

# Decision not to prosecute over New Zealand building collapse ignored crucial evidence

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4 May 2018

In a press statement on April 11, families of the victims of the Canterbury Television (CTV) building collapse revealed that Deputy Solicitor-General Brendan Horsley admitted there are grounds for prosecution, due to the negligence of building engineers.

The poorly-designed building crumbled during the 2011 earthquake in Christchurch, killing 115 people. During a seven-year investigation, over 300 design flaws were found in the structure.

Last November, police announced no charges would be laid after Horsley argued there were insufficient grounds for prosecution. Police had previously considered manslaughter charges against Alan Reay, former principal of the engineering firm that designed the CTV building, and David Harding, who worked on the design.

Horsley cited dubious legal barriers, including a law that prevents a prosecution for negligence causing death, if the death occurred more than a year after the negligent act. He said the case was “at best marginal on the evidence” and lacked sufficient “public interest” to prosecute.

However, families’ spokesman Maan Alkaisi, whose wife Maysoon Abbas died in the CTV building, revealed that Horsley was apparently not told that Reay was aware of the defects and made insufficient efforts to remedy them.

During a meeting on December 14 with Horsley, Christchurch Crown Solicitor Mark Zarifeh and senior police officers, Alkaisi stated that Reay had two opportunities to fix the defects: first in 1986 and then following an inspection in 1990 which identified structural weaknesses. In 1991, engineers installed steel “drag bars” (used to strengthen buildings) but only on three out of six floors, without a permit and non-

compliant with the building code.

When Horsley heard this, he indicated to Zarifeh and Detective Superintendent Peter Read that he did not know these details, which “could be used to press charges... for negligence.”

Alkaisi told the media it was “simply outrageous” that Horsley apparently “was not aware of all the facts” before he advised against a prosecution. “I asked Mr Horsley and the other members of the panel to go back to their offices and reconsider the decision.”

The families also obtained documents through the Official Information Act, showing that police investigating the matter initially argued against Horsley’s advice, including in a 16-page rebuttal, but eventually agreed with him.

Superintendent Read, however, dismissed the families’ press statement, saying: “It is still the police position that the decision not to prosecute was correct when all of the relevant evidence and opinions are taken into account, not just individual pieces of information.”

Alkaisi appealed to the government not to “act as spectator on such an important national and international matter.” On February 15, Labour Party Prime Minister Jacinda Ardern had told the families: “When it comes to decisions around prosecution... we unfortunately don’t have the power to intervene.”

Alkaisi told the *World Socialist Web Site* the families waited until April to make their latest statement in order to give the government a chance to act on Horsley’s admission. After realising that Horsley’s decision would not be overturned, Alkaisi became “even more determined” to fight against it.

“I have no trust in our legal system,” he said, “because this is a very clear case... if you look at the Pike River [mine disaster] and you look at the CTV

case, and other examples, and nobody has justice, what does that mean for our legal system?”

He agreed that these cases, like London’s Grenfell Tower fire in June 2017, exposed the criminal negligence of big business. He believed the government was afraid to take the CTV case to court because it would “open up a can of worms” and expose similar problems throughout the country.

The Labour Party-led government, which came to power last October, is just as responsible as the previous National Party government for the lack of safeguards that led to the CTV disaster. The building was constructed during Labour’s 1984–1990 government, which was responsible for sweeping right-wing, pro-market deregulation of workplaces and industries.

Last month also, Wellington City Council revealed it had identified 103 buildings in the capital that may have combustible cladding similar to Grenfell Tower. Nonetheless, the council maintained there was “nothing that raises any concerns.” An Auckland City Council investigation last November identified 209 similar cases in the country’s largest city. Both councils are led by Labour Party mayors.

Labour has not addressed the social disaster in Christchurch. More than seven years since the earthquake, the Earthquake Commission (EQC), a state-owned insurer, and private insurers still have thousands of unsettled claims for housing repairs. EQC employed construction company Fletcher to carry out repairs, many of which were reportedly done to a poor standard. On April 17, EQC chief executive Sid Miller told Newshub that if EQC accepted liability for bad repair jobs it may have to pay over a billion dollars.

The National Party government spent \$1.48 billion bailing out private insurer AMI and established a new state-owned company, Southern Response, to take over its earthquake claims. Christchurch resident Peter Glasson recently went on hunger strike for eight days because of a lack of progress from Southern Response. His story attracted a large following from people outraged by the callousness of insurance companies. Glasson’s claim still has not been settled but the company has signed an agreement with him to hold facilitated talks.

Part of Labour’s election campaign was a promise to bring justice to the families of the 29 miners who lost

their lives in the 2010 Pike River explosion. As with the CTV disaster, no one has been held accountable despite the company being warned about dangerous conditions in the mine. For over seven years, the National Party government maintained that the shut-down mine was unsafe to enter to properly investigate the disaster. The Labour government is further delaying a re-entry to recover the bodies, despite evidence that the mine is safe to enter.

The ruling class and its servants in parliament and the judicial system have done everything possible to shield those responsible for the CTV and Pike River disasters. Any trial could expose the role of company executives, as well as councils and successive governments, in allowing construction and mining companies to put profits before safety and the lives of working people.



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