

CANADA-NEWFOUNDLAND AND LABRADOR

OFFSHORE HELICOPTER SAFETY INQUIRY

Volume 4
Appendices



The Honourable Robert Wells
Commissioner

Offshore Helicopter Safety Inquiry Canada-Newfoundland and Labrador

Volume 4 Appendices Phase I

**The Honourable Robert Wells
Commissioner**

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Canada-Newfoundland and Labrador Offshore Petroleum Board
Fifth Floor, TD Place
140 Water Street
St. John's, NL
Canada
A1C 6H6

Phone: 709-778-1400
Fax: 709-778-1473
E-mail: information@cnlopb.nl.ca
www.cnlopb.nl.ca

Volume 4

Appendices

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As Amended October 7, 2010

**COMMISSIONER'S TERMS OF REFERENCE
FOR THE INQUIRY INTO MATTERS RESPECTING
HELICOPTER PASSENGER SAFETY FOR WORKERS
IN THE NEWFOUNDLAND AND LABRADOR OFFSHORE AREA**

WHEREAS the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) was established by the Government of Newfoundland and Labrador and the Government of Canada as a joint, independent, arms-length regulator of exploration, development, and production of oil and gas resources in the Newfoundland and Labrador Offshore Area;

AND WHEREAS the C-NLOPB has a mandate to interpret and apply the provisions of the Atlantic Accord and the Atlantic Accord Implementation Acts to all activities of Operators in the Newfoundland and Labrador Offshore Area and to oversee Operator compliance with those statutory provisions;

AND WHEREAS the C-NLOPB is required by legislation, before issuing an authorization for work or activity, to consider the safety of the work or activity by reviewing the system as a whole and its components, including its structures, facilities, equipment, operating procedures and personnel;

AND WHEREAS the C-NLOPB oversees the safety of Offshore Activities by review and approval of an Operator's plans and implementation to determine that risks have been reduced to a level that is as low as reasonably practicable;

AND WHEREAS the crash of Cougar Helicopter Sikorsky S92-A flight 491 was a serious accident in the Newfoundland and Labrador Offshore Area;

AND WHEREAS pursuant to the Accord Implementation Acts an inquiry into a serious accident is mandatory, and the C-NLOPB has determined that an inquiry into safety matters respecting transport by helicopter to the Newfoundland and Labrador Offshore Area is essential for the C-NLOPB

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in carrying out its mandate as it relates to overseeing safety in the Newfoundland and Labrador Offshore Area;

NOW THEREFORE the C-NLOPB, pursuant to s. 165 of the Federal Accord Act (s. 161 of the Provincial Act), directs that an inquiry be made into safety matters respecting transport by helicopter to the Newfoundland and Labrador Offshore Area the terms of reference of which are set out herein;

1. Establishment of the Inquiry

There is established a commission of inquiry on matters respecting worker safety associated with helicopter transportation in the Newfoundland and Labrador Offshore Area that are within the jurisdiction of the C-NLOPB. The Commissioner shall be the Honourable Robert Wells, Q.C.

2. Definitions

In these Terms of Reference,

“*Accord Acts*” means the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*;

“Board” means The Canada-Newfoundland and Labrador Offshore Petroleum Board;

“Commissioner” means the individual appointed pursuant to para. 165 of the *Canada-Newfoundland Atlantic Accord Implementation Act* and section 161 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*;

“Newfoundland and Labrador Offshore Area” means the offshore area as defined in the *Accord Acts*.

“Operator” means a company which has been issued an authorization pursuant to the *Accord Acts* to conduct work or activity within the Newfoundland and Labrador Offshore Area.

“Participant” means a person who makes an oral presentation or files a written submission to the Commissioner pursuant to the Rules of Procedure and Practice;

“Rules of Procedure and Practice” means the procedures as may be implemented by the Commissioner;

“Secretariat” means the Commissioner’s support staff.

3. Purpose

The purpose of this Inquiry is to determine what improvements can be made so that the Board can determine that the risks of helicopter transportation of offshore workers are as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area.

4. General Mandate

The Commissioner’s mandate will be to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators’ accountability for escape, evacuation and rescue procedures while traveling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices.

5. Specific Mandate

Specifically the Commissioner shall inquire into, report on, and make recommendations in respect of:

- (a) safety plan requirements for Operators and the role that Operators play in ensuring that their safety plans, as represented to and approved by the Board are maintained by helicopter operators,
- (b) search and rescue obligations of helicopter operators by way of contractual undertakings or legislative or regulatory requirements,

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- (c) the role of the C-NLOPB and other regulators in ensuring compliance with legislative requirements in respect of worker safety.

6. Limitation

The Commissioner's mandate does not include an examination of any issues related to the airworthiness of aircraft, training of flight crew, or flight procedures or any other matters which are included in the Transportation Safety Board of Canada Investigation into Cougar Helicopter Sikorsky S92-A Crash except to the extent specifically described in paragraph 5 hereof.

The Commissioner's mandate does not include an examination of the provision by the Government of Canada (Department of National Defence) of Search and Rescue facilities for all marine incidents and the location of such facilities within the Province of Newfoundland and Labrador

7. Powers of the Commissioner

Consistent with s. 165(2) of the Federal Accord Act and s. 161 (2) of Provincial Accord Act, the Commissioner shall be vested with the powers conferred by the Inquiries Act, R.S., 1985, c. I-11 and the Public Inquiries Act, 2006, SNL2006 c. P-38.1.

8. Inquiry Methodology

The Commissioner shall design, make known and enforce rules, practices and procedures for the proper conduct of the Inquiry and where necessary may amend such rules, practices and procedure from time to time.

Phase I – (Parts A and B to be undertaken concurrently)

- A. The Commissioner shall solicit the views of the public in respect of practices which will reduce the risks of helicopter transportation in the offshore area. Mechanisms by which this phase of the inquiry is to be conducted may include:

- (i) interviews and surveys,
- (ii) calling for written submission, and
- (iii) formal or informal hearings

as the Commissioner deems appropriate.

B. The Commissioner shall gather information in respect of the specifically identified mandate issues described in paragraph 5 hereof. Mechanisms by which this phase of the inquiry is to be conducted may include:

- (i) research studies,
- (ii) consultation with other offshore safety regulators in other jurisdictions in respect of best practices,
- (iii) inspections and investigations,
- (iv) calling for written submissions, and
- (v) informal or formal hearings

as the Commissioner deems appropriate.

- Any information gathered by the Commissioner during Phase I of the Inquiry which in his view should be addressed by the C-NLOPB or any other regulatory agency with urgency shall be brought to the attention of the C-NLOPB at a time and in a format the Commissioner deems appropriate.
- To the extent that it reduces duplication of efforts and facilitates expeditious consideration of issues raised, the Commissioner shall maintain regular and frequent communication with the Transportation Safety Board of Canada Investigation into Cougar Helicopter Sikorsky S92-A Crash.

The Commissioner may retain and as needed request the services of independent specialists whose function would be to provide information on and interpret information and issues relevant to the Inquiry. Independent specialists retained by the Commissioner may be requested by the Commissioner to appear before the Commissioner as experts.

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The Commissioner shall provide a Report to the Board on completion of Phase I, which Report shall be provided by **September 30, 2010** unless an extension should become necessary.

Phase II

Upon completion of the Transportation Safety Board of Canada Investigation into Cougar Helicopter Sikorsky S92-A Crash, the Commissioner shall undertake a review of the sections of the Report therefrom that deal with matters which are specifically within the mandate of the C-NLOPB and particularly the findings in respect thereof and shall advise the C-NLOPB:

- (a) which findings should result in actions being recommended to be undertaken by C-NLOPB and how they should be implemented,**
- (b) which findings should result in actions being recommended to be undertaken by other legislative or regulatory agencies.**

The Commissioner may retain and as needed request the services of independent specialists whose function would be to provide information on and interpret information and issues relevant to the Inquiry. Independent specialists retained by the Commissioner may be requested by the Commissioner to appear before the Commissioner as experts.

Participation by Parties with Professional and Commercial Interests

The Commissioner shall provide criteria for Standing for those with professional and commercial interest in helicopter transport to the Newfoundland and Labrador Offshore Area. The Commissioner shall also provide procedures by which Standing will be granted.

Parties with Standing shall provide the Commissioner with written submissions outlining the issues within the Inquiry Mandate upon which such parties have an interest. The Commissioner may request from such

parties further submissions either by way of written reports or oral presentations.

The Commissioner may provide for sessions in which evidence is presented to the Commissioner and where appropriate may allow for cross-examination of such evidence.

Scheduling

The Commissioner will provide notice of the detailed schedule and announce specific dates, locations and topics respecting the public sessions, if any, of the Inquiry. This notice will be issued a minimum of thirty (30) days prior to the start of the sessions and shall identify the specific issues on which information is being sought.

The Commissioner will hold sessions at such locations, within the province of Newfoundland and Labrador, and at such times as the Commissioner deems appropriate.

9. Consultation by Commissioner with the C-NLOPB

The Commissioner, the Secretariat, or both may consult the Board for the purposes of clarifying any matters respecting the Terms of Reference, the Inquiry process and any matters relating to support of the Inquiry.

The Commissioner may consult the Board to provide information in relation to matters within the Inquiry Mandate.

The Commissioner or Secretariat shall not consult the Board for the purpose of discussing any substantive matters respecting purpose of the Inquiry and the recommendations to be made.

Notwithstanding the above provision the Commissioner shall bring to the attention of the Board matters that come to the Commissioners attention during the Inquiry that are of an immediate nature relating to any safety issues within the jurisdiction of the Board.

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10. Support for Commissioner

The Board shall provide funding to the Commissioner so as to fulfill the mandate and effectively achieve the objectives of the Inquiry.

The Commissioner shall occupy such space for offices and hearing rooms and employ staff as may be necessary in consultation with the Board and in accordance with Board policy and practices.

The Commissioner may engage professional services (public relations, technology, website) so as to fulfill the mandate and effectively achieve the objectives of the Inquiry.

The Commissioner shall not express any finding or recommendations regarding criminal or civil responsibility of any person, body or organization.

As Amended February 11, 2010

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The Commissioner may engage professional services (public relations, technology, website) so as to fulfill the mandate and effectively achieve the objectives of the Inquiry.

The Commissioner shall not express any finding or recommendations regarding criminal or civil responsibility of any person, body or organization.



PUBLIC INQUIRIES ACT, 2006

CHAPTER P-38.1
SNL2006

Amended:
2008 c47 s15

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CHAPTER P-38.1

AN ACT TO REVISE THE LAW RESPECTING THE CONDUCT OF PUBLIC INQUIRIES

(Assented to December 12, 2006)

Analysis

- | | |
|--|---|
| 1. Short title | 16. Order directing inquiry |
| 2. Definitions | 17. Reporting |
| | 18. Designation of powers |
| PART I | 19. Oral hearings |
| COMMISSIONS OF | 20. Evidentiary privileges |
| INQUIRY | |
| | PART III |
| 3. Commissions of inquiry | OTHER MATTERS |
| 4. Reporting | 21. Appointment |
| 5. Participation at inquiry | 22. Commission funding |
| 6. Public hearings | 23. Staff |
| 7. Media coverage | 24. Immunity |
| 8. Witnesses | 25. Protection of employees |
| 9. Power to compel evidence | 26. Review of actions |
| 10. Power to inspect | 27. Joint inquiries |
| 11. Power to search with warrant | 28. Preservation of records |
| 12. Evidentiary privileges | 29. Policies respecting remuneration and expenses |
| 13. Application to court for exclusion | 30. Other Acts giving powers of commissioner |
| 14. Contempt of commission | 31. RSNL1990 cP-38 Rep. |
| 15. Request for direction | |
| | |
| PART II | |
| OTHER INQUIRIES | |

*Be it enacted by the Lieutenant-Governor and House of Assembly
in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as the *Public Inquiries Act, 2006*.

2006 cP-38.1 s1

Definitions

2. In this Act

- (a) "commission" means a commission of inquiry established under Part I;
- (b) "court" means the Trial Division;
- (c) "inquiry" means an inquiry conducted under Part II; and
- (d) "minister" means the minister appointed under the *Executive Council Act* to administer this Act.

2006 cP-38.1 s2

PART I
COMMISSIONS OF INQUIRY

Commissions of inquiry

3. (1) The Lieutenant-Governor in Council may by order establish a commission of inquiry to inquire and report on a matter that the Lieutenant-Governor in Council considers to be of public concern.

(2) Where a commission is established under subsection (1), the Lieutenant-Governor in Council shall, in the order,

- (a) appoint the members of the commission in accordance with section 21;
- (b) establish the jurisdiction of the commission by setting terms of reference for the inquiry;
- (c) designate the minister responsible for the inquiry; and
- (d) fix a date for the termination of the inquiry and for the delivery of the commission's report.

(3) Where it is in the public interest, the Lieutenant-Governor in Council may by order revise the terms of reference for the inquiry and revise the dates set for the termination of the inquiry and delivery of the commission's report.

2006 cP-38.1 s3

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Canada-Newfoundland and Labrador

2006

Public Inquiries Act, 2006

Chapter P-38.1

Reporting

4. (1) A commission shall deliver its report in writing to the minister designated by the Lieutenant-Governor in Council by the date fixed for delivery of the report under section 3.

(2) The minister referred to in subsection (1) shall release the report to the public.

2006 cP-38.1 s4

Participation at inquiry

5. (1) A commission shall give those persons who believe they have an interest in the subject of the inquiry an opportunity to apply to participate.

(2) A commission shall determine whether a person may participate in an inquiry, and how he or she may participate, after considering

- (a) whether the person's interests may be adversely affected by the findings of the commission;
- (b) whether the person's participation would further the conduct of the inquiry; and
- (c) whether the person's participation would contribute to the openness and fairness of the inquiry.

(3) A person who is permitted to participate in an inquiry may participate on his or her own behalf or be represented by counsel of his or her choice and, where an opportunity to appear before the commission is provided, may accompany and appear with his or her counsel.

(4) A commission shall not make a report against a person until the commission has given reasonable notice to the person of the charge of misconduct alleged against him or her and the person has been allowed full opportunity to be heard in person or by counsel.

(5) A commission may recommend that the government of the province provide funding for counsel and other expenses of a person who is permitted to participate in an inquiry.

(6) Where a commission makes a recommendation under subsection (5), the minister shall consider the recommendation and advise

the person concerned of the decision of the government and the level of funding to be provided, if any.

2006 cP-38.1 s5

Public hearings

6. (1) A commission may decide whether evidence presented to the inquiry or a representation to the inquiry is to be oral or in writing.

(2) Where a commission holds an oral hearing it shall be conducted in public, but a commission may exclude the public from a hearing, or from part of it, where it decides that the public interest in holding the hearing, or a part of it, in public is outweighed by another consideration, including the consequences of possible disclosure of personal matters, public security or the right of a person to a fair trial.

2006 cP-38.1 s6

Media coverage

7. (1) A commission may arrange for the publishing or broadcast of its proceedings.

(2) A commission may by order restrict or prohibit the public reporting of its proceedings and the publishing of evidence at the inquiry where the commission decides that the public interest in reporting or publication is outweighed by another consideration, including the consequences of possible disclosure of personal matters, public security or the right of a person to a fair trial.

2006 cP-38.1 s7

Witnesses

8. (1) A person who appears before a commission to give testimony has the same immunities as a witness who appears before the court.

(2) A person who is summoned to appear before a commission shall be paid for his or her appearance and any travel and other expenses reasonably incurred in relation to that appearance out of the Consolidated Revenue Fund in accordance with policies established by the Lieutenant-Governor in Council under section 29.

2006 cP-38.1 s8

Power to compel evidence

9. A commission may, by summons,

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2006

Public Inquiries Act, 2006

Chapter P-38.1

- (a) require a person to attend as a witness and give evidence, orally or in writing, on oath or by affirmation; and
- (b) require a person to produce to the commission or a person designated by the commission all documents, records, including documents or records maintained in electronic form, and things in his or her custody or control that may relate in any way to the subject of the inquiry.

2006 cP-38.1 s9

Power to inspect

10. (1) Where a commission believes it is reasonably necessary to the conduct of an inquiry, the commission, or a person whom the commission may authorize for the purpose, may

- (a) at reasonable times enter a premises to view or inspect the premises;
- (b) require the production of records, documents, including documents or records maintained in electronic form, or other things relating to the subject of the inquiry and may examine those records, documents or other things or remove them for the purpose of making copies of them; and
- (c) make inquiries of a person on the premises into all matters relating to the subject of the inquiry.

(2) Where a commission or a person authorized by the commission removes records, documents or other things under paragraph (1)(b), the commission or person shall give to the person from whom they were taken a receipt for them and shall immediately make copies of them where possible and return the originals to the person who was given the receipt.

2006 cP-38.1 s10

Power to search
with warrant

11. (1) Where a commission, or another person whom the commission may authorize for the purpose, is refused or denied entry onto a premises or the commission is of the opinion that entry without notice is necessary, and the commission has reasonable grounds to believe that entering and searching the premises will assist in the conduct of its inquiry, the commission may apply to the court, without giving notice to

another person, for a warrant permitting the commission or a person named in the warrant to do those things referred to in section 10.

(2) A judge of the court, who is satisfied on oath or affirmation that there are reasonable grounds for believing that entering and searching the premises will assist in the conduct of an inquiry, may issue a warrant authorizing a commission or a person named in the warrant to enter the premises and search for and inspect anything that will assist in the conduct of an inquiry and to do all those things referred to in section 10.

2006 cP-38.1 s11

Evidentiary privileges

12. (1) A person has the same privileges in relation to the disclosure of information and the production of records, documents or other things under this Act as the person would have in relation to the same disclosure and production in a court of law.

(2) Notwithstanding subsection (1), a rule of law that authorizes or requires the withholding of records, documents or other things or a refusal to disclose information, on the grounds that the disclosure would be injurious to the public interest or would violate Crown privilege, does not apply in respect of an inquiry under this Act.

(3) Notwithstanding subsection (1), a person shall not refuse to disclose information to a commission or a person authorized by a commission on the grounds that the disclosure is prohibited or restricted by another Act or regulation.

2006 cP-38.1 s12

Application to court for exclusion

13. (1) A person may apply to the court for an order excluding a person or a record, document or thing from the operation of subsections 12(2) and (3), and the court may, after considering the application and the submission of the commission and other interested parties, order that

(a) the person may refuse to disclose information;

(b) a record, document or thing may be withheld from the commission; or

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(c) the information shall be disclosed or the record, document or thing produced on conditions that the court may provide.

(2) There is no right of appeal from a decision of a judge made under this section.

2006 cP-38.1 s13

Contempt of commission

14. Where a person without lawful excuse,

(a) does not attend on being summoned under section 9 as a witness at an inquiry;

(b) while in attendance as a witness at an inquiry, refuses to take an oath or to make an affirmation lawfully required by the commission to be taken or made, or to produce a document, record or thing in his or her custody or control lawfully required by the commission to be produced to it, or to answer a question to which the commission may lawfully require an answer;

(c) contravenes an order of the commission under section 7 with respect to public reporting of its proceedings or the publishing of evidence; or

(d) does any other thing that would, if the commission had been a court of law having power to commit for contempt, have been contempt of that court,

the commission may state a case to the court setting out the facts and the court may, on the application of the commission, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing a statement that may be offered in defense, punish or take steps for the punishment of that person in the same manner as if he or she had been guilty of contempt of the court.

2006 cP-38.1 s14

Request for direction

15. (1) A commission may apply to the court for direction on a question of law or on the jurisdiction of the commission.

(2) There is no right of appeal from a decision of a judge made under this section.

