

1 violation of the Mineral Resources Act and was making
2 important decisions on its mine plan without sufficient
3 input from experienced professionals and could lose its
4 mining permit.

5 At this point, it appeared that the Department had
6 recognized serious deficiencies in the planning of the
7 Westray Mine and was determined to bring the operation
8 back into conformity with the Mineral Resources Act.
9 However, instead of maintaining its resolve, Mr.
10 Commissioner, the Department capitulated. Gerald
11 Phillips simply denied the criticisms of Jones and
12 Phelan. He submitted new plans, one showing the mine
13 consisting only of main tunnels, the other showing a plan
14 for the Southwest section that was unusual, difficult to
15 execute, and potentially dangerous. And as we know, both
16 plans were approved.

17 There has been no credible explanation in the
18 evidence for the dramatic change in the position of top
19 officials in the Department of Resources during this
20 period. Their resolve was clear in November and the
21 Department's own solicitor believed they were about to
22 stop the mine and this is consistent with the documentary
23 record you have.

24 During their testimony before you, both Mr. Phelan
25 and Jones tried to lessen the impact of their written