

OFFSHORE HELICOPTER SAFETY INQUIRY

January 13, 2010

Tara Place, Suite 213, 31 Peet Street

St. John's, NL

January 13, 2010

PRESENT:

John F. Roil, Q.C./

Anne Fagan.....Inquiry Counsel

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

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

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

Alexander C. MacDonald, Q.C./

Stephanie Hickman. Husky Oil Operations Ltd.

Lewis Manning/

Nick Schultz Canadian Association of Petroleum Producers (CAPP)

Jennifer Berlin Government of Newfoundland and Labrador

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

Allison BattcockFamilies of Deceased Passengers

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

**Robert Rutherford..... Offshore Safety and Survival Centre, Marine Institute, MUN
(without counsel)**

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

..... Local 2121

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1 January 13, 2010
 2 COMMISSIONER:
 3 Q. Good morning, ladies and gentlemen. Are you
 4 ready, Mr. Earle?
 5 EARLE, Q.C.:
 6 Q. Good morning, gentlemen.
 7 MR. SACUTA:
 8 A. Good morning.
 9 MR. VOKEY:
 10 A. Good morning.
 11 MR. PRITCHARD:
 12 A. Good morning.
 13 EARLE, Q.C.:
 14 Q. In your presentation, gentlemen, you reviewed
 15 the regulatory environment as it impacted on
 16 the provision of helicopter services, and
 17 looking at those you've referred to, it seems
 18 to me that Transport Canada does not take
 19 particular cognizance of the over water part
 20 of the flight service, if you will, in that
 21 it's not Transport Canada, but C-NLOPB that
 22 requires the floatation, and do you gentlemen
 23 have a similar understanding?
 24 MR. VOKEY:
 25 A. That's in the C-NLOPB regulations, yes.

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1 EARLE, Q.C.:
 2 Q. Yeah. As I understand from what you've shown
 3 us, Transport Canada focuses on airframe,
 4 airworthiness, focuses on the helideck for
 5 landing, they seem to be very specific about
 6 that, wants certification and that sort of
 7 thing, but they address things like egress
 8 from a land perspective, and that as I
 9 understand it, Transport Canada, really
 10 doesn't consider the windows and the egress
 11 through the windows in the picture, so long as
 12 there are three points of egress from the
 13 helicopter. Is that your understanding as
 14 well?
 15 MR. SACUTA:
 16 A. It's certainly my understanding that Transport
 17 Canada has a requirement for primary egress,
 18 and the primary egress is for three on a
 19 helicopter, and the S-92 has four primary
 20 egress points.
 21 EARLE, Q.C.:
 22 Q. Yeah, and that the whole concept of egress by
 23 the windows and the methodology which the
 24 people from the Marine Institute described,
 25 obtaining your reference point, taking hold of

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1 the window frame, this is all something which
 2 has been developed as part of the recognition
 3 by the trainers, by the industry, by C-NLOPB,
 4 that we're dealing with unique circumstances
 5 here and that we have to consider issues of
 6 escape from a helicopter, largely in the
 7 context of a downing over water. Would you
 8 agree with that?
 9 MR. SACUTA:
 10 A. What I would say is that the primary egress
 11 would always be the preferred egress during
 12 any landing situation, whether it was on land
 13 or at sea. There may be circumstances, such
 14 as an inversion of a helicopter, where the
 15 primary egress points may not be possible, and
 16 that's where the secondary egress points, the
 17 windows along each row of seats would be the
 18 secondary egress point.
 19 EARLE, Q.C.:
 20 Q. Yeah. Would you not agree that -- I mean, the
 21 conclusion to reach from the testimony of the
 22 people at the Marine Institute is that if the
 23 helicopter submerges, unless you happen to be
 24 adjacent to one of these primary egress
 25 points, which if we're looking at the diagram

