OFFSHORE HELICOPTER SAFETY INQUIRY

January 14, 2010

Tara Place, Suite 213, 31 Peet Street

St. John's, NL

January 14, 2010

PRESENT:

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Anne Fagan.....Inquiry Counsel

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

Ian Wallace ..... Hibernia Management and
..... Development Company (HMDC)

Denis Mahoney ..... Suncor (Petro-Canada)

Stephanie Hickman/
Nicholas Crosbie. ..... Husky Oil Operations Ltd.

Paul Barnes/
(without counsel) ..... Canadian Association of Petroleum Producers (CAPP)

Laura Brown Laengle ..... Government of Newfoundland and Labrador

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

Jamie Martin..... Families of Deceased Passengers

Danny Vavasour. ..... Davis Estate (Pilot) and
..... agent on behalf of Douglas A. Latto for Lanouette Estate (Co-pilot)

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..... Local 2121

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COMMISSIONER:

Q. Good afternoon, ladies and gentlemen. Good afternoon, Ms. Michael. Mr. Roil.

ROIL, Q.C.:

Q. Yes, Commissioner, thank you. I just have some brief introductory notes about Ms. Michael. As everybody knows in the room, and in Newfoundland, I hope, Ms. Michael is the leader of the Newfoundland and Labrador New Democratic Party, and the Member of the House of Assembly for Signal Hill Quidi Vidi, but in addition, I think there may be people within Newfoundland who are perhaps younger than some of us who would not know something of her background. Ms. Michael was born and raised in St. John's, but she's not just a townie because she taught school for a number of years in many communities, including Bell Island, Baie Verte, Codroy Valley, Burin, and as well in St. John's. When she left teaching, I understand she became the Director of the Office of Social Action in St. John's where she worked on a number of social and justice issues for a number of years. She

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then moved to the Toronto-based Ecumenical Coalition for Economic Justice, which took her all over the world as a speaker on economic globalization. Then she returned back to our province when Voisey's Bay Environmental Assessment Panel was struck in the late 90s, as a nominee of the Innu Nation. Then in 1999, she became the leader of the party, but just prior to that she was the Executive Director of Women in the Resource Development Committee, where she partnered with labour, government, and others to achieve employment equity in the natural resources development sector. She was not just a person who worked, she has a passion, we understand, on the side. She is a musician. I understand that she's a member of the Philharmonic Choir with the Newfoundland Symphony Orchestra, and she also plays piano. Unfortunately, we'll not be able to hear her this afternoon.

LORRAINE MICHAEL, MHA

A. Or fortunately.

ROIL, Q.C.:

Q. I'm sorry, just one last moment. She has a presentation which she will give to you, and

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for the public, this will be loaded up onto our website for public access and it will become Exhibit number P00137.

COMMISSIONER:

Q. Thank you, Mr. Roil. Well, Ms. Michael, are you ready?

PRESENTATION BY MS. LORRAINE MICHAEL, MHA

A. I am, Mr. Commissioner. Thank you very much. I usually like to speak without notes, but in a formal setting like this, I'm going to keep myself to my written document initially, and then I would be very happy to have a discussion with you over anything that I may say in my presentation. I do want to thank the Commission for the opportunity to give this presentation, and to say how honoured I am to be able to be part of what I hope will be a turning point in the history of the province's oil and gas development. I also want to offer my condolences to the families and friends of those who were lost in the crash of Cougar Flight 491 on March 12th, 2009. Like others who have presented, I like to think of my contribution here, in the House of Assembly, and as leader of the province's

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New Democratics, as being dedicated to their memory. I want to talk a bit about my background with regard to oil and gas, and this is not in my written documentation, I realize, but I'm going to throw this in because of what I heard Mr. Roil say with regard to my biography. When I was Director of the Office of Social Action, my work began in 1980, and the reason that office was started -- it was an office of the Archdiocese of St. John's. The reason it was started was to look at the impact of the oil and gas development on the communities and lives of people in the province, and the purpose of the office was to work with communities at that time, especially in the Argentia/Placentia area because of the assessment at that time of the impact that would happen in Placentia Bay. So I was consequently early in my work, about two years in my job and two years in getting this office off the ground, when the Ocean Ranger disaster happened, and as an office, we then became plunged fairly quickly into what is one of the negative side effects of industry of any kind, and that is major

