

OFFSHORE HELICOPTER SAFETY INQUIRY

October 19, 2009

Tara Place, Suite 213, 31 Peet Street

St. John's, NL

October 19, 2009

PRESENT:

John F. Roil, Q.C./
Anne Fagan.....Inquiry Counsel

Amy Crosbie/ Canada-Newfoundland and Labrador Offshore
John Andrews..... Petroleum Board (C-NLOPB)

Cecily Strickland/Ian Wallace..... Hibernia Management and
..... Development Company (HMDC)

Denis Mahoney/D. Blair Pritchett/Stephanie HillierSuncor (Petro-Canada)

Alexander C. MacDonald, Q.C./
Stephanie Hickman Husky Oil Operations Ltd.

Jonathan Tarlton/Mark FreemanDepartment of Transport Canada

Norman J. Whalen, Q.C..... Cougar Helicopters Inc.

Christoper Gill..... Sikorsky Aircraft Corporation

Rolf Pritchard.....Government of Newfoundland and Labrador

Glen Roebathan, Q.C./Stephen Marshall, Q.C./Jamie Martin.....
.....Families of Deceased Passengers

Kate O'Brien.....Davis Estate (Pilot) and
..... agent on behalf of Douglas A. Latto for Lanouette Estate (Co-pilot)

Randell Earle, Q.C.Communications, Energy and Paperworkers Union
..... Local 2121

Karen Hollett Offshore Safety & Survival Centre,
..... Marine Institute, MUN

Paul Barnes Canadian Association of Petroleum Producers (CAPP)

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1 October 19, 2009
 2 COMMISSIONER:
 3 Q. I welcome you to the opening public session of
 4 this inquiry. Not only do I extend a welcome
 5 to those of you who are in the room, but to a
 6 much broader audience who have an interest in
 7 this subject matter, and will be watching on
 8 television. In that connection, I should say
 9 that Rogers Television has offered to
 10 broadcast these proceedings and the offer has
 11 been accepted and appreciated because there
 12 are a large number of people in Newfoundland
 13 and Labrador and perhaps beyond who have a
 14 very, very keen interest in what is taking
 15 place in these hearings, and I'll speak more
 16 later on this morning about public matters.
 17 Firstly, I would like to introduce Mr. John
 18 Roil, Q.C. who is an inquiry counsel, and Ms.
 19 Anne Fagan, who is also inquiry counsel, and
 20 to mention for everybody's benefit, and please
 21 remember when I'm speaking, I'm not just
 22 speaking to those here, but to the public
 23 also, and the inquiry counsel have not only
 24 the role of advising me as the Commissioner,
 25 but also they have a role to act in the public

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1 interest, which they do. There has been a
 2 great deal of work done in preparing for this
 3 inquiry over the past five and a half months
 4 since I've been appointed and then later
 5 received the Terms of Reference. I'm going to
 6 ask Mr. Roil to do two things at the very
 7 outset, and one is to explain and present what
 8 is called in industry "a safety moment", and
 9 then to read the Terms of Reference into the
 10 record. Mr. Roil.
 11 ROIL, Q.C.:
 12 Q. Thank you, Commissioner. A safety moment is
 13 perhaps directed only at the people that are
 14 within this building, and so I will say first
 15 of all that, of course, we are a safety
 16 inquiry, so it does behove us to take a moment
 17 and reflect on safety as we go forward here.
 18 We are on the second floor of a relatively
 19 small two storey building. The building is
 20 not fire alarmed. We will be notified by
 21 other tenants or by the property manager
 22 should there be a reason for us to need to
 23 evacuate. We are occupying relatively smaller
 24 rooms as well. We have had the Fire
 25 Inspector's office check on those rooms and

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1 the number of people that are in this room and
 2 the others today are well within the legal
 3 limits for these rooms. They can be configured
 4 in different ways. If we take out the tables
 5 here, we can accommodate a larger number of
 6 people, but that will not be necessary today.
 7 I would caution those within the room that
 8 there are places where there are small amounts
 9 of wiring that have had to be tracked around,
 10 and to be careful, they are taped to the
 11 floor, but that tape may over a period of time
 12 become a bit frayed. We'll try to keep an eye
 13 on that for you. This room has three entries
 14 and exists; one either side, and one at the
 15 back. In the event of a need to evacuate the
 16 room, please use the exit that is closer to
 17 you. As you get out into the corridors, there
 18 are two stairwells, one at either end of the
 19 building and there is the main stairwell in
 20 the middle, the stairwell with which you
 21 probably came in when you entered this
 22 morning. Use either one of those, the closest
 23 one to you as an evacuation route. There is
 24 an elevator. Please do not use the elevator
 25 in the event of an emergency. Finally,

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1 although it perhaps is not an issue here
 2 today, the inquiry has reflected on the need
 3 for us, a large number of people accumulating
 4 in a small space, to think about the H1N1
 5 threat. We have developed a policy that will
 6 deal with the issue if things come up, but in
 7 the meantime, we encourage the use of hand
 8 sanitizers which are placed throughout the
 9 building, and I guess I don't need to say more
 10 than if you have any of the symptoms, please
 11 stay home. That's all with respect to the
 12 "safety moment", Mr. Commissioner. I will now
 13 proceed to read the Terms of Reference as were
 14 issued to you in May of this year. I will
 15 read them almost verbatim. In places, I will
 16 leave out a word or two or a question or two
 17 to make the meaning of the terms more
 18 understandable to those who are listening
 19 today. The Terms of Reference for the Inquiry
 20 into matters respecting helicopter passenger
 21 safety for workers in the Newfoundland and
 22 Labrador offshore area. Whereas the Canada
 23 Newfoundland and Labrador Offshore Petroleum
 24 Board, the C-NLOPB, was established by the
 25 Government of Canada and the Government of

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1 Newfoundland and Labrador as a joint
 2 independent arms-length regulator of
 3 exploration, development, and production of
 4 oil and gas resources in the Newfoundland and
 5 Labrador offshore area. And whereas the C-
 6 NLOPB has a mandate to interpret and apply the
 7 provisions of the Atlantic Accord, and the
 8 Atlantic Accord Implementation Acts, to all
 9 activities of operators in the Newfoundland
 10 and Labrador offshore area, and to oversee
 11 operator compliance with those statutory
 12 provisions, and whereas the C-NLOPB is
 13 required by legislation before issuing an
 14 authorization for work or activity, to
 15 consider the safety of the worker activity by
 16 reviewing the system as a whole and its
 17 components, including its structures,
 18 facilities, equipment, operating procedures
 19 and personnel. Whereas the C-NLOPB oversees
 20 the safety of offshore activities by review
 21 and approval of an operator's plans and
 22 implementation to determine that risks have
 23 been reduced to a level that is low as
 24 reasonably practicable. Whereas the crash of
 25 Cougar Helicopter Sikorsky S-92A, Flight 491,

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1 was a serious accident in the Newfoundland and
 2 Labrador offshore area, and whereas pursuant
 3 to the Accord Implementation Acts an Inquiry
 4 into serious accidents is mandatory, and the
 5 C-NLOPB has determined that an Inquiry into
 6 safety matters respecting transport by
 7 helicopter to the Newfoundland and Labrador
 8 offshore area is essential for the C-NLOPB in
 9 carrying out its mandate as it relates to
 10 overseeing safety in the Newfoundland and
 11 Labrador offshore area. Now, therefore, the
 12 C-NLOPB pursuant to the Federal Accord and the
 13 Provincial Accord Acts, that an Inquiry be
 14 made into safety matters respecting transport
 15 by helicopter to the Newfoundland and Labrador
 16 offshore area, the Terms of Reference of which
 17 are set out herein, and then there are a
 18 series of numbered paragraphs. Number one,
 19 the establishment of the Inquiry. There is
 20 established a Commission of Inquiry on matters
 21 respecting worker safety associated with
 22 helicopter transportation in the Newfoundland
 23 and Labrador offshore area that are within the
 24 jurisdiction of the C-NLOPB. The Commissioner
 25 shall be the Honourable Robert Wells, Q.C.

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1 Then there are a series of definitions,
 2 Commissioner. The only one which I need to
 3 read to the public is the expression
 4 "Operator". An operator means a company which
 5 has been issued an authorization pursuant to
 6 the Accord Acts to conduct work or activity
 7 within the Newfoundland and Labrador offshore
 8 area. All of the other definitions are really
 9 not necessary for the understanding of these
 10 terms. Paragraph three is the purpose. The
 11 purpose of this Inquiry is to determine what
 12 improvements can be made so that the Board can
 13 determine that the risks of helicopter
 14 transportation of offshore workers is as low
 15 as is reasonably practicable in the
 16 Newfoundland and Labrador offshore area. Then
 17 paragraph four is the general mandate. The
 18 Commissioner's mandate will be to inquire
 19 into, report on, and make recommendations in
 20 respect of matters relating to the safety of
 21 offshore workers in the context of the
 22 operator's accountability for escape,
 23 evacuation, and rescue procedures while
 24 travelling by helicopter over water to
 25 installations in the Newfoundland and Labrador

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1 offshore area, in compliance with Occupational
 2 Health and Safety principles, and best
 3 industry practices. The specific mandate is
 4 as follows. Specifically, the Commissioner
 5 shall inquire into, report on, and make
 6 recommendations in respect of; (a) safety plan
 7 requirements for operators and the role that
 8 operators play in ensuring that their safety
 9 plans, as represented to and approved by the
 10 Board are maintained by helicopter operators;
 11 (b) search and rescue obligations of
 12 helicopter operators by way of contractual
 13 undertakings or legislative or regulatory
 14 requirements; (c) the role of the C-NLOPB and
 15 other regulators in ensuring compliance with
 16 legislative requirements in respect of worker
 17 safety. Then the Terms of Reference place a
 18 limitation. Paragraph six, the Commissioner's
 19 mandate does not include an examination of any
 20 issues related to the airworthiness of
 21 aircraft, training of flight crews or flight
 22 procedures, or any other matters that are
 23 included in the Transportation Safety Board of
 24 Canada's investigation into Cougar Helicopter
 25 Sikorsky S-92A crash, except to the extent

