

OFFSHORE HELICOPTER SAFETY INQUIRY

February 3, 2010

Tara Place, Suite 213, 31 Peet Street

St. John's, NL

February 3, 2010

PRESENT:

John F. Roil, Q.C./

Anne Fagan.....Inquiry Counsel

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

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

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

Alexander C. MacDonald, Q.C./

Stephanie Hickman.. Husky Oil Operations Ltd.

Laura Brown Laengle Government of Newfoundland and Labrador

Norman J. Whalen, Q.C./ Michael Cohen..... Cougar Helicopters Inc.

Jamie Martin..... Families of Deceased Passengers

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

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

David F. Hurley, Q.C. Offshore Safety and Survival Centre, Marine Institute

Mark Freeman Department of Transport Canada

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1 February 3, 2010
 2 COMMISSIONER:
 3 Q. Good morning, ladies and gentlemen. Ready,
 4 Ms. Fagan?
 5 MS. FAGAN:
 6 Q. Yes, Commissioner. This morning, before we
 7 begin, we would like to have one correction
 8 made. We're not there yet, but in the
 9 PowerPoint, we realize that there's a slight
 10 correction should have been made to slide 61.
 11 So we would ask that Exhibit 155 be revised to
 12 have slide 61 replaced, and it's only one
 13 phrase in slide 61. It's a long list of items
 14 and an item that should have been on the list
 15 just wasn't listed. So we've added that item.
 16 COMMISSIONER:
 17 Q. Would you prefer to tell counsel what it is,
 18 so they'll be alerted when it -
 19 MS. FAGAN:
 20 Q. When it comes up, and -
 21 COMMISSIONER:
 22 Q. Because it'll be different from what they
 23 have.
 24 MS. FAGAN:
 25 Q. Right, and counsel for Cougar Helicopters has

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1 already circulated a copy of slide 61 to all
 2 the parties so that they have it.
 3 COMMISSIONER:
 4 Q. Oh well, in that case, that's fine then. All
 5 right then, the amendment will be inserted.
 6 MS. FAGAN:
 7 Q. Okay, thank you.
 8 COMMISSIONER:
 9 Q. Okay.
 10 MR. RICHARD BANKS, MR. RICHARD BURT AND MR. HANK
 11 WILLIAMS, EXAMINATION BY MS. ANNE FAGAN (CONT'D)
 12 MS. FAGAN:
 13 Q. Thank you. Now we're going to have a video
 14 played and I would just like -- I believe Mr.
 15 Williams is going to just describe what this
 16 video is. It's just over 15 minutes. I think
 17 it's either 15 or 16 minutes, and it's the
 18 pre-flight safety video. It's a little longer
 19 than what we would hear if we were on a Air
 20 Canada and I'd just like Mr. Williams to
 21 explain what we're going to see in this video
 22 and why it's 15 or 16 minutes long.
 23 MR. WILLIAMS:
 24 A. Okay. The video you're about to see is a pre-
 25 flight briefing video. Of course, many people

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1 travel on commercial airlines are used to
 2 either the flight attendant doing it or it's
 3 in a video screen in front of you. This video
 4 is, as Ms. Fagan had indicated, is roughly
 5 about 12 to 15 minutes long. It's a
 6 combination of requirements the video is
 7 comprised of. We are regulated and must show,
 8 as per CARS, Canadian Aviation Standards, we
 9 must show items on the aircraft, emergency
 10 exits, any -- where the fire extinguisher is
 11 located, first aid kits. That's our
 12 regulatory requirement. There's about maybe
 13 five, five and a half minutes that's a
 14 regulatory requirement from a Transport Canada
 15 point of view. The rest of the video is made
 16 up of a combination of Board requirements, C-
 17 NLOPB, and operator specific items that's
 18 there.
 19 So it's a combination of requirements
 20 that's packaged into one pre-flight video and
 21 that video is shown every time an individual
 22 steps on a helicopter and it's shown at the
 23 heliport when they leave and it's shown when
 24 they return in the heli-admin offshore. So
 25 every time an individual steps on a helicopter

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1 and returns, and I must say, at the heliport,
 2 I think passengers pay more attention to that
 3 video than most people on commercial airlines.
 4 You don't -- you won't see anyone reading a
 5 newspaper when they're watching that pre-
 6 flight video, and many times I've been on
 7 fixed wing aircraft and commercial aircraft
 8 and how many people is really watching that
 9 video, and I have to give kudos to passengers.
 10 They really do watch this video. So Ms.
 11 Fagan.
 12 MS. FAGAN:
 13 Q. Okay, thank you. Well, the Registrar had been
 14 alerted because this video takes a little
 15 while to load, so I think it's ready to go.
 16 (VIDEO STARTED)
 17 Cougar Helicopters is committed to
 18 providing all personnel with safe
 19 transportation to and from your offshore
 20 location. This video will help familiarize
 21 you with the features, equipment and safety
 22 procedures required for travel on the Sikorsky
 23 S-92. Estimated flight time to your
 24 destination is approximately one hour and 15
 25 minutes.

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1 Cougar Helicopters has strict policies
 2 concerning the possession of contraband items.
 3 Alcohol, firearms, weapons, matches and
 4 cigarette lighters are forbidden. Electronic
 5 equipment such as cell phones, pagers and
 6 cameras are not permitted to be used offshore
 7 and therefore will not be allowed on the
 8 helicopter. Personal computers may be
 9 transported at your own risk if you are within
 10 ten kilometres of your personal baggage
 11 payload limitation. Cougar has a no smoking
 12 policy while travelling on the helicopter.
 13 All prescription and non-prescription
 14 medications must be declared when you check
 15 in. Ball caps are not permitted to be worn
 16 and must be stowed in baggage. Newspapers are
 17 prohibited on board the helicopter. Only
 18 magazines and books are allowed in the
 19 passenger cabin. They must be placed inside
 20 your suits when walking to and from the
 21 aircraft. Earplugs or headsets must be worn
 22 before embarking or disembarking the aircraft.
 23 Helly Hansen is proud to supply the
 24 Nautilus E452 survival suits. The Nautilus
 25 E452 is approved to both Transport Canada

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1 marine and aviation standards. The suit is
 2 designed to meet your thermal protection and
 3 floatation needs and is equipped with various
 4 lifesaving accessories. Please watch the
 5 video carefully for important safety
 6 information.
 7 Once you have received your suit, inspect
 8 its general condition. Once you have checked
 9 the suit, tuck your pants into your socks and
 10 safely store any watches, rings and sharp
 11 objects. Sitting makes it easier to don the
 12 suits. Donning the suit is similar to putting
 13 on work overalls. Make sure the wrist seals
 14 are adjusted to your size and comfort.
 15 Familiarize yourself with the features and
 16 accessories of the Nautilus E452 survival
 17 suit. Ensure you know the location of each of
 18 these features. The suit is equipped with an
 19 integrated inflatable life jacket meeting all
 20 aviation and marine requirements. The suit
 21 may be fitted with a helicopter underwater
 22 emergency breathing apparatus or HUEBA and
 23 nose clips. The suit is also fitted with a
 24 personal locator beacon or PLB. There is also
 25 a whistle and water-activated survival light.

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1 These are accessible by either hand. A buddy
 2 line is located on the left chest. When
 3 protection is needed for your hands, pull out
 4 the gloves located on the forearm pockets.
 5 Once the gloves are on, the straps can be
 6 adjusted for your comfort and security. The
 7 spray shield is located at the back of the
 8 neck and can be used for additional protection
 9 from rain or spray.
 10 A HUEBA is a helicopter underwater
 11 emergency breathing apparatus. It is designed
 12 with enough compressed air to assist you in an
 13 escape from a partially or totally submerged
 14 helicopter. This system is based on the same
 15 design as a self-contained underwater
 16 breathing apparatus known as SCUBA. You may
 17 already know how to operate SCUBA equipment
 18 and this safety equipment operates in the same
 19 way.
 20 If a HUEBA is used correctly, it will
 21 provide its user with additional confidence
 22 and time for helicopter egress by supplying
 23 air when needed. The main benefit is extra
 24 time to escape from a partially or totally
 25 submerged helicopter. The endurance of the

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1 system can vary from person to person due to
 2 breathing rate and depth. The number one rule
 3 is to breathe normally both in and out on the
 4 way to the surface. The reason for this rule
 5 is this: if you hold your breath after
 6 breathing compressed air, on return to the
 7 surface it is possible to damage your lungs
 8 and suffer an air embolism due to the pressure
 9 decrease and the air volume increase in your
 10 lungs, but this is easily prevented by
 11 breathing normally while returning to the
 12 surface. This type of injury is very rare,
 13 but it can be life threatening and it requires
 14 specialist treatment.
 15 The pre-flight check is a simple visual
 16 inspection and functional test carried out by
 17 the helicopter provider or the heli-admin
 18 personnel offshore before you receive the
 19 HUEBA device. If you suspect that your device
 20 has any deficiencies, bring it to the
 21 attention of the heli-admin or helicopter
 22 provider personnel immediately. Once you
 23 receive your HUEBA verify that the valve is on
 24 by ensuring that the red indicator is not
 25 visible and the pressure gauge is in the green

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<p>1 zone. The dust cover on the second stage 2 regulator is designed to protect the mouth 3 piece and should only be removed during 4 emergency situations. 5 To use the HUEBA underwater do the 6 following: First, remove the nose clip from 7 the suit and place it on your nose. Next, 8 grasp the second stage regulator or demand 9 valve on your left shoulder with either one 10 hand or two and pull it clear of its dust 11 cover. Pull the hose clear from the suit 12 velcro. Now, place the demand valve in your 13 mouth and form a seal using your lips on the 14 outside of the mouthpiece. Support the demand 15 valve in your mouth by lightly gripping it 16 with your teeth following the areas on the 17 inside of the mouthpiece which are designed to 18 be gripped by your teeth. Do not bite down 19 hard as this could damage the mouthpiece. 20 When underwater, blow forcefully through the 21 mouthpiece. This will clear the water from 22 the demand valve. If you are unable to clear 23 the water with a forceful breath, you can use 24 the purge button on the front of the demand 25 valve. You can also place your tongue in the</p>	<p>1 clearly marked. All cabin and window exits 2 will illuminate in an emergency. Handles for 3 activation of exits will also be illuminated. 4 An emergency locator transmitter or ELT 5 is located in the front of the cabin. 6 Instructions are provided on the unit. The 7 ELT must be immersed in water to activate. 8 There are two on board fire 9 extinguishers, one located in the cockpit and 10 the other in the passenger cabin. There is 11 also a first aid kit in the main cabin. In 12 the event of an emergency in the passenger 13 cabin during the flight, leave your seat, go 14 forward and inform the flight crew. 15 There are two externally mounted life 16 rafts on the Sikorsky S-92 located in the 17 forward section of the sponsons. These will 18 normally be activated remotely by the flight 19 crew from the cockpit. There are three 20 floatation bags located on the helicopter, one 21 on either side of the cockpit and the other 22 under the tail boom. If an emergency landing 23 on water is necessary, the floatation bags 24 will be activated by the flight crew upon 25 landing.</p>
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<p>1 mouthpiece orifice to make this easier. The 2 use of the purge button should be kept to a 3 minimum because it decreases the endurance of 4 the unit. Once you have cleared the unit, you 5 can inhale air from the system while 6 completing your escape. You must try to 7 control your breathing, remembering to breathe 8 both in and out only through your mouth. Once 9 you begin breathing from a HUEBA it is vitally 10 important that you do not hold your breath. 11 If the unit runs out on the way to the 12 surface, keep the mouthpiece in your mouth. 13 This will remind you to breathe out on the way 14 to the surface and you may also receive 15 additional air as the pressure decreases and 16 residual air in the cylinder may become 17 available. 18 The helicopter has three emergency exits, 19 two located in the rear of the cabin and one 20 located in the forward section opposite the 21 main cabin entrance. The main cabin door is 22 the standard passenger exits and can also be 23 used in an emergency. In addition to the 24 three emergency exits, there are ten windows 25 that are designated as emergency exits and are</p>	<p>1 When your flight is called, carefully 2 follow the boarding instructions of the 3 escort. Always follow your escort and 4 approach the helicopter in single file from 5 the side and in view of the pilots. Exercise 6 caution when walking around the front of the 7 helicopter to avoid contact with the pitot 8 tubes. Avoid the tail rotor at all times. 9 When embarking and disembarking, only one 10 person at a time is permitted on the stairs. 11 Once inside the helicopter (no audio) 12 fasten your seatbelt. The seatbelts in the S- 13 92 are the four-point harness type. To 14 fasten, secure the strap around your waist. 15 Lock into the buckle, pull down the shoulder 16 straps and lock into place. Adjust the waist 17 straps one side at a time for comfort. To 18 release, turn the knob. Seatbelts and 19 headsets should be worn during the entire 20 flight. You must be able to hear 21 announcements from the flight crew at all 22 times. Please read the safety briefing card 23 located in the seat pocket in front of you or 24 adjacent to you. 25 In the event of an emergency, the pilot</p>

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1 will advise you to prepare for ditching. If
 2 this occurs, remove your headset and place on
 3 your knee. Tighten your seatbelt. Remove
 4 your eyeglasses. Don the hood and close the
 5 front zipper. Check for your gloves and
 6 tighten the wrist seals. Be sure you know
 7 where the nearest emergency exit is located.
 8 When the pilot issues the command "brace,
 9 brace, brace" assume the brace position.
 10 Remain in this position until the helicopter
 11 has landed.

12 If the helicopter lands on water, remove
 13 the windows immediately and prepare for
 14 evacuation. Listen for instructions from the
 15 flight crew. To remove an emergency window
 16 exit, strike any corner. To open the main
 17 cabin door, rotate the upper door handle and
 18 slide the door rearward. To jettison the
 19 other three cabin emergency exits, rotate the
 20 handle. The wire will break free. Push the
 21 bottom of the hatch.

22 If the helicopter has landed on its side,
 23 the seats can be used as a ladder to aid in
 24 climbing out the nearest emergency exit.
 25 Each individual must decide for

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1 themselves when to use a HUEBA, but there are
 2 a few important considerations. It is vitally
 3 important to carry out the ditching procedures
 4 that you have been taught. These procedures
 5 are designed to minimize the possibility of
 6 being injured on impact and they should not be
 7 compromised by trying to operate the HUEBA.
 8 Remain in the brace position during the impact
 9 phase. Make sure you take a breath. If you
 10 can place the regulator in your mouth before
 11 you go under water, then do so. If you
 12 cannot, follow the procedure described
 13 previously on how to clear it under water and
 14 continue with your egress.

15 Normally the flight crew will remotely
 16 activate the sponson-mounted life rafts from
 17 the cockpit. They can also be activated by
 18 pulling on the red handle until the life raft
 19 begins to inflate. Ensure the rotors have
 20 stopped prior to activating the life rafts.
 21 The life rafts should be boarded from the
 22 aircraft whenever possible. Sometimes,
 23 however, it is necessary to board the life
 24 raft from the water. In such a situation,
 25 make sure your lifejacket inflation toggles

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1 are accessible.

2 On entering the water, inflate your
 3 lifejackets pull the yellow tab downwards
 4 toward your feet. The lifejacket can also be
 5 inflated and deflated manually using the
 6 integrated oral inflation tube. Do not
 7 inflate the lifejacket while in the aircraft.
 8 The Sea Marshall PLB will be activated
 9 automatically upon contact with the water.
 10 When protection is needed for your hands, don
 11 the gloves located on the forearm pockets.
 12 Note again the locations of your whistle and
 13 buddy line. Remember, the spray shield is
 14 located at the back of the neck and can be
 15 used for additional protection from rain or
 16 spray. Board the life raft using the ramps
 17 provided. Should an emergency occur, be
 18 assured that help is on the way.

19 In preparation for landing or the air
 20 crew advises you to do so, don your hood and
 21 close the front zipper. Once the helicopter
 22 has landed on the installation, remain seated
 23 with your seatbelt fastened until the seatbelt
 24 sign has been turned off.
 25 When instructed, disembark the aircraft.

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1 Cross the helideck with caution. Walk on the
 2 netting, not in between the netting. Pick up
 3 a piece of baggage nearest you or from the
 4 deck crew and proceed directly to heli-admin.
 5 Follow your escort. Always ensure that you
 6 have the free use of one hand as it is
 7 mandatory that you hold the handrail at all
 8 times when walking to and from the helideck.

9 Remember, it is imperative that you
 10 follow all helicopter safety instructions.
 11 When it is time to board the helicopter,
 12 follow the escort's instructions and walk
 13 single file. Always approach the helicopter
 14 from the side and in view of the pilots.
 15 Avoid the tail rotor at all times. Only one
 16 person at a time is permitted on the stairs.
 17 When offshore, pay close attention when
 18 walking on the netting and down the stairs.
 19 Wear your seatbelt and headset throughout the
 20 flight. Prior to landing and departure, don
 21 your hood, close the front zipper and tighten
 22 the seals. It is important to remember the
 23 emergency procedures for ditching and always
 24 follow the pilot's instructions. Remember to
 25 ask questions if there is anything you don't

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1 understand. Once you've reached your
 2 destination, remain seated until the seatbelt
 3 sign is turned off. Leave the helicopter as
 4 instructed by your escort. Please read the
 5 safety briefing card. Enjoy your flight.
 6 (VIDEO ENDED)
 7 MS. FAGAN:
 8 Q. You have said that that video is played on the
 9 way out and on the way back. We also saw in
 10 the video a reference to a passenger briefing
 11 card and I understand that the card, as well
 12 as the HUEBA instruction card, is on the
 13 aircraft. Is that correct?
 14 MR. WILLIAMS:
 15 A. That is correct. There's a copy of each of
 16 those available for every passenger that's on
 17 board.
 18 MS. FAGAN:
 19 Q. Okay. They have been entered as Exhibit 159
 20 and 160 and I understand Mr. Williams has the
 21 actual card, which we're going to have just
 22 passed around as the presentation continues,
 23 and copies of these cards are in the package
 24 of exhibits as well.
 25 Now we noted on the video, there was a

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1 section there in the middle where the audio --
 2 there was no audio and then there was a
 3 message along the bottom and it had to do with
 4 the goggles.
 5 MR. WILLIAMS:
 6 A. Correct.
 7 MS. FAGAN:
 8 Q. And I noted in the video that the goggles were
 9 strapped, I believe, to the seat, to the
 10 seatbelt.
 11 MR. WILLIAMS:
 12 A. Correct, yeah.
 13 MS. FAGAN:
 14 Q. Is that a change? Because I know we
 15 questioned why is there no audio and now this
 16 message on the bottom. Has there been a
 17 change with respect to the placement of the
 18 goggles?
 19 MR. WILLIAMS:
 20 A. Yes, there has. If I can recall, one of the
 21 recommendations that came out of the HOTF
 22 committee, the Helicopter Operations Task
 23 Force, was that people were finding it
 24 difficult to reach the goggles. The goggles
 25 were always located beneath the seats. So

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1 that's been an ongoing change and I think I
 2 have a little bit more information on a slide
 3 a little later on.
 4 MS. FAGAN:
 5 Q. Okay.
 6 MR. WILLIAMS:
 7 A. About the goggles being moved, and the video
 8 is always changing depending on anything we
 9 change in our operation, and that's the
 10 immediate fix right there now for the goggles
 11 is to put a caption in there, but there is
 12 ongoing to get the audio back in in that
 13 little slot as well, yes.
 14 MS. FAGAN:
 15 Q. Okay, thank you. You noted that this is
 16 what's played when the workers leave the rig
 17 or the platform. There was some information
 18 provided in other presentations as to the
 19 process on the helideck itself and we had
 20 heard that Cougar has been involved in either
 21 training or dealing with the helideck crew.
 22 So has Cougar Helicopters trained or provided
 23 any information to the helideck crew? And
 24 these are the people that manage the landing
 25 and the movement of the passengers on the rig

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1 or the platform.
 2 MR. WILLIAMS:
 3 A. Yeah. Well, I want to be clear, we do not --
 4 we do not offer helicopter landing officer
 5 courses, but as part of the HLO courses that's
 6 offered through the Marine Institute, we play
 7 a little segment in that and what we are
 8 really concerned about is aircraft
 9 familiarization. When there's an HLO course
 10 being offered, they will end up at our
 11 facility for aircraft familiarization. All
 12 the HLOs, the helicopter landing officers and
 13 the crew need to know specifics of the
 14 particular aircraft, how to refuel it, how to
 15 properly open the doors, close the doors, and
 16 how to load and unload passengers. So
 17 basically the HLO team offshore, when a
 18 helicopter lands and takes off, becomes our
 19 heliport personnel force. So they manage the
 20 passengers off and on the helicopter while
 21 it's offshore. So yes, we are involved, but
 22 specifically on aircraft familiarization. As
 23 you've heard, we've changed from Pumas to 92s.
 24 We have an S-61 here. So the landing crews
 25 need to know specifics on the particular

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1 aircraft that they will be servicing for us,
 2 yes.
 3 MS. FAGAN:
 4 Q. Okay, and it's these crews that look after the
 5 passengers and the baggage? Is that correct?
 6 MR. WILLIAMS:
 7 A. That is correct.
 8 MS. FAGAN:
 9 Q. How long does it take to offload passengers'
 10 baggage and then refuel and then load
 11 passengers and their baggage? What's that
 12 process?
 13 MR. WILLIAMS:
 14 A. That will vary, of course, depending on the
 15 amount of passengers, amount of refuel
 16 requires. We are not always refuelling
 17 offshore. Sometimes we are carrying enough
 18 fuel to return. So that varies, so an average
 19 would be about 20 minutes we spend on the deck
 20 offshore.
 21 MS. FAGAN:
 22 Q. Okay. We also heard that the pilots conduct a
 23 fuel sample on the helideck.
 24 MR. WILLIAMS:
 25 A. Correct.

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1 MS. FAGAN:
 2 Q. And I don't know which one of you want to look
 3 after that question, but what is that? We
 4 heard it, but we haven't had a description of
 5 that procedure. Why is that procedure taken
 6 and how did that develop or come about?
 7 MR. BURT:
 8 A. Right. I can speak to that. The fuel, first
 9 of all, in the helitanks, we call them,
 10 offshore, that fuel is actually the -- is
 11 Cougar's responsibility and the fuel quality.
 12 We do train the staff offshore in the
 13 monitoring, what we expect from that, even
 14 when the tank arrives. There's samples of
 15 that tank that are logged and recorded. When
 16 the aircraft -- and actually, before the
 17 aircraft comes in, the HLO will run the fuel
 18 through the fuelling system and we have an
 19 inline fuel sampler that's designed to take a
 20 nice clear and bright, we call it, visual look
 21 at the fuel, clear and bright, and we say that
 22 because you can see a slug of water in the
 23 bottom. It's very detectable. And the other
 24 one is that it allows for a very secure
 25 sample. We use a Shell detection kit. It's a

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1 kit that we supply. We train the crews how to
 2 use that. So they'll take that fuel and
 3 they'll take a sample and have it ready. When
 4 we come in, as a flight crew, I would go out
 5 and meet with the HLO. He would show me the
 6 sample, show me the clear and bright fuel and
 7 then I would give them the thumbs up to begin
 8 refuelling.
 9 So we know what the fuel condition is
 10 before we start. We refuel the aircraft and
 11 they have their procedures for that. Once
 12 we're finished refuelling, again they take
 13 another sample. When we're finished, same
 14 thing, have a look at the fuel visually. We
 15 do the Shell test kit as well, have a look at
 16 that visual test kit and again, you can
 17 actually see if there's any water particles.
 18 It's a very visual inspection, and then once
 19 that is viewed as pass, the flight crew will
 20 actually sign a document stating that it is
 21 acceptable and then that flight then is
 22 secured from a refuelling point of view.
 23 MS. FAGAN:
 24 Q. Okay, thank you. Cargo, is cargo transported
 25 in the passenger cabin, in the compartment

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1 with the passengers on the S-92?
 2 MR. BURT:
 3 A. No, the cargo is actually transported in the
 4 rear compartment, in the ramp section of the
 5 aircraft.
 6 MR. WILLIAMS:
 7 A. A separate area of the aircraft.
 8 MS. FAGAN:
 9 Q. Okay, and is there any reason that that is
 10 done? Why don't you put the cargo in with the
 11 passengers?
 12 MR. BURT:
 13 A. Well, we don't mix the two. We have no need
 14 to and no requirement to. We don't mix those
 15 two, passengers and cargo.
 16 MS. FAGAN:
 17 Q. Okay. Has Cougar Helicopters had any
 18 communication from the C-NLOPB with respect to
 19 the location of the cargo in the S-92?
 20 MR. WILLIAMS:
 21 A. No. You know, our cargo carrying in the cabin
 22 is strictly we operate under the Transport
 23 Canada rules and I personally, and I don't
 24 think our organization has any direct
 25 consultation or information from the Board on

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1 any specifics about cargo.
 2 MS. FAGAN:
 3 Q. Okay. So are you saying you follow the
 4 Transport Canada regulations for cargo?
 5 MR. WILLIAMS:
 6 A. Correct.
 7 MS. FAGAN:
 8 Q. Okay. Now the slide, I believe, that's up is
 9 slide 57 and that is the helicopter return
 10 notification protocol and what I'm looking for
 11 here is a description of what happens when a
 12 helicopter has to turn around and return to
 13 St. John's or an alternate. For whatever
 14 reason, the helicopter does not land on the
 15 helideck on a rig or a platform as
 16 anticipated, and I understand there is a
 17 protocol. We've heard information that, you
 18 know, the communication to the passengers is
 19 very important because this is very stressful
 20 to not land as you anticipated and to turn
 21 around, and there's a lot of worry and stress.
 22 So can you explain what happens?
 23 MR. WILLIAMS:
 24 A. Okay. I'll start off by saying not all
 25 turnarounds are as a result of a mechanical

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1 issue or any concern. We do turn around quite
 2 often if the weather -- changes in the weather
 3 in route or at our alternates, as was
 4 described yesterday, but I'd like to talk
 5 about in the event that we would turn around
 6 because of any type of a mechanical issue or
 7 any of those details.
 8 Of course we all -- when we all travel
 9 our self, we're very interested to see what
 10 that pilot is going to say to us over the PA
 11 system when we do turn around or we deviate
 12 from our planned route. So the first thing
 13 that would happen on a turnaround is that once
 14 the -- of course, priority one, the pilot will
 15 put his plan in place and his next step is to
 16 brief the passengers via the public address
 17 system on the aircraft to a very briefing on
 18 why he's turning around and what his plans is.
 19 The pilot then will notify our dispatch office
 20 and our traffic office of -- again, to the
 21 reasons why he's turning around, so they can
 22 start preparations for anything they need to
 23 do.
 24 Once the aircraft gets back -- I should
 25 say prior to the aircraft getting back, we do

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1 have -- I mentioned each of our individual
 2 operators have what we call a single point of
 3 contact, the logistics personnel, so our
 4 operations guy that day will definitely be --
 5 you know, most times before the aircraft gets
 6 back on the ground, there's communication that
 7 the aircraft is turning around, this is what
 8 it's turning around for.
 9 So we've had communications with the
 10 passengers at this point. We've communicated
 11 to the logistics group from the operators via
 12 phone, and more importantly, when the aircraft
 13 lands back on the ground, and what you'll see
 14 when the aircraft lands back on the ground,
 15 you will see an operations individual go and
 16 speak to the pilots to get a further briefing,
 17 a further update on why he turned around and
 18 you will see a briefing conducted, usually in
 19 our briefing theatre, on a little bit more
 20 detail than the pilot gave them in flight onto
 21 reasons why they turned around. A lot of
 22 times the pilot will come in with us and do
 23 that, if it's in the event that we think we
 24 need more detail from him.
 25 Subsequent to that, of course, the base

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1 operations manager or his delegate will
 2 provide a brief summary to the operators via
 3 e-mail of the details, why they turned around,
 4 and the biggest challenge here is most of the
 5 time people want the information exactly, the
 6 term we use is timely and accurate. To get
 7 accurate information, sometimes you need some
 8 time. So, you know, we work on that and a lot
 9 of times, the passengers will be probably
 10 turned around and gone on a subsequent
 11 aircraft or sometimes on the same aircraft
 12 until we really get the details of what
 13 happened from our maintenance group. So that
 14 can take anything from a few minutes to an
 15 hour to sometimes the next day before we
 16 really know what the assessment of the reason
 17 why we turned around or the details of that
 18 reason.
 19 So there's where we come into what we
 20 call customer notification form. So what
 21 we've committed to our customers is that --
 22 our customers being our individual operators,
 23 that in 24 hours, we will have prepared what
 24 we call customer notification form to you, and
 25 that customer notification form will contain,

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1 of course, the base, the date of the event,
 2 the nature of the event, flight crew dialogue.
 3 In any turnaround, our flight crew comes back
 4 and files under -- and it's a driven system
 5 that when they file their flight report, they
 6 have to give us details of that flight. So
 7 that will be entered into our system, the
 8 dialogue, the pilots, what they -- words right
 9 from the pilot of why they turned around and
 10 what was their event. That's on that customer
 11 notification form.
 12 And then, of course, we get the
 13 maintenance actions. We get the maintenance
 14 actions onto whether they changed a component,
 15 they did -- required a subsequent test flight.
 16 All the details is entered in there as well.
 17 And you will see comments there from the
 18 logistics comments, what was the impact on the
 19 activity. Did we -- did the passengers go out
 20 two hours later or they're going out the
 21 subsequent day or these types of things. And
 22 there's an operations summary of what did that
 23 turnaround really mean to the operation, what
 24 was the impact.
 25 So that notification goes out in 24

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1 hours. So you know, if I can go back, we
 2 start from immediately on the turnaround the
 3 pilot will brief the passengers, going right
 4 back to the end, at least 24 hours later we
 5 have a customer notification event form in.
 6 And it doesn't stop there if it was considered
 7 a safety event. If it becomes a safety event,
 8 then it goes into our safety system for
 9 action. So that's basically the crux of what
 10 the communication on a turnaround that will
 11 happen within a 24-hour period.
 12 MS. FAGAN:
 13 Q. I take it that it is quite possible that when
 14 the passengers are briefed -- I mean, I can
 15 understand if the pilots are busy trying to
 16 fly the helicopter that, you know, they only
 17 have so much time to brief the passengers.
 18 But once you're back on the ground and then
 19 the passengers go into the briefing room and
 20 then there's an expectation that well, now,
 21 you have to get on -- you know, go again on
 22 another helicopter a half hour later. I
 23 understand from what you're saying it is
 24 possible that during that briefing, you may
 25 not know the reason for the turnaround. For

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1 example, a chip light.
 2 MR. WILLIAMS:
 3 A. We will know the reason for the turnaround,
 4 but we won't know the conclusion of the chip
 5 light.
 6 MS. FAGAN:
 7 Q. Okay. So you'd know it's a chip light, but
 8 you won't be able to say why the chip light
 9 went off?
 10 MR. WILLIAMS:
 11 A. Correct.
 12 MS. FAGAN:
 13 Q. But when would -- if it was a chip light, when
 14 would sort of the determination or the
 15 investigation of the chip light be dealt with?
 16 MR. WILLIAMS:
 17 A. Well, you know, it depends. If we're not
 18 using all of our aircraft that day, the
 19 priority is like let's take another aircraft
 20 and let's move the people offshore. But
 21 within -- we will pretty well assess that chip
 22 light within two to three hours to see what
 23 further maintenance action is required.
 24 MS. FAGAN:
 25 Q. Okay.

