

# Call for inquiry into dropping of charges over New Zealand's Pike River mine disaster

Tom Peters  
25 June 2026

More than 15 years after the 2010 Pike River coal mine disaster in New Zealand, there are indications that police may be close to announcing whether or not criminal charges will be laid for actions leading up to the underground explosions, which killed 29 workers.

Last week, Christopher Harder, a former criminal lawyer working with some of the families of the victims, publicly urged police to widen the scope of their investigation. Before making a final decision on charges, he called on police to investigate the unlawful agreement reached in 2013 between the state and Pike River Coal's chief executive Peter Whittall, which resulted in charges against Whittall for breaches of health and safety laws being dropped.

Successive governments, state regulators and the judicial system have prevented anyone from being held accountable, despite abundant evidence that Pike River Coal broke numerous laws and the mine was effectively a gas bomb waiting to explode. A 2012 Royal Commission of Inquiry found that the company had placed production ahead of safety and ignored multiple warnings of dangerous gas levels. The mine was poorly ventilated, had grossly inadequate methane gas monitoring systems, and no emergency exit as required by law.

Speaking with podcaster Duncan Garner on June 17, Harder explained that he had held 15 conversations with a senior police officer, Detective Inspector Grant Wormald, between mid-2024 and mid-2025. Harder decided to release a summary of these discussions and to speak publicly about them after learning that Wormald was no longer in charge of the Pike River investigation.

Harder told Garner that he was concerned that police were close to making final decisions without properly considering how the previous prosecution of Whittall in 2013 was stifled. This was the main subject of his discussions with Wormald. In any new trial of Whittall, Harder said, the dropping of charges 13 years ago would likely be raised.

In December 2013 the state regulator WorkSafe agreed to withdraw the charges in exchange for a payment of \$3.41 million made by an unnamed insurance company on behalf

of Whittall and Pike River Coal's board of directors to the families of the disaster victims. The deal was accepted based on legal advice from Solicitor-General Michael Heron KC—advice which has never been made public.

This agreement was denounced by the families as “blood money” and in 2017 it was ruled “unlawful” by the Supreme Court. Yet none of the lawyers or state officials involved faced any consequences and the charges against Whittall were not reinstated.

Speaking with Garner, Harder quoted from an email he had uncovered, which he had raised with Wormald. The email was sent by Crown Solicitor Brent Stanaway, acting for WorkSafe, to Whittall's lawyer Stuart Grieve at 8.41 a.m. on December 6, 2013. It stated that “we now have a concluded arrangement as to the dismissal of the charges against Mr Whittall, which includes the public interest consideration of a payment of \$3.4 million to the 29 Pike River men who died and 2 survivors.”

The email is significant because it appears to contradict what Judge Jane Farish said in open court on December 12, 2013, when she announced that the prosecution of Whittall would not proceed. The judge stated that Whittall was not “buying his way out of a prosecution.” She said “the decisions that have been reached today [the payment and the dropping of charges] have been reached by two discrete processes” and told the Pike River families that “this is not some behind-the-scenes deal that has gone on.”

Harder explained to Garner that Judge Farish issued a minute on May 10, 2022, which said that her ruling reflected what she discussed in a chambers hearing on December 10, 2013, with both Stanaway and Grieve.

“That is the problem,” Harder said. “On the one hand, the court was told enough for Judge Farish to conclude that the payment and the withdrawal of charges were separate and discrete matters. On the other hand, a document concealed from every court for more than 11 years records what appears to be a ‘concluded arrangement’ involving both dismissal of the charges and payment of \$3.4 million.”

In his discussions with Wormald and the interview with

Garner, Harder also drew attention to other correspondence between the two lawyers. Harder contends that an email sent by Grieve to Stanaway initially on October 16, 2013, proposing the deal to drop the charges, was altered multiple times to make the deal appear lawful. Harder said the final version of the email was dated October 16 and saved under a filename consistent with that date, 13-10-16 L2.Stanaway.pdf, even though it had actually been created or altered on December 6.

On December 6, 2013, Whittall’s lawyer Grieve redrafted the email with a new clause requiring the Pike River families to “counter-sign letters” acknowledging that the \$3.41 million was “made on behalf of the Company’s directors and officers in recognition of harm arising directly or indirectly from the explosions or any subsequent events arising from those explosions.”

Stanaway replied that this was unacceptable to WorkSafe. He wrote to Grieve: “While I understand there may be other conditions for the insurers now, any variation in the arrangement... will not be acceptable.” A third version of the letter was created without the clause.

The exchange raises questions: What exactly were the conditions that the insurance company was demanding? Was it seeking to limit its liability and/or prevent further legal action by the families?

The identity of the insurer has not been made public. It has never been explained why, and under what policy, an insurer agreed to pay \$3.41 million to stop Whittall from going on trial. The company’s own insurance was exhausted. A few months earlier, in July 2013, Pike River Coal was fined for health and safety violations and ordered to pay \$3.41 million in reparations to the families, but the company was bankrupt and its receivers said there was only enough to pay each family \$5,000.

Harder, in his discussions with Wormald, raised the possibility that another company linked to Pike River mine provided the \$3.41 million via a separate insurance policy.

Bernie Monk, whose son Michael was killed in the Pike River mine, told the WSWS he was visited last week by police on June 18 and informed that they were close to announcing a decision on whether or not to prosecute people over the disaster. “They didn’t say yes or no, and they didn’t say who they were or weren’t going to [prosecute],” but a police officer told Monk that “not all people will be happy” with the decision.

Monk said he had urged police not to blame the explosion on the workers who died. He noted that the Royal Commission found that in the 48 days leading up to the disaster there were “more than 40 times that the mine could have exploded” because of high gas levels and the company “didn’t do anything about it.” He said subsequent

investigations had identified problems with the electricity supply to the mine, which may have contributed to the explosions.

Monk said he was concerned that police were not taking the issues raised by Harder seriously because the 2013 deal “opens too many cans of worms” about the justice system itself. He noted that despite the 2017 Supreme Court finding that the dropping of charges against Whittall was unlawful, “nothing happened” as a result.

The Pike River disaster implicates the company’s management, the state regulators who allowed the mine to operate, and successive governments that dismantled the specialist mines inspectorate. Any trial of Whittall or other senior company figures could also expose the role of the trade union bureaucracy. The Engineering, Printing and Manufacturing Union (EPMU, now called E t?) had about 70 members at Pike River, knew about the dangerous conditions underground, but kept quiet and did nothing to stop its path to disaster.

EPMU leader Andrew Little—who is now mayor of Wellington—defended Pike River Coal in the aftermath of the explosions. He also played a key role, as Minister for Pike River Re-entry, in the last Labour Party-led government’s decision to abort the underground investigation of the mine.

The Labour Party promised in its 2017 election campaign to re-enter the mine to retrieve the 29 bodies and gather evidence for prosecutions. Police reopened an investigation into the disaster in 2018. In 2021, however, Minister Little claimed that the re-entry had become too expensive. The operation was aborted—in the face of opposition from the families and mining experts—before investigators could reach crucial evidence in the mine workings, such as the underground fan, which may have sparked the first explosion.

The Pike River disaster and the decade-and-a-half-long cover-up has revealed that every capitalist institution—the parliamentary parties, regulators, unions, and the judicial system—upholds the interests of the rich and shields the corporate elite from accountability.



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