



**Royal Commission on the Pike River Coal Mine Tragedy**  
**Te Komihana a te Karauna mō te 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**

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**HEARING PLAN: PHASE THREE**  
**(November 2011 weeks only)**

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4 November 2011

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**HEARING PLAN: PHASE THREE**

Date	Witness/(Counsel)	Examination by:
Monday 14 November – Friday 18 November	11:30am Opening Statement of Counsel Assisting (S Mount)	
<b>External oversight of health &amp; safety at the mine</b>		
	1. Michael Firmin (KP McDonald QC)	Counsel Assisting Pike Officers EPMU Families Parties granted leave
	2. Kevin Poynter (KP McDonald QC)	Counsel Assisting Pike Officers EPMU Families Parties granted leave
	3. Alan Cooper (KP McDonald QC)	Counsel Assisting Pike Officers Families Parties granted leave
	4. Kathleen Callaghan (NRW Davidson QC)	Counsel Assisting Pike Officers Parties granted leave
	5. David Stewart (J Forsey)	Counsel Assisting Parties granted leave
Monday 21 November – Friday 25 November	<b>Mine systems (the hydro mining process and systems)</b>	
	6. Craig Smith (C Stevens)	Counsel Assisting Parties granted leave
	7. Masaoki Nishioka (Counsel Assisting)	Counsel Assisting Parties granted leave
	8. Stephen Wylie (Counsel Assisting)	Counsel Assisting Parties granted leave
	9. George Mason (Counsel Assisting)	Counsel Assisting Parties granted leave

**December/February weeks**

- Hearing plans for the December 2011 and February 2012 weeks will be issued in due course, when witness statements for these weeks have been filed.

**Witnesses**

- The listed witnesses will give evidence in terms of their witness statements, supplemented as necessary, although not all witness statements will need to be read in full. As at previous hearings this will be arranged by consultation between counsel calling the witness and counsel assisting the Commission.

**Leave to examine or file reply evidence**

3. Counsel representing certain Pike Officers (Ms S Shortall) is granted leave to file reply evidence in relation to the witness statements filed by Messrs Firmin, Walrond, Poynter and Cooper; and also in relation to the witness statement of Dr Callaghan. As recorded in the hearing plan, leave to examine these witnesses is also granted.
4. Counsel for EPMU (KN Hampton QC) and for the Families (NRW Davidson QC) are granted leave to examine Messrs Firmin and Poynter; and Messrs Firmin, Poynter and Cooper, respectively.
5. Any further applications for leave to examine witnesses may be made orally in the course of the hearings. The Commission recognises that the late provision of witness statements has prevented and will prevent counsel from filing written leave applications. Accordingly, oral applications may be made, a process which has worked satisfactorily to date.

**Management orders**

6. Ms Shortall also sought a management order in relation to the witness statement of Dr Callaghan. The convenient course is for that application to be determined in Greymouth in the course of the first hearing week. To preserve matters until then, an interim order directing that this witness statement shall be restricted to those with access to the secure website is made. Such direction shall apply until further order of the Commission.
7. A similar application has been made with reference to the witness statements of Robyn Hennah, Brenda Rackley, Kim Joynson, Linda Duncan, Stephen Rose and Tara Kennedy. An interim order (as in paragraph 6) is made. These two management applications are interlinked and can be considered and determined together.
8. A third management application filed by Ms Shortall relates to the witness statements of Dr Newman and Messrs Caffyn and Rowland. None of these witnesses are presently scheduled to be called at the pending hearings. This means that an interim direction is not needed at this stage – as the witness statements lie in the secure website anyway. If still sought, leave to file reply evidence is granted. Otherwise the application is adjourned and may be revived if the need arises.

Produced by:

The Royal Commission on the Pike River Coal Mine Tragedy  
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