

1 (1) The explosion would have been prevented if the
2 operator of the mine had acted prudently and followed
3 widely-accepted safe mining practices.

4 (2) The explosion would have been prevented if
5 public officials responsible for regulating the mine had
6 enforced the statutes within their authority and carried
7 out their duties competently and diligently.

8 The evidence shows, Mr. Commissioner, that the
9 Westray Mine was allowed to operate in a regulatory
10 vacuum with public officials deferring to mine managers,
11 rather than carrying out their statutory
12 responsibilities.

13 The evidence does not show, and this was just
14 alluded to at the conclusion of Mr. Hebert's remarks, the
15 evidence does not show that the people who were
16 underground on the night of May the 8th, the morning of
17 May the 9th, were themselves engaging in unsafe acts
18 which in any way contributed to the explosion. They were
19 mining the coal. They were trying to support the roof.
20 They were following the directions of their supervisors.
21 There is no evidence that they did anything other than
22 what was expected of them and we would ask that you state
23 that conclusion emphatically in your report.

24 In our submissions today, Mr. Commissioner, we want
25 to review the evidence as it relates to three groups; the