

UNDER

THE COMMISSIONS OF INQUIRY ACT 1908

IN THE MATTER OF

ROYAL COMMISSION OF INQUIRY INTO  
BUILDING FAILURE CAUSED BY CANTERBURY  
EARTHQUAKES

KOMIHANA A TE KARAUNA HEI TIROTIRO I  
NGA WHARE I HORO I NGA RUWHENUA O  
WAITAHA

AND IN THE MATTER OF

THE CTV BUILDING COLLAPSE

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STATEMENT OF EVIDENCE OF JO-ANN VIVIAN  
IN RELATION TO THE CTV BUILDING

DATE OF HEARING: COMMENCING 25 JUNE 2012

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## STATEMENT OF JO-ANN VIVIAN IN RELATION TO THE CTV BUILDING

### Personal Background

1. My full name is Jo-Ann Bernice Vivian and I reside in Wellington. I am currently employed with Relationships Aotearoa, previously Relationships Services.
2. I joined Relationship Services in February 1998. I worked as a counsellor and Clinical Leader in the Christchurch office of Relationship Services until 2005. Since 2005 I have worked as a National Practice Manager based in Relationship Services National Office in Wellington. My role includes clinical oversight of the Canterbury Area and direct line management of the Canterbury Clinical Leader. As part of this role I made frequent visits to the Christchurch office.
3. At the time of the 22 February 2011 earthquake Relationship Services occupied half of the 5<sup>th</sup> floor (Level 6) of the CTV Building.

### 4 September 2010

3. I was not in Christchurch for the 4 September earthquake so did not see the damage first hand. However, I had been informed that our building was not accessible over the weekend due to road closures and being inside the cordon.
4. On 5 September 2010 I received an email from Moira Underdown, the Area Manager, saying that the office would not be able to be accessed until Monday morning at the earliest. She said that there was damage across the road but she was not sure about our building [BUI.MAD249.0094B.1].
5. On 6 September 2010 Moira sent another email saying that she and others were in the building tidying up and that the building had a green sticker [BUI.MAD249.0094B.2].
6. I understood from speaking to Moira and Pablo Godoy, the Clinical Leader that the filing cabinets had fallen over, shelves had fallen down and there were files all over the floor. There was no mention of any damage to the building itself that I can recall.

### Boxing Day 2010

7. The office was closed over the Christmas break but we had a skeleton staff clearing phones responding to client requests for appointments. One of our administrators, Judi Smitheram had tried to go into the office after Boxing Day to change some appointments but was unable to open the door to the administration area due to filing cabinets blocking the door.
8. I was on holiday in Christchurch at the time and heard about this so I offered to go into the building with my husband to pick up the cabinets and to assess any other damage. I arranged with another administrator Nina Bishop to collect the keys from her home.
9. I visited the building with my husband Mark Vivian on Sunday 2 January 2011 and was shocked at the extent of the mess. Most of the filing cabinets had fallen over, shelving had emptied onto the floor and some pictures and ornaments had broken. I decided to arrange a cleaning group for the next day so the offices would be suitable for opening on 4 January. Pablo Godoy also went in later that day and lifted the heavier filing cabinets back up.
10. I went back to the office the next day with a small group of friends and family. We did a general clean up and picked up several large filing cabinets that had fallen in a southerly direction towards Cashel Street, emptying their contents onto the floor in the process.
11. I took a number of photos for insurance purposes. These are attached **[BUI.MAD249.0382]** and I have marked on a floor plan of the building where each photo was taken. This is attached to my statement and marked "A". The positions of the rooms and internal walls have not been drawn to scale and their placement is approximate only.
12. On 3rd January, I sent two emails updating staff of the damage and the clean-up **[BUI.MAD249.0094B.3 and .4]**.
13. When I collected the keys from Nina she and I talked about how lucky it was that she had not been in the office at the time because the cabinets had also fallen across the desk where she usually worked.