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1 to your right, Mr. Sacuta, it's the A, B, C,
 2 and D points, and unless you're adjacent to
 3 one of those in a submerged or submerging
 4 helicopter, you'd better be able to get out a
 5 window because you're going to be struggling
 6 with the buoyant forces of water and you're
 7 going to be dealing with the fact that you are
 8 now in the dark under water, and really it's
 9 quite problematic to think that you would get
 10 one of those primary points unless you happen
 11 to be adjacent to it?
 12 MR. SACUTA:
 13 A. We are trained that in an inversion situation,
 14 your egress point becomes your window, the
 15 window that you are besides, whether it's
 16 immediately beside you or in the row beside
 17 you in the case of two passengers sitting in a
 18 row.
 19 EARLE, Q.C.:
 20 Q. Yeah. Now did I understand your evidence, Mr.
 21 Sacuta, to be that the decision had been made
 22 that the training would be on a level such
 23 that it would be applicable not to a specific
 24 helicopter airframe type, but on a more
 25 general level so that people would be equipped

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1 with the essential strategies for escape in a
 2 submersion or submerging situation
 3 irrespective of the helicopter type?
 4 MR. SACUTA:
 5 A. What I said was that the current training that
 6 we undergo is not aircraft specific, that the
 7 main benefit was to provide the individual
 8 with the required steps to exit the aircraft
 9 in an inversion situation.
 10 EARLE, Q.C.:
 11 Q. That's the current training?
 12 MR. SACUTA:
 13 A. Yes, at the Marine Institute.
 14 EARLE, Q.C.:
 15 Q. At the Marine Institute, and Mr. Roil in his
 16 questions to you used the term "fidelity" in
 17 terms of the accuracy of the HUET vis-a-vis
 18 the particular aircraft that is being used at
 19 the time, and you indicated that that was the
 20 current training, but I looked at your
 21 Aviation Safety Team -- Aviation Safety Review
 22 Team Report, and that's Exhibit P-00117/200.
 23 If we could -- sorry, it's 0017/000, and it's
 24 page 25. Just take it back to 24, so we can
 25 see what the beginning of the section is,

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1 please. You see this is Section 6.0, the
 2 recommendations, and page 25, the
 3 recommendations you'll -- six bullets down,
 4 starting with the words, "Work with Marine
 5 Institute".
 6 MR. SACUTA:
 7 A. Yes, we reviewed this yesterday.
 8 EARLE, Q.C.:
 9 Q. And it would appear to me that, again to use
 10 Mr. Roil's words, that this recommendation
 11 actually moves in the direction of a great
 12 degree of fidelity to the S-92 and actual
 13 flight conditions in terms of the training,
 14 and I wonder could you tell us what the status
 15 of this recommendation is? Is it - has it
 16 been accepted, is it up for consideration, has
 17 it been rejected?
 18 MR. SACUTA:
 19 A. There was a review of both the Marine
 20 Institute and Survival Systems done, a joint
 21 review with the report that was issued with
 22 some follow-up recommendations, and I believe
 23 we're continuing to work with the training
 24 providers to try to identify what the next
 25 steps would be in that improvement

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1 opportunity.
 2 EARLE, Q.C.:
 3 Q. You fellows have a wonderful way of not
 4 answering the questions, at least the way I
 5 want them answered. Does that mean that you
 6 have accepted the recommendation in principle
 7 and you're working towards implementation?
 8 MR. SACUTA:
 9 A. We're continuing to work with the training
 10 providers to determine the best go-forward
 11 improvement opportunities, and as I mentioned
 12 in my testimony in my closing yesterday, one
 13 of the issues we're willing to work as part of
 14 Phase 1B is the fidelity of that training.
 15 EARLE, Q.C.:
 16 Q. Okay, so you see a direction suggested, you're
 17 attracted to the direction, but let's see how
 18 practical it is to move in that direction,
 19 would that be a fair summary of where you are?
 20 MR. SACUTA:
 21 A. Yes.
 22 EARLE, Q.C.:
 23 Q. Okay, thank you. Now if we could go to Slide
 24 61, and I think 62, of your presentation, and
 25 I think, Mr. Vokey, you were the one who dealt