2006 cP-38.1 s15

PART II
OTHER INQUIRIES

Order directing
inquiry

16. (1) The Lieutenant-Governor in Council may order that there be an inquiry under this Part into a matter that the Lieutenant-Governor in Council considers to be of public concern.

(2) In an order made under subsection (1), the Lieutenant-Governor in Council shall direct how the inquiry is to be conducted, including

- (a) appointing one or more persons in accordance with section 21 to carry out the inquiry and submit a report;
- (b) specifying the mechanisms by which the inquiry is to be conducted, which may include
 - (i) interviews and surveys,
 - (ii) research studies,
 - (iii) inspections and investigations,
 - (iv) calling for written submissions, and
 - (v) informal or formal hearings;
- (c) designating the minister responsible for the inquiry; and
- (d) specifying the nature and scope of the report to be submitted by the person or persons appointed to conduct the inquiry.

2006 cP-38.1 s16

Reporting

17. (1) The person or persons appointed to conduct an inquiry under this Part shall deliver a report in writing to the minister designated by the Lieutenant-Governor in Council under paragraph 16(2)(c).

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(2) The minister shall release the report to the public.

2006 cP-38.1 s17

Designation of
powers

18. (1) Where an inquiry is directed under section 16, the Lieutenant-Governor in Council may, by order,

- (a) direct that persons who believe they have an interest in the subject of the inquiry have a right to participate in the inquiry, and where it is so directed the person or persons appointed to conduct the inquiry have the powers of a commission under section 5 and that section applies to the inquiry, with the necessary changes;
- (b) direct whether the person or persons appointed under section 16 are to receive evidence and representations in writing or orally, and where oral hearings are held, whether subsection 6(2) applies;
- (c) direct that the person or persons appointed under section 16 may arrange for the publishing or broadcast of proceedings held by him or her or them and, where so directed, subsection 7(2) applies to the inquiry as if it was a commission of inquiry;
- (d) direct that the person or persons appointed under section 16 have the powers of a commission under section 9 to compel the production of testimony and evidence;
- (e) direct that the person or persons appointed under section 16 have the powers of a commission under section 10 to conduct inspections and, where so directed, subsection 10(2) applies as if the person or persons were commissioners;
- (f) direct that the person or persons appointed under section 16 have the power of a commission to apply for a warrant to search under section 11 and where so directed, subsection 11(2) applies as if the person or persons were commissioners; and
- (g) direct that the person or persons appointed under section 16 may apply to the court for direction under section 15 as if he or she or they were commissioners.

(2) An order made under this section shall be published in the *Gazette* and in a newspaper of general circulation in the province.

2006 cP-38.1 s18

Oral hearings

19. Where a person or persons appointed under section 16 hold oral hearings, sections 8 and 14 apply to the inquiry as if the person or persons were commissioners.

2006 cP-38.1 s19

Evidentiary privileges

20. Sections 12 and 13 apply to an inquiry held under this Part as if it was a commission of inquiry.

2006 cP-38.1 s20

PART III
OTHER MATTERS

Appointment

21. (1) Members of a commission appointed under Part I or a person or persons appointed to conduct an inquiry under Part II shall be appointed on the terms and with the remuneration set by the Lieutenant-Governor in Council in the order of appointment.

(2) The Lieutenant-Governor in Council may terminate the appointment of a person under this Act if the person becomes mentally or physically incapable of performing his or her role.

(3) A person appointed under this Act may resign by giving written notice to the Lieutenant-Governor in Council.

(4) The Lieutenant-Governor in Council may by order replace a person appointed under this Act who has resigned or whose appointment has been terminated because of incapacity.

(5) Where more than one person is appointed as a commissioner or to conduct an inquiry, the Lieutenant-Governor in Council may by order appoint one of them as chairperson.

2006 cP-38.1 s21

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Commission fund-
ing

22. (1) Where a commission is established, the minister shall prepare an estimate of the expenditures required for the conduct of the inquiry in consultation with the commission.

(2) Where an amount is appropriated to defray the costs of an inquiry, the expenditures incurred by the commission in the conduct of the inquiry shall be paid out of the Consolidated Revenue Fund without further approval, except that the commission shall comply with the provisions of the *Financial Administration Act* relating to expenditures by departments and agencies of the government of the province and policies established by the Lieutenant-Governor in Council in respect of the inquiry under section 29.

(3) Where the terms of reference for the inquiry or the dates set for termination of the inquiry or delivery of the commission's report have been revised, the minister may prepare a revised estimate of expenditures and submit it for approval in the manner described in subsection (1), and subsection (2) applies to the further expenditures where the estimate is approved.

2006 cP-38.1 s22; 2008 c47 s15

Staff

23. (1) A commission or inquiry may engage the services of

(a) counsel, clerks, reporters and assistants; and

(b) other persons having special, technical or other expertise or knowledge.

(2) A commission or inquiry may authorize a person referred to in subsection (1) to inquire into a matter that is within the scope of the inquiry being conducted by the commission.

(3) A person authorized under subsection (2) has the same powers and immunities as the commission under section 24.

2006 cP-38.1 s23

Immunity

24. (1) A commission, commissioners, persons appointed to conduct an inquiry and legal counsel to a commission or inquiry engaged under section 23 have the same privileges and immunities as a judge of the court for a decision or action, or failure to act, in carrying out an inquiry under this Act.

(2) A person authorized by a commission or an inquiry to conduct an inspection or search under section 10 or 11 has the same privileges and immunity in relation to that inspection or search as the commission or inquiry.

2006 cP-38.1 s24

Protection of employees

25. An employer shall not take a discriminatory action against an employee by dismissing the employee, by deducting wages, salary or other benefits or by taking other disciplinary action against him or her because the employee has in good faith made representations as a party or has disclosed information, in oral testimony or otherwise, to a commission, to a person or persons appointed under section 16 or to staff or agents of either of them.

2006 cP-38.1 s25

Review of actions

26. A decision or action taken by a commission or by persons appointed under section 16 is final and conclusive for all purposes and

- (a) shall not be challenged, reviewed, prohibited, restrained or quashed in a court; and
- (b) is not subject to proceedings or process of a court, including prohibition, mandamus, injunction, declaration or certiorari.

2006 cP-38.1 s26

Joint inquiries

27. Where the scope of an inquiry conducted under this Act includes matters within the jurisdiction of the government of another province, or a territory or of Canada, the minister may enter into an agreement or arrangement with that government about the joint establishment of a commission or inquiry and the manner in which the inquiry is to be conducted by the joint commission or inquiry.

2006 cP-38.1 s27

Preservation of records

28. The Lieutenant-Governor in Council shall adopt policies and procedures for the preservation of the records of a commission or inquiry and shall ensure that confidentiality is preserved for information that is confidential or privileged.

2006 cP-38.1 s28

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Policies respecting
remuneration and
expenses

29. The Lieutenant Governor in Council may, either generally for all commissions established and inquiries held under this Act, or for a particular commission or inquiry, establish policies respecting

- (a) remuneration of commissioners;
- (b) remuneration of witnesses;
- (c) allowances to witnesses for travel and out of pocket expenses;
- (d) other expenditures for services and facilities; and
- (e) other administrative matters.

2006 cP-38.1 s29

Other Acts giving
powers of commis-
sioner

30. Where another Act confers upon a person or body the powers of a commission under this Act, the powers conferred on the person or body are those powers given under sections 9 and 10 unless otherwise ordered by the Lieutenant-Governor in Council.

2006 cP-38.1 s30

RSNL1990 cP-38
Rep.

31. The *Public Inquiries Act* is repealed.

2006 cP-38.1 s31

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Rules of Practice and Procedure

INTRODUCTION

The Inquiry will be divided into two phases.

Phase I of the Inquiry is to determine and recommend to the C-NLOPB improvements to the safety regime which, in the opinion of the Commissioner, would improve offshore helicopter safety, to ensure that the risks of helicopter transportation of offshore workers are as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area. This Phase will involve four sections: the first (a) will be to identify the current safety regime and the issues which may lead to opportunity for improvement; the second (b) will be to study and analyze the opportunities for improvement; the third (c) will be to allow for responses to those issues which may lead to recommendations for improvement; the fourth (d) will be the preparation and delivery of the Report to the C-NLOPB.

Phase II of the Inquiry will proceed upon completion of the Transportation Safety Board of Canada Investigation into the Cougar Helicopter Sikorsky S92-A Crash and the Commissioner shall advise the C-NLOPB on which findings should result in actions being recommended to be undertaken by C-NLOPB and how they should be implemented, and which findings should result in actions being recommended to be undertaken by other legislative or regulatory agencies. The protocols for this Phase will be developed once Phase I is completed.

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Rule I. Standing and Funding

A. General

1. Pursuant to the Terms of Reference, the Commissioner shall grant standing to a person or group to participate in the Inquiry hearings as a party after determining that the person or group has a professional and commercial interest in helicopter transport to the Newfoundland and Labrador Offshore Area. The Commissioner may also grant standing to other persons or groups that can demonstrate that they can contribute to the objectives of the Inquiry as set forth in the Terms of Reference.
2. In determining standing, whether full or limited, the Commissioner shall consider:
 - (a) whether the person's interest may be adversely affected by the findings of the Commissioner,
 - (b) whether the person's participation would further the conduct of the Inquiry, and
 - (c) whether the person's participation would contribute to the openness and fairness of the Inquiry.
3. The term "Party" is used to convey the grant of standing and is not intended to convey the suggestion of an adversarial proceeding.
4. Inquiry Counsel, who will assist the Commissioner throughout the Inquiry and are to ensure the orderly conduct of the Inquiry, have standing throughout the Inquiry. Inquiry Counsel have the primary responsibility for representing the public interest at the Inquiry, including the responsibility to ensure that all relevant matters that bear on the public interest are brought to the Commissioner's attention.

5. In order to avoid duplication, and thereby promote time and cost efficiencies, persons or groups of similar interest are encouraged to seek joint standing.
6. The Commissioner will determine the extent to which a party granted standing may participate in Phase I of the Inquiry. Issues of standing and participation in Phase II of the Inquiry will be addressed, if necessary, prior to the commencement of Phase II.
7. Counsel representing any witness called to testify before the Inquiry may participate during the hearing of such evidence.
8. The ability or desire of a person or group to apply for or obtain standing does not affect the right of that person or group to submit views in writing to the Commissioner with respect to helicopter transportation safety in the offshore.
9. Applications for standing shall be made in writing via facsimile, regular mail, or hand delivery, shall be addressed to the Inquiry, and shall provide the following information:
 - (a) that standing is being sought for Phase I of the Inquiry, and
 - (b) how the applicant satisfies the criteria for standing set out in Rule I.

There may also be questions asked of the applicant at the standing hearings.
10. The Commissioner may or may not make recommendations to the Canada Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) regarding funding for counsel and other expenses of any Party who has been granted standing.

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11. Applications for funding shall be made in writing via facsimile, regular mail, or hand delivery, shall be addressed to the Commissioner, and shall contain the following:
 - (a) an affidavit, supported by relevant documentation (which may include financial information and, for organizations, financial statements, operating budgets, the number of members, and membership fee structure), stating whether an applicant would be able to participate without such funding. Applicants should also indicate whether they have contacted other groups for the purpose of seeking standing and/or funding, and the results of any such contacts;
 - (b) a description of the purposes for which the funds are required, how the funds will be disbursed, and how they will be accounted for;
 - (c) a statement of the extent to which the applicant will contribute its own funds and personnel to participate in the Inquiry; and
 - (d) the name, address, telephone number, and position of the individual(s) who would be responsible for administering the funds, and a description of the financial controls that would be put in place to ensure that any funding provided is disbursed for the purposes of the Inquiry.

12. The status of “Standing” will entitle a Party to receive all relevant information, including, but not limited to: (a) all evidence, reports, and information that could be used by the Commissioner in the preparation of his Report, (b) copies of all summaries of the evidence expected to be provided by all witnesses during the public hearings, and (c) the proposed exhibits which are expected to be entered at the public hearings.

13. A Party may be granted full or limited standing by the Commissioner. A Party granted full standing is expected to be present at all times during the hearings, unless otherwise excused by the Commissioner, and that Party would have the right to examine all witnesses and present evidence. A Party with limited standing would have the right to participate in the hearings only when issues relevant to that Party's interest were being dealt with by a particular witness or in particular exhibits, provided that the Party with limited standing gives Inquiry Counsel at least 48 hours prior notice of when that Party intends to participate in the public hearings.

Rule II. Pertinent to Phase 1 and Production of Evidence at Hearings

A. General

14. Public hearings will be convened at 31 Peet Street, St. John's, and such other locations as the Commissioner designates to address issues related to Phase I of the Inquiry.
15. Normally, Parties granted standing in Rule I will participate in the public hearings by attendance in person and/or by their counsel. However, in appropriate circumstances, as determined by the Commissioner, a Party may be permitted to participate in the public hearings by way of videoconference.
16. All Parties and their counsel shall be deemed to undertake to adhere to these Rules, which may be amended or dispensed with by the Commissioner as he sees fit, to ensure fairness. Any party may raise any issue of non-compliance with the Commissioner.
17. The Commissioner shall deal with a breach of these Rules as he sees fit including, but not restricted to, revoking the

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standing of a Party or imposing restrictions on the further participation in or attendance at the hearings by any Party, counsel, individual, or member of the media.

18. The Commissioner is empowered by the Terms of Reference to gather information in a variety of ways, including formal and informal hearings. Formal hearings will be public. However, applications may be made to proceed *in camera* in accordance with s. 6(2) of the Public Inquiries Act, 2006. Such applications should be made in writing at the earliest possible opportunity pursuant to the provisions of Rule II-46.
19. The conduct of and the procedure to be followed in the Inquiry are under the control and at the discretion of the Commissioner.
20. The Commissioner may extend or abridge any time prescribed by the Rules.

B. Disclosure and Production of Information and Documents.

21. All relevant information shall be disclosed and all relevant records, documents, or other things within the possession, control, or power of a Party shall be produced to the Inquiry Counsel by that Party within thirty (30) days of that Party having been granted standing. This obligation shall be ongoing and continuing throughout the course of the Inquiry.
22. Where a Party objects to the disclosure of information or the production of any record, document, or thing, it shall in any event be produced in its original unedited form to Inquiry Counsel, who will review and determine the validity of the objection. The Party and/or that Party's counsel may be present during the review process. In the event the Party objecting disagrees with Inquiry Counsel's determination, the Party may cause an application to be brought before the Commissioner to have the issue resolved.

23. The term “relevant” is intended to have a broad meaning and includes anything that touches or concerns the subject matter of the Inquiry or that may directly or indirectly lead to other information that touches or concerns the subject matter of the Inquiry.
24. The terms “documents” and “records” are intended to have a broad meaning, and include the following mediums: written, electronic, audiotape, videotape, digital reproductions, photographs, films, slides, maps, graphs, microfiche, and any data and information recorded or stored by means of any device.
25. The originals of relevant documents, records, or other things are to be provided to Inquiry Counsel upon request.
26. Counsel to Parties and witnesses will be provided with documents, records, and information, including statements of anticipated evidence, only upon giving an undertaking that all such documents, records, or information will be used solely for the purpose of the Inquiry, and, where the Commissioner considers it appropriate, an undertaking that their disclosure will be further restricted. The Inquiry may require that documents or records provided, and all copies made, be returned to the Commissioner if not tendered in evidence. Legal counsel are entitled to provide such documents, records, or information to their respective clients only on terms consistent with the undertakings given, and upon the clients’ entering into written undertakings to the same effect. These undertakings will be of no force regarding any document, record, or information once it has become part of the public record. The Commissioner may, upon application, exempt from the provisions of the undertaking any document, record, or information, in whole or in part.
27. Documents, records, or things received from a Party, or from any other organization or individual, shall be treated as

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confidential by the Inquiry unless and until they are made part of the public record or the Commissioner otherwise declares. This does not preclude the Commissioner from producing a document, record, or other thing to a proposed witness prior to the witness's giving his or her testimony or as part of the investigation being conducted.

28. Subject to Rule II-33, Inquiry Counsel will endeavour to provide in advance, both to the witness and to the Parties with standing relevant to matters in respect of which the witness is expected to testify, documents, records, or other things that will likely be referred to during the course of the testimony of that witness, and a copy of any statement provided by that witness to Inquiry Counsel.
29. Parties shall at the earliest opportunity provide to Inquiry Counsel a copy of any documents, records, or other things that they intend to file as exhibits or to otherwise refer to during the hearings, and in any event shall provide same no later than 72 hours prior to the day the intended exhibit will be referred to or filed at the hearings.
30. A Party who believes that Inquiry Counsel has not provided copies of relevant documents or records must bring this to the attention of Inquiry Counsel at the earliest opportunity. The object of this rule is to prevent witnesses from being surprised with a relevant document or record that they have not had an opportunity to examine prior to their testimony. If Inquiry Counsel decides the document or record is not relevant, it shall not be produced. This does not preclude the document or record from being used in examination by any of the Parties. Before such a document or record may be used for the purposes of such examination, a copy must be made available to all Parties by counsel or the Party intending to use it not later than 72 hours prior to the testimony of that witness, subject to the discretion of the Commissioner.

C. Evidence and Witnesses

31. The Inquiry is entitled to receive any relevant evidence at the hearings which might otherwise be inadmissible in a court of law. The strict rules of evidence will not apply to determine the admissibility of evidence.
32. In the ordinary course of the hearings, Inquiry Counsel will call and first question all witnesses who testify at the hearings. Counsel for a Party may apply to the Commissioner to lead a particular witness's evidence-in-chief. If counsel is granted the right to do so, examination shall be confined to the normal rules governing the examination of one's own witness.
33. Witnesses shall give their evidence at a hearing under oath or affirmation, although the Commissioner may admit evidence not given under oath or affirmation as he shall determine appropriate.
34. Evidence may be given by more than one witness at the same time, at the discretion of the Commissioner.
35. By September 15, 2009, Parties are required to provide Inquiry Counsel with the names and addresses of all witnesses they believe ought to be heard, together with a brief statement as to the information the witness can provide that is relevant to the Terms of Reference.
36. When Inquiry Counsel calls a witness in relation to a particular issue, a Party may then apply to the Commissioner for leave to call a witness whom the Party believes has evidence relevant to that issue. If the Commissioner is satisfied that the evidence of the witness is necessary, Inquiry Counsel shall call that witness to testify.

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37. Any person interviewed by or on behalf of Inquiry Counsel is entitled, but not required, to have personal legal counsel present for the interview to represent his or her interests.
38. Normally, witnesses will give evidence at a hearing in person, but in appropriate circumstances, as determined by the Commissioner, a witness may be permitted to give evidence via videoconference.
39. If special arrangements are desired by a witness in order to facilitate testifying, a request for accommodation shall be made to the Commissioner sufficiently in advance of the scheduled appearance of the witness to reasonably facilitate such a request. While the Commissioner will make reasonable efforts to accommodate such requests, the Commissioner retains the ultimate discretion as to whether, and to what extent, such requests will be accommodated.
40. Witnesses may be called to give evidence on more than one occasion during the hearings.
41. Witnesses who are summoned by the Commissioner are entitled to be paid the same personal allowances for their attendance at the hearing as are paid for the attendance of a witness summoned to attend before the Supreme Court of Newfoundland and Labrador, Trial Division.
42. The order of examination of any witness will be as follows:
 - (a) Subject to Rule II-29, Inquiry Counsel will first adduce the evidence from the witness;
 - (b) Parties granted standing to examine witnesses will then have an opportunity to examine the witness to the extent of their interest. The order of examination will be determined by the Parties and, should they be unable to reach agreement, by the Commissioner;

- (c) Counsel for a witness, regardless of whether or not counsel is also representing a Party, will examine last, unless that Counsel has conducted examination-in-chief of that witness, in which case there will be a right to re-examine the witness; and
- (d) Inquiry Counsel will have the right to re-examine.
- (e) Witnesses shall not normally be cross-examined except to the extent permitted by the Commissioner.