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disaster. I was privileged at the time of the Ocean Ranger disaster to be approached by families who were impacted by that disaster and asked to work with them in the formation of what became the Ocean Ranger Family Foundation. I think it is my work with the Ocean Ranger Family Foundation that gives me insight into the impact of the type of tragedy that we're dealing here with today in this Commission. I worked for three years with the families of the men who were lost in that accident, and I learned just how vulnerable the families of workers can be. I have a strong and deep understanding of the impact on families of this sort of accident. It is because of this experience that I know this Commission must do everything it can to ensure the future safety of offshore workers. I am also here today because as the leader of the province's New Democrats, and an MHA, I have been contacted privately by people in the offshore oil industry with their concerns. I'm not a lawyer or an engineer, nor do I have a lot of technical knowledge about the various aspects of helicopter safety, but I do know

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people, and I know the come first in any consideration before any other consideration, and I know that I have a responsibility, as an MHA and as a political leader, to take their concerns and bring them here today. Listening to them makes me believe that no consideration, not political or financial or legal, should take our focus away from why we are holding this Inquiry and what we hope to achieve. We are here in the memory of those we lost in the hopes that we can through our work ensure that men and women on their way offshore to work can do so in the safest possible way in the future. The shock of the loss of Cougar Flight 491 on that cold grey March morning has not been dulled by the passing of months. When I heard of the missing helicopter, like many I waited anxiously to hear that all aboard were safe. When I heard, as we all did, the details released during that agonizing day, my heart sank. The loss of 17 people was overwhelming. My sadness was lifted only by the heroic rescue of Robert Decker, and I'd like to say like many, many others who were around at the

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time of the Ocean Ranger disaster, memories came rushing back of that day as well of that disaster. I think, like for many people in the province, this second accident was something that was quite -- had quite an impact on me, and I know it had an impact on others. Unlike most of us who face nothing more than a short trip to our place of work, those who work offshore face travelling by helicopter to one of the most inhospitable work environments on earth, an offshore oil platform in the North Atlantic. While these people accept this risk in order to provide for themselves and their families, it is important to remember that they are also generating great wealth for the benefit of the rest of us. It is also important to emphasize that it is our responsibility to ensure that risk is managed and minimized as much as possible. Work at sea has always been a hazard too well known to Newfoundlanders and Labradorians. Those who work on the North Atlantic have always faced great risks. It is a sad fact that our history reflects a poor record of safety when it comes to protecting

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the men and women who work offshore, dangerous at the best of times. For example, the annual seal hunt of the past was a litany of danger and tragedy. In March of 1914, sealers from the SS Newfoundland were left on the ice off the north east coast all night in a savage blizzard. That night 78 of the 132 men abandoned on the ice died of exposure. They died, in part, because the company who owned their sealing vessel did not think it worthwhile to add the expense of a radio, so the skipper did not know his men were in peril. In 1984, we lost 84 men working on the Ocean Ranger, a rig drilling in search of the oil we now benefit so greatly from. The Royal Commission struck to investigate that tragedy cited poor design and poor safety training and equipment as contributing to the disaster. I see some grim themes in all these past instances, a work culture not adequately focused on safety and tendency to be reactive to disaster instead of proactive. We tend to have inquiries such as this one after the accidents. I hope that those days will be behind us. Today we meet here to look into

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measures we can take to avoid another catastrophe occurring while offshore oil workers are going to or from their work. We all understand working in the North Atlantic is risky, but risk can be understood and mitigated, it can be reduced. In my presentation today, I'm going to address a number of issues I think are important in determining what future measures are needed to improve upon the safety of those who must travel by helicopter to their work offshore. They are; concerns with the Mandate and Terms of Reference of Inquiry, the need for a culture of safety, a biennial offshore safety conference, an independent safety board separate from the C-NLOPB, the need for DND Search and Rescue based in St. John's, and individual safety issues with current offshore travel. In the first area, the Mandate, I am troubled by the limitations that were placed on the Commissioner in the general Terms of Reference, referring as they do to the Commission as not being able to examine the provision by the Government of Canada under the Department of National Defence, of Search