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1 with this slide.
 2 MR. VOKEY:
 3 A. That's correct.
 4 EARLE, Q.C.:
 5 Q. And I'm looking at Item #3, and I sense a
 6 difference between your evidence and what's
 7 stated here. You indicated, and correct me if
 8 I'm wrong, but my understanding of your
 9 evidence is that freight should not be in the
 10 passenger compartment.
 11 MR. VOKEY:
 12 A. I'm missing something there again.
 13 EARLE, Q.C.:
 14 Q. 62. Are we looking at 62?
 15 REGISTRAR:
 16 A. 61 and 62.
 17 EARLE, Q.C.:
 18 Q. Yes, I said we want to look at 61 and 62.
 19 We're looking at 62 now?
 20 REGISTRAR:
 21 A. Right now, yes.
 22 EARLE, Q.C.:
 23 Q. Yes, and that's what I want Mr. Vokey to look
 24 at.
 25 REGISTRAR:

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1 A. Okay.
 2 EARLE, Q.C.:
 3 Q. Did I understand you to be saying that it is
 4 freight should not be in the passenger
 5 compartment, that freight can be carried in
 6 the, for want of a better word, luggage
 7 compartment?
 8 MR. VOKEY:
 9 A. That's correct.
 10 EARLE, Q.C.:
 11 Q. So is that not different than what is said
 12 here, "Passengers and freight should not
 13 normally be carried on the same aircraft".
 14 MR. VOKEY:
 15 A. I believe the intent of that statement is that
 16 it's not carried in the same space with
 17 passengers. That's our interpretation of
 18 that, and I believe that is the intent.
 19 EARLE, Q.C.:
 20 Q. That's your interpretation. Have there been
 21 instances of problems with the helicopters
 22 since the return to flight with weight
 23 distribution caused by heavy freight, and I
 24 would tell you what's been told to me, that
 25 there was an instance where there was a

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1 welding machine put in the freight
 2 compartment, and on landing the weight
 3 distribution was such that the passengers were
 4 required to move forward to balance the
 5 helicopter. Have there been -- and that now
 6 the response to that is that there is
 7 designated seating on the helicopters, that
 8 people don't get to sit where they want,
 9 they're distributed such that weight is evenly
 10 distributed in the aircraft to maintain
 11 balance. Are you aware that there have been
 12 these kinds of instances?
 13 MR. VOKEY:
 14 A. I'm not aware of any instances, no.
 15 MR. SACUTA:
 16 A. I am aware of that. That was an issue
 17 specifically related to Hibernia. There was a
 18 situation where while attempting to land the
 19 pilots did think that there needed to be
 20 redistribution of the passengers prior to
 21 landing, so they asked passengers to come from
 22 the back of the aircraft. I'm not aware of
 23 what the actual weight restriction was in the
 24 baggage compartment, but I'm aware of that.
 25 I'm not aware that we have any restrictions or

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1 assigned seating policy in place, but I know
 2 that Cougar as the operator of the S-92 does
 3 have responsibility to make sure that the
 4 centre of gravity when flying is maintained
 5 and if there are circumstances where there may
 6 be weight in the back of the aircraft, they
 7 may have to look at where people are seated in
 8 order to successfully fly offshore and land.
 9 So this was a Hibernia specific situation.
 10 EARLE, Q.C.:
 11 Q. Well, I take it was Hibernia specific in the
 12 sense that it was your platform they were
 13 trying to land on.
 14 MR. SACUTA:
 15 A. It occurred on the Hibernia platform.
 16 EARLE, Q.C.:
 17 Q. It was still an S-92?
 18 MR. SACUTA:
 19 A. Correct.
 20 EARLE, Q.C.:
 21 Q. In that context, are you comfortable with the
 22 notion of allowing heavy freight like a
 23 welding machine to accompany passengers?
 24 MR. SACUTA:
 25 A. As part of the responsibilities of Cougar, I'm

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1 comfortable that they look at the weight
 2 distribution on their aircraft as part of
 3 their daily flight plan.
 4 EARLE, Q.C.:
 5 Q. So from your perspective, that's an "over to
 6 you, Cougar"?
 7 MR. SACUTA:
 8 A. No, from my perspective, we recognize that
 9 there are times when we have freight in the
 10 baggage compartment and Cougar will let know
 11 if there are any restrictions that the weight
 12 of that freight will cause on our ability to
 13 successfully fly offshore. Cougar does the
 14 calculations on the weight distribution, the
 15 operator does not.
 16 EARLE, Q.C.:
 17 Q. Thank you. In respect of this search and
 18 rescue capacity, and if we could go to Slide
 19 94. Is it your understanding that the standby
 20 helicopter now is SAR ready when it's standing
 21 by? In particular, one of the issues that has
 22 been brought to my attention is the fact that
 23 previously before a search and rescue mission
 24 could be undertaken, the seats would have to
 25 be removed from the helicopter, and the