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1 specifically described in the paragraph above.
 2 The Commissioner’s mandate does not include an
 3 examination of the provision by the Government
 4 of Canada, Department of National Defense, of
 5 Search and Rescue facilities for all marine
 6 incidents, and the location of such facilities
 7 within the Province of Newfoundland and
 8 Labrador. Then there’s a statement of the
 9 Powers of the Commissioner, paragraph seven.
 10 Consistent with the Federal Accord Act and the
 11 Provincial Accord Act, the Commissioner shall
 12 be vested with the powers conferred by the
 13 Inquiries Act of Canada and the Public
 14 Inquiries Act of Newfoundland. Paragraph
 15 eight deals with the Inquiry methodology. The
 16 Commissioner shall design, make known, and
 17 enforce rules, practices, and procedures for
 18 the proper conduct of the Inquiry, and where
 19 necessary, may amend such rules, practices,
 20 and procedures from time to time. Then the
 21 Inquiry is divided into two phases; phase one
 22 and phase two, which the Commissioner will
 23 speak about I’m sure later. Phase one says as
 24 follows, the Commissioner shall solicit the
 25 view of the public in respect of practices

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1 which will reduce the risks of helicopter
 2 transportation in the offshore area.
 3 Mechanisms by which this phase of the Inquiry
 4 is to be conducted may include interviews and
 5 surveys, calling for written submissions and
 6 formal or informal hearings as the
 7 Commissioner deems appropriate. The
 8 Commissioner shall gather information in
 9 respect of the specifically identified mandate
 10 issues described above. The mechanisms by
 11 which this phase of the Inquiry is to be
 12 conducted may include research studies,
 13 consultation with other offshore safety
 14 regulators in other jurisdictions in respect
 15 of best practices, inspections and
 16 investigations, calling for written
 17 submissions, and informal or formal hearings,
 18 as the Commissioner deems appropriate. Any
 19 information gathered by the Commissioner
 20 during phase one of the Inquiry, which in his
 21 view should be addressed by the C-NLOPB, or
 22 any other regulatory agency with urgency,
 23 shall be brought to the attention of the C-
 24 NLOPB at a time and in a format the
 25 Commissioner deems appropriate. To the extent

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1 that it reduces duplication of efforts and
 2 facilitates expeditious consideration of the
 3 issues raised, the Commissioner shall maintain
 4 regular and frequent communication with the
 5 Transportation Safety Board of Canada
 6 investigation into Cougar Helicopter Sikorsky
 7 S-92A crash. The Commissioner may retain, and
 8 as needed, request the services of independent
 9 specialists whose function would be to provide
 10 information on and interpret information and
 11 issues relevant to the Inquiry. Independent
 12 specialists retained by the Commissioner may
 13 be requested by the Commissioner to appear
 14 before it as the Commission determines. The
 15 Commissioner shall provide a report to the
 16 Board on the Completion of phase one, which
 17 report shall be provided by March 31, 2010,
 18 unless an extension should become necessary.
 19 Then the Terms of Reference turn to phase two.
 20 Upon completion of the Transportation Safety
 21 Board of Canada investigation into Cougar
 22 Helicopter Sikorsky S-92A crash, the
 23 Commissioner shall undertake a review of the
 24 report therefrom, and in particular, the
 25 findings and shall advise the C-NLOPB on (a)

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1 which findings should result in actions being
 2 recommended to be undertaken by the C-NLOPB,
 3 and how they should be implemented, and (b)
 4 which findings should result in actions being
 5 recommended to be undertaken by other
 6 legislative or regulatory agencies. The
 7 Commissioner may retain, and as needed,
 8 request the services of independent
 9 specialists whose functions shall be, and so
 10 on, the same wording with respect to phase one
 11 is applied with respect to phase two. The
 12 next heading is called "Participation by
 13 Parties with Professional and Commercial
 14 Interest". The Commissioner shall provide
 15 criteria for standing for those with
 16 professional and commercial interest in
 17 helicopter transport to the Newfoundland and
 18 Labrador offshore area. The Commissioner
 19 shall also provide procedures by which
 20 standing will be granted. Parties with
 21 standing shall provide the Commissioner with
 22 written submissions outlining the issues
 23 within the Inquiry mandate upon which such
 24 parties have an interest. The Commissioner
 25 may request from such parties further

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1 submissions either by way of written reports
 2 or oral presentations. The Commissioner may
 3 provide for sessions in which evidence is
 4 presented to the Commissioner, and where
 5 appropriate, may allow for cross-examination
 6 of such evidence.

7 The next heading is "Scheduling." The
 8 Commissioner will provide notice of the
 9 detailed schedule and announce specific dates,
 10 locations and topics respecting the public
 11 sessions, if any, of the Inquiry. This notice
 12 will be issued a minimum of 30 days prior to
 13 the start of the sessions and shall identify
 14 the specific issues on which the information
 15 is being sought. The Commissioner will hold
 16 sessions at such locations within the Province
 17 of Newfoundland and Labrador and at such times
 18 as the Commissioner deems appropriate.

19 The next section is headed "Consultation
 20 by the Commissioner with the C-NLOPB." The
 21 Commissioner and the Secretariat, and that is
 22 really a word to define the Commissioner's
 23 support staff, so I'll say the Commissioner
 24 and the Commissioner's support staff, or both,
 25 may consult the Board for the purposes of

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1 clarifying any matters in respect of the Terms
 2 of Reference of the Inquiry process and any
 3 matters relating to the support for the
 4 Inquiry. The Commissioner may consult the
 5 Board to provide information in relation to
 6 matters within the Inquiry mandate. The
 7 Commissioner and the Commissioner's support
 8 staff shall not consult the Board for the
 9 purpose of discussing any substantive matters
 10 respecting the purpose of the Inquiry and the
 11 recommendations to be made.

12 Notwithstanding the above provision, the
 13 Commissioner shall bring to the attention of
 14 the Board matters that come to the
 15 Commissioner's attention during the Inquiry
 16 that are of an immediate nature relating to
 17 any safety issues within the jurisdiction of
 18 the Board.

19 And finally, paragraph ten, "Support for
 20 the Commissioner." The Board shall provide
 21 funding to the Commissioner so as to fulfil
 22 the mandate and effectively achieve the
 23 objectives of the Inquiry. The Commissioner
 24 shall occupy such space for offices and
 25 hearing rooms and employ such staff as may be

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1 necessary in consultation with the Board and
 2 in accordance with Board policies and
 3 practices. The Commissioner may engage
 4 professional services (public relations,
 5 technology, website) so as to the fulfil the
 6 mandate and effectively achieve the objectives
 7 of the Inquiry. The Commissioner shall not
 8 express any finding or recommendations
 9 regarding criminal or civil liability of any
 10 person, body or organization.

11 COMMISSIONER:
 12 Q. Thank you, Mr. Roil. Ladies and gentlemen,
 13 the registrar, Ms. Angela Williams, informs me
 14 that it would be wise at the opening of the
 15 Inquiry for counsel to read--or to stand up
 16 and announce their names and for whom they are
 17 acting and that then will become part of the
 18 record of the Inquiry, and I feel it's a wise
 19 suggestion, and would ask you to do so now.
 20 Perhaps--well, we know Inquiry counsel.
 21 Perhaps starting this way and going along
 22 until everybody who is appearing identifies
 23 themselves and says who their clients are.

24 MR. PRITCHARD:
 25 Q. Good morning, Commissioner. Rolf Pritchard for

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1 the Province of Newfoundland and Labrador.

2 MR. TARLTON:
 3 Q. Good morning, Mr. Commissioner. Jonathan
 4 Tarlton for the Department of Transport
 5 Canada.

6 MR. FREEMAN:
 7 Q. And Mark Freeman acting for Transport Canada,
 8 Mr. Commissioner.

9 MARSHALL, Q.C.
 10 Q. Mr. Commissioner, Steve Marshall, and with me
 11 is Glen Roebathan and Jamie Martin. We
 12 represent 14 of the passenger families from
 13 Flight 491.

14 COMMISSIONER:
 15 Q. Thank you.

16 MS. O'BRIEN:
 17 Q. Good morning, Commissioner. Kate O'Brien
 18 appearing on behalf of the deceased flight
 19 crew.

20 MS. CROSBIE:
 21 Q. Good morning, Amy Crosbie appearing on behalf
 22 of the Canada Newfoundland and Labrador
 23 Offshore Petroleum Board and with me is a
 24 representative of the C-NLOPB, Mr. John
 25 Andrews.

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1 EARLE, Q.C.:

2 Q. Good morning, Mr. Commissioner. Randell

3 Earle, for the Communications Energy and

4 Paperworkers Union, Local 2121, the bargaining

5 agent for employees on the Hibernia Platform

6 and the FPSO, and with me this morning is

7 Lawrence Decker from the Terra Nova FPSO and

8 in the back of the room, Sheldon Peddle, the

9 president of Local CEP 2121, who is a worker

10 on the Hibernia platform.

11 WHALEN, Q.C.:

12 Q. Good morning, Mr. Commissioner. My name is

13 Norman Whalen. I appear for Cougar and with

14 me is Mr. Hank Williams, senior operator, runs

15 the operation at St. John's.

16 MACDONALD, Q.C.:

17 Q. Mr. Commissioner, Alexander MacDonald and my

18 partner, Stephanie Hickman, in the back of the

19 room, for Husky Oil Operations Limited, and

20 with me today is Mr. Paul McCloskey, the vice-

21 president East Coast operations of Husky, and

22 Mark Frost, the representative from the

23 employees of the company and Don Williams, the

24 health, safety, environment and quality

25 manager.

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1 MS. HOLLETT:

2 Q. Karen Hollett appearing for the Offshore

3 Safety and Survival Centre at the Marine

4 Institute of Memorial University.

5 MR. BARNES:

6 Q. Good morning, Paul Barnes. I'm a witness for

7 the Canadian Association of Petroleum

8 Producers. My counsel is not with me today,

9 but his name is Lewis Manning.