D. Access to Evidence

- 43. All transcripts of public hearings and exhibits entered at public hearings shall be categorized and marked “P-#” for public or “C-#” for either a) transcripts of hearings and exhibits held *in camera*, or b) exhibits where limited disclosure because of confidentiality or proprietary concerns is sought and granted under these Rules.
- 44. Transcripts and exhibits marked “P” will be posted to the Inquiry’s website to be fully accessible to all Parties, the media, and the public.
- 45. One copy of the “P” exhibits will be available to be shared by the media in the media room.
- 46. Only those persons authorized in writing by the Commissioner shall have access to transcripts and exhibits marked “C.” Except as authorized, transcripts and exhibits marked “C” will not be copied, reproduced, distributed, or broadcast, and will not be posted to the Inquiry’s website.

E. Confidentiality

- 47. If the hearings are to be televised or broadcast by other medium, applications may be made to the Commissioner for a decision that the testimony of a person or any exhibit or a

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portion of an exhibit not be televised or broadcast because of confidentiality or proprietary concerns.

48. a) A witness may apply to the Commissioner for measures aimed at protecting from disclosure, for a compelling reason as determined in the sole discretion of the Commissioner, a person's identity or proprietary information.
- b) Without limiting the application of s. 6 of the *Public Inquiries Act*, 2006, the Commissioner may, in his discretion and in appropriate circumstances, exclude the public from a hearing or from a portion of it, or exclude any testimony or exhibits from being copied, reproduced, distributed, or broadcast, where the Commissioner decides that the public interest in holding that portion of the hearing in public and without restrictions is outweighed by other considerations, including but not limited to a) the consequences of possible disclosure of personal or proprietary information, b) public security, c) the right of a person or entity to due process, d) a disclosure regarding criminal or civil responsibility, or e) any other consideration which the Commissioner considers appropriate to the circumstances.
49. Upon a successful application to the Commissioner, the person or the information (sometimes referred to hereafter as "confidential information") may be granted the status of "Confidentiality." For the purposes of the Inquiry, Confidentiality includes the right to have the identity or confidential information disclosed only by way of non-identifying marks. If the person so wishes, this may also include the right to testify or to disclose the confidential information before the Inquiry *in camera*, together with any other confidentiality measures that the party may request and the Commissioner, in his discretion, may grant. Subject further to the discretion of the Commissioner, only the Commissioner, Inquiry staff, Inquiry Counsel, and counsel for the witness who has been granted Confidentiality may be present during testimony being heard *in camera*.

50. A person or information granted Confidentiality shall be identified in the public records, the transcripts of the hearing, and any reports of the Commissioner in a manner so as to preserve the confidentiality intended.
51. Media reports shall avoid references that might reveal the identity of the person or information granted Confidentiality. No photographic, audio, visual, or other reproduction of the persons or confidential information shall be made either during that person's testimony or upon that person's entering and leaving the site of the Inquiry.
52. Any witness who is granted Confidentiality will reveal his or her name to the Commissioner and Inquiry Counsel in order that the Commissioner and Inquiry Counsel can prepare to question the witness. The Inquiry shall maintain as confidential the names and confidential information revealed. Such information shall not be used for any other purpose either during or after the completion of the Commissioner's mandate.
53. Any witness who is granted Confidentiality may either swear an oath or affirm to tell the truth using the non-identifying marks given for the purpose of the testimony of the witness.
54. All Parties, their counsel, Inquiry Counsel and staff, contracted service providers, and media representatives shall be deemed to undertake to adhere to the rules respecting confidentiality.

Rule III. Pertinent to Research, Submissions, and Public Meetings

A. General

55. Due to the policy nature of the issues in Phase I, the Inquiry may utilize a range of research and policy development

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processes upon which to base the Commissioner's recommendations. The objectives of Phase I are to promote an informed discussion and analysis of the issues raised by the Terms of Reference, and to ensure that Parties and the public have a meaningful and ongoing opportunity to participate. Amongst the various initiatives which may be adopted under Phase I, the Inquiry may:

- (a) commission a range of research and policy papers (the "Research and Policy Papers") from experts or consultants on a broad range of relevant topics. The structure and format of the Research and Policy Papers may vary, but will generally include a description of current practices, an analysis of relevant issues, and potential options (if applicable);
- (b) invite written and/or oral submissions from Parties and the public about any matter relevant to Phase I, including the Research and Policy Papers;
- (c) convene meetings or additional hearings (the format of which may vary) to discuss issues raised by the Research and Policy Papers; and
- (e) post on the Inquiry website the Research and Policy Papers and other relevant research materials and submissions upon which the Commissioner intends to rely in his recommendations.

B. Public Submissions

56. Any interested person or group may make a written submission to the Commissioner dealing with any matter related to Phase I or II of the Inquiry and, in doing so, may include a response to any matters raised in the Research and Policy Papers.

57. The Commissioner will set and publish a deadline by which all public submissions related to Phase I and II must be received. All such submissions will be made available for public review either on the Inquiry website or at the Inquiry offices, unless the Commissioner otherwise determines that a submission should not be made public.

C. Pertinent to Phase 1b of the Inquiry

58. In determining the issues to be investigated for improvements, the Commissioner shall consult with the Parties prior to his making the final determination on what issues (the “Issues”) are to be considered by him in this Phase. A list of the Issues will be made public by the Inquiry.
59. The Commissioner may consult with any person or group at any time. When such consultations provide information which may be material to any Issue, the Commissioner will promptly advise the Parties and provide a written synopsis of the material, including contact information for the individual or group that is the source of that material. If so requested by any Party, the Inquiry will use its best efforts to ensure full cooperation with the Parties by the person or group that has provided information. The Commissioner at his discretion may invite all parties to a meeting to be held in St. John’s to discuss the provided material.
60. The Commissioner shall decide which consultants, if any, he intends to retain for the purpose of obtaining a written report (a “report”) on any of the Issues, and will provide the Parties on a timely basis with the identity of the consultant, the nature of the report requested, and the anticipated timeline for a report.
61. Any Party who believes that an Issue should be examined by a consultant whom the Commissioner has not retained is entitled either to retain such consultant on the Party’s behalf

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or to recommend to the Commissioner that he retain the consultant. The Commissioner shall be under no obligation to retain any consultant so recommended.

62. Consultants will be expected to come to their conclusions independently, without influence from the Commissioner, Inquiry Counsel, or any of the Parties or their counsel. All parties are entitled to retain their own consultants and distribute any consultant's reports to the Commissioner and other Parties once they have been received.
63. Any consultant's report which the Commissioner or any Party wishes to rely upon for the purposes of Phase 1c shall be provided to all Parties and to the Commissioner not later than May 31, 2010, for reports obtained by the Commissioner and not later than June 14, 2010, for reports obtained by the Parties.
64. Not all Issues will be the subject of a consultant's report. The Commissioner retains the right to make recommendations on any Issue which has been identified, even if it has not been made the subject of a report.
65. The Commissioner will advise the Parties of material which he reads and considers to be relevant to the Issues, but will not necessarily advise of general or background material. The Commissioner may also advise the Parties of any other material which he thinks the Parties may find interesting. The Commissioner will express no opinion with respect to any materials prior to reporting to the C-NLOPB.
66. Parties may submit any materials, names of experts, third parties, committees, or processes for consideration by the Commissioner; however, the Commissioner gives no undertakings with respect to the use of such information or reliance on it.

67. If during the course of investigation, or at any time prior to submission of his report to the C-NLOPB, the Commissioner becomes aware of any new issue which was not included in the list referred to in Rule 58 but which should be investigated, the Commissioner shall promptly advise the Parties of his intention to consider the issue and give the Parties a reasonable opportunity to comment on it prior to any public hearings in Phase 1c.
68. The Commissioner retains the right to make or not make recommendations about any one or more of the Issues.

D. Pertinent to Phase 1c of the Inquiry

69. Any Party which intends to examine a consultant about the report of that consultant shall advise Inquiry Counsel of that intention on or before June 17, 2010.
70. If a request is made under rule 69 for the examination of a consultant, the Commissioner shall provide an opportunity for such examination in public hearings on June 28, 29, and 30, 2010, and continue on every business day thereafter until examinations are concluded. Such consultants can be examined by each of the Parties who so desires. All authors of reports shall be required to make themselves available for examination under oath or affirmation in such hearings, unless the Commissioner otherwise determines an alternative process for questions to be asked of and answered by the consultant.
71. A hearing conducted under this Rule D shall be conducted in the same manner and under the same rules as those hearings in Phase 1a, with such changes in procedure as may be necessary to ensure full disclosure and scrutiny of consultants' reports by the Parties.
72. On or before July 30, 2010, all Parties shall be entitled to submit to the Commissioner written submissions on any or

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all of the Issues. Such submissions shall at the same time be copied to all of the other Parties.

73. The Inquiry shall provide an opportunity in public hearings on September 8, 9, and 10, 2010, for all Parties to make final oral submissions in order either to expand upon their written submissions to the Commissioner on any of the Issues or to respond to the written submissions of other Parties.

E. Pertinent to Phase 1d of the Inquiry

74. Once all hearings under Phase 1c are completed, the Commissioner shall draft and submit his report to the C-NLOPB on a timely basis as required by the Terms of Reference as amended. The Commissioner will not circulate a draft of his recommendations report to anyone prior to submitting his report to the C-NLOPB.

(Additional Rule III rules may be added.)

Rule IV Pertinent to Phase II of the Inquiry

75. Upon the public release of the findings of the Transportation Safety Board (TSB) into the crash of Cougar Flight 491, the Commissioner will determine the extent to which input by the Parties or the public may be appropriate to enable him to respond to such findings.

(Additional Rule IV rules may be added.)

Revision 2010-03-24



NOTICE OF HEARING

The C-NLOPB has appointed the Honourable Robert Wells, Q.C. as Commissioner of the Inquiry on Offshore Helicopter Safety. The Inquiry will be divided into two phases. The purpose of Phase I of the Inquiry is to determine and recommend to the C-NLOPB, improvements to the safety regime which in the opinion of the Commissioner would improve offshore helicopter safety to ensure that the risks of helicopter transportation of offshore workers is as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area. Phase II shall proceed upon completion of the Transportation Safety Board of Canada Investigation into Cougar Helicopter Sikorsky S92-A Crash.

The Commissioner's mandate will be to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for transport, escape, evacuation and rescue procedures while traveling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices. Specifically, the Commissioner shall inquire into, report on and make recommendations in respect of safety plan requirements for Operators and the role that Operators play in ensuring that their safety plans are maintained by helicopter operators; search and rescue obligations of helicopter operators by way of contractual undertakings or legislative or regulatory requirements; and the role of the C-NLOPB and other regulators in ensuring compliance with legislative requirements in respect of worker safety. The full text of the Commissioner's Terms of Reference can be found at www.cnlopb.nl.ca or from the Inquiry offices at the address below.

Applications by interested individuals and organizations for standing and funding in relation to Phase I only of the Inquiry will be heard commencing at 10:00 a.m. on August 11, 2009, and continuing on each of August 12 and August 13, 2009, commencing at 10:00 a.m. at the Inquiry offices located at Suite 213, 31 Peet Street, St. John's, Newfoundland and Labrador. **NO EVIDENCE WILL BE HEARD AT THAT TIME.**

The criteria for standing in Phase I of the Inquiry and the criteria for funding are set out in the Terms of Reference. The Commissioner's Rules of Procedure and Practice can be obtained by contacting the Inquiry offices at the address or telephone number set out below.

Applications for standing and/or funding are to be submitted to the Commissioner at the Inquiry offices by 4:00 p.m. on July 31, 2009 via mail or facsimile at the following address:

Offshore Helicopter Safety Inquiry
Suite 213, 31 Peet Street
P. O. Box 8037, St. John's, NL A1B 3M7
Tel: (709) 722-0911
Fax: (709) 722-1363

Commissioner's Opening Remarks at Hearing for Standing and Funding on August 11, 2009

Good morning, ladies and gentlemen.

Before we begin, I would like to thank the Offshore Petroleum Board for its logistical help. I haven't seen Mr. Ruelokke [Mr. Max Ruelokke, Chair and CEO, C-NLOPB] since the day after I was asked to take on this Inquiry, and that is deliberate. We felt that it would not be wise for me to have too close a relationship with the Board on safety issues, because I didn't know at that time what the role of the Board would be in this Inquiry. I do want to thank the Board for its logistical help, for helping me find premises and for helping with the renovations and all the sorts of things that are necessary to put an inquiry in place, and also to thank them for the services of two members of their staff who were particularly helpful in the IT and information management areas: it was quite a major job to do all this in a relatively short space of time. So I wish to extend my thanks to the Board for providing that practical assistance.

A word or two about standing before I say anything else. Lawyers, of course, will know what standing involves, but some of their clients may not, and members of the public who have an interest in this Inquiry may not know exactly what standing involves.

Standing will entitle a party to all relevant information. Relevant information includes all evidence and information that could be used by the Commissioner in writing the report. Relevant information would include copies of summaries of the evidence to be provided by all witnesses and proposed exhibits to be entered in the Inquiry. There is *full standing*, and a party with full standing would be expected to be present during the hearings and that party would have a right to ask witnesses questions and present evidence. Then there's a slightly lesser role of standing called *limited standing*, and a party with limited standing would attend the hearings some of the time and would provide at least 48 hours' notice of when that party intended to attend the hearings. The notice could be for a particular date or for a particular witness. Notice from a party

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with limited standing is required in order to organize the questions for witnesses and to accommodate the party into the hearing room. So you can see the difference. Some people—some entities present this morning—have an overall involvement, a totally encompassing involvement in offshore helicopter safety. But there may be others whose interest is more limited. So that's for people who are seeking standing to keep in mind, particularly those whose interest is more limited than others'.

Before going further, I want to explain my concept of what is really important here. The Terms of Reference, which you've all seen, are very clear, and they authorize the Inquiry to go into the matter of offshore helicopter safety, but there are certain limitations on us, and I know that most of you here know that, but some of the public perhaps is not as clear on that as you are. We can't go into the physical matter of the recent and tragic crash which occurred in this past March. That is the role of the Transportation Safety Board. Our role is not to examine what happened or what went wrong or what caused that crash. But peripheral questions about backup safety and a whole host of other matters involving survival after an accident or a ditching: these are, of course, within our mandate.

The other area that is not within our mandate and is specifically excluded is where the Department of National Defence stations its helicopters. That is outside our mandate altogether. It's important for me and important for you, I think, to realize that the mandate is going to be very strictly adhered to and I am not proposing to allow straying outside the mandate that has been given to us. Within the mandate, I see the process as a collaborative one in which I don't sit here as a judge might sit in the adversarial process. This is not, in my view, an adversarial process. It's a collaborative process in which we all have input and as a result of that input, I hope that recommendations can be made which are *sensible* and *achievable*. I use these words not casually, but after quite a bit of thought about them, *sensible* and *achievable*, and that I think is the important consideration. So that within the process, there will be interaction, discussion, perhaps argument, but not in an adversarial sense, and I hope that you and I will never forget that our role essentially is to make recommendations which could improve offshore helicopter safety.

At times, you will hear me explain things and you may well say "Why is he explaining that to us? We know all that anyway." But of course, we have another constituency besides the persons who will have standing, and that constituency is the general public of Newfoundland and Labrador and perhaps the wider public in the country. To my knowledge, there have been very few inquiries of this sort. The offshore oil industry is important to the public of Newfoundland and Labrador and important also to the public of Canada. They have an interest in it beyond the generation of revenues, because the people who are going to work offshore will, by and large, I believe, come from this province. At the moment, I understand there are approximately 1200 people working offshore, but that number will increase with projects that are already underway. A large number of individuals and their families and friends—the public generally, I believe—is interested, very interested in offshore helicopter safety.

We will, I hope, come up with sensible and achievable recommendations, and in that regard, I want to talk to you about one other point and that is that in the course of this Inquiry, I am empowered, as Commissioner, to receive information from all sorts of people—in fact, from anyone who wants to tender information. I'm required to seek public input. There will be a notice sent out in September, after the summer holidays are over, asking for public input. That input may come in a variety of ways. It may come from people wanting to come and talk to me. It may come in letters to the Inquiry. In due course, at some stage, the Inquiry will be seeking expert evidence, perhaps from other jurisdictions.

I want to give you this undertaking, that if and when I talk to people, and I may talk to many people or many entities, there is no danger of your being blindsided. If there is anything that comes to my attention in any matter which I think is significant or which may be significant in the writing of a report, you will be notified. You'll have an opportunity to comment on it and say what you wish about it and explore it and flesh it out with us, and that is an undertaking which is very important that I give you. Without such an undertaking, you may be worried: "Well, where is he going now? Who is he talking to?" But whatever or whosoever I talk to about this subject, you will have a chance to have input.

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Lastly, I have mentioned the public on one or two occasions in the past few minutes. It seems to me that if we can develop suggestions or recommendations that can improve safety, because that is our mandate, those suggestions must be explained to the public in the process. That's why I said that I may explain things that you already know, as we go, but the public has to know what we're doing and the public, in my view, has to see that we're doing a capable job in a proper manner. Because no matter how good an offshore helicopter safety system becomes—and it is good to start with, there is no question about that; I've looked at statistics from other jurisdictions and we don't fare badly at all in statistical terms offshore—the public has to be kept aware of what we're doing. In the end, if a system of offshore safety is not supported by the public, if the public is critical of it, if the public doesn't understand what it really means, then it is not going to be as effective as it could be, because the people who will work in the offshore are members of the public; they *are* the public, and they need to feel confident that work in the Newfoundland and Labrador offshore is safe as it can be.

Parties with Standing

The following persons or organizations were granted standing for Phase I of the Inquiry:

Full Standing

1. Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)
2. Hibernia Management and Development Company Ltd. (HMDC)
3. Suncor Energy Inc. (Petro-Canada)
4. Husky Oil Operations Limited
5. Cougar Helicopters Inc.
6. Government of Newfoundland and Labrador
7. Families of Deceased Passengers
8. Estate of Matthew Davis (Pilot)
9. Estate of Timothy Lanouette (Co-Pilot)
10. Communications, Energy and Paperworkers Union, Local 2121
11. Offshore Safety and Survival Centre, Marine Institute, Memorial University

Limited Standing

12. Helly Hansen Canada Limited
13. Jack Harris, QC, Member of Parliament for St. John's East
14. Sikorsky Aircraft Corporation
15. Transport Canada
16. Canadian Association of Petroleum Producers

Note:

Survival Systems Training Limited, Nova Scotia, was granted standing but later relinquished it.

Parties who requested a recommendation for funding

The following parties requested a recommendation for funding in Phase I of the Inquiry:

1. Communications, Energy and Paperworkers Union, Local 2121 (granted)
2. Families of the Deceased Passengers (granted)
3. Estates and Families of the Deceased Pilots (granted)
4. Survival Systems Training Limited (denied)

IN THE MATTER OF an Inquiry established pursuant to Section 165 of the *Canada-Newfoundland Atlantic Accord Implementation Act* and Section 161 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for escape, evacuation and rescue procedures while travelling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices

AND IN THE MATTER OF an application by Communications, Energy and Paperworkers Union, Local 2121 for funding in proceedings before the Commissioner appointed to conduct such Inquiry

**FUNDING RECOMMENDATION FOLLOWING SUBMISSIONS
MADE ON AUGUST 12, 2009**

Under the Rules of the Inquiry, applications for funding may be made by any person or entity requiring funding to assist in their participation after standing has been granted by the Commissioner. The Communications, Energy and Paperworkers Union, Local 2121 has made such an application through their counsel, V. Randell J. Earle, Q.C.

