

1 contrary to the approved plan. The question then becomes
2 why did he do nothing about it? Here again, Mr.
3 Commissioner, we have no answer, but that is a question
4 we believe should be asked of Mr. Jones before these
5 hearings end.

6 This is important because Don Jones testified that
7 if Westray had submitted the plan for the Southwest
8 section as it was executed, he would not have approved
9 it. And that means that if the Mineral Resources Act had
10 been followed and enforced in relation to the Southwest
11 section, one of the key factors in the explosion, a large
12 body of gas in the failed district, might not have been
13 there.

14 Second, by not acting when Westray had deviated
15 significantly from the approved plan for the Southwest
16 section, senior officials in the Department of Resources
17 failed entirely to meet the statutory duties imposed on
18 them by the Mineral Resources Act.

19 The other major area of regulation of the Westray
20 Mine with we are concerned, Mr. Commissioner, is the
21 operational regulation by the Department of Labour. And
22 there's been much comment already and we submit you have
23 abundant evidence before you to conclude that the
24 responsible officials in the Department failed to carry
25 out their statutory duties. They didn't enforce the laws