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1 MR. WILLIAMS:
 2 A. But we're always not waiting two or three
 3 hours before we put passengers on a subsequent
 4 aircraft and move offshore, or a substitute
 5 aircraft, I should say.
 6 MS. FAGAN:
 7 Q. Okay. So for example, let's say the
 8 maintenance department dealt with the chip
 9 light issue and had a conclusion, knew what
 10 the cause was at midnight. They go in four or
 11 five hours, they've taken the thing apart and
 12 they figured it out and they now know. That
 13 would be maintenance action. So that would be
 14 in the maintenance action portion of the
 15 notification form?
 16 MR. WILLIAMS:
 17 A. The customer notification form, yes.
 18 MS. FAGAN:
 19 Q. Okay. So that would meet the 24 hours, that
 20 would likely occur with that 24 hours?
 21 MR. WILLIAMS:
 22 A. Correct.
 23 MS. FAGAN:
 24 Q. Okay. So then what happens with the customer
 25 notification form? I mean, where does that

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1 form go? You filled out the form, but where
 2 does it go? Who gets it?
 3 MR. WILLIAMS:
 4 A. It goes to our single point of contact, which
 5 I mentioned was the logistics individuals for
 6 each company and they will fan it out as they
 7 see fit from there, and I don't want to speak
 8 for how they fan it out, but my understanding
 9 is that this goes to the offshore workforce,
 10 more specifically to any passengers that was
 11 affected by that particular flight.
 12 MS. FAGAN:
 13 Q. Okay.
 14 MR. WILLIAMS:
 15 A. But it is -- you know, once we get it to them,
 16 they disseminate it how they see fit.
 17 MS. FAGAN:
 18 Q. Okay, and just to be clear, if it was a chip
 19 light and the maintenance department was
 20 dealing with trying to determine the reason
 21 for the chip light, would that helicopter go
 22 without that determination being made or would
 23 you use a different helicopter?
 24 MR. WILLIAMS:
 25 A. You mean the -- no, absolutely not. The

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1 aircraft would not be returned to service
 2 until there was a full evaluation of the
 3 reason for that chip light.
 4 MS. FAGAN:
 5 Q. Okay.
 6 MR. WILLIAMS:
 7 A. Yeah, absolutely.
 8 MS. FAGAN:
 9 Q. Now, the next section is first response, and
 10 we have a video on first response and I think
 11 what we would do is probably play the video
 12 and then have a discussion as to the
 13 capabilities and the types of services that
 14 Cougar provides by way of first response and
 15 medevac. So that's the next video.
 16 (VIDEO PLAYED)
 17 Rescue specialists. Although
 18 contractually required to provide first
 19 response only, Cougar Helicopters has
 20 developed the initial first response team to
 21 such a level that they are now capable of
 22 search and rescue. Regardless, medevac has
 23 always been a capability that complemented
 24 both levels and has also evolved over the
 25 years. Today, Cougar Helicopters can conduct

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1 search and rescue when required, but mostly
 2 perform medevac flights. Cougar's search and
 3 rescue capability is recognized by the Federal
 4 Government as a taskable asset in its own
 5 response plans and protocols.
 6 Cougar rescue specialists have a unique
 7 and diversified experience base in search and
 8 rescue operations, such that we are recognized
 9 as a taskable asset through the JRCC or Joint
 10 Rescue Coordination Centre as part of Canada's
 11 national SAR system. For the primary response
 12 for SAR operations on the east coast remains
 13 with the military in the 103 Rescue Squadron
 14 in Gander. There are occasions, however,
 15 where that asset may not be available, whether
 16 it be maintenance issues with their own
 17 aircraft, previously deployed on other
 18 operations or weather conditions in their area
 19 that may preclude them from responding. When
 20 that occurs, then certainly they know Cougar
 21 is prepared and able and willing to respond as
 22 required. Basically what that means is if an
 23 event was to occur outside our primary
 24 response responsibility, which is oil and gas,
 25 the response centre can contact Cougar,

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1 request us to respond. Although operator
 2 approval is required, we've got a pretty wide
 3 latitude in our ability to respond and
 4 certainly in life and death scenarios, we
 5 would respond immediately and notify the
 6 operators as we initiate the response.
 7 The effectiveness of Cougar's response
 8 has been demonstrated time and again by
 9 successful deployment in a number of emergency
 10 response and search and rescue operations. At
 11 all times, there must be a serviceable
 12 helicopter on the ground ready to respond as
 13 an emergency response platform. We have eight
 14 dedicated pilots who take turns rotating into
 15 the emergency response role, where response is
 16 what they do exclusively. We also have 12
 17 full-time rescue specialists on staff.
 18 Cougar's rescue specialists are highly trained
 19 professionals with skills that are truly world
 20 class. Most are former military air crew
 21 hired because they have the specialized skills
 22 and experience that we require.
 23 When we recruit to hire rescue
 24 specialists, we predominantly seek experienced
 25 individuals who have worked in search and

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1 rescue in the past. Our main target audience
 2 for that is ex-military personnel, simply
 3 because they come with a wealth of experience
 4 and knowledge already and their operational
 5 procedures and equipment is very similar to
 6 ours and they integrate into our system very
 7 smoothly and quickly.

8 Skills are kept current with 40 hours per
 9 month of ongoing training, on the ground, in
 10 the air, from support vessels and in the
 11 water.

12 There's a constant training regiment
 13 within the search and rescue program at Cougar
 14 Helicopters. We have minimum required
 15 standards. We constantly strive to exceed
 16 those minimum standards. There's required
 17 annual ground school. There's ground training
 18 exercises that take place, as well as flight
 19 training exercises where we try to mimic as
 20 many potential response scenarios that we may
 21 encounter, whether that be hoisting to the
 22 water, to a ship or vessel, or even to land.
 23 We do quite a bit of training over land as
 24 well to hone our skills.

25 Cougar provides an all-weather daytime

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1 emergency response capability. At this time,
 2 Cougar's nighttime emergency response
 3 capability is restricted to searching,
 4 hoisting from well-lit areas and the
 5 deployment of airborne rescue kits or SCADS.
 6 However, Cougar is implementing an auto hover
 7 system that will enable full nighttime rescue
 8 operations once the system has passed
 9 Transport Canada's stringent regulatory
 10 approval process and crew training with the
 11 new system is completed.

12 (VIDEO ENDED)

13 MS. FAGAN:
 14 Q. Thank you. Now I believe Mr. Burt is going to
 15 lead on this and have Mr. Banks join in at
 16 certain segments and I'll leave that to the
 17 panel to answer the questions as they see fit.
 18 The first question is we've seen in this video
 19 a description of Cougar's capabilities. Could
 20 you summarize the first response capabilities
 21 and how that's done?

22 MR. BURT:
 23 A. Sure. The first response scope of work that
 24 we're responsible for requires us -- it's a
 25 dedicated service, and that service, we have a

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1 requirement to be airborne, wheels up, within
 2 one hour. The capability, we have rescue
 3 specialists on board. We currently have now
 4 three rescue specialists. We call one a
 5 primary cabin attendant, a hoist operator, and
 6 a rescue swimmer. The nature of the standby
 7 is to provide search, as you've heard, and
 8 rescue services, as well as medical evacuation
 9 of emergency medical trips. So we have the
 10 capability through our flight management
 11 system to do search patterns both day and
 12 night. We have search lights on board for
 13 night time as well, and radar, for that
 14 matter. The aircraft is equipped with a winch
 15 or a hoist that will allow a rescue specialist
 16 to go down to the water to a life raft, to a
 17 vessel, or to a platform, and extract an
 18 ambulatory or even a stretcher patient and
 19 bring them back up to the aircraft. So that
 20 capability, of course, we have that full day
 21 time, we have -- as the video pointed out
 22 quite well, we have a limited night time
 23 application. We can do that to some well lit
 24 environment, such as a rig, or in some cases a
 25 supply vessel, and we have done that. The

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1 service and the nature of the service is
 2 unique because it is basically supplied from a
 3 pool of three aircraft, or any aircraft in a
 4 passenger configuration can be converted to a
 5 first response capability, and that also
 6 explains the one hour dispatch time. If I
 7 could, I could go into how that might happen.

8 MS. FAGAN:
 9 Q. That would be fine. Go ahead and tell us how
 10 you do it.

11 MR. BURT:
 12 A. Okay, sure. Typically the aircraft is in a
 13 passenger configuration, so the sequence of
 14 moving it to a first response would be, number
 15 one, removing seats from the aircraft. We
 16 would have to install hoist on the aircraft,
 17 put in a seat or the tray, you know, so as we
 18 hoist people up there's salt water there. We
 19 would put in the search and rescue equipment.
 20 In most cases it would have to be refuelled.
 21 The search and rescue team would also be
 22 called in. They may not be on site. That
 23 includes the rescue specialist and the flight
 24 crew. As the aircraft is prepped, there's
 25 also some ancillary equipment such as the

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<p>1 search and rescue -- we have a special search 2 and rescue door that is installed on the 3 aircraft to help effect that mission, and 4 that, of course, is a special piece of kit. 5 MS. FAGAN: 6 Q. So the seats come out, the hoister winch has 7 to be attached? 8 MR. BURT: 9 A. Uh-hm. 10 MS. FAGAN: 11 Q. And a door -- 12 MR. BURT: 13 A. Installed. 14 MS. FAGAN: 15 Q. A door installed. So the existing door -- 16 MR. BURT: 17 A. Is taken off. 18 MS. FAGAN: 19 Q. Is taken off, and another door put on, and 20 what about fuel? Is it necessarily fuelled or 21 not fuelled? 22 MR. BURT: 23 A. Yes, it would be -- 90 percent of the time you 24 would have to adjust your fuel load. 25 MS. FAGAN:</p>	<p>1 MR. BURT: 2 A. That's right. 3 MS. FAGAN: 4 Q. Is there a -- what about the planning? If you 5 get a phone call from the rig or the platform, 6 how does the flight planning work and the 7 communication with the air traffic control? 8 We heard from Colonel Drover that air traffic 9 control generally requires a certain amount of 10 time and notice. So who looks after the 11 planning and -- 12 MR. BURT: 13 A. This is for a first response mission? 14 MS. FAGAN: 15 Q. Yes, for a first response mission. 16 MR. BURT: 17 A. Right. 18 MS. FAGAN: 19 Q. Because not only do you have to fuel and 20 change the seats, that type of thing, you have 21 to get your crew in, but there's a flight 22 planning component, as I understand it. So 23 who looks after that and when is that done? 24 MR. BURT: 25 A. Right, that comes right into the dispatcher</p>
<p>Page 42</p> <p>1 Q. Now you mentioned that you may have to call in 2 the crew. Generally speaking, where would the 3 crew be, and is there a difference if it's day 4 time or night time, or if you're flying or not 5 flying? Where are you crew? 6 MR. BURT: 7 A. We don't differentiate day time/night time. 8 Our posture is the same, one hour day, one 9 hour night. Our crew are always by hire where 10 they live are within a maximum of 30 minutes 11 from the facility, and whether they're in some 12 cases on site during the day or off site 13 during night, and in some cases they may be at 14 home on standby as well, but again these are 15 dedicated crew, that's what they do, and so 16 that is a focus right now with this -- we have 17 an enhanced first response capability right 18 now. 19 MS. FAGAN: 20 Q. We had heard earlier that the co-authority, 21 the OCC Centre, is staffed 24/7. 22 MR. BURT: 23 A. Correct. 24 MS. FAGAN: 25 Q. In that there's someone there 24 hours a day.</p>	<p>Page 44</p> <p>1 that's sitting there 24/7 on that standby, and 2 it is 24/7 on site, everything is up and 3 running. Again it's seamless in that regard. 4 The call comes in, they have the emergency 5 response manual, and again we have that 6 exhibit here too, if necessary. 7 MS. FAGAN: 8 Q. Yes. 9 MR. BURT: 10 A. And that manual has a very strict protocol, 11 who to call, when to call, what numbers to 12 call, and the sequence that's involved, and as 13 it comes in, first of all we'll notify the 14 RCC, the Rescue Coordination Centre, we will 15 notify our senior managers, the Director of 16 Flight Operations, Hank and myself, for 17 example, would be notified, and that's all 18 done by one notification, it's a blast e-mail 19 that goes out. Automatically with that as 20 well even in our hangar, all of our screens 21 with go to SAR. When a SAR mission comes up, 22 our engineers will see that, and they'll all 23 be notified and then we have a sequence of 24 people who are notified long after that. I 25 mean, a long list of people notified during</p>

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1 that process.
 2 MS. FAGAN:
 3 Q. And the seats and the hoist and the door, that
 4 all is done by the Maintenance Department, is
 5 that correct?
 6 MR. BURT:
 7 A. That's correct, yes.
 8 MS. FAGAN:
 9 Q. So where are they -- you said that the SAR
 10 techs or the rescue specialists, and the SAR
 11 pilots, the pilots that conduct those SAR
 12 missions, we'd heard that they're -- you know,
 13 you have a group that are specialized or able
 14 to do that.
 15 MR. BURT:
 16 A. Yes.
 17 MS. FAGAN:
 18 Q. They're within 30 minutes. What about the
 19 maintenance people who have to reconfigure the
 20 seats?
 21 MR. BURT:
 22 A. Well, we have maintenance people at the
 23 facility 24/7 as well.
 24 MS. FAGAN:
 25 Q. Okay.

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1 MR. BURT:
 2 A. As a matter of fact, their main activity is
 3 during the night time, so you'll see -- we
 4 have a fairly large complement of maintenance
 5 staff and we then have an active staff that
 6 are dispatching aircraft. Maintenance people,
 7 I mean, to use a better word, maintenance are
 8 seeing aircraft off and seeing aircraft back,
 9 as well as the day time support staff. So
 10 some of these functions are not all
 11 maintenance functions, like, bringing chairs
 12 in and bringing equipment out. What happens
 13 in our facility, it's all hands on deck when
 14 that happens.
 15 MS. FAGAN:
 16 Q. So from a timing perspective, if you receive a
 17 -- the first area that I'm interested in
 18 covering is a medevac, for example.
 19 MR. BURT:
 20 A. Sure.
 21 MS. FAGAN:
 22 Q. So you get a call from a rig that says, I hate
 23 to pick on John Smith, but let's just say John
 24 Smith is having a heart attack or we think
 25 he's having a heart attach, we need a medevac.

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1 MR. BURT:
 2 A. Right.
 3 MS. FAGAN:
 4 Q. So would that be one of the one hour wheels up
 5 scenarios?
 6 MR. BURT:
 7 A. Yes.
 8 MS. FAGAN:
 9 Q. And let's say it happens 9 o'clock p.m., 9
 10 p.m. So he's just finished his shift or
 11 whatever and it's now 9 o'clock you get the
 12 phone call. So there's people there at Cougar
 13 to deal with the seats and the reconfigure,
 14 you know, the aircraft.
 15 MR. BURT:
 16 A. Yes.
 17 MS. FAGAN:
 18 Q. There's someone there to take the phone call,
 19 there's someone there to plan the flight?
 20 MR. BURT:
 21 A. Uh-hm.
 22 MS. FAGAN:
 23 Q. And the rescue specialists and the pilot would
 24 have to be within 30 minutes?
 25 MR. BURT:

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1 A. Right, and, of course, there's a little bit of
 2 a nuance here too because at AOMS is the
 3 contracted party that handles the medical
 4 evaluation of somebody offshore.
 5 MS. FAGAN:
 6 Q. Yes.
 7 MR. BURT:
 8 A. So in parallel, they're engaged as the primary
 9 contact, the status of this person, how are
 10 they doing and the health is determined, and
 11 then they call the medevac. Then we get
 12 involved as the transporter of the specialized
 13 medical crew from AOMS, not our people. It
 14 would be a doctor or a nurse that's assessed
 15 to go with that flight. Our rescue
 16 specialists will provide the cabin attendant
 17 and the security in the back and complement
 18 the medical crew.
 19 MS. FAGAN:
 20 Q. So who just is a -- give it to me again, the
 21 medical?
 22 MR. BURT:
 23 A. I'm sorry, Atlantic Offshore Medical Services.
 24 MS. FAGAN:
 25 Q. Atlantic Offshore Medical, okay.

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1 MR. BURT:
 2 A. Yes.
 3 MS. FAGAN:
 4 Q. All these acronyms. I knew there was
 5 Atlantic, I knew there was medical in there.
 6 MR. BURT:
 7 A. Yes.
 8 MS. FAGAN:
 9 Q. This is, as I understand it, a group of
 10 doctors who are in St. John's who are
 11 contracted to provided medical consultation
 12 services and medical services --
 13 MR. BURT:
 14 A. Directly to the offshore operators.
 15 MS. FAGAN:
 16 Q. Directly to the offshore?
 17 MR. BURT:
 18 A. Correct. So we operate in parallel with them.
 19 They actually have some of their equipment
 20 right at our facility ready on standby, even
 21 in coolers ready to go to -- to keep a very
 22 close eye on the time, the response time.
 23 MS. FAGAN:
 24 Q. So is it possible or is it normal that either
 25 a doctor or a nurse from Atlantic Medical

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1 would go with the medevac?
 2 MR. BURT:
 3 A. Absolutely, yeah, and that sometimes is the
 4 constraint. We're quite often ready earlier,
 5 but we're not the main thing here, it's the
 6 security of the individual offshore, making
 7 sure that they have the proper equipment and
 8 people to serve that. So we do wait for that
 9 person to come out and that is our --
 10 sometimes the long pole in the tent for the
 11 mission.
 12 MS. FAGAN:
 13 Q. So when you line all this up, something else
 14 that has to get to Cougar Helicopters is the
 15 doctor or the nurse?
 16 MR. BURT:
 17 A. Correct.
 18 MS. FAGAN:
 19 Q. Okay, so not only does the pilots have to come
 20 in and the rescue specialists or the
 21 attendants, the Cougar people, we also have to
 22 have a physician?
 23 MR. BURT:
 24 A. Right.
 25 MS. FAGAN:

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1 Q. Or a nurse, in order to attend to the worker
 2 who's having the heart attack?
 3 MR. BURT:
 4 A. Correct, and, of course, you know, we have a
 5 contract -- a literal contract that we keep
 6 our obligations here regardless of how long
 7 they are, but we are ready and in position to
 8 launch at any point. Then they do show up
 9 when they're ready to go, and when they've
 10 dealt with the situation with the individual
 11 offshore to make sure that they have the
 12 proper people and equipment on board to effect
 13 their part of the mission.
 14 MS. FAGAN:
 15 Q. Okay, so they may have to organize themselves
 16 in that they may have some preparation, the
 17 doctor may have some preparation to do in
 18 order to be prepared for that particular
 19 medical emergency?
 20 MR. BURT:
 21 A. And in most cases, they quite often do, I
 22 think. That is the case, it's quite a
 23 logistics coordination to be prepared. Once
 24 you go, everything else is back at home, so we
 25 also do a very quick brief with our cabin

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1 staff so that we're operating as one crew once
 2 they arrive. So we've known them for quite a
 3 few years, it's a very good relationship. In
 4 fact, one of our lead search and rescue
 5 technicians used to work for them, so we have
 6 a lot of good connections with them.
 7 MS. FAGAN:
 8 Q. Thank you. I don't think anyone has mentioned
 9 the fact that on a medical evacuation -- it
 10 sounds very basic, but you need the doctor or
 11 the nurse.
 12 MR. BURT:
 13 A. It is a bit of a dance, and it's a nice
 14 orchestrated - it flows quite well, but
 15 there's a lot of detail to effect a very
 16 effective medical evacuation, and again you
 17 have to be there timely, but you have to be
 18 there in a very capable fashion as well.
 19 MS. FAGAN:
 20 Q. Okay. We have a slide and we'll go back to
 21 another couple of scenarios, but perhaps
 22 before we do that if you could go to slide 60,
 23 and I'd like you to deal a little bit with the
 24 rescue specialists that you have and the
 25 training for the rescue specialists. We heard

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1 in the video that the majority of the rescue
 2 specialists are ex-military. Do you have a
 3 breakdown -- I can see from the slide it's 12.
 4 So do you have a breakdown of the background
 5 for the 12 rescue specialists that Cougar
 6 currently employ?
 7 MR. BURT:
 8 A. You mean where they come from?
 9 MS. FAGAN:
 10 Q. Where they come from.
 11 MR. BURT:
 12 A. Yeah. As Ian mentioned on the video, we have
 13 a -- we do lean heavily to hire from the ex-
 14 military. This is -- from the military. It's
 15 a very capable group of people that they have
 16 in the military, their training is quite
 17 extensive, the background is absolutely
 18 incredible. They do come to us after a long
 19 career, in many cases after retirement, after
 20 20 years, and we draw upon that quite heavily.
 21 So 70 percent of the people we hire typically
 22 come from that background.
 23 MS. FAGAN:
 24 Q. And the other specialists, what would you be
 25 looking for, do some of those come with

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1 specialized skills?
 2 MR. BURT:
 3 A. Yes, we have some that come from paramedic
 4 backgrounds, high angle rescue, fire fighting
 5 backgrounds, and that also complements our
 6 capabilities as well, especially some of the
 7 medical, the advanced medical as well.
 8 MS. FAGAN:
 9 Q. What do you do with -- you hire them, they may
 10 come with a certain set of skills. Once they
 11 come in through the door, we've heard
 12 yesterday about how you train and deal with
 13 the various specialists in each department.
 14 MR. BURT:
 15 A. Right.
 16 MS. FAGAN:
 17 Q. For example, the pilots, or the aircraft
 18 maintenance engineers. What happens when you
 19 hire a rescue specialist?
 20 MR. BURT:
 21 A. I think this would be a good opportunity --
 22 we've got a 22 year veteran of the Canadian
 23 Forces right here on our panel, and I'd like
 24 to ask Mr. Banks to speak to that, if we
 25 could, because I think he speaks from a very

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1 deep knowledge base of those people that come
 2 and how we train them. Even though he's our
 3 Director of Safety and Quality, we always have
 4 this -- each a nice operational background.
 5 So if I could, I'll let Rick do that.
 6 MS. FAGAN:
 7 Q. Okay.
 8 MR. BANKS:
 9 A. Sure, Rick. First of all, I'd like to just
 10 back up a little bit here. In saying that we
 11 have the 12 full time rescue specialists, you
 12 know, you must understand that these
 13 individuals while quite competent and capable,
 14 they retire after 20 years, but the majority
 15 started the military when they were 18, so
 16 we're getting them at 38 years old, fully
 17 trained, senior rank individuals with more
 18 experience than just about any rescue
 19 specialist in the world, you know, a combined
 20 effect -- if we take 8 of the 12, 20 years,
 21 we're looking at 160 years experience. I
 22 mean, that is vital and not seen in the
 23 civilian agencies. Again, you know, we could
 24 also add up the missions or the rescues that
 25 have taken place through all these

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1 individuals, and it's quite capable to say
 2 that we're looking at 800 missions completed,
 3 rescue missions. That's pretty well unheard
 4 of as well. So we have a topnotch team, and
 5 in a search and rescue facet, it's team work
 6 that counts. These guys, they don't only come
 7 with leadership, but they've been involved and
 8 engaged in all the training through
 9 specialized schools, as well down in the
 10 States with para-rescue units, cross border
 11 into Europe and had training with those guys,
 12 and worked in our own search and rescue
 13 schools training younger search and rescue
 14 specialists. So, you know, it's quite a
 15 complement. Our air crew up front, many of
 16 them as well are from the military background
 17 of search and rescue. The coordination, the
 18 communications, the "have seen it before,
 19 here's things to be looking out for", the risk
 20 factors in flight, it's just a well
 21 complemented group, with many having a lot of
 22 east coast experience with the Atlantic Ocean,
 23 which is a pretty hazardous place to play
 24 search and rescue, as well as the Pacific.
 25 So, you know, the borders are not just -- you

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1 know, we have this team put together, this is
 2 a team of experience essential and competent
 3 individuals that'll get the job done. They're
 4 a good group of guys, and we have many more on
 5 line waiting to join our ranks, but, you know,
 6 when those places become available, I've got a
 7 list of guys ready to come, and that's a good
 8 thing for the experience levels. As well as
 9 just -- you know, from a whole unit point of
 10 view, there's just a lot of experience there
 11 that people don't realize that's on our team.
 12 The other three just in St. John's -- we have
 13 others at other bases as well, but just
 14 talking about the 12 here, you know, we've
 15 screened them and hired them through
 16 paramedicine background, marine rescue as
 17 well, which wasn't included when Rick was
 18 talking, but from that point of view as well,
 19 it brings a really nice rounded complement to
 20 the team, and in the future, you know, just
 21 with the training aspect of what they're
 22 doing, it's just an incredible job. If we go
 23 in a little further here and talk about
 24 operational duties, before being released,
 25 they do come in very highly experienced, but

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1 they still have to go through our parables of
 2 training. So it's not like we're doing
 3 anything much different, but we enhance it a
 4 little more because we have the time to play
 5 around with it, and we have the individuals
 6 that have brought all this experience. So
 7 previous experience, yes, that's great, but
 8 our training, you know, we have to revert them
 9 back to the Cougar way and how we want thing
 10 done. So they get all the ground training and
 11 flight training before being assigned onboard
 12 duties, and there are currencies for that.
 13 They have a base allotment of 40 hours per
 14 month. That's a good complement of training
 15 hours for them. The SAR flight training
 16 consists, it says here, of search patterns,
 17 land based training, over water training,
 18 vessel training, and night training. When you
 19 take that and look at how they achieve that,
 20 when a training day occurs, the crew will come
 21 in, they'll pick up a simulated mission,
 22 they'll work that mission so that it can
 23 entail a bunch of these things to actually go
 24 out, find a vessel, first of all doing the
 25 search patterns while talking inside the

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1 aircraft, and working up scenarios of what the
 2 medical condition may be or what the rescue
 3 condition is going to be, and play it over in
 4 their mind from plan "A" to plan "B", because
 5 in SAR the plan changes rather quickly. So
 6 they're getting that kind of training
 7 experience and knocking off their currencies
 8 at the same time. They have a set of many
 9 currencies to do in a month long time frame.
 10 So in between all the training, they're trying
 11 to hit everything for that month. So they're
 12 well capable and trained individuals.
 13 MS. FAGAN:
 14 Q. Thank you. The recurrent training, what is
 15 recurrent training, I mean, how often is it?
 16 What do you mean by recurrent training or do
 17 you just train all the time?
 18 MR. BANKS:
 19 A. Well -- and again that's what recurrent is
 20 coming down to, but there are certain avenues
 21 there. Again with their EBS training as a
 22 recurrent training, so they have to go into
 23 the dunker every three years, they have to do
 24 their in-house training that's syllabused for
 25 them by the team lead. He'll have some

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1 medical recurrency training to be doing, some
 2 marine recurrencies. So many of it is monthly
 3 currencies, but then you'll have some
 4 annually. So that's what it means by
 5 recurrent.
 6 MS. FAGAN:
 7 Q. Okay, thank you. There's a note here as well
 8 that says, "Exceeds Transport Canada
 9 standards". Is this an area that's regulated
 10 by Transport Canada, are there standards?
 11 Does Transport Canada have a -- are they
 12 involved? I wouldn't say a role, but are they
 13 involved?
 14 MR. BANKS:
 15 A. It is listed and they do have information
 16 regarding what should be in place, but it's
 17 very minimal because you've got to understand,
 18 I believe, we're pretty well the only ones
 19 doing in the civilian world, so it's Class D
 20 they call it which is, you know, a
 21 certification, I guess, that we must hold, but
 22 at the same time they do have a header or
 23 rescue specialists, but it ends at about that
 24 stage. It doesn't really go into what kind of
 25 training they must have or anything like that.