I have agreed that the information supporting such applications, which in their very nature require disclosure of financial information, will be kept confidential.

It suffices therefore to say in this decision of recommendation that I am satisfied that the Applicant, if it had to absorb the cost of counsel,

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would be compromised in its ability to carry out its normal functions on behalf of its membership, who are workers in the Newfoundland and Labrador offshore. Because the workers travel back and forth to the offshore platforms, they are constant users of offshore helicopter transport. Therefore, their local Union is entitled to full standing at the Inquiry. Specifically, the Applicant is asking for funding for counsel, the payment of wages for a Union official to assist counsel, preparation of witnesses and any disbursements which might be occasioned should the Applicant decide to present witnesses at the Inquiry, or engage in research.

Following the submissions on funding, I reserved my decision.

Having reflected upon the application, I have decided to recommend full funding for one counsel to appear before Inquiry sittings. Funding is not recommended for other work by counsel, but only for the actual days, or partial days, that the Commissioner is sitting and counsel is present at the hearings.

The Applicant's request for a recommendation for funding for the ancillary matters or expenses as referred to above is not being acceded to, because I believe that the Applicant should contribute to the cost of its participation in the Inquiry. Furthermore, the other areas of funding for which it is asking are largely open-ended and discretionary in the amounts which might be claimed and in my view not appropriate to recommend.

In summary therefore, it is recommended that funding be provided by C-NLOPB for the Applicant's counsel at an hourly rate for actual participation before the Inquiry when it is sitting, but not otherwise. The amount of an hourly rate, or how many hours may be funded per day, is outside my mandate and must be negotiated with C-NLOPB.

DATED at St. John's in the Province of Newfoundland and Labrador on this 13th day of August, 2009.

Honourable Robert Wells, Q.C.
Commissioner

To: V. Randell Earle, Q.C.
O'Dea, Earle
P.O. Box 5955
323 Duckworth Street
St. John's, NL
A1C 5X4

John Andrews
Legal Manager
C-NLOPB
Fifth Floor, TD Place
140 Water Street
St. John's, NL
A1C 6H6

Offshore Helicopter Safety Inquiry

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IN THE MATTER OF an Inquiry established pursuant to Section 165 of the *Canada-Newfoundland Atlantic Accord Implementation Act* and Section 161 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for escape, evacuation and rescue procedures while travelling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices

AND IN THE MATTER OF an application by the families of deceased passengers of Cougar Helicopter Flight 491 for funding in proceedings before the Commissioner appointed to conduct such Inquiry

FUNDING RECOMMENDATION FOLLOWING SUBMISSIONS MADE ON AUGUST 12, 2009

Under the Rules of the Inquiry, applications for funding may be made by any person or entity requiring funding to assist in their participation after standing has been granted by the Commissioner. The families of deceased passengers of Cougar Helicopter Flight 491 have made such an application through their counsel, Stephen D. Marshall, Q.C., and B. Glen Roebathan, Q.C.

I have agreed that the information supporting such applications, which in their very nature require disclosure of financial information, will be kept confidential.

It suffices therefore to say in this decision of recommendation that I am satisfied that the Applicants, if they had to absorb the cost of counsel, would be compromised in their ability to support and maintain their children and households, and therefore an unreasonable financial burden would be placed upon them. Having already decided that the Applicants, who represent the families of deceased passengers of Cougar Helicopter Flight 491, are entitled to full standing, I have decided to recommend full funding for one counsel to represent the Applicants to appear before Inquiry sittings. Funding is not recommended for other work by counsel, but only for the actual days, or partial days, that the Commissioner is sitting and counsel is present at the hearings.

In summary therefore, it is recommended that funding be provided by C-NLOPB for the Applicants' counsel at an hourly rate for actual participation before the Inquiry when it is sitting, but not otherwise. The amount of an hourly rate, or how many hours may be funded per day, is outside my mandate and must be negotiated with C-NLOPB.

DATED at St. John's in the Province of Newfoundland and Labrador on this 14th day of August, 2009.

Honourable Robert Wells, Q.C.
Commissioner

To: Stephen D. Marshall, Q.C. and B. Glen Roebathan, Q.C.
Roebathan, McKay and Marshall
P.O. Box 5236
209 Duckworth Street
St. John's, NL
A1C 5W1

Mr. John Andrews
Legal Manager, C-NLOPB
Fifth Floor, TD Place
140 Water Street
St. John's, NL
A1C 6H6

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

IN THE MATTER OF an Inquiry established pursuant to Section 165 of the *Canada Newfoundland Atlantic Accord Implementation Act* and Section 161 of the *Canada Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for escape, evacuation and rescue procedures while travelling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices

AND IN THE MATTER OF an application by the Estate of Matthew Davis for funding in proceedings before the Commissioner appointed to conduct such Inquiry

AND IN THE MATTER OF an application by the Estate of Timothy Lanouette for funding in proceedings before the Commissioner appointed to conduct such Inquiry

FUNDING RECOMMENDATION FOLLOWING SUBMISSIONS MADE ON AUGUST 12, 2009

Under the Rules of the Inquiry, applications for funding may be made by any person or entity requiring funding to assist in their participation after standing has been granted by the Commissioner. The Estate of Matthew Davis has made such an application through its counsel, Gerald F. O'Brien, Q.C., and Kate O'Brien, and the Estate of Timothy Lanouette has also made an Application through Gerald F. O'Brien, Q.C., and Kate O'Brien as agents for its counsel, Douglas Latto.

I have agreed that the information supporting such applications, which in their very nature require disclosure of financial information, will be kept confidential.

It suffices therefore to say in this decision of recommendation that I am satisfied that the Applicants, if they had to absorb the cost of counsel, would be compromised in their ability to support and maintain their children and households, and therefore an unreasonable financial burden would be placed upon them. Having already decided that the Applicants, who represent the estates of the deceased pilots of Cougar Helicopter Flight 491, are entitled to full standing, I have decided to recommend full funding for one counsel to represent both Applicants to appear before Inquiry sittings. Funding is not recommended for other work by counsel, but only for the actual days, or partial days, that the Commissioner is sitting and counsel is present at the hearings.

In summary therefore, it is recommended that funding be provided by C-NLOPB for the Applicants' counsel at an hourly rate for actual participation before the Inquiry when it is sitting, but not otherwise. The amount of an hourly rate, or how many hours may be funded per day, is outside my mandate and must be negotiated with C-NLOPB.

DATED at St. John's in the Province of Newfoundland and Labrador on this 14th day of August, 2009.

Honourable Robert Wells, Q.C.
Commissioner

To: Gerald F. O'Brien, Q.C.
and Kate O'Brien
O'Brien & Anthony
279 Duckworth Street
St. John's, NL
A1C 1G9

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

Douglas Latto
Baumeister & Samuels, P.C.
One Exchange Plaza 15th Floor
New York New York 10006
USA

John Andrews
Legal Manager
C-NLOPB
Fifth Floor, TD Place
140 Water Street
St. John's, NL
A1C 6H6

IN THE MATTER OF an Inquiry established pursuant to Section 165 of the *Canada Newfoundland Atlantic Accord Implementation Act* and Section 161 of the *Canada Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for escape, evacuation and rescue procedures while travelling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices

AND IN THE MATTER OF an application by Survival Systems Training Limited for funding in proceedings before the Commissioner appointed to conduct such Inquiry

DECISION ON FUNDING SUBMISSIONS MADE ON AUGUST 12, 2009

Under the Rules of the Inquiry, applications for funding may be made by any person or entity requiring funding to assist in their participation after standing has been granted by the Commissioner. Survival Systems Training Limited has made such an application through its President, Mr. Peter Gibbs.

I have agreed that the information supporting such applications, which in their very nature require disclosure of financial information, will be kept confidential.

Vis-à-vis the application for standing, I was satisfied that Survival Systems Training Limited had both a professional and commercial interest

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in offshore helicopter safety and, these interests having been demonstrated, standing was granted forthwith.

Following the submissions on standing, I reserved my decision on funding.

Having reflected upon the application, I have decided not to recommend funding by the Canada-Newfoundland and Labrador Offshore Petroleum Board for the Applicant although it has standing before the Inquiry.

The Applicant is a company which has a strong commercial interest in offshore helicopter safety in Newfoundland and Labrador, as well as commercial interest in the same subject matter in other offshore locations.

I am assured by Mr. Peter Gibbs, who is Company President, that he and his colleagues wish to provide assistance to the Inquiry on all matters which are within their expertise. Inquiry counsel and I are aware of Mr. Gibbs' background and expertise and, in my opinion, we may well call upon Mr. Gibbs for expert advice, as I am authorized to do in my Terms of Reference. Should that be the case, Mr. Gibbs will be paid for his time and reimbursed for his out-of-pocket expenses by the Inquiry, as will be the case with any other experts who may be similarly engaged to advise or give evidence.

In my opinion, it would be inappropriate to recommend funding for a company engaged commercially in offshore helicopter safety and with standing, while at the same time engaging and paying an officer of the company as an expert. It follows that as a company with standing, Survival Systems Training Limited will fund its own attendance at the hearings to the extent that it may wish to do so.

In summary therefore, there will be no recommendation for funding made to the Canada-Newfoundland and Labrador Offshore Petroleum Board for Survival Systems Training Limited to be present at the Inquiry, but the Inquiry may, when it considers it appropriate to do so, request Mr. Peter Gibbs to be present to hear selected evidence and/or to advise or give evidence on matters within his areas of expertise.

DATED at St. John's in the Province of Newfoundland and Labrador on this 1st day of September, 2009.

Honourable Robert Wells, Q.C.
Commissioner

To: Peter Gibbs, President
Survival Systems Training Limited
40 Mount Hope Avenue
Woodside Ocean Industrial Park
Dartmouth, NS
B2Y 4K9

John Andrews
Legal Manager
C-NLOPB
Fifth Floor, TD Place
140 Water Street
St. John's, NL
A1C 6H6



PUBLIC NOTICE

The Canada-Newfoundland and Labrador Offshore Petroleum Board has appointed the Honourable Robert Wells, Q.C. as Commissioner of the Inquiry on Offshore Helicopter Safety.

Phase I of the Inquiry is to determine and recommend to the Canada-Newfoundland and Labrador Offshore Petroleum Board, improvements to the safety regime which, in the opinion of the Commissioner, would enhance offshore helicopter safety to ensure that the risks of helicopter transportation of offshore workers is as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area.

The full text of the Commissioner's Terms of Reference can be found at www.cnlopb.nl.ca, or from the Inquiry offices at the address below.

This Notice is to inform interested persons and the general public that the Inquiry will begin formal public hearings on October 19, 2009 at 9:30 a.m. at the following address:

Offshore Helicopter Safety Inquiry
Suite 213, 31 Peet Street
P. O. Box 8037
St. John's, NL A1B 3M7
Telephone: (709) 722-0911
Fax: (709) 722-1363
E-mail: info@oshsi.nl.ca



PUBLIC NOTICE

The Canada-Newfoundland and Labrador Offshore Petroleum Board has appointed the Honourable Robert Wells, Q.C. as Commissioner of the Inquiry into Offshore Helicopter Safety.

Phase I of the Inquiry is to determine and recommend to the Canada-Newfoundland and Labrador Offshore Petroleum Board, improvements to the safety regime which, in the opinion of the Commissioner, would enhance offshore helicopter safety to ensure that the risks of helicopter transportation of offshore workers is as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area.

In respect of members of the public, the Terms of Reference say:

The Commissioner shall solicit the views of the public in respect of practices which will reduce the risks of helicopter transportation in the offshore area.

One of the mechanisms for achieving public input is to call for written submissions from the public, which is the purpose of this Notice. It would be preferable if submissions from members of the public could be forwarded to the Inquiry prior to November 30, 2009.

The full text of the Terms of Reference can be found at www.cnlopb.nl.ca or obtained in written form from the Inquiry Offices at:

Offshore Helicopter Safety Inquiry
Suite 213, 31 Peet Street
P. O. Box 8037
St. John's, NL A1B 3M7
Telephone: (709) 722-0911
Fax: (709) 722-1363

Commissioner's Opening Remarks at the Commencement of Hearings on October 19, 2009

I welcome you to the opening public session of this Inquiry. I extend a welcome not only to those of you who are in the room, but to a much broader audience who have an interest in this subject matter, and will be watching on television. In that connection, I should say that Rogers Television has offered to broadcast these proceedings and the offer has been accepted and appreciated because there are many people in Newfoundland and Labrador, and perhaps beyond, who have a very, very keen interest in what is taking place in these hearings, and I'll speak more later on about public matters. First, I would like to introduce Mr. John Roil, Q.C., who is Inquiry Counsel, and Ms. Anne Fagan, who is also Inquiry Counsel. I would like to mention this for everybody's benefit: please remember, when I'm speaking, I'm not just speaking to the people in this room, but to the public also, and the Inquiry Counsel have not only the role of advising me as the Commissioner, but also they have a responsibility to act in the public interest, which they do. There has been a great deal of work done in preparing for this Inquiry over the past five and a half months since I've been appointed and then later received the Terms of Reference. I'm going to ask Mr. Roil to do two things at the very outset, and one is to explain and present what is called in industry "a safety moment," and the next is to read the Terms of Reference into the record: Mr. Roil. ... [Mr. Roil provides safety instructions and reads Terms of Reference.]

I'd like to talk to you first about the concepts which I have for the Inquiry and the work that has been done in the last five months to put the organization together, to put the premises together, to arrange expert witnesses, and to coordinate the evidence, as Inquiry Counsel have done, with the other counsel who are here this morning.

The Terms of Reference have been read, so everybody knows what the Inquiry is supposed to do. The public participation I will talk about later, but for the moment, we're going to start with evidence from

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the C-NLOPB, the Regulator, which will explain its role. That appeared to me from the very outset to be necessary because unless roles are clearly defined and people in these roles explain what they are doing, then we can't understand the overall of the interconnection between the work of this Inquiry and these other entities. So the C-NLOPB will give evidence.

Then comes the Transportation Safety Board: I have been mandated in the Terms of Reference to work closely with and liaise with the Transportation Safety Board and I have done so from the very outset before I even had counsel or premises or anything else. I have found the Transportation Safety Board to be extremely cooperative and we are clear between us on our respective roles and they have the expertise to do what they're doing, namely a detailed inquiry into what happened last March in the tragedy which occurred. The Inquiry would not be equipped with technical and professional personnel having these kinds of skills, so it is obviously in their bailiwick, as it were, to do that kind of work. But we, this Inquiry, will benefit from the work that they do, because it will be factored in to the deliberations and the recommendations which, in the final stage of this Report, will be made.

As I thought more and more about this, I felt it necessary that Transport Canada explain its role. I contacted them and they agreed that it was appropriate that they should do so because they are the people who, as most of us know, license pilots, and they license aircraft for use in Canada and for the purposes for which these helicopters were used in the Newfoundland and Labrador Canada offshore.

The other matter which I should mention to you, of course, is the Department of National Defence, the Government of Canada search and rescue capability. I'm not allowed to examine or inquire into that and I will not, but at the same time, I felt it might be helpful to everyone involved if DND provided a statement of what they do, so that it will be available to everyone, to Inquiry Counsel and the parties, and by making it available here, I make it available to the public. I asked DND whether they would be prepared to give a statement, not for me to inquire into it, but so that I and you will know exactly what they do, and they forwarded that statement to me very recently and we will have it copied

and distributed to the parties or their counsel within the next two or three days.

So now we come to the concepts which we will deal with. I would say that at the time that I was appointed, things like organizational culture were not known to me. I spent my working life in the Courts and in offices, and organizational safety culture was really not part of my daily work over the years. But since the Inquiry has started, I have read and I have listened and begun to understand that there is such a thing as a safety culture and that a safety culture is very important in dealing with safety matters. I'll give you an example of what I mean by safety culture, and the example is one I have read as a result of a public inquiry that was held in Australia in respect of the Royal Australian Air Force when a serious unintended event occurred.

The Air Force had a safety culture in respect of its planes and its pilots. There, they felt, was where the danger was: the valuable equipment and perhaps the more glamorous side of flying. But the safety culture, it turned out in the end, did not include the people working on the floor who looked after the equipment and kept it in repair and did what was necessary in that way. So what happened was that the tanks of a certain type of their aircraft, I presume the jets, needed cleaning out. It had become necessary to repair the coating on the inside of the tanks, and how did they repair it? People had to crawl into the tanks in a very narrow space and clean the old coating off and put a new coating on. Well, they did this. They were provided with respiratory gear, but sometimes the space was so confined that they couldn't use it and they would take it off. They were given gloves, but the work was difficult and they would sometimes discard the gloves. This work went on for some months and gradually, it was noted that the individuals who performed this work were becoming very, very ill and it turned out that their health was severely compromised.

So there was an inquiry held in Australia when this whole thing came out, and it determined that the culture of safety only extended to part of the operation. It didn't extend to the whole of the operation, and a report was issued which changed entirely the safety culture of the Royal Australian Air Force. It was interesting that before this happened, the

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person in charge of aircraft and pilot safety was a high-ranking officer, a wing commander. The person in charge of safety at the other end, where the trouble occurred, was a much, much lower-ranking officer, who did not have the clout of the higher, and they changed all that, so that safety throughout the organization became very, very important.

We will look at the culture of safety, but fortunately, in the Newfoundland and Labrador offshore petroleum industry, we don't have to start from scratch. There is a good and sound safety culture in the Newfoundland offshore industry and that is borne out by the accident figures, which are much better, I am told, than the norm for the offshore oil industry. So we don't start from scratch. We look, as we're directed by the Terms of Reference, for ways in which helicopter safety can be improved and perhaps the culture can be improved. That is all part of our mandate. But fortunately, we start from a very good base, which has been the case since the oil companies, starting with the HMDC Hibernia platform, began operations in our offshore.

The other thing that I began to learn about, as I started the work of this Inquiry, is the risk-management process. That was not a subject I knew well, but I've read a lot during the organizational process of setting up the Inquiry about risk management, and one of the foremost people in the risk-management area has been Professor James Reason of the UK. I'm reading a book now and it's called *Managing the Risks of Organizational Accidents*. I should digress for a moment in talking about that.

Inquiry Counsel and I attended the International Helicopter Safety Symposium in Montreal. I think there were about 62 countries represented at that symposium, and it was all about helicopter safety. It became clear from what they told us and what we heard that the helicopter industry, in terms of accidents, had remained flat three years ago, remained flat for 20 years, and "remaining flat" meant that the frequency of mishaps and accidents had not decreased. So the industry itself worldwide decided to do something about this: they formed this organization and we attended the meeting, which was the third meeting, three years after the process began. And it's interesting to note, from their statistics, that at the top of their graphs was individual human error as a cause of accidents. Then came organizational error, and then

on down the line to design errors and other lesser things in terms of contribution to accidents. Therefore, managing the risk of organizational accidents is something that we have to deal with, and as I say, fortunately, we have a good record in safety, but we will hear expert evidence on that from the head of an international company that specializes in the area of aviation risk management. This expert is from Australia and heads a company called Aerosafe, which has offices in a number of countries. She has done work in North America and particularly a very large project to improve the safety of the Helicopter Emergency Medical Evacuations in the United States. These entities operate more than 900 helicopters, and you will hear from this expert in due course.

Coming back to culture and organizational matters, I want to refer just briefly to the Piper Alpha disaster, because that was a huge tragedy which occurred in 1988 in the North Sea, and what happened there was that there were a lot of natural gas that was coming out of the North Sea, and a lot of it was funnelled through the Piper Alpha station, and pumped on and eventually pumped ashore, in Scotland I understand.

