

Mark Zarifeh

From: Neville Higgs [Neville.Higgs@cera.govt.nz]
Sent: Tuesday, 29 November 2011 4:12 p.m.
To: Mark Zarifeh
Cc: 'Daines, Nadine'
Subject: RE: 200 Manchester St -Iconic Bar

Mark

I confirm that I can not recall seeing the engineer's re-inspection form dated 9 February 2011. Obviously this does not necessarily mean I haven't seen it only that I can not recall seeing it.

The critical thing for closing off a file was that the building was considered fully occupiable. This was ascertained by their being a report from a Chartered Professional Engineer certifying that unconditional occupancy was acceptable. These reports were generally produced by engineers commissioned by the building owners.

I would firstly check that the engineer providing the certification was on the Chartered Professional Engineers register by checking the register on the IPENZ web page. I would then check that the certification given was in the prescribed format without any additions that passed the engineer's responsibilities on to any other body. I would then do a general scan of the file to see if anything else was on the file that needed still to be actioned and if not advise the building owner or the engineer that Council accepted the building as being acceptable for occupancy and make a note that the file could be closed.

There are numerous possibilities may lead to me not recalling the 9 February 2011 report either now or possibly even when I was signing off the file.

a) The report could have had the note added by Mark Ryburn and the report put into the incoming pigeon holes that were used for reports. When the report was processed for its main purpose of determining whether a new Building Act notice needed to be issued the note to me may have been overlooked or its significance not understood by the person processing the Building Act notices and no action taken to get the report to me for review. It was not common for such a note to be made on a file.

b) The report could have been placed in my in tray and been in it when I processed the report. It could have got into the in tray by any of a number of means and could have even included Mark Ryburn bringing the report up to me and telling me it was in my in tray and he would like a review. The workload at the time was such that actioning of files and other papers by me was several weeks behind.

c) The report could have been on the file at the time I closed it out and I missed seeing it. The file scan mentioned above was not over thorough and was not intended to be a fully comprehensive check of the file. The critical issue was seen to be that the building had been cleared for occupancy and hence the Building Evaluation Teams interest in the building was complete.

If any of the above scenarios or similar ones took place they could all be attributed to the failure of the systems in place at the time. This is not a criticism of the people responsible for establishing the systems or the people implementing them. Essentially no one involved had been involved in an operation anything like the one that was being carried out. What was required was continually being discovered. Procedures that would work in normal times were not completely applicable as the desirable time for consideration, consultation and implementation was not available. In general the systems followed were standard type Council or emergency practices, but these often were modified intentionally or otherwise to cover the continually changing needs, locations, people, events and unknowns. Even if the systems had been perfect and widely distributed the mere fact that there was continual happenings requiring change meant no one could become completely familiar and up to date with the processes being used.

Neville Higgs
Engineering Support Coordinator
Canterbury Earthquake Recovery Authority (CERA)

T: 03 354 2708
M:021 061 5154

From: Mark Zarifeh [mailto:Mark.Zarifeh@royalcommission.govt.nz]
Sent: Tuesday, 29 November 2011 12:52 p.m.
To: Neville Higgs
Cc: 'Daines, Nadine'
Subject: 200 Manchester St -Iconic Bar

Dear Neville,

Further to our telephone discussion, could you please confirm that you do not recall seeing the engineer's re-inspection form dated 9 February 2011 when you closed off the file on 22 February 2011.

Could you also advise on the procedure you adopted when closing the file.

Can you advise on why you may not have seen the form and whether the systems in place at the time as they related to these procedures might have been part of this.

The hearing for this building is set down for 26 January 2012 at 9.30am. I would appreciate it if you could note it in your diary as it may be necessary to call you to give brief evidence.

Thank you for your assistance.

Regards,

Mark Zarifeh,
Counsel Assisting,
Canterbury Earthquakes Royal Commission

=====
CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. Thank you.
=====

Please consider the environment before printing this email and its attachments.
Avoid printing, or print double-sided if you can.

This email and any attachments may contain information that is confidential and subject to legal privilege. If you are not the intended recipient, any use, dissemination, distribution or duplication of this email and attachments is prohibited. If you have received this email in error please notify the author immediately and erase all copies of the email and attachments. The Ministry of Social Development accepts no responsibility for changes made to this message or attachments after transmission from the Ministry.
