the Municipalities asking for Bye-laws and that a number of replies had been received. The South African Bureau of Standards had also supplied him with the model Bye-laws on which the Provincial Gazette (Extraordinary) was based (see last minutes Page 4 (c)). The relative clauses in these Bye-laws were being abstracted by the National Building Research Institute.

4. WORK PROGRAMME.

Mr. Connell undertook to prepare the memorandum on receipt of the summary from Mr. Mullan as described above. He said that in view of the fact that this Committee was a feeding Committee he had divided the abstracts of the Bye-laws of the local authorities into nine divisions - a division for each Sub-Committee - and he hoped to have this ready for the next meeting.

Information from other sources.

Mr. Connell advised the meeting that the Council for Scientific and Industrial Research had representatives in London and Washington who could be approached to gather personally any information that might be required. He also mentioned that a member of the staff of the National Building Research Institute was in Great Britain and that he could also be approached to assist in the matter. The members felt that such a personal approach would

serve a very useful purpose and Mr. Connell undertook to write to Mr. Stutterheim in this regard. Mr. Connell said that he also wished to gather information on legislation from other overseas countries such as Switzerland, Sweden, France, Brazil, Mexico, etc. It was furthermore agreed that the Committee would attempt to cover general aspects of housing legislation not covered by the other Sub-Committees. Mr. Roberts advised the meeting that a considerable amount of literature regarding overseas legislation was available in the Library of the South African Bureau of Standards and it was agreed that the National Building Research Institute would send an abstractor to collect the relevant information from this library. Mr. Roberts promised that assistance would be given by his Bureau as soon as he had staff available for the purpose.

5. GENERAL.

The next meeting was determined to be held on Monday, 12th January, 1948, at 9.30 a.m. in Room A220, First Floor, Central Government Buildings, Church Street, Pretoria.

The meeting terminated at 11.30 a.m.

Confirmed,

CHAIRMAN.

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