

New Zealand: Pike River Coal found guilty of causing mine disaster

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Pike River Coal (PRC) was last month found guilty on nine charges relating to health and safety violations leading to the explosion at its coal mine on New Zealand's West Coast on November 19, 2010. Greymouth District Court Judge Jane Farish ruled that the company's negligence was "causative of the explosion and the subsequent deaths" of 29 men, the youngest just 17 years old.

The trial followed the release last November of a Royal Commission report into the disaster. It found that PRC's board of directors "did not... protect the workforce from harm" and was "distracted" by "financial and production pressures." It noted that "numerous warnings of a potential catastrophe" were ignored by the company, which sacrificed workers' safety, and ultimately their lives, by speeding up production and failing to install adequate safety equipment. The mine had no suitable emergency exit, inadequate methane drainage and ventilation, and faulty gas sensors.

Pike River Coal will be sentenced in July. It faces fines of up to \$NZ250,000 (\$US210,670) for each charge but it is not certain that the company, which is bankrupt, will pay anything. Nicholas Davidson QC, a lawyer representing families of the dead miners, told Radio NZ on April 18 that the "fines... don't seem to have much sting and certainly for most family members they mean nothing."

Last October, several family members expressed outrage when VLI Drilling, which was contracted by PRC for drilling work, was fined just \$46,800 after admitting to safety breaches.

Police have yet to decide whether to lay any criminal charges over the disaster. PRC chief executive Peter Whittall has pleaded not guilty to 12 health and safety related charges and has yet to face trial. None of the

company's directors, including board chairman John Dow, has been charged, nor has former CEO Gordon Ward.

A report released on April 10 by the Ministry of Business, Innovation and Employment (MBIE) criticised the former Department of Labour and the former Ministry of Economic Development (which are now part of the MBIE) for failing to shut down the mine despite repeated warnings that it was unsafe. But the report concluded that since the problems were "systemic," no specific officials were responsible. Bernie Monk, whose son died in the disaster, said the families "were gutted when they found out that no one's going to be held accountable for this."

No one in the National government or the Labour Party has been held responsible for the decades of safety deregulation that led to the disaster. Starting in 1992, the Department of Labour's specialist Mines Inspectorate was progressively dismantled and, with the scrapping of the Coal Mines Act, mines were effectively allowed to self-regulate on safety. At the time of the Pike River explosion, there were just two inspectors responsible for approximately 1,000 coal mines and quarries across the country.

Successive National and Labour governments were both warned that their actions would result in tragedy. In 1997, former Chief Coal Mine Inspector Harry Bell wrote to National government Energy Minister Max Bradford, warning against moves to reduce the salary and the experience required of a mines inspector. He noted that "the Mines Inspectorate [was] created in the previous century due to the atrocities that occurred in mining, and any weakening of this necessary historic Act would not be in the best interests of safety."

Bell told Radio NZ on April 11 that Bradford and then-Labour Minister William Birch were responsible

for the disaster. He added that “none of the inspectors that I worked with would [have] allowed that Pike River mine to be developed the way it was.” In 2008, Bell urged the Department of Labour to close down the mine after several gas ignitions.

Also speaking on Radio NZ, Birch insisted that the 1990s reforms were “justified,” adding that they were “welcomed by industry” and not reversed by the 1999-2008 Labour government. “Reforms do not guarantee there will not be disasters,” he said. “[T]here’s always the possibility in a dangerous industry like mining or forestry, and many others, that you will have disasters.” In other words, workers should accept the risk of injury or death as part of the job.

Last November, Labour MP Damien O’Connor admitted that retired mine manager Billy Brazil had warned him in 1994 that the changes would “result in a massive mine disaster because deregulation has done that through the world time and time again.” But the Labour government continued to reduce the number of mines inspectors. In 2008, Labour ignored a report from the Department of Labour calling for various mine safety improvements, including the re-introduction of worker-elected safety check inspectors.

The Engineering, Printing and Manufacturing Union (EPMU), which had 71 members at Pike River, was also complicit in the life-threatening working conditions. Last December, former EPMU national secretary Andrew Little, who is now a Labour parliamentarian, wrote a column in the *Dominion Post* titled: “Why no-one blew the whistle on Pike River.” He claimed that Labour Department inspectors “were hardly trusted confidants” and the chances of workers reporting PRC’s unsafe practices were “pretty much zilch.”

In fact, the record shows that Pike River workers had reported safety breaches, and the company, the Department and the EPMU were well informed of them. The families’ lawyer, Nicholas Davidson, told Radio NZ: “There were literally hundreds of very serious incidents at Pike River that were reported... that were not acted on at all.” The reality is that the union blocked action over the dangerous conditions, despite a group of miners spontaneously walking off the job to protest the lack of safety equipment.

Former Pike River miner Brent Forrester, who was

involved in the walkout, called the EPMU beforehand and explained the workers’ concerns. After the disaster, however, Little told the *New Zealand Herald* that PRC had an “active health and safety committee” and there was “nothing unusual about Pike River... that we’ve been particularly concerned about.”

The EPMU has worked hand-in-glove with companies and with governments of all stripes to suppress workers’ opposition to the erosion of safety standards, not to mention more than 400 redundancies and wage cuts last year at Solid Energy, a state-owned mining company.



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