

CERTIFICATE OF FINDINGS**Section 94, Coroners Act 2006****IN THE MATTER of Te Hawiki Hona KIRI TE AMO****The Secretary**, Ministry of Justice, Wellington

As the Coroner conducting the inquiry into the death of the deceased, after considering all the evidence admitted to date for its purposes, and in the light of the purposes stated in section 57 of the Coroners Act 2006, I make the following findings:

Full Name of deceased: Te Hawiki Hona KIRI TE AMO

Late of: 96 Middlepark Road
Sockburn
Christchurch

Occupation: Student

Sex: Male

Date of Birth: 10 August 2002

Place of Death: Waikato Hospital
183 Pembroke Street
Waikato Hospital
Hamilton
New Zealand

Date of Death: 14 October 2018

Cause(s) of Death

(a). Direct cause: Traumatic head injury

(b). Antecedent cause (if known): Fall from a roof

(c). Underlying condition (if known):

(d). Other significant conditions contributing to death, but not related to disease or condition causing it (if known):

Circumstances of death: Te Hawiki Hona Kiri Te Amo (Hawiki) was a 16 year old young man who was living at 96 Middlepark Road, Sockburn, Christchurch with his mother, Esther Corlett. About 10 October 2018, Hawiki, and his cousin Hoani Abraham, travelled from Christchurch to stay with Hawiki's father, Jeffrey Kiri at 20B Kelly Street, Opotiki. On the evening of 13 October 2018 Hawiki was with Hoani and his brother Te Poho Te Amo. The young men decided to go to the Opotiki College grounds and climb onto the buildings. Hawiki and Hoani were on the roof of the library building at Opotiki College. At the area of the skylight, the young men were kicking at the skylight when it broke causing the young men to fall approximately 8 metres, to the floor below. Hawiki landed first with Hoani landing on Hawiki's back. The fall caused a traumatic head injury to Hawiki. Hawiki was transported by helicopter to Waikato Hospital, Hamilton. Testing showed an unsurvivable head injury which caused Hawiki's death at Waikato Hospital the next day. Te Hawiki Hona Kiri Te Amo of 96 Middlepark Road, Sockburn, Christchurch died at Waikato Hospital, Hamilton on 14 October 2018 of a traumatic head injury following a fall from the roof of a building at Opotiki College.



I make, under section 57(3) of the Coroners Act 2006, the attached specified recommendations or comments that, in my opinion, may, if drawn to the public attention, reduce the chances of the occurrence of other deaths in circumstances similar to those in which the death occurred.

[1] Pursuant to section 57(3) Coroners Act 2006 I recommend as follows:

- 1.1 The Opotiki College Board of Trustees either remove the skylight in the roof of the Discovery Centre Building, or otherwise comply with the Ministry of Education guidance as set out at: www.education.govt.nz/school/property/state-schools-design-standards/materials/roofing-materials ;
- 1.2 I direct that a copy of this finding be distributed to all state funded schools in New Zealand.

I have, under section 74 of the Coroners Act 2006, prohibited the making public of the following: any photographs taken of the person who is the subject of this finding following their death, on the grounds that it is in the interests of decency to do so.

Those findings, and my reasons for making them, are also set out in my written findings dated: 18 November 2019.

Signed at Hamilton on 18th day of November 2019.



Coroner Gordon Matenga

IN THE CORONERS COURT
AT HAMILTON
(In Chambers)

CSU-2018-HAM-000443

UNDER THE CORONERS ACT 2006

AND

IN THE MATTER of an Inquiry into the death of
TE HAWIKI HONA KIRI TE AMO

Date of Hearing: 18 November 2019

FINDINGS OF CORONER G MATENGA

Introduction

[1] Pursuant to section 77 Coroners Act 2006 (“the Act”), I have decided to conclude this inquiry by holding a hearing on the papers. This is because there are no circumstances relating to this death which make an inquest necessary or desirable, and I have sufficient evidence before me in documentary form to fulfil the purposes of opening and conducting an inquiry as set out in section 57 of the Act.



Facts

[2] Te Hawiki Hona Kiri Te Amo (Hawiki) was a 16 year old young man who was living at 96 Middlepark Road, Sockburn, Christchurch with his mother, Esther Corlett. About 10 October 2018, Hawiki, and his cousin Hoani Abraham, travelled from Christchurch to stay with Hawiki's father, Jeffrey Kiri at 20B Kelly Street, Opotiki.

