

Building company owner admonished over building collapse in 2011 New Zealand earthquake

Tom Peters
6 October 2024

More than 13 years after the earthquake that devastated the city of Christchurch, the professional body Engineering New Zealand (formerly IPENZ) has upheld a complaint against Dr Alan Reay, whose company Alan Reay Consultants Limited designed the CTV Building.

On February 22, 2011, the CTV Building collapsed in less than 20 seconds, killing 115 people—more than half the 185 people who died in the earthquake.

The decision by Engineering NZ's disciplinary committee, released on September 25, echoes the finding of the 2012 royal commission of inquiry that Reay failed to provide adequate supervision to his employee, structural engineer David Harding who was chiefly responsible for the design of the building in 1986.

The six-storey building had major structural defects due to its cheap and flimsy construction. The 2012 inquiry found that the Christchurch City Council should never have permitted the CTV Building to be constructed. It identified “major weaknesses in the beam column joints,” with “joint zones that were easy to construct but lacked ductility and were brittle in character,” among other factors contributing to the collapse.

Engineering NZ concluded that “Dr Reay knew Mr Harding lacked the necessary experience to design the CTV building” and that Reay’s “conduct fell well below the accepted professional standards in 1986.”

To this day, however, no one has been held accountable for actions that led to one of the deadliest disasters in New Zealand’s history. Harding was reprimanded by IPENZ in 2014, but the only penalty was the publication of the decision. Reay, a wealthy

property developer, has been fined just \$750 plus \$1,000 in costs. These are the maximum penalties that Engineering NZ can impose. The organisation also called on him to make a public apology for his failure to properly supervise Harding.

Reay’s lawyer Kristy McDonald KC issued a statement saying he rejected the disciplinary committee’s decision and plans to appeal against it. McDonald stated: “Continuing to pursue him in this matter is simply ‘a witch hunt’ and serves no public interest,” adding that “Engineering standards were inadequate in the 1980s and those standards have been improved.”

Successive Labour Party and National Party governments deregulated the building industry in the late 1980s and early 1990s in order to reduce costs and create a more profitable environment for businesses. This resulted in thousands of leaky and dangerous buildings across the country, many of which present a risk in the event of another major earthquake.

Reay has been protected by the judicial system and by successive governments, as well as by Engineering NZ/IPENZ, which delayed its investigation until long after Reay had retired and any negative finding could no longer harm his career as a businessman.

The complaint against Reay was initially lodged with IPENZ more than a decade ago, in October 2012, by Tim Elms, whose daughter Teresa McLean died in the CTV collapse, on behalf of the victims’ families.

IPENZ aborted its first investigation of Reay in 2014 on the spurious grounds that it no longer had jurisdiction since Reay had resigned from the body. After several years of legal cases, the Court of Appeal ruled in 2019 that IPENZ did have jurisdiction, and in

May 2020 the body began a new investigation into Reay. Meanwhile, the complainant, Elms, died in April 2020.

In a statement on September 25, CTV Families Group spokesman Maan Alkaiasi, whose wife Dr Maysoon Abbas died in the building, said the families were pleased that Engineering NZ had finally upheld the complaint. He criticised the 13-year delay and the fact that “the penalties do not match the impact of the tragedy and loss.”

Alkaiasi pointed out that as well as failing to supervise Harding, Reay “did not rectify the design deficiencies when he was made aware of them on two occasions”: firstly during the initial 1986 council building consent process, and again following an inspection in 1991 that identified numerous defects.

The decision, he said, “justifies our long standing fight for justice and accountability and confirms that our request for a thorough and transparent investigation was warranted and should continue.”

Following a seven-year investigation, police prepared to bring manslaughter charges against Reay and Harding, but the case was dropped in late 2017 after the intervention of then Deputy Solicitor General Brendan Horsley. Alkaiasi said Horsley’s “rejection of the Police recommendation [to prosecute] was totally flawed.” Horsley had then insulted the victims’ families during a meeting on December 14, 2017 by accusing them of “baying for blood” by demanding justice for the deaths of 115 people.

Alkaiasi also strongly criticised the former National Party government’s Attorney General Christopher Finlayson for refusing to authorise funding for a lawyer to represent the victims’ families during the 2012 royal commission of inquiry, and for preventing that inquiry from making any decisions about liability for the building collapse.

The actions of Finlayson and Horsley showed “a clear bias” against the families, Alkaiasi said. “There is no justification for delaying justice for almost 14 years and we ask why victims’ families have to wait for many years and to go through all of these lengthy investigation[s] to find some closure? We feel that our justice system fail[ed] us. This has to change, justice delayed is justice denied.”

The Engineering NZ decision demolishes Horsley’s claim, later echoed by police, that Reay did not depart

from standard practice in the building industry.

As recently as October 2022, the current Solicitor General Una Jagose dismissed a complaint submitted by the families about Horsley’s intervention in 2017. Jagose asserted, without providing any evidence, that she was “confident in the process by which Police reached their decision not to prosecute, and in the outcome itself.”

In 2020, Horsley was promoted by the then Labour Party-led government to the position of Inspector-General of Intelligence and Security, with oversight over the country’s spy agencies.

The appalling mistreatment of the CTV families and the ongoing lack of accountability point to a system of class justice that is integral to the capitalist system. The case parallels the refusal to prosecute anyone for decisions that led to the 2010 Pike River mine disaster which killed 29 workers, and the 2017 Grenfell Tower fire in London in which 72 people were killed.

The continuing fight for justice in these cases, and many others, must be linked with the political struggle of the working class to put an end to the profit system that is responsible for these disasters.



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