10 STRICKLAND, Q.C.:

11 Q. Good morning, Commissioner Wells. Cecily

12 Strickland, counsel for Hibernia Management

13 and Development Company. With me today is co-

14 counsel, Ian Wallace, and the president of

15 Hibernia, Mr. Paul Sacuta.

16 MR. MAHONEY:

17 Q. Good morning, Commissioner. Denis Mahoney for

18 Suncor Energy. With me is Mr. Blair Pritchett

19 from our firm, acting for Suncor as well, and

20 also to my left is Mr. Allan Brown, the vice-

21 president of East Coast for Suncor.

22 COMMISSIONER:

23 Q. No one else to be called upon. Thank you very

24 much. Well, I'll begin by talking to you, and

25 you will hear afterwards from Mr. Roil and Ms.

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1 Fagan, but I'd like to talk to you first about

2 the concepts which I have for the Inquiry and

3 the work, something about the work that has

4 been done in the last five months to put the

5 organization together, to put the premises

6 together, to obtain expert witnesses and to

7 deal, as counsel have done on a repeated

8 basis, with the other counsel who are here

9 this morning.

10 The Terms of Reference have been read, so

11 everybody knows what the Inquiry is supposed

12 to do. The public participation I will talk

13 about later, but for the moment, we're going

14 to start with evidence from the

15 Transportation--or first from the C-NLOPB,

16 which is the regulator, which will explain its

17 role and that appeared to me from the very

18 outset to be necessary because unless roles

19 are clearly defined and people in these roles

20 explain what they're doing on a regular basis,

21 then we can't understand the overall of the

22 interconnection between the work of this

23 Inquiry and these other entities. So the C-

24 NLOPB will give evidence.

25 Then comes the Transportation Safety

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1 Board and I have been mandated in the Terms of

2 Reference to work closely with and liaise with

3 the Transportation Safety Board and I have

4 done so from the very outset before I even had

5 counsel or premises or anything else, and I

6 have found the Transportation Safety Board to

7 be extremely cooperative and we are clear

8 between us with our respective roles and they

9 have the expertise to do what they're doing,

10 namely in a detailed fine tooth inquiry into

11 what happened last March in the tragedy which

12 occurred. The Inquiry would be not equipped

13 with technical and professional personnel with

14 these kinds of skills, so it is obviously in

15 their bailiwick, as it were, to do that kind

16 of work. But we will benefit, this Inquiry,

17 from the work that they do because it will be

18 factored into the deliberations and the

19 recommendations which, in the final stage of

20 this report, will be made.

21 The other thing occurred to me as I

22 thought more and more about this, the other

23 thing that occurred to me to be necessary that

24 Transport Canada explain its role and I got in

25 touch with them and they agreed that it was

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1 appropriate that they should do so because
 2 they are the people whom, as most of us know,
 3 license pilots and they license aircraft for
 4 use in Canada and for the purposes which these
 5 helicopters were used in the Newfoundland and
 6 Labrador Canada offshore.

7 The other matter which I should mention
 8 to you, of course, is the DND, the Government
 9 of Canada search and rescue capability. I'm
 10 not allowed to examine or inquire into that
 11 and I will not, but at the same time, I felt
 12 it might be helpful to everyone involved if
 13 DND provided a statement of what they do, so
 14 that it will be available to everyone, Inquiry
 15 counsel and parties and also by making it
 16 available here, I make it available to the
 17 public. So I dealt only with military people
 18 in making this request as to whether they
 19 would be prepared to give a statement of what
 20 they do, not for me to inquire into it, but so
 21 that I and you will know exactly what they do,
 22 and they forwarded that statement to me very
 23 recently and it will be--we'll have it copied
 24 and distributed to the parties or to counsel
 25 and the parties who are here within the next

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1 two or three days.

2 So by doing that, and Transport Canada
 3 and the other entities that I have mentioned,
 4 we will have a grasp of the various roles and
 5 in the end, because I'm authorized to do so in
 6 Phase 2, all this will come together in
 7 recommendations which I may make or will make
 8 at the end of the Inquiry.

9 So now we're to the concepts which we
 10 will deal with. I would say that at the time
 11 that I was appointed, things like
 12 organizational culture were not known to me.
 13 I spent my working life in the Courts and in
 14 offices and organizational safety culture was
 15 really not part of my daily work over the
 16 years. But since the Inquiry has started, I
 17 have read and I have talked and begin to
 18 understand that there is such a thing as a
 19 safety culture and that a safety culture is
 20 very important in dealing with safety matters
 21 broadly and in detail too also, and I'll give
 22 you an example of what I mean by safety
 23 culture, and the example I will take is an
 24 example that I have read as a result of a
 25 public inquiry that was held in Australia in

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1 respect of the Royal Australian Air Force when
 2 a serious unintended event occurred.

3 The Air Force had a safety culture in
 4 respect of its planes and its pilots. There
 5 they felt was where the danger was. Their
 6 valuable equipment and perhaps the more
 7 glamorous side of flying. But the safety
 8 culture, it turned out in the end, did not
 9 include the people working on the floor who
 10 looked after the equipment and kept it in
 11 repair and did what was necessary in that way.
 12 So what happened was that the tanks of their
 13 aircraft or a certain type of their aircraft,
 14 I presume the jets, needed cleaning out. The
 15 coating on the inside of the tanks, it had
 16 become necessary to repair, and how did they
 17 repair it? Well, people had to crawl into the
 18 tanks in a very narrow space and clean the old
 19 coating off and put a new coating on. Well,
 20 they did this. They were provided with
 21 respiratory gear, but sometimes the space--
 22 often the space was so confined that they
 23 couldn't use it and they would take it off.
 24 They were given gloves, but the space was
 25 confined and the work was difficult and they

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1 would sometimes discard the gloves. This work
 2 went on for some months and gradually, it
 3 became noted that the individuals who
 4 performed this work were becoming very, very
 5 ill and it turned out, at the end of the day,
 6 that their health was severely compromised.

7 So there was an inquiry held in Australia
 8 when this whole thing came out and it
 9 determined that the culture of safety only
 10 extended to part of the operation. It didn't
 11 extend to the whole of the operation, and a
 12 report was issued which changed entirely the
 13 safety culture of the Royal Australian Air
 14 Force. It was interesting that before this
 15 happened, the person in charge of aircraft and
 16 pilot safety was a very high ranking officer,
 17 a wing commander. The person in charge of
 18 safety at the other end where the trouble
 19 occurred was a much, much lower ranking
 20 officer, in other words did not have the clout
 21 anyway of the higher, and they changed all
 22 that, so that safety throughout the
 23 organization became very, very important.

24 So we will look at the culture of safety,
 25 but fortunately, in the Newfoundland and

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1 Labrador Canada offshore petroleum industry,
 2 we don't have to start from scratch. There is
 3 a good and sound safety culture in the
 4 Newfoundland offshore industry and that is
 5 borne out by the accident figures which have
 6 occurred which are much better, I am told,
 7 than the norm for the offshore oil industry.
 8 So we don't start from scratch. We look, as
 9 we're directed by the Terms of Reference, to
 10 look for ways in which in respect to
 11 helicopters safety can be improved and perhaps
 12 the culture can be improved. That is all part
 13 of our mandate. But fortunately, we start
 14 from a very good base, which has been
 15 historical since the oil companies, starting
 16 with the HMDC platform, began operations in
 17 our offshore.

18 The other thing that I began to learn
 19 about, as I started the work of this Inquiry,
 20 is the risk management process. That was not
 21 something that I knew well, but I've read a
 22 lot in between the organizational process of
 23 setting up the Inquiry about risk management
 24 and risk management, one of the foremost
 25 people in risk management area has been

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1 Professor James Reason of the UK and I'm
 2 looking at a book which I am working my way
 3 through now and it's called "Managing the
 4 Risks of Organizational Accidents." Now I
 5 should digress for a moment in talking about
 6 that.

7 Inquiry counsel and I, in the last month,
 8 it's about a month ago now, attended the
 9 International Helicopter Safety Symposium in
 10 Montreal. I think there were about 62
 11 countries represented at that symposium, and
 12 it was all about helicopter safety, and it
 13 became clear from what they said and told us
 14 and what we listened to that the helicopter
 15 industry, in terms of accidents, had remained
 16 flat three years ago, remained flat for 20
 17 years, and by remaining flat, it meant that
 18 the frequency of mishaps and accidents had not
 19 decreased. So the industry itself worldwide
 20 decided to do something about this and they
 21 formed this organization and we attended the
 22 meeting which was the third meeting which
 23 three years after the process began, and it's
 24 interesting to note, from their statistics,
 25 because they had a huge amount of materials.

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1 We will receive all that later. It's being
 2 prepared now, the topics that were dealt with.
 3 But at the top of their graphs was individual
 4 human error as being a cause of accidents.
 5 Then came organizational error, and then on
 6 down the line to design errors and other
 7 lesser things in terms of contribution to
 8 accidents. So therefore, managing the risk of
 9 organizational accidents is something that we
 10 have to deal with, and as I say, fortunately,
 11 we deal with it from a good record in safety,
 12 but we will deal with that and we will hear
 13 expert evidence on that from a woman who has
 14 formed a company, has extensive experience in
 15 this field, and qualifies, I think, as a world
 16 expert, an Australian woman. The head office
 17 of the company, Aerosafe, is in Australia, but
 18 she has offices in China, in all sorts of
 19 countries, in Southeast Asia. She has done
 20 work in North America and particularly a very,
 21 very large project which she managed in terms
 22 of organizational safety recommendations which
 23 was the Helicopter Emergency Medical
 24 Evacuations in the United States, and that,
 25 these entities together operate more than 900

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1 helicopters and they got this lady to do that
 2 work, and I think that says something about
 3 her competence in the field and you will hear
 4 from her in due course.

