

Crucial evidence from New Zealand mine disaster missing

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Family members of some of the men killed in New Zealand's 2010 Pike River Coal (PRC) mine disaster have denounced the failure by police and the Department of Labour (now called WorkSafe) to keep track of evidence that could hold vital information about what caused the explosion.

The precise cause of the underground explosion on November 19, 2010, which killed 29 men in the mine on the West Coast of the South Island, has not been established because the mine has not been re-entered.

A royal commission in 2012 found that the PRC board of directors "did not... protect the workforce from harm" and ignored "numerous warnings of a potential catastrophe." The mine had no suitable emergency exit, faulty methane gas sensors and inadequate ventilation. The company, which was in debt to its shareholders, did not undertake necessary improvements because it would have slowed production.

No one has been held accountable for the catastrophe. In 2013, PRC was found guilty of multiple health and safety violations but did not pay a fine or reparations because it was bankrupt. Similar charges against PRC chief executive Peter Whittall were dropped in a sordid agreement between his lawyers and the Department of Labour (DoL). Police also decided not to lay any charges.

For years, the families of those killed have fought for the mine to be re-entered and forensically examined, and for the prosecution of those responsible for PRC's appalling lack of safety. They have faced countless obstacles, including the suppression by police of video footage taken inside the mine and attempts by the 2008–2017 National Party government to permanently seal the mine entrance.

The families' campaign gained widespread support in the working class, leading the Labour Party, the Greens

and NZ First to promise in the 2017 election campaign that they would re-enter the mine. The Pike River Recovery Agency, established by the Labour-led government, is due to begin the operation in May after more than a year of planning. Police have said the investigation will be reopened.

It is now clear that the police and DoL never conducted a serious investigation of the disaster as a potential crime. On February 17, Tony Forster, a former chief inspector of mines who is now an independent advisor to the Pike River families, told TVNZ that a crucial piece of evidence cannot be located and has apparently not been forensically examined. A door to a control panel on the mine's underground fan was among the debris photographed shortly after the explosion. It had been blown out of the mine, up a 111-metre ventilation shaft.

Forster said he was told the mangled door was removed from the mine site by helicopter and taken to the PRC office within days of the explosion, but what happened to it is unknown. Tests could reveal whether the control panel was a source of ignition. The royal commission's report noted that the mine had a "large amount of electrical equipment, some of which was neither intrinsically safe nor flameproof." The families' lawyer Nigel Hampton told the media he does not recall the royal commission being shown the control panel door during its hearings.

Bernie Monk, whose son Michael died in the mine, told *Newshub*: "We've known this has been a cover-up for a long time, and that's why we've fought so hard to bring things out into the open... The country deserves to know the truth of what's happened at Pike River."

Sonya Rockhouse, who lost her son Ben, told the *World Socialist Web Site* that Pike River was the only coal mine in the world known to have its main

ventilation fan installed underground, instead of in the open air. “It’s not safe,” she said. “How it ever got passed [by DoL regulators], I don’t know.”

Notes from a police debrief meeting in April 2012, which were released to the families and made public on February 19, admitted that the handling of evidence in the aftermath of the explosion was “disorganised” and “diabolical.”

“We were told it was shambolic up there,” Rockhouse said. “Nobody really knew what to do. It was a crime scene, 29 men had been killed. From the beginning they didn’t follow protocols, they didn’t bag and tag like you’re meant to with a crime scene.

“That door wasn’t the only thing that got lost. They lost cameras up there. A whole lot of pictures were given to the police and none of them were labelled, nobody knew who took them. It’s very murky who was in control of [the evidence]. We’ve had a couple of different stories, I don’t know if we’ll ever know.”

Andrew Little, the minister responsible for the Labour Party-led government’s plan to re-enter the mine, told Radio NZ he did not know where the missing door was, but would be “surprised if [the police or WorkSafe] don’t have stored somewhere all of the exhibits and the material they collected at that time as part of their investigation.”

The police, however, have not located the door. WorkSafe issued a statement on February 18, stating “evidence custody was not its responsibility,” effectively washing its hands of the whole affair.

Journalist Rebecca Macfie wrote on the *Spinoff* that “in the early weeks of the operation, the police did not regard Pike as a criminal investigation, and therefore couldn’t seize evidence and had to rely on the DoL’s seizure powers.”

The DoL had a blatant conflict of interest in investigating the disaster. The royal commission found that the government regulator failed to shut down Pike River mine despite repeated warnings of safety violations.

The miners’ families are demanding an independent inquiry into the disaster and are optimistic that the re-entry of the mine will provide new evidence.

Whatever the outcome of the re-entry, however, the WSWs warns that the government has no intention of bringing to justice those responsible for the tragedy. A genuine investigation would raise too many questions

about the role of successive Labour and National Party-led governments in creating the pro-business environment that paved the way for Pike River. Since the 1990s both parties had systematically dismantled the DoL’s expert mining inspectorate and allowed mines to self-regulate their safety procedures. In 1992 the requirement for worker-elected safety check inspectors was scrapped.

Any real investigation would also have to examine the role of the Engineering, Printing and Manufacturing Union (EPMU), which represented about half of the 140 miners at Pike River. The union, now called E Tu, made no public criticism of the mine during its operation and did not call any strikes over health and safety.

EPMU leader Andrew Little, now a leading member of the Labour government, defended Pike River Coal immediately after the explosion, telling the *New Zealand Herald* on November 22, 2010, there was “nothing unusual about Pike River or this mine that we’ve been particularly concerned about.”



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