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1 question has come up is, well, is the
 2 helicopter kept in the seatless mode, if you
 3 will?
 4 MR. PRITCHARD:
 5 A. We have a commitment for one hour wheels up.
 6 Our situation currently is that we comply with
 7 that one hour wheels up. It depends what type
 8 of mission, the actual SAR, whether it be
 9 first response, medical to offshore, or
 10 recovery from the sea. A call will be made as
 11 to whether to remove the seatings and put in a
 12 stacker for stretcher availability.
 13 EARLE, Q.C.:
 14 Q. So the normal standby configuration is not
 15 with seats removed?
 16 MR. PRITCHARD:
 17 A. We utilize our operating helicopters on a
 18 cycle kind of basis, and we have a one hour
 19 wheels up which we maintain. We can get the
 20 aircraft in the air within one hour.
 21 EARLE, Q.C.:
 22 Q. Could you clarify that issue? Is the normal
 23 standby configuration without seats?
 24 MR. PRITCHARD:
 25 A. The normal configuration is the aircraft are

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1 going out for operational duties and cycle
 2 through. We always have one aircraft on the
 3 ground available for one hour wheels up.
 4 EARLE, Q.C.:
 5 Q. So what you're telling me is that the seats
 6 are in the standby aircraft?
 7 MR. PRITCHARD:
 8 A. The seats are in the operational aircraft,
 9 that's correct, and we use an operational
 10 aircraft for the SAR first response.
 11 EARLE, Q.C.:
 12 Q. So it's an operational aircraft that has not
 13 been, if you will, reduced to full SAR status
 14 while it's on standby?
 15 MR. PRITCHARD:
 16 A. And it's available for one hour wheels up for
 17 that commitment and responsibility.
 18 EARLE, Q.C.:
 19 Q. It's available for one hour wheels up?
 20 MR. PRITCHARD:
 21 A. Correct.
 22 EARLE, Q.C.:
 23 Q. Have you had any discussions with Cougar as to
 24 what would be required to have a different
 25 wheels up timeframe, say, 40 minutes or 30

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1 minutes?
 2 MR. PRITCHARD:
 3 A. We have not had specific discussions with
 4 Cougar on that requirement. We know that the
 5 one hour wheels up is a maximum one hour
 6 wheels up, and Cougar will always strive to
 7 better that time.
 8 EARLE, Q.C.:
 9 Q. I recognize that, and we know that in this
 10 incident last March they achieved wheels up in
 11 40 some odd minutes?
 12 MR. PRITCHARD:
 13 A. Yes, that's correct.
 14 EARLE, Q.C.:
 15 Q. But the question is have you given
 16 consideration, have you discussed with Cougar
 17 a shorter wheels up timeframe, and what would
 18 be required for that?
 19 MR. PRITCHARD:
 20 A. That is one of the final comments by Mr.
 21 Sacuta that we would look towards that.
 22 EARLE, Q.C.:
 23 Q. So we can take it that we have a commitment
 24 from the companies to work towards a shorter
 25 wheels up time frame?

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1 MR. PRITCHARD:
 2 A. We will review that with Cougar and get a good
 3 understanding about what the capabilities and
 4 capacities of Cougar would be.
 5 EARLE, Q.C.:
 6 Q. So you're prepared to go halfway there. Now
 7 if I could turn to the situation with CAPP,
 8 and we understand from Mr. Barnes that there
 9 is an Atlantic committee of CAPP. It's -- the
 10 phrase Atlantic Executive Policy Committee has
 11 been used, I believe. It's otherwise been
 12 called the Atlantic Committee. That is to
 13 distinguish it from the Safety Committee, and
 14 I wonder if you gentlemen, as the heads of the
 15 operations in Newfoundland and the Grand Bank
 16 operations for your respective companies, do
 17 you sit on that committee?
 18 MR. VOKEY:
 19 A. Well, just before we answer the question, can
 20 you say what the committee is again, please?
 21 EARLE, Q.C.:
 22 Q. Pardon?
 23 MR. VOKEY:
 24 A. I don't understand what committee you're
 25 talking about.