5 Again, coming back to culture and
 6 organizational things, I want to refer just in
 7 a word or two to the Piper Alpha disaster,
 8 because that was a huge tragedy which occurred
 9 around 1992 in the North Sea, and what
 10 happened there was that there were a lot of
 11 natural gas that was coming out of the North
 12 Sea and comes out of the North Sea, and a lot
 13 of it was funnelled through the Piper Alpha
 14 station, and pumped on and eventually pumped
 15 ashore, in Scotland I understand.

16 Anyway, there was a crew working on the
 17 auxiliary pump in a certain large pipe during
 18 the day and at 6:00--and they sought
 19 permission--they weren't finished, they had
 20 taken the pump out. They had sought
 21 permission to leave it until the next day when
 22 they started work again in the morning. They
 23 put a metal plate over the opening in the pipe
 24 and they went on about their business. The
 25 night shift found that the main pump had

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1 ceased working. So they decided, well, we'll
 2 switch to the auxiliary pump, but what they
 3 didn't know was that the auxiliary pump wasn't
 4 there. So they turned the gas into the pipe
 5 in which the auxiliary pump was supposed to
 6 be. It wasn't there. The gas escaped in
 7 considerable volume and there was a gigantic
 8 explosion and then a series of explosions over
 9 a period of 22 minutes, after which the rig
 10 was destroyed and just slid into the sea.

11 In terms of the tragedy, I think some 75
 12 or 80 people were rescued. The explosion blew
 13 down the walls between that working area and
 14 the living area and of course, the fire was
 15 intense and the people in the living area who
 16 were, some of--most of whom, I suppose, were
 17 asleep at the time, had only one choice. They
 18 couldn't get out any other way because of the
 19 fire, so those who survived broke out the
 20 windows of the rooms which they occupied and
 21 jumped into the sea. 182 people, I believe,
 22 lost their lives. That again brought the
 23 culture of safety to the fore, and Lord
 24 Cullen, a Scottish judge, held an inquiry
 25 which revolutionized the approach to safety in

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1 the North Sea.

2 I'll leave that topic now and the topic
 3 of risk management, which you'll hear more
 4 about, and say this. It is, I think, quite
 5 clear in human affairs that although people
 6 like the International Helicopter Safety
 7 Association have the objective and believe
 8 that they can reduce worldwide the incidents
 9 of accidents and disasters, but accidents with
 10 helicopters, can reduce it by 80 percent from
 11 what it was three years ago. Already the
 12 graph shows, just in three years, a decline
 13 and they hope to reduce the frequency of
 14 accidents worldwide by 80 percent by 2016, and
 15 I think it's an excellent initiative, but it's
 16 important for us to recognize that in human
 17 events, nothing could be accomplished
 18 absolutely and definitively so that no
 19 accident will ever happen. So the risk
 20 management and safety cultures can reduce
 21 accidents and reduce them sharply, and we'll
 22 hear about these concepts, but I don't think,
 23 and I think we can't sugar coat this, I don't
 24 think it's possible to say that accidents can
 25 be eliminated entirely. There are so many

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1 factors involving accidents and industrial
 2 accidents, any accidents, on the highways, in
 3 the air, commercial aviation where great
 4 strides have been made, on trains and
 5 especially on the highways, and I read a study
 6 from the United Kingdom which described the
 7 relative dangers and it started with the
 8 trains were perhaps the safest mode of
 9 transportation. Commercial airliners were
 10 next in line. They were very safe.
 11 Helicopters and road accidents were very
 12 closely in the same bracket, with helicopter
 13 accidents being slightly greater, and
 14 interestingly, the most dangerous
 15 transportation activity was to be a
 16 pedestrian. So that we can reduce risks, but
 17 we cannot eliminate risks, and it's important,
 18 as I say, that can't be sugar coated. So we
 19 must proceed also on the basis that over the
 20 years, accidents of some kind will perhaps
 21 happen. We hope they will not.

22 That brings us to the other aspect of
 23 these things, which is survival training,
 24 rescue, all that goes with if an accident
 25 occurs and a helicopter goes down, how best

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1 can the risk then be attacked, because the
 2 safety features have obviously not prevented
 3 the accident, but how do we deal with the
 4 accident after it occurs. Now as we know,
 5 helicopters have a tendency, when they go down
 6 in water, to tip over because the weight of
 7 the engines and the rotor is on top and they--
 8 not always, and there are means to try to keep
 9 them upright, but they do tip over, so that
 10 when they sink, they sink very--usually, on
 11 their sides or completely upside down. That
 12 makes things very difficult, in terms of
 13 escape.

14 The other thing I want to talk about
 15 briefly, and Newfoundlanders, I suppose, like
 16 people in various parts of the world, are
 17 always talking about the weather, but our
 18 climate and weather make escape from a downed
 19 helicopter very difficult. There's discussion
 20 about whether the northern part of the North
 21 Sea may be more difficult or whether we here
 22 in Newfoundland and Labrador offshore are more
 23 difficult. Who knows? But we are among the
 24 most difficult, if not the most difficult, and
 25 of course, and we know why, but I will mention

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1 some factors.
 2 We know, of course, that climate is
 3 determined initially by ocean currents and by
 4 things like the jet stream. Well, ocean
 5 currents bring the Labrador current, which is
 6 essentially ice water, down the coast of
 7 Labrador and down the coast of Newfoundland
 8 until it begins to peter out much further
 9 south. What that does, as we know, is forces
 10 the Gulf stream to turn to the right, at least
 11 from where I'm visualizing it, to turn towards
 12 Europe. So that our water close in, and when
 13 I say close in, three or four hundred
 14 kilometres, is bitterly cold at all times of
 15 the year, whereas the climate in Europe is
 16 warmed by the Gulf stream, and I'm told that
 17 even 60 or 70 kilometres from the Hibernia
 18 rig, you can encounter water which is 15 or 18
 19 or even 20 degrees at times. But we don't get
 20 that water, and that changes everything in our
 21 offshore.
 22 The other thing, of course, if you look
 23 at the Weather Channel, which happens to be a
 24 hobby of mine, I wouldn't want you to think
 25 I'm strange, but I can watch the Weather

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1 Channel at some length. If you'll notice, the
 2 low pressure systems come up from the coast.
 3 They come from central Canada. They come from
 4 the north, but they're picked up by the jet
 5 stream which pulls them in and if you watch
 6 these things, you'll note that the jet stream
 7 is very often over or in the vicinity of the
 8 island of Newfoundland. In summer, it may go
 9 north. In winter, it may go south, but it
 10 affects our winds and our winds are very
 11 strong. Helicopters can operate in strong
 12 winds. There is no question about that,
 13 although there is a point beyond which they
 14 would not be operating. But strong winds
 15 bring high seas and that is something else we
 16 have to contend with in our offshore.
 17 Speaking of winds and helicopters, I
 18 should say to you that ten days ago, I went
 19 offshore at my choice and request of HMDC to
 20 visit the Hibernia platform, and I noticed
 21 when I heard when the people stood up that Mr.
 22 Paul Sacuta is here. I had never met Mr. Paul
 23 Sacuta, nor seen him, until now, but he made
 24 it possible for me to take that trip offshore
 25 and I express my thanks to him and to HMDC for

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1 making that possible. It was very, very
 2 interesting, not only the helicopter ride out
 3 and back, but I went thinking to come back the
 4 same day, on a Thursday. Well, the weather
 5 became more difficult here in the St. John's
 6 area and I, along with other people, were in
 7 the boat of waiting to get back. Not in the
 8 boat, but on the platform waiting to get back,
 9 and I experienced some of the frustration or
 10 wondering, "well when am I going to get back?"
 11 When I woke up on Saturday morning and looked
 12 at the seas and gauged the wind in my own
 13 mind, I thought "well, I'm here for Saturday
 14 also, so I'll talk to people and make the best
 15 of it," but the helicopters flew, to my
 16 surprise. There was no fog, but the winds
 17 were high, but they operated, and when the
 18 helicopter that picked me up and two others,
 19 it was coming from Sea Rose, landed, I was
 20 outside the door watching and you talk about
 21 the skills that are involved in helicopters.
 22 Helicopters are very complex machines.
 23 Complex to design, complex to build, complex
 24 to fly, and when that helicopter, in these
 25 winds, which were high, approached that pad

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1 and set down on it, I thought myself, as a
 2 layperson, what a marvellous piece of flying,
 3 and it was. But these are the sort of things
 4 we have to contend with.
 5 Well, how do we contend with frigid
 6 waters, high winds, high seas? We contend
 7 with them by training, and that leads me to
 8 the subject of training, because, as I have
 9 said when interviewed by the media, I don't
 10 think anybody who is untrained in survival
 11 should go on a helicopter out over these
 12 waters, and these are dangerous waters, to
 13 offshore installations, and the training is
 14 done, for the most part, in Foxtrap by
 15 Memorial University's offshoot, the Marine
 16 Institute, and the training, we are going to
 17 look at. We're going to hear from experts in
 18 training. We're going to hear what they do
 19 out there. I experienced that and it was a
 20 very worthwhile experience because it will
 21 help--and Ms. Fagan also did the training. It
 22 will help us understand what people are
 23 talking about in a way which we could not
 24 understand if we hadn't experienced it. At
 25 least that's how I see it, and the same with

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1 the helicopter ride.
 2 The interesting thing, everyone who has
 3 dealings offshore gets offshore on these
 4 helicopters. We have the workers, the Union
 5 members. We have senior management. We have
 6 professionals in one way or another,
 7 geologists, all sorts of people, and you know,
 8 when you go offshore by helicopter, there are
 9 no distinctions. In the survival suit,
 10 everybody looks the same and everybody watches
 11 the video and everybody goes single file out
 12 along a defined track, led by somebody else,
 13 and onto the helicopter, and you're belted in
 14 and the noise is fairly loud and you have ear
 15 protection. It's not a flight in which you
 16 can sit and chat. It's not that way, and
 17 there are no distinctions, and the level of
 18 safety is the same for everyone, no matter
 19 what they're going out there for.
 20 So we're going to examine carefully
 21 evacuation matters and everything that goes
 22 with it and escape from helicopters and we're
 23 going to have people who are world class
 24 experts and we're going to have people who are
 25 experts here in Newfoundland and Labrador and