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1 MR. BURT:
 2 A. That's correct, yeah, there is no SAR standard
 3 per se, but there is a standard on having
 4 loads hung outside an aircraft and that's
 5 where Transport Canada will have their say in
 6 it. For example, anything that is on our
 7 hoist attached to it, whether it be the rescue
 8 equipment, the collar, litter kit or anything,
 9 that all has to be certified in the chain. So
 10 that's one part that they do regulate.

11 MS. FAGAN:
 12 Q. So the equipment itself, such as the hoist,
 13 and the weights, that type -- the equipment
 14 must be certified, but would it be fair to say
 15 the combination of how much equipment or what
 16 the components of a SAR --

17 MR. BURT:
 18 A. They don't stipulate that. There's no
 19 standard for that in Canada.

20 MS. FAGAN:
 21 Q. Okay, well, I believe the next slide is the
 22 equipment that Cougar Helicopters has
 23 available or uses. It's that slide 61.

24 MR. BURT:
 25 A. Right.

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1 MS. FAGAN:
 2 Q. And I believe Mr. Burt is going to cover this
 3 slide.

4 MR. BURT:
 5 A. Yes, sure.

6 MS. FAGAN:
 7 Q. You're all capable, so you just take whichever
 8 slide is best suited, and Mr. Burt, can you go
 9 through what's on this list and explain the
 10 significance of the highlighted portions?

11 MR. BURT:
 12 A. Sure. First of all, where we do develop our
 13 list initially, we are -- we do have a
 14 requirement in our scope of work with all of
 15 our three contractors, or I should say, the
 16 companies that we work for, the oil companies.
 17 We are compliant with that. In some cases we
 18 do have fairly extensive stores of rescue
 19 equipment, so we'll even bring that whole
 20 stores together and offer it whether it's on
 21 that list by the companies or not. So that's
 22 the nature of why some is yellow and some is
 23 not in yellow. The equipment that we do have
 24 on board is basically designed to effect --
 25 for us to complete our scope of work. For

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1 example, we have a Stokes litter, which is a
 2 litter that will raise somebody up that, you
 3 know, needs to stay in a horizontal position.
 4 We have rescue baskets so we can effect a
 5 rescue from the water. You'll see that
 6 there's a SKAD kit, and that stands for Sea
 7 Kit Air Dropable. Now this is a unique piece
 8 of a kit. It comes from the military lineage
 9 and what it has is a life raft attached to it,
 10 a length of rope, a survival kit, and another
 11 life raft at the end of another rope. So
 12 that's dropped from the aircraft to people in
 13 the water. So you'll have a life raft, a rope
 14 so they can grab it, there's a survival kit
 15 and the end of that there's another life raft.
 16 So that's a piece of a kit that we have
 17 available. Then you'll see the pieces of
 18 equipment that the rescue specialists use to
 19 effect rescues. We do have obviously the
 20 search light, we have night vision goggles in
 21 the back of the aircraft that the search and
 22 rescue technicians, the rescue specialists,
 23 use to search in night time operations. So
 24 it's a very effective kit that we have in the
 25 back to complete our mission.

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1 MS. FAGAN:
 2 Q. Now the list itself is not likely to be seen
 3 by the -- because the PowerPoint is not likely
 4 showing, but it is part of the exhibit, so if
 5 anybody is interested in seeing the list
 6 afterwards, they can always look at the
 7 exhibit and it's 61 of the PowerPoint. This
 8 is the equipment. Can you tell me how this
 9 equipment is located on the aircraft.

10 MR. BURT:
 11 A. Sure.

12 MS. FAGAN:
 13 Q. And I believe the next slide is how the
 14 helicopter is configured.

15 MR. BURT:
 16 A. Sure.

17 MS. FAGAN:
 18 Q. And perhaps you can take us to -- you know,
 19 there's various locations on the helicopter.
 20 Explain what's located where, and you can
 21 reference back to the equipment as to where
 22 some of this equipment would be.

23 MR. BURT:
 24 A. Okay, and I'll even give you a little bit of
 25 background which, I think, is good context.

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1 We have an area of our hangar, first response
 2 area. That area is dedicated to all this
 3 rescue equipment. It's outlined in red, it is
 4 a secure area. All of this equipment is
 5 staged on rolling tables for quick deployment,
 6 so every piece of kit that I just talked to
 7 you about is virtually there. There may be
 8 some medical equipment in coolers, but for the
 9 most part, it's all there. Even our hoist,
 10 which we do install, is on a specialized hoist
 11 rack which can be rolled out and used to affix
 12 to the aircraft in as quick a fashion as
 13 possible. So all this is designed for as
 14 quick as possible -- a quick response. So
 15 that station is where all this equipment comes
 16 out. It goes into the aircraft, and as you
 17 see here, we do have the aircraft equipped
 18 with now a dual hoist and this is a new piece
 19 of the kit that we put in in the last year.
 20 It is an international standard best
 21 practices, so we now have a dual hoist, and
 22 the obvious benefit here is if we're out
 23 effecting a mission, a critical mission, and
 24 we have a cable that shags or if we have a
 25 hoist that breaks, we do have that second

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1 hoist to complete and effect our mission. So
 2 that's also very good news that we've
 3 implemented that already. Additionally, you'll
 4 see things on the aircraft like the forward
 5 looking infrared radar. Now while we don't
 6 have that here, it is part of a kit elsewhere
 7 where we fly and that's why it's represented
 8 here as number five. So I just wanted to --
 9 I'm sorry, number three, just so we can
 10 comment on that. The other kit that we do
 11 have is a multi-bed stretcher system. We have
 12 three layers of stretchers that we can put on
 13 board this aircraft. High intensity search
 14 light. You will see that we have our
 15 auxiliary fuel tanks, of course, which do help
 16 us with the extended range for search and
 17 rescue missions. The equipment on board the
 18 aircraft, the search and rescue technicians,
 19 the rescue specialists use, are like the
 20 Stokes litter I talked to you about, and all
 21 their kits and bags to effect some advanced
 22 first aid. Outside of that, we have the
 23 medical kits, the night vision goggles for
 24 search in the back of the cabin, and items
 25 that are listed here, but again I want to

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1 point out just that FLIR system is not
 2 standard here. We do use FLIR in the Gulf of
 3 Mexico, Alaska, and the North West
 4 Territories.
 5 COMMISSIONER:
 6 Q. We've only got a couple of minutes before we
 7 take the break, but if you wouldn't mind
 8 explaining the FLIR system to us.
 9 MR. BURT:
 10 A. Sure.
 11 COMMISSIONER:
 12 Q. So we know what it does.
 13 MR. BURT:
 14 A. Right. The forward looking infrared radar is
 15 a piece of kit that actually examines the
 16 difference between temperature differentials.
 17 So if you have a body in the water, even the
 18 most minute difference in temperature and
 19 thermal difference -- you see it sometime
 20 where somebody would shoot a camera at a house
 21 and see where it's leaking heat. It does the
 22 same thing. For example, somebody in the
 23 water, even in an immersion suit with the head
 24 out of the water, will be picked up quite
 25 significantly actually. A life raft, a life

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1 boat, are quite detectable by this FLIR
 2 system. The system that we have not only has
 3 the device outside, but we have a FLIR
 4 station. So we have an observer sitting at a
 5 station looking at a TV screen that can sit in
 6 the back of the aircraft and pan throughout a
 7 large portion of our area of search. So not
 8 only are we doing a visual search, but we're
 9 using another wavelength to search.
 10 COMMISSIONER:
 11 Q. But this is in the Gulf of Mexico?
 12 MR. BURT:
 13 A. We're using them in the Gulf of Mexico on our
 14 S-61, on our S-92s. It is a kit that we build
 15 ourselves and we use it in the North West
 16 Territories and Alaska. We have found it to
 17 be very effective. It's also now become much
 18 a standard in the search and rescue world, and
 19 it provides an incredible layer of
 20 information.
 21 COMMISSIONER:
 22 Q. How far ahead can it -- you know, kilometres,
 23 yards, whatever you'd like.
 24 MR. BURT:
 25 A. It's about three to five nautical miles

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1 effective range.

2 COMMISSIONER:

3 Q. Three to five nautical miles?

4 MR. BURT:

5 A. Yes, so it's quite a sweep especially when

6 you're in a general area. If you're in a

7 general area, you're doing your search

8 pattern, you know where you are, this is

9 something that can actually pull out that

10 temperature differential and it's quite

11 significant with the signals that this can

12 pick up, the differentials in, like, half a

13 degree. If you have somebody that's half a

14 degree in the temperature, it'll come up as a

15 different colour.

16 COMMISSIONER:

17 Q. So you're not using it here because it's not

18 called for in your contract, I presume?

19 MR. BURT:

20 A. That's correct, yeah.

21 MS. FAGAN:

22 Q. I was going to say, how much would you have to

23 see -- if it's -- you've just said it's three

24 nautical miles, three to four nautical miles?

25 MR. BURT:

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1 A. Three to five nautical miles.

2 MS. FAGAN:

3 Q. And what could it pick up -- how big a source

4 would it have to -- say, a human floating in a

5 survival suit, I mean, that's what we're

6 talking about here.

7 MR. BURT:

8 A. Right. If you have somebody floating, of

9 course, you know the head is where a lot of

10 the heat comes from. So somebody in an

11 immersion suit in that capacity somewhere

12 around two to three miles, you would have a

13 significant target. Now sea state, if it was

14 a high sea state, like anything else, it also

15 relies mostly on line of site, so sea state

16 would be a little bit tougher, but on an

17 average sea state, it can pick something up

18 within that two miles, two to three miles,

19 somebody in the water by themselves.

20 COMMISSIONER:

21 Q. How long has this thing been in use?

22 MR. BURT:

23 A. FLIR has been in use a number of years, but it

24 does -- like, night vision goggles has

25 generations of technology, and, in fact, since

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1 we've started we're onto the second

2 generation. Our S-92s are using a second

3 generation FLIR from when we initially

4 started, even our 61s. We have now

5 standardized our fleet so that we have a

6 number of units around and try to keep them

7 standard so they can swap them back and forth.

8 A very capable piece of kit, and I will say

9 that having the station in the back and a

10 dedicated search individual that sits at this

11 station has full control of the panels, and

12 full control of the search mechanism, provides

13 a focused search capability. We do not put

14 this capability in the cockpit. That's not

15 what the pilot should be doing. They should

16 be flying the aircraft, so that's a very

17 important point, and we build this station and

18 we put it into the aircraft as well.

19 COMMISSIONER:

20 Q. Okay, perhaps we should take the break now.

21 MS. FAGAN:

22 Q. Yes, thank you.

23 (RECESS)

24 MS. FAGAN:

25 Q. Just before the break, we were discussing

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1 FLIR, which is Forward Looking Infrared, and

2 you had indicated that right now FLIR is not

3 being used here at the St. John's base. Can

4 FLIR just be installed, I mean, what would be

5 the process in order to have FLIR? We talked

6 about, you know, the winch and the chairs, the

7 seats and all that. I mean, can we just pop

8 in a FLIR and --

9 MR. BURT:

10 A. The FLIR installation is a little more

11 complicated, and again we do have that on

12 different operations, but it's normally

13 associated with a dedicated operation. It

14 takes about between an hour to two hours to

15 install the FLIR operation because panels have

16 to be dropped, the -- what they call the FLIR

17 ball, the camera has to be installed, and on

18 top of that, of course, the back end mission

19 specialist station has to be installed,

20 connected, and full integrated into the

21 system. So it just -- it takes quite a while

22 to do that, actually.

23 MS. FAGAN:

24 Q. Okay. You have included in your -- you have

25 included in the exhibits a number of pamphlets

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1 and this particular slide, slide 62, I believe
 2 this comes out of your search and rescue
 3 brochure.
 4 MR. BURT:
 5 A. Yes, it's right out of our standard brochure.
 6 That's why I had to explain the FLIR in this
 7 case because it's more of a standard -- part
 8 of our full kit.
 9 MS. FAGAN:
 10 Q. Okay, and so in these, if you advertise it as
 11 being part of a standard kit, then is it
 12 installed or is it swapped -- permanently
 13 installed or is it swapped in and out? I
 14 mean, if it's going to take more than an hour
 15 to install, would it be fair to say you would
 16 not be able to manage the wheels up within an
 17 hour, if in addition to the winch and seats
 18 you had to install this device?
 19 MR. BURT:
 20 A. The only application of FLIR that we have is
 21 in dedicated SAR -- dedicated aircraft that
 22 are preconfigured for SAR.
 23 MS. FAGAN:
 24 Q. Okay.
 25 MR. BURT:

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1 A. And this pamphlet here speaks of our gross
 2 capabilities, this is what we're capable of,
 3 full capability.
 4 COMMISSIONER:
 5 Q. That's what I assumed, that this would be a
 6 plane or an aircraft that would do SAR?
 7 MR. BURT:
 8 A. Correct, correct.
 9 MS. FAGAN:
 10 Q. Now you had mentioned a dedicated service
 11 earlier, that what you provide here is a
 12 dedicated service. Is there a difference
 13 between a dedicated service and a dedicated
 14 aircraft?
 15 MR. BURT:
 16 A. Yes, and, of course, that's how you effect the
 17 difference in the response times. We have
 18 dedicated services in the Gulf of Mexico, as
 19 we talked about, in Alaska, and in the North
 20 West Territories. So we're quite familiar
 21 with what it takes to do that. These aircraft
 22 are pre-configured, pre-fuelled, pre-flight
 23 planned, and even staged in a manner with a
 24 tug, a towing unit attached and ready to go.
 25 In some places, we even have our hangar doors

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1 that are especially built that open in a very
 2 quick fashion, a specialized mega-door. So we
 3 get very specific about how we handle a
 4 dedicated SAR service.
 5 COMMISSIONER:
 6 Q. So that's why in the North Sea, for instance,
 7 they can have wheels up in fifteen minutes?
 8 MR. BURT:
 9 A. Absolutely.
 10 COMMISSIONER:
 11 Q. They're ready to go.
 12 MR. BURT:
 13 A. You literally have to be ready to press
 14 starters. When you talk about fifteen
 15 minutes, you got to start an aircraft up,
 16 that's three minutes, and to be wheels
 17 airborne, effectively that once you push that
 18 button somebody is hitting the door and
 19 opening the door within ten or fifteen
 20 seconds. We're drilled on that, and to be
 21 honest with you, when we first started, it was
 22 like a -- I think we had to go through an
 23 education process that it's a challenge to
 24 meet those 20 minute dispatch times every
 25 single time. We found that even having our

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1 crew across the airfield at their
 2 accommodations unit sometimes can be a
 3 challenge, so we had to make some
 4 accommodations to have some of our crew at the
 5 hangar. So it was a learning experience we've
 6 gone through in the last three years.
 7 COMMISSIONER:
 8 Q. If I may, I'm obviously interested in this.
 9 What about weather, let's say there's a
 10 dedicated and fitted out helicopter ready to
 11 go and all things being equal, in fifteen or
 12 twenty minutes - what about weather?
 13 Supposing it's freezing rain, you can't --
 14 MR. BURT:
 15 A. That's correct.
 16 COMMISSIONER:
 17 Q. You can't fly.
 18 MR. BURT:
 19 A. There are limits.
 20 COMMISSIONER:
 21 Q. Yeah, what happens, does it build up on the
 22 fuselage, or on the rotors?
 23 MR. BURT:
 24 A. Well, freezing rain, number one, I'll just say
 25 it because it's the proper thing to say, we

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1 can't fly in freezing rain, but the risk is
 2 that the build up on the rotor system is too
 3 fast of a rate to shed by any means of a rotor
 4 ice protection system, and the accretion time
 5 and the water droplet is the specific reason
 6 why -- the differentiation between freezing
 7 precipitation is the water droplet size.
 8 COMMISSIONER:
 9 Q. Yeah.
 10 MR. BURT:
 11 A. And it's just that the build up is so fast,
 12 the accretion is so fast that you cannot
 13 actually mitigate it with your de-ice system.
 14 COMMISSIONER:
 15 Q. I see, okay, and what about other weather
 16 conditions? Wind wouldn't affect it, I don't
 17 think?
 18 MR. BURT:
 19 A. Wind shouldn't affect it. Again we're prepped
 20 and ready to go for that. We have special,
 21 for example, start up grates that we'll put
 22 down. If there's ice on the ramp, we put
 23 these grates down, so we manage that business
 24 to make sure that we can be airborne. We do
 25 have special low weather operating criteria.

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1 We have capability of having the additional
 2 fuel, and one thing that is, I think, quite
 3 material, that our dispatch department does a
 4 real time flight plan, they actually forecast.
 5 So they'll actually have our area listed and
 6 coded in green or yellow or red. So any time
 7 we call they'll know that one area is green.
 8 Green means the weather is suitable for
 9 immediate dispatch. We're not reactive, we're
 10 proactive. So that served us well, and all
 11 the time they almost have a dynamic ability to
 12 say our flight planning is done, it's done,
 13 it's green, green, green, yellow, and they'll
 14 be able to say right away, it's yellow over
 15 here, so you may have to carry more fuel. So
 16 we have a status that we keep all the time.
 17 COMMISSIONER:
 18 Q. Okay, thank you.
 19 MS. FAGAN:
 20 Q. This status for your dispatch, is that here in
 21 St. John's or is that in some of the areas
 22 that you spoke about where you offer the SAR?
 23 MR. BURT:
 24 A. We do keep that status here as well.
 25 MS. FAGAN:

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1 Q. Okay.
 2 MR. BURT:
 3 A. Because again it's a capability we have here,
 4 and remember it's done at the same place, it's
 5 done here in St. John's for the States, it's
 6 done here for Alaska. That's the beauty of
 7 doing it here. That capability is here and
 8 that is extended to our capabilities and
 9 service in St. John's.
 10 MS. FAGAN:
 11 Q. So it's the -- we heard earlier that the St.
 12 John's office is the location where the
 13 operation -- is it Galliano?
 14 MR. BURT:
 15 A. Yes, in Louisiana.
 16 MS. FAGAN:
 17 Q. In Louisiana. That that's -- it's the St.
 18 John's office here that is monitoring the
 19 activity in Louisiana, is that correct?
 20 MR. BURT:
 21 A. That's correct.
 22 MS. FAGAN:
 23 Q. So this green, yellow, red forecasting is done
 24 here for both St. John's and Louisiana?
 25 MR. BURT:

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1 A. For both locations.
 2 MS. FAGAN:
 3 Q. And Alaska?
 4 MR. BURT:
 5 A. Wherever we're operating and contract for 24/7
 6 service, yeah, and again building that
 7 situational awareness, if we want to know if
 8 the aircraft is in the hanger, we have cameras
 9 on the ramp in Alaska, Barrow, Alaska, in the
 10 middle of nowhere, but you have to have that
 11 situational awareness to manage your business.
 12 So that's why we do employ closed circuit TVs
 13 on the ramps to make sure that the aircraft is
 14 being towed out on time, the refuellers are
 15 showing up, so we have to integrate our
 16 refuelling people into this too as well. If
 17 we have to adjust our load, they're on site,
 18 they're briefed, they're part of our system.
 19 So it's quite an integrated system.
 20 MS. FAGAN:
 21 Q. So to be -- just to summarize or to be clear,
 22 the configuration here with the FLIR is your
 23 standard configuration for SAR that you offer
 24 in other locations. With the exception of the
 25 FLIR, is the rest of the items on this

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<p>1 configuration consistent with how we're 2 configured in St. John's base? 3 MR. BURT: 4 A. Yes. 5 MS. FAGAN: 6 Q. Okay. 7 MR. BURT: 8 A. That's correct. 9 MS. FAGAN: 10 Q. And could you please just name the locations 11 where you offer SAR service in addition to St. 12 John's base, what are the other locations? 13 MR. BURT: 14 A. Right. We offer the service in the Gulf of 15 Mexico, in Louisiana, in a place called 16 Galliano. 17 MS. FAGAN: 18 Q. And who is that for? 19 MR. BURT: 20 A. That's for the oil industry. Our customers 21 there are BP, Shell, and Statoil. 22 MS. FAGAN: 23 Q. What other locations? 24 MR. BURT: 25 A. Again -- seasonally again this year in Barrow,</p>	<p>1 A. It's over water. It fits our 97 percent. 2 MS. FAGAN: 3 Q. Okay. So you've named four places. 4 MR. BURT: 5 A. Uh-hm. 6 MS. FAGAN: 7 Q. Are the four places all over water? 8 MR. BURT: 9 A. Yes. 10 MS. FAGAN: 11 Q. And in all four places is it a dedicated 12 aircraft for SAR? 13 MR. BURT: 14 A. The Louisiana, Barrow, Tuktoyaktuk, and 15 Greenland are all dedicated SAR. 16 MS. FAGAN: 17 Q. Are all aircraft 92s, or is it a mix between 18 92s and 61s? 19 MR. BURT: 20 A. It's a mix between 92s and 61s. 21 MS. FAGAN: 22 Q. Okay, but either a 92 or a 61 is preconfigured 23 for SAR? 24 MR. BURT: 25 A. Correct.</p>
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<p>1 Alaska, for Shell. 2 MS. FAGAN: 3 Q. And is that oil and gas? 4 MR. BURT: 5 A. Yes, that's oil and gas offshore. This year 6 we also did Tuktoyaktuk in the North West 7 Territories, and we did that for BP. We just 8 were awarded a contract yesterday and we're 9 providing that service for Cairn Energy in 10 Greenland. We have two dedicated -- I should 11 say three aircraft going to Greenland for 12 July. All of them will have the capability of 13 full search and rescue. Two 92s will have 14 auto hover, they will have FLIR, high 15 intensity search lights, and one of those 16 aircraft will be dedicated at all times for 17 our Greenland operation. 18 MS. FAGAN: 19 Q. The toll for Greenland would be three? 20 MR. BURT: 21 A. Three aircraft. 22 MS. FAGAN: 23 Q. Now the Louisiana, is that over water or is 24 that land? 25 MR. BURT:</p>	<p>1 MS. FAGAN: 2 Q. What is the response time in each of the four 3 locations? 4 MR. BURT: 5 A. I'm not -- I can't -- if memory serves me, 6 it's 20 minutes, I believe, in the Gulf of 7 Mexico, and 30 minutes in the other two 8 stations -- the balance of the stations. 9 MS. FAGAN: 10 Q. Okay, and -- 11 MR. BURT: 12 A. I'm sorry, 20 minutes is -- again it's a 13 facility that we have, it's built for 14 dedicated SAR, so that explains why it's 20 15 minutes. We're operating out of third party 16 hangers elsewhere. That's why it's 30. 17 MS. FAGAN: 18 Q. Okay. So what is in place -- let's go with 19 the 30 minutes and we'll work our way down to 20 the 20 minutes. What is in place or needs to 21 be in place to achieve 30 minutes wheels up? 22 MR. BURT: 23 A. So a preconfigured aircraft, a pre-fuelled 24 aircraft, and a briefing with your dispatch 25 department to understand the scope of</p>

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1 deliverable service, co-located crews, and an
 2 ability for a 24/7 response. In other words,
 3 a day crew and a night crew. So we do have
 4 two sets of crews, two full sets of crews in
 5 these locations, as we do here in St. John's.
 6 The difference is that they are co-located
 7 with the facility, like a fire hall.
 8 MS. FAGAN:
 9 Q. Okay. So we'd heard earlier that in St.
 10 John's the crew can be, say, off base, within
 11 a half hour of the hanger.
 12 MR. BURT:
 13 A. Uh-hm.
 14 MS. FAGAN:
 15 Q. In the three locations that are providing 30
 16 minutes, they physically have to be on site,
 17 as you said, like a fire hall?
 18 MR. BURT:
 19 A. Correct.
 20 MS. FAGAN:
 21 Q. Okay. What's - now there's a difference, I
 22 take it, between achieving 30 and 20 minutes.
 23 So can you explain -- I think there's a
 24 further, I guess, sophistication or --
 25 MR. BURT:

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1 A. There's further realities.
 2 MS. FAGAN:
 3 Q. Okay.
 4 MR. BURT:
 5 A. The reality is that when we operate in the
 6 three other locations outside of Galliano,
 7 they're not our facilities, they're not our
 8 hangars, they're not dedicated towards it, and
 9 those jobs are seasonal jobs. So, you know,
 10 you don't have the ability to say this is our
 11 home, this is our house, this is my property,
 12 I control everything here. So in some cases
 13 the refueller might be a little slower, and we
 14 just can't guarantee the 20 minute response
 15 time in some of these locations. In the Gulf
 16 of Mexico, we can because we can control that.
 17 We control the fuel, we control the facility,
 18 we control the people.
 19 MS. FAGAN:
 20 Q. And that hangar is your own hangar?
 21 MR. BURT:
 22 A. Correct.
 23 MS. FAGAN:
 24 Q. Is there anything special with respect to the
 25 doors or the hangar itself between the one in

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1 Galliano and the other three?
 2 MR. BURT:
 3 A. In fact, we did -- we did a spec and purchased
 4 the hangar doors so that they would have a
 5 full opening effect, 100 foot doors, in 45 to
 6 60 seconds. So they were actually spec'd to
 7 open up quickly, and that again cuts down on
 8 about a minute and a half.
 9 MS. FAGAN:
 10 Q. Just take us through either a 20 or a 30
 11 minute wheels up. What has to be done and how
 12 quickly, and who has to do that? I mean, we
 13 now know what's on site.
 14 MR. BURT:
 15 A. Uh-hm.
 16 MS. FAGAN:
 17 Q. How do you achieve it? Physically, where do
 18 all the people -- what do all the people do?
 19 MR. BURT:
 20 A. So assuming that the customer has a clear
 21 connection with our dispatch department,
 22 that's a big assumption, but let's assume that
 23 has to be clarified, who calls who, and make
 24 sure they call the right person. Our dispatch
 25 is called and our dispatch then has a

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1 protocol. Dispatch immediately will contact
 2 the on site crews either on a cell phone or
 3 right at the facility itself, and they'll call
 4 an alert, and that alert spins in a whole
 5 series of contemporaneous actions, and that
 6 means that maintenance will have the aircraft
 7 towed out, the pilots will talk to dispatch
 8 and grab their flight planning, and they'll
 9 literally head to the aircraft and get ready
 10 to go. The equipment is on board, the search
 11 and rescue technicians or the rescue
 12 specialists are basically attached at the hip
 13 with the pilot staff at the same location, and
 14 they head out together. They arrive at the
 15 aircraft, do their equipment checks, get in
 16 the aircraft and literally once maintenance
 17 gives them a green light, they'll start the
 18 aircraft and prepare to go. They do have some
 19 checks on start ups, such as checking the
 20 hoist and specialized equipment, and again
 21 that would take about a minute and a half to
 22 two minutes to check that equipment. In many
 23 cases, we've also advised air traffic control
 24 and we have what's called canned -- under the
 25 canned flights. In other words, we call a

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1 rescue flight, air traffic control knows that
 2 if it's rescue 493 or rescue 453, whatever we
 3 designate, then they know, okay, this is a
 4 search and rescue mission and they have top
 5 priority. So it's prior -- it's this
 6 preplanning which is key to everything, and
 7 folks in our fire departments they've been
 8 doing this for years, and for us it's been a
 9 very interesting learning process over the
 10 last three to five years.

11 MS. FAGAN:
 12 Q. The auto-hover is on these aircraft as well or
 13 not?
 14 MR. BURT:
 15 A. We don't have auto-hover on any of our
 16 aircraft at this time.
 17 MS. FAGAN:
 18 Q. Okay.
 19 MR. BURT:
 20 A. We have provisions for auto-hover. The S-92
 21 is the only aircraft in our fleet that has
 22 provisions for auto-hover, and as we speak,
 23 they're just finalizing the certification of
 24 the auto-hover in the FAA in the States, and,
 25 of course, we have an interest in that because

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1 of our US operations. The target for
 2 certification for the FAA certification of the
 3 auto-hover in the 92 is April/May this year.
 4 Transport Canada is tracking that, and we are
 5 tracking it together with them. As soon as
 6 it's certified in the States, then we expect a
 7 30 to 45 day review process, what they call a
 8 familiarization process in Canada, and then a
 9 follow on certification in Canada.

