

1 were issued on April the 29th. You don't need to be
2 reminded of the orders, four parts, two to be carried out
3 immediately, two to be carried out within 15 days. And
4 the company was to notify the Department in writing when
5 it had complied with each part of the order.

6 As we know from the evidence, nothing was done.
7 Mechanics were directed to begin installing a sprinkler
8 system on the main slopes, but there was no removal of
9 coal dust and no application of stone dust. And what's
10 worse, Mr. Commissioner, nothing was done by the
11 Department to monitor compliance. Albert McLean planned
12 to come back in a month. Claude White said he might send
13 him back in a couple of weeks.

14 But, in fact, we know that the evidence shows Mr.
15 McLean actually visited the mine property on May the 6th.
16 He was there for four hours to give a test. And even
17 though he knew by this time that there had been no
18 communication from Westray and he knew by this time that
19 there was no compliance with the orders, he did nothing.
20 He didn't go underground. He didn't bring up the issue
21 with Westray management. If he had bothered to go
22 underground on May the 6th, Mr. Commissioner, it's clear
23 he would have found the mine much as it was on April the
24 29th.

25 We submit you should find that by not taking any