What is the New Zealand government trying to bury in Pike River mine?

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The New Zealand Labour Party government's plan to abandon the underground investigation into the 2010 Pike River coal mine disaster has sparked significant opposition. Nearly 6,000 people have signed a petition supporting 22 of the families of the 29 miners who died in the mine, urging Prime Minister Jacinda Ardern to reverse the decision.

The government wants to pull investigators out of the mine after exploring only the drift or entry tunnel. It is refusing to re-enter the mine workings, including the site of the underground fan that may have ignited the first explosion on November 19, 2010. More than a decade later, no bodies have been recovered and no one has been prosecuted for the disaster, despite a 2012 royal commission finding that Pike River Coal Ltd. breached numerous safety laws and regulations and turned the mine into a death trap, in order to cut costs.

The families' petition states: "We're just two piles of coal from answers. Two piles of coal from finding out what really caused the Pike River tragedy… If they seal the mine now they will lock that critical evidence away forever, with it, any chance of finding out what happened, of holding those responsible to account, and of making sure it never happens again."

The WSWS has published dozens of letters demonstrating international support for the families, and outrage at the lack of justice for the men who were killed at work.

The 22 families, organised as the Pike River Families Group (PRFG), are taking legal action to try and stop the government from permanently sealing the mine with concrete before the criminal investigation is completed. International mining experts, who previously advised the government's Pike River Recovery Agency, are supporting the PRFG and have outlined how the two roof-falls ("piles of coal") can be safely passed using standard mining practices.

The Ardern government would be incapable of enforcing this agenda of coverup without the assistance of all sections of the political elite in NZ, including the Greens, the Council of Trade Unions, the corporate media and the pseudo-lefts of Socialist Aotearoa, the International Socialist Organisation (ISO) and Organise Aotearoa. The mainstream media has barely reported on the PRFG's struggle, and supports the push to seal the mine without anyone being prosecuted. Most recently, on June 8, the *Otago Daily Times* editorialised that the families should "move on" and that the re-entry operation was too expensive. The pseudo-left organisations have written nothing since the Ardern government came to office in 2017.

The government is relying on the trade union bureaucracy, which has maintained a conspiracy of silence about the cover-up of one of the country's worst industrial disasters. E t?, formerly known as the Engineering, Printing and Manufacturing Union (EPMU), had 71 members at Pike River when it exploded; its current national secretary Bill Newson told the WSWS in May that the union "supports the government's position regarding not re-entering the main mine."

Minister for Pike River Recovery Andrew Little, who ordered the shutdown of the investigation, was the head of the EPMU when Pike River exploded. This is a clear conflict of interest, since the union was complicit in the disaster. It took no action to stop workers entering the mine, despite knowing about the unsafe conditions. In the days after the disaster, Little defended the company's safety record.

The government's move to seal and walk away from the mine as quickly as possible raises disturbing questions of vital importance to the working class in New Zealand and internationally: What is the government seeking to bury, and why?

Little has claimed that it is too technically difficult, unsafe and expensive to proceed into the mine workings. These claims are demonstrably false.

The real aim of the government, representing the NZ ruling class, is to cover up the causes of the disaster in order to protect those responsible for the 29 deaths, including: Pike River Coal and its backers; the Labour Party and National Party governments who dismantled safety regulations for the mining industry; and the Department of Labour and union bureaucracy, which knew the mine was unsafe and did nothing to protect the workers.

The importance of the underground evidence

The royal commission of inquiry's 2012 report is a damning indictment of Pike River Coal and the regulators who allowed the mine to operate. It stated that the company "had not completed the systems and infrastructure necessary to safely produce coal," with methane ventilation and drainage systems that were completely inadequate, and "the drive for coal production before the mine was ready created the circumstances within which the tragedy occurred."

