

New Zealand police destroyed Pike River mine disaster evidence

Tom Peters
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Families of some of the 29 men killed in New Zealand's Pike River mine disaster in November 2010 are demanding answers after police admitted to destroying evidence collected at the mine site.

Nearly nine years after a series of explosions in the underground mine, no one from Pike River Coal's management or board has been prosecuted, despite overwhelming evidence that the mine was a death trap. Regulators from the Department of Labour turned a blind eye to the company's flagrant safety violations, including inadequate methane monitoring and ventilation, and no suitable emergency exit. A 2012 royal commission of inquiry concluded that Pike River Coal (PRC) had placed production ahead of the safety of mine workers.

The previous National Party government had threatened to permanently seal the mine, with the 29 bodies still inside. Following a years-long campaign by the families, who gained significant public support, the Labour Party-led government elected in 2017 announced a re-entry operation, which is currently underway. The families hope that this will reveal more evidence so charges can be brought against PRC chief executive Peter Whittall and others.

At every step over the past nine years, however, the families have faced obstruction from those in power, including politicians, government regulators, judges and the police, who have prevented a real investigation and sought to sweep the disaster under the rug.

Previous leaks in 2017 included video footage taken inside the mine when it was partially re-entered months after the disaster. This demolished claims by the government-owned Solid Energy, which took over the mine site after PRC collapsed, that it was too dangerous to re-enter. It was also revealed that police suppressed images of bodies, recorded by cameras lowered into the

mine.

Newshub reported on September 5 that "police destroyed 52 exhibits" in 2015, which had been found after the explosion, including a scientific report and items of clothing, earplugs and breathing apparatus that may have belonged to some of those who died underground. Family members obtained photos of some of the items through a request under the Official Information Act.

Police detective superintendent Peter Read said the items had been available to the royal commission but had not been used, telling the media that they had no evidential value. He did not say what items were destroyed.

Newshub said police were still trying to locate a circuit board and a control panel door which were blown out of the mine. The door, which was reported missing in February, could hold vital clues about the source of the explosions.

Bernie Monk, whose son Michael died, said the families were "never even consulted on any of the things that they've found, or any of the things that they've done. They've just told us nothing."

Sonya Rockhouse, who lost her son Ben, told Fairfax Media "the historic destruction of anything collected from this mishandled crime scene is troubling and should not have happened." Even if the items were thought to have no significance, "they should have been retained for future investigations, just in case."

The *World Socialist Web Site* spoke to Dean Dunbar, whose son Joseph was the youngest person killed in the disaster: he died the day after his 17th birthday, which was his first day underground. Joseph was employed by Valley Longwall, a drilling company which received a negligible fine of less than \$50,000 for its role in the disaster.

“We miss him dearly, we’ve got to make sure that we honour his memory,” Dean said. “The boy deserves better than what happened to him. He was a boy that had the gall of a lion, to go underground at that young age. He just wanted to pay his own bills and start his career. He trusted the people that took him underground, he trusted the people that managed the mine. He knew nothing about anything.”

Dunbar said “the field control panel and other evidence that was blown out of the vent shaft was absolutely crucial.” He believed it could determine whether any of the men survived the initial explosion on November 19, before a second explosion on November 24 ended any hope of survivors.

The missing and destroyed items would add to existing evidence, which Dunbar said was already “more than enough” to prosecute Whittall, former PRC general manager Doug White, and mine manager Steve Ellis. “It’s extremely hard to find something that Pike River wasn’t doing negligent or dangerous,” Dunbar said.

White and Whittall were advised by lawyers not to answer specific questions during the royal commission, which had no powers to compel testimony or hold individuals accountable.

Dunbar strongly criticised the police operation following the initial explosion. PRC leadership had been allowed to come and go regularly from the mine site, which should have been treated as a crime scene. Management took “laptops, hard drives, cellphones—all the usual things that police should commandeer after 29 people were either blown to smithereens or trapped behind rock falls or other obstructions.”

Subsequent investigations by police and the Department of Labour (DoL) were “a debacle.” The DoL was profoundly compromised, having been warned “through emails, from former chief mines inspectors, and had warnings from past employees,” about the life-threatening conditions at Pike River.

The DoL (now called WorkSafe) initially laid charges for health and safety violations against Whittall but these were dropped in a back-room deal. In 2017 the Supreme Court ruled in favour of the families that the dropping of charges was unlawful, but charges have not been reinstated.

“I don’t think any department or agency or politician deliberately goes out to cause death or destruction,”

Dunbar said. But, he added, “when government agencies and departments leave a trail of death and destruction behind them, they cover it up.”

Dunbar said in addition to the DoL and police, the Engineering Printing and Manufacturing Union (now called E Tu) “failed” the mine workers. The union had about 70 members working at PRC but never raised any criticisms before the explosion. Dunbar noted that union leader Andrew Little “said after the first explosion that Pike River had best practice.”

Little is now the Labour government’s minister in charge of the Pike River re-entry operation. He has not commented publicly on the report that evidence was destroyed by police.

Labour and National Party governments were complicit in creating the conditions that led to the disaster, Dunbar said. “They both played parts in the deregulation, they both played parts in the stripping of the Mines Inspectorate,” the specialised enforcement unit within the DoL that was severely understaffed.

“Let’s hope that what we achieve over the next couple of months is enough. We’re fighting the machine, it’s very hard,” Dunbar explained.

The families and their supporters, including independent mining experts, are determined to recover the area of the mine known as “pit bottom in stone,” and analyse the evidence there for a future prosecution. “We’ve got to be extremely careful about who is doing that forensic investigation, how they undergo that and what happens to that evidence when it’s given to police,” Dunbar said.



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