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and Rescue facilities for all marine incidents and the location of such facilities within the Province of Newfoundland and Labrador. My federal colleague, MP, Jack Harris, called this situation in his presentation to this Commission, "preposterous", and I certainly want to second that opinion. When the oil and gas industry in this province was in its infancy and we were dealing with the Ocean Ranger disaster, a recommendation of the Royal Commission, Recommendation 56, was that there be required a full time Search and Rescue dedicated helicopter, provided either by government or industry, fully equipped to search and rescue standards stationed at the airport nearest to ongoing offshore drilling operations, and that it be readily available to perform all aspects of rescue. We know this recommendation has never been put in place in the fullness of the recommendation. It is, as Jack Harris says, "preposterous" that the Commissioner be stopped from looking into this matter. I applaud the Commissioner's move to ask the Department of National Defence to testify, and I encourage him to continue to

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push the envelope of his mandate. The safety of people who have to travel to work in helicopters demands it. I was also interested in the wording found in the Commission's Terms of Reference regarding the purpose of this Inquiry. To quote the section, "To determine what improvements can be made so that the Board can determine that the risks of helicopter transportation of offshore workers is as low as is reasonably practicable in the Newfoundland and Labrador offshore area". I found the term "reasonably practicable" concerning, as it provides vague guidance at best. With respect, I would ask that the Commissioner focus on the term "reasonably practicable". I believe a lot of what can come out of this Inquiry will depend on how the Commissioner interprets that phrase. One person's "reasonable" is another's "unnecessary risk". Should reasonably practicable be viewed in terms of profit margins or bottom lines, the NDP believes financial considerations should never be a deciding factor in considering employee safety. Each employee should be given every

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possible advantage to survive in an emergency situation. This is especially true for this province's offshore oil industry. Our province has benefited mightily from offshore oil revenues. Government claims we are a "have province" for the first time in our 60 year association with Canada. Never in our 500 year history has the province been so wealthy. We owe this wealth to the good fortune of discovering oil reserves off our shores. We also owe it to the brave hardworking men and women who work the offshore platforms. In simple numbers, there are roughly 1200 offshore workers. In 2008 to 2009, the province earned 2.5 billion dollars in revenue from offshore production. The federal government, with its 8.5 percent stake in just the Hibernia Platform, earned over 1 billion dollars, and the oil companies have earned many billions more. It is inconceivable to me, in the face of all this wealth being generated by so few workers, that cost should ever be a consideration in evaluating worker safety, especially when it comes to offshore travel. The people of

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Newfoundland and Labrador owe these workers our absolute unwavering commitment to their personal safety, no matter what the cost. I submit that every safety precaution, every safety measure, and every enhancement to safety and all training, are reasonably practicable, and I hope the Commissioner will interpret that phrase the same way. The secondary, the need for a culture of safety. After the crash of Cougar Flight 491, safety issues regarding offshore helicopter travel began to be discussed in the media, brought up by people working offshore who had harboured these concerns for some time. We heard of survival suits that don't fit, worries about auxiliary fuel tanks carried inside the helicopter with passengers, and testimony from the sole survivor regarding his doubts about the survival training given to workers. Perhaps those issues were not contributing factors to this particular incident, but at another time in another circumstance each of these safety issues could be the cause of a tragedy. The sudden outpouring indicated to me a problem with the offshore work culture.