[3] On the evening of 13 October 2018 Hawiki was with Hoani and his brother Te Poho Te Amo. The young men decided to go to the Opotiki College grounds and climb onto the buildings. In his statement to Police Te Poho explained:

"We were just having fun and decided to climb on the roof. We climbed up some stairs to get there. We were bored that's why we went up there."

[4] Little other information could be extracted by Police from the either Te Poho or Hoani, but it was apparent that Hoani and Hawiki climbed onto the library building, making their way to the skylight in the roof. Hoani and Hawiki then began kicking at the skylight. Te Poho explained in his statement:

"Hoani and Hawiki started kicking that thing. I was watching and they fell through. Hoani fell through first but somehow Hawiki hit the ground first. I saw Hoani land on Hawiki's back."

[5] Both young men fell through the skylight falling approximately 8 metres to the concrete floor of the library below them. Hawiki landed first. Hoani landed on top of Hawiki and was able to walk to the library door, unlock it and turn on the light.

[6] Another young man ran across the road from the school to the house of Vicki George to raise the alarm. Ms George went immediately to the school, calling emergency services on her way.

[7] At the same time Lionel Merriman, the school caretaker at the time, received notification by phone, that an alarm at Opotiki College had triggered. Living nearby, Mr Merriman began walking to the school. As he got to the school office a young boy told him that some young men had been on the roof of the school and had fallen through. Mr



Merriman could see a light on in the library and headed in that direction. He located Ms George attending to Hawiki and tried to speak to Hoani, who by this time, was seated on a couch. Hoani could not recall what had happened. It was clear to Mr Merriman that the young men had fallen through the skylight as Hawiki was on the floor directly above the broken skylight with broken pieces of the plastic / polycarbonate roofing material of the skylight scattered on the floor below. Police and ambulance arrived shortly after.

[8] Hoani broke his leg, suffered bruising and loss of memory. He was transported by ambulance for treatment at Whakatane Hospital Emergency Department.

[9] Hawiki suffered a significant head injury. After being stabilised, he was transported by helicopter to Waikato Hospital arriving just after midnight on 14 October 2019. A CT scan confirmed an unsurvivable head injury. His pupils were fixed and dilated. Surgical intervention was not appropriate.

[10] A whanau meeting was held and medical staff advised the whanau that Hawiki was likely to die. A second whanau meeting was held, and medical staff advised that Hawiki had likely suffered brain death, although formal testing had not yet been completed. Treatment was not withdrawn so that whanau could have more time with Hawiki. Hawiki died at ICU, Waikato Hospital, Hamilton at 11:00 pm on 14 October 2018.

Cause of death

[11] Hawiki's death was reported to Police and to the Duty Coroner given the circumstances in which he died. Jurisdiction was accepted and a lesser post mortem, limited to an external examination and toxicology. The examination was conducted by Dr Duncan Lamont, pathologist at Waikato Hospital. Dr Lamont opined that death was due to a head injury sustained in a fall.

[12] The evidence of Dr Lamont is supported by evidence provided by a report from Dr Annette Forrest Intensive Care Specialist. At paragraph 18 of her report dated 6 November 2018 Dr Forrest opined that death was due to a severe traumatic brain injury as a consequence of a fall from a height.



[13] I accept the evidence of Dr Lamont and Dr Forrest. Having had regard to the circumstances as set out above, I conclude that Hawiki and Hoani were on the roof of the library building at Opotiki College. At the area of the skylight, the young men were kicking at the skylight when it broke causing the young men to fall approximately 8 metres, to the floor below. Hawiki landed first with Hoani landing on Hawiki's back. The fall caused the traumatic head injury to Hawiki which caused his death at Waikato Hospital the next day.

Discussion

[14] Hawiki's death was notified to the Principal of Opotiki College who notified the Ministry of Education and WorkSafe (Department of Labour). WorkSafe concluded that at the time of the incident, Opotiki College was not considered to be a workplace as there were no work activities being conducted. In addition, the young men were on the school roof without permission. Accordingly, WorkSafe determined that it was not a workplace incident and no further action would be taken.

[15] Ezra Schuster, Director of Education based at Rotorua provided a response on behalf of the Ministry by email dated 29 November 2018. Mr Schuster advised:

Primary management of the school is the responsibility for (sic) the Opotiki College Board of Trustees. In addition to the Police and WorkSafe reports, the Ministry was aware the Board undertook an investigation of the incident as part of its governance role. The ministry continues to provide support to the Board and the New Zealand School Trustees Association is able to provide advice to the Board. If there are any immediate property related issues identified by the Board as part of its investigation that require a property intervention, then, depending on scale, the Ministry is able to support the Board with remediation.