Anyway, there was a crew working on the auxiliary pump in a certain large pipe during the day and at 6 in the evening they weren't finished; they had taken the pump out. They had sought permission to leave it until the next day when they started work again in the morning. They put a metal plate over the opening in the pipe and they went on about their business. The night shift found that the main pump had ceased working. So they decided, well, we'll switch to the auxiliary pump, but what they didn't know was that the auxiliary pump wasn't there. So they turned the gas into the pipe in which the auxiliary pump was supposed to be. It wasn't there. The gas escaped in considerable volume and there was a gigantic explosion and then a series of explosions over a period of 22 minutes, after which the rig was destroyed and just slid into the sea.

Fifty-nine people survived the Piper Alpha tragedy. The explosion blew down the walls between the working area and the living

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area and of course, the fire was intense and the people in the living area, some of whom were asleep at the time, had only one choice. They couldn't get out any other way because of the fire, so those who survived broke out the windows of the rooms which they occupied and jumped into the sea. 167 people lost their lives. That again brought the culture of safety to the fore, and Lord Cullen, a Scottish judge, held an inquiry which revolutionized the approach to safety in the North Sea.

I'll leave that topic now, and the topic of risk management, which you'll hear more about, and say this. People at the International Helicopter Safety Association believe that by 2016 they can reduce worldwide the number of accidents with helicopters by 80 percent from what it was three years ago. Already the graph shows, just in three years, a decline, and I think it's an excellent initiative. But it's important for us to recognize that in human events, nothing can be accomplished so absolutely and definitively that no accident will ever happen. So the risk management and safety cultures can reduce accidents and reduce them sharply, and we'll hear about these concepts, but I don't think, and we can't sugar-coat this, I don't think it's possible to say that accidents can be eliminated entirely. There are so many factors involving accidents. I read a study from the United Kingdom which described the relative dangers and it started with the trains, which were perhaps the safest mode of transportation. Commercial airliners were next in line; they were very safe. Helicopters and road accidents were very closely in the same bracket, with helicopter accidents being slightly greater, and interestingly, the most dangerous transportation activity was to be a pedestrian. We can reduce risks, but we cannot eliminate risks, and that must be clear. We must proceed also on the basis that over the years, accidents of some kind will perhaps happen. We hope they will not.

That brings us to another aspect of accidents, which is survival training, rescue, what happens if an accident occurs and a helicopter goes down, and how best the risk can then be addressed. The safety features have obviously not prevented the accident, but how do we deal with the accident after it occurs? As we know, helicopters have a tendency, when they go down in water, to tip over, because the weight of the engines and the rotor on top and they do tip over—not always,

and there are means to try to keep them upright, but they do—so that when they sink, it is usually on their sides or completely upside down. That makes things very difficult, in terms of escape.

Something else I want to talk about briefly (and Newfoundlanders, I suppose, like people in various parts of the world, are always talking about the weather): our climate and weather make escape from a downed helicopter very difficult. There is discussion about whether the northern part of the North Sea may be more difficult or whether conditions here in the Newfoundland and Labrador offshore are more difficult. Who knows? But conditions here are among the most difficult, if not the most difficult, and of course we know why, but I will mention some factors.

We know that climate is determined initially by ocean currents and by things like the jet stream. Well, ocean currents bring the Labrador Current, which is essentially ice water, down the coast of Labrador and down the coast of Newfoundland until it begins to peter out much further south. What that does, as we know, is that it forces the Gulf Stream to turn east, to turn towards Europe. So that our water close in, and when I say close in, I mean within three or four hundred kilometres, is bitterly cold at all times of the year, whereas the climate in Europe is warmed by the Gulf Stream, and I'm told that even 60 or 70 kilometres from the Hibernia rig, you can encounter water which is 15 or 18 or even 20 degrees at times. But we don't get that water, and that changes everything in our offshore.

The other thing, of course, if you look at the Weather Channel, you'll notice the low-pressure systems come up from the coast. They come from central Canada. They come from the north, but they're picked up by the jet stream, which pulls them in and if you watch these things, you'll note that the jet stream is very often over or in the vicinity of the island of Newfoundland. In summer, it may go north. In winter, it may go south, but it affects our winds and our winds are very strong. Helicopters can operate in strong winds. There is no question about that, although there is a point beyond which they would not be operating. But strong winds bring high seas and that is something else we have to contend with in our offshore.

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Speaking of winds and helicopters, I should say to you that ten days ago, I went offshore at my choice; I asked HMDC to visit the Hibernia platform, and I noticed today that Mr. Paul Sacuta is here. I had never met Mr. Paul Sacuta, nor seen him, until now, but he made it possible for me to take that trip offshore and I express my thanks to him and to HMDC for making that possible. It was very, very interesting, and not only the helicopter ride out and back. I went thinking to come back the same day, on a Thursday. Well, the weather became more difficult here in the St. John's area and I, along with other people, were on the platform waiting to get back, and I experienced some of the frustration of wondering, "When am I going to get back?" When I woke up on Saturday morning and looked at the seas and gauged the wind in my own mind, I thought "Well, I'm here for Saturday also, so I'll talk to people and make the best of it," but the helicopters flew, to my surprise. There was no fog but the winds were high, and when the helicopter that picked me up, and two others, landed, I was outside the door watching, and you talk about the skills that are involved in helicopters. Helicopters are very complex machines. Complex to design, complex to build, complex to fly, and when that helicopter, in these winds, approached that pad and set down on it, I thought to myself, as a layperson, what a marvellous piece of flying, and it was. But these are the sorts of things we have to contend with.

How do we contend with frigid waters, high winds, high seas? We contend with them by training, and that leads me to the subject of training. I have said when interviewed by the media that I don't think anybody who is untrained in survival should go on a helicopter out over these waters—these are dangerous waters—to offshore installations. The training is done, for the most part, in Foxtrap, by Memorial University's Marine Institute. We are going to hear from experts in training. We're going to hear what they do out there. I experienced that training, and Ms. Fagan also did the training; it was a very worthwhile experience because it will help us understand what people are talking about in a way which we could not understand if we hadn't experienced it.

One interesting thing: everyone who has dealings offshore gets offshore on these helicopters. We have the workers, the Union members. We have senior management. We have professionals in one way or another, geologists, all sorts of people, and you know, when you go offshore by helicopter, there are no distinctions. In the survival suit, everybody looks the same and everybody watches the video and everybody goes single file out along a defined track, led by somebody else, and onto the helicopter, and you're belted in and the noise is fairly loud and you have ear protection. It's not a flight in which you can sit and chat. It's not that way; there are no distinctions, and the level of safety is the same for everyone, no matter what they're going out there for.

So we're going to examine evacuation matters carefully, and everything that goes with escape from helicopters, and we're going to have people who are world-class experts and we're going to have people who are experts here in Newfoundland and Labrador and who are going to be able to also contribute to this. We're going to have independent, completely independent people talk about survival and escape and matters of that sort. So I'll leave that subject now.

I'll turn finally to the public. This is a public inquiry and that, ever since I was asked to do this, has never been far from my mind. Who is the public? There is a wider public generally, and I believe that the wider public has an interest in this Inquiry, but I also am sure that the families of deceased persons, the families of those who work offshore, the people themselves who go offshore by helicopter, and their extended families and friends—and that's a large number of people in a province with a small population—a large number of people have a very, very substantial and direct interest in this matter. So when we speak to you, Counsel and I, about various things, we know that you in the room know most of this, but the people who are watching, who have an interest, watching on Rogers Cable TV television broadcast, these people have a very, very great interest, as great as anybody sitting in the room, probably, in helicopter safety, because there are children in school now, children not even born yet, who will go offshore and make careers in an industry which

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provides a very good living, which is important to Newfoundland and Labrador, which provides a huge amount of revenue, relative to our size and population, to the Government of Newfoundland and Labrador and to Canada. So it is important, the industry: it's important to the province and to the country, both as a source of revenue and as a source of jobs.

If we can, by helping the industry, by making recommendations (and this is a collaborative effort, it's not an adversarial effort we are engaged in here)—if in this collaborative effort we can come up with measures which will improve safety and bring down the likelihood of an accident or accidents, we will be doing a tremendous service to the industry and to the population of Newfoundland and Labrador and perhaps to the wider country, and that is what makes this so important and that is why I will always, during the course of the Inquiry, be aware that not only are there people in the room who are listening to us, but there are people outside the room who are listening to us, people who have a very real interest in what we're doing.

So I don't think I'll go on any longer. These are the concepts which are important to me, and after the five and a half months of preparation which leads us here today, I am very pleased to see this Inquiry start the formal hearing process. ... [Break and Inquiry Counsel comments deleted.]

Ladies and gentlemen, this will conclude the presentations for today. Over the past three or four months we had installed some very high tech equipment because public inquiries nowadays are required not only to record and transcribe: by electronic means, the materials of the day, the exhibits and whatever information is received, will be fed into the system so that by perhaps 8 o'clock at night you'll be able to go on computers and see the day's evidence. This is important not only for Newfoundland and Labrador, and the rest of Canada who may be interested, but also for people in the offshore oil industry in other countries, so they can have access to what we're doing. So thank you very much for your attention and we'll see you tomorrow morning at 9:30.



OFFSHORE HELICOPTER SAFETY INQUIRY

Confidentiality Undertaking

I undertake to the Offshore Helicopter Safety Inquiry to keep confidential, and will not disclose nor give to any person, any and all Inquiry documents or information that are not in the public domain and to which I may become privy during the course of my assignment with the Inquiry.

I will not use these documents or information for any purpose other than my work for the Offshore Helicopter Safety Inquiry. I understand that confidential information includes both written material as well as that conveyed through discussion in the course of the Inquiry's daily business.

At the end of my assignment with the Inquiry, I will not make copies of, and will return, any and all documents that are subject to this undertaking.

Name _____

Signature _____ Date _____

Witness's Name _____

Witness's Signature _____ Date _____

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador



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OFFSHORE HELICOPTER SAFETY INQUIRY

Undertaking of Counsel

I undertake to the Offshore Helicopter Safety Inquiry that any and all documentation or information which is produced to me in connection with the Inquiry's proceedings will not be used by me for any purpose other than those proceedings. I further undertake that I will not disclose any such documentation or information to anyone for whom I do not act, and to anyone for whom I act only upon the individual in question giving the written undertaking annexed hereto. In the event I act for a coalition, I will disclose such documentation and information to anyone who is a member of that coalition only upon the individual in question giving the written undertaking annexed hereto.

I understand that the undertaking has no force or effect once any such documentation or information has become part of the public proceedings of the Inquiry, or to the extent that the Inquiry may release me from the undertaking with respect to any documentation or information. For greater certainty, a document is only part of the public proceedings once the document is made an exhibit at the Inquiry.

With respect to documentation or information which remains subject to this undertaking at the end of the Inquiry, I undertake to destroy such documentation or information and provide a certificate of destruction to the Inquiry, or to return said documentation to the Inquiry for destruction.

I further undertake to collect for destruction such documentation or information from anyone to whom I have disclosed any documentation or information which was produced to me in connection with the Inquiry's proceedings.

Name _____

Signature _____ Date _____

Witness's Name _____

Witness's Signature _____ Date _____

Form 2 - Confidentiality Undertaking (Counsel)



OFFSHORE HELICOPTER SAFETY INQUIRY

Undertaking of Parties

I undertake to the Offshore Helicopter Safety Inquiry that any and all documentation or information which is produced to me in connection with the Inquiry's proceedings will not be used by me for any purpose other than those proceedings. I further undertake that I will not disclose any such documentation or information to anyone.

I understand that this undertaking will have no force or effect with respect to any documentation or information which becomes part of the public proceedings of the Inquiry, or to the extent that the Inquiry may release me from the undertaking with respect to any documentation or information. For greater certainty, a document is only part of the public proceedings once the document is made an exhibit at the Inquiry.

With respect to any documentation or information which remains subject to this undertaking at the end of the Inquiry, I further understand that such documentation or information will be collected from me by the person acting as my counsel who disclosed them to me.

This Undertaking shall apply to all those persons employed or engaged by the Party signatory hereto who are in receipt of any documentation or information produced in connection with the Inquiry's proceedings.

Name of Party _____

Signature _____ Date _____

Witness's Name _____

Witness's Signature _____ Date _____

Form 3 - Confidentiality Undertaking (Parties)

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador



OFFSHORE HELICOPTER SAFETY INQUIRY

Confidentiality Undertaking

I undertake to the Offshore Helicopter Safety Inquiry to keep confidential, and will not disclose nor give to any person, any and all Inquiry documents or information that are not in the public domain and to which I may become privy during the course of my assignment with the Inquiry.

I will not use these documents or information for any purpose other than my work for the Offshore Helicopter Safety Inquiry. I understand that confidential information includes both written material as well as that conveyed through discussion in the course of the Inquiry's daily business.

At the end of my assignment with the Inquiry, I will not make copies of, and will return, any and all documents that are subject to this undertaking.

Name _____

Signature _____ Date _____

Witness's Name _____

Witness's Signature _____ Date _____

Media Advisories:

1. **May 25, 2009:** Commissioner Wells available to the media
2. **August 6, 2009:** Hearing on standing and funding scheduled
3. **November 2, 2009:** Media protocol for hearings for the appearance of the survivor
4. **February 9, 2010:** Media protocol for the appearance of members of families of the deceased passengers
5. **February 24, 2010:** Issue identification and investigation begins
6. **March 26, 2010:** Issue identification complete
7. **June 1, 2010:** Expert consultants submit reports to Inquiry
8. **September 3, 2010:** Public hearings resume for presentation of oral submissions

Offshore Helicopter Safety Inquiry

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May 25, 2009

Media Advisory: Commissioner Wells Available to the Media

The Hon. Robert Wells, Q. C., Commissioner of the *Inquiry into Matters Respecting Helicopter Passenger Safety for Workers in the Newfoundland and Labrador Offshore Area*, will hold a media availability at 3:30 p.m. today (Monday, May 25). The availability will take place at 36 Quidi Vidi Road, Innovative Dispute Resolution Centre (the green building located behind Caledonia Place - the former St. Joseph's Church).

Further, Commissioner Wells advises that the official communications and media consulting firm for the Commission is Pilot° Communications. Pilot's role with the Commission begins effective immediately.

All communications and media questions or issues can be directed to Carmel Turpin at the contact information listed below.

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Media contact:

Carmel Turpin
Vice-President Communications and Client Services
Pilot° Communications
(709) 753-0794
(709) 682-2292
cturpin@pilotcom.ca



Newfoundland and Labrador • Canada

August 6, 2009

Media Advisory

Hearings on Standing and Funding for Offshore Helicopter Safety Inquiry Scheduled

The Honourable Robert Wells, Q. C., Commissioner of the Offshore Helicopter Safety Inquiry, will conduct Hearings on Standing and Funding at the Hearing Room, Tara Place, 31 Peet Street, on Tuesday, August 11, and Wednesday, August 12, starting at 10:00 a.m. These hearings are open to the public.

In advance of these hearings, the Commissioner invites media representatives on a tour of the Hearing Room at Tara Place, 31 Peet Street, on Monday, August 10, at 11:00 a.m. This tour will provide the media an opportunity to view the hearing room and ask questions pertaining to media protocol and technical support to be provided during the public hearings. Media are asked to confirm attendance at this briefing by contacting Carmel Turpin, the Inquiry's media consultant, at the contact information provided below.

-30-

Media Contact:
Carmel Turpin
Vice-President of Communications and Client Services
Pilot^o Communications
(709) 753-0794, (709) 682-2292
cturpin@pilotcom.ca

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador



Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

November 2, 2009

Media Advisory

Media Protocols for Hearings on Thursday, November 5

The Offshore Helicopter Safety Inquiry advises of the media protocols for media covering the appearance of Robert Decker on Thursday, November 5, 2009, at 9:30 a.m. The protocols are at the request of Mr. Decker and the families of the passengers and crew.

The protocols are as follows:

- Media will not be permitted in the public hearing room at any time on November 5 including prior to, during or following the appearance of Mr. Decker. This means there will be no opportunity to record video or still images prior to the start of the hearing on that day.
- Media will not be permitted to record video or take photographs within the confines of 31 Peet Street (the building in which the Inquiry offices are located) except in the designated scum area.
- Mr. Decker will not be available for interviews.

Media who will be covering the Inquiry on Thursday, November 5, 2009, should confirm by 12 noon on Wednesday, November 4, 2009, their attendance with Carmel Turpin as per the contact information below as there is limited capacity in the media room.

-30-

Media contact:

Carmel Turpin

Vice-President, Communications and Client Services

Pilot Communications

(709) 753-0794, (709) 682-2292

cturpin@pilotcom.ca



Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

Media Advisory: Revised

February 9, 2010

Protocol for the Appearance of Members of Families of Deceased Passengers

The Offshore Helicopter Safety Inquiry is advising of information and media protocols for the appearance of members of the Families of Deceased Passengers on Wednesday, February 10, 2010, at 9:30 a.m.

- It is anticipated that **three** family members will appear and speak for approximately 15-20 minutes each.
- The identity of the family members will not be made public until such time as they appear before the Inquiry.
- The family members will not be available to the media for interviews.
- Media will not be allowed to photograph/videotape the family members inside the environs of the offices of the Offshore Helicopter Safety Inquiry at 31 Peet Street.
- **Media will be permitted in the public hearing room just prior to the appearance of the family members to photograph/videotape.**
- The appearance of the family members will be televised on Rogers TV and available through the Internet at www.oshsi.nl.ca
- Media can view the presentations in the Media Room of the Offshore Helicopter Safety Inquiry as per normal procedure.

Should there be further information or clarification required, please contact Carmel Turpin at the contact information listed below.

-30-

Media contact:
Carmel Turpin
Vice-President, Communications and Client Services
Pilot Communications
(709) 753-0794, (709) 682-2292
cturpin@pilotcom.ca

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Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

Media Advisory

February 24, 2010

Offshore Helicopter Safety Inquiry Moves into Issue Identification and Investigation

The Offshore Helicopter Safety Inquiry is pleased with the level of progress being made to identify and define a clear set of issues arising from public hearings held between October 19, 2009 and February 18, 2010. Issue identification and investigation, Phase 1b, began on Tuesday, February 23, 2010 with an in-camera meeting of the Parties with Standing and the Honourable Robert Wells, Q.C., Inquiry Commissioner.

“All the parties with standing are working to outline a clearly defined set of issues,” said Commissioner Wells. “We are working in a collaborative way, and making very good progress within the mandate for the inquiry.

The final list of issues which the Commissioner intends to pursue will be made public, on or before the end of March.

When the results of the investigation of all issues raised in Phase 1b are complete, Inquiry Counsel and all Parties with Standing will be invited to make submissions on their views to the Inquiry Commissioner, at which time any additional oral submissions will be made through public presentations.

These oral representations will be the only further public hearings presented to the Inquiry. Commissioner Wells anticipates the Issue Identification and Investigation process will be complete by the end of June.

Should there be further information or clarification required, please contact Carla Foote at the information listed below.

-30-

Media contact:
Carla Foote
Pilot Communications
(709) 753-0794, Ext 24
(709) 682-2292
cfoote@pilotcom.ca



Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

Media Advisory

March 26, 2010

Issue Identification Phase Complete

The Offshore Helicopter Safety Inquiry has determined the issues to be examined from the information provided during the public hearings held between October 19, 2009 and February 18, 2010. Commissioner Wells, Inquiry Counsel and all Parties with Standing have completed the identification of issues for consideration, as part of Phase 1b of the Inquiry. Over the past several weeks meetings with the Commissioner, Inquiry Counsel and the Parties with Standing have taken place to clearly identify the issues which will be considered by the Commissioner within the mandate of the Inquiry. The List of Issues for Consideration will be posted on the Inquiry's website www.oshsi.nl.ca.