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Since the crash, I have been approached privately through e-mail, by telephone, and in person, by offshore workers who have concerns for their safety, but fear that speaking out will cost them their jobs, and I'm not speaking to whether or not the fact of losing jobs is a reality, I'm speaking to the fact of the fear that they fear they could lose their jobs. I understand it can be seen as unfair to level allegations against oil companies or helicopter companies using anonymous complainants. An organization accused in public has the right to question and cross-examine its accuser, yet the fact remains that I have been approached by offshore workers who spoke of their concerns and of their worries about speaking out publicly. I have been told of terrifying near misses while attempting to land in fog at the rig, of stressful sudden returns to St. John's by helicopters with no real information given to passengers and what was wrong, only to be told to board another helicopter to fly out to the workplace right away. As one person put it to me, and I quote, "Passengers who are subjected to this

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stress should be able to reject further travel that day with no pay loss. Passengers at Cougar have returned to St. John's and then loaded onto another helicopter for offshore travel. When do the stress and hardship incurred by the passengers enter the equation", and I quote the person as he said it. Now would be a great time, don't you think, to give this issue the professional respect it deserves. Each of these issues could have been and should have been identified, addressed, and resolved as part of ongoing safety reviews, not surfacing as anonymous e-mails or phone calls to an MHA they hope is going to be able to speak out on their behalf. Nevertheless, the fact that I am approached like this speaks to the work culture that exists offshore, often a culture of secrecy and fear of reprisal. Such a culture is the antithesis of what is needed to ensure that all safety concerns, from the frivolous to the serious, are aired, discussed, and resolved in an atmosphere of complete openness and trust. Officials with the C-NLOPB have stated to this Inquiry that

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since 1997 when the Hibernia Platform began working, they have been made aware of 178 concerns about the helicopters, performed 261 safety audits or inspections of the oil industry's offshore operations, and found no significant safety concerns with helicopter safety. This information seems to be at odds with what we are learning about such issues as survival suits, safety training, and other aspects of helicopter travel offshore. I have heard many concerns raised regarding safety issues in all areas of the offshore, including helicopter safety. Many of these concerns were raised by people who said they don't trust their employers, or in some cases, the regulator, the C-NLOPB. Whatever the reason, this situation is unhealthy and dangerous. It is not conducive to developing a healthy safety culture. There needs to be change. There needs to be a complete overall of the offshore work culture from an industry, labour, and government perspective, so that any worker anywhere can feel at anytime that he or she can speak openly without fear of reprisal about safety concerns. I understand

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that my proposal extends far beyond the issue of offshore helicopter travel, which this Commission is investigating. However, in order for people to feel safe on the helicopters that take them to their work offshore, they are going to need to feel they are a valued part of an industry-wide ongoing proactive safety culture. I don't think this has been the case in the past, it won't change without the complete and sincere efforts of everyone in the industry. Developing a more open safety culture will be a difficult goal to achieve, but it is essential if safety is to become an ongoing proactive issue. Safety must be everyone's responsibility. The next area deals directly with what I've just been saying, and that is a biennial offshore safety conference. One practical way an open safety culture could be fostered stems from a recommendation of the Royal Commission that looked into the Ocean Ranger tragedy. That report recommended, and I quote, "That the Government of Canada encourage and support the convening of a biennial conference on offshore safety". I believe this practice would be an

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excellent way for our local industry to become a world leader in the area of offshore safety. I also believe an event like a regular conference would be a strong motivator for all stakeholders in the industry to work towards a healthier more open safety culture. A key component of a biennial safety conference would be offshore helicopter safety. The world looks to Norway as a leader in offshore oil practices. How wonderful if a decade from now Newfoundland and Labrador were synonymous with offshore safety practices. All that is lacking is the will, and I do believe that the creation of something like a biennial conference would set the framework for our putting more money into research around safety issues and into monitoring our safety practices.

An independent safety board separate from the C-NLOPB, my next area. It is clear that the offshore oil industry needs to be regulated by a separate body responsible only for safety issues. Such is the case in Norway, and the more I look at what's happening in Norway, the more I believe that

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this is the way to go. While the recommendation of a separate safety board for the entire offshore goes beyond the mandate of this Commission, this is as good a place as anywhere to start the discussion.

