

# Families' spokesman on New Zealand earthquake building collapse: "Are there people who are above the law?"

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New Zealand police announced last November they would not prosecute anyone over the flattening of the Canterbury Television (CTV) building in Christchurch. The building collapsed in a 6.3 magnitude earthquake that struck the city in February 2011, killing 115 people—over half of the total 185 deaths from the quake.

Like last year's Grenfell Tower fire in Britain and the 2010 Pike River mine disaster in New Zealand, the CTV collapse was not only a tragedy. It was a crime for which no one has been held accountable. A royal commission in 2012 found that the office tower crumpled due to hundreds of design and construction deficiencies, which had been overlooked by Christchurch City Council officials and regulators under successive National and Labour governments since the building's construction in 1986.

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. Its construction took place during a period of sweeping deregulation in every industry, beginning with the 1984-1990 Labour Party government.

After a three-year investigation that began four years after the earthquake, police considered charges of negligent manslaughter against two individuals: engineers Alan Reay and David Harding, who designed the building. Following advice from deputy solicitor-general Brendan Horsely, however, a decision was made not to prosecute.

The WSWs recently spoke to Maan Alkai, a spokesman for the Christchurch Earthquake Families Group. His wife, Maysoon Abbas, died in the CTV building, where she worked as a doctor. Alkai is a

professor in electrical and computer engineering at the University of Canterbury.

Alkai described the families' fight for accountability in the face of efforts by the former National Party government and the judicial system to protect those responsible for the 115 deaths. He said "the first indication that they were not interested in holding anyone to account" was the terms of reference for the government's Royal Commission, which excluded apportioning "blame."

Alkai wrote to then Prime Minister John Key and Attorney-General Chris Finlayson asking "why, if you formed a royal commission that cost \$6 million to run, don't you consider accountability?" The government falsely promised that avenues for accountability would open up following the commission.

During the hearings, the families were initially denied funding for a lawyer, because the government knew that "if we have a lawyer, then we can really be in a position to find out more about the case." A lawyer was appointed only after the families complained to the prime minister.

Alkai was shocked at Horsely's advice that there was insufficient "public interest" to justify a prosecution. "I mean, how do you answer this? One hundred and fifteen people died here." He also "felt really offended" by Horsely's claim that a prosecution would be too expensive: "What price do you put on the lives of 115 people? Are they not even worth the price of a court?"

Weeks after the current Labour-led coalition government took office, the deputy solicitor-general asserted that there had been no "major departure" from normal practice in the building design.

“That is ridiculous!” Alkaisi said. “More than 20 engineers and experts said we have not seen bad design like this, this is the worst we have seen.” Investigations by the royal commission, the Department of Building and Housing and engineering firm Beca had found more than 300 design flaws, but “Mr Horsley ignored that and came to his own conclusion. It’s so clear that he’s wrong.”

Alkaisi said the non-prosecution left him wondering, “Are there people who are above the law because of their position, because of their connections, because of the wealth they have?”

Alan Reay owned the engineering firm that designed the CTV building. The royal commission found that he did not provide sufficient supervision for his junior engineer, Harding.

Reay admitted to the commission that after the quake “he destroyed a CD which has information about the CTV design.” CTV building manager John Drew claimed that his laptop containing photos of cracks and other problems with the building had been stolen.

The investigation also found that construction manager Gerald Shirtcliff had stolen an identity in order to falsely claim he had a Masters degree in engineering. Alkaisi commented: “He was there under a fake name, with a fake degree, built a building that collapsed and killed 115 people. What did the government do? Absolutely nothing.”

Shirtcliff was not charged in New Zealand. In 2014 he pleaded guilty in an Australian court to 146 charges related to using false credentials and was fined \$500,000.

Alkaisi agreed there were parallels between the refusal to prosecute over the CTV building collapse and the Pike River mine explosion, which killed 29 men. “I have contact with the Pike River families and we support them and they support us. They also face a well-connected person with money, and also the government haven’t really done anything.” WorkSafe, a government department, withdrew charges against Pike River CEO Peter Whittall in 2013 despite evidence of flagrant violations of safety in the mine.

Family members of the CTV victims are determined to fight to overturn the decision. Alkaisi expressed hopes that the Labour-led government, which took office in October, will assist the families, but added: “If the government is not going to do anything, I will take

this to court. I will take the case to whatever level to make sure justice is done.”

The WSWS warns that no confidence can be placed in the courts or the Labour Party, which was in office during the construction of the CTV building. Since the 1980s, both major parties have deregulated safety standards across mining, construction and other industries, allowing “self-regulation” by businesses. Countless other buildings throughout the country do not comply with regulations and would be death traps in a fire or earthquake.

The preventable tragedies in Christchurch and at Pike River are the outcome of an economic system, capitalism, in which workers’ safety and lives are sacrificed in the name of profit.

Billions of dollars are urgently needed to make all houses, buildings and workplaces safe. This can be done only through the fight for a socialist program, to place the banks and major industries under public ownership and democratic workers’ control in order to restructure society in the interests of human need.



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