



**Royal Commission on the Pike River Coal Mine Tragedy**  
**Te Komihana a te Karauna mōte Parekura Ana Waro o te Awa o Pike**

**UNDER**

**THE COMMISSIONS OF INQUIRY ACT 1908**

**IN THE MATTER OF**

**THE ROYAL COMMISSION ON THE PIKE RIVER COAL  
MINE TRAGEDY**

Before:

The Honourable Justice G K Panckhurst  
 Judge of the High Court of New Zealand  
 Commissioner D R Henry  
 Commissioner S L Bell  
 Commissioner for Mine Safety and Health, Queensland

Appearances:

K Beaton, S Mount and J Wilding as Counsel Assisting  
 J Haigh QC and B Boyd for Douglas White  
 J Rapley for Neville Rockhouse  
 S Moore SC, K Anderson and K Lummis for the New Zealand Police  
 N Davidson QC, R Raymond and J Mills for the Families of the Deceased  
  
 S Shortall, A Rawlings, A Glenie, D MacKenzie, A Gordon for certain  
 managers, directors and officers of Pike River Coal Limited (in  
 receivership)  
 C Stevens and A Holloway for Solid Energy New Zealand  
 R Buchanan for Fire Service Commission and West Coast Rural Fire  
 Authority  
 K McDonald QC, C Mander, and A Boadita-Cormican for the Department  
 of Labour, Department of Conservation, Ministry of Economic  
 Development and Ministry for the Environment  
 G Nicholson and S Steed for McConnell Dowell Constructors  
 G Gallaway, J Forsey and E Whiteside for NZ Mines Rescue Service  
 B Latimour for Coal Services Pty Ltd  
 N Hampton QC and R Anderson for Amalgamated Engineering, Printing  
 and Manufacturing Union Inc

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**TRANSCRIPT OF PHASE TWO HEARING  
HELD ON 5 SEPTEMBER 2011 AT GREYMOUTH**

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**THE COMMISSION:**

Now, in terms of witnesses, we're in a position are we to proceed direct with the, the first witnesses?

**MS BEATON:**

5 Detective Senior Sergeant Hughes, yes sir, and I think my learned friend Mr Moore is intending to call him.

**MR MOORE:**

Yes may it please the Commission I call Nigel Maurice Hughes and just to remind the Commission this touches on issue 2.8, which is the location of men  
10 and work activities around the time of the first explosion and also set out as question 1 to the Royal Commission's minute in respect of Phase Two.

**MR MOORE CALLS****NIGEL MAURICE HUGHES (SWORN)**

15 Q. Yes, good morning, would you tell the Commission please your full name?

A. Sir, my full name is Nigel Maurice Hughes.

Q. And I think you have with you your two-page brief of evidence prepared for the Commission before you, is that right?

20 A. Yes I do.

Q. The formula that we've been adopting is for you to read that, then forms part of the record and there are references to two exhibits and when we get to those I'll provide those numbers and we'll get images of those, so detective senior sergeant, would you start please at paragraph 1?

25 A. Sir, "My full name is Nigel Maurice Hughes. I'm detective senior sergeant in the New Zealand Police. I am currently assigned as a second in charge of the Christchurch based criminal investigation branch investigation into the Pike River Mine explosion. My role is to co-ordinate the criminal investigation branch investigation as a whole.

30 At the end of March 2011, I tasked Constable Melanie Noonan in her role as an intelligence analyst to review data available to her with the

view to establishing the possible locations in the mine of the 29 deceased men. The Commission has asked that a plan be provided to show where the investigation information currently places the men in the mine. This draft plan may change as the work being done is under constant revision as the investigation progresses. It is impossible to be definitive with the locations due to a variety of factors including timeframes between the sightings and the explosion which would give the opportunity for the men to move some distance from where they were last seen. The explosion occurred close to a shift changeover and active mining was not occurring at the time causing further difficulties in placing the men with any accuracy. Constable Noonan has created the working draft plan attached annotated with file reference number 12,075, 12075. The plan gives a general indication of the possible placement of the men prior to the explosion based on the observations of those that have been interviewed.”

Q. Now, just pausing there, at the end of paragraph 7 of your brief, and I'll just ask that this exhibit which is SOE, which refers to sequence of events, 019.00002, if that could be displayed?

**WITNESS REFERRED TO EXHIBIT SOE 019.00002**

1210

Q. Now it's behind you and to your left and it's also on the monitors as well. Do you recognise that as the plan you're referring to?

A. Yes, I do.

Q. And that is a best estimate that the police have pulled together as part of the investigation file –

A. Yes.

Q. – based on the observations of others as to what was happening, is that right?

A. Yes, that's correct.

Q. And am I correct that one of the real complications in terms of assessing the accuracy of that estimate is because at the time of the explosion or immediately before it, mining operations were not being undertaken?

A. Yes, that's right.

Q. Thank you, all right, now if you just carry on, paragraph 8?

A. "In preparing the plan Constable Noonan considered the information provided by the survivors of the explosion, control room staff, management and those contractors and members of crews who had been in the mine on 19 November 2010, approximately 55 in total. Not all of those interviews provide information able to assist with the last sightings and intended movements of the deceased. Twenty-nine of those interviewed to date, have been able to provide information relevant to the draft plan. At the request of counsel assisting the Royal Commission, the police provided a large undated plan entitled Pike River Mine to the Royal Commission on 10 August 2011."

Q. All right, just pausing there, we're at the end of paragraph 9 of your brief, and if we could please have up, I think it's exhibit 14, is that correct? Thank you. And is that the plan?

A. Yes, it is.

Q. Thank you, you carry on.

A. "This plan identifies Callum McNaughton as the mine surveyor, although the plan is not signed by him. Attached to this brief of evidence are three unsigned plans labelled Fire Fighting and Rescue Plan' Sheet 1 of 3, Sheet 2 of 3 and Sheet 3 of 3, respectively. These three plans, which contain information broadly similar to that contained in the large single plan provided to the Royal Commission, identify Callum McNaughton as the mine surveyor and appear to have been drawn on 21 April 2009."

**25 EXHIBIT 14 PRODUCED – MAP OF PIKE RIVER COAL**

**LEGAL DISCUSSION (12:13:07) – CROSS-EXAMINATION**

**CROSS-EXAMINATION: MS SHORTALL**

Q. Now sir, in preparing the plan Constable Noonan considered statements given by members of those Pike River crews who had worked and completed shifts on the 19<sup>th</sup> of November 2010, right?

A. Yes.

Q. And crew had worked the nightshift and finished on the morning of 19 November at around 8.00 am, right?

A. Yes.

5 Q. So almost eight hours before the time of the explosion later that day, right?

A. Yes.

Q. And the B crew had worked the dayshift and left the mine at approximately 2.50 pm, right?

A. Yes.

10 Q. So again, almost an hour before the time of 19 November 2010 explosion, right?

A. That's right.

1215

15 Q. In fact you mention that some men may have moved some distance by the time of the 19 November explosion from where they were last seen, didn't you?

A. Yes.

Q. In fact, men working in an underground coalmine move about frequently, don't they?

20 A. That's right.

Q. And you would agree with me that it's possible at least some of the 29 deceased men were not in the locations identified on your draft plan at the time of the November 19 explosion, wouldn't you?

A. Yes.

25 Q. In fact you would agree with me that it's possible none of the 29 deceased men were in the locations identified on your draft plan at the time of the 19 November explosion, wouldn't you?

A. That's correct.

30 Q. Now if we look at the draft plan, if it could just be brought up onto the screen again please. I'd just like to get some sense of the scale. The distance from the area known as, "Spaghetti Junction," and can you see that identified on your draft plan sir?

A. Yes.

Q. The distance from that area to the furthest phase, let's even take point number 4 on your plan, is around 700 metres, isn't it?

A. Approximately, yes.

5 Q. Yes. So that's about the length of Mackay Street here in Greymouth, right?

A. Well I know the approximate measurement but not in the sense that you're describing, yes.

Q. Well perhaps to use another analogy, you agree with me sir it's about the length of seven rugby fields perhaps?

10 A. Yes.

Q. In a matter of minutes a man could have relocated himself from most, if not all of the possible locations, reflected on your draft plan, right?

A. That's right.

15 Q. In fact I think it's your evidence sir that it's impossible to be definitive about the locations of the 29 deceased men, right?

A. That's right.

Q. And one of the difficulties, and counsel mentioned this, is that active mining was not occurring at the time of the explosion on the 19<sup>th</sup> of November was it?

20 A. That's right.

Q. In fact there'd been no mining at all between 12 noon and 4.00 pm on the 19<sup>th</sup> of November had there?

A. That's correct.

25 Q. And Steve Ellis, the production manager at Pike River at the time had instructed the underviewer to deploy Pike miners on contingency tasks, hadn't he?

A. Yes.

Q. And those tasks included manually stone-dusting the tunnel walls, didn't they?

30 A. Yes.

Q. And manual stone-dusting typically involved a man walking along a tunnel throwing stone-dust onto the walls, didn't it?

A. Yes.

Q. It's a process that requires men to move around the mine rather than work in a fixed location, doesn't it?

A. Yes.

5 Q. Now you also mentioned that the 19 November explosion occurred close to the end of a shift, right?

A. Yes.

Q. In fact the dayshift contractors were scheduled to complete their shift at 4.00 pm on the 19<sup>th</sup> of November weren't they?

A. That's correct.

10 Q. Which means they would've been preparing to leave the mine at approximately 3.45 pm, right?

A. Yes.

Q. And to leave they likely would've been heading towards a meeting point around Spaghetti Junction, right?

15 A. Yes.

Q. So they would've been moving away from where they were working wouldn't they?

A. Yes.

20 Q. You would agree with me sir that the draft plan is really just a best guess based on the police investigation to date?

A. That's all it can be and it's a plan of last sightings.

Q. And it's possibly wrong sir?

25 A. Oh, without a doubt, there's a number of factors and variables that have been taken into account and will be taken into account in the future, but as it presents itself today, yes, those positions cannot be deady accurate accurate because for those very reasons.

**RE-EXAMINATION: – NIL**

**QUESTIONS FROM THE COMMISSION - NIL**

30 **WITNESS EXCUSED**

1220

**MS LUMMIS CALLS****MATTHEUS JOHANNES STEPHANUS STRYDOM (SWORN)**

Q. Mr Strydom please state your full name for the Commission?

5 A. My full name is Mattheus Johannes Stephanus Strydom.

Q. Do you have in front of you a copy of the brief of evidence that you have signed in preparation for the Phase Two hearing?

A. Yes I have.

Q. If you could please read that from paragraph 1.

10 A. "My full name is Mattheus Johannes Stephanus Strydom. I am known as Thys. I am a qualified electrician having completed by trade with the South African Railway as a signal technician. I first started working in coal mines in South Africa in 1982. I emigrated to New Zealand in September 2008 after accepting the opportunity to work for  
15 Pike River Coal. The company had advertised for electricians in the newspapers in South Africa. I applied for the job and the company paid all my relocation and immigration costs. I hold a New Zealand Practice Licence as a registered electrician. I also have the relevant ticket authorising me to work in hazardous areas and to work on hazardous  
20 equipment used in hazardous areas. Up until approximately three weeks before 19 November 2010 I have been working inside the mine on the C crew involved with production, which is the actual mining of coal. I went on to the blue crew which was working 12 hour shifts outside of the mine. This involved working on the infrastructure such as  
25 pumps, the diesels and the vehicles outside the mine. It also included electrical cables running into the mine. I did work on vehicles using production vehicles such as the loaders and drift runners, but that was outside of the mine and the workshop. On Friday 19 November 2010 I was working a 12 hour day shift; I had filled in briefly for one of the  
30 electricians inside the mine in the morning whilst he attended an interview. During the afternoon I was working outside the mine when Rob Ridl came to me and said there'd been a power outage in the mine. He told me that both the power and the communications were gone.



This was concerning to me as the communication system was designed in such a way that it had a battery back-up, so even if you had a power outage you should still have communications in the mine. Rob Ridl told me that there were no electricians in the mine and I was instructed to head up into the mine to investigate the power outage. I remember feeling concerned as I went and got the drift runner. I took a drift runner off the McConnell Dowell crew and said to the deputy, "I hope this isn't bad." I said that because of the fact that I would not expect a power outage and communications outage at the same time. At that time I was thinking that there may have been an explosion, as it was a gassy mine, but I did not want to jump to conclusions as it could also have been a big fall of ground which may have severed the cables."

1225

Q. Mr Strydom, if you can just pause there, for the record we're at the end of paragraph 15. You've mentioned talking to Rob Ridl?

A. That's right.

Q. Did you say anything to Mr Ridl about the concerns that you had?

A. No, I did not. All I did was, when he said there was a power and communications outage I looked at him and the only words I said was, "Power and communication," that's all I said and I was really concerned.

Q. Did he appear concerned?

A. That's hard to tell, he was obviously concerned because the ventilation was out, it's hard to tell.

Q. Could you have said, "No, I don't want to go into the mine?"

A. Yes I could.

Q. And why didn't you?

A. Because I knew people was depending on me, I could be wrong, it could have been some event that I have not thought of and it was absolutely important to get the ventilation into the mine, back up and going as soon as possible.

Q. Are you aware of any other occasions during your time at Pike River Coal where there had been both a power and communication outage at the same time?

A. No.

Q. In your 28 years of mining experience, what was really the significance for you of both power and the communication outage?

5 A. I know of a number of methane explosions in South Africa in the mines, close to the mines that I worked on and each and every time that was what happened. Each and every time that there was power and communications outage and the result was there was a methane explosion.

10 Q. How many occasions are you talking about regarding the experiences of mines you knew about in South Africa that had exploded?

A. It was six.

**THE COMMISSION:**

Q. Sorry, did you say six?

A. That's right.

15 **EXAMINATION CONTINUES: MS LUMMIS**

Q. If you can continue on now from paragraph 16?

20 A. "I was told to take a personal gas alarm with me, we refer to these monitors as blinky's and they attach to your belt. Some of the blinky's record methane only and some record carbon monoxide as well. Because I don't use them every day I took one without thinking of taking one that can measure carbon monoxide. The one I took turned out to be one that recorded methane only. But some of the newer ones record up to four gases, methane, carbon monoxide, hydrogen sulphide and oxygen."

25 Q. If you can just pause there, for the record we're at the end of paragraph 17, have you used a blinky before at Pike River Coal?

A. No.

Q. Where did you collect the blinky from on this occasion?

A. I got it from the control room.

30 Q. Whereabouts in the control room?

A. In the corridor next to the control room there's a serving window where the blinky's are issued by the control room attendant.

Q. So, on this occasion, on the 19<sup>th</sup>, who issued you with the blinky?

A. Daniel Duncan did.

Q. So, when you talk about there being two different types, on this occasion, did you have a choice between the types?

5 A. When I got to the control room he's already taken the blinky out and put it on the desk, I just took it, signed for it.

Q. Are you aware of whether other electricians at Pike River Coal would be issued with blinky's?

A. No.

10 Q. No they wouldn't be issued with blinky's?

A. No they would not be issued with blinky's.

Q. If you can continue on there at paragraph 18?

A. "I filled the drift runner with water and made sure it was fine to go up into the mine. I then drove up to the portal entrance. Rob Ridl came down with one of the planners, I think his name is John, he said he had checked the portal substation and the power was on there on there, meaning the trip must have been at pit bottom at a point known as B1."