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1 who are going to be able to also contribute to
 2 this, but we're going to go further and have
 3 independent, completely independent people
 4 talk about survival and escape and matters of
 5 that sort. So I'll leave that subject now.
 6 I'll turn finally to the public. This is
 7 a public inquiry and that, ever since I was
 8 asked to do this, has never been far from my
 9 mind. Well, who is the public? There is a
 10 wider public generally, and I believe that the
 11 wider public has an interest in this Inquiry,
 12 but I also am sure that the families of
 13 deceased persons, that the families of those
 14 who work offshore, that the people themselves
 15 who go offshore by helicopter, and their
 16 extended families and friends, and that's a
 17 large number of people in a province with a
 18 small population, a large number of people
 19 have a very, very substantial and direct
 20 interest in this matter. So when we speak to
 21 you, counsel and I, about various things, we
 22 know that you in the room know most of this,
 23 but the people who are watching, who have an
 24 interest, watching on Rogers Cable TV
 25 television broadcast, these people have a

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1 very, very great interest, as great as anybody
 2 sitting in the room probably, in helicopter
 3 safety, because there are children in school
 4 now, perhaps people, children not even born
 5 yet, who will go offshore and make careers in
 6 an industry which provides a very good living,
 7 which is important to Newfoundland and
 8 Labrador, which provides a huge amount of
 9 revenue, relative to our size and population,
 10 to the Government of Newfoundland and Labrador
 11 and to Canada. So it is important, the
 12 industry, and it's important to the province
 13 and to the country, both as a source of
 14 revenue and as a source of jobs.
 15 If we can, by helping the industry, by
 16 making recommendations, and this is a
 17 collaborative effort, it's not an adversarial
 18 effort we are engaged here. If in this
 19 collaborative effort, we can come up with
 20 measures which will improve safety and bring
 21 down the likelihood of an accident or
 22 accidents, we will be doing a tremendous
 23 service to the industry and to the population
 24 of Newfoundland and Labrador and perhaps to
 25 the wider country, and that is what makes this

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1 so important and that is why I will always,
 2 during the course of the Inquiry, be aware
 3 that not only there are people in the room who
 4 are listening to us, but there are people
 5 outside the room who are listening to us,
 6 people who have a very real interest in what
 7 we're doing.
 8 So I don't think I'll go on any longer.
 9 These are the concepts which are important to
 10 me, and after the five and a half months of
 11 preparation which leads us here today, I am
 12 very pleased and very happy to see this
 13 Inquiry start the formal hearing process. So
 14 I don't know if we want to break. Usually we
 15 intend, and we've told everybody we'll take a
 16 break mid morning. It's now about half past
 17 ten. What do you think, Mr. Roil?
 18 ROIL, Q.C.:
 19 Q. Yeah.
 20 COMMISSIONER:
 21 Q. All right. We'll take a 15-minute break and
 22 then come back and you'll hear from Mr. Roil
 23 and from Ms. Fagan as to the more detailed
 24 progress and witnesses that will be presenting
 25 evidence at the Inquiry. Thank you.

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1 (BREAK)

2 COMMISSIONER:

3 Q. Mr. Roil.

4 ROIL, Q.C.:

5 Q. Thank you, Commissioner. Anne and I have

6 divided up--Anne Fagan and I have divided up

7 the two issues that we want to speak to you

8 and more, perhaps, focus the public this

9 morning into two areas. I'll talk about the

10 processes and the details of how we're going

11 to do things. Anne will speak more, in a more

12 detailed way, about the actual evidence and

13 information that's going to come out in the

14 early part of this Inquiry.

15 COMMISSIONER:

16 Q. Before you go on, Mr. Roil, on a practical

17 matter. Can everybody hear down at the back?

18 Can you hear well? All right then, thank you.

19 ROIL, Q.C.:

20 Q. I understand I have to stand facing forward to

21 record into the microphone, so I'll try to

22 speak slowly and as clearly as I can. Mr.

23 Commissioner, as you know, one of the early

24 challenges that we had when we were confronted

25 with the Terms of Reference that I read

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1 earlier this morning was to interpret those

2 and to come up with actual practical steps

3 that would take us from beginning to end. One

4 of the first conclusions that we made, as you

5 and I and Anne Fagan worked collaboratively

6 together, was that the mandate was very

7 positive in its focus. Although it arises out

8 of a very tragic incident, we are to seek

9 improvements. We are to look for something

10 good to make the transportation by helicopter

11 more safe and not to focus on what went wrong

12 with the March 12 flight.

13 As you know, when you and Anne and I went

14 to the Transportation Safety Board in Ottawa,

15 we were impressed with the kind of technology

16 and the expertise of the people that they

17 have, and quite clearly, our Inquiry would not

18 and should not and cannot get into those

19 technical things.

20 So we quickly concluded that this Inquiry

21 is really not forensic in scope. Unlike some

22 of the more well-known inquiries in

23 Newfoundland in recent years, we're not out to

24 perform like a Court of law and we aren't out

25 to find out what went wrong. So when

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1 comparing our processes to those of other

2 models, I caution everybody to remember that

3 the mandate drives the process.

4 So we are, as we understand it, to look

5 into the subject matter of helicopter

6 transportation and look at it thoroughly and

7 systematically and not to necessarily look at

8 every piece of paper that has been exchanged

9 over the past five or ten or more years. We

10 are to look at the current operational regime

11 for helicopter transportation and the current

12 regime for the retrieval of personnel if, as

13 you say, the worst case scenario happens and a

14 helicopter lands on the water, to see where

15 the opportunities for improvement exist and to

16 try to capitalize on those, and so our

17 objective or our purpose is not to criticize

18 the current system, but rather to learn from

19 where the current system is.

20 With that in mind, we went forward and

21 developed the processes that I'll tell you

22 about today, the processes that you have

23 endorsed, as the Commissioner for this

24 Inquiry.

25 The Terms of Reference, which I read out

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1 earlier, you will recall include the ability

2 to have public hearings, written submissions,

3 interviews, research studies, consultations,

4 inspections and investigations. It is a large

5 tool kit that is available to you and we

6 intend to use most, if not all of them. As

7 Commissioner, you are also entitled to retain

8 and rely upon the advise of experts and

9 consultants, and we've already retained a

10 number and one you spoke about earlier, and I

11 will speak about a little more in the course

12 of my comments here this morning.

13 But underlying the entire process was a

14 fundamental principle of transparency that

15 you, as Commissioner, quite correctly dictated

16 from the outset. The public and all the

17 stakeholders should be given a fair

18 opportunity to be engaged and to understand

19 and be involved and informed at all phases of

20 this Inquiry. In one interview, I believe you

21 used the expression, Mr. Commissioner, nobody

22 will be blindsided, and I think that you used

23 that with obviously some thought given to it.

24 The object here is not to have surprises. The

25 object is to understand and to bring everybody

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1 along with us so that everybody understands
 2 where the opportunities for improvement exist.
 3 We will engage as many stakeholders as we
 4 possibly can in the pursuit of those
 5 opportunities for improvement.
 6 In the Terms of Reference, there are two
 7 distinct phases. Phase 1, which deals with
 8 the general improvement in offshore safety
 9 overall and then Phase 2, which deals with
 10 responding to the Transportation Safety Board
 11 report. But the Terms of Reference say what
 12 you can do. They don't tell you exactly how
 13 to do it, and so working with both of us, you
 14 have come up with the following phases and
 15 details of the phases that I think everybody
 16 should understand from the outset.
 17 First of all, in Phase 1, we have divided
 18 it into an A, B, and C. There are three
 19 internal phases. 1A is the public hearings
 20 phase, which we are involved in this morning.
 21 It starts today and it will continue, with
 22 obviously breaks from time to time, until it
 23 is completed, and how long that takes will
 24 depend on the amount of evidence, depend on
 25 the amount of information, the number of

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1 questions that come from people here, and the
 2 number of issues that we encounter as we go
 3 along the path. At the end of the process,
 4 the concept or the idea is that we will look
 5 for issues for possible improvement or change,
 6 and those ideas or those issues can be
 7 identified by anyone of: you, yourself, Mr.
 8 Commissioner; Anne and I, as Inquiry counsel;
 9 the parties with standing who are before you;
 10 the presenters who will come forward during
 11 the hearing; or, in fact, a member of the
 12 general public. You have--as is well known,
 13 you have invited the general public to write
 14 to you and to indicate to you issues of
 15 concern for them.
 16 In this first hearing process, we will
 17 bring forward evidence, and I hate to use that
 18 word because it is a lawyer word, we will
 19 bring forward information, and Anne Fagan
 20 will, in her presentation this morning,
 21 outline some of the information and evidence
 22 that we intend to bring forward over the next
 23 number of months. But because this is not a
 24 trial, we have available different technology
 25 and tools that are available. You will see a

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1 large podium section here, and we've had
 2 another safety moment on that unfortunately.
 3 The corner here has now been highlighted in
 4 orange, or in green, because a number of
 5 people have unfortunately tripped over it.
 6 This is set up to allow more than one person
 7 to give evidence in a panel type process. We
 8 will have PowerPoint presentations. We will
 9 have slides. We'll have all sorts of things.
 10 Anne will speak about them. We're using
 11 modern technology to bring this information
 12 forward in as informative a way as is
 13 possible.
 14 But taking information without an
 15 understanding of its impact on safety is
 16 really not useful, and so to give structure
 17 and purpose to this information, as you have
 18 already said, we've chosen to adopt a risk
 19 management approach to this assignment. As
 20 you have said, all human activity involves
 21 some risk. You cannot get up and go to work
 22 in the morning without the risk of doing some
 23 harm to yourself. But to improve safety, the
 24 risks inherent in an activity must be
 25 assessed, measured and minimized, and it is,