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1 EARLE, Q.C.
 2 Q. Well, there is -- and I can actually -- there
 3 is a committee known as the Atlantic Canada
 4 Executive Policy Group, and in some of the --
 5 and there is also another committee known as
 6 the CAPP Atlantic Canada Committee. I don't
 7 know whether they're the -- there are the same
 8 committee that has had its name changed over
 9 the period of years or whether they are two
 10 different committees.
 11 MR. PRITCHARD:
 12 A. I'm aware of the Executive Policy Group
 13 committee and currently my vice-president sits
 14 on that committee.
 15 MR. VOKEY:
 16 A. And that would be similar for Suncor. Our
 17 vice-president of east coast operations sits
 18 on the EPG, if that's the committee you're
 19 referring to.
 20 EARLE, Q.C.
 21 Q. And Mr. Sacuta?
 22 MR. SACUTA:
 23 A. I do not sit on the committee.
 24 EARLE, Q.C.
 25 Q. Who would sit on the committee?

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1 MR. SACUTA:
 2 A. Hibernia is not a member of CAPP. We have six
 3 co-venturers as part of the Hibernia
 4 operation. Five of those six co-venturers are
 5 members of CAPP and so it is felt that we are
 6 adequately represented in the CAPP system by
 7 those five co-venturers and in our individual
 8 panel next week, we'll talk a little bit about
 9 the relationship HMDC has with ExxonMobil, and
 10 ExxonMobil is a member of the committee.
 11 EARLE, Q.C.
 12 Q. So there is a degree of separation between
 13 HMDC and CAPP in that your participation in
 14 CAPP is through your shareholders?
 15 MR. SACUTA:
 16 A. Through our shareholders, but we also have a
 17 number of ExxonMobil personnel who are
 18 seconded to HMDC who can adequately represent
 19 HMDC's interests.
 20 EARLE, Q.C.
 21 Q. Yeah, but is there a standing designation of
 22 an ExxonMobil person within HMDC to sit on
 23 this committee?
 24 MR. SACUTA:
 25 A. The Executive Committee?

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1 EARLE, Q.C.
 2 Q. Yeah.
 3 MR. SACUTA:
 4 A. Not that I'm aware, no.
 5 EARLE, Q.C.
 6 Q. Thank you. Now your current title, Mr. Vokey,
 7 is asset manager?
 8 MR. VOKEY:
 9 A. That's correct, yes.
 10 EARLE, Q.C.
 11 Q. I've seen you referred to as operations
 12 manager in earlier documentation and I'm
 13 acutely aware that titles change in your
 14 industry from time to time. Did you get a
 15 promotion or change of name?
 16 MR. VOKEY:
 17 A. Change of name.
 18 EARLE, Q.C.
 19 Q. Pardon?
 20 MR. VOKEY:
 21 A. I've progressed through the Suncor
 22 organization since I've come onshore. My
 23 original role was operations manager, where I
 24 was accountable for the offshore operations
 25 end of it, which primarily included the FPSO

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1 and the onshore operations people that
 2 supported that, and then it progressed through
 3 taking on the engineering aspects, facilities
 4 engineering primarily, in conjunction with
 5 operations and as asset manager, I'm
 6 accountable for the operations, engineering,
 7 drilling and facilities.
 8 EARLE, Q.C.
 9 Q. So is there now an operations manager who
 10 reports to you?
 11 MR. VOKEY:
 12 A. Yes, sir.
 13 EARLE, Q.C.
 14 Q. Okay. So you're, for want of a better phrase,
 15 you're the head man in Newfoundland?
 16 MR. VOKEY:
 17 A. I am in charge of the Terra Nova operation,
 18 yes.
 19 EARLE, Q.C.
 20 Q. Now so we have the situation in terms of
 21 HMDC's involvement with CAPP being indirect.
 22 Mr. Barnes told us that Husky, at a point,
 23 withdrew from CAPP overall but continued to
 24 participate in the specific issue with the
 25 Safety Committee. Is that correct?