14. When I went into the building with my husband on 2 January I had noticed some very visible cracks in the column outside the lift on the Madras Street wall of the lobby. The column was half inside and half outside of the building on that wall so I was concerned that the cracks might indicate structural damage. I have marked the location of this column as "1" on the floor plan. The cracks were in a spiral pattern and some of them appeared to go right around the column to the outside. They were approximately 1cm in width and 1-1.5m in length. They were wide enough to concern me however it did not look like the column was about to fall down either. I believe that the column was painted dark red and you could clearly see the plaster underneath. I had not remembered seeing this damage on any of my previous visits to the building. It looked like it went beneath the paint layer into the structure of the column which made me think it needed checking further.
15. My husband Mark also commented to me about cracks around the lift well doors. I remember the conversation about the cracks but neither Mark nor I recall exactly where they were.
16. I went around the office carefully checking for further damage and did not notice anything else apart from the damaged fixtures. The columns in our offices did not have cracks on them.
17. I do not recall there being a sticker on the building on my visits to the building on 2 and 3 January 2011. I found this strange because I knew there had been one following the 4 September 2010 earthquake. I had heard on the news about the building assessments that were available to essential services and thought a Rapid Assessment should be carried out on our building because of the damage I had seen and the fact we were a Health and Social Service due to open for business the following day.
18. On 5 January 2011 I rang the Urgent Inspections Team at the Christchurch City Council and requested a Rapid Assessment. They told me the Council were only doing Rapid Assessments on buildings inside the cordon. I replied that we were on the edge of the cordon and that we had previously been included in inspections. Given the nature of our services the Council agreed to undertake a Rapid Assessment.
19. I emailed relevant Relationship Services managers to advise that I had notified the Council of the damage to the column on our floor and that I understood they would

send someone to inspect the building [BUI.MAD249.0094B.5]. I am advised by Counsel Assisting the Commission that the Council also has a written record of my phone call [BUI.MAD249.0310.1].

20. On either 6 or 7 January 2011 I rang the CTV Building Manager, John Drew, to let him know I had arranged for the Council to do a Rapid Assessment of the building. He told me that an engineer had been through the Building after the September earthquake and again after the Boxing Day earthquake. I remember feeling a sense of relief that had occurred, and was also a little embarrassed I had contacted the Council before checking with him.
21. I told him I was concerned about the cracks I had seen in the column on the 5<sup>th</sup> floor. He told me knew exactly which cracks I was talking about and that he and the engineer had discussed them and that he could reassure me that the building was structurally sound and safe to occupy. He said he would not put his tenants at risk and wanted to assure me was proactive in getting the building checked.
22. He reassured me that the cracks I had seen were superficial and did not affect the structure of the building. He said they would be repaired with some kind of plastic filling. I remember being reassured about the level of detail discussed and how committed John Drew was to the building and its tenants. I believed that he took his role as building manager very seriously.
23. I informed John about my call with the Council and suggested he might like to contact them to tell them he had had the building inspected and to advise them that a Rapid Assessment was no longer necessary. He said as I had made the original request it was best that I contact them and I agreed to do this.
24. I had heard from other Christchurch staff that John Drew was very proactive in caring for the building. I had seen for myself some of the building improvements he had made since he had been in charge. My conversation with him after Boxing Day was the first direct contact I had had with him but I ended the phone call satisfied that he was taking his role seriously. I trusted what he had told me. For that reason I did not ask to see any report prepared by the engineer who had inspected the building after Boxing Day.

25. When I rang the Council I told them that I had been informed that the building had been checked by the Building Manager's engineer, that the building was ok and an inspection was no longer required. I am advised by Counsel Assisting that the Council also made a record of this phone call **[BUI.MAD249.0310.2]**.
26. In discussions with staff over the following weeks I was aware of some concern about cracks, the movement of the building in aftershocks and effect of the demolition next door. On several occasions I told our staff that the building had been inspected and was safe to work in. I based this statement on the conversation with John Drew and the fact the building did not have a red or yellow sticker on it.
27. After the building collapsed I emailed Jeff Sanders, the Chief Executive of Relationship Services on 1 March 2011 recalling my memory of my contact with the Council **[BUI.MAD249.0094B.6]**. In that email I said:

*...I rang the Christchurch City Council on the 3<sup>rd</sup> January and given we are a service provider and were due to open the next day was transferred through to the team doing urgent inspections. They did not have the building on their list but took my cell number and said they would contact me.*

*On the 4<sup>th</sup> January I made contact with the CTV landlord (John) and informed him about the call with the council. He told me he had already had the building inspected by his own engineers and that the cracks we were seeing were superficial and did not affect the safety and structure. He mentioned some kind of plastic filling that would be used to fill the cracks in the columns.*

*We agreed I would notify the council that he had already had the building checked. I did this and understood from the call they would probably take it off their list for inspection.*

*I notified the CE and the local staff of this call.*

28. On 28 June 2012 Chris Cooke from the TVNZ Sunday programme approached Relationships Services. He informed us he had learned through an Official Information Act request that a Relationship Services representative had requested an inspection by the Council, but did not know my name. He informed our Communications Manager, Debbie Hannan, that John Drew had denied telling me that an engineer had inspected the building after the Boxing Day earthquake. I was shocked at this news as I am very clear that John Drew had told me the building was inspected after Boxing Day.
29. The only reason I withdrew the request for an inspection was because of my understanding that the new cracks had been inspected since Boxing Day. If he had

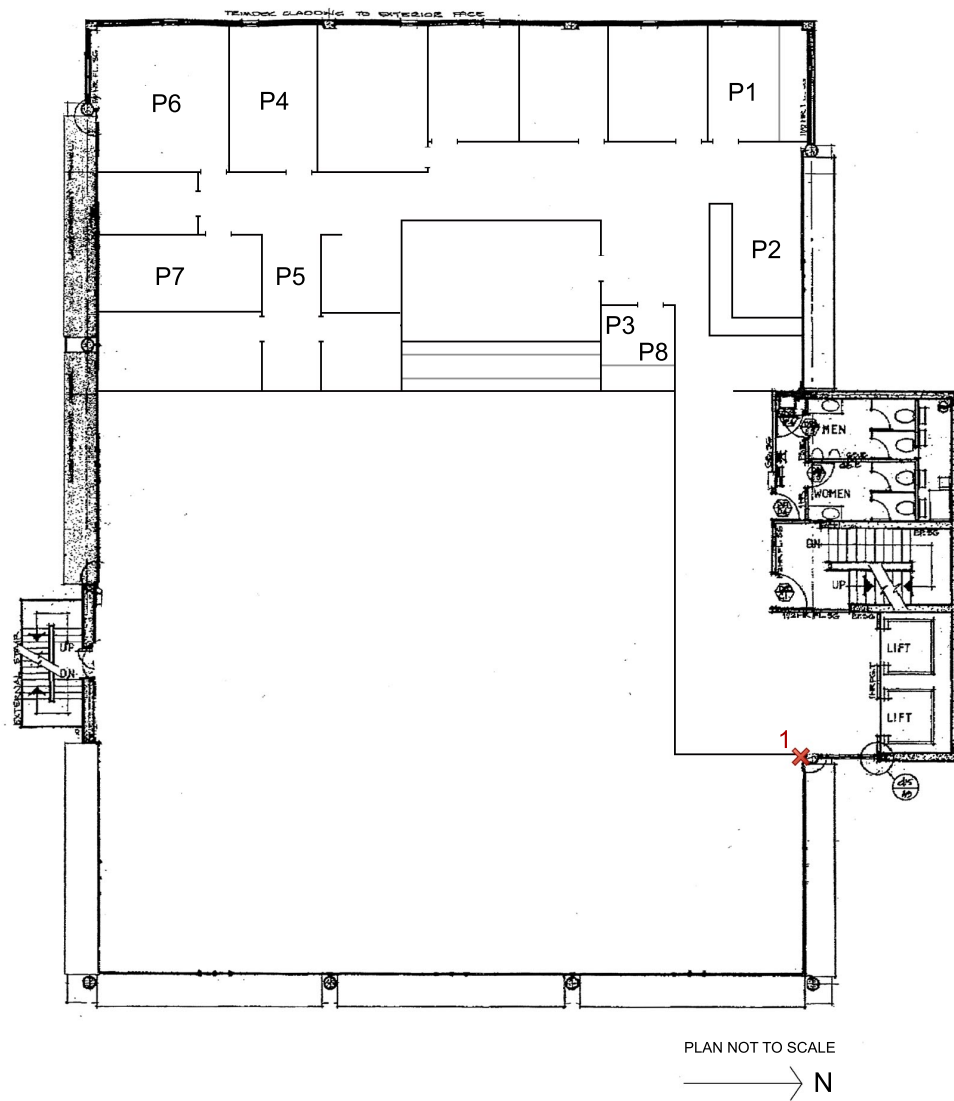
told me the inspection had occurred after September 2010 I would not have agreed to withdraw my request.

