Ten years after New Zealand earthquake, no justice for victims of building collapse

Tom Peters
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Monday marks ten years since the February 22, 2011, Christchurch earthquake, which killed 185 people. Thousands of buildings were destroyed or severely damaged, and entire suburbs in the city's working class east, an area once home to 10,000 people, were left uninhabitable and eventually abandoned, with the houses all demolished.

Thousands of homeowners spent years fighting with private insurers and government agencies for their properties to be repaired or rebuilt. Some have still not received any payouts, one decade after the disaster.

The death toll was not simply the product of an unavoidable natural disaster. Nearly two thirds of the lives lost, 115 people, were in the CTV (Canterbury Television) Building, which collapsed in seconds due to its extremely unsafe design. New Zealand is well-known for its frequent earthquakes, yet thousands of buildings are not constructed to withstand a severe shake, due to decades of deregulation and lack of government oversight.

The CTV victims included medical centre workers and Canterbury Television staff, as well as teachers and 64 foreign students at the King's Education language school, from Japan, China, the Philippines, Thailand and South Korea.

Both the previous National Party government and the present Labour Party government, along with the police and Crown Law (the state's senior solicitors), have worked to prevent anyone being held accountable for the collapse.

Successive councils and governments themselves bear responsibility for creating the deregulated environment that inevitably leads to such tragedies. Beginning with the 1980s Labour government, which was in office during the construction of the CTV Building, both major parties have gutted safety standards across mining, construction and other industries, allowing "self-regulation" by businesses.

A royal commission of inquiry in 2012 found that "the building permit should not have been issued" by Christchurch City Council in 1986, due to serious design deficiencies. And there were further inadequacies in the construction. Dr. Alan Reay, whose firm was in charge of construction, employed an unqualified engineer, David Harding, who had never worked on a multi-storey building before, and was not supervised by Reay.

Among other findings, the commission noted that there were "major weaknesses in all of the beam-column joints" and "the connections between the floor slabs and the north wall complex did not comply with basic engineering principles." But the commission had no power to hold anyone accountable.

Police began a criminal investigation in 2014 and hired engineering firm Beca, which produced a lengthy report identifying numerous design failures. In May 2017, police finally concluded their investigation and recommended prosecuting both Reay and Harding for manslaughter. However, the government's deputy solicitor-general, Brendan Horsley, intervened and argued that charges not be laid. On November 30, 2017, police announced that there would be no prosecution.

University of Canterbury engineering professor Maan Alkaisi, whose wife, doctor Maysoon Abbas, died in the building, is a spokesman for the CTV Families Group, which continues to demand justice for the victims.

Alkaisi told the *World Socialist Web Site* that Horsley made the "outrageous" argument that there was no "public interest" in prosecuting anyone, and that a trial would cost millions of dollars. "So the lives of 115 people is not worth a trial, because it's too costly for him." Despite a mountain of evidence that the building was a death trap, Horsley also argued that there was "no major departure from normal practice" in the building's design.

Alkaisi pointed out that the multiple investigations, involving dozens of engineers, had identified more than 300 structural flaws in the building, "yet Mr Horsley ignored all this and he reckons that he knows more than all those experts in the field."

In a letter to the Japanese victims' families in 2019, Horsley added, as an additional reason for not laying charges, that Reay was a person of "good character."

Alkaisi explained: "What we wanted was a trial. Let everybody come, let all the evidence be examined and cross-examined. Let [Reay] defend himself according to the rule of law. They don't want that. They want to go behind doors, take decisions, and nobody knows exactly how they reach those decisions."

Family members met with Horsley, police officials, and other representatives from Crown Law in December 2017. When Alkaisi asked questions about the abandonment of criminal

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charges, Horsley replied, “You are baying for blood.” Another family member replied that this was not true, that the families wanted justice and to make sure such a disaster never happened again.

“This is Mr Horsley’s mindset; he thought that we are baying for blood, whereas Alan Reay is a good character that we are chasing. So he was extremely biased,” Alkaisi said.

Reay had at least two opportunities to rectify the building’s design flaws: firstly, when a council inspector raised concerns in 1986, Reay did not change anything, but persuaded the council to issue a building permit. Then, in 1990, the flaws were again identified during the sale of the building, and Reay only ordered some minor work, which failed to fix them.

“The reason he did not do any remedy was because it will affect his reputation and it will involve him paying some money,” Alkaisi said. “This is what really hurt us. It’s for money that we lost all those people, for a few thousand dollars, that’s all he was saving. It would not be millions to make the design a bit better, with a better beam column joint, with better connection between the slab floors and the main north wall. That would have saved the whole building.”

Alan Reay and his wife remain major players in the construction industry. Their firm, Engenium (formerly Alan Reay Consultants Ltd), is involved in numerous public and private projects, including a $200 million apartment and retail complex in Epsom, Auckland.

Alkaisi said, “I’ve been told many times: he is influential. So basically, if a person has money and contacts, he is above the law.”

Brendan Horsley, meanwhile, was promoted last year by the Labour Party-led government to the job of Inspector-General of Intelligence and Security, one of the most sensitive positions in the state apparatus, overseeing the country’s two spy agencies.

Prime Minister Jacinda Ardern has rejected the CTV Families Group’s request to appoint independent judges to investigate the police decision not to lay any charges. Ardern and other government ministers have refused to speak with the families about their case.

In December 2020, Alkaisi announced that the families would make a formal submission to the United Nations, alleging discrimination against them by the government. He told the WSWS they would “list all the mistreatment and all the injustice that we suffered in the last 10 years. They want to cover up, I want the entire world to know what happened.”

Alkaisi concluded that politicians “have zero empathy for people” and only care about what will help them in the next election. “They want victims to be perceived as weak, crying, and just to move on, and believe anything they tell you. All their support is giving you a tissue to dry your tears.”

Anita Stewart, whose brother Andrew Bishop died in the CTV Building, aged 33, told the WSWS: “I’m frustrated at the lack of justice. Wouldn’t anyone be?” She noted that Reay’s company “still rakes in millions of dollars and provides the owner with the lavish lifestyle that the deceased occupants of the CTV building couldn’t even continue dreaming of.”

Andrew worked for CTV as a cameraman and was a volunteer for Sumner Lifeboat, a maritime search and rescue operation. “I wish my brother wasn’t a victim of the CTV Building. He died doing the job he lived for and with colleagues he called friends and family,” Anita said. “It often feels like nobody seems to care anymore except our grief-stricken group. The more support our group receives, the stronger our foundation will be to fight for the justice that our loved ones deserve.”

The appalling situation facing the CTV families is comparable to the decade-long fight for justice by the families of the 29 men who died in the Pike River coalmine disaster. “We share similar experiences, similar concerns, similar injustice,” Alkaisi said. The mine exploded in November 2010 after the company ignored multiple warnings that it was a death trap. No one has yet been held accountable.

Both cases, like the official response to the 2017 Grenfell Tower fire in London, which killed 72 people, are examples of class justice. The legal system is rigged in favour of rich and well-connected individuals and companies, who are shielded from accountability.

The preventable tragedies in Christchurch and at Pike River, like the millions of needless deaths worldwide from the coronavirus pandemic, are the outcome of an economic system, capitalism, which places profit ahead of workers’ safety and their lives.

Billions of dollars are urgently needed to strengthen and reconstruct buildings throughout the country to prepare them against natural disasters. This, in turn, requires a struggle for the socialist reorganisation of society, to place the immense resources of the banks and major industries under public ownership and democratic workers’ control, to be used in the interests of human need.

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