

Act carried out has been placed upon the Inspector of Mines for the district: he is the statutory officer.

617. The Under-Secretary is the next superior officer; may I take it that he has no responsibility?—Not under the Act.

618. And the Minister above him: has he any responsibility?—Not as far as the safety of life is concerned.

619. Then, does it follow from what you have said that the Inspector of Mines, and he alone, is responsible for human life in coal-mines?—No; the management is responsible for human life; the Inspector for seeing that the Act is observed.

620. You complained yesterday of the inadequacy of the existing law?—I have done so for the last two or three years.

621. Before the Commission you have complained of the inadequacy of the existing law to render a mine less dangerous?—Yes, in many respects.

622. Are you aware of the provisions of section 58, which reads as follows: Where in the opinion of the Inspector a mine or any part thereof is found to be exceptionally dangerous, he may require the owner or agent to withdraw the workmen from such mine or dangerous part thereof, excepting such workmen as are required to effect the necessary work to put the mine in safe condition; and mining operations shall not be resumed until the mine or dangerous part thereof is made safe to the satisfaction of the Inspector?—I know that section well.

623. I think you told us that you considered this mine was exceptionally dangerous?—I reported six or seven times to that effect before the explosion.

624. Did you suggest or recommend at any time that the power under section 58 should be exercised?—I was never asked. I reported to the Government that the mine was dangerous.

625. Is your answer, "No, because I was never asked"?—I described the dangers to the Under-Secretary, who communicated them to the Minister of Mines. The Inspector was the responsible officer.

626. Did you refer to section 58 in any recommendation or report about this mine?—I am not in the habit of drawing attention to legal points. In the Wellington office we have solicitors who advise their Departments on such matters.

627. Do you believe that your reports were considered by the head of the Department?—I am sure that they were seriously considered, because he used to speak to me about them.

628. Then, if no action were taken under section 58, would we be right in assuming that the provisions referred to in that section do not apply?—No, you would be right in assuming nothing of the sort by the fact that no action was taken.

629. You say that no assumption can be drawn from the acts of parties in the Mines Department? Which parties?

630. "Persons," if you like?—I do not assume anything from the silence of some persons who have no business to interfere in the matter.

631. Am I not right in assuming that your Under-Secretary is an officer of experience and long service who has always done his duty?—Yes.

632. And you made certain reports to him?—Yes.

633. And you know he discussed them with you?—Yes.

634. And you say, further, that no deduction can be drawn from the fact that no action was taken under section 58?—There was an attempt at an action under another section.

635. I am dealing now with section 58?—I do not know what passed through his mind in regard to section 58.

636. But was it discussed?—No.

637. Do you believe that the power under section 58 could have been exercised in this case?—It could have been exercised in this case only by closing the whole property, because the whole of the mine was equally dangerous, in my opinion.

638. And do you not think the power ought to have been exercised, if you are right?—As matters have eventuated, it would have been wise, of course, to have closed the mine.

639. But I mean, speaking of what happened, after the event?—I wrote those reports before the event.

640. Do you think that the power under section 58 ought to have been exercised, irrespective of this disaster?—If I had been Inspector of Mines it would have been—most assuredly?

641. You would not consider anything if there was any risk to human beings?—The price that I put on human life is greater than the purchasing-power of money, and I would no more have considered your company if one man's life had been in peril than I would a snap of the fingers.

642. It was not done?—That concerns my colleague; he has his own views and opinions.

643. And you are seeking to blame the existing law?—I blame the existing law for not enabling us to enforce the use of safety-lamps, and flameless explosives, and those other necessary things.

644. Do you suggest to this Commission that there is not ample power under section 58 at present to close down the mine if the conditions are dangerous?—But, sir, suppose the company refused to do it—it would go to arbitration. It is necessary to consider this: that if the Inspector closed the whole of the mine, and failed at arbitration, the Government would be let in for damages as on a former occasion regarding Shag Point Colliery.

645. But he would have done his duty, the responsibility being on other persons?—He formed his opinion to the best of his knowledge and belief. I formed my opinion. Because he has a different opinion to mine, I do not say that he is incompetent.

646. You hold one opinion and the Under-Secretary and the Inspector of Mines hold another?—I do not know what opinion the Under-Secretary holds, but the Inspector holds a different opinion from mine, or he would have been more drastic. That is obvious.