Signed: .....

**JO-ANN VIVIAN**

Date:.....21.5.12.....

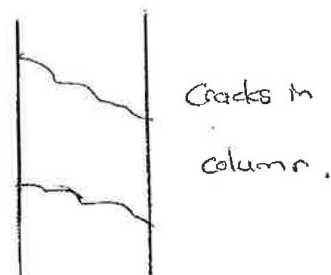
"A"



249 MADRAS ST - LEVEL 6

## KEY

1. Column with cracks (refer to sketch)





**From:** Moira Underdown

**Sent:** Sunday, 5 September 2010 3:54 p.m.

**To:** Jeff Sanders; Bernie Holden; Sue Small; Cary Hayward; JoAnn Vivian; Debbie Mazey; National Office Reception; Cecilia Kim; Julie Fah; Phillipa Stubbe; Hilary Smith; Sarah Turnbull; Wayne Sims; Chris Hand; Jake Tipler

**Subject:** From earthquake torn Christchurch

Hi all

Thanks for all your good wishes. Pretty scary event, but fortunately cleanup has started. Cant get near the office until Mon am at the earliest, so will give you an update then. CBD is all blocked off due to the building rubble. There is damage across the road, but not sure about our building. Have contacted staff that I can to let them know, but we shall have a much better idea by tomorrow am so I will let you know then. Cellphone out of juice so email will be the main method of keeping you up to date.

Cheers

Moira

**Moira Underdown**

Area Manager Upper South Island

Relationship Services Whakawhanaungatanga

PO Box 1018, Level 5/249 Madras Street

Christchurch 8013

☎ 03 366 8804

■ 027 212 6946

[moirau@relationships.org.nz](mailto:moirau@relationships.org.nz)

[www.relate.org.nz](http://www.relate.org.nz)

**From:** Moira Underdown  
**Sent:** Monday, 6 September 2010 9:53 a.m.  
**To:** grp.all.staff  
**Subject:** Christchurch offices

Hi all

Thanks for all the emails and thoughts, it is much appreciated. We are in the office today, tidying up and sorting out, as our building has a green sticker meaning that it is fully operational. We are just on the edge of the CBD so we are aware that there are many office around that are not being used, or that have suffered some damage. Our focus is to try and get up and running as soon as possible.

We are on line and all our systems are working, but we won't be seeing clients today. Currently we are ringing clients to see if they want to come in tomorrow. Hoping to be back to a full service by Wednesday, however I will send out another email to confirm this.

Meanwhile we are still trying to come to terms with what has happened to the community and hoping to be able to support people who want to come and see us as soon as possible. We have contacted all our staff, who are all ok, and spending times coming to terms with what has happened.

