

**UNDER**

**THE COMMISSIONS OF INQUIRY ACT 1908**

**IN THE MATTER OF**

**CANTERBURY EARTHQUAKES ROYAL COMMISSION**

Before:

The Honourable Justice M Cooper  
Judge of the High Court of New Zealand

Sir Ron Carter  
Commissioner

Associate Professor Richard Fenwick  
Commissioner

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**SUBMISSION OF COUNSEL, ON BEHALF OF SRECKO (ALEC) CVETANOV, TO CANTERBURY  
EARTHQUAKES ROYAL COMMISSION - JURISDICTION**

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**May it please the Commission:**

1. Mr Cvetanov's wife, Dr Tamara Cvetanova, the mother of their two infant children, died in the collapsed Canterbury Television Building (CTV) on 23 February 2011.
2. But neither Dr Cvetanova, nor four Filipino women who were trapped in the 3<sup>rd</sup> floor of CTV nearby Dr Cvetanova, died as a result of the collapse of CTV- they survived the failure and the collapse of CTV.
3. Rather, it is alleged that all five women died as a result of inaction by, and the subsequent inept and/or inadequate actions of, others - would be rescuers (undoubtedly acting with the very finest intentions - there is no intent to impeach those persons' motives in any way).
4. Mr Cvetanov remains concerned that no independent and transparent inquiry is to be held into any aspect of the search and rescue operations, whether at CTV or at any other site in Christchurch (saving a coronial inquiry, limited as to cause(s) of death of Dr Cvetanova - and much delayed, to follow after the Report and findings of this Commission).
5. In the absence of such an inquiry, and notwithstanding the exclusion (c ) in this Commission's Terms of Reference (ToR "the role and response of any person acting under the Civil Defense Emergency Management Act 2002, or providing any emergency or recovery services or other response, after the 22 February 2011 aftershock"), on behalf of Mr Cvetanov counsel intend to play as full a part as is possible before the Commission, submitting that:
  - 5.1. It was not the failure of CTV which caused Dr Cvetanova's death, and the deaths of the four other women - she and at least one other were undoubtedly injured, but in a relatively minor way:
    - ToR "Inquiry into...specified buildings" - "(a)(ii) why the failure of some buildings caused extensive injury and death";
    - ToR "Inquiry into...specified buildings" - "(a)(iii) why buildings (CTV, PGC) differed in the extent to which...(B) their failure caused injury and death";
    - ToR "Other incidental matters arising - (e) any other matters arising out of, or relating to, the foregoing that come to the Commission's notice in the course of its inquiries and that it considers it should investigate."
  - 5.2. That lessons may (and should) be learnt from her and the others' deaths, including the need for provision (in future "legal and best-practice requirements for the design, construction and maintenance of buildings in central business districts") of such as:
    - (a) collapse survival zones (both internal and external),
    - (b) means of access to those zones,

- (c) escape routes, plans and procedures for evacuation of buildings (and of failed buildings):
- ToR "Inquiry into...specified buildings" - "(a)(v) whether there were particular features of a building...that contributed to whether a building failed, including...(D) the design and availability of safety features such as escape routes";
  - ToR "Inquiry into legal and best-practice requirements - (d) the adequacy of the current legal and best practice requirements for the design, construction, and maintenance of buildings in central business districts...";
  - ToR "Other incidental matters arising - (e) any other matters arising out of, or relating to, the foregoing that comes to the Commission's notice in the course of its inquiries and that it considers it should investigate";
  - ToR "Matters upon or for which recommendations required" - "(c ) the adequacy of legal and best-practice requirements for building design, construction, and maintenance insofar as those requirements apply to managing risks of building failure caused by earthquakes:".

6. Counsel requests to be heard in person in support of this submission.

Dated at Christchurch this 5<sup>th</sup> day of December 2011



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V. M. Taylor  
Counsel for Mr Cvetanov