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1 as you have said, clear that travelling in the
 2 offshore of Newfoundland is an activity which
 3 does bring with it some significant risks
 4 because of weather and the like.
 5 One of the consultants that you have
 6 already mentioned that we have retained is the
 7 company known as Aerosafe Risk Management.
 8 For those who wish to access the website for
 9 that company, it is www.aerosafe, one word
 10 lower case, .com.au. The .au is because it's
 11 an Australian company and the domain is
 12 registered initially there. Kimberly Turner,
 13 who is the CEO of that company, will come
 14 forward in early November and explain to us
 15 the process and the information necessary to
 16 develop a risk profile for the helicopter
 17 transportation industry for offshore
 18 Newfoundland. Kimberly's company, as you have
 19 said, has developed a significant expertise in
 20 this area and has been recognized by the
 21 helicopter industry as being a company with a
 22 skill that is worthy of utilizing in the
 23 appropriate circumstances, and the Health
 24 Emergency Services industry in the USA is her
 25 most recent assignment. She has worked for

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1 other aviation providers all over the world.
 2 The risk profile will help us establish
 3 where the greater risks lie, where our focus
 4 should be and where better opportunities exist
 5 for improvement. So as we go through this,
 6 the issues will be identified and tabled for
 7 further investigation in Phases 1B or 1C, or
 8 and 1C. But they will not be extensively
 9 argued or debated at this time. And again,
 10 this is perhaps where we may differ from some
 11 other inquiries. When we get to a threshold
 12 level and we say that is worthy of
 13 investigation further, we will stop talking
 14 about it. We will table it and we'll move it
 15 into part 1B.
 16 The whole process here is what is known,
 17 I guess, as a lessons learned exercise. We
 18 are not looking at what we are currently doing
 19 to criticize those who have done it, if it
 20 isn't perfect, but what lessons can we learn
 21 to make it better.
 22 At the end of Phase 1A, there will be a
 23 series of issues and you will have a draft
 24 issues list, which you will have to look at
 25 and decide where the priorities and the

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1 opportunities lie best. You have said that
 2 you will engage the parties in a discussion on
 3 them and a ranking of them, but at the end of
 4 the day, it is clear that you accept, as you
 5 must, the responsibility to decide what are
 6 the issues that you are going forward to
 7 investigate further on.
 8 Phase 1B is what we have called the
 9 investigative phase. This will follow
 10 immediately after Phase 1 and will involve
 11 another period of months, possibly three or
 12 four months. The timing of that will depend
 13 obviously on the number of issues and on the
 14 availability of personnel to investigate them
 15 worldwide. Once the issues are moved into
 16 Phase 1B, you will and we will rely on the
 17 information that is already presented in the
 18 earlier phase. We may have some more of our
 19 own investigations, which we will continue
 20 through our consultants. We may speak with
 21 consultants and with parties, with
 22 stakeholders that are not even before us
 23 today. All of this is to assist in finding
 24 solutions to improve safety that are, and once
 25 again, Mr. Chairman, I adopt your words, which

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1 are both sensible and achievable. It is no
 2 point in us coming up with concepts that don't
 3 have a chance to work in the real world. We
 4 have to find sensible and achievable
 5 opportunities.
 6 The parties with standing who are here
 7 before us and other stakeholders with whom we
 8 may become involved will be aware of the
 9 consultants that we are talking to, what
 10 methodology is being used and they'll have an
 11 opportunity to work with us. They'll even
 12 have an opportunity to suggest other
 13 resources, if we haven't located them
 14 ourselves, other resources who may be able to
 15 help us to get to the best possible future
 16 scenarios.
 17 So at the end of Phase 1B, we will have a
 18 series of possible recommendations for
 19 improvement which will then become the subject
 20 of more public examination and discussion as
 21 we move into Phase 3. So while some of this
 22 work may be done in private by us and our
 23 consultants, nothing learned will be relied
 24 upon without full disclosure to the parties
 25 and the stakeholders.

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1 Finally, as we move into Phase 1C, this
 2 is the response to the investigative phase,
 3 and this will probably just take a shorter
 4 period of time, perhaps one or two months
 5 maximum. We will provide to the parties and
 6 to the general public all consultants' reports
 7 that are being relied upon and all possible
 8 solutions that were gathered in Phase B. We
 9 will then resume some form of public hearings.
 10 They may take place in a format like this or
 11 you may decide that an open forum in an
 12 auditorium somewhere with a panel of people at
 13 the front talking about it, that may be the
 14 technology and the approach that we use.
 15 Those exact processes we will determine,
 16 depending on the kinds of information that we
 17 have and the best way to make it open to
 18 disclose to and challenged by the parties.
 19 The fact is that, as you have said, all
 20 of these things must bear scrutiny from the
 21 parties, from the public and from us within
 22 the Inquiry.
 23 And finally, at the very end of the Phase
 24 1, all of the parties of standing who are here
 25 before us will have an opportunity to make a

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1 final submission to you, probably in a format
 2 very much like this.

3 You then, Mr. Commissioner, have to
 4 decide on those recommendations which you
 5 believe best advance worker safety in
 6 helicopter transportation in our offshore
 7 area, and which of those opportunities are the
 8 most sensible and achievable.

9 Phase 2 is then our opportunity to
 10 respond to and deal with the Transportation
 11 Safety Board report, and of course, the timing
 12 of that report is something over which we here
 13 in this Inquiry have no real control. If the
 14 Transportation Safety Board has remitted or
 15 submitted its report before the end of Phase
 16 1, then obviously we will have to determine--
 17 you will have to determine, sir, what
 18 additional public consultations are
 19 appropriate on that. But if that report does
 20 not come down prior to your report going into
 21 the C-NLOPB, then obviously this Inquiry will
 22 have to adjourn until that report comes down.
 23 Once it comes down, then we'll resume activity
 24 and you will determine the processes that are
 25 necessary for you to make recommendations on

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1 that report.

2 So that is the process that we have
 3 developed in conjunction with you, Mr.
 4 Commissioner. Inquiry counsel are excited
 5 about the opportunity to work with you on this
 6 important challenge. Improving safety in
 7 offshore transportation is vital to the growth
 8 of that industry in this province and we do
 9 want the industry to grow. Restoring some
 10 degree of confidence in the workers is an also
 11 important part of what will come out of this
 12 Inquiry process, I sincerely hope.

13 And finally, as you have said earlier,
 14 Anne Fagan and I are Inquiry counsel. We are
 15 here to assist you to bring information
 16 forward and to represent the public interest,
 17 but we're not here as a prosecutor, but
 18 neither are we here to advance the private
 19 interests of any one party or any company or
 20 any entity that's already here. Our role is
 21 to help you, Mr. Commissioner, find the best
 22 opportunities to make improvements in
 23 helicopter safety.

24 Thank you, Mr. Commissioner, for the
 25 opportunity to explain the processes, not so

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1 much to you as to the public and to other who
 2 are in the room who may not have heard about
 3 this before, and now Ms. Fagan will provide a
 4 synopsis of evidence that we intend to bring
 5 forward during Phase One A.

6 COMMISSIONER:
 7 Q. Thank you, Mr. Roil. Ms. Fagan.

8 MS. FAGAN:
 9 Q. Well, I've been asked to summarize the
 10 evidence that the Inquiry will hear in Phase
 11 One A. Phase One A is the data collection
 12 phase. This phase is to describe the current
 13 situation for helicopter transportation of
 14 workers to the offshore of Newfoundland and
 15 Labrador. The first evidence will be from the
 16 regulators. We will start with the Canadian
 17 Newfoundland and Labrador Offshore Petroleum
 18 Board. It's referred to quite often as C-
 19 NLOPB. Then we'll hear from Transport Canada,
 20 and finally rounding out the regulators will
 21 be the Transportation Safety Board. The
 22 Canada Newfoundland and Labrador Offshore
 23 Petroleum Board regulates the offshore oil
 24 industry in Newfoundland and Labrador. The
 25 Board was created by the Federal Government of

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1 Canada, and the Provincial Government of
 2 Newfoundland and Labrador, pursuant to the
 3 Accords Implementation Act. Nova Scotia has a
 4 similar board. Representatives from the C-
 5 NLOPB will explain how legislation,
 6 regulation, and the Board's own guidelines
 7 help them oversee the offshore oil industry
 8 for Newfoundland and Labrador. The C-NLOPB
 9 will provide an explanation of the
 10 authorizations given to oil operators and the
 11 safety plans that all oil operators must have
 12 in place for the entire offshore operation,
 13 and the Board's representatives will then
 14 focus on how these safety plans apply to
 15 helicopter transportation of workers. The C-
 16 NLOPB will also explain how it monitors the
 17 oil operators and the helicopter operator to
 18 ensure they are in compliance with the safety
 19 plans. Once we have heard from the C-NLOPB,
 20 we will hear from Transport Canada. Transport
 21 Canada certifies the helicopter, it certifies
 22 the helicopter operator, and the dispatch
 23 system used. Transport Canada also licenses
 24 pilots, maintenance engineers, and the
 25 dispatchers. We will hear from Michael

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1 Stephenson, the Regional Director General for
 2 Transport Canada on Transport Canada's
 3 mandate, legislation, and regulations. Mr.
 4 Stephenson will explain how helicopters like
 5 the Sikorsky S-92A are certified. The
 6 coordination between the manufacturing
 7 country, such as the United States, and
 8 Canada, where the helicopter is used. The
 9 Regional Director for Transport Canada will
 10 also explain the rules that apply to
 11 helicopter operators, such as Cougar. He will
 12 also explain the procedures and safety plans
 13 that helicopter operators must have to obtain
 14 an air operators certificate. Commercial
 15 aircraft are required to be maintained by a
 16 Transport Canada approved maintenance
 17 organization. This will be explained, along
 18 with the audit and inspection processes of
 19 Transport Canada for helicopter operators.
 20 Transport Canada also licenses pilots,
 21 maintenance engineers, and dispatchers. The
 22 Regional Director will explain the different
 23 types of licences for pilots. He will explain
 24 the differences between a private, a
 25 commercial, and an airline transport pilot