10 MS. FAGAN:
 11 Q. Do you know if the auto-hover is currently on
 12 any S-92s in the world?
 13 MR. BURT:
 14 A. They're using the auto-hover system and have
 15 been for almost three years in the North Sea.
 16 The UK search and rescue government contract
 17 is using three S-92s in the search and rescue
 18 role with auto-hover on the 92s. It's
 19 approved by EASA.
 20 MS. FAGAN:
 21 Q. And we've heard that that's the European
 22 Aviation Safety Agency.
 23 MR. BURT:
 24 A. That's correct.
 25 MS. FAGAN:

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1 Q. We've also heard that the European Aviation
 2 Safety Agency is now the organization that
 3 regulates Canadian operators?
 4 MR. BURT:
 5 A. That's correct.
 6 MS. FAGAN:
 7 Q. So, I take it, you can't take advantage of the
 8 European certification because you must wait
 9 for Transport Canada?
 10 MR. BURT:
 11 A. That's correct. The European -- I mean, EASA
 12 in Europe are very sophisticated search and
 13 rescue entity. They have a search and rescue
 14 standard, a SAR standard, in their CAA. It's
 15 very well thought out, they've been doing it
 16 for years. Companies like Bristow have been
 17 doing it, companies like CHC Europe have been
 18 doing it, Helicopter Service in Norway have
 19 been doing it. So they've been quite
 20 sophisticated in that capability and the
 21 regulator has been recognized and developed
 22 the standard for that.
 23 MS. FAGAN:
 24 Q. Okay. We've heard from Colonel Drover on
 25 auto-hover as to what it allows or enables a

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1 helicopter to do. Could you just explain what
 2 auto-hover would allow Cougar Helicopters to
 3 do? We've heard that you do hoisting at
 4 night, but it must be in a well lit area. How
 5 is auto-hover going to improve your
 6 capabilities?
 7 MR. BURT:
 8 A. Well, it's important to understand that while
 9 we can fly in instrument conditions with a
 10 helicopter, it has a limitation on what you
 11 can do on instruments. In fact, there is a
 12 minimum instrument speed and every helicopter
 13 that flies in instruments has a minimum
 14 instrument speed, and the S-92, I believe
 15 their minimum speed is 55 knots. The Puma
 16 will have a different speed. In that case,
 17 it's 65 and 70, respectively, but it's
 18 actually a minimum speed with the basic
 19 autopilot that the aircraft is certified to
 20 fly to. Anything less than that, the aircraft
 21 becomes inherently unstable and you need
 22 visual acuity with the ground to maintain a
 23 hover and control and a transition to a hover.
 24 So saying all that, and then throwing that
 25 into a condition where you're going over a

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1 very poorly lit poor reference environment,
 2 such as over water night time, it is almost
 3 impossible, unless you have the proper
 4 lighting, for a pilot to maintain effective
 5 hover over a spot. You have a drifting
 6 target. Once you come in over the water, you
 7 have your downwash that creates an environment
 8 that is confusing and it is unmanageable, and
 9 that's why we don't do that, that aspect of
 10 it. Auto-hover uses onboard technology,
 11 stabilization systems, and there's various
 12 things that will make an aircraft hover
 13 automatically. We have Doppler, we have
 14 onboard inertia laser ring gyros, and the
 15 like. Effectively all they do is they say they
 16 know where the aircraft is in space and they
 17 know it very well. The aircraft is -- that
 18 equipment is certified to assist the pilot and
 19 crew not only in its lateral transition as to
 20 where it is, but also in its vertical, its
 21 height. The interesting thing about the auto-
 22 hover, of course, is it has all this
 23 technology, these modes, these transition
 24 modes. It has, for example, a mark on target.
 25 You can fly over a target or a weigh point,

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1 press a button, and handsfree the aircraft
 2 will fly a full circuit, come back around,
 3 come into wind, and present itself 300 feet
 4 down wind in a position ready to do a rescue
 5 all by itself at 100 feet. From that point,
 6 the aircraft will then come in and effect an
 7 extraction, and there's also another
 8 significant element that the back end or the
 9 rescue specialist has a control pendant that
 10 has somewhere between 10 and 14 percent
 11 control authority because he is looking at the
 12 rescue situation. While the flight crew is in
 13 charge of the aircraft, 10 percent of that
 14 authority is given over to the rescue
 15 specialist and he can actually move the
 16 aircraft with 10 percent and fine tune that
 17 location over the site and effect the rescue
 18 and complement the flight crew in that rescue
 19 mission.
 20 COMMISSIONER:
 21 Q. The fact that he does that does not compromise
 22 the safety of the flight?
 23 MR. BURT:
 24 A. No. It's contemplated, certified, and
 25 trained, and it's actually a complement to the

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1 flight crew. The flight crew have ultimate
 2 authority over the aircraft, and what they're
 3 job to do is to monitor the auto-pilot, not
 4 fly the aircraft. It now becomes the job of
 5 monitoring the auto-pilot. It's very similar
 6 to us when we do precision approaches, we have
 7 the aircraft flying itself here in St. John's
 8 on these approaches, precision approaches, to
 9 the instrument landing system. We monitor the
 10 auto-pilot and if anything should vary, then
 11 we take over. So this is why we talked about
 12 transitioning to this technology is a very
 13 specific task. We have to go to the
 14 simulator, train these missions, and do it.
 15 So the auto-hover effectively is the kit that
 16 will allow us to do extractions of individuals
 17 that might be in the water, from a life raft,
 18 from a life boat, in some cases smaller
 19 vessels, and even if you do have a supply
 20 vessel that is somewhat well lit, even if you
 21 could do it manually, the auto-hover would
 22 obviously add a huge complement to the
 23 stability and the task loading of the crew,
 24 and, therefore, an element of risk mitigation.

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1 MS. FAGAN:
 2 Q. You said that you know that the FAA, which is
 3 the aviation authority in the United States,
 4 is in the process of certifying auto-hover,
 5 doing their investigation, and that you're
 6 anticipating that certification in the spring
 7 of this year?
 8 MR. BURT:
 9 A. That's correct. We're actually participating
 10 in that process with Sikorsky, the
 11 manufacturer. So it's our search and rescue
 12 crews that are actually down there proving the
 13 flight testing missions with the auto-hover
 14 and the hoist integration because the hoist is
 15 an integral part of the auto-hover, and let me
 16 explain that. If you are hoisting over the
 17 water and you have an engine failure over the
 18 water, then all these systems are integrated,
 19 you know, so that can you fly away in a proper
 20 manner and prove that and make sure that all
 21 these avenues are covered off. So we're
 22 flight testing and providing all that data
 23 with and for the FAA. So it's kind of
 24 interesting we have a nice direct hand in that
 25 with our crews and it's actually our rescue

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1 crews that are helping do that.

2 MS. FAGAN:

3 Q. And Transport Canada, you indicated that you

4 anticipate they would likely certify within 30

5 to 45 days. Are they involved in this

6 process, or are they monitoring --

7 MR. BURT:

8 A. Yes.

9 MS. FAGAN:

10 Q. I mean, how can you say that, what do you know

11 about Transport Canada's activities with

12 respect to this certification process?

13 MR. BURT:

14 A. We have kept them engaged in the process, and

15 this is Mr. Gerber's position to keep them

16 engaged in the process, as well as our

17 Director of Maintenance from an aircraft point

18 of view, and on top of that Sikorsky, as the

19 manufacturer, has kept them engaged as well.

20 So they're invited to participate and also be

21 aware of different phases of the

22 certification, because again with a bilateral

23 agreement we have between Canada and the

24 United States, they have an obligation to

25 familiarize these certifications back and

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1 forth. They know they have a customer, as

2 Transport Canada would call it in Canada, that

3 has an intent and we've signalled our intent

4 to use it, and so Transport Canada is acting

5 appropriately, and I must say they have been

6 doing a great job in serving our industry in

7 Canada and being diligent about that. So

8 they're quite aware of it and they've been

9 involved in every aspect.

10 MS. FAGAN:

11 Q. I take it from all of this discussion that

12 Cougar has an intention to place the auto-

13 hover on its aircraft?

14 MR. BURT:

15 A. We will have auto-hover in the aircraft in

16 Greenland operating in July.

17 MS. FAGAN:

18 Q. Okay.

19 MR. BURT:

20 A. And I should say in our US operation, even

21 before that.

22 MS. FAGAN:

23 Q. Okay, because the US -- is the US operation

24 going to be governed by the FAA certification,

25 or is the US operation going to have to wait

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1 for Transport Canada?

2 MR. BURT:

3 A. It will be by the FAA certification.

4 MS. FAGAN:

5 Q. Okay. So that's why they would be able to

6 have the auto-hover ahead of Greenland?

7 MR. BURT:

8 A. Correct.

9 MS. FAGAN:

10 Q. And Greenland would be covered under your

11 Transport Canada certification?

12 MR. BURT:

13 A. That's right. We're operating there under a

14 special permit.

15 MS. FAGAN:

16 Q. Now I'd just like to take you back to the

17 medical evacuations and the SAR type missions

18 that would be conducted here out of the St.

19 John's base, because we talked about

20 reconfiguring the aircraft and putting the

21 hoist on the aircraft, and I know that these

22 missions are different, a SAR mission is

23 different from a medevac, and would you

24 clarify for me what needs to be done or what's

25 different about a SAR versus a medevac? I

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1 mean, do you need the hoist for a medevac, is

2 the crux of the question?

3 MR. BURT:

4 A. As far as the -- no, the hoist is not

5 required. They're quite different missions.

6 As you've heard, we do rely and team with the

7 offshore medical people as well. They are

8 really the leaders in direction when we go and

9 almost how we go. So we don't need the hoist,

10 however, we do have our same rescue

11 specialist, and as I say, they act as a cabin

12 attendant and a security attendant for those

13 staff, those medical staff in the back, but

14 again the difference is quite clear. If we do

15 a medical evacuation flight, there's no need,

16 and we don't contact RCC for those missions.

17 That's an internal service that's required,

18 that's not a rescue.

19 MS. FAGAN:

20 Q. Okay. So the difference would be if it's a

21 medevac, you need the physician, and you don't

22 need the hoist?

23 MR. BURT:

24 A. Correct.

25 MS. FAGAN:

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1 Q. And you don't call JRCC?
 2 MR. BURT:
 3 A. That's correct.
 4 MS. FAGAN:
 5 Q. And if it's a SAR search and rescue mission,
 6 you need the hoist?
 7 MR. BURT:
 8 A. Right.
 9 MS. FAGAN:
 10 Q. You don't take the doctor, and you contact
 11 JRCC?
 12 MR. BURT:
 13 A. Yes.
 14 MS. FAGAN:
 15 Q. Would that be --
 16 MR. BURT:
 17 A. That's correct, you got it.
 18 MS. FAGAN:
 19 Q. All right. What is the level of communication
 20 or coordination between Cougar Helicopters and
 21 JRCC, DND? I mean, do you speak to each
 22 other, have you met, have they been to St.
 23 John's, have you been to Gander?
 24 MR. BURT:
 25 A. Yeah, we've had a long history with JRCC. On

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1 a yearly basis, we'll go up with -- our
 2 customers here will quite often go with us
 3 hand in hand to Gander, and just say, hi,
 4 how's it going, this is what we're doing and
 5 have a sit down for the afternoon, even at
 6 that level. So again it's both Cougar and our
 7 customers will go up.
 8 MS. FAGAN:
 9 Q. So who do you -- just for the record, who do
 10 you mean by your customers? Cougar
 11 Helicopters will physically go to Gander to
 12 have a meeting with Squadron 103, and who
 13 would also participate in that meeting?
 14 MR. BURT:
 15 A. Who's participated, Hank?
 16 MR. WILLIAMS:
 17 A. In the past -- I'd just like to go back a
 18 little further when we talk about -- our
 19 first, my predecessor, was the Commanding
 20 Officer of 103 Rescue in Gander. So he came
 21 with a lot of communications already in place
 22 with 103 Gander. Drawing from that, over the
 23 years that I've been involved and been
 24 responsible for it, we've done what we call --
 25 I call it industry courtesy, for want of

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1 better words, is that we've had cross meetings
 2 with these people in Gander. More
 3 specifically when the S-92s came on line, we
 4 took a team. I've had some representations
 5 from the various oil companies logistics folks
 6 that come with me to Gander. We've done a
 7 presentation on the S-92, its capabilities,
 8 how many we have, this is what we do, this is
 9 our staffing requirements, and at some point
 10 letting them know about our rescue
 11 capabilities, and in turn they've done the
 12 same thing. When we go out, we're typically
 13 meeting with the Commanding Officer of the 103
 14 Rescue Unit and a bunch of his rescue
 15 specialists. So we've done that -- you know,
 16 in my five years of being the Base Operations
 17 Manager, I'd say we've had four or five of
 18 those trips to Gander.
 19 MS. FAGAN:
 20 Q. Okay.
 21 MR. BURT:
 22 A. I think sometimes it's an unofficial limit on
 23 how many people we can poach. That's what it
 24 turns into. So it is a tongue in cheek, but
 25 there's a clear recognition that this is a

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1 great place that we've got people from, so we
 2 work with them on that too.
 3 MS. FAGAN:
 4 Q. Okay. Now I'd like you to -- there's two
 5 other sort of scenarios that I would like to
 6 go through. I guess there's three. The first
 7 one would be a non-oil operator medevac air
 8 ambulance because we've heard from the video
 9 that on occasion Cougar Helicopters could be
 10 providing a service other than to the oil
 11 operators. I believe it might have been
 12 phrased as a life and death or a humanitarian
 13 type service.
 14 MR. BURT:
 15 A. Yes.
 16 MS. FAGAN:
 17 Q. So are there occasions when Cougar Helicopter
 18 provides a medevac and it's not requested by
 19 the oil operators, and if that takes place,
 20 can you please describe how that takes place
 21 and why it takes place?
 22 MR. BURT:
 23 A. Mr. Williams can speak to this.
 24 MS. FAGAN:
 25 Q. Okay, thank you. Mr. Williams.

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1 MR. WILLIAMS:
 2 A. Okay, the -- just one understanding is that
 3 all the aircraft that we have here, the three
 4 S-92s, are under exclusive contracts to the
 5 oil companies. So, in essence, they contract
 6 100 percent of that aircraft. To use that for
 7 any other service other than the service of
 8 those individuals, we need to have approvals.
 9 MS. FAGAN:
 10 Q. So it would be like taking my car and using
 11 it?
 12 MR. WILLIAMS:
 13 A. I wouldn't take your car unless you said it
 14 was okay.
 15 MS. FAGAN:
 16 Q. All right.
 17 MR. WILLIAMS:
 18 A. So typically the Government Air Services here,
 19 of course, which operates the air ambulance
 20 for the island, they've had occurrences where
 21 there's been a requirement for medevac that
 22 their fixed wing can't land. I can go back to
 23 a couple. There was a very serious car
 24 accident in Clarenville at 10 p.m. at night,
 25 and in order -- the only way they could get

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1 that individual to town was to call us. So
 2 what we've done is in consultation with the
 3 oil companies, we've determined that if I get
 4 a request for an aircraft that's not life and
 5 death, I'm going to be consulting with the oil
 6 companies on the phone because I say can I
 7 have your asset, whether it's to pick up a box
 8 in Clarenville, or if it's a medevac, but from
 9 a life and death situation, the oil companies
 10 have been very, very good in saying that we
 11 are not going to question whether we are going
 12 to a life and death situation if we are the
 13 only entity that can respond to it. The
 14 Government Air Services will be contacting 103
 15 before they call us to do that. If 103 can't
 16 do it, many times that's -- they're on a
 17 mission or they have some serviceability
 18 issues, they will call us. So in the past
 19 five or six years, I think we've done probably
 20 15 or 16 of what we call life and death
 21 transfers for the Government Air Services.
 22 MS. FAGAN:
 23 Q. Okay. So when you say the Government, would
 24 this be the Newfoundland Government?
 25 MR. WILLIAMS:

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1 A. Correct.
 2 MS. FAGAN:
 3 Q. Basically, the people of Newfoundland and
 4 Labrador?
 5 MR. WILLIAMS:
 6 A. Correct.
 7 MS. FAGAN:
 8 Q. And when you conduct -- it's an air ambulance
 9 type service. When you conduct this service,
 10 what you're doing is you're using the oil
 11 operator's asset or property to provide this
 12 humanitarian life and death ambulance service?
 13 MR. WILLIAMS:
 14 A. Correct, and I need that approval, which we
 15 had that agreement with the oil companies and
 16 how we manage that part of our business.
 17 MS. FAGAN:
 18 Q. So when you say you have that approval, have
 19 they given you the discretion or the pre-
 20 approval that if it's life and death, you can
 21 rescue that individual that needs the medical
 22 treatment?
 23 MR. WILLIAMS:
 24 A. Exactly. If it's a life and death situation
 25 at 3 a.m. in the morning, that if I'm going to

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1 be going through the process of getting all
 2 the approvals, I'm wasting very valuable time,
 3 so if it's a life and death situation, we will
 4 proceed in doing it and inform the operators
 5 of what we're doing.
 6 MS. FAGAN:
 7 Q. Okay, after you've launched?
 8 MR. WILLIAMS:
 9 A. After the -- the first priority is to expedite
 10 the transfer.
 11 MS. FAGAN:
 12 Q. Okay, and then you inform or tell the
 13 operators that you've used their helicopter?
 14 MR. WILLIAMS:
 15 A. But I might add, we do get calls that are not
 16 life threatening that we will step back and
 17 say, you know, are we the only entity that can
 18 do this because, you know, they may say, well,
 19 we'd like to have him in just because -- it's
 20 not life threatening, but we'd like to have an
 21 individual transferred to St. John's from
 22 Clarenville. We will say no.
 23 MS. FAGAN:
 24 Q. Okay. Do you receive requests, and I believe
 25 Colonel Drover covered some of this, but from

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1 Cougar Helicopters perspective, have you
 2 received requests from JRCC, or the Department
 3 of Defence, to conduct a SAR search and rescue
 4 type mission or something that would be under
 5 the 103's jurisdiction or responsibility?
 6 MR. WILLIAMS:
 7 A. Yes, we have.
 8 MS. FAGAN:
 9 Q. And what is the protocol or process when that
 10 happens, and how does that happen?
 11 MR. WILLIAMS:
 12 A. It pretty well falls under the same umbrella.
 13 If we get a call from JRCC for a rescue
 14 mission, it's mission critical or they would
 15 not have called us to begin with. These calls
 16 are not frequent, but they often will call if
 17 they want us on a standby position, and it's
 18 the same protocol that we would do for the
 19 Government Air Services, that if it's life
 20 threatening, we're there.
 21 MS. FAGAN:
 22 Q. Okay. Now the last scenario is the Cougar
 23 Helicopter in distress itself. So your
 24 helicopter has a problem, it's in the air and
 25 it requires a rescue service. So we have

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1 heard from Colonel Drover in DND and he has
 2 gone through what DND provides, and we've just
 3 heard from you on the first response. So I
 4 take it when a Cougar helicopter is in
 5 distress, we end up with both aspects coming
 6 together. JRCC is involved and as well Cougar
 7 may provide its own first response to rescue
 8 its own helicopter.
 9 MR. WILLIAMS:
 10 A. Correct.
 11 MS. FAGAN:
 12 Q. So can you take us through what happens if the
 13 pilot in the Cougar helicopter calls and says
 14 I have a problem?
 15 MR. WILLIAMS:
 16 A. And I think that's where we would activate our
 17 emergency response plan from our dispatch
 18 centre, and I think, Rick, you're ready to
 19 speak to our emergency response plan to that
 20 type of scenario.
 21 MR. BURT:
 22 A. Yes.
 23 MS. FAGAN:
 24 Q. Okay, and the emergency response plan is in as
 25 an exhibit. I believe it is one of the -- it

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1 is Exhibit 178 and if the Registrar could go
 2 to Exhibit 178, it would be helpful. I
 3 understand, Mr. Burt, you are going to take us
 4 through the scenario of a Cougar helicopter in
 5 distress and how it would be handled by Cougar
 6 Helicopter dispatch and the rest of your
 7 personnel?
 8 MR. BURT:
 9 A. Right. This document, of course, resides in
 10 the dispatch centre, and part of the training
 11 of the dispatcher and the radio operator is to
 12 understand and be tested to this manual.
 13 MS. FAGAN:
 14 Q. Now are you going to refer to a particular
 15 page because if --
 16 MR. BURT:
 17 A. Yes.
 18 MS. FAGAN:
 19 Q. If you had the page, the Registrar could bring
 20 it up on the screen for the parties.
 21 MR. BURT:
 22 A. It's Tab C, page 31. So it's Tab C1, and page
 23 31. So there's two. It's titled
 24 "Overdue/missing aircraft".
 25 MS. FAGAN:

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1 Q. Okay. Now I believe we had these pages
 2 numbered at the bottom perhaps, I'm not sure.
 3 REGISTRAR:
 4 Q. What page number again?
 5 MR. BURT:
 6 A. The first one is called Tab C1 at the bottom
 7 of the page.
 8 MS. FAGAN:
 9 Q. Is there a Chapter, let's start with that.
 10 Commissioner, the pages are all Chapter/, I
 11 believe.
 12 MR. WILLIAMS:
 13 A. They're action tabs.
 14 MR. BURT:
 15 A. It's labelled Tab C.
 16 MR. BANKS:
 17 A. Okay, if you go to Chapter 2.
 18 MS. FAGAN:
 19 Q. Okay.
 20 MR. BANKS:
 21 A. And then scroll down from Chapter 2.
 22 MS. FAGAN:
 23 Q. Okay, I believe your hard copy all has tabs
 24 and action tabs, and we can't create tabs on
 25 the computer.

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<p>1 MR. BURT: 2 A. It actually says tabs. That's how we refer to 3 it in the document as well. 4 MS. FAGAN: 5 Q. Okay, so you have tabs. 6 MR. BURT: 7 A. So Tab C1 in the bottom. 8 MS. FAGAN: 9 Q. All right, so this would be the -- 10 MR. BURT: 11 A. That's it. 12 MS. FAGAN: 13 Q. That's it? 14 MR. BURT: 15 A. Yes, that's the one right there. So this 16 would be the document that the dispatcher or 17 the radio operator would use, and you'll see 18 from this here a list of actions to go 19 through. 20 COMMISSIONER: 21 Q. What tab is that? 22 MR. BURT: 23 A. Tab C1. 24 COMMISSIONER: 25 Q. In the document, C1?</p>	<p>1 the default notification. But as we go into 2 the details here, you'll see that if we have a 3 St. John's aircraft overdue, we'll contact the 4 Cougar Helicopters flight following as they 5 may know location. Contact information is 6 there. Notifying the duty operations manager 7 is the second one, and there's a list of 8 numbers. Now they should be aware that when 9 this happens, we also have an automatic 10 function in our operation control centre where 11 one button is pressed and all these 12 individuals are e-mailed at the same time, and 13 the hangar, as I say, goes into a stage of SAR 14 alert, literally on our screens. 15 Number three, call the local air traffic 16 control to find out if they have any 17 communications. Also have Blue Sky pick up 18 positioning from dispatch. As we come down 19 here, it says advise them that there's no 20 emergency. You're trying to get an updated 21 estimate of time of arrival. Give them the 22 phone number where they can contact you. So 23 this is an actual working document for them. 24 I will say that this also, we do a 25 tabletop exercise two to three times a year</p>
<p>Page 114</p> <p>1 MS. FAGAN: 2 Q. It's at Section -- 3 COMMISSIONER: 4 Q. 31. 5 REGISTRAR: 6 Q. Tab 24, Commissioner. 7 COMMISSIONER: 8 Q. Oh, Tab 24, okay. Thank you. 9 MS. FAGAN: 10 Q. The books we have have all of the exhibits in 11 it, so our tabbing is very different. The 12 manual that Mr. Burt has is its own book. 13 MR. BURT: 14 A. It's the live manual. 15 MS. FAGAN: 16 Q. It's the live manual, it's its own book, and 17 it's individually tabbed with letters. So we 18 should be at Chapter 2. 19 COMMISSIONER: 20 Q. Okay, I have it now. 21 MS. FAGAN: 22 Q. Okay. 23 MR. BURT: 24 A. As soon as we have notice of an overdue 25 aircraft, of course, as we said before, RCC is</p>	<p>Page 116</p> <p>1 and we'll create a scenario and this is all 2 run through and this is how it's also refined 3 and tested and validated. 4 Proceeding down, we call the platform, 5 the rig, to find out the actual take off time. 6 Four, I'm sorry, five, the base manager will 7 determine whether the incident will require 8 upgrading or downgrading, and then from that 9 point then, we go down to the -- go to Tab 4. 10 MR. WILLIAMS: 11 A. I think the key to remember is the scenario we 12 selected here in the manual is overdue or 13 missing aircraft, not an aircraft that we know 14 is missing. 15 MS. FAGAN: 16 Q. Okay. So this is each scenario is laid out. 17 MR. BURT: 18 A. Right. 19 MS. FAGAN: 20 Q. And you go to the tab for that scenario? 21 MR. WILLIAMS: 22 A. Correct. 23 MS. FAGAN: 24 Q. So this scenario is you're expecting - 25 MR. BANKS:</p>

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1 A. The other one is just contacts.
 2 MS. FAGAN:
 3 Q. - you're expecting an aircraft back from a rig
 4 and it's overdue.
 5 MR. BURT:
 6 A. And then from that, we would go to Tab 3.1.
 7 That's page 3.1, I'm sorry, and we gather our
 8 management team and assign responsibilities.
 9 Turn to Tab 5, forms, and of course, this is a
 10 working form here, emergency team and assigned
 11 responsibilities and distribute. Ensure
 12 everyone has form A and then move from there,
 13 and again confirm that RCC has been informed.
 14 As I said, that's our default role. All these
 15 have active numbers which are validated and
 16 updated. Confirm with Transport Safety Board,
 17 the RNC, being this is a St. John's based
 18 procedure, and confirm that the RCMP have been
 19 informed, other emergency phone numbers, and
 20 again, we have a list of those on 4.3. We
 21 have our customer contact numbers, and then we
 22 establish our team members, secure the
 23 building, secure the records and then we have
 24 a procedure for that in Tab 9, for doing that.
 25 If required, courier aircraft data sheets to

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1 RCC, and there's procedures again in Tab 10.
 2 MS. FAGAN:
 3 Q. Okay.
 4 MR. BURT:
 5 A. I think there's a -- one thing I would
 6 emphasize is that there's a big difference in
 7 having a manual like this and making sure that
 8 it's exercised on a regular basis, and for us,
 9 the key with this is actually running through
 10 those exercises two or three times a year
 11 where we do that tabletop exercise.
 12 MS. FAGAN:
 13 Q. And when you mean tabletop, could you describe
 14 that?
 15 MR. BURT:
 16 A. It's a scenario we'll create, and of course,
 17 you have to be very careful of how you create
 18 the boundaries with this here, but we'll have
 19 a scenario that an aircraft is missing or we
 20 have an aircraft that is in the water and then
 21 we'll start from that. It'll be an exercise
 22 and people won't be notified, but they'll be
 23 notified this is an exercise, this is an
 24 exercise, and from that point on, we'll have
 25 people at stations and then perform this as a

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1 live exercise, and then out of that, there's
 2 always great learnings and this is how we
 3 refine this document. So it's just not a book
 4 that's on the shelf.
 5 MR. WILLIAMS:
 6 A. And we take that to the full spectrum, which
 7 includes the reconfiguration of an aircraft
 8 right to pushing the start button.
 9 MR. BANKS:
 10 A. And that's timed.
 11 MS. FAGAN:
 12 Q. So it's a drill?
 13 MR. WILLIAMS:
 14 A. It's a drill.
 15 MR. BURT:
 16 A. It's a drill.
 17 MS. FAGAN:
 18 Q. Now on March 12th, what did Cougar Helicopters
 19 have to do to get the responding helicopter in
 20 the air? Can you just bring us through what
 21 took place on that day?
 22 MR. BURT:
 23 A. As soon as we heard from the flight crew that
 24 they had an anomaly, we had, of course, our
 25 staff immediately assemble in the operations

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1 control centre, and it's our procedure at that
 2 point, regardless of what's going on, that we
 3 put the standby aircraft or the first response
 4 aircraft on what we call pre-alert. So it
 5 goes into a mode as if it's being dispatched
 6 for real. But we do call it pre-alert. No
 7 assumptions are made, just preparations.
 8 From that point, we went through our
 9 emergency response plan and brought the team
 10 together and started engaging the crew of the
 11 aircraft, as well as RCC immediately, and once
 12 that was done, the Blue Sky information was
 13 brought in, and the automatic SAR response
 14 button was pressed. Our whole hangar was
 15 immediately and at the same time notified.
 16 Literally Mr. Williams and myself were
 17 taxiing in to Halifax, where we had a meeting
 18 there, and both of our cell phones received an
 19 e-mail at the same time, which is an automatic
 20 function, and we were advised immediately that
 21 there was a SAR alert. So again, everybody
 22 knew immediately. We phoned in, like we were
 23 arranged to do, and we were briefed of the
 24 situation, and then following that, of course,
 25 RCC were aware of the situation and they began

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1 their own internal process of responding to
 2 it.
 3 We had the aircraft being reconfigured
 4 immediately, and this is a case again where
 5 the seats were being taken out. The hoist was
 6 being installed and the flight crews were
 7 being called in and the rescue specialists
 8 were being called in. This was a case where
 9 they weren't -- they were not there. All of
 10 them were not there on site, so they were
 11 coming in. And as we gathered the information
 12 from the flight crew and the events, that
 13 progressed to the stages that we knew.
 14 When we lost contact with the aircraft,
 15 it changed nothing in the way of how we were
 16 preparing. We were preparing as if that was
 17 an eventuality. Therefore the crews were
 18 notified that the aircraft, we've lost
 19 contact. They were given the last position.
 20 Our dispatchers developed a flight plan for
 21 the flight crews for the rescue mission and
 22 our aircraft was prepared, refuelled and
 23 launched as soon as possible, and in this
 24 case, it was launched in under an hour.
 25 MS. FAGAN:

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1 Q. How long does it take to hoist someone out of
 2 the water?
 3 MR. BURT:
 4 A. If you're on site, it'll take about three
 5 minutes to effect one man down, to put a horse
 6 collar on somebody else and to hoist them back
 7 up. That's if you're on site overhead. Mr.
 8 Banks here, he's done enough and I just want
 9 to make sure that he'd validate that that is a
 10 cycle. Again, the one thing I will say, that
 11 that is a pretty generic cycle. If you're
 12 hoisted to the water, they're also trained to
 13 make an assessment of the individual and in
 14 some cases, you know, how they're extracted
 15 out of the water, they had to make
 16 accommodations for that, but if it's a
 17 straight down and straight up cycle, it's
 18 about three minutes.
 19 MS. FAGAN:
 20 Q. Okay, thank you. When you mentioned your
 21 rescue specialists, how many rescue
 22 specialists were you carrying on March 12th?
 23 What was normal? What's normal now?
 24 MR. BURT:
 25 A. We were carrying three rescue specialists on

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1 March 12th and we're carrying three now.
 2 MS. FAGAN:
 3 Q. In the dedicated helicopter with the FLIR, you
 4 described that there is an observer monitoring
 5 the searching feature.
 6 MR. BURT:
 7 A. Right.
 8 MS. FAGAN:
 9 Q. Would that add another person or how many -
 10 MR. BURT:
 11 A. No, that would be the third person that is the
 12 medical specialist in the back. Now the
 13 medical specialist is also dual trained as a
 14 hoist operator as well. When you get into an
 15 actual hoisting situation, your FLIR is not an
 16 active asset at that time and what they're
 17 doing is if you're bringing somebody up into
 18 the cabin, they're helping, you know, extract
 19 that person and bring them into the cabin and
 20 then, very importantly, to secure them. You
 21 have an open door, an ongoing hoisting mission
 22 where you may be hoisting multiple people. So
 23 you bring them into the cabin, secure them,
 24 and then assess them, so that initial first
 25 advance, you know, first aid assessment of the

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1 individual. Are they in shock or what is the
 2 immediate attention that needs to be given to
 3 that person?
 4 MS. FAGAN:
 5 Q. Okay. On March 12th, you had three rescue
 6 specialists. Can you describe what each
 7 person did? We don't have the forward -- the
 8 FLIR, so what were the three specialists
 9 tasked to do?
 10 MR. BURT:
 11 A. One specialist was prepared and ready to go as
 12 a rescue swimmer. That's one of the three
 13 disciplines, as we mentioned before. One of
 14 them was the primary hoist operator and the
 15 other one was the second cabin rescue
 16 specialist. The rescue, once we were on
 17 location and established the scene and found
 18 that there were two individuals there, we got
 19 the rescue swimmer on the hoist and lowered
 20 that person down to the water to make the
 21 assessment, and once they made the assessment,
 22 there was a hoist back up with the survivor
 23 and the survivor was brought in the cabin and
 24 then secured by the cabin attendant that was
 25 taking care of the security and the general

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1 condition.