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1 MR. PRITCHARD:
 2 A. That's correct. We deferred our membership in
 3 CAPP in May 2009. That was a business
 4 decision taken corporately to allow more
 5 advocacy of Husky's requirements with
 6 governments. We still continue to operate at
 7 the Safety Committee levels and task force
 8 levels within CAPP, and I wish to correct a
 9 statement I made earlier that my vice-
 10 president is part of the EPG now. I must
 11 correct that that he's not part of that EPG
 12 because of our membership withdrawal.
 13 Inherently, in days gone by, it was the VP's
 14 position to sit at that level. So I'd correct
 15 that statement.
 16 EARLE, Q.C.
 17 Q. Well, how does that work? Because according
 18 to Mr. Barnes and his evidence, there was a
 19 withdrawal of the HUEBA -- although it might
 20 have not even been under that acronym at that
 21 point in time, but he, in his evidence, he
 22 said 2003-2004 period there was a withdrawal
 23 of the underwater breathing device project
 24 from CAPP. Taken back to the members was the
 25 way he described it. That would have required

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1 a decision. How would Husky, as a non-member,
 2 participate in such decisions?
 3 MR. PRITCHARD:
 4 A. During that period, we would have been a
 5 member of CAPP. Our withdrawal was from May
 6 2009.
 7 EARLE, Q.C.
 8 Q. I appreciate that, but I'm concerned, as I
 9 have expressed, with the function of CAPP as
 10 the single point of contact for the industry
 11 with C-NLOPB. So it's important to understand
 12 how an operator, major operator in this area,
 13 would function in relation to CAPP in the
 14 decision making process when you're withdrawn
 15 from membership.
 16 MR. PRITCHARD:
 17 A. Well, we still have a seat at the table at the
 18 steering committee levels and the task force
 19 levels. So we have input towards the
 20 effective results of those types of task force
 21 and committees, and so therefore, it's a
 22 collaborative effort at that kind of level
 23 within the CAPP organization to make
 24 recommendations to the EPG who would make the
 25 decision. So whilst we're not at the final

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1 decision point, we certainly have our seat at
 2 the table and our input at that time.
 3 EARLE, Q.C.
 4 Q. Okay. So if we could look at the process and
 5 in particular, and I think Mr. Vokey, you're
 6 the only one who was around at that time, of
 7 the three of you, so perhaps you can help us,
 8 because it's not particularly evident from the
 9 documents we have been supplied how this
 10 withdrawal of the issue from CAPP happened,
 11 why it happened. Can you help us with that?
 12 MR. VOKEY:
 13 A. I've got no knowledge of that at this time.
 14 I'm sure we can find the information, but I
 15 don't have it at this time.
 16 MR. SACUTA:
 17 A. I believe Mr. Barnes, when he testified,
 18 mentioned it was in the 2003 or 2004 time
 19 frame, but later corrected or that has been
 20 corrected during the testimony that it was
 21 actually the late 2007-2008 time frame, not
 22 2003-2004.
 23 MR. PRITCHARD:
 24 A. And that will all be part of the review in the
 25 lessons learned that we will undertake to get

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1 that time line correct and decision making and
 2 information flow during that lessons learned
 3 process.
 4 EARLE, Q.C.
 5 Q. In any event, you cannot help us with the why
 6 of that decision?
 7 MR. VOKEY:
 8 A. That's correct.
 9 EARLE, Q.C.
 10 Q. And Mr. Sacuta, would you have been here at
 11 that time?
 12 MR. SACUTA:
 13 A. In 2007-2008?
 14 EARLE, Q.C.
 15 Q. Yeah.
 16 MR. SACUTA:
 17 A. I arrived in October of 2007. The issues
 18 revolved around the safety concerns. We had
 19 chosen the compressed air system. There were
 20 still safety concerns associated with
 21 completing the training and the medical
 22 requirements of that training. So I believe
 23 the operators wanted to step back and do a
 24 little further investigation of the available
 25 devices. A trip was completed to the North