[16] In the course of my inquiry I became aware of the death of Justin Reid, an 8 year old young man from Palmerston North. Justin was injured on 4 November 2017 when he fell through a section of polycarbonate roofing over a walkway between two classrooms at a Primary School. He died of his injuries on 6 November 2017. Coroner Peter Ryan opened an inquiry and conducted a hearing on the papers on 3 December 2018. Coroner

Ryan made the following recommendation directed to the office of the Ministry of Education:

That the Ministry of Education consider the appropriateness of utilising roofing material on any structure on school grounds which may shatter or break if walked upon; and if such roofing material is to be utilised, then what measures can be implemented to mitigate the risk of young people falling through those roofs.

[17] Given the similarities of the circumstances of the death of Justin Reid with the circumstances of Hawiki's death the Court gave notice to Mr Schuster, The Opotiki College Board of Trustees and Hawiki's whanau of my intention to consider reinforcing Coroner Ryan's recommendation. Mitigation of the risk of falling through skylights (or semi-transparent roofing material) in the roofs of school buildings had the potential of reducing the occurrence of further deaths in similar circumstances. I received responses from Mr Schuster, Iona Holstead (Secretary for Education), Susan Impey (Principal, Opotiki College) on behalf of the Opotiki College Board of Trustees and Esther Corlett (Hawiki's mother).

[18] Esther Corlett agreed that the recommendation of Coroner Ryan should be reinforced submitting that security measures should have been enforced earlier. Ms Corlett also noted that Opotiki College had replaced the library skylight with similar materials as had been there previously. She noted that there was a stairway (fire escape) that lead towards the roof allowing easy access for anyone who wished to climb. Ms Corlett spoke of her own experience as a child climbing the roof of Opotiki College.

[19] Te Poho's evidence was that they climbed some stairs to access the roof. The Police evidence also concluded that the young men climbed the fire escape accessing the roof of a building adjoining the library. From here the young men climbed along the roof line and then onto the library roof to the skylight. This evidence should be contrasted with the way in which Susan Impey suggested that the young men gained access. In her response dated 16 August 2019 Susan Impey said:

Kiri Te Amo fell through a skylight of the roof of our two storey high (one level) Discovery Centre Building. The building is approximately 15 metres high.



There is no direct access to the roof from the ground, and we believe access was gained by scaling a concrete wall.

This suggestion is not however, supported by the evidence of Te Poho, the opinions of the Police who attended the scene and Mr Merriman. The photographs show the fire escape stairs and the access it provides to the roof. I conclude on the basis of this evidence, that the young men gained access to the roof and skylight via the fire escape and not by scaling a concrete wall as suggested.

[20] Susan Impey also advised that after consultation with Ministry property personnel, it was determined that the satellite dish would be removed and replace the skylight. Susan Impey noted:

We engaged a local engineering firm to assess all skylights in the school as the Ministry request that we look at the viability of putting up metal grills on the interior. The response was that installation would not be possible as there was no structural framing for the grill to be attached to. I reported this to MOE property personnel.

However, the Court was not told whether the translucent plastic sheeting used in the re-installation was rated as trafficable or if netting was installed, as per the Ministry's guidance. I proceed on the basis that the sheeting was not rated as trafficable and netting was not installed.

[21] Susan Impey also advised that external fencing is being considered. Opotiki College has also been allocated a capital upgrade that involves the removal of classrooms, involving re-designing a number of existing buildings and roofing. Re-roofing of a large section of the roof of the gym was underway (and may have been completed as at the date of this Finding). The roof pitch was changed and it is submitted that the change will minimise the possibility of access by climbing.

[22] Finally, Susan Impey submitted that Opotiki College takes health and safety very seriously and are always looking for ways to improve the safety of the school site.

[23] In her letter to the Court dated 14 June 2019 Iona Holsted said as follows:



It is the responsibility of schools Boards of Trustees to provide a safe physical environment for their students, and we support them in this. The Ministry website contains guidance on suitable school roofing materials.¹ This is consistent with Building Code requirements which, since 2006 have required all translucent plastic sheeting within new roofing to include safety mesh to mitigate falling risks.

Following Justin's death we updated this guidance to better assist Boards to identify and manage safety risks. Our guidance maintains that, "if non-trafficable roofing sheets are to be used, these must be laid over safety netting or mesh that is strong enough to hold the weight of an adult." ...

In February 2019, we communicated to all boards and principals the risks around roofing materials through our Bulletin for School Leaders. Our health and safety item identified mitigation measures, directed schools to our website, and advised them to raise roof safety issues with their local property advisor. This prompted schools to engage with the Ministry on areas of concern.