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1 licence. Transport Canada will then describe
 2 the requirements to become an engineer that
 3 maintains helicopters. The Regional Director
 4 will also provide a description of the
 5 procedure to dispatch an aircraft in
 6 controlled air space, such as the airport at
 7 Torbay, and what is necessary for the
 8 certification of a dispatch system being used
 9 by helicopter operators such as Cougar to
 10 dispatch helicopters to the offshore oil
 11 facilities in Newfoundland and Labrador. Once
 12 we have heard from Transport Canada, we will
 13 have a presentation from the Transportation
 14 Safety Board. The Transportation Safety Board
 15 is often referred to as the TSB. The Chair of
 16 the Transportation Safety Board is Wendy
 17 Tadrose, and she will make a presentation on
 18 the Transportation Safety Board. Madam
 19 Tadrose will describe the role of the TSB and
 20 describe its ability to influence safety. She
 21 will provide us with an overview of the
 22 Transportation Safety Board's independent
 23 accident investigation process. She will
 24 provide the Inquiry with a video which will be
 25 shown to show the Transportation Safety

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1 Board's facilities, professionals, and
 2 investigation procedures. The Chair will also
 3 explain who else is involved in a TSB
 4 investigation and why they are involved, and
 5 the role that those other parties have in the
 6 investigation. Madam Tadrose will explain the
 7 Transportation Safety Board's safety
 8 communications and solutions. She will also
 9 suggest what TSB recommendations the Inquiry
 10 could consider. The Transportation Safety
 11 Board has not completed its investigation into
 12 the Cougar Flight 491 accident, and,
 13 therefore, the Chair of the Transportation
 14 Safety Board will only speak in general terms
 15 about the facts that the Safety Board has
 16 published to date on the accident. As you
 17 have heard, the Inquiry will consider the
 18 Transportation Safety Board's recommendations
 19 on Cougar Flight 491 accident after the TSB
 20 issues its report on the accident. We will
 21 also receive a written submission from the
 22 Government of Newfoundland and Labrador on the
 23 legislative framework of the offshore oil and
 24 gas industry in Newfoundland. In addition, as
 25 you've already stated, Commissioner, the

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1 Inquiry will have a written submission from
 2 the Department of National Defence on search
 3 and rescue. The Department of National
 4 Defence in its written statement will describe
 5 search and rescue being provided by the
 6 Department of National Defence generally to
 7 Newfoundland and Labrador, and in particular,
 8 it will focus on what is provided to the
 9 offshore of Newfoundland and Labrador oil
 10 facilities. As Mr. Roil has described,
 11 Kimberly Turner is an expert that the Inquiry
 12 has retained, and once we have completed the
 13 submissions from the regulators, she will make
 14 a presentation on the information that the
 15 Inquiry should consider in establishing a risk
 16 profile, and what stakeholders should be
 17 involved in the risk profile. The next
 18 witness after Kimberly Turner will be Robert
 19 Decker. Robert Decker is the sole survivor of
 20 Flight 491 which crashed 30 nautical miles
 21 east of St. John's on March 12th, 2009,
 22 killing seventeen of the eighteen people on
 23 board. Mr. Decker will explain his job as a
 24 weather observer on the Hibernia Platform, and
 25 his experience as an offshore worker. He will

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1 also describe March 12th, 2009. He will
 2 describe the weather, the check in for the
 3 flight, the donning of the suits, the
 4 preparation briefing, and the boarding of the
 5 helicopter and flight out. He will describe
 6 the flight back towards land, the crash of the
 7 helicopter into the ocean, his escape and
 8 ascent to the surface. Mr. Decker will
 9 explain how the cold water affected his
 10 ability to access features of the survival
 11 suit, such as the gloves, face hood, and
 12 floatation collar. Mr. Decker will explain
 13 the rescue by Cougar Search and Rescue
 14 helicopter, and we will hear about his injury
 15 and recuperation. Mr. Decker is still
 16 recovering, and although this will be
 17 difficult for him, he believes it's important
 18 to provide the Inquiry and the public,
 19 especially the families, with this
 20 information. Mr. Decker has asked that his
 21 privacy be respected and he does not wish to
 22 be interviewed by the media. Once the Inquiry
 23 has had the information from Mr. Decker, it
 24 will then receive a submission from CAPP.
 25 CAPP stands for the Canadian Association of

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1 Petroleum Producers. CAPP represents 130
 2 companies whose activities focus on
 3 exploration, development, and production of
 4 crude oil and natural gas in Canada. CAPP
 5 member companies produce about 90 percent of
 6 Canada's natural gas and crude oil. Mr. Paul
 7 Barnes, the Manager for Atlantic Canada
 8 division of CAPP, will provide the Inquiry
 9 with a description of the Canadian Association
 10 of Petroleum Producers, and its initiatives
 11 and involvement in helicopter safety for the
 12 offshore oil workers in the Atlantic Region.
 13 CAPP has been involved in a review of the
 14 standards for the survival suits worn by
 15 workers travelling offshore by helicopter, and
 16 it has coordinated the development of a new
 17 leakage testing protocol for the suits. CAPP
 18 has also been involved in the implementation
 19 and training of the underwater emergency
 20 breathing apparatus for helicopter transit.
 21 This breathing device is now attached to all
 22 suits being worn by workers travelling by
 23 helicopter to the oil facilities offshore
 24 Newfoundland and Labrador. CAPP also conducts
 25 quality reviews of the basic survival training

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1 of offshore workers to ensure best industry
 2 practices are being followed. It has also
 3 recently developed an Escape Evacuation and
 4 Rescue Guide for the offshore oil facilities,
 5 which includes using helicopter transport as
 6 an escape. Finally, CAPP is also involved in
 7 a UK Oil and Gas Helicopter Task Force. This
 8 task force was established after a helicopter
 9 crashed off Scotland on April 1st, 2009,
 10 killing all sixteen people on board. CAPP will
 11 provide the industry in Newfoundland and
 12 Labrador and this Inquiry with information
 13 obtained by the UK Task Force on improving
 14 helicopter safety for the offshore workers
 15 travelling by helicopter to the oil platforms
 16 in the UK. Once CAPP is finished its
 17 presentation, the Inquiry will have a
 18 submission from Helley Hansen. Helley Hansen
 19 Canada Limited is a large international
 20 company that manufactures the suits that are
 21 currently being worn by the passengers on the
 22 helicopters that are travelling to the
 23 offshore of Newfoundland and Labrador. Mark
 24 Collins, the Operation Manager for Helley
 25 Hansen Canada, will describe Helley Hansen's

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1 experience and expertise in the manufacture of
 2 survival type clothing. He will also explain
 3 the survival suits that are currently being
 4 worn by the passengers travelling offshore by
 5 helicopter, and how they have to meet a dual
 6 standard; the flight standard which is
 7 required for Transportation, and the marine
 8 immersion standard which is required for
 9 emergency use on board the offshore
 10 facilities. Helley Hansen will bring in one
 11 of the survival suits to help explain and
 12 demonstrate how they suit meets the dual
 13 standard and this will help show the features
 14 of those suits. Mr. Collins will also explain
 15 how these specifications of having to have a
 16 dual standard impact design and performance of
 17 their survival suits. Mr. Collins will
 18 address some of the problems identified by the
 19 workers, such as the sizing, comfort, leakage,
 20 and wearing practices on transit, such as
 21 having the zippers down. Once we have heard
 22 from Helley Hansen who provides the suits for
 23 the workers, we will hear from the Training
 24 Institute that trains 90 percent of the
 25 workers. The Offshore Safety and Survival

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1 Centre, which is a part of the Fisheries and
 2 Marine Institute of Memorial University, will
 3 make a presentation. The Offshore Safety and
 4 Survival Centre offers a comprehensive range
 5 of courses in safety and emergency response
 6 training for a number of industries. The
 7 Centre provides training not only to the
 8 offshore petroleum industry, but also in
 9 marine transportation, the fishing, and other
 10 land based industries. The Centre has a
 11 particular expertise in training for operation
 12 in cold and harsh environments, and for this
 13 reason provides training to the workers on the
 14 offshore oil facilities off the coast of
 15 Newfoundland and Labrador. The Offshore
 16 Safety and Survival Centre has also provided
 17 services to offshore petroleum projects in
 18 other cold environment locations, such as the
 19 Sakhalin Island off Russia, and the North
 20 Caspian Sea in Russia. The Inquiry will hear
 21 from Bob Rutherford, who is the Director of
 22 the Offshore Safety and Survival Centre, and
 23 from one of the Centre's trainers. Mr.
 24 Rutherford will describe the training facility
 25 and the training practices in other areas of

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1 the world. One of the Centre's trainers will
 2 provide detail on the training program for the
 3 workers travelling by helicopter to the
 4 offshore facilities off Newfoundland and
 5 Labrador. The Centre's training facility at
 6 Foxtrap includes a large survival tank,
 7 complete with a Helicopter Underwater Escape
 8 Trainer, a HUET, and various marine and
 9 offshore evacuation devices, as well as a
 10 helicopter fire simulator, and rescue crafts,
 11 and a large inventory of training equipment.
 12 The Offshore Safety and Survival Centre trains
 13 approximately 90 percent of the workers that
 14 travel offshore to the oil facilities by
 15 helicopter. This training includes
 16 instruction on the equipment that I just
 17 described, and the recently introduced
 18 helicopter underwater escape breathing
 19 apparatus. The presentation by the Offshore
 20 Safety and Survival Centre will include a
 21 video showing its facilities and training.
 22 They will also bring into the Inquiry the
 23 helicopter underwater escape breathing
 24 apparatus and explain how it works. After we
 25 have heard the presentation from the Offshore