Commissioner Wells says he is "very pleased with the progress made and will now move forward with a review of all the issues for consideration which arose from the Inquiry hearings, in advance of making further recommendations."

The Parties with Standing are asked to file written submissions, on the issues identified for improvement to offshore helicopter transportation, on or before July 30, 2010. All written submissions will be posted on the Inquiry's website www.oshsi.nl.ca at that time. Public hearings have been scheduled for the presentation of oral submissions by the Parties with Standing, as part of Phase 1c, for September 8, 9 and 10, 2010.

Please direct all media inquiries to Carla Foote as listed below.

-30-

Media contact:

Carla Foote

Pilot Communications

(709) 753-0794, Ext 24

(709) 682-2292

cfoote@pilotcom.ca

Encl: Offshore Helicopter Safety Inquiry Issues for Consideration

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador



Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

MEDIA ADVISORY

JUNE 1, 2010

Expert Consultants Submit Reports to Inquiry

The Offshore Helicopter Safety Inquiry has received five expert reports from the four consultants who were engaged by Commissioner Wells to report on various aspects of offshore helicopter safety. These expert reports will be considered along with the testimony already before the Inquiry, and all other information received from consultations, reading materials, visits to Aberdeen and Stavanger and the presentations by counsel for the Parties with Standing, when they are received. The Inquiry has also received a report on the survey of workers/passengers travelling to and from our offshore installations.

The four expert consultants are;

Aerosafe Risk Management, a global aviation risk management company.

Michael Taber, a research consultant from Nova Scotia, specializing in offshore helicopter safety and training.

Dr. Susan Coleshaw, an experienced research consultant from Aberdeen, with a worldwide reputation in offshore helicopter safety.

National Research Council - Institute for Ocean Technology, Canada's national centre for ocean technology research and development.

Inquiry counsel, and counsel for the Parties with Standing will review the reports and ask relevant questions of the experts at public hearings. Commencing June 28, 2010 three days have been set aside for the questioning. The Parties with Standing may also submit their own consultants' reports to the Inquiry. The reports of the expert consultants and the survey report are available on the Inquiry's website www.oshsi.nl.ca.

Written submissions on the Issues previously identified and posted on the Inquiry's website, must be filed by July 31, 2010 at which time all written submissions will be posted. Additional public hearings have been scheduled to begin on September 8, 2010 for the presentation of oral submissions by the Parties with Standing.

Please direct all media inquiries to Carla Foote as listed below.

-30-

Media contact:

Carla Foote - Pilot Communications

(709) 753-0794, Ext 26

(709) 682-2292

cfoote@pilotcom.ca



Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

Media Advisory

September 3, 2010

Offshore Helicopter Safety Inquiry to Resume Public Hearings

The Offshore Helicopter Safety Inquiry will resume public hearings for the presentation of oral submissions on Wednesday, September 8, 2010. The Parties with Standing will have a final opportunity to appear before the Inquiry and make presentation on the issues identified for improvement to offshore helicopter transportation.

The Honourable Robert Wells, Q.C., Inquiry Commissioner, says he is “looking forward with anticipation to the oral submissions which will be presented in this final round of public hearings.” Presentations by the persons or organizations that have been granted standing will commence at 9:30 a.m. on September 8, 2010 and continue on September 9th and 10th, if required.

Issue identification and investigation, Phase 1b, began on February 23, 2010 to define a clear list of issues for consideration. The complete list of [Issues for Consideration](#), as well as written submissions from the Parties with Standing, are posted on the Inquiry’s website www.oshsi.nl.ca

This final round of public hearings will be broadcast live on the Inquiry’s website and on Rogers Cable TV, according to the tentative daily schedule.

Daily Schedule

The daily schedule is as follows:

9:30a.m. – 10:45a.m. – Public Hearings
10:45a.m. – 11:00a.m. – Morning Break
11:00a.m. – 12:30a.m. – Public Hearings
12:30a.m. – 2:00p.m. – Lunch Break
2:00p.m. – 3:15p.m. – Public Hearings
3:15p.m. – 3:30p.m. – Afternoon Break
3:30p.m. – 4:30p.m. – Public Hearings

Please direct all media inquiries to Carla Foote as listed below;

Carla Foote - Pilot Communications
(709) 753-0794, Ext 26
(709) 682-2292
cfoote@pilotcom.ca
Encl: Tentative List of Presentations

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador



Suite 213, Tara Place
31 Peet Street
P.O. Box 8037
St. John's, NL A1B 3M7

Tel: (709) 722-0911
Fax: (709) 722-1363

Tentative List of Presentations for Inquiry Phase 1c Public Hearings

The following is the proposed order for oral submissions. It is possible the order may change somewhat. As changes are made a revised schedule will be posted on the Inquiry website. Each presenter will follow the completion of the previous one, and may be adjusted for particular presentations.

September 8, 2010	<u>Helly Hansen Canada Limited</u>
	<u>Offshore Safety and Survival Centre, Marine Institute, Memorial University</u>
	<i>Jack Harris, Member of Parliament for St. John's East</i>
	<u>Department of Transport Canada</u>
	<u>Canadian Association of Petroleum Producers</u>
	<u>Government of Newfoundland and Labrador</u>
	<u>Families of Deceased Passengers</u>
	<u>Estate of Matthew Davis (Pilot) and Estate of Timothy Lanouette (Co-Pilot)</u>
	<u>Cougar Helicopters Inc.</u>
	<u>Communications, Energy and Paperworkers Union, Local 2121</u>
	<u>Joint operator [Hibernia Management and Development Company Ltd. (HMDC), Suncor and Husky Oil Operations Ltd.]</u>
	<u>Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)</u>

Appendix 15

Record of Presentations at Public Hearings



2010-02-19

RECORD OF PRESENTATIONS AND WITNESSES IN PHASE I(a)

DATE	PARTIES/STAKEHOLDERS	WITNESSES/PRESENTERS
October 19, 2009	<i>Commissioner and Inquiry Counsel</i>	Opening Statements (No Witnesses)
October 20 & 21, 2009	<i>Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)</i>	John Andrews , Manager of Legal Department, C-NLOPB and Howard Pike , Chief Safety Officer, C-NLOPB
October 26 & 27, 2009	<i>Transport Canada (TC)</i>	Michael Stephenson , Regional Director, TC
October 28, 2009	<i>Transportation Safety Board</i>	Wendy Tadros , Chair of the Transportation Safety Board
November 2 & 3, 2009	<i>OHSI Presentation on Risk Profile</i>	Kimberley Turner , C.E.O. Aerosafe Risk Management
November 5, 2009	<i>Survivor of Flight 491 2009-03-12</i>	Robert Decker
Break: November 9 - 12, 2009		
November 16 & 17, 2009	<i>Canadian Association of Petroleum Producers (CAPP)</i>	Paul Barnes , Manager for Atlantic Canada Division of CAPP
November 18, 2009	<i>Helly Hansen (Canada) Limited</i>	Mark Collins , Operations Manager for Helly Hansen (Canada) Limited
November 23 & 24, 2009	<i>Offshore Safety and Survival Centre, Marine Institute, MUN</i>	Bob Rutherford , Director for Offshore Safety and Survival Centre
November 25, 2009 10:00 a.m. 2:00 p.m.	<i>Bill Parsons, Retired Labour Leader Jack Harris, Q.C., Member of Parliament</i>	Presenters
Break for Christmas – Dec 10 to Jan 10		
January 11, 12 & 13, 2010	<i>Joint Operator Panel – Oil Industry HMDC, Husky, Suncor</i>	Paul Sacuta , President, HMDC Gary Vokey , Asset Manager, Terra Nova, Suncor Energy; Trevor Pritchard , General Manager, Operations, Husky Energy
January 14, 2010 2:00 p.m.	<i>Lorraine Michael, MHA</i>	Presenter
January 18 & 19, 2010	<i>Hibernia Management and Development Company (HMDC)</i>	Paul Sacuta , President John Fraser , Offshore Installation Manager
January 20 & 21, 2010	<i>Suncor Energy (formerly Petro-Canada)</i>	Gary Vokey , Asset Manager, Terra Nova Brian Stacey , Manager, Drilling Completions & Interventions; Michele Farrell , Manager, Environment, Health & Safety
January 25, 2010	<i>Husky Oil Energy</i>	Trevor Pritchard , General Manager, Operations; Don Williams , HSEQ Manager Ken Dyer , Manager, Production Operations
January 27 & 28, 2010	<i>DND – SAR</i>	Colonel Paul Drover
February 2, 3, 4, 2010	<i>Cougar Helicopters Inc.</i>	Rick Burt , General Manager, Cougar and Senior Vice President Oil & Gas, VIH Aviation Group, Hank Williams , General Manager Canada East, Cougar and Richard Banks , Director of Safety Management
February 4, 2010 4:00 p.m.	<i>Government of Newfoundland and Labrador</i>	Laura Brown Laengle , Solicitor, Department of Justice
February 9, 2010	<i>Communications, Energy and Paperworkers Union Local 2121</i>	Sheldon Peddle , President CEP 2121 Brian Murphy , Vice President CEP 2121 Stan Hussey , Co-Chair OHS Committee TN
February 10, 2010	<i>Families of Deceased Passengers</i>	Sharon Pike , Marilyn Nash and Lori Chynn
February 11, 2010 2:00 p.m.	<i>Newfoundland and Labrador Federation of Labour</i>	Lana Payne , President
February 17 & 18, 2010	<i>Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)</i>	Howard Pike , Chief Safety Officer, C-NLOPB

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

2010-06-30



RECORD OF PRESENTATIONS AND WITNESSES IN PHASE I(b)

DATE	EXAMINATIONS ON REPORTS/TOPIC	INQUIRY EXPERT CONSULTANTS/WITNESS
June 28, 2010 – 9:30 a.m.	<i>Aerosafe's Reports:</i> <i>(1) Workers' Survey</i> <i>(2) Regulatory Comparison</i> <i>(3) Safety Culture</i>	Kimberley Turner, C.E.O. Aerosafe Risk Management, a global aviation risk management company.
June 28, 2010 – 3:30 p.m. June 29, 2010 – 9:30 a.m.	<i>Coleshaw Report on Cold Water Training and Survival</i>	Dr. Susan RK Coleshaw from Aberdeen, UK, an experienced research consultant with a worldwide reputation in offshore helicopter safety.
June 29, 2010 – 2:00 p.m.	<i>Taber Report on Cold Water Training and Survival</i>	Michael Taber , a research consultant from Nova Scotia, specializing in offshore helicopter safety and training.
June 29, 2010 – 4:30 p.m.	<i>Clarification re: suits worn by helicopter pilots</i>	Captain Jakobus Johannes (J. J.) Gerber , Director of Flight Operations with Cougar Helicopters Inc.
June 30, 2010 – 9:30 a.m.	<i>NRC-IOT Report on Human Performance in Immersion Suits</i>	Jonathan Power , Research Council Officer, National Research Council – Institute for Ocean Technology, Canada's national centre for ocean technology research and development.

Appendix 15

Record of Presentations at Public Hearings



2010-09-09

RECORD OF ORAL SUBMISSIONS IN PHASE I(c)

Date	Presenter	Party Represented
September 8, 2010	<i>Geoffrey L. Spencer, Counsel</i>	Helly Hansen Canada Limited
September 8, 2010	<i>David F. Hurley, Q.C., Counsel</i> <i>Robert Rutherford, Director</i>	Marine Institute Offshore Safety and Survival Centre, Memorial University
September 8, 2010	<i>Jack Harris, Q.C.</i>	Jack Harris, Q.C., Member of Parliament for St. John's East
September 8, 2010	<i>Jonathan D. N. Tarlton, Counsel</i>	Department of Transport Canada
September 8, 2010	<i>Lewis L. Manning, Counsel</i>	Canadian Association of Petroleum Producers
September 8, 2010	<i>Rolf Pritchard, Counsel</i>	Government of Newfoundland and Labrador
September 8, 2010	<i>Jamie P. Martin, Counsel</i>	Families of Deceased Passengers
September 8, 2010	<i>Kate J. O'Brien, Counsel</i>	Estate of Matthew Davis (Pilot) and as agent on behalf of Douglas A. Latto for Lanouette Estate (Co-Pilot)
September 8, 2010	<i>Kevin F. Stamp, Q.C., Counsel</i>	Cougar Helicopters Inc.
September 9, 2010	<i>Geoffrey L. Spencer, Counsel</i> <i>[Enters Exhibit/P-00241]</i>	Helly Hansen Canada Limited
September 9, 2010	<i>V. Randell J. Earle, Q.C., Counsel</i>	Communications, Energy and Paperworkers Union, Local 2121
September 9, 2010	<i>Alexander D. MacDonald, Q.C., Counsel for Husky Oil Operations Limited and presenter for Joint Operator</i>	Joint Operator (Hibernia Management and Development Company Ltd. (HMDC), Husky Oil Operations Limited and Suncor Energy Inc.)
September 9, 2010	<i>Amy M. Crosbie, Counsel</i>	Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

EXHIBIT/P = Public Exhibit EXHIBIT/C - Confidential Exhibit			
Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00001	Annual Report to Parliament 2008-2009 of the Transportation Safety Board (TSB) submitted 2009-06-01 for the period of 2008-04-01 to 2009-03-31	TSB	2009-10-28
EXHIBIT/P-00002	Canadian Transportation Accident Investigation and Safety Board Act, S.C., 1989, c.3 - Current to 2009-09-17	TSB	2009-10-28
EXHIBIT/P-00003	Transportation Safety Board Regulations, SOR/92-446, Current to 2009-09-08	TSB	2009-10-28
EXHIBIT/P-00004	Annex 13 to the Convention on International Civil Aviation, Aircraft Accident and Incident Investigation International Civil Aviation Organization (ICAO) (incorporating all amendments adopted by the Council prior to 2001-02-27)	TSB	2009-10-28
EXHIBIT/P-00005	Video of Transportation Safety Board	TSB	2009-10-28
EXHIBIT/P-00006	Investigation Process Pamphlet of the Transportation Safety Board (English and French Versions)	TSB	2009-10-28
EXHIBIT/P-00007	Occurrence Classification Policy of the Transportation Safety Board dated 2006-12-05 (English and French)	TSB	2009-10-28
EXHIBIT/P-00008	PowerPoint Presentation of Wendy Tadros, Chair of Transportation Safety Board	TSB	2009-10-28
EXHIBIT/P-00009	Integrated Safety Investigation Methodology (ISIM) Reference Manual (Air) of the Transportation Safety Board (also available in French)	TSB	2009-10-28
EXHIBIT/P-00010	Helicopter-Related Safety Advisories and Safety Letters	TSB	2009-10-28
EXHIBIT/P-00011	PowerPoint - Fisheries and Marine Institute of Memorial University of Newfoundland, Offshore Safety and Survival Centre (OSSC), 2009-11-23, Robert J. Rutherford, P Eng, Director OSSC of Marine Institute	OSSC	2009-11-23

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00012	Canadian Association of Petroleum Producers (CAPP) Atlantic Canada Offshore Petroleum Industry - Standard Practice for the Training and Qualifications of Personnel 2008-04 - Table of Contents and Overview	OSSC	2009-11-23
EXHIBIT/P-00013	Canadian Association of Petroleum Producers (CAPP) Atlantic Canada Offshore Petroleum Industry - Standard Practice for the Training and Qualifications of Personnel 2008-04 - Pages 3-1 to 3-5	OSSC	2009-11-23
EXHIBIT/P-00014	Basic Survival Training (BST) Offshore Safety and Survival Centre (OSSC) 2009-05	OSSC	2009-11-23
EXHIBIT/P-00015	Basic Survival Training (Recurrent) Offshore Safety and Survival Centre (OSSC) 2009-05	OSSC	2009-11-23
EXHIBIT/P-00016	Basic Survival Training Student Handbook, Offshore Safety and Survival Centre (OSSC) 2005-01	OSSC	2009-11-23
EXHIBIT/P-00017	Compressed Air Helicopter Underwater Emergency Breathing Apparatus (HUEBA)	OSSC	2009-11-23
EXHIBIT/P-00018	Helicopter Transportation Presentation, Offshore Safety and Survival Centre (OSSC)	OSSC	2009-11-23
EXHIBIT/P-00019	Position Advertisement - Instructor Safety and Survival, Offshore Safety and Survival Centre (OSSC)	OSSC	2009-11-23
EXHIBIT/P-00020	Instructor Competency Procedure, Offshore Safety and Survival Centre (OSSC)	OSSC	2009-11-23
EXHIBIT/P-00021	Instructor Certificate Competency Requirements Summary, Revised 2009-06-14	OSSC	2009-11-23
EXHIBIT/P-00022	Basic Safety Training Environment 99-09 Statistics, Offshore Safety and Survival Centre (OSSC)	OSSC	2009-11-23
EXHIBIT/P-00023	Video, Offshore Safety and Survival Centre (OSSC) Client Safety Orientation, Marine Institute	OSSC	2009-11-23
EXHIBIT/P-00024	Aeronautics Act, R.S.C. 1985, c. A-2, Current to 2009-09-17	Transport Canada (TC)	2009-10-26

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00025	Canadian Aviation Regulations, SOR 96-433 (the CARs) Current to 2009-07-29	TC	2009-10-26
EXHIBIT/P-00026	Civil Aviation Program, PowerPoint Presentation of Michael Stephenson, Regional Director Transport Canada	TC	2009-10-26
EXHIBIT/P-00027	ICAO Convention (Chicago, 1944 - Document 7300) Convention on International Civil Aviation, Ninth Edition - 2006	TC	2009-10-26
EXHIBIT/P-00028	ICAO Convention Annexes Description Booklet, Annexes 1 to 18	TC	2009-10-26
EXHIBIT/P-00029	PowerPoint Presentation of John P. Andrews, Manager of Legal and Land, Role of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)	C-NLOPB	2009-10-20
EXHIBIT/P-00030	PowerPoint Presentation of Howard Pike, P Eng, Chief Safety Officer, Role of Operations and Safety, Canada-Newfoundland and Labrador Offshore Petroleum Board	C-NLOPB	2009-10-20
EXHIBIT/P-00031	The Atlantic Accord - Memorandum of Agreement	C-NLOPB	2009-10-20
EXHIBIT/P-00032	Canada-Newfoundland Atlantic Accord Implementation Act (S.C. 1987, c. 3)	C-NLOPB	2009-10-20
EXHIBIT/P-00033	Newfoundland Offshore Certificate of Fitness Regulations (SOR 95-100)	C-NLOPB	2009-10-20
EXHIBIT/P-00034	Newfoundland Offshore Petroleum Drilling Regulations (SOR 93-23)	C-NLOPB	2009-10-20
EXHIBIT/P-00035	Newfoundland Offshore Petroleum Installations Regulations (SOR 95-104)	C-NLOPB	2009-10-20
EXHIBIT/P-00036	Newfoundland Offshore Area Petroleum Production and Conservation Regulations (SOR 95-103)	C-NLOPB	2009-10-20
EXHIBIT/P-00037	Newfoundland Offshore Area Petroleum Geophysical Operations Regulations (SOR 95-334)	C-NLOPB	2009-10-20
EXHIBIT/P-00038	DRAFT Petroleum Occupational Safety and Health Regulations - Newfoundland and Labrador	C-NLOPB	2009-10-20