15 Q. Now we have there a reference to SOE.003.0008 which is up on the screen. Do you recognise that as a map that you had made some markings on when you were interviewed in December of last year?

20

**WITNESS REFERRED TO SOE 003.0008**

1230

A. Yes, I do.

Q. And on the right-hand side of the map there we can see "pit bottom in stone" –

25

A. Yes.

Q. On the right-hand side, we can see a hand written note there below the word 'sub-station', saying 'B1'?

A. That's right.

30 Q. And that's where you're referring to when you've said that you thought the trip must've been at the point known as B1?

A. That's right.

Q. Okay, that's the yellow part now identified.

A. That's right.

Q. If you could continue on there at paragraph 20?

5 A. There is a sub-station there, and that was where I was aiming to go. I remember stopping in front of a portal and feeling nervous and the tunnel looked dark. I couldn't understand that as there was no light in the tunnel anyway. As I looked up the tunnel, I looked at watch. It was seven minutes past four exactly, and I recall thinking, 'I must remember that, as something just didn't feel right.'

10 Q. Mr Strydom, if you can just pause there again and for the record, we're at the end of paragraph 22. I just want you to have a look at some footage and this is CACD0014.

**WITNESS REFERRED TO FOOTAGE CACD0014**

Q. Do you recognise that footage as showing you entering the mine?

A. Yes.

15 Q. And we saw there a slight pause, just between the two poles on the left of the screen there, is that the pause you were talking about when just prior to entering the tunnel?

A. That's right.

20 Q. We can see – if we just leave that image up there for a moment, sorry. On the right-hand side of the image, in the entrance way to the portal, a piece of a white material, or white fabric. Can you tell us, or do you know what that is?

25 A. That is canvas that is used to – we tied that to the roof, to the roof mesh, and then to the side to divert water that was dripping off the roof to the side.

Q. Is that what's commonly referred to as brattice.

A. That's right.

Q. You've mentioned that there were no lights in the tunnel and it looked dark. What would you usually see as you were driving into the drift?

30 A. On the conveyor structure there was reflective sticks, which is PVC pipe of about 25 millimetres in diameter, which had reflecting tape onto them and they were installed for the purpose of drivers of juggernauts, loaders, so that they could see where the conveyor was, just because of

the size of the machine, that's what you would expect to see. If you go in, you'd see this long line of reflectors reflecting in the lights of the vehicle.

Q. You can continue on there at paragraph 23.

5 A. "I could smell cordite. I was not sure of the smell at first, but it became more pronounced as I entered the drift. It was like the smell of car exhaust fumes. It didn't alarm me, because sometimes you get a juggernaut going up, it is a steep hill and if it has a heavy load, you get the smell, you get the same smell. I also knew the shift change has just  
10 happened. As I drove up the drift I noticed the reflector sticks were not on the conveyor and I realised that was why it was so dark. I looked down on the floor to see if the reflector sticks was lying on the floor and was thinking, if there had been an explosion here you would see bits and pieces, but there was nothing. I knew the conveyor was due to be  
15 removed next week, and thought, the fitter may have already started taking off the small bits and pieces to make his job easier. As I continued up the drift the cordite smell became stronger and I did become more concerned."

1235

20 Q. Just pause there. And for the record we're at the end of paragraph 29. You mentioned you notice the reflector sticks were not there. Was other equipment such as fire hoses, signs, other items you'd expect to see in the drift, what can you tell us about their placement?

A. Yes, there was signs. I could not remember what the intervals was but  
25 there was signs indicating fire hoses that was on hooks on the side. Those signs were not there. There were signs indicating stub 1, stub 2, stub 3, where you are in the mine, your position and that was not there. And I was, what really confused me was that the fire hoses were still hanging in place and I thought to myself all of this has gone but the fire  
30 hoses are still there, I would have expected that if there was a big blast, a big shockwave, that it would've ripped the hoses off, and yet it didn't, it was still hanging in place.

Q. Have you had the opportunity to view the footage of the explosion at the portal?

A. Yes I have.

5 Q. And in that, have you been able to see any of the items you've been talking about today?

A. Yes. It is obvious in the footage that the reflector sticks has been blown out the mine.

Q. Can you explain the size of the reflector sticks?

10 A. It's an orange PVC pipe about 25 millimetres in diameter and about one metre in length and it had white and red reflective rings on it.

Q. In the video footage of the explosion can you see them as one metre lengths of pipe?

A. No, it's just small bits and pieces.

Q. Perhaps if we can play the explosion footage now.

15 **DVD FOOTAGE OF EXPLOSION PLAYED**

Q. Does that show the sticks you're talking about?

A. Yes.

Q. Can you point out, perhaps even stand and point at the screen there, the large screen. We did have – we do have an electronic pointer.

20 **WITNESS INDICATES ON SCREEN**

A. There, there, there and there (inaudible 12:38:22) right up there.

Q. And there were a lot before where we've stopped the image as well?

A. That's right.

25 Q. We can play the rest of the clip. And that's item CAC0013 for the record being played.

**DVD FOOTAGE OF EXPLOSION CONTINUES**

Q. Thank you and if you can continue on reading from paragraph 29, sorry it may have been 30 that we're up to.

30 A. "I then saw in front of me on the roadway canvass vent cans and canvass water channels that had been ripped off the roof and I thought that was not right. I did think they might have fallen off a juggernaut, but I had to be sure before jumping to conclusions. As I was moving up the smell was getting stronger and I thought I was coming up to the

5 juggernaut as I had seen one going up just a while before. I remember going past the fresh air base and I was thinking that I would carry on to B1, see what I could find and then call the engineer and tell him that I'm not happy and something doesn't feel right in this mine. I drove up the drift and by now the air was thick and the drift runner was stuttering. I was thinking that I was going to look for somewhere to turn around when I saw a light in the distance. That was between the fresh air base and stub 3."

1240

10 Q. And if we can have on the screen the reference Pike.04863, actually it might be of more use if we look at the actual exhibit 14 now we have the more detailed map available. Now that gives a good indication of the length of the drift, what I'd like to know is if you can indicate for us, on that map, how far along the drift you got to when you saw the light in the  
15 distance?

A. There, that's the fresh air base.

Q. If we just –

A. – I've just gone past there.

Q. If we can just zoom in on the area you've just marked and we can see  
20 that that's actually labelled as, "Stub 3," is that what you knew that area as?

A. No, but there's an old plan. On the old plan that was stub 3, now referred to as stub 3, it was then stub 4.

Q. So that's what you're talking about when you refer to the fresh air base  
25 and going past the fresh air base?

A. (no audible answer 12:42:15)

Q. You've said you saw a light in the distance, we might need to go back to the other map, where were you able to establish that that light was coming from?

30 A. I was expecting it to be there, that is A1.

Q. And that's just before the pit bottom and stone?

A. That's right; basically this whole area here is the bottom of the stones.

Q. And we have a marking there, stub 4, but that is what you would refer to as stub 3?

A. (no audible answer 12:42:58)

5 Q. If you can continue on reading, but if we leave the map there I think we will refer to that again. And if you can continue on paragraph 36.

A. "It looked to me as if a vehicle parked up in A1 where they filled up with diesel and he's waiting for me to go past. I was actually a little relieved, but then thought I'm imagining things." Now if I may just explain when I'm saying here, "I thought I was imaging things," the impression may be  
10 given here that I'm imagining seeing a light, what I really meant when I said this was, I thought that I may have been wrong with my conclusion that this was an explosion. For the reason I'm seeing somebody in front of me who's actually alive, things looked normal, according to the drift, he's waiting for me to come past. That's why I thought I was relieved,  
15 you know, this is not as bad I thought.

Q. Okay, so that's a comment you've made there on paragraph 36?

A. Yes.

Q. If you can continue on reading paragraph 37.

A. "I continued up and saw a juggernaut 50 metres out by of the vehicle I  
20 saw a man lying in the roadway. I know now this person was Russell Smith."

Q. If you pause there a moment, that's at the end of paragraph 37. Can you describe for us the position that Mr Smith was in?

A. He was lying on his back, his arms spread out above his head, face up,  
25 head out by, feet in by, yes that's the position he was in.

Q. What, if anything, was the significance of the position that you saw him in?

1245

A. When I did my gas testing training in South Africa, we were taught that  
30 the position of a person after a gas explosion will tell you a lot of, what had happened there and what I, the conclusion I made from the position that I saw him in was that he was being blown over backwards from the inertia and what we were told if a person is lying in that position that he



died instantly. He did not have the time to roll over, to try to stand up, to try to flee. This was typically what we were taught, what a person would look like if he died instantly.

Q. Was that training that you had here in New Zealand or in South Africa?

5 A. No that was in South Africa.

Q. What was the distance when you made that observation between you and Mr Smith?

A. I would say from the front of the vehicle, not more than two metres.

Q. So, Mr Smith was two metres in front of your vehicle?

10 A. That's right.

Q. If we can refer again to the map, can you show us where you believe Mr Smith was lying on the map and we can perhaps enlarge that area? So we have pit bottom in stone on the left there and stub 4, that you've referred to as stub 3, shown there. Can you indicate where Mr Smith was lying?

15

A. I was expecting it to be more or less in this area.

Q. We have on the bottom line of the map what looks like meterage numbers, is that just passed the 1800 metre mark? Is that right?

A. Yes.

20 Q. If you can sit down again and continue reading your brief from paragraph 38?

A. "It was now impossible for me to breath and the drift runner started dying and loosing power and I believed I was going to die. My blinky had not long at all but I would not have expected methane in the air where I was. If I had taken one that measured carbon monoxide it would've picked it up way earlier. At that stage I remembered my training and that was on the course of evacuation, you don't save anybody, just save yourself. I put the drifter runner into neutral and started running back. The engine started revving up again. I put it in reverse and just went as fast as I could. I stopped at one stage, put it in drive again and wanted to go up and get him, but I remembered I couldn't breathe."

25

30

**THE COMMISSION:**

Mr Strydom just take a minute, have you got water there. Just take a moment. Just take the time you need and resume when you're ready.

**EXAMINATION CONTINUES: MS LUMMIS**

5 A. "I put it back into reverse and was planning to turn around in the fresh air base but I didn't see it, I went right past it. I turned around in stub 2 and went out as fast as I could. I went to the portal and wanted to use the phone in the container there to call the control room, but the container was locked. I saw the intercom had been put there, so I got  
10 onto the intercom and informed the control room of what had happened and what I have seen."

Q. Pause there. We'll just play the footage now which is CAC0019 and then followed by CAC0049, showing you coming out of the portal.

1250

**15 FOOTAGE CAC0019 AND CAC0049 PLAYED**

Q. So that shows you coming out and that's where you recall parking the vehicle to get to the intercom?

A. Yes.

Q. The final clip there, showing you reversing in slightly to turn to drive  
20 away from the portal and back down to the base area?

A. That's right.

Q. So if you can continue on at paragraph 47?

A. I went out to the control room and spoke to the mine manager, Doug White and to Mr Dick Knapp. After that, I helped out for a while at  
25 the mine before going home.

Q. Just a few further questions. When you were at the entrance to the portal in the footage that you've just seen, you said you rang the control room?

A. Yes.

30 Q. Who was it, do you recall that you spoke to at that stage?

A. I spoke to Daniel Duggan.

Q. What details did you give at that stage?

- A. I said to him, "You better call the Mine Rescue, we've had an explosion and I've seen a man lying on his back in the road."
- Q. You indicated to us earlier that it was your belief that Mr Smith was dead?
- 5 A. That's right.
- Q. Did you tell Mr Duggan that?
- A. No, I did not.
- Q. When you then returned down to the control room area and spoke to Mr White, did you tell him that?
- 10 A. I don't remember, I don't remember.
- Q. Just have some further questions for you regarding what you've referred to as the fresh air base, the one that was at stub 3 on the plan that we were looking at, can you recall when you had last been into that area, prior to the explosion?
- 15 A. You talking about stub 3, or –
- Q. What, on the map, was stub 3 that you've referred to as the fresh air base?
- A. The fresh air base, no it's been quite a while since I've been in there. I do not recall when but it was a long time.
- 20 Q. When you did visit that fresh air base, can you describe for us what was there?
- A. The last time I was there, there was self-rescuers there that you could go in there and exchange yours for a fresh one, but that was, as I'm saying, quite a while ago and I know that they have been removed in, well after I've been there and they've been moved closer to the face.
- 25 Q. How was it that you knew that they'd been moved?
- A. We were told in the meeting.
- Q. Besides the re-breathers, what else was in that area?
- A. There was a telephone and there was a supply of compressed air.
- 30 Q. In terms of the area around the bottom of the Slimline shaft, what did you call that area?
- A. That was a fresh air base as well.
- Q. Can you describe that area?

A. That area was just a stub with a Slimline shaft out the surface, there was no compressed air supply there, it was natural supply through the borehole and that was one of the positions where the re-breathers have then been placed. There was a first aid kit there, as well as fire fighting equipment.

5

Q. Can you recall the last time you'd been in the Slimline fresh air base prior to the explosion?

A. No, I don't recall when that was, no.

1255

10 Q. Was it an area that you went to regularly or not?

A. No.

Q. You've said that you were told at a meeting about the moving of the self-rescuers from the fresh air base in the shaft up to the Slimline area, can you describe what type of meeting that was? Was that one of these toolbox chats we've heard about or...

15

A. That's right. That was at one of the toolbox meetings that we had on the beginning of each shift.

Q. So who would've been present at those meetings?

A. Well the whole crew, under managers, the deputies.

20 Q. If I could also ask you a couple of questions about the intercom system, or the DAC system. Can you give us a general outline of how that system worked in the mine?

25

A. The DAC system was a intercom system where when you push the button every other DAC system, DAC installation in the mine would then be live so everybody could hear and follow any conversation that was made. However, if you wanted to talk to the control room you had to push a button, a call button which would activate an alarm in the control room and the controller would then turn on his speaker to be able to hear you and communicate with you.

30 Q. So am I right, you would press to talk when you're in the mine and the moment that you let go it would stop?

A. That's right.

**THE COMMISSION ADDRESSES COUNSEL – QUESTIONING OF  
WITNESS**

**COMMISSION ADJOURNS: 1.00 PM**

**COMMISSION RESUMES: 2.01 PM**

**MR MOORE ADDRESSES THE COMMISSIONER – PHOTOGRAPHS**

**CROSS-EXAMINATION: MR RAYMOND**

5 Q. Mr Strydom, I want to question you first please about your experience in South Africa and what you may be able to tell us about what might have arisen there if similar circumstances had arisen. You had worked in South Africa I think for 28 years?

A. That's right.

10 Q. Given your experience in South Africa would it be standard or a normal requirement for a registered electrician in your circumstances to be instructed to go into a mine where both it had been reported to you power and communication were gone?

A. Yes it would have been normal but I would not have been sent in alone.

15 Q. Okay.

A. Any power switching that was done, was required that two persons be present, one on the outside of the substation and one in the inside in the event of anything going wrong so that there is someone who can summon help.