On January 1st, 2004, the Norwegian government created the Petroleum Safety Authority. It's broad mandate gives it regulatory responsibility for safety, emergency preparedness and the working environment in all aspects of the country's oil and gas activities. The Authority defines safety as embracing, and please note the order, and I quote "three categories of loss, human life, health and welfare, the natural environment and financial investment and operational regularity." The authority works toward true and equal collaboration between, and I quote again, "employers, unions and government, as well as worker participation," noting that these goals are important cornerstones in efforts to establish and develop a high level of safety in the petroleum industry.

Mr. Commissioner, I believe that such a

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commitment is what we need to provide to all who have to fly offshore to their jobs. They deserve this level of commitment and it is our duty to provide it.

Testimony this week has shown that the oil industry cannot always be trusted to instill safety procedures on their own in a timely fashion. Earlier this week, an oil company executive admitted to you that his company had taken too long to provide workers with a safety device, a helicopter underwater escape breathing apparatus, for those required to make helicopter flights. This is an unacceptable situation. This has to change and I believe if we set up a separate agency, we would be putting such a focus on safety that these kinds of things would not happen again.

The C-NLOPB also shares some responsibility for the situation that we're in, as the regulatory agency responsible for offshore safety, and it is part of their mandate, the safety feature should not have been allowed to take nine years and counting, by the oil companies' own admission, to be

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implemented.

Others have reported that prior to this accident, they had no idea that survival suit fit was an issue. However, I first heard of the problems with the fit of survival suits at least ten years ago, in my role as executive director of Women and Resource Development. It was especially an issue for women, but it was also an issue for many men. So I was a bit shocked when I heard a company official sit here in this Inquiry and say that this was a new issue for them. It certainly was around -- I was aware, as I said, ten years ago.

The C-NLOPB is primarily a marketing and permit granting body and should not also be responsible for safety considerations concerning the offshore industry. New Democrats have long recommended that offshore safety must be administered by an entirely independent agency charged with working equally with all sectors of the industry, and that would include working with C-NLOPB. Safety must be the highest priority. The surest way to begin the long road to a healthy, open culture of safety in the

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offshore begins with an independent safety authority. It works in Norway. We could make it work here.

The fifth area, the need for a DND search and rescue based in St. John's. I would like to start this section of my presentation with a quote from someone I consider to be an authority on offshore helicopter safety, the sole survivor of the disaster, Robert Decker. His calm testimony about the events of that day provided us all with a valuable picture of what happens when things go wrong on a helicopter flight to the oil rigs. I remember in particular one quote when Decker was speaking of his time in the water after he escaped from the submerged helicopter. He said "then I guess I was anxious, because I knew my only hope was rescue by a helicopter. Obviously when the helicopter came on scene, I knew it was a Cougar helicopter, I knew the colours. I was expecting a big search and rescue yellow helicopter, which I think anyone would probably anticipate." Decker's expectation is the essence of common sense, spoken by a man who was recalling being

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injured and near death after the crash, afloat by himself in the North Atlantic.

The fact is, despite the limitations placed on the Commission's mandate, and despite the insistence by the Federal Government that they deem a dedicated search and rescue unit in St. John's not an option, simple common sense dictates we need one, and we need it right away. Although this issue has been portrayed as a political issue, it is not. It is an issue of common humanity and an issue of common sense.

This recommendation, recommendation for a search and rescue unit in St. John's, has been on the books and ignored for over 25 years. I pray we never have another offshore catastrophe, but if we do, we owe it to those who find themselves caught in it, and their families, that they can expect swift rescue from a dedicated unit based in St. John's.

Although, as I mentioned earlier, I understand this issue is outside the Commissioner's mandate, I believe it must be mentioned here in this forum. As I mentioned earlier, this is a preposterous state of

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affairs. It must be addressed. Simple common sense dictates it.

And now I'd like to look at some individual safety issues with current offshore travel and this particularly comes from people who've spoken to me.