Warm regards

**Moira Underdown**

Area Manager Upper South Island

Relationship Services Whakawhanaungatanga

PO Box 1018, Level 5/249 Madras Street

Christchurch 8013

☎ 03 366 8804

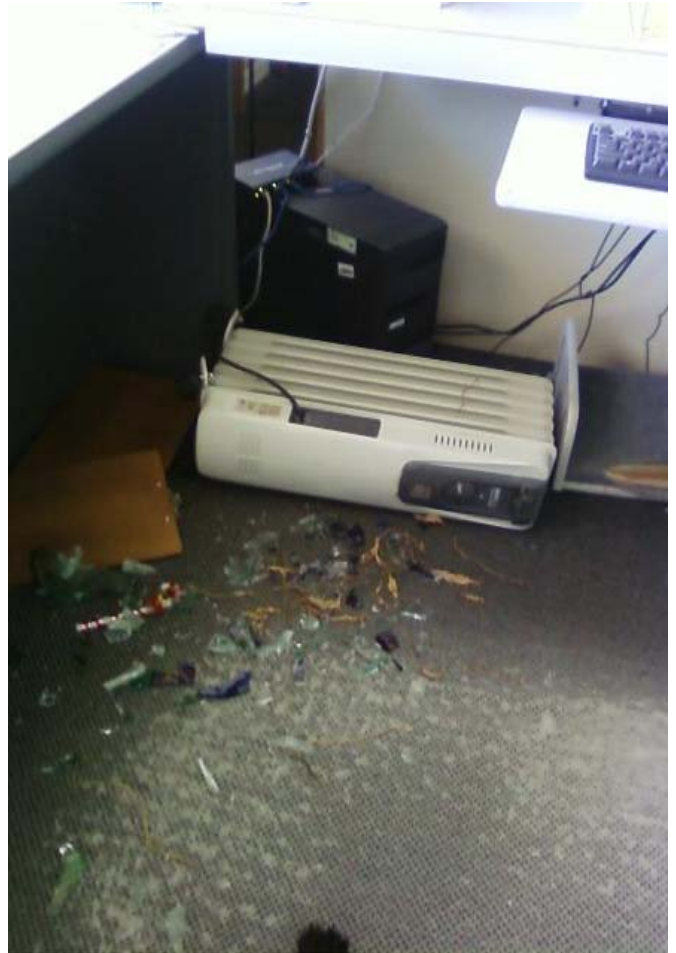
■ 027 212 6946

[moirau@relationships.org.nz](mailto:moirau@relationships.org.nz)

[www.relate.org.nz](http://www.relate.org.nz)



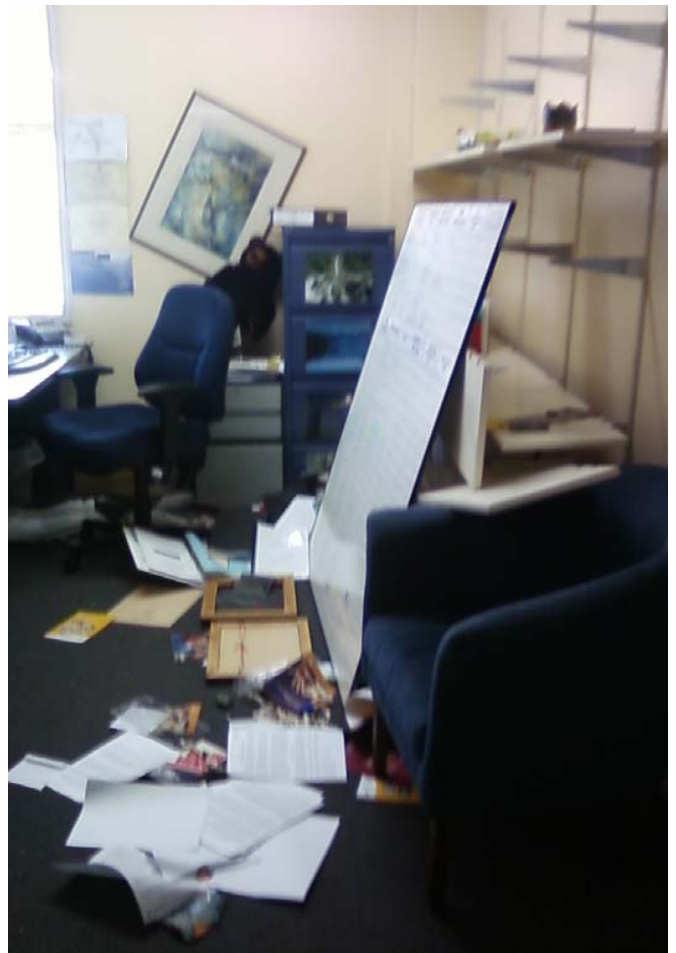
1.