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00039	Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act (RSNL 1990, ch. C-2)	C-NLOPB	2009-10-20
EXHIBIT/P-00040	Offshore Certificate of Fitness Newfoundland and Labrador Regulations (NLR 18/97)	C-NLOPB	2009-10-20
EXHIBIT/P-00041	Offshore Petroleum Drilling Newfoundland and Labrador Regulations (CNLR 748/96)	C-NLOPB	2009-10-20
EXHIBIT/P-00042	Offshore Petroleum Installations Newfoundland and Labrador Regulations (NLR 20/97)	C-NLOPB	2009-10-20
EXHIBIT/P-00043	Offshore Area Petroleum Production and Conservation Newfoundland and Labrador Regulations (NLR 17/97)	C-NLOPB	2009-10-20
EXHIBIT/P-00044	Offshore Area Petroleum Geophysical Operations Newfoundland and Labrador Regulations (NLR 16/97)	C-NLOPB	2009-10-20
EXHIBIT/P-00045	Guidelines Respecting Drilling Programs - Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)	C-NLOPB	2009-10-20
EXHIBIT/P-00046	Safety Plan Guidelines - Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)	C-NLOPB	2009-10-20
EXHIBIT/P-00047	Draft Certificate of Fitness Guidelines (October 2001)	C-NLOPB	2009-10-20
EXHIBIT/P-00048	Guideline for the Reporting and Investigation of Incidents (June 1, 2009)	C-NLOPB	2009-10-20
EXHIBIT/P-00049	Geophysical, Geological, Environmental and Geotechnical Program Guidelines (May 2008)	C-NLOPB	2009-10-20
EXHIBIT/P-00050	Canadian Forces SAR (Search and Rescue) Roles and Responsibilities 2009-10-13	DND	2009-10-21
EXHIBIT/P-00051	Canada Command SAR (Search and Rescue) CONOPs, 2009-10-19	DND	2009-10-21
EXHIBIT/P-00052	Other Requirements Respecting Occupational Health and Safety	C-NLOPB	2009-10-20
EXHIBIT/P-00053	HUEBA - Helicopter Underwater Emergency Breathing Apparatus, Canadian Association of Petroleum Producers (CAPP)	CAPP	2009-11-16

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00054	Survival Suits, Canadian Association of Petroleum Producers	CAPP	2009-11-16
EXHIBIT/P-00055	BST/BST-R Course Quality Review, Canadian Association of Petroleum Producers (CAPP)	CAPP	2009-11-16
EXHIBIT/P-00056	Escape, Evacuation and Rescue (EER) Guide, Canadian Association of Petroleum Producers (CAPP)	CAPP	2009-11-16
EXHIBIT/P-00057	UK Helicopter Task Group, Canadian Association of Petroleum Producers (CAPP)	CAPP	2009-11-16
EXHIBIT/P-00058	OHSI Presentation on Risk Profile by Kimberley Turner, Chief Executive Officer, Aerosafe Risk Management - 2009-10-28	Aerosafe	2009-11-02
EXHIBIT/P-00059	PowerPoint Presentation of Paul Barnes, Manager, Atlantic Canada, Canadian Association of Petroleum Producers (CAPP), 2009-10-15	CAPP	2009-11-16
EXHIBIT/P-00060	Letter to Mr. Howard Pike, Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB), Water Ingress of Helicopter Transportation Suits, 2009-06-19	CAPP	2009-11-16
EXHIBIT/P-00061	CORD - Final Report - Water Ingress Testing of the HH E-452 Helicopter Passenger Transportation Immersion Suit System in a Simulated Ditching and Survival Scenario, 2009-08-06	CAPP	2009-11-16
EXHIBIT/P-00062	PowerPoint Presentation - Helicopter Passenger Suit Status Update Presentation to the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) by Paul Barnes (CAPP), Atlantic Canada, 2009-10-02	CAPP	2009-11-16
EXHIBIT/P-00063	Letter to Robert J. Rutherford, Director, Offshore Safety and Survival Centre, Marine Institute, from Paul Barnes (CAPP) re: review of the Basic Survival Training Course, 2009-10-29	CAPP	2009-11-16

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00064	Letter from Robert Rutherford, Director, OSSC, Marine Institute, to Canadian Association of Petroleum Producers (CAPP) re: Basic Survival Training, 2009-10-23	CAPP	2009-11-16
EXHIBIT/P-00065	Presentation - Helly Hansen Canada Limited, Presentation to Offshore Helicopter Safety Inquiry by Mark Collins, Operations Manager, 2009-11-18	Helly Hansen	2009-11-18
EXHIBIT/P-00066	Offshore Safety and Survival Centre (OSSC), Offshore Survival Introduction (OSI), revised 2009-05	OSSC	2009-11-23
EXHIBIT/P-00067	ISO Certificate to Helly Hansen - Certificate of Registration	Helly Hansen	2009-11-18
EXHIBIT/P-00068	Transport Canada -AMO Certificates: Approved Maintenance Organization; Ratings; Aeronautical Products	Helly Hansen	2009-11-18
EXHIBIT/P-00069	Transport Canada - Type Certificate AP-22 issued to Helley Hansen Canada Limited for Helicopter Suit System	Helly Hansen	2009-11-18
EXHIBIT/P-00070	Transport Canada - Special Conditions - Airworthiness (SCA) of Helicopter Suit System	Helly Hansen	2009-11-18
EXHIBIT/P-00071	Transport Canada - Certificate of Approval - Marine Abandonment Immersion Suit Model E-452	Helly Hansen	2009-11-18
EXHIBIT/P-00072	Curriculum Vitae of Helly Hansen staff - Donald Mah, Brian Farnworth, and Larry Spears	Helly Hansen	2009-11-18
EXHIBIT/P-00073	Canadian General Standards Board (CGSB) - Helicopter Passenger Transportation Suit Systems - Can GSB 65.17-99	Helly Hansen	2009-11-18
EXHIBIT/P-00074	Canadian General Standards Board (CGSB) - Immersion Suit Systems	Helly Hansen	2009-11-18
EXHIBIT/P-00075	Federal Aviation Administration (FAA) - Aviation Inflatable Standard - Technical Standard Order (TSO-C13f)	Helly Hansen	2009-11-18
EXHIBIT/P-00076	ExxonMobil (for HMDC) Request for Proposal (Extract) for Helicopter Suit System (Job Specification Rep No. 1003.1355)	Helly Hansen	2009-11-18
EXHIBIT/P-00077	ExxonMobil (for HMDC) Contract Award Letter for Provision of Helicopter Transportation Suits - April 23, 2007	Helly Hansen	2009-11-18

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00078	ExxonMobil (for HMDC) Contract Job Specification - August 6, 2007	Helly Hansen	2009-11-18
EXHIBIT/P-00079	Petro Canada - Contract Job Specification for Helicopter Suit System - Appendix A - Scope of Work	Helly Hansen	2009-11-18
EXHIBIT/P-00080	Husky Job Specification for Helicopter Suit System - Schedule 1 Scope of Services	Helly Hansen	2009-11-18
EXHIBIT/P-00081	Helly Hansen -E-452 Specification Sheet and Size Chart - Nautilus by Protection- E452	Helly Hansen	2009-11-18
EXHIBIT/P-00082	Sea Marshall PLB Brochure - Man Overboard Alert and Locate System	Helly Hansen	2009-11-18
EXHIBIT/P-00083	Picture of Sea Marshall PLB and Light on Suit	Helly Hansen	2009-11-18
EXHIBIT/P-00084	AquaLung - HUEBA Brochure, Sea Survival Egress Air	Helly Hansen	2009-11-18
EXHIBIT/P-00085	ACR Firefly 3 Waterbug Light Brochure, Water Activated Rescue Strobe	Helly Hansen	2009-11-18
EXHIBIT/P-00086	HMDC - Contract Quality Control - Quality Assurance / Quality Control Requirements	Helly Hansen	2009-11-18
EXHIBIT/P-00087	Petro Canada - Contract Quality Control - Environment Safety and Social Responsibility (ES&SR) and Quality Assurance	Helly Hansen	2009-11-18
EXHIBIT/P-00088	Husky - Contract Quality Control - Performance Assessment and Continuous Improvement	Helly Hansen	2009-11-18
EXHIBIT/P-00089	Helly Hansen - Maintenance Checklist: Initial Inspection Checklist; Transportation Suit, Manufacturing, Final Inspection; Visual Inspection Checklist for E-452 Liner Exchange; Transportation Suit, Maintenance Final Inspection; Work Order Form	Helly Hansen	2009-11-18
EXHIBIT/P-00090	Helly Hansen Survey, 2008-06-03	Helly Hansen	2009-11-18
EXHIBIT/P-00091	Suit Fitting Contract Amendments: Hibernia Management and Development Corporation Contract Amendment Suit Fitting; Husky Contract Amendment Suit Fitting; Suncor Contract Amendment	Helly Hansen	2009-11-18

Offshore Helicopter Safety Inquiry

Canada-Newfoundland and Labrador

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00092	Picture HTS-1 Suit	Helly Hansen	2009-11-18
EXHIBIT/P-00093	Letter to Paul Barnes, CAPP, from Robert Rutherford, Marine Institute re: response to Basic Survival Training Course Quality Review, 2009-11-13	OSSC	2009-11-23
EXHIBIT/P-00094	Report to PRAC re: Funding Grant HUEBA Implementation	OSSC	2009-11-23
EXHIBIT/P-00095	Notification of Approval of HUEBA Training by CAPP Training Qualifications Committee	OSSC	2009-11-23
EXHIBIT/P-00096	OSSC Assignment of Resources for Course Delivery, 2009-05-11	OSSC	2009-11-23
EXHIBIT/P-00097	HUEBA PowerPoint Presentation of Greg Harvey, Instructor OSSC, Marine Institute	OSSC	2009-11-23
EXHIBIT/P-00098	Lease and Service Agreement for Helicopter Passenger Transportation Suits between Helly Hansen Canada Limited and OSSC	OSSC	2009-11-23
EXHIBIT/P-00099	Certificate Document - BSI Certificate - Quality Management System - ISO 9001:2008	OSSC	2009-11-23
EXHIBIT/P-00100	Presentation of William A. (Bill) Parsons, Former President, Newfoundland and Labrador Federation of Labour, 2009-11-25	William Parsons	2009-11-25
EXHIBIT/P-00101	Photo - Pan African	William Parsons	2009-11-25
EXHIBIT/P-00102	Photo - Global Maritime Image	William Parsons	2009-11-25
EXHIBIT/P-00103	Photo - Fredolsen Image	William Parsons	2009-11-25
EXHIBIT/P-00104	Photo - Ship Bow Side	William Parsons	2009-11-25
EXHIBIT/P-00105	Photo - Rig	William Parsons	2009-11-25
EXHIBIT/P-00106	Photo - Turret	William Parsons	2009-11-25
EXHIBIT/P-00107	Photo - Helipad	William Parsons	2009-11-25
EXHIBIT/P-00108	Photo - Helipad with Helicopter	William Parsons	2009-11-25
EXHIBIT/P-00109	Photo - Lewek Conqueror	William Parsons	2009-11-25
EXHIBIT/P-00110	Evaluation of the CF/DND Component of the National Search and Rescue Program 2008-01	Jack Harris	2009-11-25
EXHIBIT/P-00111	Search and Rescue Operation Report, 2009-03-28 and 29	Jack Harris	2009-11-25
EXHIBIT/P-00112	National Search and Rescue Manual (National SAR Manual)	Jack Harris	2009-11-25
EXHIBIT/P-00113	Review of SAR (Search and Rescue) - Response Services, 1999-06-30	Jack Harris	2009-11-25

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00114	Presentation by Jack Harris, QC, Member of Parliament St. John's East, 2009-11-25	Jack Harris	2009-11-25
EXHIBIT/C-00115	Video - Riskmaker Risktaker, A Manager's Guide to Risk, Written and Produced by Nicholas and Smith	Aerosafe	2009-11-02
EXHIBIT/P-00116	Joint Operator Panel (JOP) [HMDC, Suncor & Husky] PowerPoint Presentation, 2010-01-11	JOP	2010-01-11
EXHIBIT/P-00117/000	Tab 0.0 - Helicopter Operations Task Force (HOTF) S-92A Return to Service Assessment Final Report, 2009-05-04 (Partially Redacted)	JOP	2010-01-11
EXHIBIT/P-00117/100	Tab 1.0 - Appendix 1 HOTF Charter	JOP	2010-01-11
EXHIBIT/P-00117/200	Tab 2.0 - Appendix 2 - Aviation Safety Review (ASR) Team Report (Partially Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/201	Tab 2.1 - Aviation Safety Review (ASR) Team Charter (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/202	Tab 2.2 - ASR Team Member CVs (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/203	Tab 2.3 - Cougar Helicopters Air Operator Certificate (AOC) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/204	Tab 2.4 - Transport Canada Regulatory Inspection of Cougar March 24-25, 2009 (HOTF's copy) (Partially Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/205	Tab 2.5 - Cougar Preliminary Internal Accident Investigation Report (Redacted) (HOFT extract)	JOP	2010-01-11
EXHIBIT/P-00117/206	Tab 2.6 - Cougar's Preliminary Return to Service Plan (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/C-00117/207	Tab 2.7 - Introduction to Company Operations Manual (COM) (HOTF extract)	JOP	2010-01-11
EXHIBIT/C-00117/208	Tab 2.8 - Introduction to Standard Operating Procedures (SOP) - (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/209	Tab 2.9 - Transport Canada Approved Maintenance Organization (AMO) Approval (HOTF extract)	JOP	2010-01-11
EXHIBIT/C-00117/210	Tab 2.10 - Maintenance Control Manual (MCM) - (HOTF extract)	JOP	2010-01-11
EXHIBIT/C-00117/211	Tab 2.11 - Maintenance Policy Manual (MPM) - (HOTF extract)	JOP	2010-01-11

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Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/C-00117/212	Tab 2.12 - Company Maintenance Procedures Manual (CMPM) - (HOTF extract)	JOP	2010-01-11
EXHIBIT/C-00117/213	Tab 2.13 - Airworthiness Directives and Service Publications (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/214	Tab 2.14 - Sikorsky S-92A Type Certificate Data Sheet - (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/215	Tab 2.15 - Sikorsky All Operators Letter (AOL) CCS-92-AOL-09-0010 9 (S92A Certificate) (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/216	Tab 2.16 - Sikorsky Safety Advisory SSA-S92-08-007 (Stud Failure Notice) (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/217	Tab 2.17 - Original Sikorsky Alert Service Bulletin (ASB) 92-63-014 (Stud Replacement) (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/218	Tab 2.18 - Revised Sikorsky Alert Service Bulletin (ASB) 92-63-014 (Stud Replacement) (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/219	Tab 2.19 - FFA Emergency Airworthiness Directive 2009-07-53 (Stud Replacement) (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/220	Tab 2.20 - Emergency Procedures Check Lists - Gearbox Malfunctions (Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/300	Tab 3.0 - Appendix 3 - Return to Service Roadmap (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/401	Tab 4.1 - Joint Occupational Health and Safety Committee - Compiled Workforce Questions (HOTF extract)	JOP	2010-01-11
EXHIBIT/P-00117/402	Tab 4.2 - Joint Occupational Health and Safety Committee - Correlated GBO Responses (Partially Redacted) (HOTF extract)	JOP	2010-01-11
EXHIBIT/C-00118	Helicopter Pooling Charter	JOP	2010-01-11
EXHIBIT/P-00119	Letter to Transport Canada from Transportation Safety Board re: Sizing of Passenger Transportation Suit System, 2009-12-07 (Partially Redacted)	JOP	2010-01-12
EXHIBIT/P-00120	Undertaking - Response to Undertaking 2 from CAPP	CAPP	2010-01-13

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00121	Undertaking - Response to Undertaking 3-4 from CAPP	CAPP	2010-01-13
EXHIBIT/P-00122	Undertaking - 3 - Extracts of CAPP Committees Meeting Minutes re: HUEBA (Partially Redacted)	CAPP	2010-01-13
EXHIBIT/P-00123	Undertaking - 4 - Extracts of CAPP HUEBA Task Force Meeting Minutes (Partially Redacted)	CAPP	2010-01-13
EXHIBIT/P-00124	Undertaking - Response to Undertaking 5 from CAPP	CAPP	2010-01-13
EXHIBIT/P-00125	Undertaking - 5 - Extracts of CAPP AC EPG Agenda and Minutes and copy of PowerPoint	CAPP	2010-01-13
EXHIBIT/P-00126	Undertaking - Response to Undertaking 6 from CAPP	CAPP	2010-01-13
EXHIBIT/P-00127	Undertaking - 6 - Training and Qualifications Change Request Form 2009	CAPP	2010-01-13
EXHIBIT/P-00128	Undertaking - Response to Undertaking 7 from CAPP	CAPP	2010-01-13
EXHIBIT/P-00129	Letter to C-NLOPB from Petro-Canada re: FPSO Occupational Health and Safety Committee Meeting Minutes for 2008-04-19 (Partially Redacted)	JOP	2010-01-13
EXHIBIT/P-00130	HMDC Panel PowerPoint Presentation, 2010-01-18	HMDC	2010-01-18
EXHIBIT/C-00131	Hibernia Operational Plan (Includes Safety Plan and OHS Requirements) (Unredacted)	HMDC	2010-01-18
EXHIBIT/C-00132	ExxonMobil - Cougar Contract Excerpts	HMDC	2010-01-18
EXHIBIT/C-00133	HMDC Helicopter Operations Manual (Unredacted)	HMDC	2010-01-18
EXHIBIT/C-00134	Hibernia Emergency Response Plan (Unredacted)	HMDC	2010-01-18
EXHIBIT/C-00135	ExxonMobil Aviation Safety Review of Cougar, 2007-03-26 (Partially Redacted)	HMDC	2010-01-18
EXHIBIT/C-00136	ExxonMobil Aviation Safety Review of Cougar, 2009-11-30 (Partially Redacted)	HMDC	2010-01-18
EXHIBIT/P-00137	Presentation of Lorraine Michael, MHA, Signal Hill—Quidi Vidi, Leader, NL New Democratic Party, 2010-01-14	Lorraine Michael	2010-01-14
EXHIBIT/P-00138	Suncor Panel PowerPoint Presentation, 2010-01-20	Suncor (PC)	2010-01-20

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Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/C-00139/00	Part 0 - Terra Nova Safety Plan - Preliminary Pages	Suncor (PC)	2010-01-20
EXHIBIT/C-00139/01	Part 1 - Terra Nova Safety Plan - Safety Quality Management Systems	Suncor (PC)	2010-01-20
EXHIBIT/C-00139/02	Part 2 - Terra Nova Safety Plan - Facilities and Equipment (Redacted)	Suncor (PC)	2010-01-20
EXHIBIT/C-00139/03	Part 3 - Terra Nova Safety Plan - Operations and Maintenance Procedures (Redacted)	Suncor (PC)	2010-01-20
EXHIBIT/C-00139/04	Part 4 - Terra Nova Safety Plan - Risk Assessment (Redacted)	Suncor (PC)	2010-01-20
EXHIBIT/C-00139/05	Part 5 - Terra Nova Safety Plan - Employment Training Qualifications	Suncor (PC)	2010-01-20
EXHIBIT/C-00139/06	Part 6 - Terra Nova Safety Plan - Contingency Planning and Emergency Response	Suncor (PC)	2010-01-20
EXHIBIT/C-00140	Petro-Canada - Cougar Contract (Excerpts and Redacted)	Suncor (PC)	2010-01-20
EXHIBIT/C-00141	Petro-Canada Helicopter Operations Manual	Suncor (PC)	2010-01-20
EXHIBIT/C-00142	Petro-Canada Emergency Response Onshore Coordination Plan	Suncor (PC)	2010-01-20
EXHIBIT/C-00143	Petro-Canada OD and O	Suncor (PC)	2010-01-20
EXHIBIT/P-00144	Terra Nova FPSO Safety Handbook	Suncor (PC)	2010-01-20
EXHIBIT/C-00145	Petro-Canada OD and O Terra Nova Occupational Health and Safety Committee	Suncor (PC)	2010-01-20
EXHIBIT/P-00146	Husky Panel PowerPoint Presentation, 2010-01-25 and 26	Husky	2010-01-25
EXHIBIT/C-00147/01	(Part 1) SeaRose FPSO Safety Plan	Husky	2010-01-25
EXHIBIT/C-00147/02	(Part 2) SeaRose FPSO Safety Plan	Husky	2010-01-25
EXHIBIT/C-00148	Husky - Cougar Contract Excerpts (Significantly Redacted)	Husky	2010-01-25
EXHIBIT/C-00149	Husky Helicopter Operations Manual	Husky	2010-01-25
EXHIBIT/C-00150	Husky Incident Coordination Plan	Husky	2010-01-25
EXHIBIT/C-00151	Husky Health and Safety Standard	Husky	2010-01-25
EXHIBIT/P-00152	SeaRose FPSO Safety Handbook	Husky	2010-01-25
EXHIBIT/C-00153	Petro-Canada Occupational Health and Safety Committee Meeting Minutes, 2008-04-19 to 2009-02-28	Suncor (PC)	2010-01-21