There were "numerous warnings of a potential catastrophe at Pike River" the report said, including "reports made by the underground deputies and workers. For months they had reported incidents of excess methane (and many other health and safety problems). In the last 48 days before the explosion there were 21 reports of methane levels reaching explosive volumes, and 27 reports of lesser, but potentially dangerous, volumes. The reports of excess methane continued up to the very morning of the tragedy. The warnings were not heeded." [1]

The commission highlighted the lack of a second egress, or emergency exit—a clear violation of the law. The company designated the ventilation shaft, with a 105 metre ladder, as the second egress, but the royal commission found that it would have been "difficult, perhaps impossible" to climb in the event of an emergency, and "after the explosion the vent shaft became a chimney for flame and noxious gases." [2]

It found that the Department of Labour (DoL), which knew about the lack of a second egress and other safety problems, "should have prohibited Pike from operating the mine until its health and safety systems were adequate." [3]

Royal commissioner Stewart Bell, Queensland's former head of mine safety, told Radio NZ in September 2014 he was surprised that no one had been prosecuted over the many blatant breaches documented by the commission. The commission's terms of reference, set by the then-

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National Party government, prevented it from recommending charges.

The DoL (now called WorkSafe) initially charged Pike River chief executive Peter Whittall for 12 breaches of workplace safety legislation, but the case was dropped in a backroom agreement between the department and Whittall's lawyers, in exchange for a one-off payment to the families—a deal that was later ruled unlawful by the Supreme Court.

In 2014, police suspended their initial criminal investigation of the disaster and insisted that they could not lay charges without physical evidence from inside the mine.

Without such evidence, the royal commission could not reach a firm conclusion about what sparked the November 19 methane gas explosion. It identified possible sources including diesel engines, "contraband" items taken into the mine, "frictional ignition" from mining activities, "sparks from the non-flameproofed underground fan," or another electrical fault. [4] The commission highlighted the extreme negligence of Pike River Coal's decision to place its main fan underground. Coal mines never do this, largely because "a malfunction of the fan or its motor can be a source of ignition." [5]

The placing of main fans underground in coal mines is expressly outlawed in some countries, including the United States and Canada, and the International Labor Organization's code of practice assumes that they are installed on the surface. Establishing that the fan played a role in the Pike River disaster would reinforce the immense danger of such practices.

The Independent Technical Advisory Group (ITAG)—mining experts, led by former chief inspector of mines Tony Forster, supporting the Pike River Families Group—released a Conceptual Development Plan in early May for the recovery of the main fan site, beyond the two coal-falls.

The ITAG document, drawing on the findings of the royal commission and subsequent investigations, pointed out that "commissioning problems [were] reported at the main fan in October 2010, associated with overheating fan control cabinets, sparking at the main fan drive shaft and subsequent removal of a brass sealing ring from the main fan shaft bulkhead wall. The latter created a potential air leakage path which could have allowed methane enriched return air (in the 5% -15% explosive range) to flow over non-explosion proof electrical equipment including the fan motor and associated control switches."

The ITAG noted that "part of the main fan electrical power supply cabinet, LC601, and associated plastic circuit board pieces" were blown out of the ventilation shaft by the force of the explosion. This "important evidence" was "photographed and retrieved from the mountainside to the Pike River manager's office," but it then "disappeared." If it had been forensically tested, the debris could have indicated whether the fan sparked the explosion. [6]

The disappearance of this physical evidence was only made public in February 2019. Minister Andrew Little told Radio NZ that he thought the police and WorkSafe would have the fan cabinet component "stored somewhere [with] all of the exhibits and the material they collected." But the item has never reappeared and police have never explained what happened to it. Police admitted to destroying other exhibits, including a scientific report and items of clothing, earplugs and breathing apparatus that may have belonged to some of those who died underground.

It is not clear whether the royal commission knew of the existence of the main fan debris. Tens of thousands of documents, photos, videos and other evidence examined by the royal commission in 2011–2012 have been embargoed for 100 years.

The Department of Internal Affairs told an academic researcher in 2017 that the embargo was necessary "to protect personal privacy as well as to maintain implied and existing undertakings in relation to confidentiality"—a statement which explains nothing (whose privacy and what undertakings?). [7]

This extraordinary decision prevented any independent analysis of the evidence presented to the commission. Bernie Monk and Dean Dunbar, whose sons Michael and Joseph died at Pike River, have demanded that the embargo be lifted and accused the state agencies of a cover-up.

