

1 they had under their charge and they were, in a word,
2 incompetent. Moreover, Mr. Commissioner, their lax
3 regulation of the operation of the Westray Mine allowed
4 conditions to persist that were directly linked to the
5 causes of the explosion. The Coal Mines Regulation Act
6 confirms a broad mandate on a mine inspector.
7 Essentially, he's empowered to do whatever is necessary
8 to ensure the health and safety of miners and anyone else
9 employed in or about a mine. And that is the duty of the
10 inspector, Mr. Commissioner, and it is against that
11 mandate we say the actions of the Westray inspectors must
12 be judged.

13 Their failures are well catalogued in the evidence,
14 overlooking a whole host of violations of the Coal Mines
15 Regulations Act and elementary safe practices of mining.

16 I want to focus, though, on three areas of
17 particular concern. Those are coal dust, ventilation,
18 and the Department's response, or lack of response, to
19 safety warnings from the employees of Westray.

20 First, the coal dust. The facts in the evidence are
21 pretty basic. From the beginning of the mine to its end,
22 the operators had no program to remove coal dust from the
23 mine or to apply stone dust. Efforts that were made were
24 ad hoc and sporadic and the dust problem grew as the mine
25 developed. The problem was obvious to miners, Mr.