20 Q. And did it cross your mind in this instance that you should ask for a second person to accompany you?

A. In New Zealand it is not required that a second person should go with you and firstly and secondly I did not want to expose a second person, take the responsibility of endangering someone else because I was expecting this not to be just a power outage but a major event.

25

Q. So right from the outset you had an anticipation that something was wrong and that there was the potential to expose yourself, or someone else had you asked, to danger?

A. That's right.

30 1405

Q. Mr Ridl, who was the management person who gave you the instructions, what was his management relationship to you, was he your immediate boss or not?

5 A. No, he was not my immediate boss. He was the most senior person in the electrical department.

Q. Was he manager of the engineering department?

A. That's right.

Q. Were you able to decline the instruction if you'd taken that view?

A. Yes.

10 Q. Now as you were going into the mine through the portal, you noticed the darkness and as you went further that some of the reflectors were not on the conveyor. Was that of immediate concern to you? What was your reaction to that?

15 A. Yes, it was. I did immediately expect that there may have been a major event, like either explosion or a major rock fall. Major rock fall does cause quite a significant air blast which could have taken it down as well.

20 Q. And the brattice which we saw on the video footage before at the portal entrance lying on the ground, what did you think about that and where it had come from?

A. Again, I was expecting it could've been blown from the roof as it was, but it could also have fallen from a vehicle travelling up or down. There was no way to say for sure.

25 Q. I should've asked before that question, whether you can remember actually observing it as you drove over it?

A. Yes, I did.

Q. And so you thought it was either from the roof or had fallen off a truck at that moment, or is that in hindsight?

30 A. No, at that moment, I thought, worst case scenario, it's been blown off the roof, but it could've been fallen off.

Q. That piece, the brattice coupled with the reflector issue –

A. Yeah.

Q. – when you put those two facts together –

A. Yeah.

Q. – what was your impression about what environment you were heading into?

A. I was expecting to be heading into a dangerous environment, yes.

5 Q. One where an explosion might've taken place?

A. Yes.

Q. And what is your training or experience in going into a mine immediately virtually, close to an explosion?

A. My training is that I should not enter.

10 Q. You obviously didn't follow that training in this instance –

A. No, I did not.

Q. Why was that?

A. The responsibility was on me to determine whether anybody inside is in danger or not. People's lives may have depended on that. There was no other electrician and therefore I felt a certain responsibility to determine what had happened.

15

Q. Is this sort of response that you've described part of the Pike River emergency response?

A. No.

20 Q. So you departed from that plan or the plan hadn't been implemented?

A. That's right.

Q. So was that a spontaneous thing on your part that you really felt that you were the first person to investigate a potential explosion?

A. That's right.

25 Q. So when you went into the mine, your understanding at least was that there was no communication from within the mine, were you in a position to take in a form of communication with you, like a two-way radio?

A. No.

30 Q. Is that because they simply don't work in a mine environment?

A. No, there are radio systems that does work in a mining environment that has specially been developed for that purpose, but we did not have those.



Q. Okay, so they are available, but Pike River didn't have them?

A. That's right.

Q. Is this something which is sometimes described as a 'leaky feeder line'?

A. That's right.

5 Q. And had a leaky feeder line to your knowledge been in place when Macdow were drilling the drift?

A. Yes, there had been a leaky feeder in place, but that system would not have been suitable for a gassy mine and therefore it was removed.

10 Q. So when they broke through into coal, it was not intrinsically safe, so it was terminated?

A. That's right.

Q. So inside the mine there is a normal telephone system which provides a line from that, whatever point in the mine it is, internally to various offices at the administration building?

15 A. That's right.

Q. And also the DAC system?

A. That's right.

20 Q. And the information that you were given that the telephone system, or the communications system was out, or gone, was not actually correct, was it?

A. No.

Q. It's just that men were not able at that time to answer them?

A. That's right.

1410

25 Q. And we know that because Mr Rockhouse as we'll hear used a telephone from near pit bottom in stone?

A. That's right.

Q. And you yourself used a intercom system at the portal?

A. That's right.

30 Q. That's not a DAC system, that's an intercom which is connected to the phone system?

A. That's right.

- Q. So, when you said in your evidence that you were surprised that the communication system had gone down because of the battery backup system, that's effectively irrelevant isn't it because it had the battery backup system must've kicked in?
- 5 A. That's right.
- Q. I just want to ask you about the fresh air base which we've touched on already. In answer to questions from my friend, you said that you were aware that that fresh air base had be decommissioned. Is that right?
- A. Yes. That's right.
- 10 Q. When did you become aware of that?
- A. I cannot remember the exact date, but we were told in a toolbox meeting that all the equipment has been moved up closer to the face.
- Q. You said in your evidence at paragraph 5, that up until about three weeks before 19 November, you'd been working on C crew?
- 15 A. That's right.
- Q. And that was involved with production?
- A. That's right.
- Q. So when you were working on that crew, what was your understanding of the decommissioned fresh air base in the drift?
- 20 A. Well, it was my understanding that it's no more being used and that all the equipment that was in there was moved up to the Slimline shaft. There was also some at the McConnell Dowell crib area, and at the main fan, underground fan. Yes.
- Q. When you say, "The McConnell Dowell crib," you're not referring to the changeover station in the drift, you're referring to another –
- 25 A. No.
- Q. Are you able to give us an approximate timeframe, is it a month, two months, you just got no recollection when you were told?
- A. No, I would, that would be a guess. I just don't remember.
- 30 Q. So, the fresh air base which you were referring to, or the decommissioned fresh air base was it about 1500 metres into the drift?
- A. Yes.

Q. And as at the time of your entry into the mine to carry out this initial investigation, there was no compressed air going into that decommissioned base?

5 A. There would've been compressed air going in because as far as I recall the compressor was still running.

Q. The self-rescue, as you've already said had been removed, the telephone that was in there had been disconnected, did you know that?

A. No I did not.

10 Q. What's your impression of that phone having been disconnected in terms of good communication between the portal entrance and pit bottom and stone?

A. Well, as far as I'm concerned it would be totally unacceptable. That's just one of the most important phones in the mine.

15 Q. Am I correct in saying then, that from the portal, from the intercom that you used –

A. Yes.

Q. – to the telephone that we'll hear Daniel Rockhouse used, there's no other form of in-drift communication?

20 A. There was telephones in stub 1 and stub 2, but they were often removed to be placed in other positions where there were phones that was not working. I do not recall at the time of the explosion whether the phones were there or not.

Q. And finally, when you got to the point where you stopped and turned round to come out, you were at about 1800 metres, is that right?

25 A. It's possible yes.

Q. And you were beginning to have difficulties with your breathing?

A. That's right.

Q. Are you able to explain to the Commission, what the visibility was like at that point?

30 A. Visibility was clear, there was a bit of, it looked like dust close to the roof. I don't know whether it was dust or smoke, but it was, like I say, close to the roof, visibility straight forward was clear for a long distance, for as far as the lights of the vehicle was shining.

1415

Q. And how far would that distance be?

A. Fifteen, maybe 20 metres.

**CROSS-EXAMINATION: MR HAMPTON**

5 Q. Mr Strydom, in terms of your time working in this particular mine, was it ever a concern of yours as to the available means of outlet or egress from this mine?

A. Yes it was.

Q. What were your concerns please Mr Strydom?

10 A. My concerns was that the ventilation shaft, the slimline shaft and the only entrance to the mine all converged on the Hawera fault and in my experience whenever you cross the fault you have broken ground or at least unstable ground and I'm not a mining expert, but I have often asked the question in meetings, "What would happen if we did have  
15 some kind of a geological event there and that fault would slip it would close down that whole area." Now whether that would happen or not I don't know but that was what I was concerned about.

Q. How many times would you have raised that Mr Strydom at these meetings?

20 A. At each and every time I got the opportunity. A number of times, I don't remember, but every time that we did get an opportunity that we did speak to a senior person, I asked the question.

Q. By senior person do you mean – who do you mean by that?

A. Management.

25 Q. Management?

A. Yes.

Q. And the response you got when you raised that sort of issue?

A. The last response I got was from my contractor that worked there, he was as far as I could understand, someone who was contracted in by  
30 the mine to look at ventilation at the mine, could've been American or a Canadian, he had the American accent, I don't recall his name, but the feedback that he gave me was that a second tunnel was planned and it

would've been – the planning was that it would've been mined out to the surface in May of 2011. Yes, 2011.

Q. May of this year?

A. That's right.

5 Q. That's the last time you raised – how long do you think that would've been before the events of 19 November?

A. Probably about a month.

Q. Did you have any views about the ability or the practicability of the ventilation shaft being used as a means of exit?

10 A. The communication cable that goes up to the fan, through that shaft, I installed that cable. It took me 45 minutes more or less to go from inside the mine to out on surface, taking into account that when you do physical exercise you use more oxygen. The rebreathers that we had was designed for 30 minutes. In my opinion, there was no way you would've made it.

15 Q. There's no way you could've made it up that ventilation shaft?

A. No not in emergency situation, no.

Q. Had you ever expressed that view or that view to management?

A. I don't think so, no.

20 Q. Was there some other issue of – relating to ability to get out of the mine that you had raised with management in relation to availability of vehicles?

A. No. I know that that issue has been raised on occasions, but I was not the one who raised that issue.

25 Q. The availability of drift runners?

A. That's right.

1420

Q. How did you know that that had been raised as an issue Mr Strydom?

30 A. I was in the meeting when it was raised. It was raised in meetings with management and there was at one stage a walkout, out of the mine when there was not a drift runner available in the mine and people felt that their safety was in jeopardy, they walked out the mine.

Q. Are you able to give us a timeframe of when that walkout would've occurred prior to the November explosion?

A. Once again that would be a guess. I do not recall the timeframe, no.

Q. Were you part of the walkout?

5 A. No, it was –

Q. This occurred on a shift other than yours did it?

A. That's right.

Q. How often did you hear that issue being raised at meetings, the non-availability of drift runners at the working faces?

10 A. That would be a thing that would've been raised four, five times in a row and then you wouldn't hear about it for a long time and then again they would raise it. It wasn't constant, no. It was a thing that came and went.

Q. From your point of view, your observations, was it ever remedied?

15 A. When it was remedied it didn't last long.

Q. So drift runners would be made available and then what would happen after a period of time.

A. In a period of time people will just take it and drive off in it, take it outside and leave it there.

20 Q. Meaning that men working underground if they had to get out had to walk all the way out?

A. That's right. Thinking of it, the remedy that I now remember was that the taxi driver, as we called him, John Hale was appointed and there was a drift runner going in and out the mine on a hourly basis. I think that's the only remedy that I really recall.

25

Q. Was that still happening as at the 19<sup>th</sup> of November, do you know?

A. Yes.

Q. During your time at Pike was there ever any exercise or drill in which you were involved as to emergency evacuation?

30

A. No.

Q. Did you ever hear of any such thing taking place during your time there?

A. No.

Q. How does that compare with your South African experience?

A. In South Africa it would happen once a week. At the end of your last shift you would walk out via the escape route.

Q. Do you tell us that that's a matter of invariable practice in the African mines you worked out?

5 A. That's right.

Q. Were there any other issues that you recall that would relate to safety and ability to, for the man underground to escape, any other matters that you think that the Commission might want to hear on, concerns that occur to you?

10 A. No I don't think so, no.

Q. Going back to the day of the explosion Mr Strydom, you've been in, for a brief time in the morning, into the mine itself, had you put your tag on the board on that occasion?

A. Yes I have.

15 Q. And taken it off when you went up?

A. Yes.

Q. What about enforcement of that tag system, can you comment on that?

A. I know that there was some people who would at times forget to take of their tags. But the enforcement of it I really don't know. I know that some people did get called at home to make sure that they were not in the mine and then the tag would've been removed.

20

Q. This isn't on the explosion, you're talking about other occasions?

A. Yes, I'm talking about other occasions, that's it.

1425

25 Q. Do you know, were those people fired?

A. Pardon?

Q. Were they fired, disciplined in any way, the ones that didn't take their tags off?

A. Not to my knowledge, no.

30 Q. The mines you worked in, in Africa, was there a tag system in those mines?

A. No.

Q. Not?

A. No.

Q. What sort –

A. We had electronic tags in our lamps and that was recorded by electronic system.

5 Q. Right. When you went in by yourself on the afternoon and despite your reservations as you've told us, first, did you have a self-rescuer on you on that occasion?

A. Yes, I did.

Q. It'd be on your belt in the usual way?

10 A. That's right.

Q. And this isn't meant in any critical way at all, did it occur to you, any opportunity to use that at all when you were in?

A. No, he didn't.

Q. It didn't occur to you?

15 A. No. I just – I didn't use it, no.

Q. When you went in, in the afternoon, did you put a tag on the board –

A. Yes, I did.

Q. You did?

A. Yes.

20 Q. Just while I think of self-rescuers, was there an issue that was raised at some time, it may've been by you or at a meeting you were at, about contractors using self-rescuers that were not allocated to them?

A. Yes. That was, actually one of the occasions where I really got upset. It often happened that my lamp was still in the rack and my rescuer was  
25 not there, where somebody has obviously taken a lamp and they'd just take any rescuer that was available. Now, the reason – and that happened to many other people as well, and the reason why I was very upset about that is that that was one of the methods of control in South Africa when you did find a body and the body was  
30 unrecognisable, you would go according to the lamp number or the rescuer number that you can find and then assume that this is the body you have found. Now, when people just take any lamp and any self-rescuer, that whole system doesn't work.



Q. Did you raise that as an issue with management?

A. Oh, yes, I did.

Q. On one occasion or more than one occasion, please –

A. More than one occasion.

5 Q. Can you give us an estimate of how many occasions please Mr Strydom?

A. At least three times and I do remember filling in a incident report on that as well.

Q. What sort of timeframe are we talking about? Can you help?

10 A. Probably about three months, maybe.

Q. Over a three month period –

A. Yes.

Q. – prior to the explosion itself?

A. Yes.

15 Q. And raised by you with what management level please?

A. At the toolbox meetings and I also raised it with Neville, the –

Q. Mr Rockhouse?

A. Mr Rockhouse, the safety manager.

Q. Yes.

20 A. Who then said to me that I should fill in a incident report, which I did.

Q. The response to your raising this particular matter on the occasions you did?

A. The only response that I know of that there was notices put up in the lamp room that you should not take any lamp or any self-rescuer that is not allocated to you.

25

Q. A notice put up in the lamp –

A. In the lamp room, yes.

Q. Put on the board in the lamp room?

A. Not on the board, just everywhere, there was more than one.

30 Q. Perhaps I was going to ask you one other thing inside the mines, smoke lines, did you have any concern about smoke lines within the mine?

1430

A. They did try to install smoke lines but the mine did not lend it to smoke lines. In the way that the tunnels that the smoke line would've crossed was the tunnels we would've been driving vehicles into and breaking off the smoke line and that's what happened. I was not too concerned about that for my own safety, I must admit I do not know whether the other people knew that but you would usually look for the belt, for the conveyor belt, and as long as your conveyor belt is on your left-hand side you're going out.

5

Q. That's the conveyor that ran along the main drift itself though?

10

A. That's right.

Q. But further on into the workings proper, there wouldn't be the conveyor belt there to assist?

A. That's right. That would have been a problem yes.

Q. So smoke lines would've been a problem, or the absence of smoke lines could've been a problem in that area of the mine?