Other evidence inside the mine was literally covered up with concrete in September 2011, when the mine was controlled by Pike River Coal's receivers, and Steve Ellis, who was the manager when the disaster happened, was still employed at the site. Essentially, police allowed the crime scene to be controlled by some of the same people that were supposedly the subjects of a criminal investigation.

Electrical engineer Richard Healey, who has worked with some of the Pike families for the past two years to investigate the disaster, revealed leaked documents and video footage last year, showing that hundreds of cubic metres of concrete were poured into the mine down a narrow ventilation shaft. The concrete flooded the so-called "fresh air base," an area that included emergency equipment and where any survivors of the first explosion might have congregated. [8]

The suppression, mishandling and destruction of evidence makes it all the more imperative that there is a full underground investigation of the mine, conducted by independent forensic and mining experts.

Is it safe to enter the mine workings?

The previous National Party government initially promised to re-enter Pike River mine and retrieve all the remains of the 29 men. This promise was ditched following the 2011 election. Prime Minister John Key and his ministers claimed, falsely, that the mine had been a raging inferno, with human remains and evidence completely destroyed by explosions and fires, and that the mine was not safe to re-enter.

In fact, images taken deep within the mine, by cameras lowered down bore holes in 2011, showed that much of the mine workings were relatively undamaged. Items, including a wooden pallet and a plastic bucket, were recorded on video, as was an intact and clothed body. Some of the footage was made public in 2017 after it was leaked to the families.

In the lead-up to the 2017 election, after families protested against the National government's plan to seal the mine, the opposition Labour Party, the Greens and the right-wing NZ First Party all promised to re-enter the mine to search for evidence and bodies. In 2019, the Labour-led coalition government began the re-entry of the 2.2 kilometre drift. This was done safely by the Pike River Recovery Agency (PRRA), with assistance from some of the same mining experts who are now in the ITAG pushing for the exploration of the mine workings.

The ITAG's Conceptual Plan responds to claims made by Minister Little to the media that the area around the roof falls is "inherently unstable." The document states that, based on analysis and observations by the PRRA and previous studies, "there is no information to suggest that stability either above or below ground, at or around the roof fall zone… has measurably altered since 2010 as a result of the explosion or fire." [9]

The experts outline a proposal "using standard mining practices by which recovery of the main fall and access to the underground ventilation fan could be safely achieved." It explains how the coal-falls can be excavated and workers can systematically advance, installing "steel-arch lined access tunnel supports"—a common method used in mines internationally. [10]

In its official response to the ITAG plan to proceed past the two roof-falls and into the main fan area, the PRRA does not dispute these points. There is no mention of "inherent instability." The agency admits that the experts' plan is "technically feasible" and safety issues can be mitigated.

In rejecting the Conceptual Plan in late May, Little did not mention safety concerns. He referred to the "significant costs associated with the Plan," "unquantifiable technical issues," and the fact that Cabinet had given the PRRA no "mandate" to explore the mine beyond the drift. [11]

In a June 4 statement responding to Little, the Pike River Families Group objected to the justice system being "subjected to arbitrary fiscal restraints in this way." It added that the PRRA's claim that entering the mine workings would cost upwards of $20 million "cannot be

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substantiated and appear[s] to be guesswork." Little has refused to authorise a proper cost assessment; the ITAG estimated that its plan would cost $8 million.

As family members have pointed out, this pales compared to hundreds of millions of dollars wasted by the government on yacht races and the renovation of parliament. Billions have also been spent over the past year to bail out corporations and shield the rich from the economic crisis triggered by the COVID-19 pandemic.

The PRRA claimed that the ITAG plan "takes no account" of work being undertaken by police to drill bore holes into the mine workings, including one that will allow "visual examination of the site containing the fan housing and the motor room beside it." The agency continued: "Police believes… [this] will substantially corroborate or discount the various theories presented to the Royal Commission of Inquiry as to the cause of the initial explosion" and bring the investigation "to a point where charging decisions can be made." [12]

There is no reason to accept these assurances—particularly given the police decision in 2014 not to lay charges because of the lack of physical evidence. Pike River family members have described the new plan as "second-best" evidence-gathering, which is less likely to stand up in court.