Since the Cougar Flight 491, I have, as I've just said, been approached by people inside the industry who have expressed to me concerns they have about offshore operations right now, especially regarding helicopter travel. I understand that the Commissioner, in order to be thorough and reliable, will have to take time in hearing and considering all presentations and in rendering his decisions. This necessity is cold comfort to someone facing travelling today by helicopter when they have concerns about whether or not these craft are safe to travel on. We have heard from earlier testimony by the president of the Hibernia Management and Development Corporation that a few workers refused to fly on the helicopters when they heard Robert Decker's testimony. While I'm not an expert on any technical aspect of search and rescue,

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I have listened carefully to those who have approached me with their concerns and I believe there are a few issues regarding helicopter safety for those travelling offshore right now that I should raise here today, to put them in the realm of public debate, and not that I have answers to the technical questions.

As late as this morning, I received a telephone call from someone calling my attention to yet another issue regarding survival suits worn by workers travelling by helicopter to work offshore. This caller drew my attention to his concerns regarding the dangers of being in a survival suit fully submerged under water. His contention is survival suits are not designed to be worn under water and could have been -- and he stresses could have been, not saying they were -- instrumental in the deaths of those travelling on Cougar Flight 491. I have no way of verifying whether his concerns are valid. I have no desire to cause unnecessary anguish for the families of the victims by bringing this up, but it is a concern that has

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been raised and it is the danger of suits that aren't meant for underwater, but for being on top of water and what happens when you're in the helicopter when it goes under and these suits aren't meant for under water. The question that this person has raised is, surely there is a -- we can do research to come up with a way in which the suits can be able to be floatable when needed and not floatable if you end up under water first, because if you're under water and you're inside a helicopter in these suits, the danger of not being able to get out is very great, and if you get out in a suit that's not meant to be under water, there are problems that arise. So I bring this up, not that I have answers, but I promised this person I would bring this issue here.

Calls like this underscore my concerns that the current system for addressing offshore safety issues is not working. Offshore workers should not have to call their MHAs with safety concerns. As I stated earlier, an independent safety board, separate from the C-NLOPB, would be a more appropriate

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venue. I offer these issues in no particular order and I bring them up solely because someone has seen fit to bring them to my attention.

I've had some issues brought to my attention as well with regard to the actual March 12th Cougar rescue. One issue raised to me concerns actions Cougar Helicopter took on the day of the crash, actions which they should have taken. While all of us applaud the heroic actions of the Cougar staff that day, the fact is that the whole situation involves people who are not as well trained or prepared, nor could they expect to be, as a dedicated search and rescue team like the SAR techs working for the Department of National Defence. I'm given to understand that on the day of the crash, under the stress of the news that one of their helicopters was missing, technicians had to install the hoist that proved vital in saving Robert Decker's life onto the Cougar rescue helicopter and precious time, I've been told about a half hour, was lost in the process, and it's not that it was lost because they weren't doing it correctly.

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It's that because that helicopter is not there dedicated solely to safety and rescue that the hoist can't be on it, in case it's going to be used for another purpose. So if it gets called into play, while it's on the ground, to be used for search and rescue, then a half hour at least gets spent in putting the hoist on. No one judges the people doing this work, working as they did under tremendous stress. It had to take a half hour for them to put that hoist on the helicopter. I wonder if any of us could say we would have acted nearly as well that day as the Cougar employees did under the stress that they were dealing with.

My point is, when it comes to a vital issue like emergency search and rescue, everything should be in place for immediate action. We should minimize, as greatly as possible, the delay time in getting a helicopter into the air. Fully trained, dedicated professionals with helicopter fully ready 24 hours a day, seven days a week, 365 days of the year for search and rescue are the least any offshore worker should expect. They shouldn't be out there or having to go out

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there without the knowledge that that's in place. The need for a top class, state-of-the-art search and rescue facility stationed in St. John's dedicated primarily to the offshore oil industry is obvious. It should be done.

