

1 Albert McLean recorded significant levels of methane at
2 the barrier on April the 29th and that this constituted a
3 significant and serious violation of the Coal Mines
4 Regulation Act. You should find that Mr. McLean and Mr.
5 White were derelict in their duty under the Act in taking
6 no action after inspecting the barriers on April the
7 29th.

8 Now the third area in which the exercise of
9 regulatory authority by the Department of Labour broke
10 down involved the safety concerns of the miners
11 themselves. The claim which is made by Mr. McLean and
12 others was that the miners never told them what was going
13 on. Well, this claim, Mr. Commissioner, is simply not
14 supported by the evidence. The evidence shows that Mr.
15 McLean and his colleagues were fully informed about the
16 concerns of the miners through direct and indirect
17 contact. And the evidence shows further that Mr. McLean
18 and Claude White deliberately misrepresented the concerns
19 of miners in two significant instances.

20 One of the most troubling stories to emerge from the
21 evidence is the story of Carl Guptill. This miner, who
22 was an experienced health and safety representative at
23 another mine, was injured at Westray in December of 1991.
24 He complained to the Department of Labour about his
25 injury and about a series of other safety hazards in the