

1 The person who recommended that the permit be issued
2 was Don Jones and he testified he did so on the basis of
3 assurances from Gerald Phillips that the mine qualified.
4 However, he took no steps to verify Mr. Phillips'
5 information.

6 Now the significance of this is that if Westray had
7 been required to apply for a permit under the new Act, it
8 would have had to meet more rigorous requirements of the
9 new legislation and, in particular, would have had to
10 submit detailed engineering studies on mining methods,
11 ventilation, and ground support for each phase of the
12 development of the mine. This is the work that several
13 witnesses testified should have been done by Westray but
14 was not done.

15 We submit, Mr. Commissioner, you should find that
16 Westray was not entitled to receive the mine permit that
17 was issued to it in August of 1991 and that by granting
18 the permit, the Department of Resources allowed Westray
19 to proceed with development without having done the
20 engineering and planning required by law.

21 Now there's been a lot of testimony before you about
22 all the various changes in the mine plan that were
23 approved by Westray or by the Department for Westray. I
24 want to focus my remarks on the proposed change that was
25 not approved, and that's the plan that was submitted in