2 MS. FAGAN:

3 Q. Okay. I understand that a second Cougar

4 helicopter also responded. Did that have

5 rescue specialists or can you describe how

6 that came about, when that helicopter arrived

7 and what that helicopter did?

8 MR. BURT:

9 A. And I'll -- I should back up also that there

10 was another body in the water that we went

11 over and the rescue specialist went back down

12 again and stayed there and the assessment, the

13 dynamic assessment in the cabin stated that

14 Mr. Decker was in critical condition and that

15 time was of the essence. The rescue swimmer,

16 together with the crew, elected to stay with

17 the other body in the water and the aircraft

18 left the scene with Mr. Decker. At that time,

19 almost as one was leaving, we had a second

20 aircraft that was reconfigured, equipped with

21 a second rescue team, a full rescue team on

22 board, that came out and effected the

23 extraction at that time of the rescue

24 specialist and the other fatality.

25 MS. FAGAN:

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1 Q. Okay, thank you. Now you have gone through

2 the search and rescue services that you

3 provide for the east coast, the St. John's

4 base, and for other areas, other customers. I

5 understand there are other services that are

6 provided by Cougar Helicopters beyond that of

7 transportation and search and rescue,

8 medevacs, and I would like to take you to the

9 service of helideck surveys, and I understand

10 there is an exhibit which is 167 which you

11 would like to refer to, which is the Cougar

12 Helicopters pamphlet on the surveying of

13 helidecks, and we did have some information

14 from the oil operators on Cougar's activities

15 in surveying and inspecting the helidecks

16 offshore here. So now that the pamphlet's up,

17 can you please describe the surveying service

18 that Cougar Helicopter provides and then I'd

19 also like you to describe the inspections

20 you've performed on the platforms and rigs

21 offshore St. John's.

22 MR. BURT:

23 A. The service that you're referring to is a

24 helideck survey. In that is a bit of a

25 broader scope of what happens, but

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1 essentially, we take some very senior team

2 members from our organization. These are

3 captains, actually aircraft captains, that

4 we've sent to points in Europe to train on

5 helideck inspection and standards, as well as

6 fuel standards, fuel and fuelling standards.

7 They complete the training and they're both in

8 Norway and the UK, depending on where the

9 courses are available, and we also work to a

10 broader regulatory standard. We refer to the

11 British CAP 437 standard, the fifth edition.

12 We do use those, but we also use them in

13 conjunction with the Canadian Coast Guard TP,

14 transport publication, 4414. That's our basis

15 for doing our inspections. That's where our

16 checklists are built from, CAP 437 being more

17 inclusive and more of a global standard.

18 What we do is we'll go out and do initial

19 assessments of new vessels that are coming

20 into the area on behalf of our customers, on

21 the request of our customers. We may go to,

22 in some cases, Rotterdam. We may go to

23 Galveston or we may be in Halifax or actually

24 here when they arrive and do these

25 inspections. But the one thing is that, for

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1 sure, we have consistently been requested to

2 do this, again by the oil and gas companies,

3 prior to any revenue flights to those

4 locations. Again, as we say in the front, we

5 have to know where we go. That's our saying.

6 So we take the teams in with a checklist

7 and I think it's good to look at the sample,

8 just a few things that they'll check.

9 MS. FAGAN:

10 Q. So would you like the next page?

11 MR. BURT:

12 A. Oh sorry, okay, yes, yeah. Thank you for

13 that.

14 MS. FAGAN:

15 Q. Mr. Burt is referring to the hard copy. We

16 have to wait for the -- would this be the

17 correct -

18 MR. BURT:

19 A. It would be the next page.

20 MS. FAGAN:

21 Q. Okay, thank you.

22 MR. BURT:

23 A. And then I think it would be -

24 MR. BANKS:

25 A. Scroll down.

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1 MS. FAGAN:
 2 Q. Scroll down?
 3 MR. BANKS:
 4 A. One more page.
 5 MS. FAGAN:
 6 Q. Oh, one more page.
 7 MR. BURT:
 8 A. Could be a scrolling down -- there you go,
 9 right here. So what I'm referring to is the
 10 surveyor's documentation or a checklist. It
 11 has 23 basic points, but some of them are
 12 looking for obstructions, the general deck
 13 condition. I used to do this at one point, as
 14 the -- in my career. Deck markings, and these
 15 deck markings are also to the CAP 437
 16 standard.
 17 MS. FAGAN:
 18 Q. Now the CAP, we've heard a lot about CAPP
 19 here, which is the Canadian Association of
 20 Petroleum Producers. This CAP that you're
 21 referring to is a different organization,
 22 correct?
 23 MR. BURT:
 24 A. Yeah. This is Civilian Aviation Publication,
 25 so it's a UK document.

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1 MS. FAGAN:
 2 Q. Okay.
 3 MR. BURT:
 4 A. It's a CAP standard.
 5 MS. FAGAN:
 6 Q. It's a CAP, yeah, okay.
 7 MR. BURT:
 8 A. As versus the Canadian Association of
 9 Petroleum Producers. And of course, some of
 10 the other ones are signage, lighting. Most of
 11 these again are stipulated in the standards.
 12 Helifuel systems, again this is a little bit
 13 to the side. As I talked to you before, the
 14 fuel offshore is our fuel. The quality
 15 control of that fuel is ours to control. The
 16 tanks are free issued to us by the customers.
 17 However, we refuel those tanks. We seal those
 18 tanks. We have the quality control. The
 19 tanks go offshore, they're transported by
 20 supply vessels. They're put on board and then
 21 they're tested and that procedure, we
 22 stipulate how they're to be tested and
 23 records. So that's quite important for us to
 24 understand. We have a very good vested
 25 interest in that fuel offshore. So it's good

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1 to have our finger on that.
 2 We look at emergency response and fire
 3 suppression equipment for the deck, weather
 4 equipment, communications equipment and all
 5 aspects of flying to that rig. Again, we've
 6 also got crew who are doing these inspections
 7 who fly to these locations. I think, again,
 8 there's a nice complete loop here.
 9 So this service that we supply, I think,
 10 bodes us well in managing our business and
 11 it's also been a good service for our
 12 customers.
 13 MS. FAGAN:
 14 Q. And this, at the bottom of this, it notes that
 15 Cougar conducts yearly surveys. So is that
 16 the situation for the HMDC Platform and the
 17 FPSOs that you land on here when you're
 18 transporting the workers offshore
 19 Newfoundland?
 20 MR. WILLIAMS:
 21 A. Yes, that's correct, yeah.
 22 MS. FAGAN:
 23 Q. And would you have conducted this type of
 24 survey in -- you know, a survey like this for
 25 the platforms off the east coast, out of the

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1 St. John's base?
 2 MR. WILLIAMS:
 3 A. Yes.
 4 MS. FAGAN:
 5 Q. So the Terra Nova and the SeaRose and the HMDC
 6 Platform?
 7 MR. WILLIAMS:
 8 A. Correct.
 9 MS. FAGAN:
 10 Q. Would all have been checked?
 11 MR. WILLIAMS:
 12 A. Correct.
 13 MS. FAGAN:
 14 Q. Now we heard that the lights on the helideck
 15 on the HMDC Platform, the Hibernia Platform,
 16 were changed. Was Cougar Helicopters informed
 17 of the change? I mean, did you know they were
 18 going to change the lights prior to them
 19 changing the lights? It might sound obvious,
 20 but I'd just like to know Cougar's
 21 involvement, if any, in that change. I mean,
 22 it's HMDC's property, but it's a helideck that
 23 you land on. So what was your connection, if
 24 any?
 25 MR. WILLIAMS:

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<p>1 A. I'd just like to explain a little further, if 2 I could, the process of -- we just don't do 3 helideck inspections for our benefit. It's a 4 very formal process that we go through with 5 each operator. On an annual inspection, the 6 helideck inspector will submit to myself a 7 report, a very detailed report of the 8 findings, recommendations and together with 9 the logistics -- that's forwarded to the 10 respective oil company and we sit down as part 11 of our logistics meetings that I mentioned 12 yesterday and we go through those helideck 13 inspections together. We will -</p> <p>14 MS. FAGAN:</p> <p>15 Q. You mean you go through it with the oil 16 operators?</p> <p>17 MR. WILLIAMS:</p> <p>18 A. With the oil operator on what the helideck 19 inspector's findings were, his recommendations 20 and a go-forward plan for implementation of 21 any recommendations. The specific, I think 22 the green lighting, if I can recall -- I'm 23 trying to recall this from memory, I would say 24 that you will find green lighting 25 recommendations by our helideck inspection for</p>	<p>1 come in, the calibration of the equipment. We 2 would not fly a next flight there until we got 3 that. So it ranges, like I'm saying, from a 4 high priority. The green lighting was not a 5 high priority, but it was something that we 6 discussed the process of how we're going to go 7 ahead as a continuous improvement opportunity, 8 not as a safety concern.</p> <p>9 MS. FAGAN:</p> <p>10 Q. And the lighting on the helideck, did it meet 11 the Canadian marine standards as it was?</p> <p>12 MR. WILLIAMS:</p> <p>13 A. Yes.</p> <p>14 MS. FAGAN:</p> <p>15 Q. And if the lights had never been changed, 16 would it still have met that standard?</p> <p>17 MR. WILLIAMS:</p> <p>18 A. Correct.</p> <p>19 MS. FAGAN:</p> <p>20 Q. Okay. The lighting itself, where you do these 21 helideck surveys, can you give us a sense of 22 what's involved? I mean, is it just change 23 out the bulbs? What goes into changing the 24 lights from -- is it just changing the light 25 bulbs or is there more to changing the lights?</p>
<p>1 the same green lighting as per the CAP 437. 2 We recommended that the lighting be changed 3 from yellow to green. You will find that in 4 our previous helideck inspections. So the 5 changing of the lights was a process between 6 Cougar and Hibernia, side step with each 7 other, absolutely.</p> <p>8 MS. FAGAN:</p> <p>9 Q. Okay. From a priority perspective, we have 10 heard in the presentation, that the 11 recommendation was made, but it -- like it 12 didn't happen the next week.</p> <p>13 MR. WILLIAMS:</p> <p>14 A. No.</p> <p>15 MS. FAGAN:</p> <p>16 Q. There was time between changing these lights. 17 So how did that rank from a priority or a 18 safety issue?</p> <p>19 MR. WILLIAMS:</p> <p>20 A. Yeah. Of course, it wasn't a high priority 21 item. If it was, it would have got done. 22 Some of our helideck inspection items, and 23 Rick got into some of the weather reporting 24 equipment. We've had incidents where we could 25 not prove the certification on any vessel that</p>	<p>1 MR. WILLIAMS:</p> <p>2 A. Changing of the lights would be something that 3 wouldn't be our process, so I think the 4 individual company or the owner of that 5 facility would understand their engineering 6 requirements and process for doing that. So 7 we followed that through, but yet we have no 8 control over that part of the process.</p> <p>9 MS. FAGAN:</p> <p>10 Q. Okay, thank you. The oil operators also have 11 entered as exhibits their helicopter 12 operations manuals. Now these are the oil 13 operators' documents. They're not your 14 helicopter manuals. It's how they manage 15 their interaction with the helicopter and they 16 are in as Exhibit 133, 141 and 149 for HMDC, 17 Suncor and Husky respectively. Has Cougar 18 Helicopters and -- have you had any 19 involvement -- number one, have you seen the 20 manuals?</p> <p>21 MR. WILLIAMS:</p> <p>22 A. Absolutely. You will find a copy of each of 23 those individual manuals in my office and in 24 our operations manager's office.</p> <p>25 MS. FAGAN:</p>

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1 Q. Okay, and with respect to the contents of the
 2 manuals, has Cougar been involved in any
 3 revisions or anything that should go into the
 4 manuals? Have you had any discussions around
 5 the procedures that are in these manuals?
 6 MR. WILLIAMS:
 7 A. Yeah, absolutely. The manuals are the owners
 8 -- the documents belong to the oil companies,
 9 but any revisions is consulted with Cougar on
 10 aspects pertaining to helicopter operations
 11 offshore. There's some things in the
 12 helicopter operations manual that's not
 13 necessarily Cougar's involvement, but issues
 14 around the helideck, how passengers are
 15 transferred, how we handle the HLO activity
 16 with the captain, and Rick mentioned about
 17 fuelling, all that stuff would be there and
 18 would be vetted through Cougar and in
 19 consultation in every step of the preparation
 20 for the helicopter operations manual,
 21 absolutely.
 22 MS. FAGAN:
 23 Q. Okay, thank you. That covers, I believe, the
 24 questions that I have on this section. Unless
 25 you -- we next have safety management system

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1 and we have a video to play and then we have
 2 to move into the safety management system
 3 questions. So we can break it if we want,
 4 because the video needs to be played and then
 5 -
 6 COMMISSIONER:
 7 Q. Yes, probably be a good idea, but I have two
 8 or three questions which I'll ask.
 9 MS. FAGAN:
 10 Q. So if there's a few questions that take us to
 11 the -
 12 COMMISSIONER:
 13 Q. And that might take us through, you know.
 14 These are fairly quick questions, things that
 15 occur to me. We were talking about the
 16 pilots' suits earlier. Now obviously I
 17 shouldn't think that their suits -- they
 18 don't, I'm sure, come up over in the way the
 19 passengers' suit does, but does the pilot suit
 20 come up to the -- fitting around the neck?
 21 MR. BURT:
 22 A. They do have a latex collar and they're a dry
 23 suit that fits around the neck.
 24 COMMISSIONER:
 25 Q. Yeah. So they must have a hood then that goes

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1 on, if necessary?
 2 MR. BURT:
 3 A. A separate hood that the suit has, yes, but
 4 it's not on during flight.
 5 COMMISSIONER:
 6 Q. No, because you wouldn't be able to fly the
 7 plane and have your -
 8 MR. BURT:
 9 A. That's correct. As well as gloves.
 10 COMMISSIONER:
 11 Q. So they would have to don this hood, if you
 12 like?
 13 MR. BURT:
 14 A. Correct.
 15 COMMISSIONER:
 16 Q. Yeah, afterwards, okay. The other thing that
 17 occurred to me, I should think the pilots
 18 would have their own suits. In other words,
 19 you're a pilot. You don't take a size large
 20 that I might have worn the day before.
 21 MR. BURT:
 22 A. No.
 23 COMMISSIONER:
 24 Q. It's your suit.
 25 MR. BURT:

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1 A. The suits are actually -- you're measured to
 2 your individual size and the suits are ordered
 3 specific to the individual from the
 4 manufacturer.
 5 COMMISSIONER:
 6 Q. I thought that might be the case.
 7 MR. BURT:
 8 A. Right, yeah.
 9 COMMISSIONER:
 10 Q. Okay. The boots, are there boots on the
 11 pilot's suit? What kind of foot covering?
 12 MR. BURT:
 13 A. We have the sockettes in our immersion suit.
 14 So it's almost a sock that's attached to the
 15 suit and then we fit them into our issued
 16 boots that we have for our flight crew.
 17 COMMISSIONER:
 18 Q. I see, okay.
 19 MR. BURT:
 20 A. And those boots are all issued and even those
 21 boots are made so they're oil resistant,
 22 standardized and they don't interfere with the
 23 operation of the aircraft.
 24 COMMISSIONER:
 25 Q. Okay.

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1 MR. BURT:
 2 A. They're also, you know, steel nose so that
 3 they're accommodating for all the OSH
 4 requirements.
 5 COMMISSIONER:
 6 Q. I see, okay. I've read that in some
 7 jurisdictions when a helicopter flight goes
 8 offshore, they have a cabin attendant who
 9 generally looks after the passengers, makes
 10 sure everything is in order.
 11 MR. BURT:
 12 A. Right.
 13 COMMISSIONER:
 14 Q. Is that necessary in your view? Is that
 15 discussed ever in Canada?
 16 MR. BURT:
 17 A. The requirement, the essential requirement is
 18 any more than 19 passengers, the law is that
 19 you must supply a cabin attendant. That's one
 20 trigger.
 21 COMMISSIONER:
 22 Q. Oh, okay.
 23 MR. BURT:
 24 A. And that's why you'll see the limit of 19.
 25 It's not a coincidence in fixed wing or rotor

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1 wing. In some instances, the operators will
 2 also provide a cabin attendant if it's an
 3 unfamiliar area or -- I know that
 4 internationally some of the standards are a
 5 little bit different, so they will insist that
 6 they do that. However, it is not a standard
 7 for normal passenger carrying to have a flight
 8 attendant in any of the operations that I'm
 9 familiar with.
 10 COMMISSIONER:
 11 Q. I see, okay. A small point, but it could be
 12 important. When I did the one-day training,
 13 which I was required to do before going
 14 offshore, I went back the next day and spent
 15 the morning with an instructor, a lady who
 16 gave me, I suppose, the best -- I won't say
 17 the only, but the best briefing on safety I
 18 think I've had, and she was talking about what
 19 to wear under the suits and she said she came
 20 up through the Coast Guard as an officer and
 21 then a safety officer and she said "I would
 22 not go offshore without thermal protection
 23 under the suit."
 24 MR. BURT:
 25 A. Correct.

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1 COMMISSIONER:
 2 Q. And she made the comment that a lot of people
 3 go offshore wearing jeans or whatever under
 4 the suit, which she said is not a good idea.
 5 I sort of tucked it away in my mind, but I was
 6 quite interested to read within the last two
 7 weeks they say, one of the authorities in the
 8 North Sea saying that no matter how good your
 9 suit and if it keeps you absolutely dry, if
 10 you haven't got thermal protection, your core
 11 temperature will start to decline, go down
 12 fairly rapidly, depending on water
 13 temperature.
 14 MR. BURT:
 15 A. Right.
 16 COMMISSIONER:
 17 Q. Cougar, any of you any thoughts on whether
 18 thermal protection is an essential?
 19 MR. BURT:
 20 A. Well, we provide a waterproof layer and we
 21 provide a flameproof layer and also with the
 22 thermal layer. We'll issue the undergarments
 23 for that as well. Some of the flight crews
 24 will have their own particular type of
 25 undergarment that they like better. Some like

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1 the mesh ones that keeps the -- that wicks the
 2 moisture away. We've used Helly Hansen
 3 underwear and that's also been very good as
 4 well, because some of this stuff is designed
 5 to wick away the moisture.
 6 COMMISSIONER:
 7 Q. Yes.
 8 MR. BURT:
 9 A. But we do provide that layer of thermal
 10 protection, and you're absolutely right, it is
 11 essential. It's part of the system, if you
 12 will.
 13 COMMISSIONER:
 14 Q. Okay. I'm glad I asked about that then. The
 15 other thing, the only other thing, it's not so
 16 much a question as a request, and I asked the
 17 same thing of the operators. During the
 18 course of the Inquiry, new things, and you've
 19 told us about new things which are coming like
 20 the auto hover and that sort of thing, but I
 21 would ask the company, through you and people
 22 here, to inform us if any new things are
 23 coming or actually here or on the horizon
 24 during the course of the Inquiry, because I'd
 25 like to know that, as part of the overall

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1 process.

2 MR. BURT:

3 A. And that's a great piece of advice. I am the

4 chairman of the offshore committee of the

5 Helicopter Association International. So we

6 do get a lot of information and we do bring

7 those groups together. We attend the European

8 Helicopter Association, even though we're not

9 a European operator, for best practices. So I

10 certainly will take that request and give it

11 some serious thought.

12 COMMISSIONER:

13 Q. Thank you. That will be appreciated. Okay

14 then, we'll adjourn now then until 2:00.

15 (LUNCH BREAK)

16 MS. FAGAN:

17 Q. Okay. We are going to move into the safety

18 management system, but we have one clarifying

19 point before we move to this next topic, and I

20 understand, Mr. Williams, you would like to

21 clarify the situation when a third party, non-

22 oil operator, makes a request for an air

23 ambulance or if it was JRCC for Cougar

24 Helicopters to do a SAR mission and it would

25 have to deal with what happens to the standby

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1 helicopter or the first response helicopter

2 for the oil workers if you've sent a

3 helicopter off to conduct an air ambulance.

4 MR. WILLIAMS:

5 A. Yeah. Just want to clarify. Just wanted to

6 clarify that in the incidents where we do use

7 one of the oil company assets to perform a

8 third party service, we always ensure that

9 there's another airframe at the heliport to

10 respond to any offshore emergency.

11 MS. FAGAN:

12 Q. Okay, thank you. We now have a section on

13 safety management and this will actually be

14 the last video. If the Registrar would play

15 it? Thank you.

16 (VIDEO PLAYED)

17 Safety management system. Safety is

18 tightly integrated within every aspect of

19 Cougar Helicopters' operations. These various

20 processes and procedures do not exist in

21 isolation. They fall under the umbrella of

22 our integrated safety management system or

23 SMS, which is a documented process for

24 managing risk that integrates operations and

25 technical systems with the management of

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1 financial and human resources to ensure

2 aviation safety and the safety of the public.

3 In other words, all aspects of our operations,

4 from flights to maintenance to office work,

5 are governed by a single comprehensive

6 document.

7 The SMS was initiated by Transport Canada

8 in 2004 as a part of an international effort

9 to reduce incidents in the airline and

10 helicopter industries. Although regulated

11 audits are scheduled to begin in 2011, Cougar

12 Helicopters has already developed a safety

13 management system of our own that exceeds

14 regulatory requirements long before the

15 international need was determined.

16 Safety management system is a documented

17 set of processes that govern total oversight

18 of safety within a company, especially the

19 aviation division. Transport Canada has made

20 this a regulatory initiative and by 2011,

21 helicopter operators must have this safety

22 management system in place. Cougar

23 Helicopters has developed and has in place an

24 integrated safety management system which not

25 only encompasses aviation safety, but has also

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1 included health safety and environment

2 processes as well as ISO 9001:2008. By doing

3 so, by the collective group of all these

4 safety processes, we have total oversight

5 throughout our operations globally. It

6 encompasses all departments. It doesn't

7 single out any departments. General safety

8 rules are built for every employee and it's a

9 fluent system within Cougar Helicopters

10 globally and it's not the safety department

11 system. It's the employees' system.

12 This safety culture includes careful

13 attention to the extensive paperwork and

14 documentation generated by our work processes

15 and is essential to meet the requirements of

16 regulators and needs of our clients. Cougar

17 Helicopters also performs ongoing internal

18 audits of our systems and processes as well as

19 any external review requested by regulatory,

20 customer or industry stakeholders. It is a

21 part of Cougar philosophy that having fresh

22 eyes to look at things is always a good idea.

23 Scheduled audits take place internally

24 from Cougar on a rolling basis. The audit

25 program itself sees a lot of cross auditing

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1 capability through the departmentals and
 2 facilities and operations globally. New
 3 startup operations will also go through a
 4 series of audit inspection to ensure that we
 5 have all bases covered before we turn blades
 6 on a new base. We also have many third party
 7 contractors that come in and they audit on
 8 behalf of our customer. Quality assurance
 9 has quite a few more because they do it in a
 10 month-to-month basis. It doesn't necessarily
 11 bring in a lot of findings at times, but it
 12 gives you an opportunity to get down to the
 13 employees' levels that are working in the
 14 areas and the departments and have oversight
 15 to see if there's any underlying problematic
 16 areas and just let the individuals know that
 17 there's somebody to talk to that if there is
 18 change occurring, we've got to know that and
 19 address it in a timely manner.

20 Cougar Helicopters has worked hard to
 21 create a safety culture in which all
 22 employees, no matter what their work roles,
 23 are empowered to act wherever and whenever
 24 they observe unsafe behaviour or situations.
 25 Our company maintains a non-punitive just

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1 culture. This is one we worked hard to
 2 achieve and this is where we sit presently,
 3 and we're going to go that way forward. This
 4 entails individuals reporting freely using
 5 their name or the option of anonymous
 6 reporting. This opens up a wide variance to
 7 us and we can get back to individuals with the
 8 corrective actions. If not, on the anonymous
 9 side, we're still getting the information and,
 10 you know, you can be a reactive company. You
 11 can be a proactive company. You can be a
 12 generative company. The further up the scale
 13 you go, the more that you know that the
 14 culture is set and embedded within your
 15 employees. It's not an easy task, but once
 16 you get there and individuals spell that off
 17 to newer employees coming in, you know that
 18 you've grasped the mind set that everybody is
 19 thinking alike. We like to think of our
 20 company as a very proactive company with a lot
 21 of new initiatives. The generative side is
 22 coming along very strong and it's to the point
 23 where employees aren't waiting for
 24 departmental heads to make initiatives. They
 25 are bringing the initiative to us, which tells

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1 us that generative mind set is alive in Cougar
 2 Helicopters.

3 Cougar Helicopters has been successful in
 4 creating a proactive safety culture across all
 5 aspects of operations in Newfoundland and
 6 Labrador. We have since exported that
 7 culture, along with our rigid standards and
 8 procedures, to every corner of our global
 9 operation.

10 (VIDEO ENDED)

11 MS. FAGAN:

12 Q. Now the next portion is a slide presentation
 13 on the safety management system at Cougar and
 14 I understand Mr. Banks is going to lead on
 15 this and Mr. Burt is also going to jump in
 16 where necessary. The first slide that you've
 17 prepared, I think we've seen this before. So
 18 Mr. Banks, if you could just speak to this and
 19 then we'll move into the system itself.

20 MR. BANKS:

21 A. Sure. We did see it before, but I thought it
 22 was important to show it again because it
 23 clearly states from the top down approach, how
 24 safety is governed in our company. Our CEO
 25 right down through the general managers,

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1 safety is the priority of all Cougar
 2 Helicopter operations, as is VIH. So I'd like
 3 to say it again. No operation or business
 4 opportunity, either new or ongoing, should
 5 ever compromise safety or unduly affect our
 6 accepted levels of risk of the VIH Aviation
 7 Group of Companies. That's a heavy statement.
 8 That's what Mr. Norie believes in and that's
 9 how everybody is distinguished through our
 10 company. It's across all avenues of our
 11 operations and the full group of companies.
 12 The most important statement and belief is
 13 from the top down.

14 MS. FAGAN:

15 Q. Okay, thank you. Now we heard safety culture.
 16 We've heard this term before. Could you tell
 17 me what does that term mean? What does safety
 18 culture mean to you and at Cougar?

19 MR. BANKS:

20 A. Right. Safety culture, it's the way safety is
 21 perceived, valued and exercised by an
 22 organization and its employees. It reflects
 23 the real commitment to safety at all levels,
 24 again from the top down, and the highest point
 25 you can say about safety culture is, you know,

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1 it's right there on the slide, how an
 2 organization behaves when no one is watching,
 3 and that's a true statement. It's one that's
 4 taken a long time for Cougar Helicopters to
 5 develop, all the way back into the early '90s.
 6 We've strived to, you know, ensure all new
 7 employees coming in from other avenues, other
 8 industries, that they get the grasp, they
 9 understand what we're trying to achieve, to be
 10 a team player, to get involved, to mention new
 11 initiatives and don't be afraid to come up
 12 with anything, you know, if it's say reporting
 13 any acts or any hazards, anything they've
 14 done, but bring it to us so we can correct
 15 things. I think truly without a safety
 16 culture any SMS or safety management system is
 17 not effective. You have to have everybody on
 18 the side thinking safety at all times and
 19 willing to take an active stance where others
 20 wouldn't normally.

