



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

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, D MacKenzie, R Schmidt-McCleave and P Radich for certain
managers, directors and officers of Pike River Coal Limited (in
receivership)

C Stevens and A Holloway for Solid Energy New Zealand

K McDonald QC, C Mander, A Williams 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 Stead for McConnell Dowell Constructors

G Gallaway, J Forsey and E Whiteside for NZ Mines Rescue Service

N Hampton QC and R Anderson for Amalgamated Engineering, Printing
and Manufacturing Union Inc

J Haigh QC and B Smith for Douglas White

J Rapley for Neville Rockhouse

T Stephens and N Blomfield for New Zealand Oil and Gas

P Mabey QC for Pieter van Rooyen

**TRANSCRIPT OF PHASE THREE HEARING
HELD ON 8 FEBRUARY 2012 AT GREYMOUTH**

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THE COMMISSION – CLOSING

That completes the scheduled hearings we have in relation to Phase Three, subject to the matter which has just been raised.

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Mr Wilding on Wednesday of last week recorded the Commission's thanks to the many witnesses who have appeared before us in the sittings that we've had in this room. I just wanted to return to that issue and to add a little on behalf of the three Commissioners.

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First of all we want to acknowledge publicly the help and co-operation which we have had from the Court staff here in Greymouth and I infer to the Court manager, all of the staff, the security officers and particularly to Ms Cassie Jones who has acted as our registrar throughout and we are all very indebted to her.

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The transcribers, invisible as they may be to us, have not only accommodated the erratic hours that we've sat on occasion, but have also produced a transcript at a speed and with a level of accuracy which has truly been remarkable given the content of the evidence they had to capture.

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I repeat as Mr Wilding did previously our gratitude for the act of participation of so many witnesses, both those who filed written evidence and have not appeared at the hearings and also, more particularly perhaps, to those who have been subjected to the experience of giving evidence in this forum and acknowledge in particular the contribution of those who have travelled from a distance and those who have given evidence more than once of which we've had a number of examples.

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Counsel, we are very grateful for your participation throughout the hearings. You have accepted or perhaps tolerated is a better word the process that's been imposed upon you in relation to the conduct of hearings and obviously

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we value your input including your active co-operation with our counsel in trying to streamline the hearings as much as possible.

5 Families, we have observed throughout both the measure of your attendance at the hearings and also your attention to really the unvarnished detail that has emerged in relation to this tragedy.

10 Last, but by no means least, we acknowledge the media's contribution to the work of the Commission and note in particular in that regard the value of the live streaming that has been provided by TVNZ and TV3 which has been invaluable for, we know, a considerable number of people both in New Zealand and overseas who have been able to participate via that medium.

15 The Commission is now starting to focus increasingly upon Phase Four, the policy and recommendation phase. We have signalled our intentions in relation to that aspect of the Inquiry by minute to counsel, but it is appropriate to say a little in a public manner as well.

20 We have already invited participants to file evidence or any materials which are thought to be of relevance to the policy aspects which we are to consider. Needless to say that evidence or those materials will be reviewed and considered by the Commission. We have also invited participants to file written submissions, referable not only to the previous three phases, but also to the policy phase by 16 March and as mentioned a moment ago a hearing in
25 relation to those submissions is scheduled to commence on 2 April. At that time there will be an opportunity for counsel to speak to their submissions, we are not expecting that people will go through submissions necessarily chapter and verse and there will be, in our view, a need to achieve some form of equitable time allocation between counsel which no doubt will reflect the areas
30 to be covered by different participants.

In light of the input we receive and our evaluation of it, it is likely that there will be a need for the Commission to seek comment and reaction from various

entities who are perhaps most likely to be affected by the policy aspects that the Commission needs to consider and I confirm that the intention is to provide advice of any such discussions and contacts through the secure website of the Commission so that all people who have been accorded status
5 standing before the Commission will have the opportunity to be aware and to participate themselves as well.

There is a fairly obvious difference of approach in relation to Phase Four and that reflects a change of focus from the Commission's perspective. From now
10 on there will perhaps be less emphasis upon looking back at the immediate cause of the explosion and that the systematic issues which may have contributed to its occurrence in favour of a more forward looking focus because really at the end of the day the most crucial aspect of the report will be the recommendations for the future. That is certainly the direction of the
15 Inquiry as at this point.