15

A. Yes.

Q. And smoke lines were broken by vehicles were they replaced, was it kept maintained?

A. No it was not.

20 **CROSS-EXAMINATION: MS BEATON**

Q. Mr Strydom, I wanted to ask you about your recollections of where you saw Russell Smith on the ground in front of his vehicle, which I think was a juggernaut?

A. That's right.

25

Q. And in front of you there you should have that large map that you've already referred to and as I understood your evidence it was that you estimated coming across Mr Smith in his vehicle at around about the 1800 metre mark in the drift?

**WITNESS REFERRED TO LOCATION MAP**

30

A. Yes.

Q. You'll be able to see there that on this particular map, at least, this had a reference added and I'll read it, "Approximate location of loader, 1500 metres from the mine entrance." You can see that?

A. Yes.

5 Q. Now, I think there's evidence from one of the robots that were later sent into the mine that that same vehicle was at about the 1570 metres although the distance from which it was measured from may be unclear, but in this general area of what's called, on this map, stub 3 –

A. Yep.

10 Q. – is it possible do you think, Mr Strydom, that your recollection of where you saw Mr Smith in the vehicle could be a bit perhaps, a bit too far up the mine given we know –

A. Yes.

Q. – that it's in this –

15 A. Yes, it –

Q. – closer location?

A. It is possible because all points of reference was blown out the mine.

Q. Yes.

A. Your points of reference would be the signs that's telling you this is  
20 stub 2, 3 or whatever were you on. So, it's very possible that I could've been wrong.

Q. And prior to the explosion, I take it when you went into the mine in the morning all of those location signs would've been present?

A. That's right.

25 **RE-EXAMINATION: MS LUMMIS**

Q. Just one question arising from my learned friend Mr Hampton's questions, you were being asked about raising concerns about the fault line and what would happen if there was a geological disaster and you pointed the main entry and exit from the mine would collapse –

30 A. Yes.

Q. – and you said you'd raised that issue with a number of managers and management on a number of occasions?

A. That's right.

Q. Can you tell us exactly who the different people were, the names of any persons that you raised that with?

5 A. I do remember the, well, I don't remember the name of that contractor that I was referring to earlier, I over – brought it up with the geologist, Mr Cory, that's the two I remember. There may have been more I don't specifically remember names.

1435

**QUESTIONS FROM COMMISSIONER HENRY:**

10 Q. Mr Strydom when you were advised to, when you were instructed to go into the mine –

A. Yes.

Q. – were you advised to take any precautions before entering and if so what was that advice?

15 A. Not that I recall, no.

Q. When you – in the normal of course of events, what would you have actually done to put the power on had there not been the disaster?

A. I would've gone up to the, the switching room, the substation and then first determine what the cause of the power trip was and anything other than a earth fault would've, I would've turned on the power and then there is a sequence of the next point and the next point. The first being surface fan, turning on the power to the surface fan and then systematically restoring the power up near the working faces.

20

**QUESTIONS FROM COMMISSIONER BELL:**

25 Q. Mr Strydom I've just got a couple of questions for you. You said that you took a blinky, a methane monitor or you were given a methane monitor by Mr Duggan I think you said?

A. That's right.

Q. But you never used one before, had you had any training in the use of that equipment?

30

A. Yes I have in South Africa on a different make, not the blinky's that we use here.

Q. So there was no training programme for the use of that equipment?

A. There was a training programme, for the miners.

Q. But not for yourself?

A. No electricians was not required to use it.

5 Q. I notice you mention in section 34 of your statement, you talk about, "Thick air," was that – you were saying before, was that to do with – could you explain that a little bit clearer please?

10 A. Yes I do not remember using the words, "Thick air," in my statement when I was talking to the police; I did find it hard to breathe in. I – it's hard to explain, it's as if you're inhaling but nothing's going in.

Q. I must admit I'm puzzled; an experienced mining man like yourself didn't not a self-rescuer on?

A. Yes.

Q. Is it –

15 A. Well I must admit this was the second occasion where I should have used it, it just never crossed my mind. The first time was a fire in a mine where me and Conrad Adams was involved, we put out the fire and we just ran in, discharged the fire extinguisher, told we couldn't breathe and then ran out, which was really stupid we should've used our rescuers but it never crossed our minds.

20 Q. Sorry, was this a fire at Pike –

A. No, this fire was in South Africa.

Q. – South Africa, yes. Just finally, you mentioned a cordite smell?

A. Yeah.

25 Q. I mean cordite to me isn't really a diesel smell, it's more a smell to do with explosives, would – is that because of your South African experience with explosives or?

30 A. The smell is, yes with explosives, but a car's exhaust fumes, diesel would sometimes have the same smell if it's working hard. And then again in South Africa the explosives we used, they was diesel based, diesel and fertiliser.

**QUESTIONS ARISING - NIL**

**WITNESS EXCUSED**

**MR MOORE CALLS****DANIEL JAMES ROCKHOUSE (SWORN)**

Q. Mr Rockhouse, I'm going to ask you to read the brief of evidence that's in front of you and then from time to time I'm going to pause and ask some questions by way of elaboration, but would you start please with  
5 telling us your full name?

**WITNESS READS BRIEF OF EVIDENCE**

A. "My name is Daniel James Rockhouse."

Q. Right I'm just going to ask you to pause now. Where are you presently  
10 working?

A. At a mine called North Goonyella in Queensland, Australia.

Q. And how long have you been working in that mine?

A. Three months.

1440

15 Q. And in what role?

A. Just as a contractor installing services, secondary support and conveyor belt work.

Q. If you carry on reading from paragraph 2 please?

A. In November 2010 I was employed as a miner by Pike River Coal and I  
20 had been working for the company for about two and a half years at that the time. I had no mining experience before being employed by Pike River Coal. When I first started I received a three week induction at the mine before working underground. The induction covered the things you needed to know before going underground, learning how to be safe. I was taught about gasses and gas detectors. It covered the  
25 types of gasses you may find underground, such as methane, CH<sub>4</sub>, carbon monoxide, CO, and things like that. They talked to you about how dangerous it is and what the gas does in a mine, it's properties and its densities and things like that and to know what to look for. I was also  
30 taught how to use a self-rescuer or Oxybok rescuer that every miner has on their belt. They actually pulled out a dummy one in our induction and made sure you knew what you were doing with it and stuff like that. It's easier in the classroom but when you've actually got to use one it's a

different story. I was also taught about lock out systems, where and when to use lock out systems and tags and, yes, things like that. I was on C crew and our crew used the ABM or Alpine Bolter Miner. My duties usually involved driving machines like front end loaders and utility vehicles and what's called a ram car and also a man transporter. I would also do bolting on the ABM and was learning how to drive the ABM as well. Friday the 19<sup>th</sup> of November 2010. ON Friday's we started an hour earlier than usual. So on Friday 19<sup>th</sup> of November 2010 I was at the mine getting my gear on at 1.00 pm. We were underground probably no later than around 1.20 to 1.30 pm. We were going to start setting up on a face to cut coal first thing Monday morning.

5  
10  
Q. Now if you just pause there please, we're just going to bring up an image of a plan. For the record it's SOE.003.00009. Do you recognise that plan?

15 A. Yes I do.

Q. And is that a document that you gave the police as a result of questions they were asking you on the 22<sup>nd</sup> of November last year?

A. Yes it is.

Q. And was that for the purpose of explaining whereabouts you were at the time and the various movements that you made and where others might have been?

20 A. Yeah, where they might've been, like they could've moved.

Q. Now it might be helpful at this stage also to put up as an image exhibit 14 please.

25 **WITNESS REFERRED TO EXHIBIT 14**

Q. And this is a large scale plan of the mine, which may be easier because I'm going to be taking you through where you went and what you did. It may be a little bit easier if we were to bring it up and if we could perhaps have the pit bottom north area expanded on, on that. And in actual fact I think if we actually moved further on towards Spaghetti Junction. Now can you tell us, and we hear at paragraph 9 – perhaps you could read paragraph 10 and 11 and then I'll get you to describe where it was that you went?

30



1445

- 5 A. Yep. "We were going to start pulling the machine back so to do that we needed a loader, but the road in the area was so rough that I couldn't get a loader up there. I was told to go and get some gravel to attempt to fix the road so that I could get the machine up to the face to move gear. I got a loader and was heading way back down to stub 2 which is where the gravel was stored at the time. In the area of Spaghetti Junction, I found another miner, Ricki Keane on an orange loader and he had broken down with hydraulic issues. I stopped and helped him get going again. He then got past me and headed up to a face that I thought. That was the last time I saw him."
- 10 Q. Right, well just pausing there and looking at the plan above you, can you see behind you? I think in front of you there's a laser pointer, can you see it in the box, yes, that's it. Now, does that help at all in explaining where you were?
- 15 A. I was up further –  
Q. Yes, so are we –  
A. – when I started.  
Q. Right, thank you. Can we just have that taken further up please towards, nearer your DCB? Does that help?
- 20 A. Yeah.  
Q. I know it's a bit difficult, you're going to need to speak into the microphone as well, I'm sorry.  
A. Up a little bit further – oh, yeah. I was actually up a little bit further, but, yeah.
- 25 Q. Well perhaps we can go a bit further, we able to do that?  
A. Yeah, that's better.  
Q. A bit more towards the left, yes, it's there now. Right, does that help?  
A. Just got to get my bearings for a second. That's the road that I had to fix up there, that was quite rough and I couldn't...
- 30 Q. And is that the area that you're indicating which we can see, the far left of the plan, looks like a heading, "AHDG," do you see that?

- A. Yeah, A Heading. It's actually, it's developed just a little more than on this map.
- Q. Right.
- 5 A. I can't remember. So it's, I think the ABM is actually up there somewhere, a little bit further.
- Q. Right, so if we're to extrapolate that roadway which is A Heading further up, that's where you were?
- A. Well, that's where the ABM is.
- Q. Yes.
- 10 A. My loader and I were, about there, 'cos I couldn't get any further past there.
- Q. Right, that's the intersection, is it?
- A. Yeah, yep.
- Q. And then where did you go?
- 15 A. From there I went down here, this one, I went down through there.
- Q. All right, so you went down, is that the B Heading?
- A. Yeah, I went down B Heading and cut into A Heading.
- Q. Right.
- A. The reason for that is McConnell Dowell were blasting there and that was all closed off. Usually you'd go down here, but I cut into here and went straight down here.
- 20 Q. So you went down into the A Heading, yes?
- A. Yep. Went down into A Heading till I got to –
- Q. So you went past the intersection with C Heading?
- 25 A. Yes I did.
- Q. Yes?
- A. And I got to Spaghetti Junction which is right there, just past C Heading –
- 1450
- 30 Q. Yes.
- A. And that's where I found Ricki Keane broken down.
- Q. And what was the problem with Ricki Keane?

- A. As far as we both were aware that it was just he had a lack of hydraulic oil so he asked me to help him look around for some hydraulic oil, we couldn't find any so I remembered seeing some back up towards the face.
- 5 Q. Right, so where did you go?
- A. I got back in my loader and I reversed up exactly where I came from to, was either this heading in –
- Q. Does that have a number by it?
- A. Or, it was either 4 or 3 in B Heading.
- 10 Q. Yes.
- A. I can't remember which one it was, but it was like a temporary fitters bay, it had hydraulic oil, tools for the fitters and just things like that. I grabbed enough hydraulic oil for Ricki to get going again.
- Q. So you went back down did you?
- 15 A. Yeah, I came back down the exact, the exact same way as I described. Got back to Spaghetti Junction and put the hydraulic oil in for Ricki. He started the machine up, it went and then I reversed up here and he turned into this heading here, just parked there as I went passed and that's the last time I saw him.
- 20 Q. Right so –
- A. So he, yeah –
- Q. – the last time you saw him just by reference to a feature on the map was where?
- A. I don't know what you'd call it, just this heading here off A Heading, just
- 25 passed Spaghetti Junction.
- Q. Right. Is there a number beside it? Can you see a 446 number there?
- A. Yes, it's –
- Q. I'm sorry about these questions but we just need to get it on the record.
- A. It is, it's 446.
- 30 Q. Right, thank you. So that was the last that you saw of Ricki, is that right?
- A. Yes, that's right.
- Q. And where did you go?

A. And I proceeded just towards Spaghetti Junction and because Ricki was broken down, there was a bit of a line-up in traffic and Conrad Adams was the acting interviewer at the time, at that day. He was in a drift runner behind Ricki and so I pulled over, how did we do that? One of us  
5 pulled into a stub and he just stopped me and had a chat with me and just said, asked me what I was doing. I explained to him about the road and that my deputy, Danny Herk had told me to go get some gravel down in stub 2 and he's like, "Oh okay that's fine, sweet as, I'm gonna go up to the ABM and I'll see you when you get back," and I said,  
10 "Righto." Got on my loader, he passed, gave me a toot and that's the last time I saw him.

Q. Right, just pausing there, I think that takes us through to and including paragraph 13, so if you could read that for us please?

A. Just like what I said, "Before I continued down, I spoke to  
15 Conrad Adams who was the acting interviewer. He asked me what I was doing and I told him, 'I'm going down to stub 2 to get some gravel to fix up the road because it was really bad and my loader couldn't get up there to assist the boys. He said, "Sweet as, I'll see you when you get back, I'm going up to the AMB,' and that was the last time I saw him."

20 Q. Right, then if you'd read paragraph 14?

A. "Then I proceeded to, I drove down to A1, in pit bottom stone and I stopped at the diesel bay to fill up with water and diesel and to basically fill the machine up. I parked the loader and left it running and got out. I was able to turn around, take my earmuffs off and proceed to turn a  
25 water valve on and it just went bang, something blew up."

Q. Right, just stop there for a moment, and I'll ask you now, we just need to look at a document, SOE003.00011.

**WITNESS REFERRED TO DOCUMENT SOE003.00011**

1455

30 Q. Do you have that?

A. Yes.

Q. Is that a plan that you drew for the police, or at least marked for the police on the 8<sup>th</sup> of December last year?

A. I believe so, yes.

Q. I'll be asking you more questions by reference to exhibit 14 in a moment and in fact we'll go there now. Could we have exhibit 14 and – right now, can you tell us by reference to exhibit 14 and again using the  
5 marker, where you went and what you did before the blast hit you?

A. Okay, I came down here just as you do sort of thing, I just drove down through here.

Q. You're referring to pit bottom -

A. Yeah, I'm sorry I –

10 Q. – and starting you've gone past the intersection with A5, is that right?

A. That's right, I drove down A5, drove down the main heading past B4, B3, A4, and I got down past B1 and turned left into A1 and parked my loader right there.

Q. So you parked your loader at the intersection with A1 is that right?

15 A. That's right.

Q. Yes.

A. I then proceeded to put the emergency brake on the, on the loader.

Q. How does that work?

20 A. It's got a button, you push it and it just locks everything so it doesn't – the loader won't move. It just stays still.

Q. Does the motor carry on going?

A. The motor can continue to run. It just locks everything up so you can't move.

Q. Just locks everything up.

25 A. If you're on a hill or something. You know, and it's just got a – on the loaders they have an interlock system so if I didn't push that button as soon as I opened the door it would've locked on anyway. So, yeah, I was parked there in A1 and I got out and took my – I have earmuffs attached to my helmet and I just unpopped them and then it blew up, the  
30 mine blew up.