2.



3.



4.





5.



6.



7.



8.

**From:** JoAnn Vivian  
**Sent:** Monday, 3 January 2011 2:52 p.m.  
**To:** Jeff Sanders; Wayne Sims; Bernie Holden  
**Cc:** Moira Underdown; Pablo Godoy  
**Subject:** Christchurch office clean up

Greetings

the wider Vivian whanau have been in with me today clearing up after the Boxing Day quake.

The pillars on the 5th floor lobby are cracked(new damage) and there is no evidence the building has been inspected so suggest a call is made to the council in the morning for that to happen.

We had Claire and Benet and my niece Julie and her husband Mark. All agreed to keep confidential any names/info they came across. I paid them in cash and will put a claim in for that on my return to national office tomorrow.

Several paintings and ornaments have been broken and files were everywhere.

Pablo had come in off his holiday and lifted some of the cabinets off the floor yesterday.

I have taken some photos in case we need any evidence for insurance.

We have checked all the computers and all seem to be in working order though the screen for Ninas computer has several scratches on it and will need replacing at some stage. It is a Hp monitor HPL1706 - doesnt seem to have an rsw no on it.

Mark has fixed most filing cabinets and shelves to the walls with brackets - some small paint touch ups around them may be necessary.

The two filing cabinets in the counsellors workroom havent been fixed to wall as to do so would mean quite a rearrange of the desks so will leave that to Bernie to co-ordinate when she is down next week.

The other cabinets we didn't attach are in the first part of the storage room - there is a big screen behind the cabinets and wasnt sure what to do with this - Bernie can you also revisit that area when you are down. We will leave the spare brackets here for that purpose.

It may be useful to have some additional administrative cover over the next week if the appointments are busy as there is a lot of files/papers to be sorted. We have mostly just tidied and placed neatly on shelves etc for sorting by someone who knows what to do with them!

cheers from the shakey city  
Jo-Ann

**From:** JoAnn Vivian  
**Sent:** Monday, January 03, 2011 3:05 PM  
**To:** Christchurch  
**Cc:** Bernie Holden; Jeff Sanders  
**Subject:** office clean up

Hi

you will no doubt have heard of the damage from the boxing day quake - we have had a big clean up today and have attempted to make some order of things. But there is undoubtedly lots for you all still to sort - I am back in national office tomorrow - let me know if you need more assistance or have any questions about where everything is.

You will also see that most filing cabinets and shelves are now firmly fixed to the walls. There are a couple in the counsellors room we left as to attach them meant moving the desks significantly. I am happy for you to coordinate with the counsellors and Kay and rearrange where they should be so they can be attached without going through the notice board (or maybe the board is moved). Once the position is sorted we can attach them.

We have also left the units in the first part of the storage annex as the big pink screen is stashed behind them - have suggested between you and Bernie that could also be moved and then we can attach those units also.

I have left Ninas keys in the top drawer and she will get them on Thursday.

Jeff and I will arrange for the council to do an inspect of the building.

Happy New Year!!

ka kite  
Jo-Ann

**From:** JoAnn Vivian

**Sent:** Wednesday, January 05, 2011 10:42 AM

**To:** Jeff Sanders; Bernie Holden; Moira Underdown; Pablo Godoy; grp.christchurch.admins

**Subject:** Building inspection

I have notified the council of the damage to the pillar on the 5<sup>th</sup> floor landing. As we provide a social service I understand they will send someone to inspect the building for us.