*Schools receive property funding every five years and are required to use this money on priority areas. **Making roofing safe is a priority area and I expect this to lead to the replacement of potentially unsafe historic roofing material across the school portfolio.***

Both cases have raised the question of access to roofs and we are currently in the process of providing guidance to schools on how to manage and limit access to school roof areas.

(Emphasis added)

[24] As noted above, Opotiki College has received capital upgrade funding and have investigated the viability of safety improvements such as metal grills. I was surprised to be advised by Susan Impey that the decision was made to reinstall the skylight without modifications and that all skylights in the school would not be modified as per the

¹ This information can be found at www.education.govt.nz/school/property/state-schools-design-standards/materials/roofing-materials



Ministry's guidance. While I accept that installation of Ministry compliant skylights may not have been possible because of the lack of structural support, and the availability of funding at the time, funding is now available. Opotiki College Board of Trustees chose to utilise their capital funding allocation to complete other works. These works include some re-roofing of the gym and a change of pitch to this roof to minimise access by climbing, and removal of the satellite dish. More work is planned but no details have been provided.

[25] Although the issue was not addressed by Susan Impey, the college could have removed the skylight completely, obviating the need for structural strengthening. If the Ministry's guidance could not be followed such an option should have been considered and still could be by the Board of Trustees as it considers its re-modelling and design options over the coming 5 years. Removal of the skylight would remove the on-going risk in a cost-effective way. Given that at the time of Hawiki's death, the circumstances of Justin's death were known and once capital funding became available to Opotiki College, the Court's expectation is congruent with the opinion expressed by Iona Holsted, **"Making roofing safe is a priority area and I expect this to lead to the replacement of potentially unsafe historic roofing material across the school portfolio."** That this incident did not lead to the replacement of unsafe historic roofing material is a concern.

[26] It is also concerning that although the Ministry provides guidance to School Boards of Trustees, there is no obligation on the Board to follow such guidance. I note however that in the circumstances of this case, the Board of Trustees worked with the Ministry's property personnel to make their decision as to how to proceed. The Ministry was a part of the decision and appears to have been in direct conflict with the Ministry's own guidance.

[27] It is clear to me now that my proposal to support Coroner Ryan's recommendation would be an inappropriate response because the Ministry has provided guidance to schools on the issue of roofing materials and the mitigation of risk to young people who access building roofs. However, I propose to make a recommendation to the Opotiki Board of Trustees and will make a direction that a copy of these findings be distributed widely amongst all state funded schools, to make them aware of the dangers of translucent plastic sheeting.



Formal Finding

[28] Te Hawiki Hona Kiri Te Amo (Hawiki) was a 16 year old young man who was living at 96 Middlepark Road, Sockburn, Christchurch with his mother, Esther Corlett. About 10 October 2018, Hawiki, and his cousin Hoani Abraham, travelled from Christchurch to stay with Hawiki's father, Jeffrey Kiri at 20B Kelly Street, Opotiki. On the evening of 13 October 2018 Hawiki was with Hoani and his brother Te Poho Te Amo. The young men decided to go to the Opotiki College grounds and climb onto the buildings. Hawiki and Hoani were on the roof of the library building at Opotiki College. At the area of the skylight, the young men were kicking at the skylight when it broke causing the young men to fall approximately 8 metres, to the floor below. Hawiki landed first with Hoani landing on Hawiki's back. The fall caused a traumatic head injury to Hawiki. Hawiki was transported by helicopter to Waikato Hospital, Hamilton. Testing showed an unsurvivable head injury which caused Hawiki's death at Waikato Hospital the next day. Te Hawiki Hona Kiri Te Amo of 96 Middlepark Road, Sockburn, Christchurch died at Waikato Hospital, Hamilton on 14 October 2018 of a traumatic head injury following a fall from the roof of a building at Opotiki College.

Recommendations

[29] Pursuant to section 57(3) Coroners Act 2006 I recommend as follows:

- 29.1 The Opotiki College Board of Trustees either remove the skylight in the roof of the Discovery Centre Building, or otherwise comply with the Ministry of Education guidance as set out at: www.education.govt.nz/school/property/state-schools-design-standards/materials/roofing-materials ;
- 29.2 I direct that a copy of this finding be distributed to all state funded schools in New Zealand.



Restriction of publication

[30] Pursuant to section 74 of the Coroners Act 2006, I prohibit the making public of any photographs taken of the person who is the subject of this finding following their death, on the grounds that it is in the interests of decency to do so.



Coroner G Matenga