Q. So where were you standing relative to your loader?

A. In between my loader and the rib of A1, a section maybe half a metre to a metre wide.

Q. If you would read on from paragraph 15 please?

A. "It was like a big blast of pressure and I saw a white, what I thought was a white flash out the corner of my eye. It was just boom and it hit me. It happened in milliseconds. It was like someone pushing against my chest and just drove me back. It was that loud I went deaf, I couldn't hear anything and I fell over and hit my head and kind of slid down on my back. I lay there for a second and then got back up and thought, "What the hell was that?" I thought it was that loud and that close that I was – it was my loader that had actually blown up. I then realised that it wasn't because my loader was still going after the blast and I quickly flicked it off. It was fluttering and it would've shut off if I didn't turn it off anyway. And then the smoke hit, it just, it came around the corner and it was just so quick and I'm talking within seconds, you know, like two seconds, it was just there. There was debris coming from the roof, wee rocks and stuff like that hitting me, but nothing indicated to me that there had been some type of cave in or anything like that. There was just smoke everywhere and I thought it was fire smoke so I put on my self-rescuer. I started freaking out because I could smell what I thought was carbon monoxide and a thick diesel smell. It was disgusting to swallow and it made my eyes water and my nose run. Once you know that smell you'll never forget it because it's really pungent and strong, a strong smell, and it stinks really really bad and it makes it very hard to breathe. I ran towards the pumps in by A1.

1500

25 Q. Could we have A1 up again, it's exhibit 14.

**WITNESS REFERRED TO EXHIBIT 14**

Q. And we just, for the record, you've just been reading your paragraph 20, but can you explain please where you went and what you did?

A. I went in by A1, so I was standing there and I went in to about here –

30 Q. Right and that's the –

A. – where it was a bit clearer.

Q. That's the first intersection and the access off to the left from A 1. Is that right?

A. Yes, that's right. The reason I said, "Pumps," is in there there's pumps and if you go further round there's a bit wall and, the crusher station, and holding tank and stuff like that.

Q. When you say, "Pumps," what sort of pumps?

5 A. Pump slurry, pumps and really big and they're positioned on these concrete blocks, and there was about five of them I think.

Q. And why did you go in there?

A. Because it was clearer, like there was no smoke in there. And then while I was in there I realised that I'd be trapped if I stayed in there because it was a dead end and so I turned around and went into the smoke.

10

Q. Right. So if you could read through from paragraph 20 here please.

A. I ran towards the pumps because I could see it was a bit clearer but was thinking to myself that if I stayed there I'm done for because there's a big wall there at the crusher station and I thought that if I ran in there I'd be trapped. I turned round, I ran back into the drift and while I was sucking on my oxygen, my self-rescuer, it wasn't giving me enough or what I needed and I was panicking. I was freaking out. I ripped it out of my mouth and was thinking, "What's going on, what's going on with this bloody thing," and in that time I inhaled quite a bit of, what I thought was carbon monoxide and then I then fell over and passed out.

15

20

Q. Just pausing there, at the end of paragraph 21, and going back to exhibit 14, if we could have that same part reproduced. Can you, once we get that image up, point out to us whereabouts it was that you collapsed?

25

A. So I ran back from A 1 coming, and my loader's still here, walked passed my loader and I came out to the main drive, main heading, and I collapsed around about there.

Q. Right. So you collapsed not far away from –

30 A. Metres –

Q. – where A1 joins the main heading. Is that right?

A. Metres from my loader, yeah.

Q. Right, okay. Carry on reading from paragraph 22.

A. “My whole body started to go really tingly. I described the feeling like when you wake up and you’ve been lying on your arm and you can’t feel your arm, my whole body felt like that. I couldn’t move and I was lying there with water going underneath me. I just lay there and was crying.  
 5 My eyes were watering because I presume it was the gas stinging, or the smoke stinging my eyes. I was just lying there freaking out. I then closed my eyes and thought that was it. I thought I was dead and was screaming, “Please, don’t do this”. I don’t know if I was talking to God or something. I was just freaking out. I was screaming, “is there anyone  
 10 out there. Help. Help. Help,” but no one answered me. I lay there for what felt like about five minutes, but now that I think about it and now that I’ve seen how long it took us and everything, it could’ve been, it was - I fell unconscious and I honestly couldn’t give you a time of how long I was lying there, but it was, looking, it was about 20 minutes roughly,  
 15 maybe a little bit longer.

1505

- Q. Now just pausing there at the end of paragraph 25, when you say that you were screaming, “Help, help, help, help,” were you screaming out aloud or screaming it to yourself?
- 20 A. I was screaming it out loud but it wasn’t very, like, very loud. It was just kinda a rising voice. I was just starting to kinda shut down. My body, that’s what it felt like, like my body was kinda just shutting down, turning off. That’s the only way I can describe it.
- Q. Can you carry on reading from paragraph 26 then please?
- 25 A. “I don’t know what happened after that and how long it was, but then I started to come to and started getting feeling back in my fingers and toes. The environment” – I say in this that the environment was –
- Q. Just what we will do, I was just going to ask you about it in a moment, so if you just read that bit, and I’ll ask you a question when you’re  
 30 finished?
- A. Okay. “The environment was not hot, but was warm.”
- Q. Right. You wanted to make some comment about that last sentence in that paragraph, is that right?



- 5 A. Yeah, it's, since I wrote this and I've been thinking about it and I do remember when I came to that I was shivering really bad, like, because I'd been lying in water and mud for God knows how long and I was actually very, very cold, like that's, yeah, so that statement there's wrong. I was very cold.
- Q. Okay, if you just carry on reading paragraph 27, thanks, over the page.
- A. I was lying there and managed to get enough strength to put my arm in the air, but it just instantly dropped down as I didn't have enough, have the strength to keep it up. After I, a minute...
- 10 Q. I think it's one minute.
- A. After one minute I told myself to roll over and rolled over onto my stomach. I tried to push myself up and my arms were just shaking. I was just screaming at myself to get up. Calling myself names, all the names under the sun, "Get up, you bastard". I managed to stand up and I fell straight back down on my back as I had no strength. I said to myself again, "Get up, get up", then I managed to probably limp or something over to the rib where there were pipes, an air and water line. I then proceeded to find an outlet on the air line and unhooked it and turned it on and I screamed at it a bit because the – it was like the compressor had been turned off. There was still air in the line, but it was nowhere near the pressure that it would normally be in there. It was enough to blow the smoke away from my area and this is the small area in my face. It was like gold. I just held onto it and I didn't want to let go of it let go of it, but I knew I had to to get out of there."
- 15
- 20
- 25 1510
- Q. Just pausing there. Tell us about this air line, how did you access the air?
- A. Every so often – I don't know whether it's meant to be a set place, but they weren't down there, they just, they were put outlets so you can hook a hose on to it so – 'cos all the machines are run on compressed air to start them up, and so yeah, the air and water's used for various different things in the mine and so, yeah, there's outlets, there
- 30

happened to be an outlet right, right by where I was thank God and I managed to unhook it –

Q. That's a pipe is it?

A. Yeah, there's like a rubber hose attached to it.

5 Q. Yes.

A. It's got a coupling on it and you just turn it and unhook it and I took it off and turned the valve on straightaway. Yeah, it was blowing out some air.

Q. Right. Did you have your lamp on at this stage?

10 A. My lamp was on, but it was on the ground because when I was on the ground it, it was just hanging on my cord and after I turned the air on I then proceeded to grab my helmet and my lamp and put it back on my head.

Q. Now at this stage you're surrounded by smoke and gas, is that right?

15 A. That's right.

Q. So what sort of visibility did you have?

A. I couldn't see – I could see my hand probably a few inches away from my face, but if I stretched it right out as far as I could, I couldn't see my hand.

20 Q. Right.

A. It was very, very thick.

Q. Where was your self-rescuer?

A. At that stage I dropped it on the ground somewhere.

25 Q. And the volume of air that was coming out of this pipe, did you put your face right beside it or what did you do?

A. Very close to it, it was, you know, a few inches away from the end of the outlet and it was just blowing straight into my face, straight into my eyes to clean my eyes, that was the main thing that they were really stinging.

Q. And what effect did having access to that fresh air do to you?

30 A. It felt great, I felt like having a beer at the end of the day, you know, it was just – it felt good.

Q. Well how long did you stay at that point would you think?

- A. Maybe a minute or two and I just was kinda trying to assess the situation, what was going on, because still at that point I had no idea. Like, it was obvious that something had happened, but I didn't know what. I didn't know what to do and from where I was hanging on that outlet I knew from past experiences that there was a phone close by so I proceeded inbye of the mine, inbye of A1 to B1, the corner of B1 and the main heading, where there was a phone there on the corner which would be 10 metres roughly, 15.
- 5
- Q. And we can see it there on the area there in exhibit 14, I think the number I've just been told is 353 on exhibit 14, can you see that there?
- 10
- A. Yeah, that's right.
- Q. That'd be right?
- A. That's the corner, yep.
- Q. And as far as this compressed air was concerned, you've said that the pressure was down, if it was operating at the normal pressure that you were used to, what effect would that have if you were as close to it as you were describing?
- 15
- A. Potentially blow your eyeballs out of your head, you know, it's pretty powerful, so you wouldn't put your face in front of the air at full capacity it just, it would hurt.
- 20
- Q. And is that because this compressed air was used to start machinery –
- A. Start up machinery and for various different things.
- 1515
- Q. I see, thank you. Right, if you would move on and read paragraph 30 please?
- 25
- A. "I thought I needed to make contact outside to tell them what had happened. I vaguely remembered that there was a telephone in a stub in-by, so I was going to make my way there. As I made my way I fell over and I got back up and held onto the pipes and the rib ended. I don't know why but someone, someday had moved the phone from right in the stub to right on the corner which saved me from actually going right into B1. I saw the phone and I was pretty happy about, happy it was there. I used the phone and rang the emergency number 555 –
- 30

- Q. Now, just pausing there, at the end of the first sentence in paragraph 32, there are some other questions I want to ask you. The emergency number 555, is that something that you had confined to your memory?
- 5 A. It's plastered everywhere in Pike, it's just, everyone knows it's the emergency number to ring if there is a – no one is to ring it unless it's an emergency.
- Q. Right. You rang that number?
- A. I rang that number.
- Q. And what happened?
- 10 A. It rang a few times and no one answered. The phone then went to an answering service message for Pike River Coal.
- Q. Right, so once you were connected to an answering service, did you hang up?
- A. Yep, after –
- 15 Q. What did you do then?
- A. Saying a few profanities, but I hung up and then my next bet, best bet would've been to call service control which I did.
- Q. Right, is that another number that you knew?
- A. Yes, it's just 410 I called. It rang two or three times and Dan Duggan
- 20 picked up.
- Q. All right, just pause there and if you would read from paragraph 32, starting with the words, "No one," that's after the first sentence do you see that?
- A. Yes.
- 25 Q. Just carry on reading for the balance of that paragraph if you would?
- A. "No one answered the phone and it went to an answering service message for Pike River Coal. I screamed at the phone and tried again. I initially got hold of Dan Duggan in the control room. I then spoke to Doug White and he reassured me saying, 'You can make it, get out, stay low and get to the fresh air base and make contact there.' I asked
- 30 him to help, I asked him for help and said there had been an explosion, that there was smoke everywhere, I couldn't see anything and I was freaking out. I said to him, 'Help me,' or, 'Help, help, help,' something

like that anyway and asked him what had happened. I may have also said to him that my loader had exploded as the smoke was that thick that that is what I thought and the noise was so loud I thought I was so close, that the explosion was so close to me. He told me to get to the fresh air base. I hung up the phone, I said, 'Okay,' and, 'Right,' and I hung up the phone and held onto the pipes until I got to the end of the rib where the next stub started. I got disorientated and was looking for the corner to grab onto again. I eventually found it and kept going. I had also opened more of the air vents as I found them and each time I left them open thinking the air would dilute the gas."

5  
10  
Q. Just pausing there at the end of paragraph 33, you were told by Doug White to go to the fresh air base, did you know what fresh air base he was referring to?

A. I was assuming the fresh air base that was out by the mine. I wasn't exactly going to go further into the mine, so...

15  
1520

Q. By reference to the plan that we've got there, exhibit 14, whereabouts did you understand that the fresh air base was?

A. Right there.

20 Q. That's I think marked on that plan as stub 3, but it wasn't referred to as stub 3 was it?

A. No. It was – the stubs were, as long as I've been there, or as long as there's been signage there and stuff, the stub started from stub 1 to stub 2 and then stub 3 was, or the fresh air base was skipped as a stub and just called the fresh air base and actually stub 3 was stub 4.

25 Q. Yes, thank you. I'll ask you more about the fresh air base later in your evidence. So if you'd start reading from paragraph 34 at the top of page 7 of your brief. Starts, "After about 300 metres."

A. Yeah, it says, "After about 300 metres," and I'm not sure on that meterage exactly, "I found another loader and then I found Russell Smith lying on the ground semi-conscious. His eyes were open but they were rolling in the back of his head. He looked at me and there was like he didn't even know who I was. He said, 'Who are you, or what

30

happened, what's going on?' He spoke very slowly and very faintly. Said to him, 'Oh my God, Oh my God, I don't know what's happened?' And I was swearing quite a lot 'cos I was pretty angry. I saw that he didn't have his self-rescuer on. I didn't know where his helmet was but he still had his belt and everything on. I grabbed his self-rescuer and ripped it open and I put it into his mouth, but then he just went like, blah, and just dropped out of his mouth. I put it back in and he did the same thing again, there was no muscle power in his mouth. So I went to mess around with the head strap that is meant to hold it onto your face, hold the self-rescuer onto your face, but I couldn't figure it out, I was pretty kinda disoriented myself. I tried to hold onto his mouth so he could get a couple of breaths. I think he got one or two good breaths out of it and then went, blurrh, and it dropped out of his mouth again. I then put it into my mouth to see if it was working, which it was, but I thought, 'Oh screw this,' and I threw it on the ground. I grabbed Russell and got behind him and grabbed him and dragged him all the way to the fresh air base. When I got in the fresh air base there was no first aid kit, the phone wasn't working, and when I turned on the air valve, the turn on the air valve on it, it wasn't working either. There were no extra self-rescuers either, just an empty container. I freaked out and kicked things around a bit in the base before going out to Russell."

Q. Right, well just pause there for a moment. I'm going to ask that exhibit 15, and it should be page 20, comes up on the screen.

**WITNESS REFERRED TO EXHIBIT 15**

Q. Do you see that?

A. Yes.

**EXHIBIT 15 PRODUCED – PHOTOGRAPH BOOKLET OF CHANGEOVER STATION/FRESH AIR BASE**

Q. Now you recognise that, there are four photographs in that montage. Is that right?

A. That's right.

Q. What side of the drift is that on if you've got your back to the workings and you're facing the portal?

A. It's on the right-hand side.

1525

Q. How long, to your knowledge, was that facility there? Was it there when you started work at Pike –

5 A. That has been there the whole time I was –

Q. – in November 2010 –

A. That has been there the whole time I worked at Pike, yep.

Q. Do you know who installed it?

A. No, I don't.

10 Q. Before this day, did you ever go inside it?

A. Yes.

Q. How many times?

A. Over a two and a half year period, I'm only guessing, half a dozen times.

Q. And why did you go in?

15 A. The first time was as a standard procedure to – because, you know, there was quite a lot of new people going underground, they didn't know what anything really was or looked like or anything like that, they walked us through it, showed us the valves, the phone, the extra rescuers.

