

# New Zealand police refuse to prosecute over Christchurch building collapse

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New Zealand police announced in late November that they will not prosecute anyone over the collapse of the six-storey Canterbury Television (CTV) building, which resulted in 115 deaths.

The poorly designed and unsafe office building was flattened in the February 2011 Christchurch earthquake, which killed 185 people in total and devastated entire suburbs. The police investigation, which took four years, considered charges of negligent manslaughter against Alan Reay and David Harding. Reay's consultancy firm managed the construction of the building, while Harding worked directly as the engineer on the project.

Police and the Christchurch Crown Solicitor received advice from engineering firm Beca, which found that Harding was working beyond his level of competence and without proper supervision. Crown Law dismissed the advice, however, arguing that despite significant deficiencies in the building's design, there was insufficient evidence that Reay and Harding's work on the building amounted to a "major departure" from what would normally be expected.

At a press conference, Superintendent Peter Read asserted that there was no "reasonable prospect of conviction based on the evidence available." He added that there were "technical legal obstacles" because of the passage of time: the negligent conduct that led to the deaths happened in 1986 when the building was constructed.

The decision provoked significant public anger. A protest on December 10 was attended by around 150 people at Latimer Square. Organiser Maan Alkaisi, whose wife Maysoon Abbas died in the collapse, said the law was allowing people to "get away with murder." He told Fairfax Media on December 14: "I'm now determined to go ahead and keep fighting until justice is done. Because after listening to other family members it is clear that the arguments put by police [are] not convincing."

Many have compared the decision to the refusal to lay charges over the Pike River mine disaster. Sonya Rockhouse, whose son Ben was killed in the mine explosion in 2010, attended the CTV families' protest. She told the *World Socialist Web Site* that the police "said exactly the same thing to them that they said to us: not enough evidence to prosecute, not enough public interest. I mean, not in the public interest, for god's sake! In our case 29 people died unnecessarily, with the earthquake victims 115 people. What on earth has to happen before it is in the public interest?"

The decision not to prosecute follows a Royal Commission finding in 2012 that the CTV building should never have received a construction permit by the Christchurch City Council in 1986. Consenting officer Graeme Tapper claimed to have been pressured by council chief engineer Bryan Bluck to approve the permit.

Structural weaknesses were identified by Holmes Consulting Group in January 1990, which found the building non-compliant. Madras Equities bought the building in December that year, and in November 1991, Reay's firm installed steel bars to remedy the defects. However, this was only on levels four, five and six, and was done without a permit.

Further problems in the construction were uncovered after the building collapsed. While foreman Bill Jones was found competent, construction manager Gerald Shirtcliff had not carried out adequate or regular site inspections. At one point, construction had not been supervised for five months.

After an earlier earthquake in September 2010, the CTV building was inspected by engineer David Coatsworth. Building manager John Drew failed to provide Coatsworth with structural drawings, which hampered the inspection. Following another quake in December 2010, the assessment by council officials was rushed and the building green-stickered as safe.

Lawyer Nigel Hampton, representing the families of some of the victims, criticised the flimsy excuses not to prosecute. Responding to claims that too much time had elapsed since construction, Hampton wrote in Fairfax Media on December 1 that a building engineer “has a legal duty to design and engineer a building that will have a safe life of not less than 50 years.”

The families have urged the Labour Party-led government to intervene.

Justice Minister Andrew Little, with his usual cynicism and hypocrisy, told Fairfax Media on November 30: “like the Pike River families, [the CTV families] will be extremely disappointed that yet again, another tragedy, another disaster, that seems to have been avoidable, everybody involved seems to walk away scot-free ... That’s not right and I think we do have to do better.”

However, on December 17, Newshub reported that Little told families he “can’t and won’t intervene on the CTV case.”

At the time of the Pike River disaster, Little was national secretary of the Engineering, Printing and Manufacturing Union, which represented the miners. Speaking to *Radio New Zealand* only days after the disaster he defended Pike River Coal, claiming the company “had a good health and safety committee that’s been very active.” He told the *New Zealand Herald* that there was “nothing unusual about Pike River or this mine that we’ve been particularly concerned about.”

Little told Newstalk ZB on December 1 he was considering drawing up corporate manslaughter laws, even though he admitted such laws had been “spectacularly unsuccessful in the UK.” He praised legislation in Canada—a country where, in the vast majority of workplace deaths, employers can act with impunity.

In the UK, no one has been held accountable for the Grenfell Tower fire of June last year, which was the result of cheap, flammable cladding. At least 71 people were killed, although the true death toll has been concealed by the government.

The Kensington and Chelsea Tenant Management Organisation (KCTMO), which managed the building, may have evaded a corporate manslaughter charge by handing over management to the city council. Even if KCTMO or the council are found guilty, no individuals will be held responsible and, after paying a nominal fine, the organisations will be able to continue business as usual.

The police decision not to prosecute over the CTV

building implosion is an example of class justice, designed to protect those in power. Charges were only considered against two individual engineers, even though a series of companies, city council administrations and governments were complicit in its construction and in allowing the building to stand without remediation for more than a quarter of a century.

Construction took place during a period of sweeping deregulation and downsizing in every industry, begun by the 1984-1990 Labour Party government. This process culminated with the National Party government's Building Act in 1991, which allowed for “self-regulation” in the building industry.

Hundreds more buildings throughout New Zealand are potential death traps. In January last year, following an earthquake in 2016, Wellington City Council identified 96 unsafe buildings. By December 2017, only nine of these buildings had had the necessary reinforcements completed.

The aftermath of the CTV building collapse, the Pike River mine explosion, the Grenfell Tower fire and countless other preventable tragedies throughout the world, demonstrate that under capitalism the legal system is rigged in favour of the corporate elite and against the working class.

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