

Inquiry into New Zealand mine tragedy begins on “no blame” basis

John Braddock
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The Royal Commission of Inquiry into New Zealand’s worst mining disaster in almost a century opened in the South Island mining town of Greymouth on April 5, with the presiding judge saying he would not lay blame over the methane gas explosions that killed 29 men last November.

“No one is on trial, there are no sides, no one will win or lose,” Judge Graham Panckhurst declared. In his opening statement, the judge added that the role of the inquiry was not to identify those responsible for the blasts that tore through the Pike River colliery, but to simply “find out what happened, why and what must change for the future good.”

The judge’s instructions flowed directly from the terms of reference set by the National Party government of Prime Minister John Key. They include: determining the causes of the explosions and loss of life; the handling of the rescue and recovery operations; the systems in place in the mine; the relevant legislative framework for mining and its implementation; and international practice. Excluded was any reference to criminal liability or recommendations regarding prosecutions.

In other words, the inquiry will be directed toward covering up the culpability of the Pike River company, as well as the political and economic circumstances underpinning the tragedy. The underground coal mine itself remains sealed after a series of explosions that followed the initial blast on November 19, and the miners’ remains are still entombed underground. As for the company, it has gone into receivership.

Following the disaster, a number of mining experts and former Pike River employees denounced the company’s record and safety procedures. Pike River had no power back-up for its mine ventilation system, there was no pre-drainage system for methane, there

was inadequate monitoring, and the miners were working in methane levels that should have led to their evacuation.

Governments of all stripes had attacked workers’ conditions in the mining industry over decades and effectively allowed mines like Pike River to self-regulate their safety standards.

From the outset, the ruling elite used the tragedy to promote an atmosphere of “national unity” while embarking on a whitewash of the root causes. According to the media and political commentators, “learning the lessons” so that the industry could “move on” became the order of the day.

Announcing the commission after a second powerful explosion set a huge fire burning in the mine, preventing further recovery efforts, Prime Minister Key stressed that the future of underground mining in New Zealand “rests on the inquiry”. It was a sign of the nervousness in governing circles as it became increasingly obvious that the mine had been a disaster waiting to happen.

The three-man commission is made up of Panckhurst, a former Crown Solicitor, Stewart Bell, an Australian mine safety expert employed by the Queensland government and David Henry, a former head of the Inland Revenue department. Henry has no background in mining, but is described on the Commission’s website as having “a long involvement in organisational strategy and managing change”.

At present there is a team of lawyers representing the company’s receivers, PriceWaterhouse Coopers, who are working to ensure that the interests of their client are protected. In its opening submission, the legal team said the company had insufficient funds to prepare documents or written statements. Denied legal aid by the government, the company was unlikely to be able to

engage in any “sustained or substantial way” with the inquiry.

The lack of funding could add to the difficulties of producing evidence of how the mine was proposed, officially approved and developed. Key was forced to deny that the receivers were penniless, saying that by government calculations they had at least \$NZ5 million currently available to them.

A statement released by lawyers for the Pike River families said they were “astonished” at the receivers’ stance and believed the company and its stakeholders “should recognise an obligation to help, regardless of funding”.

West Coast mining district mayor Tony Kokshoorn said the company “should have been transparent and open and available to actually give all the evidence that was required”. He said it was “not a good look” for the company to “actually get up there and say ‘well, we haven’t got any money, what are you going to do about it?’”

Earlier, Nicholas Davidson QC, who represents some of the families, told the commission that his clients wanted “the truth and nothing less.” He added: “Their intent is to get to the truth whatever that may be... they are also determined to learn what must be done to prevent a recurrence.”

Pike River Families Committee spokesman Bernie Monk commented: “I think the receivers owed it to the West Coast and our families to get down there and find out exactly what happened.” Monk also criticised the receivers for being “very uncooperative” toward the families, including over the recovery of the miners’ bodies. “The only thing they’re interested in is selling the mine. They are paying very little attention to our people down there. It’s all recovery of the mine but they never mentioned getting our guys out,” Monk declared.

The committee criticised the 15-week timeframe for the inquiry as too short. Monk said the families’ legal team would want to “start from square one” and evaluate the set-up, design, ventilation and all other aspects of the mine. “We’ve interviewed over 100 people ourselves, our legal team, and we’ve come up with a lot of stuff that we’re going to be bringing up at this hearing,” Monk said.

The commission’s public hearings begin on May 23. Meanwhile, not even work safety violations have been

prosecuted. The Department of Labour has requested “more time” to decide whether to charge anyone over the explosions under industrial health and safety legislation.



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