20 Q. Right, was that the first time that you ever went underground in Pike River?

A. Yes, it was.

Q. And can you explain to us what you were shown and perhaps show us some of the features inside that clean air, fresh air base?

25 A. We pulled up in the drift runners and got out and we were made to all get in a line and just, it's bit of a tight spot, you know, there's not a lot of room in there, but we all got in a line and just walked through, had a look at the phone, had a look at the air valve. They showed us how to turn it on. It's pretty straight forward.

Q. Is that the air valve that we see in the bottom right hand photograph?

30 A. Yes, it is.

Q. And to turn it on you'd bring that lever into a parallel position, a position so it's parallel with the main pipe, is that right?

A. That's right.

Q. Can you tell us what sort of velocity the air would come out of that vent once you activated the valve in that way?

5 A. Definitely it was plenty, when you're – plenty of pressure. You'd have to put your ear muffs on if you turned it right open 'cos of the air going in the container it would kinda hurt your ears a bit, so there was plenty of – when I saw it working, there's plenty of air pumping into it and we always got told that it was meant to be running at a slow rate constantly.

Q. So there was fresh air going into it all the time –

A. Constantly, yep.

10 Q. – at a lower volume and velocity than when you opened the valve out?

A. That's right, yep.

Q. How did you get into that base?

15 A. It's just like a 20 foot container, shipping container, but like, of course, modernised for a fresh air base, but that's pretty much what it is, and it's just been placed into a stub and it's got two doors on it and, yeah, so, they're meant to be closed at all times.

Q. Right, is that to form some kind of seal?

A. Yeah, that's right, you're meant to open one door then close it, then open the other door and close it, something like that.

20 Q. And then once you're actually inside you've shown us the vent, there's also a phone there, isn't there?

A. That's right.

Q. And that looks like self-rescuers on the right-hand side in that bottom right hand photograph, is that right –

25 A. That's right, there's shelving right there, in each square box there there's an extra self-rescuer and if I remember correctly, they'd a larger self-rescuer that you, that is on everyone's belt, so it's meant to last a little bit longer and it's also, it's like a changeover station, you know, you get to that point, take the rescuer out that you've got, of your mouth, and  
30 put one of those on and then can wait for further instruction, or wait there, or proceed on, or, yeah.



Q. It's not completely evident from the photograph. How many self-rescuers would you say were normally in there, at least in there on the occasions that you'd been in there before the 10<sup>th</sup> of November –

5 A. I can't remember how many boxes there are. I can't remember the exact number, but it was meant to be enough for each person underground.

Q. Right. So what was your intention as you were helping Russell Smith down the drift heading in the direction of this fresh air base that Mr White had indicated you should go to? What were you intending to do?

10

1530

A. My intentions were not to stay at the fresh air base, just to get to it to make further contact to outside, to tell them that I'd got to that point at least and if there were rescuers there I was gonna grab one for me and Russell and use it and then continue on. That was my intentions at the time.

15

Q. So when you approached it this afternoon, what was the first thing you saw?

A. The front door was open. That front door in the top right-hand side that was just arched open.

20

Q. Now based on your previous knowledge I take it that wasn't meant to be the case?

A. No that's meant to be closed.

Q. So what was the next thing you discovered?

25 A. I then went into this bottom left-hand picture, that second door –

Q. That's the inside door isn't it?

A. Yeah, it's the inside door. I opened that up and it was just full of that same smell that I'd been smelling. It was very, very strong in there because I think it may have been trapped in there or I walked into it and I just held my breath and I walked straight over to that phone to see if it was working and it wasn't.

30

Q. Was that interior door open or closed?

- A. As far as I can, as far as I can remember it was closed because I think it's like a – it's says there push, push to open, a swing door, I think.
- Q. Anyway once you were inside it was obvious that the smoke had got in there, you were in there with Mr Smith were you?
- 5 A. No I, I laid him out, well I sat him – he kind of just leant up against the rib in the top left-hand picture, just by that orange tube there, he was – I put him right there. I said, "I'll be back in a sec." Yeah.
- Q. Did you notice anything about the phone?
- A. Yeah, the phone wasn't working at all; it actually had a tag on it saying,  
10 "Down due to fresh air base move," or something.
- Q. Did you try the vent?
- A. Yeah, I turned that on and nothing came out.
- Q. I think you've already told us that the self-rescuers weren't there in those cubbyholes either, is that right?
- 15 A. Not that I can remember no. I, I had a good look, I looked around, I looked down, it was a very vivid memory because I just couldn't believe my eyes.
- Q. How were you feeling?
- A. Pretty angry.
- 20 Q. Did you express that anger?
- A. A lot of swear words.
- Q. So what did you do next?
- A. Came back out and said, "Stuff this," and I said to Russell, "Can you walk?" and he kinda just groaned at me. I continued to drag him a little  
25 bit further and I tried – after that I tried to prop him up, up on his legs and he just fell back over.
- Q. I'll get you to read paragraph 37 on until I ask you to stop.
- A. Okay. "I said to him, 'Screw this, we're getting out of here.' I dragged him a little bit further and then I asked him if he could walk. He replied that I think so, he thought that he could. So I helped him up. He walked  
30 a couple of steps and fell back down. I picked him up again and told him to hold on to me. We held on to each other and I held on to the rail, when I say, "rail," I mean like the conveyor belt on the left-hand side and

we walked like that all the way out. We stopped perhaps four to five or even six times and I would look back for 10 to 20 seconds hoping and praying that there were maybe more lights would be coming down the road. That's what I was waiting and hoping for, but there were no more lights."

5

1535

Q. Just pausing there. How often did you do that, pausing back and looking?

A. Yes, it was, I can't remember exact time, amount of times I did it but I did it three or four, five times.

10

Q. Did you call out at all?

A. Yeah, well, there was no point, I was talking pretty loudly but there was no point because I couldn't see anything and yeah, it was...

#### **MR MOORE ADDRESSES THE COMMISSION**

15 **THE COMMISSION:**

Q. Would you like to take a break? We usually have a break about now, would you?

A. It's up to you guys, I don't mind.

**COMMISSION ADJOURNS: 3.36 PM**

**COMMISSION RESUMES: 3.54 PM****CROSS-EXAMINATION CONTINUES: MR MOORE**

5 Q. I think we got down towards the bottom of page 7, Mr Rockhouse. So if you could start reading from paragraph 39 at the bottom of page 7 and just carry on till I stop you?

10 A. "Russell and I kept holding onto each other and walking. It was like a three-legged race with one step then one step holding each other. I was holding him up. He had his arm around me so I could hold him up and we walked out, all the way out. We stopped and opened up more air vents on the way out. I opened up every one I could find until the pipe rose up and over the roadway and I could no longer reach it. That's what kept me and Russell alive, tapping into that air pipe. I wanted to keep Russell motivated to get him out. I didn't want him to drop because a dead weight would've been a lot harder to move. I said to  
15 him, 'Think about your kid, think about your wife,' and I told him I was thinking about mine, trying to keep him motivated and keep his legs moving.

20 Q. Right, just pausing there at the end of paragraph 41. As you moved your way down the portal, were you still pausing and looking back up the portal from time to time?

A. Briefly, yes.

Q. You saw nothing?

A. Not a thing.

25 Q. No. How far away from the portal would you have been when you first saw light?

A. A rough estimate, because of the way the mine is designed, it goes up and kinda levels, the top of that last ridge roughly 200 metres, two to 300 metres maybe, no more. Yeah, I'm not sure.

30 Q. So that part of the mine goes up and then there's a plateau and then it goes up and there's another plateau?

A. That's right.

Q. That the way it works?

A. Yeah.

Q. And as far as the air quality is concerned, did it change as you moved your way down the portal towards –

A. Yes it did.

5 Q. – down the drift towards the portal?

A. Yes it did. It got a lot clearer and a lot easier to breath as the further we got out. It was – I was still turning on valves as far as I could, like I think it's stub 2 that actually go up and over the roof and then you can't reach them. After stub 2 I noticed that it was getting clearer and it was easier  
10 to breath. I was, yeah, it was still smoky but by any means as bad as it was where we started.

Q. Could you feel any air movement as you made your way down?

A. Yes.

Q. Coming from where, what direction?

15 A. Coming from the portal.

Q. So your sense was fresh air was coming in through the portal and moving its way through the drift?

A. It was only slight but, yeah, you could feel it.

Q. Thank you, would you carry on reading from paragraph 42.

20 A. "We got out at the portal and I sat Russell down and told him to breathe in the air, telling him he needed it and to get some oxygen. There was a DAC system or it was different to the ones underground, the intercom at the portal and I pushed it. The control picked up straightaway and I told him to get us out of there."

25 Q. Right, just pausing there for a moment. The DAC intercom, where was that positioned relative to the portal?

A. Okay, it was out, actually out of the mine but if you can see on the camera that's at the portal it's, the way that the camera's sitting it's right next to it. There used to be a tag board where we put our tags on to go  
30 underground, which is now positioned at the workshop, or at the lamp room I should say, but it used to be at the portal and that's where I sat him down and that's where the intercom is now.

Q. So that if you were coming down the drift, coming out of the portal, the DAC would be to your left, would it?

A. Yeah, it wasn't a DAC, it was a intercom.

Q. Intercom?

5 A. Yeah.

1600

Q. Right, thank you. Just carry on reading, paragraph 43?

A. "Within a minute a contractor turned up with some other guy and then two more cars arrived, including my father. He grabbed me and I just  
10 collapsed. I broke down into tears and was having trouble breathing and Russell just was gone, he was, yeah, he was off his, he was off his face and mumbling a little bit and was taken, we were both taken away by paramedics. There were paramedics there and there were, we were instantly put on oxygen and taken away in an ambulance."

15 Q. Thank you. Now there are three video clips which I am going to ask to be played, you've seen them all before, one is of you and Russell Smith exiting the portal, the next is some contractors who arrived, I think, were first on the scene, is that correct?

A. I can, I was a little bit hazy but they may have arrived with the  
20 paramedics, I'm not sure.

Q. Right, and then the final clip is the vehicle arriving with the medics and your father.

A. That's right.

Q. So, we can start by playing, for the record, it's CAC0020. This is you  
25 exiting the portal.

**VIDEO CLIP CAC0020 PLAYED**

Q. Can we pause that there? Can we play that again and just see if we can just pause it so that we can see the two figures? It's tricky I know.

**VIDEO CLIP CAC0020 CONTINUES**

30 Q. There, that's perfect. Now, we've just, again for the record, frozen the frame. The person closest to the camera without any headgear, that's Russell Smith, is that right?

A. That's right.

Q. And partly obscured by him is you, and I think you've got your arm around his shoulders or the top part of his body, is that correct?

A. That's right.

5 Q. Thank you, just carry on and you're moving to the left of the portal and out of view of the camera?

A. That's right.

Q. And that's where the intercom was?

10 A. It's just to the left but where you can see these orange pipes right in the camera, just right beside that there'll be a wooden shed and it's just attached to that wall.

Q. I see.

15 A. I went out that far because I was looking for, I was thinking in my mind that maybe they didn't want to come up to the portal in case of another blast or something like that so I went right out to see if they were down to where you can see the camera, to see if they were down there and I didn't see anyone, so I came back and sat Russell down and used the intercom.

Q. And the first vehicle on the scene is this one coming up?

**VIDEO CLIP CAC0021 PLAYED**

20 Q. And I believe that's the contractors wasn't it?

A. Yeah, yep, that's right.

Q. And then next, that clip was CAC0021, and then the final clip is CAC0022.

**VIDEO CLIP CAC0022 PLAYED**

25 Q. This is the medics in I think the ute that your father was on, is that correct?

A. That's right, that's me you can see there getting into the back of the ute.

Q. I see, thank you.

A. That's one of the contractors.

30 Q. Right. Is that your father there we can see round the back of the ute?

A. That's right.

Q. With the blue hat?

A. Yep.

1605

Q. That's fine, thank you. Now there are just a small number of final wrap-up questions that I want to ask you. Now we've heard about a ladder system or something of that sort at the vent, are you aware of that?

5 A. Yes I am.

Q. Did you contemplate using that at all as an option to make your escape from the mine?

A. I thought about it, but the – I thought about it for maybe a second, but I said to myself, "That's a stupid idea."

10 Q. And why did you say to yourself it was stupid idea?

A. Because it was inbye of where I was for one, and I knew from what I could see with the smoke going where it was, I knew exactly where it was going and that was out that vent shaft.

15 Q. The smoke was going up through the mine and exiting out through that shaft, that's what you understood?

A. That's what I understood it was doing, yes. If I or anybody had tried to climb that, not only they'd be exhausted and probably lose oxygen but they would've been gassed I believe, because, yeah... I wouldn't see it – even if that was close to me I would still try for the portal over the vent shaft.

20

Q. Why's that?

A. It's just – yeah, I knew in myself that that was just no, not a happening thing. It was just it was – yeah, it was – it was just too – I knew this would be too much smoke and gas going up there.

25 Q. Had you ever climbed up that ladder or part of that ladder?

A. I've been up part of the ladder. I was with my deputy at the time, he was just doing some checks and I, I climbed up it, not very far though and just climbed back down it. But, yeah, it's – other than that no.

Q. How far up that ladder did you climb?

30 A. Oh, about 10 metres.

Q. Was that enough for you to form a view, at least in your own mind, about the practicality of that as an escape route?

A. I remember saying when I did it, to my deputy, stuff that.



Q. Why?

5 A. Just it'd be too much of a mission. Just it was unethical I guess. It was just – he agreed with me to, it was like – you could use it, but it was just too – I'd never been to the top of it so I didn't know exactly how far it was. But it would, yeah, it was – I just believed in myself that wasn't a good idea.

Q. Was it because of the effort that it would take to go up it or was it the angle or what was it that –

10 A. The effort, the angle, the way it was – 'cos it's, from what I could see it was straight up and it was just – I just didn't – I wouldn't like to do it that's all, you know, if you had to I wouldn't like to have to do it you know.

Q. We've heard about a fresh air base or something along those lines located in the area of the slimline, do you know what I'm talking about?

15 A. Yep, what was called a – the next fresh air base.

Q. The next fresh air base?

A. Yeah.

Q. Can you describe to us what it looked like and how did it work?

1610

20 A. It was a stub. I was one of, you know, there was a whole bunch of us throughout different shifts. Actually the one that made it, one of the ones that made it. It went in about 10, 12 metres, and it had, like a roll of brattice door that was tied up and it had a 600 mil made a borehole in it and it had a box full of like equipment, I think it was fire fighting equipment and a box of self-rescuers and that was it.

25

Q. So this is a brattice curtain that would come down?

A. That's right.

Q. You'd pull that down in the event of emergency, is that?

A. That's what we were told to do.

30

Q. Right, and the fresh air, where did that come from?

A. Yeah, that's where I – it was meant, I suppose it's meant to come down that borehole.

Q. Down the Slimline shaft?

A. Yeah, down the Slimline shaft, but it didn't have a fan attached to it at the top of it I don't believe and I don't see how that it was pumping in fresh air, so, maybe it was but I didn't really inspect it too much, yeah.