Another issue that was raised to me by an employee was this employee's concern with regard to the Cougar colours. I think anyone in this province now recognizes the blue and white pattern of the Cougar helicopter. I have been made aware of concerns regarding the company's colours and the use of those colours on the helicopter. Blue and white are not colours that stand out in the North Atlantic. I have had people contacting me to ask why Cougar does not adopt colours that are brighter and stand out more against the background of the North Atlantic. Despite all the modern technology available to locate aircraft, it would seem that brightly painted helicopters would be easier to locate, both during regular operations and in the case of an accident. This is even more so the case for night flights. As night flying has

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gradually returned to Cougar's schedule, the risk of a crash at night has returned. It seems obvious that a blue and white coloured helicopter would be much harder to spot at night than a brightly coloured one. I couldn't help but notice myself, during the news reports at the time of the accident, the flaming red colour used on helicopters in the North Sea.

Another issue raised by workers who have called me is the common practice for helicopters to travel to more than one platform on their travels to and from the offshore oil patch, and I think the issue has been raised here already. I have spoken with people who have told me that the repeated landings and takeoffs are very stressful to them and they suggested that helicopters make only dedicated flights to and from one destination. They suggest this practice would lower their exposure to an accident, as takeoff and landing on the rigs are high risk activities, and would also reduce pilot stress, a contributing factor to possible pilot error.

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Referring back to my earlier comments on the need for a more open work culture in the offshore industry, it is a sad comment on the existing offshore work culture that people feel it necessary to approach their MHA anonymously or privately with their concerns. I hope all stakeholders can agree this situation must change.

In conclusion, Mr. Commissioner, as you listen to all the people who participate in this Inquiry, I know you have the considerations of the men and women who fly in helicopters to their jobs offshore first and foremost in your mind. I know too you have a deep understanding of the hopes and fears of the families and loved ones of those offshore workers.

I hope you interpret your mandate broadly, showing a concern for the people your Inquiry was struck to protect over the concerns of the officials who drafted your terms of reference. I suspect I and the public will appreciate it. I hope you will interpret the phrase "reasonably, practicable" very generously in favour of providing

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whatever it takes to ensure the maximum safety of offshore helicopter travel. I hope you will think of the great wealth generated from the efforts of the relatively small number of people working offshore and realize that resources exist to ensure that risk is minimized as much as possible. I hope you will not be too swayed by the bottom line. Even if expensive new safety practices are necessary, the oil companies and government will still make plenty of profit from their ventures. I hope you will see that my concerns regarding the need to change the offshore work culture must be addressed and that this change is especially important with regard to offshore helicopter travel. I hope you will see the need for independent, public monitoring of offshore helicopter travel. I hope you will address the ongoing debate regarding the need for a dedicated, publicly funded research and rescue unit based in St. John's. I think the families and workers are expecting it of you. And lastly, I hope you will able to look into the individual safety considerations I have mentioned today.

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I wish you luck in the completion of your Inquiry and in the writing of your report. I know the people of Newfoundland and Labrador, in general, and the men and women who work in our province's offshore oil industry and fly in helicopters to get to work and their families and loved ones have great faith in what you are doing. I, as do they, look forward to reading your deliberations and recommendations. Thank you very much for this opportunity to present these thoughts to you.

COMMISSIONER:

Q. Thank you, Ms. Michael. Well, I hope you don't mind if we have a chat, as it were?

LORRAINE MICHAEL, MHA:

A. I'd be delighted.

COMMISSIONER:

Q. You have said a great many things really in the last 40 minutes, and you come here not only as a person with a background in -- I want to use the word social work, and I guess that's a good work for it, work with people, helping people, and you also come here with the force of being an elected representative of your fellow citizens, and I think we all

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realize whatever views at times people might have of politicians, and we all know the criticism that sometimes is attached to the office, but I want to say that despite all that, to be an elected representative of the people of one's province or country is a very, very high calling and a great role to play, and I appreciate it, and we here in the room appreciate that you come to us this afternoon with these qualifications which enhance really what you say.

It's not the time and place now to discuss individual matters that you have raised, but that you have raised them is good. What happens, I think, and it is inevitable in a forum like this, is detailed things become discussed in a detailed way and very often when you're focused on details, one can forget the broader implications, not forever as it were, but it's so easily done on a day-to-day basis, and what you have done for me, and I suspect for everyone here this afternoon, is make us focus, for a time, on broader issues, broader even than the terms of reference, but issues nonetheless which come to the mind of

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workers and come to the mind of citizens. Because, as I've said earlier in these proceedings, not only is this industry the industry of the oil companies and those who operate it, but it is our industry too, and our people and people from beyond our shores also work in this industry, and what you have said helps us, I think, to focus on the broader picture.