21 MS. FAGAN:
 22 Q. How do you develop a safety culture? And I
 23 believe the next slide may have -- it's a
 24 fairly detailed slide, slide 67, but what I'd
 25 like you to do is tell me does Cougar

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1 Helicopters have one? I mean, I believe
 2 that's what you've been saying.

3 MR. BANKS:
 4 A. Yes.

5 MS. FAGAN:
 6 Q. But how do you know? Give me some practical
 7 examples as to how you know that the safety
 8 culture exists.

9 MR. BANKS:
 10 A. Okay. First of all, by setting up a safety
 11 management system that has been in development
 12 and has been used for quite a few years from
 13 Cougar, not to the specs of the Transport
 14 Canada regulation, but to have that in place,
 15 to understand -- everybody knows the
 16 responsibility, their effective achievements,
 17 their proactive reporting. You know, you can
 18 go into the policies and the set rules and
 19 everything else, but people have to understand
 20 all this. They don't necessarily have to go
 21 find it in a book somewhere. It's got to be
 22 embedded through every aspect of the
 23 operation. So when you have, you know, the
 24 reporting that we have, it just states in our
 25 own minds that people are generally, you know,

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1 bringing things forward to us, not necessarily
 2 major changes but things they'd like to see.

3 So we've really partnered with every part
 4 of our organization at the employee level to
 5 ensure that they know that they can bring any
 6 implementations or any concerns, any
 7 initiatives, they can bring it forward to us
 8 and we'll act on it, have a good look on it
 9 and if warranted, then we can put it in place
 10 for them, and as I said in the video earlier,
 11 it's not necessarily, you know, that the
 12 organization -- that the management's safety
 13 management system, it's everybody's system.
 14 It's facilitated and developed by higher
 15 management, but everybody within the
 16 organization has a play and a participation
 17 within it. So we want to make sure that it's
 18 active, that role, and that's why we made it
 19 an integrated system with ISO included,
 20 aviation and health and safety. We pulled
 21 them all together so that when an individual
 22 thinks safety, there's a one-stop shop for
 23 safety. Everything's embedded in that.
 24 Everybody knows where to go for it and not to
 25 separate programs. We've pulled it all

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1 together because it's truly the heart of our
 2 organization and nothing is more important
 3 than safety.

4 MS. FAGAN:
 5 Q. Okay. You've described, and I'm going to have
 6 you go in through the system in a little more
 7 detail to describe the actual system, how it
 8 works. Have you fully implemented the safety
 9 management system? Because in some of the
 10 information that's been put forward earlier,
 11 there was discussion, say the return to
 12 service, that Cougar Helicopters is
 13 implementing a safety management system. So
 14 is the system itself fully implemented or are
 15 you still in that phase?

16 MR. BANKS:
 17 A. Okay, I'll just step back a little bit of
 18 time. As I said, we had components and we had
 19 programs in place. By pulling it all together
 20 to make an integrated system, you know, a lot
 21 of those safety programs that were in place
 22 came on board the safety management system.
 23 So it's not to say that we didn't have one
 24 before. We've always had one. This is just a
 25 newer format and we built it in spec to the

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1 Transport Canada regulations. So to that
 2 regulation now, the SMS has been implemented
 3 as of July 1st, 2009 and it far exceeds where
 4 we were supposed to be with it. So we had so
 5 much embedded before, as we pulled together,
 6 we came out with a really nice package. It
 7 was understood by many. So there wasn't much
 8 change to do. There were new initiatives put
 9 into it and build it up to this and the
 10 integrated facilitation also allows us to use
 11 it as a training vehicle. Whenever I'm
 12 training with the SMS, all employees are
 13 orientated to it and now we bring it into
 14 components, and there's a division line of
 15 components within it, but we can tailor it and
 16 facilitate it, keep it live and actually
 17 educate our staff at various meetings and SMS
 18 lead way briefs, we call them, that
 19 departmentally I can take a group of people
 20 and we'll walk through, say, management of
 21 change. Now it's an education tool, so that
 22 when I'm not there and they may have forgotten
 23 how to use something, it's built so that they
 24 can use it on their own. They've been, you
 25 know, educated on it, but it goes step by step

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1 all the way through. So it's not just a
 2 safety manual. It's actually an education
 3 series.
 4 MS. FAGAN:
 5 Q. You say that you're further ahead than where
 6 you should be or need to be. We heard in the
 7 video that it's going to be regulated or
 8 required by 2011. Is that correct?
 9 MR. BANKS:
 10 A. Yes, it is.
 11 MS. FAGAN:
 12 Q. Is it required now in the fixed wing airline
 13 or is 2011 the helicopter -
 14 MR. BANKS:
 15 A. 2011 is the helicopter time line. Fixed wing
 16 is under their audits right now. Many have
 17 been done. I couldn't speak to how much is
 18 completed there, but under our category, it's,
 19 I believe, November 2011 they start.
 20 MS. FAGAN:
 21 Q. Okay, and do you know if other aviation
 22 operators, I'm talking helicopter aviation
 23 operators, will they end up being subject to
 24 the SMS and is this something that's coming
 25 in? Is this an emerging trend? Do you know

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1 where the rest of the industry is, the
 2 helicopter industry?
 3 MR. BANKS:
 4 A. It certainly is. Over in Europe, it has been
 5 regulated for a couple of years. Canada took
 6 a step up. They were next to really proceed
 7 under Australia's background, as far as I
 8 know, and we seem to be next in line for
 9 regulation and the United States is coming up
 10 fast and furious now too with their programs
 11 and regulatory bodies. Through some of my
 12 training, it's been taken down in the States
 13 on SMS as well as up in Canada here and
 14 there's a number of operators that are going
 15 that route, not waiting for the 2011
 16 regulation, but acting upon themselves, the
 17 larger helicopter groups that I'm talking
 18 about, really struggled. You know, a lot of
 19 them are struggling because they're not really
 20 sure of how the implementation is going to
 21 happen. The guidelines are there, but until
 22 it does, I think they've got a grasp on it. A
 23 lot of operators have come to me for
 24 assistance and we've fostered out quite a bit
 25 of our information on how to make it not

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1 necessarily a 20-page document but actually a
 2 system, a full system.
 3 We didn't want to use it as a reference
 4 material which a lot of companies only have to
 5 do. We wanted to have the whole package in
 6 front of people, that they have the bible, as
 7 you would, for safety at hand.
 8 MS. FAGAN:
 9 Q. You had said that you've been to the United
 10 States and Europe. Are you part or is Cougar
 11 part of any industry groups or organizations,
 12 associations? And I'm talking in relation to
 13 safety, and if you're involved, why would you
 14 be involved? What do you get from these
 15 groups?
 16 MR. BANKS:
 17 A. I think it's a very important aspect that
 18 every organization participates in not just
 19 foreign, but any of these committees. When
 20 conventions are held, there's so much to
 21 learn, so much education to learn from others
 22 and the sharing of best practices. Myself,
 23 I'm the co-chair of the safety committee for
 24 the Helicopter Association of Canada, also the
 25 liaison for the International Helicopter

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1 Safety Team, and as Mr. Burt was saying
 2 earlier, he's had a large presence on the
 3 offshore oil committee down in -- for the HAI,
 4 which is the Helicopter Association
 5 International. There are others. They're the
 6 three I'll highlight, but we take an active
 7 stance on getting involved and not only
 8 sharing our information, but gaining and
 9 grabbing education from others.
 10 MS. FAGAN:
 11 Q. Okay, thank you. Now the system, the
 12 integrated system has been provided as a
 13 confidential exhibit. It's Exhibit 179, and
 14 you also have some slides. So is it your
 15 preference to go through the slides? Because
 16 the next slide would be the risk assessment
 17 matrix, but I would just note that the entire
 18 system is there in a hard copy as an exhibit.
 19 I believe it exceeds over 200 pages. So if
 20 you're satisfied to move to slide 68 and deal
 21 with risk assessment matrix, we will. But if
 22 you see the need to actually refer to the
 23 manual or the table -
 24 MR. BANKS:
 25 A. I'd like to, yes.

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1 MS. FAGAN:
 2 Q. Would you like to go to that now?
 3 MR. BANKS:
 4 A. Yeah, the table of contents.
 5 MS. FAGAN:
 6 Q. It is helpful in helping people understand.
 7 So that would be 179. So we'd move to the --
 8 at least the table of contents. Everybody can
 9 rest easy. We're not going to cover the 200
 10 pages.
 11 MR. BANKS:
 12 A. And again, with that confidentiality, you
 13 know, we're all about sharing information so
 14 it's not quite a big deal as it may seem with
 15 confidential label on it. If anybody wants to
 16 see it, they're welcome to come up to the
 17 office and sit down and go through it with us.
 18 MS. FAGAN:
 19 Q. Okay. So if there's another operator out
 20 there would like some help, you've done that
 21 before?
 22 MR. BANKS:
 23 A. Yes.
 24 MS. FAGAN:
 25 Q. Okay. So I believe the table of contents, Mr.

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1 Banks, perhaps you can indicate -- you can
 2 either move it or the Registrar, where -- here
 3 we are, okay.
 4 MR. BANKS:
 5 A. I'll pick it up here.
 6 MS. FAGAN:
 7 Q. Okay. So just indicate where you'd like her
 8 to scroll and she'll scroll down.
 9 MR. BANKS:
 10 A. Okay. Well, I just wanted to give you a brief
 11 look at it and how it's developed and leads
 12 into a full set of programs. So we start off
 13 with an introduction and that's coming for our
 14 company, our CEO and you know, the need for
 15 SMS, his requirements and truly his initiative
 16 to move this forward was to take every group
 17 of his company and appoint a director of
 18 safety management systems. We liaise with
 19 each other quite a bit. We tailor our
 20 programs together. We share a lot of
 21 information and by doing that, we have certain
 22 fleets within the group that are the same
 23 aircraft, so it only benefits on not only
 24 regulatory side of the house, but active
 25 objectives in our flying routines.

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1 So we'll look at safety management plan
 2 is there and you can see what's listed under
 3 there. That's all our operating procedures,
 4 company standards. Standardization has become
 5 a big player with us now with more operations.
 6 MS. FAGAN:
 7 Q. What's third party standards and operating and
 8 guidelines? What would be a third party
 9 standard?
 10 MR. BANKS:
 11 A. Well, we go into different areas of standards
 12 within regulatory bodies that have us --
 13 certain guidelines that we must follow, where
 14 we're flying in, what areas of the world, that
 15 we must take into account prior to starting up
 16 operations there. Our flight operations
 17 group, our maintenance certificates and when
 18 we're cross-bordering that kind of thing, as
 19 well as third party standard for our
 20 customers, what they would like in their
 21 contracts maybe a little different than what
 22 we have set right now. So we'd make
 23 applicable changes through management of
 24 change and ensure that we're operating under
 25 the guidelines set by our contracts, as well

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1 as government agencies as well.
 2 Safety promotion. Certainly it's all
 3 about communication. It's one of the biggest
 4 factors in our safety programs, from meetings
 5 to general meetings, committee meetings.
 6 There's a number of avenues there as well as
 7 safety boards and, you know, generation of
 8 completed safety events, our reporting
 9 systems, to make sure that everybody is aware
 10 of what's going on. We try and involve also
 11 everybody in the company, you know, whether
 12 it's a secretary down the hall in finance. We
 13 want her to know about the operation as well,
 14 instead of just saying HFDM, she now knows
 15 that it's helicopter flight data monitoring.
 16 Bring her in, get her immersed in everything
 17 we do. Everybody knows every part of our
 18 business. Nobody is pushed to the side and
 19 not know about a certain area of what we do.
 20 Document control, another big factor. We
 21 have a lot of reporting that goes out to
 22 customer, regulatory bodies, in house to
 23 management, to the people on the floor or just
 24 day-to-day collection of data that people
 25 should be seeing and how our performance is

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1 doing.
 2 And one of the biggest factors here,
 3 hazard identification and risk management.
 4 That's a daily effect for us. We go into risk
 5 assessment matrix, rankings. We have company
 6 risk assessments that not only go into general
 7 operations and ongoing operations, such as
 8 safety cases that we take a hazard register,
 9 have meetings, build up as many hazards as we
 10 can think of and then pick them apart and make
 11 sure we're mitigated right to the final end.
 12 But we also go down into the job safety
 13 assessments, risk management, risk assessments
 14 for new operations. You know, the general
 15 managers have put together teams where if
 16 we're going to start up a new operation, we'll
 17 take a lead from each department, travel to
 18 that location far before the operation begins
 19 and we'll piece it together. What is our
 20 risk? Bang, we'll set it out as a team, pull
 21 it all together, come back, work on it, ensure
 22 that we can do it safely even before, you
 23 know, signing contracts or we want to make
 24 sure that we're not jumping into something we
 25 can't handle. Every element of risk is

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1 covered before we accept a job and it's got to
 2 be down to, you know, a risk level as low as
 3 reasonably practical.
 4 Incident hazard reporting. We have a
 5 really good system and we'll get into that in
 6 a couple of minutes. It's an in-house built
 7 system that is tailored on a monthly basis and
 8 we're seeing a great deal of new initiatives
 9 coming to it that are allowing us trending.
 10 It really affects our performance going
 11 forward. It's done us quite a bit of benefit,
 12 and also we've had a lot of other players out
 13 in the industry come and view it and use it on
 14 their own operations.
 15 Investigation and analysis. That's an
 16 ongoing event. Every time that we have
 17 something that raises our eyes, we'll dig into
 18 it as a team, not just the safety department,
 19 but our specialists from other fields within
 20 our divisions.
 21 Safety assurance, and that's when we'll
 22 get into audits and inspections, risk
 23 assessments, our database, drug and alcohol
 24 testing criterias, policy and program.
 25 Management of change is probably our biggest

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1 factor that we have set our eyes on lately and
 2 use it a lot more in the last year than we did
 3 before. We have new processes to it that
 4 allow us to do it departmentally, not just
 5 from the safety department, but now we're
 6 engaging all employees in every department to
 7 develop these on their own and sign off
 8 through the safety department to understand
 9 that we're reasonably -- not reasonably, but
 10 mitigated throughout before we proceed.
 11 MS. FAGAN:
 12 Q. Okay. What do you mean by management of
 13 change? And I think we've -- some have
 14 touched upon it. The title may speak for
 15 itself, but could you give us an example of
 16 what would be a change? You said you've used
 17 that a lot more in the last year. So what
 18 would be a change, and then how do you use
 19 this system to manage the change?
 20 MR. BANKS:
 21 A. Well, for example, just the latest one we've
 22 done, I guess, is the new S-61 came into our
 23 operation just recently. For that, to
 24 reintroduce a new aircraft to our base, we
 25 have to get together as a team of all

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1 departments, break down all the
 2 responsibilities, ensure this isn't going to
 3 affect our operations as we're working now.
 4 We also want to use it, utilize it for a
 5 little bit of SAR training. So if -- or on
 6 standby. So if we have these parallels that
 7 we have to make sure every area is mitigated
 8 from towing to properly certified engineers
 9 and pilots and crewing and dispatch. There's
 10 a variance. There's lists that go on and on,
 11 scheduling, and so we make sure we've got it
 12 all together and then we assign duties to
 13 these departments to ensure that everything is
 14 done correctly and completed and we take the
 15 risk assessment matrix and we utilize that
 16 against all areas here to make sure that our
 17 numbers down to ALARP again, as low as
 18 reasonably practical, and then when we're
 19 sufficiently satisfied that the criterias have
 20 all been met and everything is in place, then
 21 it's safe to move forward, then a sign off
 22 occurs by the general manager.
 23 MS. FAGAN:
 24 Q. Okay.
 25 MR. BANKS:

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1 A. Again, I'm just showing you how, you know, we
 2 go from aviation into HSE here into training,
 3 safety management training. Management of
 4 change is a whole section on its own. Our
 5 emergency preparedness and response is
 6 embedded. And finally, we can't manage what
 7 we can't measure, so we have to have that
 8 ensured that measurement is in there for all
 9 of our safety and leading us into improvement.
 10 So we audit the system ourselves as well as
 11 third party audits and coming up in 2011,
 12 we'll have regulatory as well. So it does get
 13 oversight. It's a living and breathing system
 14 and like I said, it's the bible of everything
 15 we do.
 16 These are components. I believe Canada,
 17 Transport Canada is asking for seven or eight
 18 components and as you can see here, we have
 19 11. There's 12 listed, but one's the
 20 introduction. So we've gone a little further,
 21 but that's -- you know, that's only because
 22 we've already had those kind of things in
 23 place and we really didn't want to lose them.
 24 We brought them across as we developed it, and
 25 I'm sure they'll be added as we go as well.

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1 MS. FAGAN:
 2 Q. Okay, thank you. I think that gives a good
 3 idea as to what is covered in a system. I
 4 noted there was everything from forklift to
 5 pandemics. So perhaps you could now move back
 6 to the slide presentation and we'll go to
 7 slide 68, which is a risk assessment matrix.
 8 We have had this type of presentation. It
 9 mightn't be exactly the same, but some of the
 10 other presenters have gone through their risk
 11 matrix. So if you could -- and I think the
 12 next slide, if -- I know it's a little
 13 difficult to move back and forth, but the next
 14 slide gives the levels, low, moderate and
 15 unacceptable. If you could just briefly give
 16 us these definitions and then move back to the
 17 matrix and explain how you apply it to a
 18 scenario at Cougar Helicopters.
 19 MR. BANKS:
 20 A. First of all, it is one of our highlights of
 21 risk and hazard management. It's something
 22 that we use practically in investigations,
 23 event reporting, safety cases, management of
 24 change, as well as any risk assessment. So
 25 it's used frequently. It gives us a

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1 quantifiable number that through past
 2 experience that will enable us to see where a
 3 condition sits, whether it's a new condition
 4 or an established condition. It tells us
 5 where we are with that, and what we have to do
 6 is bring it down to the lowest level of risk.
 7 Red being unacceptable, if we come up in those
 8 kind of numbers, we have to work it down to
 9 get it into the yellow or the green. Even in
 10 some cases into the yellow, and that's a
 11 sidebar to me that it's not good enough, so we
 12 want green. Yellow, you know, you will end up
 13 monitoring and maintaining strict controls.
 14 That's pretty tough, you know, if you're going
 15 to leave that to departmental levels, it still
 16 needs to be mitigated in my eyes. So you want
 17 to get it down as low as reasonably practical.
 18 When you get into areas of search and rescue,
 19 some of the -- you know, some of the critical
 20 activities that we do, the lower level of
 21 yellow may be as far as you can get, so that
 22 the monitoring is definitely going to be the
 23 biggest factor there, but the green is what we
 24 desire and that would be monitored and managed
 25 through normal safety procedures. If it's in

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1 the red, it's a no go.

2 MS. FAGAN:

3 Q. Okay. So if you could go back -- I know it's

4 a little difficult, we couldn't get it all on

5 the one slide, that's why were into two

6 slides. So 68, now that we know the

7 definitions, could you explain your matrix?

8 You just mentioned -- a SAR mission, you say,

9 I guess there's just so much -- it's the type

10 of activity that you may end up in the yellow

11 no matter what you do.

12 MR. BANKS:

13 A. Right, and yellow is controllable. You know,

14 it's the red that we're worried about. If we

15 can work the yellow into green, all the

16 better.

17 MS. FAGAN:

18 Q. So can you take us through an example or show

19 us how these numbers work?

20 MR. BANKS:

21 A. Okay. Many of the oil industry guys will

22 notice this and be familiar with it. Those

23 who aren't, it's the potential and consequence

24 coupled together from the left side to the

25 right, and as you'll see in the boxes, we have

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1 people, assets, environment, and reputation.

2 This is the consequence that we may see of a

3 particular aspect you're looking at or a

4 hazard register or an operation. So the

5 potential would be on the right hand side,

6 with improbable, known in the industry. Now

7 you've got to know what they are first and a

8 little research goes into that on past

9 history, so if you come up with that, coupled

10 with the consequence on the left, it'll bring

11 you across to a number. Now there is another

12 aspect there that we include in all our risk

13 assessments that if you're caught between two,

14 go to the higher number every time. That's

15 just to stay on the safe side. Once you come

16 up with that quantifiable number, then it'll

17 definitely put you in a -- put you in an area

18 where you need to know what to do on the next

19 page. So that's where you'd have to take it

20 and work a hard risk assessment on it, a

21 safety case study, and bring it down with

22 mitigation through steps known which you have

23 in place within your operation, or what you

24 need to develop or purchase to help you engage

25 and bring it down.

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1 MS. FAGAN:

2 Q. So is there an example, a tangible example?

3 If you're applying this, and I know this would

4 be a hypothetical, and I'd like you to, if you

5 could, keep it to a very simple hypothetical

6 because I have gotten the sense that your

7 industry involves a lot of factors, probably a

8 number of considerations, but if there was a

9 fairly simple example as to how you would come

10 up with one of these numbers, I'd appreciate

11 it?

12 MR. BANKS:

13 A. Yeah, new operation, start up of a new

14 operation. This card would go with us. We'd

15 be up and we'd apply it to every aspect.

16 Flying in the north, is that aircraft capable

17 of it; what are the SAR resources in place if

18 we have one machine up there; do we have

19 backup, apply it to this, come up to red, it's

20 not -- how can we get it, who can be there for

21 us, and how can we limit flight, as well as

22 hangar, you know, do we have a place to store

23 the aircraft inside, is the elements outside

24 going to raise a particular problem for us,

25 creating a hazard in providing the service.

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1 It goes into so many variables that one aspect

2 wouldn't really give you the idea. So if we

3 take that, focus it against one area, you

4 know, towing the aircraft on a slope into the

5 hangar, that type of thing, you know, so how

6 many people would you need, have we got the

7 people in place for eyes left, right, back,

8 and front, so that you don't ding a blade on

9 bringing it into the hangar. Is it the proper

10 tug, is it the proper tow bar, you know,

11 things like that can come into these effects,

12 and if you're getting the red and the yellows,

13 then you know you've got a lot of mitigation

14 to put in place and do it right before you do

15 it and bring it into operation.

16 MS. FAGAN:

17 Q. Okay, thank you. We've heard quite a bit on

18 the risk matrix, so if there's more questions,

19 I'm sure the group here will ask them, but as

20 you said, most of the oil operators are

21 familiar with it, and I just wanted to know

22 how you apply it. So if you've covered that

23 topic, I would like you to move to slide 70,

24 which is the safety reporting and you did

25 mention that you do have a very good reporting

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1 system. So can you please explain what is on
 2 slide 70?
 3 MR. BANKS:
 4 A. Okay, this is our electronic safety reporting
 5 system. This has been a home built system we
 6 started a couple of years ago, taking all of
 7 our paper copies, transferring it to
 8 electronic and it works through the back end
 9 of our website where every employee throughout
 10 not only our company, but group-wide
 11 companies, can have a look at -- can enter an
 12 event, first of all, can have a look at
 13 existing that are being worked on, and they
 14 can also -- they can also go into further
 15 details here, such as the safety management
 16 system and other things that we include, but
 17 as you see, we have Cougar Helicopters here
 18 for aviation events, health and safety events,
 19 and we've split that for a reason. There's
 20 different reporting processes to the two. We
 21 like to keep them separated, it's a tidy way
 22 to achieve them as well as trend them.
 23 There's a lot of back end -- there's only one
 24 slide you see here, and that's the first
 25 reporting slide. There's many more that go in

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1 and give us the ability to trend our events,
 2 to actually see where they sit. They have
 3 reporting timelines that the event has to be
 4 completed by, and I'll go to that next slide.
 5 MS. FAGAN:
 6 Q. Okay.
 7 MR. BANKS:
 8 A. So when an event -- you know, this could be a
 9 hazard, an incident, a threat to us. Anybody
 10 that wants to report one, it goes into the
 11 system. It comes to me, it comes to my
 12 department, we assign a threat level to it.
 13 So as you can see there, guarded, we put a
 14 date of 15 days on that. That would be
 15 something that was a hazard that's not really
 16 going to ground a fleet or anything. It could
 17 be, you know, a bit of -- you know, for
 18 instance, there was salt and wet freezing up
 19 in front of the front door of the facility.
 20 You know, it says 15 days there, but we want
 21 to correct it fast, but it's not going to
 22 ground the fleet, it's nothing that
 23 potentially is going to kill people right
 24 away. We do act on it as fast as we can.
 25 Elevated, it just starts moving up the chain.

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1 So in contrast where paper copies used to
 2 travel around and not get touched for weeks on
 3 end because people were either travelling and
 4 they needed to comment on it or help mitigate,
 5 now the electronic system is e-mailed to
 6 people. If there's one event goes through
 7 now, it's electronically generated to all our
 8 managers, right down to supervisor level, so
 9 that they know, they have a contact that's
 10 something's happened and they get it real
 11 time. This, in fact, helps me because people
 12 get back to me with, you know, corrective
 13 actions or ideas for corrective actions. It's
 14 also a way to let individuals report and know
 15 that their concerns are being addressed in a
 16 timely fashion and reported back to them.
 17 Once completed, they are logged within the
 18 system and it has notifications that tell
 19 people that it has been completed, as well as
 20 a paper copy that every safety board has a
 21 file or a record of all these. They can also
 22 see how far along the investigation has taken.
 23 If I have four specialists involved in
 24 mitigating the event, then I can also have --
 25 you know, if two are complete, it will

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1 automatically click to the next guy saying,
 2 you know, you've got three days left, you
 3 better get this done. So it's all
 4 electronically generated and it's just a great
 5 system.
 6 MS. FAGAN:
 7 Q. We've heard the terms, hazard, near miss,
 8 event, or incident. Could you explain do you
 9 use those terms and is it -- these threat
 10 levels, are these hazards, near misses, or
 11 events, are they connected or are these two
 12 different things?
 13 MR. BANKS:
 14 A. Each one has a definition. I'll give them
 15 that, but to us, every one of those ones that
 16 you just said, they're all a concern. So to
 17 me, an event can be a hazard, an incident can
 18 be a hazard. You know, bring it all in and
 19 let us decide what they are through
 20 definition, but to just state incident or
 21 hazard or -- you know, they have definitions,
 22 but we want them in the system no matter what
 23 they are.
 24 MS. FAGAN:
 25 Q. They all go in?