5 Q. Did you consider that as a possible option at, or immediately after this explosion and you're thinking about how you're going to get out?

A. It didn't even cross my mind, to be honest. One, because once again it was inbye of the mine. I didn't wanna go in further if I didn't need to, you know. And it's just the condition of it, it was, I don't see how that would stop gas, even if you pulled that brattice down, there would've been, it wasn't a tight air seal, so it would've maybe temporarily given you rescue, but –

10

Q. Where was the smoke and gas going? Where would it have been going –

A. It was heading up towards that fresh air base. It was heading up towards that vent shaft and the rest of the guys.

15

Q. Did you have any, or did you ever take part in any emergency evacuation drills?

A. No.

Q. Were any offered to you?

20 A. No, there was word of it happening at some stage, but it just never happened.

Q. You've described how particularly in the smoke, you were moving your way down the drift. Had you before that time ever experienced having to move in an environment with very limited visibility?

25 A. No.

Q. Have you had any experience of that kind or aware of any experience of that kind or training in those conditions where you now work?

A. Yes, it hasn't happened to me personally, but what they do in the mine I'm working at, at the moment is, every so often they will come down and when I say "they", I mean, I'm presuming managers and a deputy or something, will come down and actually tap you on the shoulder and put some smoke goggles on you –

30

Q. What are smoke goggles?

A. Oh, just goggles that are kind of blacked out a bit, and so that you can't, your visibility's very limited and then they'll tell you to put your rescuer on and start proceeding to walk out of the mine and use the, they have droppers all throughout the main drift and they're every 10 metres and  
5 it's a smoke line, and you have these PVC pipes and they're shaped like a candy cane and that's what you're meant to use to pull down on this smoke line so you can hold onto it and that has got a special arrow beacon on it and if – you're taught, before you even go underground that if you follow it with your hand a certain way, then that's the way out  
10 and you hold onto that and you use your candy cane to hold people, you know, if you're in a group of people, so you stay together, and you hold onto that smoke line and then you'll, every seven to 800 metres there's a – not a fresh air base but like a whole bunch of boxes full of extra rescuers and you just – like a changeover station, you changeover your  
15 fresh rescuer and you proceed on in a group, and yeah, they're every seven to 800 metres there's a, not a fresh air base but like there, a whole bunch of boxes full of extra rescuers and you just, like a changeover station, you change over your fresh, your rescuer and you proceed on in a group. And, yeah, they're every seven to 800 metres.  
20 And so that's what they do. Like I said, it hasn't been done to me yet, but it, yeah.

1615

Q. If you'd had training of that sort would that have helped you do you think?

25 A. It would make you more aware, definitely, 100%, it would make you feel a bit, it'd be distorting when it happens to you but you'd be better for it afterwards, make you more aware of what the actual conditions are like when you can't see anything and how to properly use your rescuer underground. 'Cos like I said in my statement, it's very different in the  
30 classroom to underground, it's, you haven't got the nerves, you haven't got the adrenalin pumping through you, it's very different.

**THE COMMISSION ADDRESSES COUNSEL – APPLICATIONS FOR  
CROSS-EXAMINATION OF WITNESS**

**CROSS-EXAMINATION: MR HAIGH**

Q. Mr Rockhouse, I'm acting for Doug White?

5 A. Yeah.

Q. I want to ask you about your knowledge of the, if you had any of the decommissioning of the fresh air base that you went to and these toolbox talks. Can you explain what the toolbox talks were, how frequently they were held and your attendance at them?

10 A. Yeah. The toolbox talks were at every, start of every shift. They were just, they were standard practice. When you get off the bus you go straight into the lamp room to put your gear on and pretty much once everyone's, well usually when, once everyone's in there they start talking. They don't really, it's – sometimes people aren't in there when  
15 they should be and sometimes people, you know, I've seen beforehand, I have occasionally missed part of a toolbox talk and stuff like that, that's because, you know, some people, whether it be right or wrong some people will be going to the stores to get gear, going to machines to service them and stuff like that, sometimes they're missed. -

20 1620

Q. Is it your evidence that you were not aware on the 19<sup>th</sup> of November that the fresh air base that you have alluded to had been decommissioned?

A. I was not aware of it, no.

Q. Do you know when it was first raised at these toolbox talks?

25 A. About the fresh air base?

Q. Yes.

A. No I was not. I don't remember signing anything 'cos usually if a bulletin comes up, like that's an important bulletin, they usually make you sign it so that they can, you know, they can say that you were there sort of  
30 thing, but I, I don't remember signing anything saying that I was aware of, of it being decommissioned. That's why I went there. That's why I had it in my head that that's where I need to get to at least.

Q. Well putting to one side whether you'd signed anything or not.

A. Okay.

Q. Do you say that you had no knowledge whatsoever that this fresh air base that you've described had been decommissioned?

5 A. No, I knew at some point – this was a long time before the explosion that they were in the process of putting in a new fresh air base, but I wasn't aware that they were actually moving the old fresh air base to the new location.

Q. So you knew about the fresh air base that's been Slimline shaft?

10 A. That's right.

Q. Which was obviously further into the mine?

A. That's right.

Q. But no one had mentioned to you that you can recall about as a result of that being moved, the existing fresh air base was going to be decommissioned?

15

A. Not that I can remember.

Q. Well I'm not in the slightest bit critical, but could you have been at one or more meetings when this had been raised, but you didn't take it in?

A. It could've been a possibility, I won't say no.

20 Q. Now you wouldn't have been aware at the time clearly, but we've heard, as I understand the sequence of events from Mr Strydom, that by the time you got hold of the control room from ringing on the first occasion when you were in the mine, the – Mr Strydom had already notified control room as to there had been a significant explosion or something to that effect and that the emergency procedure had been put into effect. You wouldn't have known that at the time of course?

25

A. No.

Q. Do you now know that?

A. That Mr Strydom had done that?

30

Q. Yes.

A. Well, yeah I do because he just said it, but I didn't know, I only found out the next morning that Mr Strydom came, was even in the mine.

Q. Right, because as I understand the timing, his communication with the control room and the putting into effect of the emergency procedure, took place before you rang from the mine itself?

A. I suppose so, I don't know.

5 Q. Now the conversation that you had with Mr White, you've described and completely understandably you've been disoriented, confused because of this explosion and the impact upon you, the smoke and all those consequences, so would it be fair to say that when you spoke to Mr White, your recollection of that conversation may not be perfect?

10 A. It may not be perfect, but I know what I said.

Q. Sure. Yes I'm not challenging you. Well I think I should tell you what he will say in evidence, is that he – you spoke to him and that you may not have heard this before I'm not sure, but when you spoke to him he said that he told you to get out of the mine and to get low whilst you were doing that?

15

A. That's right.

Q. He will say he had no recollection at all of mentioning a fresh air base?

1625

A. He, he did not say to me, "Get to the fresh air base and stay there and use the fresh air base," he said to me, "Get to the fresh air base and use the – make contact with me there," because he knew, everyone knows that there's a phone at the fresh air base and so, that's what I did, I was going to make contact at the fresh air base and like I said previously, I was not intending on staying at the fresh air base, I was, I was going to leave after I made contact, but the phone didn't even work, so, that's what my –

25

Q. So –

A. – intentions were. He said to me, "Get to the fresh air base and make contact."

30 Q. And clearly he can't have meant going to the fresh air base at the Slimline shaft because that was going back into the mine?

A. I would hope not.

Q. So, he's telling you to get out of the mine and keep low, to keep, so as you can get the fresh air?

A. That's right.

5 Q. So the only difference is, your recollection is he said, "Get to the fresh air base."

A. Yep.

**CROSS-EXAMINATION: MR DAVIDSON**

Q. Daniel, you've referred to the use of the self-rescuers in the instruction or induction process that you went through?

10 A. Yes.

Q. And I think you were a kind of a model for the class that you were in?

A. Yeah, there was a couple of self-rescuers there, like dummy ones that still worked, they were just not for underground. There was a larger one and a small one that we all use on our belts and the trainer asked for  
15 volunteers to put one on, I got the small one and proceeded to use it and put it on and fellow miner by the name of Josh Magnerius put on the bigger one. We started at the same time, same induction, so that's why he was there and we both tried them and they fully worked and they just, they showed you that when you open them up there's a special  
20 metal string that's attached, that when you pull them out that's what activates the wee motor, sort of thing, and so that's what the purpose of them doing that in the classroom was, to show you what actually happens when you pull it out of the box.

Q. So you've been through a process which obviously was some  
25 assistance to you when you had to come to use the self-rescuer in this emergency?

A. Yes.

Q. And as I read the evidence, and I acknowledge that I have spoken with you about this, you activated the self-rescuer but it was in the course of  
30 you moving a bit quite quickly as you put it on, that's right isn't it?

A. Yes.

Q. And the way your evidence reads, in particular at paragraph 19, is that you describe the smell and the smoke and you say at paragraph 20, "I ran towards the pumps, because I could see it was a bit clearer."

A. That's right.

5 Q. So, that was heading to what you thought was clearer atmosphere?

A. Yep.

Q. But you're moving quite quickly towards that space?

A. That's right.

10 Q. And then you reach a decision that was a big wall at the crusher and there's a prospect of being trapped, so you come back again?

A. That's right.

Q. So you're moving quite quickly with the self-rescuer on and in essence, is it correct, you simply couldn't get air out of it –

A. That's right.

15 Q. – and you felt as though you had none?

A. That's right, I had taken it out straight away, out of it's box and tried to use it and then I turned to my left and it was clearer so I went, I took it out of my mouth and kinda went towards there and turned round and the smoke was just coming in, probably, I don't know how fast, but it was  
20 coming in fairly quickly and then I went to put it back into my mouth and I walked back into the smoke and, yeah, and so forth.

Q. So, the purpose of my question is that you're able to get your rescuer going –

A. I –

25 Q. – at the same time you're heading for what you think is clearer air?

A. Mmm.

Q. And then make a decision to back out of there, that's what happened?

30 A. Yeah, that's right. I think that it was going and it was working the way it was meant to but I was panicking that much that I mustn't have been doing something wrong.

1630



Q. As I understand it, there have been suggestions at the time of this incident, that you would be trained in use of the self-rescuers in a smoke tunnel?

5 A. That never happened. When I first started, that was only hearsay that it was meant to happen with Mines Rescue. They've got the facility to do that out at Mines Rescue, but I never participated in anything like that.

Q. Do you know if anyone did?

A. Not that I'm aware of, no.

10 Q. Now I come to the question of the use of the air lines as you came back down the drift, could I have exhibit 14 up please?

**WITNESS REFERRED TO EXHIBIT 14**

Q. As you explained it, the air lines are to start the engines on the machines?

A. Yep.

15 Q. And you went to it really as a port in a storm, it was something for you to go to, you realised that potentially could help you?

A. That's right.

Q. And they have on the outlets or the valves, they have a rubber hose, or a hose?

20 A. Not all of them, but some of them will. They'll be leading to maybe an auxiliary fan or something like that. They could be leading to anything that needs air. Anything up to, like the diesel bay that was underground needed air to pump the diesel into the machine, so it could've been that, but I turned it off.

25 Q. Did you retain the tubing from the line, or you throw it away?

A. I threw – I threw it on – I don't know where it went. I just rip, it wasn't my concern, it was just I threw it.

30 Q. Now turning to the question of visibility again, at the place you describe the explosion occurring where you were, you talked in answer to a question from my friend Mr Moore to not being able to see your hand, is that right?

- A. That's right. If I stretched it right out, I couldn't see it, but if it was really close to my face I could see my hands round this area, but it was very, very thick.
- 5 Q. Now you have your lamp on when you're making this observation, you couldn't see your hand at that time?
- A. You could see the light, the particulates that were in the air –
- Q. Yes.
- A. – and you could see my arm, but you couldn't see my hand, so, it was just, that's the only way I can describe to you how thick I believed it was,
- 10 it was, yeah.
- Q. So essentially you had no visibility?
- A. No, I couldn't see a thing.
- Q. Apart from the lighting you have, did the mine have any other lighting at all –
- 15 A. No. As far as I'm aware, there was lighting at some locations with electrical transformers, DCBs, I suppose to assist the electricians to do work, and in the last few months before the explosion, there were some, or a few lights installed in certain driveages, in certain roadways but not many.
- 20 Q. And in Australia in the mine you work in now, what's the lighting there like?
- A. It's a lot better than, a lot better than what I'm describing. Down the main heading, it's all lit up, there's all lights all the way down, and then I'm not sure how far in, but then they stop and most – every electrical
- 25 bay has lighting and just about any, just about everywhere where there is some type of machinery or something that you need to be doing things, that there's lighting.
- Q. Now come to the telephone which we know did not work in the fresh air base so called here, that's a yellow phone?
- 30 A. That's a yellow phone, yep.
- Q. And these phones are yellow throughout the mine?
- A. Yes, they are.

Q. And is it the case that they tended to move around, move location as the mine progressed?

A. As the mine progressed there was – I don't know, you'd have to ask an electrician, but there must've been only a limited amount of them so therefore they grabbed the furthest ones away and brought them forward maybe, but, yeah, that, they were – I believe they were having trouble with the phone lines which is why they brought in the DAC system, so yeah, they were scattered in random places throughout the mine. I'd sometimes come, and others, would come to certain places in the mine thinking that there was a phone there, but it's been moved, or there'll be a phone there that's unhooked, saying it's going to be moved or, you know, there'll be a tag on it or something.

1635

Q. Was there a plan of where the phones were available on any given day?

A. Mmm, not really, because they kept moving.

Q. What access did that give you, the use of those yellow phones as far as you were concerned?

A. You would have to come back. They tried to make it that there was a phone at each face, as close as possible but sometimes it lacked a little bit and they'd get further and further away but eventually they get brought back up. When they brought the DAC system in it got a lot better with contact to the outside.

Q. I'll just come to the question of your knowledge of the sort of decommissioning of the fresh air base. You knew nothing about the fact that it had the equipment taken away from there at all?

A. Honestly I was not aware of it.

Q. You mentioned that sometimes people, perhaps even you, don't make the toolbox talk for some reason or another?

A. Yes.

Q. Is that the prime source of information about that sort of thing?

A. Something like that would be brought up in a toolbox talk because it's very important but it, I'm trying to remember now and I just really can't remember being told about it. I may have been away on a day, or that

day, or something like that 'cos the toolbox talks don't really get repeated. They get repeated to each crew but they don't, you know, when the next day starts there'll be a different set of tasks to do and stuff like that so everyone will have a general toolbox talk and then each

5 department, like the engineering and the electrical and the miners, would kinda do their own thing and speak to their own bosses.

Q. Do you know if a notice went on the board at any time, have you found that out since about it?

A. I haven't found out about it, no. No-one's told me that there's been, there was a notice. I spoke to quite a few of the boys, none of them

10 have told me that there was a notice.