One thing I am certain of is that everybody in this room, and people who are not necessarily in the room, want as safe as possible an offshore helicopter transport to be. Everyone wants that. But of course, opinions will differ, as always in human affairs, as to the best way to do that. But I think the bona fides, if I may put it that way, of everyone are secure in the sense of wanting to do the right thing. I would be, as you would be, and we all would be, very disappointed if anyone was not motivated in that way.

So we have to look at many issues. I'm interested, of course, my background as a lawyer and a judge for a great many years, and

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the suggestion that I might go beyond my terms of reference to a lawyer and former judge is perhaps -

LORRAINE MICHAEL, MHA:

A. Daring.

COMMISSIONER:

Q. - unusual, but let's not mind that, you know. It's the perspective that you bring that's important. In this process, we have to navigate, to use a nautical analogy I suppose for the moment, we have to navigate between various things, and the first instance is the Offshore Petroleum Board which appointed me and the team that I've put together and permitted by virtue of the Commission of Inquiry, all the people who appear before it and give evidence. So we have to be cognizant of that. We have to be cognizant of the Transportation Safety Board, which does the actual investigation of what went wrong in the accident, and for some recommendations, we have to wait until its report is made because they have a high degree of expertise, scientific expertise which is recognized. I must say, we're all pleased to know

internationally Canada's role in that sort of thing. We have to navigate also between the Department of Transport, Transport Canada, which regulates, which deals with airframes, planes in other words, be they helicopters or fixed wing, and they license aircraft and they train -- or they don't train, but they license and ensure themselves of the qualifications of pilots.

And of course, we have to navigate, as well as through these other things, the role of the Department of National Defence which is not within my mandate, but I am very pleased that they have consented to come and talk to us, which they will, a representative, Colonel Drover, who incidentally is from Newfoundland, will be here later this month talking about their role, because there is an interface between their role and the role of the Cougar search and rescue helicopter, which is provided by contract with Cougar by the oil companies, and of course paid for by the oil companies, but the role of the Department of National Defence is, of course, important because whenever a major incident or accident

occurs, they are essentially, and practically as I understand it, in charge. So there is an interface there which is important, not only for us working in this room to understand, but for people outside this room to understand also.

All these things, of course, I have to take into consideration and counsel have to take into consideration as we progress, but I would say this to you, I sincerely believe that despite any restrictions which might be imposed upon us, I sincerely believe that we have the room to consider things which are of vital importance to safety in this industry and the process of taking people back and forth, and I do believe that I have the authority and the duty, under the terms of reference, to make significant recommendations on safety issues. These recommendations, as I've said earlier, should be achievable and sensible, not far out and beyond the pail, but sensible things which can be done, and that's what I will try to do, and that's what everybody, I'm sure, in this room will want to contribute and does want to contribute to the

process.

So I thank you, on behalf of all of us, for your good wishes, for your broad expression of concerns, which are not just your concerns, I'm sure, but public concerns also, and for bringing them to us this afternoon and to thank you for your good wishes in the work of the Inquiry. Thank you very much.

LORRAINE MICHAEL, MHA:

A. And thank you very much, Mr. Commissioner.

COMMISSIONER:

Q. Okay. We'll adjourn now until Monday morning at 9:30.

CERTIFICATE

We, the undersigned, do hereby certify that the foregoing is a true and correct transcript of a hearing heard on the 14th day of January, 2010 at Tara Place, 31 Peet Street, Suite 213, St. John's Newfoundland and Labrador and was transcribed by us to the best of our ability by means of a sound apparatus.

Dated at St. John's, NL this
14th day of January, 2010
Cindy Sooley
Discoveries Unlimited Inc.
Judy Moss
Discoveries Unlimited Inc.

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