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1 Sea to review the breathing device that they
 2 used in the North Sea. There were
 3 representatives from the Board, from CAPP and
 4 from the operators and an ExxonMobil person
 5 representing HMDC as part of that trip. So I
 6 think it was we had not been able to come to
 7 conclusion on the safety-related concerns of
 8 introducing the compressed air system. After
 9 the return from that trip, all that -- what
 10 that trip did is determine that the compressed
 11 air device was the best device for our
 12 environment, based on what they reviewed
 13 during that trip over to the North Sea, and so
 14 at that point in time, it then went back to
 15 CAPP and we started the implementation and the
 16 mitigation plan to address the concerns
 17 associated with the medical and training
 18 requirements of using the compressed air
 19 system.
 20 EARLE, Q.C.
 21 Q. I hear what you say, and it's a good
 22 description of what happened, but I don't hear
 23 much of the why. Why could all that not have
 24 happened through CAPP?
 25 MR. SACUTA:

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1 A. I think there were concerns raised by the
 2 three operators and it was felt let's get the
 3 operators to go over and look at the available
 4 technology to make sure that the compressed
 5 air system was the system that we wanted to
 6 implement in Newfoundland and Labrador.
 7 EARLE, Q.C.
 8 Q. Were there people participating in the CAPP
 9 decision making process who were not offshore
 10 operators? I realize there were -- that this
 11 was being dealt with not simply on a Grand
 12 Banks basis, but being dealt with on a Nova
 13 Scotia offshore basis as well, but I don't --
 14 the names have been redacted, but it appears
 15 to me, from looking at the companies, they
 16 would all have been operators. Were there
 17 people blocking your way or something?
 18 MR. SACUTA:
 19 A. I don't know the answer to that.
 20 EARLE, Q.C.
 21 Q. So can you see any reason why that could not
 22 have been done through CAPP?
 23 MR. SACUTA:
 24 A. I believe the operators wanted to take more
 25 engagement in the process to ensure that the

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1 device that we selected was the device best
 2 suited to the Newfoundland operating
 3 environment.
 4 MR. VOKEY:
 5 A. If I can just comment?
 6 EARLE, Q.C.
 7 Q. Sorry?
 8 MR. VOKEY:
 9 A. If I can just comment? As Mr. Sacuta says, in
 10 the early stages, there were concerns, safety
 11 concerns, and one thing we have to remember
 12 here is that the operators are accountable for
 13 their individuals, so we can't abdicate our
 14 safety responsibilities and if there were
 15 potential safety concerns with a device, you
 16 can't necessarily address it through an issue
 17 like CAPP where there's corporate concerns and
 18 companies had concerns with potential safety
 19 aspects, so the companies reviewed it
 20 internally to ensure that, from a corporate
 21 perspective, the risks were manageable, and
 22 then it went back to CAPP. That I do know.
 23 EARLE, Q.C.
 24 Q. Just to be clear, the safety risk you're
 25 discussing was a risk of using during

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1 training, right?
 2 MR. VOKEY:
 3 A. Correct.
 4 EARLE, Q.C.
 5 Q. And it was never thought that -- well, that
 6 risk would outweigh use in a downed and
 7 submerging helicopter situation.
 8 MR. VOKEY:
 9 A. The thing is we put approximately 2,000 people
 10 every three years through training and we
 11 can't put people at potential risk without
 12 understanding those risks, and each company
 13 looked at those risks individually.
 14 EARLE, Q.C.
 15 Q. And of course, the solution to that problem
 16 has been the very simple approach of anyone
 17 for whom there is a possible risk, you just
 18 simply do the training by demonstration and
 19 not by practice?
 20 MR. VOKEY:
 21 A. No. No, that's not correct. We do the
 22 training, but not in a HUET situation where
 23 individuals are submerged below one metre. We
 24 do it at less than one metre, but individuals
 25 are submerged.

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1 EARLE, Q.C.
 2 Q. They don't actually use it?
 3 MR. VOKEY:
 4 A. Yes, we do.
 5 MR. SACUTA:
 6 A. The training has been tailored to address the
 7 concerns associated with being below one metre
 8 of water depth. The HUEBA training we
 9 currently undergo does not expose the
 10 individual to depths below one metre. That
 11 training was specifically put together in
 12 order to not expose the individual to the
 13 potential risk associated with being below one
 14 metre and using the compressed air device.
 15 EARLE, Q.C.
 16 Q. Okay. So they don't use it in the anticipated
 17 mode?
 18 MR. SACUTA:
 19 A. We don't train at the depths below one metre.
 20 MR. VOKEY:
 21 A. But individuals are submerged -
 22 MR. SACUTA:
 23 A. Yeah.
 24 MR. VOKEY:
 25 A. - and inverted, but less than one metre. So