Q. Do those boys know about the decommissioning?

A. Some of them were aware that it was going to be moved but they didn't know when and they weren't told.

15 Q. Now you talked in several parts of your evidence about disorientation?

A. Yes.

Q. And it appears that at different times on this journey out of the mine you experienced disorientation?

A. Yes it was like a very dizzy feeling.

20 Q. You had one point of identification I presume, and that was that you were going down?

A. That's right, and the conveyor belt.

Q. Yes.

A. And the pipes.

25 Q. So you've got that direction or guide, if you like?

A. Yes.

Q. But otherwise in the disorientation are you saying that that is the product of the combination of blast and the gases and all the things that were assailing you, affecting you?

30 A. That I was disorientated?

Q. Yes.

A. Yes, yeah, it's pretty – on a normal day it's straightforward. If you've been under there a few times you'll get your bearings fairly quickly

unless you go right up into the coal where it starts to get a little bit crazy but it's, it's a very small mine so it's not too hard to get – you can't really get lost, especially where I was so...

**CROSS-EXAMINATION: MR HAMPTON**

5 Q. Just the toolbox talks?

A. Yes.

Q. Did they invariably happen?

A. Yes, they would happen every day, every shift. It was just a standard thing like getting your gear on every day, it was just, yeah.

10 Q. And would everybody on the shift be present or would they go ahead without everybody being there?

A. No, they were meant to be all present.

Q. You say they were meant to be?

A. They were meant to be.

15 Q. Do I take it from that that they sometimes took place without them?

A. Sometimes.

Q. Everybody being there?

A. Sometimes. And I'm talk, when you say, "Not everybody," I'm talking maybe one or two people every now and then, you know. 'Cos I've seen it with my, I've seen it before, you know.

20

Q. Was anything said or done to make sure that everybody on a shift was there, present at toolbox talks do you know?

A. If there were people missing people will get sent out to go find them but if you, you know, if you can't find them then it was kinda like, "Oh, whatever," it's just, and they came back in and continued and if there was something really important that they'd have to sign, then they'd have to come back in and sign it, but they weren't actually there for the toolbox talk.

25

1640

30 Q. And when you say, "Whatever," that's the expression of the person running the –

A. Well, yeah.

Q. – in effect that's what the person running the toolbox talk would say?

A. No, not the person running the toolbox talk, it would be the miners' attitude.

Q. Just get on with it?

5 A. Not all of them, I'm not saying all of them, but just, yeah...

Q. From what you've said already no evacuation drill was ever in Pike River during your time there?

A. No.

10 Q. Any taking of miners through to the start of the ventilation shaft and telling them that's the emergency way out?

A. I think, I think everybody that was underground had seen the ventilation shaft, the bottom of it. Everyone had been in there and been made aware of it and, but I don't believe that too many people have gone up there.

15 Q. Ever seen anybody put a self-rescuer on and try to up there?

A. No.

Q. Was there ever any drills with miners donning self-rescuers and making their way up the drift, out the portal?

20 A. No, ah, I did actually see one day – it was my father actually, testing one of the self-rescuers. I was driving a loader passed him and he had a self-rescuer on, he was doing a test, but the actual miners, no.

Q. Ever any practice drills using smoke lines to find your way out?

A. Not that I'm aware of. I personally didn't no.

25 Q. Have you any observation to make about the state of those smoke lines?

A. Can you repeat the question please?

Q. Have you any observations yourself, from being underground, of the state of the smoke lines inside Pike River?

30 A. There's a lack of them. There was, there was a smoke line from the portal right up, it may've gone past, right into pit bottom stone, after that it kind of just – where it mattered, they weren't there. Where it mattered, where they needed to be in the coal, where it starts getting a bit mazy, crossing over and stuff, they weren't there, so...

Q. So you heard Mr Strydom this morning?

A. Yes.

Q. So you're of the same view as he about that –

A. Definitely.

5 Q. – in the main drift you've still got the conveyor and you're going downhill and you so on?

A. Yes, that's right.

Q. Not as necessary there as it is in the workings in the coal?

A. That's right.

10 Q. And they weren't there?

A. That's right.

Q. Ever any concern about the men work – from the men working in the mine about the availability to them of transport so that they could make their way out of the mine?

15 A. On a regular basis, yes.

Q. What was the problem please?

A. Lack of transport and that the smoke line was brought up, it has been brought up in the past, I couldn't give you how many times, but it has been brought up, I know it has. And the lack of transport got brought up  
20 quite regularly.

Q. Brought up where in what sort of meetings?

A. Toolbox talks.

Q. And that being unavailable drift runners or whatever –

A. That's right.

25 Q. – to get you out of – at the end of the shift or in, even in emergencies?

A. In emergencies was – and at the end of the shift, countless times there was, there has been where you've gone to actually leave for the end of your shift, and they're not there and then we started doing what's called a hot seat changeover where you stay underground until the next crew  
30 turns up and they'll turn up with a one-man transporter that can hold 11 people and there's 15 guys on your crew and you, yeah, that's – well is there another drift runner coming? No.

Q. So at the end of a – how long working underground?

A. For quite some time it was 12 hours shifts.

Q. Twelve hour shifts. At the end of a 12 hour shift you'd be expected to walk out?

A. But then it changed, then it changed to 10, 10 hour shifts.

5 Q. Yes, but whether it be 10 or 12 –

1645

A. Yes, well, you'd start walking out yes, and then eventually maybe, or walk down to Spaghetti Junction where a troupe carrier that John Hale was organised to drive, he was allowed to drive this troupe carrier to Spaghetti Junction and no further. We were told to walk down to there if he wasn't there continue walking out.

10 Q. And this is what Mr Strydom referred to as the taxi is it?

A. That's right.

15 Q. So, concerns raised about lack of transport available. What was the response of management to your concerns?

A. "Yes, yes, yes, we're getting onto it." Theirs is that, "We're looking at buying another couple of drift runners," or, "We're looking at bringing in another couple of drift runners," or just something like along those lines and it would just, kind of. They brought in John to be the taxi driver for this troupe, and that was meant to remedy it I think for a time but it, nothing else happened, there was no more drift runners.

20 Q. You told us – just one other thing about things underground and I don't raise it as a matter of levity, but as a matter of, perhaps, indicative of state underground, was it of concern to you and other miners the lack of toilet facilities underground?

25 A. Oh, very much so.

Q. Can you tell us what that was please?

A. There was one toilet. It was parked at A1 where I was underground when the mine blew up and so you had to either, from there to right to the face you're looking at about a kilometre and like I just said, there wasn't any transport to take yourself down there so you'd have to walk and most guys had to resort to going on the ground or just wherever, it was –



- Q. Digging their own little hole as –
- A. Pretty much, yes.
- Q. Literally?
- A. Getting treated like a dog a little bit, it was pretty –
- 5 Q. Was that taken up with management?
- A. Very much so, all the time.
- Q. And the response?
- A. It was just kind of just pushed under the carpet, like, we had, we got another, a second toilet but the first toilet was never, they were sitting
- 10 outside for a long time, they never went underground and, the closest one that got to the face was about a kilometre away and there was only ever one underground at all times for up to 60 people and the hygiene of it was horrible.
- Q. Interesting snapshot. You've been working in Australian mines since?
- 15 A. Yes.
- Q. Just the one mine?
- A. Yes.
- Q. Can you make a comparison with your induction training there as with induction training at Pike?
- 20 A. It's different, you can't really compare it because, the way Pike started their inductions was because a lot of the guys were, never been underground before and it's, their systems over there they work a lot differently. If you start as a cleanskin you can't really drive any machinery or anything like that you're kind of just a labourer. whereas
- 25 over here we did the induction and through that induction we started doing licences for the drift runners and then the loaders and things like that and you were, there was a system where you had to get a certain number of hours and stuff but it was, yeah, it was a lot different to what they do over in Australia.
- 30 Q. And I take it that a lot of people that were starting at Pike were clean, what you refer to as cleanskins?
- A. Cleanskins yeah, there was.
- Q. That is people without prior experience of underground mine?

A. Yep.

Q. What about a comparison, if you can then, between training and safety drills, safety regimes in the mine you're working in now as with Pike?

5 A. There are, it just seemed to me, you know, I haven't been there for very long, so, it seems to me that they're a lot more onto it over there.

Q. In what sense please?

10 A. They're just, they're very safety orientated, they're just, they've got, they're very strict with what their procedures are and if you don't follow them and you get caught out, you're down the road pretty much, whereas –

1650

Q. Can you give us a concrete example of what you mean by that, strictness, that if you didn't comply you're be down the road?

15 A. Well, you just, just like a deputy would come across you and if you were doing anything unsafe, he'd stop you and he'd ask you why you're doing that and you give him an answer or something like that, and he'd be, "Well that's unacceptable. Did you do a Take 5?" is what they call it, a safety report, it takes five minutes and if you, that's required to do that with every kinda job that you do and he'll sit you down and or he will  
20 stop all operations, it doesn't matter what it is and they'll go through that procedure again. "What did you do wrong?" And that, they might give – if it was only a minor thing they might give you a warning or something like that, they'll report you. They'll take you out of the mine, whereas over, my experiences at Pike, it was a little bit different.

25 Q. In what sense?

A. Unless it was like a huge thing, like a really big thing, nothing was really done about it, about you know, small things, like, for example, like working out of a bucket was a regular practise at Pike, even though it was not allowed.

30 Q. Sorry? Working out of a bucket?

A. Working out of a front end loader bucket –

Q. Yes, so a man standing in the bucket?

A. Yeah.

- Q. What, doing roof bolts and things like that?
- A. Doing roof bolts, putting up pipelines, it happened and –
- Q. It wasn't supposed to happen, it happened?
- A. It was not supposed to happen, no.
- 5 Q. What happened to the man who did it?
- A. It just got done, nothing.

### **MR HAMPTON ADDRESSES THE COMMISSION – PHASE THREE**

#### **CROSS-EXAMINATION: MS BEATON**

- 10 Q. Mr Rockhouse, you said before that on one occasion you saw your father Neville, testing a self-rescuer?
- A. Yes.
- Q. Was that in the drift?
- A. Yes, it was in the main heading, yeah.
- 15 Q. And was he walking out with using the self-rescuer?
- A. Yes, he was. I actually didn't recognise him at first because he had the mask on and then I found – 'cos I was going outside, and I found out maybe half an hour later that it was actually him, 'cos he saw me, and, you know, come over and have a chat and he just told me that it was
- 20 him, 'cos I saw someone doing it and I, yeah.
- Q. You said, I think, that you'd never walked out yourself using a self-rescuer, no drill of that type?
- A. No.
- Q. Have you walked out of the mine under normal circumstances?
- 25 A. Yes.
- Q. How often would you have done that?
- A. Over a two year period, a dozen times.
- Q. Would you be able to estimate how long it would normally take you to walk out from, for example, from about the location where you were on
- 30 the 19<sup>th</sup>?

A. Around 15 minutes, because it's all downhill, so it's a very easy walk and it's, you know, in the main roadway it's not too rough so it's, yeah, it's a pretty easy walk.

5 Q. So about 15 minutes from the location where you were at the time of the  
–

A. Roughly, yes.

Q. – explosion to the portal, give or take?

A. Roughly yes.

10 Q. I'm just going to bring up that large map again Mr Rockhouse in front of you there, and I just wanted to clarify because I think that this map might be slightly misleading when it has that little box there at about – so that's exactly the box I'm referring to there, where it refers to the approximate location of a loader at 1500 metres from the mine entrance?

A. Yes.

15 Q. Now, am I right that when you came across Russell Smith that he was actually inbye of stub 3?

A. Yes.

Q. And his vehicle as well obviously –

A. Yes.

20 Q. So towards the mine?

A. Yes.

Q. From stub 3 – from that then can we take that this notation is incorrect from your knowledge of the 19<sup>th</sup> of November?

A. How do you mean mislead, incorrect –

25 Q. The fact that this suggests there's a loader in that location, would?

**THE COMMISSION:**

Assuming that loader is Mr Smith's.

30 1655

**CROSS-EXAMINATION CONTINUES: MS BEATON**

Q. Yes.

- A. What, where this arrow is?  
Q. Yes.  
A. I think it's a bit further down than that.  
Q. Okay, thank you.

5

**MR HAMPTON:**

There's a blue arrow further down, he's referring to the blue perhaps?

**CROSS-EXAMINATION CONTINUES: MS BEATON**

- Q. I'm sorry, are you referring to the blue arrow there Mr Rockhouse?  
10 A. Yes, yes I am. Whereabouts are you?  
Q. Okay so –  
A. Whereabouts are you guys?  
Q. I'm referring to, you see the box that says, "Approximate location of loader," the large box?  
15 A. Yeah.  
Q. And the black line that goes down from it?  
A. Yes. And that, oh okay, I thought that was, got confused a bit, yeah. That's about right actually, roughly where the loader is.  
Q. That's about right?  
20 A. I thought stub 3 was stub 4.  
Q. Well I may well be confusing things even more but if we can perhaps go out a bit. So if you can see that now?  
A. Ah, no the –  
Q. As I understand it, from your –  
25 A. That's wrong.  
Q. Yes.  
A. Now I'm confused, yeah very confused.  
Q. So from your evidence you made the phone call and you spoke to people in the control room?  
30 A. Yes.  
Q. And then you came across Russell Smith?  
A. Yes.

Q. And then you went into what you thought, what we now know was the decommissioned fresh air base?

A. Yes.

Q. Which I'm right is in stub 3 on that map?

5 A. On that map, yes.

Q. Tried to use the phone and it didn't work?

A. Yes.

Q. So Russell Smith and his vehicle were inbye of old stub 3?

A. Yes.

10 Q. Right.

A. That, it's hard, yeah. That's right.

Q. In terms of timings, I know you weren't wearing a watch or having any ability to tell what time –

A. No idea.

15 Q. – things were occurring, can you estimate though how long you think it would've taken you and Russell to walk out?

A. No I couldn't. I don't know. It felt like forever but I don't know.

#### **RE-EXAMINATION: MR MOORE**

20 Q. You were asked some questions about these toolbox talks. Did the contractors go to those talks as well?

A. Yes.

Q. Did they go to the same toolbox talks that you attended?

A. Yes.

25 Q. Even though they did actually start at different times I think, didn't they, the contractors?

A. Well if you were there I guess then you would be at the toolbox talk otherwise I guess not then. I don't really pay attention to the contractors, I'm there for a different job.

30 Q. Yes, but to the best of your knowledge the contractors went to the toolbox talks?

A. To my knowledge, yeah. When I was at toolbox talks there were other contractors there.

1658

**THE COMMISSION:**

Q. Just looking at pit bottom and stone and stub 3 which is where the decommissioned fresh air base was?

**5 WITNESS REFERRED TO SCREEN**

A. Yes.

Q. What's your best recollection of where you encountered Mr Smith?

A. It was roughly about where it says 1800, that's where, there, it wasn't too far past stub 4.

10 Q. So about the vicinity of the arrowhead marked on the drift?

A. No, further down, where stub 4 is, go back about a –

Q. I'm sorry.

A. – about two inches.

Q. The arrowhead's at 1600 so you're talking about 1800 roughly?

15 A. Yes, roughly about there.

Q. Thank you very much Daniel, it's been a tough afternoon for you and we appreciate that and we're very grateful that you've come from Australia and given evidence in the way that you have.

A. That's fine.

20 Q. That completes your evidence and you're excused.

A. Thank you.

**WITNESS EXCUSED****COMMISSION ADJOURNS: 5.00 PM**

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