Aside from costs, there is no reason given why the drilling of bore holes should preclude a manned examination of the fan site. Nor has the government explained why this work justifies the mine being permanently sealed. If a camera lowered down a bore hole discovers a body, or other significant physical evidence, a permanent seal will ensure that it can never be physically recovered and forensically examined.

Were there survivors after the November 19 explosion?

The re-entry of the mine workings could shed light on whether any of the 29 men survived the first explosion on November 19. In the days that followed the explosion, Pike River chief executive Whittall and the police told the public and the families that a rescue operation was being discussed, based on the assumption that there could be survivors trapped underground. When a second explosion occurred on November 24, the authorities declared that there was no longer any chance of survivors.

The royal commission's report stated that Mines Rescue could not have mounted a rescue attempt because of "a lack of information" about the mine's atmosphere, due to inadequate gas monitoring systems. The damaged underground ventilation unit and lack of a second egress added to the dangers facing rescuers.

The report criticised decision-making at the mine site, saying: "Instead of decisions being made at Pike River, where mining and rescue experts were gathered, many were made by non-experts in Wellington. This slowed the emergency response and could have impeded a rescue had one proved possible." [13] Police were in charge and in continual discussions with Pike River Coal, Mines Rescue and Department of Labour officials, and there were conflicting views on whether the mine should be immediately entered or sealed to prevent further explosions.

The royal commission concluded that the men "probably died instantly, or from the effects of noxious gases and oxygen depletion soon after the explosion on 19 November." However, the report noted that images taken by a laser scanner lowered into the mine's "fresh air base" on November 24, just before the second explosion, showed that a box containing self-rescue breathing apparatus was open. It said "how the lid was opened remains unexplained," but that it might have been opened by a survivor. [14]

Other information supports the possibility of survivors. Alan Monk, whose brother Michael died in Pike River, pointed out in a recent video that miner Allan Dixon's family said they had received a phone message from him minutes after the first explosion. His sister-in-law Leona told the *Australian* on November 23: "It was something very brief, like 'I love you.'" Monk said police officers took the cellphone to analyse the message and then "accidentally deleted it." Pike River Coal and the police both insisted it was not possible for any call to be made from within the mine.

Mines Rescue general manager Trevor Watts told the royal commission in September 2011 that no one could have survived because a compressed air line into the mine was ruptured. [15] However, an expert report commissioned by the Department of Labour and dated January 2012, estimated that the pipe had ruptured 2,300 metres into the mine, i.e. possibly beyond the roof-fall. [16] Electrical engineer Richard Healey told the *Press* on July 24, 2020 that the pipe could have provided breathable air for any trapped workers, who he believed could have survived even the second explosion. He said the compressed air was switched off two hours after the second explosion, when police announced that there was no longer any possibility of survivors.

A thorough underground investigation could also help establish what sparked the second explosion, which was not looked at in detail by the royal commission. Healey has suggested, based on analysis of electrical data and documents leaked to the families, that the blast happened when a conveyor belt going into the mine was switched on. *Stuff* reported on September 26, 2018: "Documents show police did discuss using the conveyor belt prior to the explosion to help any survivors escape the mine." Police admitted that this was discussed but denied turning on the belt.

Serious questions remain about what happened between the first and second explosions, including the decisions made by police and Pike River Coal.

Who is the government protecting?

For more than a decade, successive National Party and Labour Party governments, along with the police and the judicial and regulatory system, have prevented anyone being prosecuted for actions that led to the deaths of 29 men. This demonstrates the reality of class justice under capitalism: rich businessmen are protected.

By burying the evidence, literally and figuratively, the Ardern government is continuing a cover-up to ensure that no one is held accountable. This includes Pike River chief executive Peter Whittall, his predecessor Gordon Ward and managers Steve Ellis, Doug White and Robb Ridl. The company's board of directors included chairman John Dow, Ray Meyer, Tony Radford, Stuart Nattrass, Arun Jagatramka and Dipak Agarwalla. Pike River Coal was 31 percent owned by New Zealand Oil & Gas (NZOG). Two Indian-based companies, Gujarat NRE Coke and Saurashtra Fuels, owned 10 percent and 8.5 percent respectively.