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1 Safety and Survival Centre, there will be time
 2 for other presenters. When we have completed
 3 this presentation, other presenters who have
 4 indicated that they wish to make presentations
 5 will be heard. Some of those presenters are
 6 Lorraine Michael, Bill Parsons, and Jack
 7 Harris, who will all speak on helicopter
 8 transportation issues and what issues they
 9 would like the Inquiry to consider. Other
 10 presenters may also wish to speak at this
 11 time, and presenters and individuals may come
 12 forward as the Inquiry unfolds. The Inquiry
 13 will then break for Christmas and after the
 14 Christmas break, we will hear from the oil
 15 operators, Cougar Helicopters, Communications
 16 Energy and Paperworkers Union, Local 2121, and
 17 any of the families of the deceased passengers
 18 and crew of Flight 491 who wish to speak. We
 19 will first start with the offshore oil
 20 operators. The offshore oil operators must
 21 obtain an authorization from the Canada
 22 Newfoundland and Labrador Offshore Petroleum
 23 Board before working offshore Newfoundland and
 24 Labrador. Over the years different companies
 25 have worked in this industry, and new

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1 companies will appear in the future. For
 2 efficiency, we have chosen to examine three
 3 current and large entities as representatives
 4 of the Newfoundland and Labrador offshore oil
 5 industry. These are Hibernia Management and
 6 Development Company, HMDC; Suncor Energy, and
 7 Husky Energy. The first presentation will be
 8 from HMDC. HMDC was the first to produce oil
 9 offshore Newfoundland starting in November of
 10 1997 from the Hibernia Oil Field which is
 11 located about 315 kilometres east southeast of
 12 St. John's. HMDC operates a large gravity
 13 based structure, housing between 200 and 250
 14 personnel. These workers are HMDC employees
 15 and employees of contracted service providers
 16 and others, but as you have said, all workers
 17 are normally transported to and from the
 18 platform by helicopter originating from St.
 19 John's. So whether they're an employee or a
 20 contract service provider, or a consultant,
 21 or professional, they are all transported by
 22 helicopter the same way. Once we have heard
 23 from HMDC, the next will be Suncor. Suncor
 24 merged this past summer with Petro Canada, and
 25 it operates under the new name, Suncor Energy.

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1 Suncor operates a floating production storage
 2 and offloading vessel. You will often hear
 3 the term "FPSO". The FPSO operated by Suncor
 4 Energy is the Terra Nova, and the Terra Nova
 5 operates on the Terra Nova Oil Field. First
 6 oil was in January of 2002, and the Terra Nova
 7 FPSO accommodates approximately 120 people.
 8 Suncor also conducts exploration work within
 9 the Newfoundland and Labrador offshore area
 10 using the Henry Goodridge. The Henry
 11 Goodridge is a mobile offshore drilling unit.
 12 These floating platforms are different
 13 facilities than HMDC's gravity based
 14 structure, and Suncor's operations, plans, and
 15 procedures are different. However, like HMDC
 16 personnel, workers on the Terra Nova and the
 17 Henry Goodridge are also transported to these
 18 facilities by helicopter using approximately
 19 five scheduled flights per week. Husky, the
 20 final oil operator to present on its
 21 operation, operates under the name Husky
 22 Energy. Husky operates the FPSO Sea Rose.
 23 This is another floating production platform.
 24 The Sea Rose produces oil from the White Rose
 25 Oil Field. The White Rose Oil Field is

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1 located 350 kilometres east of St. John's.
 2 The White Rose Field was discovered in 1984,
 3 and first oil was in 2005. Although the Sea
 4 Rose is an FPSO, a floating platform like the
 5 Terra Nova, both floating platforms have
 6 different designs. They are attached to the
 7 ocean floor differently and their helicopter
 8 landing pads are in different locations on the
 9 vessels. Husky has its own safety plans and
 10 procedures to suit its facilities and
 11 operation. Husky uses approximately six
 12 scheduled flights per week from St. John's to
 13 transport its personnel to the Sea Rose. The
 14 information we obtain from the oil operators
 15 will come by way of industry panel. We have
 16 seen that it's the most efficient way to
 17 obtain this information because these
 18 companies work together. We will hear how
 19 these companies work together to provide
 20 helicopter transportation to the offshore
 21 workers to their facilities, how they share
 22 flights to go to more than one facility, how
 23 they use common equipment, such as the
 24 transportation suits, and how they rely on the
 25 same training facilities and procedures. We

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1 will also hear how the oil operators
 2 coordinated an effort called "Helicopter
 3 Operations Task Force" to review many aspects
 4 of helicopter safety before flights resumed
 5 after the Flight 491 tragedy on March 12th.
 6 Each company will also present through a
 7 company panel on how their particular
 8 operation is unique and their individual
 9 approach to safety plans, safety management,
 10 and operational issues. Once the oil
 11 operators have made their presentations, we
 12 will hear from Cougar Helicopters. Cougar
 13 Helicopters is the company that the oil
 14 operators have contracted with to transport
 15 their workers to the offshore oil facilities
 16 off Newfoundland and Labrador. Cougar has been
 17 providing helicopter services to the offshore
 18 oil and gas sector since 1989, starting in
 19 Nova Scotia. In 1997, Cougar set up its
 20 operation in St. John's to service the
 21 Hibernia Platform. Cougar is part of VIH
 22 Aviation Group, and provides helicopter
 23 services around the world. Apart from its
 24 operations in Eastern Canada, Cougar provides
 25 specialized emergency and first response air

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1 services to offshore oil and gas industry in
 2 Louisiana and Alaska in the United States, and
 3 in Darwin in Northern Australia. Cougar's
 4 presentation to the Inquiry will include a
 5 corporate overview and an industry overview
 6 from its President. We will also have a
 7 description of the St. John's operation by its
 8 Manager, and presentations from Cougar's
 9 Directors of safety and quality, flight
 10 operations, and maintenance. We will also
 11 have a presentation from Cougar's Manager of
 12 search and rescue. Cougar will present a
 13 video showing the check in for the flight, the
 14 distribution of the transportation suits, the
 15 suit check, the preparation briefing, and the
 16 boarding of the helicopter, to help describe
 17 and give a good picture of exactly what a
 18 typical flight is for a worker travelling to
 19 the offshore by helicopter. Cougar will also
 20 demonstrate its system from monitoring the
 21 helicopters while they are on route to the
 22 offshore facilities of Newfoundland and
 23 Labrador. It will also demonstrate its data
 24 monitoring system which analyzes all data
 25 recorded on each helicopter for each flight.

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1 Once we have had the presentation from Cougar,
 2 an opportunity and presentation will be made
 3 by the Communications Energy and Paperworkers
 4 Union, Local 2121. CEPU is the acronym for
 5 this union, and it has exclusive right to
 6 bargain on behalf of the employees employed on
 7 the Hibernia Platform, and the Terra Nova
 8 FPSO. A number of the offshore oil workers
 9 will provide testimony on their experience and
 10 concerns with travelling by helicopter to the
 11 offshore. The workers will tell the Inquiry
 12 what issues they think the Inquiry should
 13 consider. Once the union has made its
 14 presentation, time will be allotted for the
 15 families of the deceased passengers and pilots
 16 if they wish to provide testimony. The
 17 families of the deceased passengers and pilots
 18 can either provide testimony or written
 19 submissions on the issues that they think the
 20 Inquiry should consider. The families have
 21 been invited to provide the Inquiry with their
 22 views and some have indicated they feel
 23 obliged to speak, however, they will not be
 24 compelled to speak. The families have
 25 standing and are represented by counsel at the

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1 Inquiry. As the Inquiry unfolds, the families
 2 will make their final decisions as to how they
 3 wish to participate. After we have heard from
 4 the families of the passengers and the pilots,
 5 time has been allotted for others and their
 6 response. There may be other people who wish
 7 to come forward or may be identified during
 8 Phase One to make presentations. This is a
 9 public Inquiry and the public are welcome to
 10 either provide presentations in writing or to
 11 make submissions through this hearing process.
 12 As well, as issues are raised during Phase
 13 One, this data collection phase, some of the
 14 presenters may need to respond with additional
 15 information. In closing, I look forward, as I
 16 am sure you and the others here, in hearing
 17 all of the evidence described, and we will
 18 begin tomorrow with the evidence from the
 19 Canada Newfoundland and Labrador Offshore
 20 Petroleum Board. Thank you.
 21 COMMISSIONER:
 22 Q. Thank you, Ms. Fagan. Ladies and gentlemen,
 23 this will conclude the presentations for
 24 today. There is a reason for that, and that
 25 is we have over the past three or four months

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1 had installed some very high tech equipment
 2 because public inquiries nowadays are required
 3 not only to record, as used to be in the past
 4 and transcribed, but by electronic means, IT
 5 and IM, everything is fed into an electronic
 6 computerized system and during the course of
 7 this Inquiry, our plan is, and the technology
 8 allows, that materials of the day, the
 9 exhibits and whatever, is information, as
 10 someone said, but it's hard for me to depart
 11 from the word "evidence", but, anyway, all
 12 this will be fed into the system so that by
 13 perhaps 8 o'clock at night you'll be able to
 14 go on computers and see, those who wish to,
 15 the day's evidence. This is important not
 16 only for Newfoundland and Labrador, and the
 17 rest of Canada who may be interested, but also
 18 people in the offshore oil industry in other
 19 countries will have an interest with what
 20 we're doing. I mention this because we will
 21 now know, having had the morning doing these
 22 presentations, if there are any glitches or
 23 anything that should be rectified before
 24 tomorrow morning when the evidence and
 25 information giving starts. I think it's wise

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1 that we do that. So thank you very much for
 2 your attention and we'll see you tomorrow
 3 morning at 9:30.
 4 Upon conclusion at 11:41 a.m.

1 CERTIFICATE

2 We, the undersigned, do hereby certify that
3 the foregoing is a true and correct transcript of a
4 hearing heard on the 19th day of October, 2009 at
5 Tara Place, 31 Peet Street, Suite 213, St. John's
6 Newfoundland and Labrador and was transcribed by us
7 to the best of our ability by means of a sound
8 apparatus.

9 Dated at St. John's, NL this
10 19th day of October, 2009

11 Cindy Sooley
12 Discoveries Unlimited Inc.

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