Regards

Jo-Ann

BUI.MAD249.0310.1

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Booking Requests  
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WorkSmart Report  
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Processing  
Setup & Configuration

**WorkSmart Details**

Group ☒ CSR CUSTOMER SERVICE REQUESTS Number ☒ 91226612

House No  Alpha/Unit  Road Name

Road Type  Road Suffix  Property Type

Property ID 811144 249 MADRAS STREET, CITY, CHRISTCHURCH 8001

Locn Descn Relationship services.

Details ☒ 5th floor has a round structural pillar, it is just outside lift and has significant cracks in it. Joanne was in the building since the boxing day quake and feels it should be rechecked. Staff on site but please liaise through her as she is the manager based in

Status ☒ COMPLETE

Status Chg Date ☒ 07/01/2011

Expiry Date

Last Primary Event CSR Complete

Type ☒ CDE Civil Defence Emergency Priority ☒ H HIGH CIVIL DEFENCE

App. Recd Date ☒ 05/01/2011 Time Recd ☒ 10:32 am Start Date ☒ 05/01/2011 SubType ☒ COLLAP DANGEROUS OR COL

Other Ref 1  Other Ref 2

Receiving ☒ RM5 Riesterer, Maureen Authorising SM7 SINCLAIR, Murray

Handling ☒ ERE Rescue, Civil Defence External

Area  Ren Fee Level

**Contact Details**

First Contact RELATIONSHIP SERVICES, JOANNE Email

Home  Business  Mobile 027 226 3533

Mailing Address

Second Contact  Email

Record is being updated



5th floor has a round structural pillar, it is just outside lift and has significant cracks in it. Joanne was in the building since the boxing day quake and feels it should be rechecked. Staff on site but please liaise through her as she is the manager based in Wellington. This building has public use etc. Thanks

**Add/Edit Event**

✓ ✎ ✂ 📄 📁 ✕ Send Message Extra Data Create Time Record

**Event Details**

Event Code	<input checked="" type="checkbox"/> COM	CSR Completed	Added	07/01/2011 09:53
Existing event being updated, no auto updates will be made.				
Event Status	<input checked="" type="checkbox"/> 3	Completed	<input type="checkbox"/> Customer advised by email	
Planned Date		Time	Planned Officer	
Actual Date	07/01/2011	Time 9:53 am	Actual Officer	BL9
Logged By	<input checked="" type="checkbox"/> BL9	**Bronner, Laura		<input type="checkbox"/> Warning
Details	Joanne has stated that landlord has had checked by structural engineer and all OK. (Paul Campbell 6/1/11)			
Stage No				<input type="checkbox"/> Complete Stage
Action No				<input type="checkbox"/> Complete Action
Susp Start Date	<input checked="" type="checkbox"/>	Susp Start Time	<input checked="" type="checkbox"/> 12:00 am	Stage for Susp <input checked="" type="checkbox"/>

BUI.MAD249.0094B.6

**From:** Jo-Ann Vivian  
**Sent:** Tuesday, March 01, 2011 10:45 AM  
**To:** Jeff Sanders  
**Subject:** CTV building

I visited the CTV building and our office on the 5<sup>th</sup> floor on the 2<sup>nd</sup> January 2011 as one of our staff had reported extensive damage to fittings/fixtures in the Boxing day quake. I was told by staff about some additional circular cracks around the large post outside the lift on the fifth floor – this post was on the outside wall in the lobby.

After the September quake the building was yellow stickered then cleared. There was no sticker on the building when I visited

I rang the Christchurch City Council on the 3<sup>rd</sup> January and given we are a service provider and were due to open the next day was transferred through to the team doing urgent inspections. They did not have the building on their list but took my cell number and said they would contact me.

On the 4<sup>th</sup> January I made contact with the CTV landlord (John) and informed him about the call with the council. He told me he had already had the building inspected by his own engineers and that the cracks we were seeing were superficial and did not affect the safety and structure. He mentioned some kind of plastic filling that would be used to fill the cracks in the columns.

We agreed I would notify the council that he had already had the building checked. I did this and understood from the call they would probably take it off their list for inspection.

I notified the CE and the local staff of this call.

Jo-Ann Vivian