These individuals have never given a full, public account of their actions at Pike River. They were not required to speak at the 2012 royal commission, and those who did appear, including Whittall and Ellis, could choose not to answer specific questions. Ellis went on to work as operations vice-president for Compliance Coal's underground mine in Canada. Whittall moved to Australia, where he is the chief executive of a retirement home.

While the government falsely claims that it cannot pay for a thorough investigation of Pike River, none of these wealthy individuals or companies have been made to contribute anything. Following the disaster NZOG and the Bank of New Zealand (Pike's creditor) shared in an insurance payout of more than $70 million.

Those responsible for the environment that led to Pike River include successive governments, led by Labour and National, which dismantled the state's specialist mines inspectorate during the 1990s and allowed mining companies to self-regulate. Worker-elected check inspectors, with the power to stop work underground if conditions were unsafe, were abolished in 1992. Governments ignored warnings from mining experts that the deregulation would inevitably lead to disaster.

The unions covering the mining industry did not organise any industrial campaign against these attacks, which were aimed at slashing costs and

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increasing profits. Like their counterparts internationally, the NZ unions responded to the globalisation of production by enforcing ruthless pro-corporate restructuring from the 1980s onwards, to make NZ businesses competitive with their rivals overseas. These upper middle class organisations collaborated with businesses and the state to impose mass redundancies, including about 4,000 job cuts in the state-run coal mines during the late 1980s.

At Pike River, the Engineering, Printing and Manufacturing Union (EPMU) had 71 members, about half the company's workforce (not including contractors). Union officials knew the mine had no second egress, that workers had protested over the lack of emergency equipment, and that there had been methane gas ignitions in the mine in 2008. [17] But the EPMU never publicly criticised Pike River, let alone organised industrial action to stop its life-threatening operations. After the explosion, EPMU leader Little initially defended the company's safety record, telling Radio NZ that there was "nothing unusual" about the mine, and that it had a "good health and safety committee that's been very active."

As minister responsible for Pike River in the Labour government, Little is continuing his role as a defender of big business by ending the investigation. He is also preventing further scrutiny of the EPMU's role. Any genuine investigation would have to examine the union's records and correspondence, which would reveal the extent of its collaboration with Pike River's management, and how much the EPMU bureaucrats knew about conditions in the mine.

With the stampede to end the underground investigation, the government is sending a clear message that corporations can get away scot free with criminal practices that lead to mass deaths. This cannot be allowed to happen!

The working class must support the Pike River Families Group's fight for a thorough, independent and transparent investigation of the disaster, and for the prosecution of those responsible.

Stop the cover-up! Stop sealing the mine! End the embargo on the royal commission's evidence, and stop protecting corporate criminals!

Notes:

[1] *Royal Commission on the Pike River Coal Mine Tragedy*, Vol. 1, p12.

[2] *Royal Commission*, Vol. 2, Part 1, p226.

[3] *Royal Commission*, Vol. 1, p12.

[4] *Royal Commission*, Vol. 2, Part 1, p190.

[5] ibid., p84.

[6] Pike River Independent Technical Advisory Group, "Conceptual Development Plan for Main Fan Access Roadway Recovery," p4.

[7] Felicity Lamm, "Pike River Mine: Bring them home," *Briefing Papers*, May 1, 2017.

[8] "Tonnes of concrete poured into 'critically important' Pike River Mine air feed where miners could have gathered - Electrical expert," *Newshub*, November 21, 2020.

[9] "Conceptual Development Plan," p13.

[10] ibid., p22, p18.

[11] Pike River Recovery Agency, "Briefing of the initial high level review of the 'Conceptual Development Plan for Main Fan Access Roadway Recovery,'" May 26, 2021, p3.

[12] ibid., p7.

[13] *Royal Commission*, Vol. 1, p26.

[14] *Royal Commission*, Vol 2. Part 1, p231.

[15] "Pike mine 'should have been sealed'", *Stuff*, September 21, 2011.

[16] Energy NZ on behalf of the Department of Labour, "Pike River Coal Audit Report for November 19, 2010," January 2012, p10.

[17] Rebecca Macfie, *Tragedy at Pike River Mine*, Awa Press, 2013, p180.

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