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1 MR. BANKS:
 2 A. Oh, yes.
 3 MS. FAGAN:
 4 Q. No matter what it is, it all goes in the
 5 system?
 6 MR. BANKS:
 7 A. Yeah.
 8 MS. FAGAN:
 9 Q. And it might have a definition, but you're
 10 going to look at it and then assign a threat
 11 level to that particular item?
 12 MR. BANKS:
 13 A. In the category, yes.
 14 MS. FAGAN:
 15 Q. No matter how it falls in the definition,
 16 whether it's a hazard or a near miss or an
 17 event, any one of those three can end up in
 18 any one of these other categories?
 19 MR. BANKS:
 20 A. Yes, and, you know, we don't want to
 21 distinguish to a certain degree which is
 22 which. We want to hear that there is an issue
 23 and let's get it mitigated. You know, when we
 24 have, say, a slated hazard or -- that could be
 25 a concern by one, but not by another, but if

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1 it's a concern to him, it's a concern to me.
 2 So the threat levels are -- you know, they're
 3 quite important to us. Again if we're not
 4 sure, we go to the next level up. At the
 5 start of the event where somebody actually
 6 puts in a report, we give them the opportunity
 7 of low, medium, and high. That gives me an
 8 idea that if he came in and said high, but I
 9 see it as a medium, then I get a chance to
 10 talk to him and say why did you classify it at
 11 high, and if he educates me along that, wow,
 12 you know, he's right, and we'll risk assess it
 13 then and we'll bring it up and see if it's
 14 high or severe. So again severe is two days
 15 with actuality of going straight to the
 16 General Manager or up top to the CEO, and, you
 17 know, possibly grounding a fleet if I have
 18 concerns with it.
 19 MS. FAGAN:
 20 Q. Okay. This is an electronic based system.
 21 MR. BANKS:
 22 A. Correct.
 23 MS. FAGAN:
 24 Q. And do you have a paper system? We've heard
 25 about the cards, reporting cards, and I think

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1 even one of the panellists for the oil
 2 operators had indicated they thought that
 3 Cougar Helicopters had their own cards, but
 4 they didn't want to speak to it. So do you
 5 have cards in addition to the electronic?
 6 MR. BANKS:
 7 A. We do, and it's on the next slide.
 8 MS. FAGAN:
 9 Q. Okay, and can you explain 72, and I think
 10 there's a card that can be passed around the
 11 room. In addition, the card is here, it's
 12 front and back. So can you explain your card
 13 system? You have HEBBO. So what does that
 14 stand for?
 15 MR. BANKS:
 16 A. HEBBO, yes.
 17 MS. FAGAN:
 18 Q. And how do these work?
 19 MR. BANKS:
 20 A. It's another avenue of reporting that we
 21 didn't want to lose an issue or a concern.
 22 Our electronic reporting system is an
 23 excellent venue for reporting, but sometimes
 24 if people are in between jobs and don't have
 25 time to go to the computer, file it in and

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1 everything, we needed something strategically
 2 located in the facility besides a piece of
 3 paper that was stuck under my door, that
 4 concerns can be addressed right away. Instead
 5 of coming back after -- you know, I should
 6 report that, but I've got something to do
 7 right now, when I get back I'll do it, and
 8 we've lost the opportunity if he forgets.
 9 It's just another avenue that we found assists
 10 us in capturing any critical issues that can
 11 be addressed. It stands for Hazard Event
 12 Behavioural Based Observations. It's
 13 primarily brought to us through dealing with
 14 our oil industry. I've seen a lot of their
 15 stop/start cards, focus cards, this kind of
 16 thing, and it was time that we put something
 17 in place, not to the degree that they fill
 18 them in, this works as an avenue for
 19 subsequent reporting to the electronic
 20 database. So if we look at it, it can be a
 21 behavioural based observation, a hazard, or an
 22 incident. You know, even if they don't know
 23 what to call it, I just want you to fill in
 24 the blanks and leave blank where, but give us
 25 what the observation or the hazard you think

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1 it is, let us work it out. It's very
 2 encouraged as is all our reporting, you know,
 3 it's encouraged all the time, they're set in
 4 certain places within the facility, so pick
 5 them up, fill them in, and we'll deal with
 6 them and get back to you on all issues.
 7 MS. FAGAN:
 8 Q. Okay. The electronic system, which employees
 9 at Cougar Helicopters have access to the
 10 electronic system?
 11 MR. BANKS:
 12 A. Every member.
 13 MS. FAGAN:
 14 Q. Okay, and the -- I believe you've pretty well
 15 covered this, but if a card is filled in, it
 16 would go into the system, so if an employee
 17 had filled out a card and it ends up in the
 18 system, the employee could go to the
 19 electronic system and hit view and look at the
 20 status as to how that particular event is
 21 being dealt with? Would that be a fair
 22 statement?
 23 MR. BANKS:
 24 A. That's correct.
 25 MS. FAGAN:

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1 Q. And so that's how it's reported back? That
 2 would be how an employee would know that
 3 Cougar Helicopters is dealing with whatever
 4 they reported on?
 5 MR. BANKS:
 6 A. Yes.
 7 MS. FAGAN:
 8 Q. Okay. You had mentioned non-punitive and the
 9 words "just culture". It was either in your
 10 video or -- and I think it might have even
 11 been in the slide. What do you mean by "just
 12 culture", and "non-punitive"?
 13 MR. BANKS:
 14 A. To us, it goes hand in hand; non-punitive
 15 being don't be afraid to report, people make
 16 mistakes, we want you to bring forth any
 17 incident or something or concern that may have
 18 happened to you that we don't want happening
 19 to others. It's all about care for your
 20 fellow worker, it's about -- it's about
 21 bringing things to light and not being afraid
 22 of retribution. You know, there certainly is
 23 an area where people must know that there is
 24 penalty for, you know, busting procedures and
 25 things like that, but we want them to know

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1 that we're going to do everything we can to
 2 bring out the good in it and get it corrected,
 3 don't be afraid of bringing certain incidents
 4 just because they happened to you, bring them
 5 forward so we can correct them. The just
 6 culture, you know, we work in an area too that
 7 we want everybody to know that participation
 8 in the safety program and our whole system is
 9 an attribute that every one of our employees
 10 has, so this is known through -- and part of
 11 the safety culture, these people know this.
 12 It's not fabricated into a document, this is
 13 living and breathing within our company.
 14 MS. FAGAN:
 15 Q. We saw on the slide that you said they were
 16 divided. Safety is two categories. I guess
 17 it's all safety, but do you look at it from a
 18 health environment issue, and then the other
 19 is an aviation issue? Do you have an
 20 occupational health and safety committee?
 21 MR. BANKS:
 22 A. We do. What we call it is different, it's a
 23 Safety Management System Committee.
 24 Initially, a little bit of history here, we
 25 used to have a Flight Safety Committee, and an

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1 AOHS, or Aviation Occupational Health and
 2 Safety Committee. We had the two, and we
 3 said, well, why are we running two different
 4 committees when it's the same safety program,
 5 so let's blend the two, bring not only
 6 operations together with the workers that are
 7 not necessarily engaged down the hanger or on
 8 the flight line, but pool everybody together
 9 so we can educate each other and work issues
 10 together and raise any concern, and that's
 11 where the initiative came and it's worked out
 12 great because we have representation from
 13 every department on one committee, not only
 14 talking about health and safety or AOHS, but
 15 we're talking about flight safety as well.
 16 MS. FAGAN:
 17 Q. So before when it was divided, I take it what
 18 you're saying is there was not representation
 19 from every department?
 20 MR. BANKS:
 21 A. It was a little tough, yeah, we --
 22 MS. FAGAN:
 23 Q. On both committees, because you had two
 24 committees running?
 25 MR. BANKS:

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1 A. Right, and that second one, the Flight Safety
 2 Committee, was also dealing with their own
 3 internal OHS things within it, not just
 4 flight. So that's where it really told us
 5 that these guys are working one area, and on
 6 the other side we had strictly OHS. So to
 7 combine the two, we have representation right
 8 across the departments from the organization.
 9 MS. FAGAN:
 10 Q. So where were the pilots and the maintenance
 11 engineers when the -- were they on the
 12 Occupational Health and Safety Committee, or
 13 were they on the Aviation?
 14 MR. BANKS:
 15 A. They were on the Flight Safety side.
 16 MS. FAGAN:
 17 Q. They were on the Flight Safety side, which
 18 also dealt with their own occupation health
 19 issues, they weren't on the main general
 20 Occupational Health and --
 21 MR. BANKS:
 22 A. Right, and we saw the communication lacking
 23 there, so the need to bring them across just
 24 fulfilled what we needed for the SMS
 25 Committee.

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1 MS. FAGAN:
 2 Q. When did you combine it so that it's all one
 3 SMS Committee?
 4 MR. BANKS:
 5 A. I'd say one year ago now.
 6 MS. FAGAN:
 7 Q. Okay. So that would your -- your SMS includes
 8 your Occupational Health and Safety Committee?
 9 MR. BANKS:
 10 A. Right.
 11 MS. FAGAN:
 12 Q. So that would include -- that committee would
 13 include the pilots, the aircraft maintenance
 14 engineers, and somebody from every department?
 15 MR. BANKS:
 16 A. Yes.
 17 MS. FAGAN:
 18 Q. Okay.
 19 MR. BANKS:
 20 A. You know, when we structured it and developed
 21 it, we went along with the guidelines of OHS,
 22 so not only did we have pilot representation
 23 or air crew, engineering, we had to look at
 24 also the representation from management. We
 25 didn't want to go more than 10 to 15 percent

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1 management. So we have one management co-
 2 chair and we have one employee co-chair,
 3 trying to stay within the regulations with OHS
 4 as well, and it's a great idea because you
 5 don't want to overburden it with management
 6 where this is the workers forum that can bring
 7 the concerns up without feeling, you know,
 8 that they may be stepping out of bounds or
 9 something. So, you know, with that
 10 development came a lot of push out from me
 11 because I started it up, and I said, well, you
 12 know, the people are feeling now it's a little
 13 biased because the safety guy is chairing it,
 14 so I backed off, and now I oversee it. I'm
 15 not participant, I'm an oversight for the
 16 committee. I let the workers work this
 17 committee and, you know, there's no real plug
 18 from safety, but if they need direction or if
 19 they need assistance, then I'm readily
 20 available.
 21 MS. FAGAN:
 22 Q. Okay. Does Cougar Helicopters have any
 23 involvement or positions on the Occupational
 24 Health and Safety Committees of the individual
 25 oil rigs or platforms?

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1 MR. BANKS:
 2 A. No.
 3 MS. FAGAN:
 4 Q. If there's a safety event at either the St.
 5 John's base or on the helicopter or on the
 6 heliport -- the helideck on the oil rig, so
 7 we've got St. John's base helicopter, or the
 8 helideck, to whom should the oil worker report
 9 the safety event?
 10 MR. BANKS:
 11 A. If he's an oil worker, I believe he's got his
 12 own avenue and direction of reporting systems
 13 to his company, but it's never not -- you
 14 know, known that they can't report it to us.
 15 In fact, I'd encourage it if it happened in
 16 our facility or on our aircraft that I hear
 17 about it from them. If not, then, you know,
 18 through ProAct and divisional health safety
 19 advisors from the oil companies or our
 20 customers. That would come to me through that
 21 avenue.
 22 MS. FAGAN:
 23 Q. Okay. If there is a safety event, how does
 24 Cougar Helicopters advise the oil operators?
 25 If you become aware of it yourselves, how do

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1 you advise the oil operators?
 2 MR. BANKS:
 3 A. Okay, of what, of one of their employees?
 4 MS. FAGAN:
 5 Q. Of the safety event, something that may have
 6 come to the attention of Cougar Helicopters,
 7 an event that happened at the base? It might
 8 not be their employee, it may just be an
 9 accident.
 10 MR. BANKS:
 11 A. Oh, okay.
 12 MS. FAGAN:
 13 Q. Let's say somebody slipped -- say, an oil
 14 worker slipped at the St. John's base?
 15 MR. BANKS:
 16 A. I got it.
 17 MS. FAGAN:
 18 Q. Okay.
 19 MR. BANKS:
 20 A. I have direct contact with their health safety
 21 and environment managers. I would certainly
 22 go that route. I'm obligated as well that if
 23 one of our employees has a lost time accident
 24 or incident, or a medical treatment case, that
 25 I immediately notify logistics managers, as

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1 well as my reporting to their HS&E people.
 2 MS. FAGAN:
 3 Q. So when you say if something happens to a
 4 Cougar employee, Cougar's logistics manager,
 5 is that who you --
 6 MR. BANKS:
 7 A. No, no, to our customers.
 8 MS. FAGAN:
 9 Q. So if something happens to a Cougar employee,
 10 you report that to the oil operators as well?
 11 MR. BANKS:
 12 A. That's right.
 13 MS. FAGAN:
 14 Q. Okay. The next area is the auditing, and you
 15 had spoken about internal audits and external
 16 audits, and for the information of the
 17 parties, Exhibit 181 is an audit summary. We
 18 have not reproduced the entire summary in the
 19 slides. In the slides, we have only
 20 reproduced the internal audits for '09 and the
 21 external audits for '09. So the history a
 22 little further back is in the exhibit, but we
 23 just thought it would take up too many pages
 24 to list all of the auditing, and I would like
 25 you to first explain the internal audits

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1 because I believe that's part of your safety
 2 management system that you spoke of in the
 3 video?
 4 MR. BANKS:
 5 A. And quality, yes.
 6 MS. FAGAN:
 7 Q. And quality. So can you take us through your
 8 own processes in-house?
 9 MR. BANKS:
 10 A. Okay, we have -- we have four departments that
 11 have auditing plans throughout the year. We
 12 have Flight Op, flight operations is one set
 13 of internal audits. There's SMS, which is my
 14 system, as well as Quality ISO 9001/20008,
 15 which is again my responsibility, and then we
 16 have Quality Assurance that audits their area
 17 of the maintenance. Now you must understand
 18 that my area is regulated different than
 19 Flight Ops would be because they're Transport
 20 Canada, and maintenance would be the same
 21 thing, they're under the umbrella of Transport
 22 Canada. So my ISO 9001/2008 doesn't dig too
 23 far into that because it's already highly
 24 regulated. There are areas of ISO that do
 25 connect into purchasing, product realization,

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1 that kind of thing. So there's a little bit
 2 that I get into there with probably stores and
 3 calibrations, but not on the actual
 4 maintenance procedures. That's already highly
 5 regulated by Transport Canada. So they'll
 6 conduct their own audits, Flight Ops, again
 7 Transport Canada, highly regulated, they will
 8 focus on their own audits, and myself with my
 9 audit plan. So these are constant and
 10 throughout the year. Each of us have a system
 11 that it's all collected in one area and goes
 12 to Q5 Systems, which is a local company in
 13 town that in the last year we've utilized and
 14 used some of their software that is just a
 15 great way of pulling it all together. You
 16 know, the oversight from the three of us and
 17 the meetings, and -- you know, there's an
 18 awful lot of audits going on, so we have a
 19 good judge of where we sit with them and we're
 20 on top of them at all times. It's certainly
 21 an oversight that we've developed over the
 22 last couple of years that does us well.
 23 MS. FAGAN:
 24 Q. So on slide 73 and 74, there is a list and the
 25 person responsible is the quality assurance

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1 manager and we're both in, say, the first two
 2 is January '09 and one is the hanger and one
 3 is the aircraft. So the heading is "Internal
 4 Audits", so can you tell us what is comprised,
 5 say in those two items? They're both
 6 happening in the same month, what's going on
 7 there?
 8 MR. BANKS:
 9 A. Right, that's part of his audit plan where he
 10 would one month work at that aspect of the
 11 operation, audit it to his checklist and the
 12 next month would be carry on, it's on a
 13 rolling plan, so he has all areas that he
 14 needs to cover broken down in a 12-month
 15 period.
 16 MS. FAGAN:
 17 Q. Okay, what is the reporting process for the
 18 results of these internal audits and
 19 inspections? What happens with the results?
 20 MR. BANKS:
 21 A. Well, you know, depending on the department,
 22 that would be brought up through--his director
 23 of maintenance would end up with the results,
 24 as well as, you know, it would be brought to a
 25 higher level in the manager of where we sit,

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1 and management review, gets to review all
 2 audits at year end. So we break it down and
 3 if we have a good review from a team of
 4 managers, that is part of our management
 5 review and they can see all activity that's
 6 happened within the year.
 7 MS. FAGAN:
 8 Q. Okay, you also mentioned the quality
 9 management system, ISO 9001 and that has been
 10 entered as Exhibit 180, how does the quality
 11 management system ISO 9001 fit into this
 12 auditing, the SMS and this auditing program--
 13 or does it fit, is there a connection?
 14 MR. BANKS:
 15 A. Well it's a certification on its own, but it's
 16 a group of systems and processes and
 17 procedures that identify how our operation
 18 works, so to audit against ourselves on ISO, I
 19 go through all departments and make sure that
 20 we're doing exactly what our book says. If
 21 there's changes to our processes, changes must
 22 occur in our manual as well. It's just a way
 23 of saying that this is a set guide of
 24 procedures and processes that must be
 25 followed. We don't deviate from this, it's

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1 the international standards organization, so
 2 that when the registrar comes in and he audits
 3 us, then we understand and he understands that
 4 we're doing everything, abiding by this book,
 5 regulations and internal auditing would catch
 6 any deviations. So it's just another
 7 oversight to ensure that, you know, we are all
 8 on board and nobody straying from different
 9 standards.
 10 MS. FAGAN:
 11 Q. Okay. Slide 75 is--the first two were quality
 12 assurance manager, what is different about
 13 these, it has a different person responsible,
 14 is that you?
 15 MR. BANKS:
 16 A. That's the director of safety management
 17 systems, that's myself, yes.
 18 MS. FAGAN:
 19 Q. And what are--these are internal audits, I
 20 take it these are in addition to what the
 21 quality manager is doing, and what are these
 22 audits?
 23 MR. BANKS:
 24 A. These are, like you said, internal audits. If
 25 you see the first one, that is Halifax pre-

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1 start-up audit, so that's a SMS audit that I
 2 conducted in Halifax before we started
 3 operations with EnCana over in Halifax
 4 MS. FAGAN:
 5 Q. Okay, and then YYT is St. John's, so some of
 6 these are in different areas.
 7 MR. BANKS:
 8 A. Yes.
 9 MS. FAGAN:
 10 Q. They're not all St. John's.
 11 MR. BANKS:
 12 A. No, this is global.
 13 MS. FAGAN:
 14 Q. Okay.
 15 MR. BANKS:
 16 A. Just like here, you know, we still have the
 17 same procedures and processes say in the Gulf
 18 of Mexico, North West Territories and so I go
 19 out and actually audit those facilities as
 20 well and all the operations, as do the qualify
 21 manager and the director of flight ops or his
 22 chief pilot. Again, it's just another sense
 23 of oversight.
 24 MS. FAGAN:
 25 Q. So the other directors will also do auditing

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1 or go with you to audit?

2 MR. BANKS:

3 A. Yes, sometimes with me; sometimes when they're

4 down there doing other things, they'll put

5 their audit in as well, but, you know, no

6 longer than on an annual basis, that's for

7 sure.

8 MS. FAGAN:

9 Q. Okay, now I'd ask you to move to the external

10 audits, and what do you mean by an external

11 audit?

12 MR. BANKS:

13 A. Well an external audit would be anything that

14 is not completed internally by ourselves.

15 There's, you know, they would have the

16 regulatory through the government agencies,

17 Transport Canada, Transportation Safety Board,

18 we have, you know, there's a number of areas

19 there. Then we have customary audits, so it

20 could be our customers from all operations, it

21 could be down the Gulf of Mexico that not only

22 audit our operations down there, but they come

23 up to headquarters to audit us up there to

24 make sure up in St. John's, so they make sure

25 everything we're doing up there is in line

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1 with down in the Gulf, just as an example.

2 Then we have all of our customers in town here

3 who are QHS&E, which is Quality Health Safety

4 & Environment auditing us, as well as their

5 aviation advisors, so we have that side of the

6 house as well. Then we have ISO Registrar,

7 which I spoke about earlier and they also

8 perform audits on it and then Transport Canada

9 and other agencies.

10 MS. FAGAN:

11 Q. We have had entered as exhibits one Transport

12 Canada audit and a couple of the other annual

13 audits that are prepared by Exxon Mobil and I

14 believe we also had a summary, not necessary

15 the full audits for the oil operators, but at

16 least the summary or the results of audits and

17 then the last one that was entered was a

18 summary that was contained in the PowerPoint

19 of Husky. So, you know, that's smattering,

20 that's four, your list is much longer than

21 four, can you give me--how many audits have

22 there been since 2007, last three years,

23 external audits?

24 MR. BANKS:

25 A. We've had 27 external audits.

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1 MS. FAGAN:

2 Q. Okay, and how long do the audits take on

3 average, the external?

4 MR. BANKS:

5 A. Anywhere from one to five days.

6 MS. FAGAN:

7 Q. Okay. How often does Transport Canada audit

8 Cougar Helicopters?

9 MR. BANKS:

10 A. Normally annually, once a year, sometimes

11 twice.

12 MS. FAGAN:

13 Q. And how long does the Transport Canada audits

14 take?

15 MR. BANKS:

16 A. Again, three to five days.

17 MS. FAGAN:

18 Q. Okay, we had heard from the oil operators that

19 Exxon Mobil has an aviation expert, there are

20 letters and information in the HOTF report, so

21 those audits, those annual Exxon audits, how

22 long do they take?

23 MR. BANKS:

24 A. It varies, but normally two to three days and

25 the good thing there is we're on very good

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1 terms with them, so I mean, it's a shared, not

2 only audit but education to each other.

3 They're a wide group of experts and we enjoy

4 their presence.

5 MS. FAGAN:

6 Q. Would you consider it a resource -

7 MR. BANKS:

8 A. Oh yeah.

9 MS. FAGAN:

10 Q. Gain information from them.

11 MR. BANKS:

12 A. For sure, with all our audits, I mean, we

13 encourage a new set of eyes to come into our

14 operation and pick up things possibly that we

15 may not be seeing, so it's all about

16 proactive.

17 MS. FAGAN:

18 Q. Okay, and the Husky audit that was also

19 referred to in their PowerPoint, do you recall

20 how long that one would have taken?

21 MR. BANKS:

22 A. I don't know which one we're talking about.

23 MS. FAGAN:

24 Q. Oh, well perhaps it's unfair because you may

25 not recall each individual one.

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1 MR. BANKS:
 2 A. January '09, is that what we're talking about?
 3 Well, with any of them, that would be--
 4 Contrail Aviation, they're a third party and
 5 yes, you know, we've had three with him this
 6 year, I guess, so he's a knowledgeable
 7 individual.
 8 MS. FAGAN:
 9 Q. Okay. And what was the total of internal
 10 audits since 2007, do you know?
 11 MR. BANKS:
 12 A. Twenty-five.
 13 MS. FAGAN:
 14 Q. What resources are needed during an audit
 15 process? If Cougar Helicopter is being
 16 audited and it's two days, five days, what
 17 does it take on Cougar's part to respond and
 18 deal with the auditing process?
 19 MR. BANKS:
 20 A. We've pretty well got it down to a science now
 21 as a team, we usually have myself, a qualify
 22 assurance manager from engineering, director
 23 of flight ops and the chief pilot, director of
 24 maintenance and we'll meet to pre-audit, so to
 25 set it up is one thing, there are some

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1 cancellation of trips and things because, you
 2 know, we're on their time zone too, so you
 3 know, we have to pool it together. Everybody
 4 has to be present, we don't want anything
 5 lacking, you know, to have representatives
 6 there that aren't used to the auditing taking
 7 your spot is not desirable, so we try and, you
 8 know, be around for it all and there's days
 9 that will, okay, the set up, then there's the
 10 actual audit days and then there's, you know,
 11 the post audit get together to ensure that
 12 we've closed out.
 13 MS. FAGAN:
 14 Q. Because it's not just the two days or the five
 15 days, there may be things to respond to.
 16 MR. BANKS:
 17 A. Oh no, no, yes, there's many meetings after
 18 that to clarify things, yes.
 19 MS. FAGAN:
 20 Q. With all of this auditing, has there been any
 21 significant or major findings, I mean, how
 22 would you category the findings or the results
 23 of the auditing?
 24 MR. BANKS:
 25 A. In my eyes and my experience, no, there's, you

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1 know, no non-conformances, but opportunities
 2 for improvement, so you know, things that
 3 we'll look at and see if it is in our scope to
 4 add or not and move forward. You know, if we
 5 were to act on every one of the improvement
 6 opportunities, we have a really good look at
 7 it, but we don't want to be changing
 8 necessarily all of the time too, we need
 9 people to understand our procedures and our
 10 way of dealing with things. If you
 11 interchange so rapidly then, you know, you
 12 could be adding risk, so we really scrutinize,
 13 have a good look at them and if it works for
 14 us, then we'll put them in place. And
 15 normally they're very good, you know, they're
 16 good improvement opportunities that we'll get
 17 around to and if so desirable, we'll put them
 18 in place right away.
 19 MS. FAGAN:
 20 Q. But non of them are non-conformance, so if it
 21 was a non-conformance issue, then -
 22 MR. BANKS:
 23 A. It's been quite awhile since I've seen a non-
 24 conformance, yeah.
 25 MS. FAGAN:

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1 Q. Is there anything that can be done to improve
 2 the auditing process?
 3 MR. BANKS:
 4 A. We're in discussions now with our customers,
 5 as well as others, but mainly our customers
 6 and I think the best approach forward and
 7 these discussions have been for the last six
 8 months, but to find a time zone that our team
 9 can get together and book once a year and, you
 10 know, have a two-week period or a week period
 11 where teams of audits or customers conjoined
 12 can come in and audit during that timeframe
 13 and, you know, have a really good look at the
 14 operations and, you know, it can be called a
 15 joint audit through all levels and we'd be
 16 available for that time and welcome it and not
 17 take so much oversight away from the
 18 operations. Get it done in one timeframe and
 19 we'll move on from there.
 20 MS. FAGAN:
 21 Q. This list here is only for 2009 and I would
 22 think I counted 15 maybe or somewhere around
 23 15, 17 audits, would that be about the right
 24 number? Would it be in excess of 10 or 15
 25 audits for 2009? This list here, are these

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1 all individual audits?
 2 MR. BANKS:
 3 A. Yes.
 4 MS. FAGAN:
 5 Q. So if they're 15 and they take 3 days, that's
 6 45 days.
 7 MR. BANKS:
 8 A. Okay.
 9 MS. FAGAN:
 10 Q. Of auditing, if they're all separate and then
 11 you have all the start -
 12 MR. BANKS:
 13 A. Right, and that's why discussions have been
 14 going on and I think we're going to achieve
 15 that, you know, as early as this morning I was
 16 talking to one gentleman that, you know, he
 17 said he's up and working on it now and we're
 18 going to have a good look at it. I think they
 19 agree as well, you know, they see that, you
 20 know, it maybe getting to the point where,
 21 that we need to put in place an avenue and a
 22 time zone like that and I, you know, it's
 23 agreeable. We just had a joint audit by the
 24 customers, QH&S and there was three customers
 25 came in, they worked together and I think it

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1 solidified a lot of things and we had a really
 2 good audit and we learned a lot from it.
 3 MS. FAGAN:
 4 Q. Okay, thank you. I have one more question
 5 area but it's not going to matter because
 6 there is one more section to go anyway, so we
 7 can break now and then we'll be back at 3:30.
 8 (BREAK)
 9 MS. FAGAN:
 10 Q. The last section of questions under the safety
 11 management system has to do with drug and
 12 alcohol testing and I believe there's a slide,
 13 78. And could you please--this is just one of
 14 the aspects of your safety management system,
 15 could you please describe Cougar Helicopter's
 16 random drug and alcohol testing procedure,
 17 your process?
 18 MR. BANKS:
 19 A. Right, the random testing has been in effect
 20 now for about one year for these positions.
 21 Initially we had pilots only and then with
 22 contract and how we wanted to move forward
 23 with safety management, it really came into
 24 effect that we required safety sensitive
 25 positions, not just the air crew, but the

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1 people who were working on the aircraft who
 2 were working with helicopter flight data
 3 monitoring, our traffic staff engaging, you
 4 know, the flights with dispatch, flight
 5 following, ramp staff and security agents,
 6 just to take it to that next level, as well as
 7 rescue specialists. We just needed to be
 8 above the curve of where we were before, you
 9 know. I think initially we were thinking,
 10 well it's getting to a point where we have to
 11 research this because of, you know, the laws
 12 of Canada and protection of individuals, so we
 13 researched it and found out it can be done and
 14 grouped them together and came up with a good
 15 list throughout our organization that we will
 16 test now on a monthly basis and again with our
 17 providers, Atlantic Offshore Medical Services,
 18 AOMS, it's a service they provide to us both
 19 in Halifax and here at our operations that
 20 electronically generates a name. We give them
 21 an employee-base list of all of these
 22 positions and they screen, well they screen,
 23 get the name and come up and that way we're
 24 not involved, the safety department is not
 25 selecting, it's an outside non-bias selection

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1 and it's conducted once a month.
 2 COMMISSIONER:
 3 Q. Do you mean a name in each category of -
 4 MR. BANKS:
 5 A. No, just one individual, it could be any of
 6 those -
 7 COMMISSIONER:
 8 qQ. Just one name, I see.
 9 MR. BANKS:
 10 A. So we're getting ourselves 10 percent a year
 11 is what--well, 10 percent a month, so that's
 12 what we're looking at.
 13 MS. FAGAN:
 14 Q. What do you mean, 10 percent a month?
 15 MR. BANKS:
 16 A. Well through contract it stipulates that 10
 17 percent must be tested on a yearly basis, so
 18 in that year we get 10 percent. One
 19 individual per month with the number of
 20 employees we have.
 21 MS. FAGAN:
 22 Q. So it would be 10 percent of your workforce?
 23 MR. BANKS:
 24 A. That's correct.
 25 MS. FAGAN:

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1 Q. So if you had a much larger workforce, there'd
 2 be more per month?
 3 MR. BANKS:
 4 A. Right.
 5 MS. FAGAN:
 6 Q. And have you had any situations where a pilot
 7 or a dispatcher, maintenance engineer has
 8 failed the alcohol or drug test?
 9 MR. BANKS:
 10 A. No, never.
 11 MS. FAGAN:
 12 Q. The last section is the changes since the
 13 return to flight after the March 12th accident
 14 and some of the changes that have been brought
 15 forward by Cougar Helicopters and some of--
 16 we're going to address some of the
 17 recommendations from the return to service,
 18 the HOTF report, so the first thing and I
 19 believe Mr. Burt is going to handle this set
 20 of questions. I'd just like you to set it up
 21 for the group before we get into the changes
 22 and I'd like to know how Cougar Helicopters
 23 was involved in the return to service process
 24 after March 12th.
 25 MR. BURT:

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1 A. Well together with the HOTF team, we
 2 collaborated on analysing the questions that
 3 came from the employee group from offshore and
 4 onshore. We took that information and had
 5 several meetings as we distilled the
 6 questions; in other words, there was lots of
 7 groups of similar questions, we took that and
 8 developed a mandate.
 9 MS. FAGAN:
 10 Q. So are you--we saw in the HOTF report there
 11 were three hundred and fifty or maybe three
 12 hundred and sixty-five questions that were put
 13 forward, are those the questions that you're
 14 talking about?
 15 MR. BURT:
 16 A. That's exactly right and we spent actually
 17 hours pouring over those and making sure that
 18 we grouped them and tried to be as efficient
 19 as possible.
 20 MS. FAGAN:
 21 Q. Okay. In addition to the questions, this was
 22 your, I guess contribution to the HOTF report
 23 was to help with the answers or provide some
 24 of the answers.
 25 MR. BURT:

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1 A. Yes.
 2 MS. FAGAN:
 3 Q. Would that be fair?
 4 MR. BURT:
 5 A. In the background regards to different topics
 6 that did come up, of course, you know, we were
 7 actually answering and structuring the whole
 8 thing at the same time.
 9 MS. FAGAN:
 10 Q. Okay. Did you make any presentation or have
 11 any meetings or deal with the HOTF group prior
 12 to the questions and how long was the HOTF
 13 process and what was your involvement in the
 14 process itself, beyond the question section?
 15 MR. BURT:
 16 A. Right, well it was several weeks. We had
 17 meetings beyond just analysing the question
 18 period, we had presentations absolutely from
 19 Cougar's point of view or Cougar's information
 20 and we met with their team several times as we
 21 developed the best strategy to provide the
 22 information and a clear and open format and
 23 you know, it was a lot of information to
 24 process and we wanted to make sure that it, as
 25 a group and we were a group from beginning

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1 right to the end, as a group we communicated
 2 clearly, openly as best we could.
 3 MS. FAGAN:
 4 Q. Okay, and when you mean as a group, do you
 5 mean Cougar Helicopters and the oil operators
 6 as a group worked together?
 7 MR. BURT:
 8 A. Right, that's exactly right.
 9 MS. FAGAN:
 10 Q. Were the pilots and employees at Cougar
 11 Helicopters, did they submit questions, you
 12 know, the 365 questions were their questions
 13 part of that 360 questions?
 14 MR. BURT:
 15 A. No, that was the employees of the--and family
 16 members of the offshore oil and gas companies.
 17 We had our own process at Cougar.
 18 MS. FAGAN:
 19 Q. And what was that process?
 20 MR. BURT:
 21 A. We took our different areas of discipline in
 22 our organization, flight operations,
 23 maintenance, our rescue specialists and our
 24 administration and we assembled a team out of
 25 that group and that team was given a mandate

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1 to represent the company at large and we
 2 wanted to collect all the questions, inquiries
 3 we had from that and we took those six--
 4 because it was a little bit of a similar
 5 analysis we did within our own company.
 6 Again, we boiled that down to questions and
 7 had an opportunity to speak to the group at
 8 large. That team took that information and we
 9 want forward and disseminated that information
 10 to our employees and it was a very effective
 11 process.