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00154	PowerPoint Presentation of Colonel Paul Drover - Department of National Defence (DND) - Canadian Forces - SAR, 2010-01-27	DND	2010-01-27
EXHIBIT/P-00155	Cougar Helicopters Panel PowerPoint Presentation, 2010-02-02	Cougar	2010-02-02
EXHIBIT/P-00156/01	Cougar Aircraft Maintenance Video	Cougar	2010-02-02
EXHIBIT/P-00156/02	Cougar Dispatch Video	Cougar	2010-02-02
EXHIBIT/P-00156/03	Cougar Flight Operations Video	Cougar	2010-02-02
EXHIBIT/P-00156/04	Cougar Passenger Movement Video	Cougar	2010-02-02
EXHIBIT/P-00156/05	Cougar First Response (SAR) Video	Cougar	2010-02-02
EXHIBIT/P-00156/06	Cougar Safety Management System Video	Cougar	2010-02-02
EXHIBIT/P-00157	Cougar Air Operator Certificate (Excerpt of Company Operations Manual pages 1-10)	Cougar	2010-02-02
EXHIBIT/P-00158	Cougar Approved Maintenance Organization	Cougar	2010-02-02
EXHIBIT/P-00159	Cougar S-92 Passenger Briefing Card (Located in the seat pocket of the aircraft)	Cougar	2010-02-02
EXHIBIT/P-00160	HUEBA Instruction Card	Cougar	2010-02-02
EXHIBIT/P-00161	Cougar Safety Management System Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00162	Cougar Operational Control Centre Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00163	Cougar HFDM and HUMS Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00164	Cougar Sikorsky S-92 Helicopter Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00165	Cougar Sikorsky S-61N Helicopter Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00166	Cougar Training Systems Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00167	Cougar Helideck Survey Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00168	Cougar Search and Rescue Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00169	Cougar Emergency Medical Services Pamphlet	Cougar	2010-02-02
EXHIBIT/P-00170	Cougar Offshore Aerial Construction Pamphlet	Cougar	2010-02-02
EXHIBIT/C-00171	Cougar Company Operations Manual (Table of Contents)	Cougar	2010-02-02
EXHIBIT/C-00172	Cougar Maintenance Control Manual (MCM) (Table of Contents) (Extracts pages 1-8)	Cougar	2010-02-02

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Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/C-00173	Cougar Maintenance Policy Manual (MPM) (Table of Contents) (Extract pages 1-8)	Cougar	2010-02-02
EXHIBIT/C-00174	Cougar Company Maintenance Procedures Manual	Cougar	2010-02-02
EXHIBIT/C-00175	Cougar's Summary of S-92 Component Maintenance Manuals	Cougar	2010-02-02
EXHIBIT/C-00176	Cougar Heliport Procedures Manual 2009 (Table of Contents)	Cougar	2010-02-02
EXHIBIT/C-00177	Cougar Flight Dispatch Procedures Manual (Table of Contents)	Cougar	2010-02-02
EXHIBIT/C-00178	Cougar Emergency Response Manual	Cougar	2010-02-02
EXHIBIT/C-00179	Cougar Integrated Safety Management System (SMS)	Cougar	2010-02-02
EXHIBIT/C-00180	Cougar Quality System Manual ISO 9001 - 2008	Cougar	2010-02-02
EXHIBIT/C-00181	Cougar Audit Summary	Cougar	2010-02-02
EXHIBIT/P-00182	Cougar Preflight Safety Video	Cougar	2010-02-02
EXHIBIT/P-00183	Government of Newfoundland and Labrador Submission to the Offshore Helicopter Safety Inquiry (Phase 1A) - January 2010	Gov't NL	2010-02-04
EXHIBIT/P-00184	Canadian Forces SAR Video	DND	2010-01-27
EXHIBIT/P-00185	Abbreviations and Acronyms, 2010-01-27	DND	2010-01-27
EXHIBIT/P-00186	Canadian Forces SAR Helicopter Video	DND	2010-01-27
EXHIBIT/P-00187	C-NLOPB Presentation, 2010-02-17	C-NLOPB	2010-02-17
EXHIBIT/C-00188	C-NLOPB's Records of Four Complaints received by C-NLOPB re: Helicopter Transport, 2004-01-23 - 2009-05-17 (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/C-00189	C-NLOPB - Summary of C-NLOPB and Transport Canada Reported Helicopter Incidents Revised (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/C-00190	C-NLOPB's Audits and Inspection Activities (178 Observations) (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/C-00191	C-NLOPB Audit - HMDC - 1999 Training and Qualifications Audit and Administration (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/C-00192	C-NLOPB Audit - Petro Canada - 2002 Helicopter Operations (Redacted)	C-NLOPB	2010-02-17

Offshore Helicopter Safety Inquiry Exhibit List from 2009-10-28 to 2010-09-09

Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/C-00193	C-NLOPB Audit - HMDC - 2004 Safety Audit Leadership Coordination and Administration (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/C-00194	C-NLOPB Audit - Chevron - 2006 Helicopter, Marine and Drilling Operations and Administration (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/P-00195	Presentation of Lana Payne, President, NL Federation of Labour, 2010-02-11	Federation of Labour	2010-02-11
EXHIBIT/C-00196	C-NLOPB - Summary of C-NLOPB Reported Helicopter Incidents (Redacted)	C-NLOPB	2010-02-17
EXHIBIT/C-00197	C-NLOPB - Issues Arising From JOHSC Sessions - February/March 2006	C-NLOPB	2010-02-17
EXHIBIT/C-00198	C-NLOPB - 2006 (November) JOHSC Information Session Response	C-NLOPB	2010-02-17
EXHIBIT/C-00199	C-NLOPB - 2007 (October) JOHSC Meeting Record, 2007-12-04	C-NLOPB	2010-02-17
EXHIBIT/C-00200	C-NLOPB - 2008 (November) JOHSC Meeting Notes, 2009-01-00	C-NLOPB	2010-02-17
EXHIBIT/C-00201	C-NLOPB - Incident, 2001-04-05	C-NLOPB	2010-02-17
EXHIBIT/C-00202	C-NLOPB - Incident, 2001-12-16	C-NLOPB	2010-02-17
EXHIBIT/C-00203	C-NLOPB - Incident, 2006-01-18	C-NLOPB	2010-02-17
EXHIBIT/C-00204	C-NLOPB - Incident, 2009-10-11	C-NLOPB	2010-02-17
EXHIBIT/C-00205	Letters to Petro Canada, HMDC and Husky from C-NLOPB, 2009-06-09	C-NLOPB	2010-02-17
EXHIBIT/C-00206	C-NLOPB - Activity 2007-2009	C-NLOPB	2010-02-17
EXHIBIT/P-00207	Aerosafe - Kimberley Turner's CV	Aerosafe	2010-06-28
EXHIBIT/P-00208	Aerosafe Workers' Survey Report	Aerosafe	2010-06-28
EXHIBIT/P-00209	Aerosafe Safety Culture Report	Aerosafe	2010-06-28
EXHIBIT/P-00210	Aerosafe Regulatory Comparison Report	Aerosafe	2010-06-28
EXHIBIT/P-00211	Aerosafe PowerPoint Presentation	Aerosafe	2010-06-28
EXHIBIT/P-00212	Dr. S.R.K. Coleshaw CV	Dr. Coleshaw	2010-06-28
EXHIBIT/P-00213	Dr. S.R.K. Coleshaw Report	Dr. Coleshaw	2010-06-28
EXHIBIT/P-00214	PowerPoint Presentation of Dr. S.R.K. Coleshaw, 2010-06-28	Dr. Coleshaw	2010-06-28
EXHIBIT/P-00215	Michael Taber's CV	Michael Taber	2010-06-29
EXHIBIT/P-00216	Michael Taber's Report	Michael Taber	2010-06-29
EXHIBIT/P-00217	PowerPoint Presentation of Michael Taber, 2010-06-29	Michael Taber	2010-06-29
EXHIBIT/P-00218	NRC-IOT Jonathan Power's CV	NRC-IOT	2010-06-30
EXHIBIT/P-00219	NRC-IOT António J. Simões Ré's CV	NRC-IOT	2010-06-30

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Exhibit Number	Title	Witness/Counsel Entered Under	Date Exhibit Entered
EXHIBIT/P-00220	NRC-IOT Report on Human Performance in Immersion Suits	NRC-IOT	2010-06-30
EXHIBIT/P-00221	PowerPoint Presentation of Jonathan Power, NRC-IOT, 2010-06-30	NRC-IOT	2010-06-30
EXHIBIT/P-00222	Photo Front Suit HTS-1	Dr. Coleshaw	2010-06-29
EXHIBIT/P-00223	Photo Back Suit HTS-1	Dr. Coleshaw	2010-06-29
EXHIBIT/P-00224	Photo Front Suit E-452	Dr. Coleshaw	2010-06-29
EXHIBIT/P-00225	Photo Back Suit E-452	Dr. Coleshaw	2010-06-29
EXHIBIT/P-00226	NRC-IOT Canadian General Standards Board List, 2009-07-22	NRC-IOT	2010-06-30
EXHIBIT/P-00227	Aerosafe New Zealand Report	Inquiry Counsel	2010-09-08
EXHIBIT/P-00228	Cougar Personnel Survey Report	Inquiry Counsel	2010-09-08
EXHIBIT/C-00229	CAPP Helicopter Underwater Emergency Breathing Apparatus (HUEBA) Lessons Learned, 2010-04	Inquiry Counsel	2010-09-08
EXHIBIT/P-00230	Helly Hansen Canada Limited Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00231	Offshore Safety and Survival Centre, Marine Institute, Memorial University, Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00232	Transport Canada Submission I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00233	Canadian Association of Petroleum Producers (CAPP) Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00234	Government of Newfoundland and Labrador Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00235	Families of Deceased Passengers Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00236	Estates and Families of Flight Crew Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00237	Cougar Helicopters Inc. Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00238	Communications, Energy and Paperworkers Union, Local 2121, Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00239	Joint Operator Panel (Hibernia [HMDC], Husky and Suncor) Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00240	Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) Submission Phase I(c)	Inquiry Counsel	2010-09-08
EXHIBIT/P-00241	Transport Canada [Marine] Certificate of Approval T.C. 227.070.001	Helly Hansen	2010-09-09



ISSUES FOR CONSIDERATION

TERMS OF REFERENCE (excerpt)

Purpose

The purpose of this Inquiry is to determine what improvements can be made so that the Board [Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)] can determine that the risks of helicopter transportation of offshore workers are as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area.

General Mandate

The Commissioner's mandate will be to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for escape, evacuation and rescue procedures while traveling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices.

Specific Mandate

Specifically the Commissioner shall inquire into, report on, and make recommendations in respect of:

- (a) safety plan requirements for Operators and the role that Operators play in ensuring that their safety plans, as represented to and approved by the Board, are maintained by helicopter operators,

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(b) search and rescue obligations of helicopter operators by way of contractual undertakings or legislative or regulatory requirements,

(c) the role of the C-NLOPB and other regulators in ensuring compliance with legislative requirements in respect of worker safety.

OVERARCHING ISSUES

Issues:

1. Should there be a degree of separation within the C-NLOPB between offshore helicopter regulation and other offshore industry regulation?
2. Are the risk management systems of oil operators and the helicopter operator sufficient and adequate to ensure that the risks of helicopter transport are as low as reasonably practicable in the Newfoundland and Labrador offshore?
3. What is the role of organizational safety culture in offshore helicopter transport?
4. What are the most appropriate practices, standards, and forms of interaction between the C-NLOPB and the following:
 - (a) industry (including suppliers and providers)
 - (b) industry associations
 - (c) regulators of associated services
 - (d) other domestic and foreign oil and gas regulators and
 - (e) worker representatives

and are these interactions sufficient to ensure requirements that are understood, timely, achievable, and enforceable?

5. Does the C-NLOPB use best practices in relation to its regulatory role in helicopter transport safety?

Specific Issues:

6. What is the appropriate standard of first-response search and rescue that the C-NLOPB should require of all operators in the Newfoundland and Labrador offshore?
7. Are there circumstances other than declared emergencies in which a rescue helicopter should be dispatched to assist a transport helicopter?
8. Should there be a more formal protocol to identify the roles of the Department of National Defence and the helicopter operator regarding first response?
9. Are operational limitations on helicopter transport, in addition to those dictated by Transport Canada, required to ensure the standard of first response search and rescue is able to be maintained at all times? (*Note: For example, operational sea states, night flight and low visibility.*)
10. Should the C-NLOPB impose additional operational requirements on operators to ensure that the risk from helicopter travel in the Newfoundland and Labrador offshore is as low as is reasonably practicable? (*Note: For example, safety systems, auxiliary fuel tanks, location of and restrictions on seating, safety screening, etc.*)
11. Can helicopter transport safety be affected by the capacity of the helicopter transport fleet and, if so, what role should the C-NLOPB play in the determination of fleet capacity?
12. What are the appropriate standards of offshore helicopter safety training to ensure that the risk to passengers is as low as is reasonably practicable, during both training and helicopter transport?
13. What personal protective equipment and clothing are necessary for helicopter passengers and pilots; what are the standards, and should

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the C-NLOPB require guidelines to ensure such equipment and clothing are properly fitted?

14. Are changes needed to maximize worker and pilot participation in the development, implementation, and monitoring of helicopter safety initiatives and activities?
15. Should offshore workers have a level of personal accountability for their own safety in helicopter transport? *(Note: For example, clothing to be worn under the suit, fitness training, and reporting.)*
16. Does the C-NLOPB exercise sufficient oversight of the oil operators, aviation contractors, and other contractors to ensure that the risk to workers from helicopter transport is as low as reasonably practicable?
17. Should the C-NLOPB and oil operators' safety aviation audits include reviews of past responses to declared emergencies and emergency preparedness exercises?
18. What information from the helicopter operator about flight operations should the C-NLOPB require the oil operators to provide to offshore workers? *(Note: For example, alert service bulletins, airworthiness directives, incident reports, information regarding departures from normal flight times and routines, and the reasons.)*
19. Does the C-NLOPB have sufficient resources and expertise, including access to independent aviation expertise, to evaluate whether a proposal or plan for helicopter transport from industry ensures that the risks of helicopter transport are as low as reasonably practicable?
20. Should the C-NLOPB more directly involve itself in studies and research in Newfoundland and Labrador, and in other jurisdictions, to improve safety where the offshore oil industry uses helicopter transport? *(Note: For example, North Sea studies on preventing inversion of ditched helicopters and enhancement of passengers' ability to escape.)*

21. Should there be safety conferences for all parties involved in offshore helicopter transport, and if so, how often should they be held?
22. How often should the C-NLOPB review its regulations, guidelines, and standards with respect to offshore helicopter transport?

NOTE

It should be understood by the parties that the choice of the foregoing topics as issues does not imply that the Commissioner will necessarily make recommendations in respect of all or any particular issues.

Recommendations will be made at the sole discretion of the Commissioner after investigation as required by the Terms of Reference and the receipt of submissions from the parties.

List of Expert and Survey Reports

1. “Review of Selected Offshore Petroleum Regulatory Regimes”
Aerosafe Risk Management
2. “Review of New Zealand Offshore Petroleum Regulatory Regime”
Aerosafe Risk Management
3. “Overview of Best Practice in Organizational & Safety Culture”
Aerosafe Risk Management
4. “Report for the Offshore Helicopter Safety Inquiry”
Dr. Susan R. K. Coleshaw
5. “Human Performance in Immersion Suits”
National Research Council of Canada
Institute for Ocean Technology (NRC-IOT)
6. “Offshore Helicopter Safety Report”
Michael Taber
7. “Passenger Survey Report”
Aerosafe Risk Management
8. “Cougar Personnel Survey Report”
Aerosafe Risk Management

For the complete Report of each of the above, see Volume 2.

List of Submissions

Submissions by Parties with Standing

1. Helly Hansen Canada Limited
2. Offshore Safety and Survival Centre, Marine Institute, Memorial University
3. Hibernia Management and Development Company Ltd. (HMDC), Husky Oil Operations Limited and Suncor Energy Inc. (Joint Operator)
4. Cougar Helicopters Inc.
5. Families of Deceased Passengers
6. Estates and Families of the Flight Crew
7. Canadian Association of Petroleum Producers
8. Government of Newfoundland and Labrador Phase I(a)
9. Government of Newfoundland and Labrador Phase I(c)
10. Communications, Energy and Paperworkers Union, Local 2121
11. Transport Canada
12. Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)
13. Jack Harris, QC, Member of Parliament for St. John's East (oral presentation)

Oral Submissions by Presenters

14. William (Bill) A. Parsons, former President, Newfoundland and Labrador Federation of Labour
15. Lorraine Michael, MHA, Signal Hill-Quidi Vidi, Leader, New Democratic Party – NL
16. Lana Payne, President, Newfoundland and Labrador Federation of Labour

For the complete submission of each of the above, see Volume 2.

List of Consultations

1. Health and Safety Executive (UK)
2. Bristow (UK helicopter operator and Netherlands oil industry SAR provider)
3. CHC Helicopter (UK SAR provider)
4. OPITO (survival training certification organization)
5. Bond Offshore Helicopters Ltd. (UK oil industry SAR provider)
6. BP Project Jigsaw (UK oil industry SAR provider)
7. Shell (UK oil operator)
8. Helicopter Task Group – Oil & Gas UK
9. Rail Maritime and Transport Workers Union and Transport & General Workers Union (offshore workers' unions in UK)
10. Petrofac (UK safety trainers)
11. Survival-One Limited (UK survival suit manufacturer)
12. Norwegian Petroleum Safety Authority
13. SINTEF Petroleum Research
14. Industri Energi and Norwegian Union of Energy Workers (offshore workers' unions in Norway)
15. Falck Nutec (Norwegian safety trainers)
16. Canadian Forces Squadron 103, Gander, NL
17. Provincial Aerospace Limited (Secondary SAR for various countries)
18. Canadian General Standards Board Working Group

For a summary of the meeting with each of the above see Volume 3.

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As of July 15, 2010

Commissioner

Honourable Robert Wells, QC

Inquiry Counsel

John F. Roil, QC

Anne M. Fagan, LLB

Legal Research

Edward Vanderkloet, LLB

Office Manger/Registrar

Angela Williams

Secretary/Office Accountant

Patricia Tinkham

Information Manager

Jeanette Fleming

Financial Oversight

Neal Jackman, CA

Robert Healey, FCA (Until his passing, September 16, 2009)

Security

Hubert Hibbs

Editor

Claire Wilkshire, PhD

Technical/Network/Website Support

Triware Technologies Inc.

Communication Services

Pilot Communications

Transcription Services

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Report Design

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Printing

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Phase I

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