12 MS. FAGAN:
 13 Q. The oil operator's presentation included a
 14 slide on--and in particular it was 118 of the
 15 joint panel, and that listed the changes that
 16 occurred at Cougar Helicopter prior to
 17 returning to flight.

18 MR. BURT:
 19 A. Right.

20 MS. FAGAN:
 21 Q. And I understand that slide 79 has some of
 22 those items restated and can you please
 23 describe, from Cougar's perspective, what the
 24 changes were and then we'll get into the
 25 recommendations of the HOTF report which are

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1 in addition to these items.

2 MR. BURT:
 3 A. Yes, and certainly I recognize this, I was
 4 involved in numerous presentations. So based
 5 upon the information we had learned as we went
 6 to the return to service process, we had a
 7 revision of our emergency procedures and our
 8 normal checklist. Now we got together with
 9 Transport Canada, we sat with them, looked at
 10 this checklist and said is there a, based upon
 11 what we know now today, is there a more
 12 efficient or more relevant way we can
 13 structure and add to the content. So with
 14 Transport Canada, we sat down and said yes,
 15 what we effectively did, we moved, for example
 16 some of the emergency section forwarded in the
 17 checklist, we had a couple of comments to
 18 clarify things, and then we took that together
 19 and I'll combine the two of them if you don't
 20 mind.

21 MS. FAGAN:
 22 Q. Yes.

23 MR. BURT:
 24 A. The first two points with a revised dissent
 25 profile. Again, based upon the knowledge that

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1 we now had--and we also added the manufacturer
 2 on this, to revise a dissent profile to be as
 3 efficient and lined up with the manufacturer
 4 as possible for, you know, for these
 5 emergencies. So we developed the checklist
 6 procedure and revised dissent profile and
 7 together with Transport Canada, we took that
 8 and went down to West Palm Beach in a
 9 simulator. And so we took it and used it in
 10 the simulator in a similar events as we
 11 replicated March 12th, had a look at the
 12 scenarios there, different, you know, main
 13 gear box scenarios and we tested for those
 14 procedures and that actually was very, very
 15 validating of where we went with it. So
 16 again, we took those back and brought those
 17 back to our pilot staff and as required by
 18 Transport Canada, any changes we make like
 19 that, they have to have the training done and
 20 annotated before we do that.

21 MS. FAGAN:
 22 Q. Okay, thank you. The last one is the change
 23 of the location of the auxiliary tank. Now
 24 that issue has been dealt with, I understand
 25 it has been changed, the presentation by the

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1 joint panel indicated that it had been
 2 changed. I understand it's certified to be on
 3 either side of the aircraft, is that correct?

4 MR. BURT:
 5 A. Correct or two tanks on, you know, one on one
 6 side, one on the other, together.

7 MS. FAGAN:
 8 Q. Okay. One issue that hadn't been covered but
 9 it has been raised is could you explain why
 10 the auxiliary tank is located inside the
 11 aircraft and not mounted externally?

12 MR. BURT:
 13 A. Sure.

14 MS. FAGAN:
 15 Q. Could we just take these tanks and strap them
 16 to the outside instead of having them inside?

17 MR. BURT:
 18 A. Right. That's a question that we really, you
 19 know, obviously we own that answer because we
 20 developed this tank, "we" being Cougar, the
 21 operator developing the spec and the need,
 22 together with our sister company, VIH
 23 Aerospace and a team throughout North America
 24 as we developed it and we said, you know, what
 25 do we want to add additional range to the S-

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1 92. We've already talked about why we need to
 2 go further with the aircraft, so we surveyed
 3 the aircraft and realized that on the exterior
 4 of the aircraft there was really no real
 5 estate that was available on our analysis that
 6 wouldn't either block an exit, be quite
 7 onerous to the aircraft and from, again, from
 8 our design engineering point of view and
 9 again, there's a return on time and effort and
 10 investment as to what you can do on the
 11 outside of an aircraft, so clearly our
 12 solution was to design an appropriate
 13 operationally oriented auxiliary fuel tank
 14 that fit inside the aircraft. So we came to
 15 that conclusion and we designed that tank to
 16 the latest and greatest FAR/JAR 29 compliance
 17 standards. It's the same build standard as
 18 the new technology aircraft.

19 MS. FAGAN:
 20 Q. I understand that if there's anything on an
 21 aircraft, Transport Canada's witness said that
 22 if there's anything on an aircraft, it must be
 23 certified by Transport Canada.

24 MR. BURT:
 25 A. Uh-hm.

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1 MS. FAGAN:
 2 Q. So this is something you designed, not
 3 Sikorsky?

4 MR. BURT:
 5 A. Yes. No, we designed this and used an
 6 engineering team and a team of manufacturing
 7 experts, including our own expertise and then
 8 submitted it to Transport Canada for approval.

9 MS. FAGAN:
 10 Q. Okay, and I believe you indicated it's
 11 certified to be located on either side and
 12 that certification is Transport Canada?

13 MR. BURT:
 14 A. That's correct.

15 MS. FAGAN:
 16 Q. So how long did this process take?

17 MR. BURT:
 18 A. It probably took us a total of almost a year
 19 and three quarters to develop this tank.

20 MS. FAGAN:
 21 Q. To develop the tank and get the certification?

22 MR. BURT:
 23 A. Yes.

24 MS. FAGAN:
 25 Q. I now ask you to move into the--we're going to

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1 cover some of the recommendations, we're not
 2 going to cover all of the recommendations.
 3 There were 18 in total and some of the
 4 recommendations have been dealt with
 5 throughout your presentation, such as
 6 recommendation No. 2 was Cougar safety
 7 management system and we just heard that the
 8 system has now been fully implemented, so we
 9 need not go back down through some of them.
 10 But there are a couple of the recommendations
 11 that I don't believe were covered in the main
 12 presentation so far and I'd ask you to look at
 13 slide 80. Slide 80 covers the floats, we had
 14 heard that consideration is being given to the
 15 installation of additional floatation on the
 16 S-92 to allow sea state 6 capability and can
 17 you tell us is consideration being given to
 18 such a floatation system?

19 MR. BURT:
 20 A. Yes, again as a team we talked about this
 21 together and what I mean is the HOTF committee
 22 and Cougar, as a team we talked about this.
 23 Cougar brought forward the technical
 24 background as to what is available in regards
 25 to what is called enhanced emergency

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1 floatation as verses what we had and have
 2 right now is the emergency floatation. When
 3 we discussed this, I think it was really
 4 within a 24 hour period it was a decision made
 5 by all three operators to go ahead and
 6 immediately order this enhancement, it's
 7 there, it was just approved for the North Sea
 8 and employed in the North Sea, so therefore
 9 they asked us to order it and we did so.

10 MS. FAGAN:
 11 Q. And so all three oil operators decided, I take
 12 it fairly quickly to order the floatation,
 13 they've been ordered, do you have a date when
 14 you expect the floats to be installed and how
 15 long will it take to install?

16 MR. BURT:
 17 A. The floats have been ordered and they should
 18 be available for installation around June,
 19 July timeframe and what we're doing right now
 20 is actually opening up slots of aircraft, it's
 21 about a ten-day installation process for each
 22 aircraft, but that decision has long been made
 23 and we're now into the process of
 24 implementation.

25 MS. FAGAN:

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1 Q. Okay, and how will the float modification
 2 improve safety?
 3 MR. BURT:
 4 A. The floatation system, first of all, is an
 5 emergency floatation. This aircraft is not an
 6 amphibious aircraft, it's for emergency
 7 situation. The enhanced emergency floatation
 8 basically increases stability on the water, so
 9 that's the measure of how it does increase the
 10 safety and the status of an aircraft that's on
 11 the water.
 12 MS. FAGAN:
 13 Q. Okay. The next recommendation that I would
 14 like you to cover is number 11, which is the
 15 current SAR arrangement. It says here that
 16 "the last formal assessment was done in 1997
 17 and that consideration should be given to
 18 response time in night flights." I take it
 19 that there was discussion about these issues
 20 and I do know that the oil operators'
 21 presentation included information that the
 22 training time has been increased. So can you
 23 please describe this whole process?
 24 MR. BURT:
 25 A. Sure.

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1 MS. FAGAN:
 2 Q. What was being considered and what
 3 enhancements have been made and what
 4 enhancements are planned?
 5 MR. BURT:
 6 A. And I think it's good to understand that it's
 7 not an isolated process that we see here.
 8 Right since day one in 1997, when we started
 9 here, we've always had a process of engaging
 10 all of the oil operators in continuous
 11 improvement opportunities. This is another
 12 example of that. We've actually succeeded
 13 together by using this strategy.
 14 In fact, this strategy of enhancing our
 15 first response started in December 2008.
 16 That's when we were having discussions about
 17 this, and these are fallouts out of what we
 18 agreed would be a three-phase enhancement
 19 program. So again, it was the first quarter
 20 that -- through our discussions that again all
 21 the operators unanimously agreed to increase
 22 our training hours to 40 hours. Now that was
 23 based upon a detailed proposal from Cougar as
 24 to what we would do and how that would
 25 complement our first response program, and on

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1 top of that, some of our experience
 2 internationally we brought forward in a
 3 presentation, again as a group, and again it
 4 was well received and we said it's our
 5 standard now moving to those three people in a
 6 search and rescue format. I think we talked
 7 about that, the cabin attendant, the hoist
 8 operator and the rescue swimmer. And they
 9 agreed to move toward that scenario and we
 10 hired, at their approval and concurrence,
 11 additional staff to do that.
 12 On top of that, what we did do is instead
 13 of having the search and rescue crews mingle
 14 through the regular crews flying the line
 15 passengers, they fully supported us in
 16 retaining dedicated pilots and dedicated
 17 rescue specialists and that had a significant
 18 increase in the numbers and there was a cost
 19 increase with that and that's been implemented
 20 and that's in effect now.
 21 MS. FAGAN:
 22 Q. And when you say a cost increase, this is a
 23 cost that's being borne by the oil operators?
 24 MR. BURT:
 25 A. Yes.

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1 MS. FAGAN:
 2 Q. Okay. So they're paying for these additional
 3 enhancements?
 4 MR. BURT:
 5 A. All those additional changes is borne solely
 6 by the three operators, yes.
 7 MS. FAGAN:
 8 Q. You said it was a phased in approach, so I -
 9 MR. BURT:
 10 A. Right.
 11 MS. FAGAN:
 12 Q. - I'll let you carry on with what else is
 13 planned.
 14 MR. BURT:
 15 A. Sure, and that's phase one. Phase one is that
 16 we have changed our posture together as a
 17 group. We have dedicated crew. We have an
 18 increased flight training hour scenario now.
 19 Phase two for us is, again, following through
 20 as we talked about the certification for auto
 21 hover. So we've had discussions now for
 22 months with the operators about auto hover and
 23 we've advised them that the certification is
 24 pending. So in our discussions with them,
 25 they have said that their intent is to follow

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1 through and acquire the auto hover for all of
 2 our aircraft.
 3 Now I will say that when we purchased the
 4 aircraft and they were specked out in the
 5 beginning, all of the operators asked us to
 6 make sure we had provisions for dual hoist and
 7 also provisions for auto hover, whether we
 8 used them or not. So there was actually a
 9 material change to the aircraft to accommodate
 10 that, to the point where if we went and
 11 completed our auto hover installation, it's
 12 really a software change. That's all we have
 13 to do once it's certified.
 14 So we're looking forward to that time and
 15 again, all three operators are moving forward
 16 with the intent to employ that auto hover
 17 system.
 18 MS. FAGAN:
 19 Q. So when you say when you specked out the
 20 aircraft, are you talking -- it's a while now,
 21 but yesterday we looked at the fleet
 22 transition.
 23 MR. BURT:
 24 A. Right.
 25 MS. FAGAN:

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1 Q. And there were a number of dates, and I
 2 believe we were back in at least three or four
 3 years ago.
 4 MR. BURT:
 5 A. Yes.
 6 MS. FAGAN:
 7 Q. So are you saying it was -- is that when the
 8 specking of the aircraft took place?
 9 MR. BURT:
 10 A. That's when the discussion with all three
 11 operators took place, and in that, we put
 12 forward the growth, the potential of the
 13 aircraft, and I think it was important for all
 14 of us as we discussed with our customers to
 15 say, you know, we should really maybe consider
 16 the growth of this, where are we going, and we
 17 knew at that time the trend was moving to a
 18 dual hoist installation as a standard. So
 19 every aircraft has that provision. And we
 20 knew that, you know, auto hover would have
 21 benefits somewhere in the future. So we
 22 installed a second radar altimeter and that's
 23 really the only other hardware installation
 24 that we need to accommodate auto hover. So
 25 those provisions are all embodied in the

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1 current aircraft.
 2 MS. FAGAN:
 3 Q. And however, you can't -- as you'd said
 4 earlier, the aircraft is physically pretty
 5 well able to deal with auto hover.
 6 MR. BURT:
 7 A. Yes.
 8 MS. FAGAN:
 9 Q. You just can't actually use it until this
 10 certification process -- we still have to wait
 11 for the certification process?
 12 MR. BURT:
 13 A. Right, and you know, as IT people don't like
 14 you to say it's just software, but it is just
 15 software. But it's a certified level one
 16 software that will allow us to do these very
 17 intricate approach patterns, control the hover
 18 and all that, and of course, we do have to add
 19 that control pendant in the back for the
 20 rescue specialist and a few minor things like
 21 that.
 22 MS. FAGAN:
 23 Q. Okay, and I think that would cover this
 24 particular recommendation. The next item is
 25 the -- there were two items. One was the

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1 reenforcement of the seatbelt usage. I
 2 believe Mr. Williams was going to speak to
 3 this. It's pretty close to covered in any
 4 event, but this was the recommendation.
 5 There's not a slide for it, but this was the
 6 recommendation which dealt with ensuring the
 7 correct usage of passenger seatbelts is
 8 reenforced, and I believe this might have been
 9 on the helideck or is this at both locations?
 10 MR. WILLIAMS:
 11 A. It's a bit of both, at co-locations. Of
 12 course, we're back talking about the new suit
 13 and making sure the seatbelt's attached over
 14 the shoulder. So there's a process in place,
 15 if you notice by the video, when the
 16 passengers are seated at the heliport, the
 17 ramp agents will go aboard to ensure that
 18 everybody is fastened in properly and their
 19 seatbelts are fitting, and that same process
 20 takes place offshore under the oversight of
 21 the HLO team. So when they refer to
 22 reenforcing it, we went through a process and
 23 you will find memos and documentation that we
 24 made sure our people at the heliport were
 25 clearly instructed to the proper way the

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1 seatbelt should fit over those suits as well
 2 as offshore. So it was a joint incentive to
 3 make sure that we really addressed the
 4 seatbelts and before we close the door on that
 5 aircraft and said good for flight, that we
 6 made sure the seatbelts were securely fastened
 7 to everyone, for sure.

8 MS. FAGAN:
 9 Q. Okay. The last slide is slide 82 and it has
 10 to do with the location of the goggles and I
 11 believe that this -- you don't really need to
 12 address 82. You can move to it, but the video
 13 and then the discussion after the video, it
 14 was clear that the goggles are now moved from
 15 under the seat to the location as depicted in
 16 the photograph.

17 MR. WILLIAMS:
 18 A. Absolutely. The HOTF committee put forward
 19 many items and this was a great catch, for
 20 want of better words, that it was difficult to
 21 get to the goggles beneath the seat. So
 22 together with our ops manager, in conjunction
 23 with the operations folks, we've been able to
 24 put them in an alternate location, making
 25 modifications to -- as you saw today, the

Page 234

1 video, I think, just showed text to identify
 2 and that's being redone. So the goggles are
 3 moved to a location right now that's easily
 4 accessible to everyone.

5 MS. FAGAN:
 6 Q. Okay, thank you. The last couple of
 7 questions, I believe I'll direct these to Mr.
 8 Burt and it's really looking to the future.
 9 You know this Inquiry is looking at improving
 10 safety and we've heard quite a bit of
 11 information about your experience and where
 12 you operate. So if -- well, it's not if
 13 you're asked, I'm going to ask. We're looking
 14 at safety and improving safety. Where would
 15 you suggest we should look, as a group, for
 16 best practices? I'm talking what areas of the
 17 world would you suggest would be beneficial
 18 for best practices in helicopter
 19 transportation?

20 MR. BURT:
 21 A. And let me qualify that, because I am the
 22 chairman of an international offshore
 23 committee of operators, which oil companies
 24 and operators do attend. So it's near and
 25 dear to my heart to speak to this point. It's

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1 been clear in my experience that the most
 2 mature experience in the offshore aviation is
 3 clearly the North Sea and the Norwegian
 4 sector. I almost regard them as the same, the
 5 UK and Norway. They've led in regulation.
 6 They've led in standards, technology and also
 7 volume of aircraft. They've got a long and
 8 mature history. Their regulatory agency has
 9 embraced the development of standards and
 10 research for years and I think without a
 11 question, without a doubt, that would be the
 12 most significant place, the most reputable
 13 place I would go.

14 MS. FAGAN:
 15 Q. Okay, thank you. On the topic of emerging
 16 safety practices and standards, what would you
 17 see as emerging practices for aviation safety?
 18 Where do you think the aviation safety world
 19 is going, from helicopters' perspective?

20 MR. BURT:
 21 A. And I've given that a lot of thought too.

22 MS. FAGAN:
 23 Q. Okay.

24 MR. BURT:
 25 A. I bring my fixed wing background into this and

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1 I've always been quite perturbed about how the
 2 rotor industry sometimes treats itself as
 3 versus the fixed wing or airline industry. We
 4 are operating some of the most sophisticated
 5 aircraft in the world. These are large
 6 transport aircraft and we're transporting a
 7 number of -- a large volume of people in an
 8 airline fashion. I think we need to
 9 standardize our training requirements. If you
 10 are flying even a medium to a large aircraft
 11 in North America, you're required to do
 12 training twice a year and qualify twice a
 13 year. Other places around the world, even in
 14 rotor craft, you are required to train twice a
 15 year and certify twice a year. Right now in
 16 Canada, it is not a requirement. It's a
 17 requirement to train once, and what I mean by
 18 that is we'll go to the simulator, do our
 19 training, do our recertification. We do our
 20 IFR recertification and our aircraft type
 21 recertification. But when I flew fixed wing,
 22 you went in mid year and you also recertified
 23 with and did a line oriented flight trip and a
 24 certification. That I believe should be
 25 standard in our business, especially in this

Page 237

1 offshore area.

2 MS. FAGAN:

3 Q. You have a fair history in this area and

4 you've seen a number of changes, I take it.

5 Where would you see the industry going and you

6 know, perhaps where have we come from? This

7 number 11 recommendation says there hadn't

8 really been an assessment since 1997.

9 MR. BURT:

10 A. Um-hm.

11 MS. FAGAN:

12 Q. From the east coast, is there any other trends

13 or anything else that we should consider?

14 MR. BURT:

15 A. Sure, absolutely. That was point one that I

16 made there.

17 MS. FAGAN:

18 Q. Oh, point one, sorry.

19 MR. BURT:

20 A. And I also feel quite strongly that right now

21 that maintenance training and ongoing

22 maintenance training in Transport Canada is

23 not a regulated -- it's not stipulated in

24 detail like the flight operations is. I think

25 that needs to be enhanced and I think it needs

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1 to be regulated. Maintenance, they perform

2 very intricate and detailed work and they have

3 no less of a reason to train as a pilot would.

4 In our company, we have taken a proactive

5 approach to that and we've installed

6 individuals who it's their responsibility and

7 programs to train. That's a proactive thing

8 with us, but I think it should be clearly a

9 standard.

10 I also believe that, like in the UK, that

11 here in Canada there should be a SAR, a search

12 and rescue standard developed by Transport

13 Canada as the CAA does.

14 Additionally, I think that, like the CAA

15 in the UK, that we should have an offshore

16 standard developed in our Transport Canada --

17 under Transport Canada, and this again is a

18 standards document. It's not a Canadian

19 Aviation Regulations but it is a standards

20 document.

21 Additionally, I think that any of our

22 survival training facilities that we have, and

23 institutions, should have specific design to

24 the type of aircraft that we're flying. If we

25 are flying an S-92, when we do dunker

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1 training, we should be training in something

2 that represents an S-92, in push out windows

3 and seats and seatbelts, and I'm -- you know,

4 that's just clear to me, and I've done enough

5 of them to speak to that.

6 Just two more. I think that there should

7 be seriously looking at developing offshore

8 approach lighting systems. There really

9 doesn't exist anything that is a certified

10 offshore approach light. This is not the

11 green lights. This is a lighting system that

12 helps us approach the rig. We have conducted,

13 together with our customers here, our oil

14 companies here, two different studies on laser

15 lighting and high intensity approach lighting,

16 which was a Hibernia initiative, and they have

17 helped us move that forward, but it's not just

18 a one industry one customer effort. It is

19 also a regulatory thing that we should be

20 looking at.

21 And then finally, I think that our

22 initiative for moving forward with a dispatch

23 system, yes, it's required in an airline, even

24 a Dash 8, if you have more than I think it's

25 three or four Dash 8 size aircraft, you must

Page 240

1 have a dispatch system in Canada and the

2 United States. I see absolutely no reason why

3 we would not have a system like we have

4 implemented here together with Transport

5 Canada and have that as a broad base

6 requirement for transport size rotor craft

7 aircraft.

8 And I think I feel better.

9 MS. FAGAN:

10 Q. Thank you very much. That is it for my

11 questions. I appreciate all the information

12 all three of you have given us. I'd like to

13 thank you and your group, because there's been

14 an awful lot of work and the directors of all

15 of your departments have spent hours and hours

16 and hours. I finally said on the weekend I

17 now know all the ins and outs of how to get

18 around Cougar Helicopters' office and that

19 only speaks to how much access you've given me

20 and how much information you've given me. So

21 I appreciate that and the Inquiry appreciates

22 that.

23 You're now going to be subject to

24 questioning by this group and I leave it to

25 the Commissioner as to how he'd like to direct

Page 241

1 and start that.

2 COMMISSIONER:

3 Q. Before we go start that, just one observation

4 I'd like to make and get your reaction,

5 helicopters like the S-92 are what is called

6 "heavy lift", is that correct?

7 MR. BURT:

8 A. Yes, heavy category.

9 COMMISSIONER:

10 Q. It seems to me that with the latest drilling

11 development we're getting fairly close to the

12 edge of the Continental Shelf, the distance is

13 considerable, a fact that you have to have two

14 tanks to safely get out there and get back.

15 Are the present generation of heavy lift

16 helicopters, are they getting near their

17 limits?

18 MR. BURT:

19 A. I believe the industry in the last few three

20 years has referred to it that the 300 is the

21 new 200. 300 nautical miles out is the new

22 standard, and design build of an aircraft is a

23 process that can take 10, 12, 13 years.

24 COMMISSIONER:

25 Q. Yes.

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1 MR. BURT:

2 A. So this latency in the design versus need is

3 not quite catching up with each other. So I

4 think your observation is correct, the

5 requirement to go further is definitely out

6 there and 300 nautical miles is basically a

7 new baseline. It needs to be looked at.

8 COMMISSIONER:

9 Q. I've read about what they call the extra heavy

10 lift or something like that, a more -- I don't

11 now if it's larger or more powerful

12 helicopters. Do they have a greater range, is

13 there anything --

14 MR. BURT:

15 A. Not necessarily.

16 COMMISSIONER:

17 Q. No.

18 MR. BURT:

19 A. No, and you can go to orders of magnitude

20 beyond that. There are, for example, like the

21 Chinook helicopters, the bigger tandem motor

22 aircraft that, I think, do have some payload

23 opportunities to do that for those distances.

24 There's also, of course, the new generation

25 tilt rotors which are like the V-22 in the US

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1 Military, which take off vertically and fly

2 like an airplane, but that's new technology.

3 COMMISSIONER:

4 Q. Yes.

5 MR. BURT:

6 A. That's a big leap, and understandably making

7 big changes like that is -- we talked about

8 management of change. It's something that as

9 an industry we wouldn't be jumping into, but

10 it's a consideration because of their speed

11 and ability to travel that far.

12 COMMISSIONER:

13 Q. By the sound of it, it's years out?

14 MR. BURT:

15 A. I would expect that we are talking years, a

16 decade.

17 COMMISSIONER:

18 Q. This business of having to have two tanks, of

19 course, will cut down on passenger carrying

20 capacity fairly significantly, wouldn't it?

21 MR. BURT:

22 A. Well, as soon as you're required to fly as far

23 as 274, like we're going, your payload will

24 drop off anyways. So if you put two tanks in,

25 it's not a matter of not enough seats because

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1 you're just not carrying any more than out to

2 that distance probably about nine passengers.

3 Albeit, that was our maximum load with the

4 Super Puma to the Husky White Rose location.

5 It does allow us to get our work done. We can

6 get our work done fairly efficiently to those

7 distances, but there's no more growth beyond

8 that point. At 300, and in some cases, as I

9 said with harsh weather environments, less

10 than 300 is the max. We have tasked out

11 everything that we have right now.

12 COMMISSIONER:

13 Q. On another matter, I'm glad to hear you say

14 that the North Sea is the most comparable

15 environment to ours because I have directed my

16 reading and thinking and seeking of

17 information toward the North Sea, and at times

18 I've wondered, you know, should we be looking

19 as an Inquiry elsewhere, so I'm relieved in a

20 sense to hear you say that the North Sea is

21 where we ought to go and look, perhaps to

22 Brazil, thinking of what they're doing, or

23 what they're doing in Australia, different

24 climates, different sea temperatures.

25 MR. BURT:

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1 A. And again it's not a disparaging remark on any
 2 other authority, but I don't believe, for
 3 example, Australia, although they've embraced
 4 SMS, when we went to Australia and went flying
 5 there, as we did in the United States, we
 6 said, look, we have this wonderful oversight
 7 system, this dispatch, and no matter how hard
 8 we tried, they would not accept this, even
 9 having a higher standard, even though they do
 10 it for their own fixed wing. That bothered
 11 me, there's no doubt about that. So I just,
 12 in some regards, don't -- I would not -- for
 13 offshore aviation, I don't think that they're
 14 anywhere close to where the North Sea is,
 15 respectfully.

16 COMMISSIONER:
 17 Q. I'm interested to hear you say that also, and,
 18 of course, we have, and the oil operator
 19 representatives who were sitting there a
 20 couple of weeks ago, said that, you know, we
 21 are perhaps, in their experience, the most,
 22 among the most, if not the most highly
 23 regulated -- people sometimes rail against
 24 regulations, but I suspect in the offshore
 25 helicopter transport field, regulation is a

Page 246

1 good thing. Would you agree with that?

2 MR. BURT:
 3 A. I'm very much of the opinion that the Canada
 4 Newfoundland Offshore Petroleum Board is a
 5 large reason why we have the standard and the
 6 safety -- levels of safety that we enjoy here
 7 on the east coast of Canada, including the
 8 Nova Scotia Board in Halifax.

9 COMMISSIONER:
 10 Q. Uh-hm.

11 MR. BURT:
 12 A. And I've been here 30 years doing this, so
 13 maybe I have something to say about it.

14 COMMISSIONER:
 15 Q. Well, I would certainly like to thank all
 16 three of you. It's been one of the more
 17 interesting two days that we have experienced
 18 here doing the Inquiry. So I do express my
 19 thanks. On the question of questions, a bit
 20 late I should think to start, and those who
 21 have questions would no doubt like to have the
 22 evening to think about it, so if you're all in
 23 agreement, I think it's wise to start
 24 questioning tomorrow morning rather than
 25 attempt any questions now. So in that case,

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1 we'll adjourn until 9:30.
 2 (CONCLUDED)

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1 CERTIFICATE
 2 We, the undersigned, do hereby certify that
 3 the foregoing is a true and correct transcript of a
 4 hearing heard on the 3rd day of February, 2010 at
 5 Tara Place, 31 Peet Street, Suite 213, St. John's
 6 Newfoundland and Labrador and was transcribed by us
 7 to the best of our ability by means of a sound
 8 apparatus.
 9 Dated at St. John's, NL this
 10 3rd day of February, 2010
 11 Cindy Sooley
 12 Discoveries Unlimited Inc.
 13 Judy Moss
 14 Discoveries Unlimited Inc.

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