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1 we had to come up with a specific training
 2 program and equipment to mitigate any
 3 potential risk.
 4 EARLE, Q.C.
 5 Q. And is there provision for screening of
 6 certain people out of any use at all because
 7 of potential medical problem?
 8 MR. VOKEY:
 9 A. I'm not a doctor, but the training has been
 10 demonstrated if it's less than a metre --
 11 we've been given assurance the risk is
 12 manageable if the training is done at less
 13 than a metre.
 14 EARLE, Q.C.
 15 Q. Now if I could turn to another area of the
 16 CAPP process, and that is the whole business
 17 of worker participation in the task force, and
 18 Mr. Barnes indicated that there was an initial
 19 intention to have a worker representative on
 20 the task force and that the companies or the
 21 operators had decided that there was, or that
 22 it was preferable to deal with this through
 23 the Occupational Health and Safety Committees,
 24 and just refer you to a minute, and
 25 unfortunately, I don't have slide numbers for

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1 these because I've been dealing with hard
 2 copies.
 3 REGISTRAR:
 4 Q. Perhaps Mr. Roil might help.
 5 EARLE, Q.C.
 6 Q. Page 54 of -
 7 ROIL, Q.C.:
 8 Q. The undertakings?
 9 EARLE, Q.C.
 10 Q. Of CAPP response.
 11 ROIL, Q.C.:
 12 Q. Yeah, Commissioner, Mr. Earle, -- if I could
 13 just stand alongside my friend, Mr. Earle --
 14 these documents that he's now referring to are
 15 the documents that were supplied pursuant to
 16 the CAPP undertakings.
 17 COMMISSIONER:
 18 Q. Okay.
 19 ROIL, Q.C.:
 20 Q. We have had them for a while in our system,
 21 but only yesterday was it agreed that they
 22 would go into evidence. However, I now
 23 understand this morning that the technology is
 24 not allowing us to do it, or it wasn't as of
 25 9:00. It may be now. So we don't have access

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1 to that electronically. I could step outside
 2 and see whether that has happened in the
 3 interim.
 4 COMMISSIONER:
 5 Q. This material was given to me this morning, as
 6 I came out here.
 7 ROIL, Q.C.:
 8 Q. Yes, that's right. So all the parties have
 9 had access to the material. The problem is
 10 the technology issue of getting it from our --
 11 one of our systems to the other system.
 12 COMMISSIONER:
 13 Q. I see. Have the witnesses got this in front
 14 of them? You haven't?
 15 MR. VOKEY:
 16 A. No.
 17 COMMISSIONER:
 18 Q. I'd gladly make my copy available, if it's any
 19 assistance.
 20 REGISTRAR:
 21 Q. Perhaps I can get a hard copy.
 22 EARLE, Q.C.
 23 Q. Have these gentlemen got a copy?
 24 MR. VOKEY:
 25 A. No.

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1 COMMISSIONER:
 2 Q. Why don't I get someone to pass this along to
 3 -
 4 REGISTRAR:
 5 Q. Commissioner Wells, that is not quite
 6 complete. There has to be something inserted
 7 in it. If you can give me a few minutes?
 8 COMMISSIONER:
 9 Q. Oh, okay.
 10 REGISTRAR:
 11 Q. Or unless you want to take the break right
 12 now?
 13 COMMISSIONER:
 14 Q. What would you prefer, Mr. Earle? Perhaps to
 15 ask -
 16 EARLE, Q.C.
 17 Q. Well, I mean -
 18 COMMISSIONER:
 19 Q. - something else while this is being sorted
 20 out or take a break?
 21 EARLE, Q.C.
 22 Q. Well, actually, this is my last topic with
 23 these witnesses.
 24 COMMISSIONER:
 25 Q. I see.

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1 REGISTRAR:
 2 Q. It should only take a minute.
 3 COMMISSIONER:
 4 Q. All right. Let's take a brief break then and
 5 get it sorted out, so they have it in front of
 6 them, the representatives of the operators,
 7 and you have it. Okay.
 8 (BREAK)
 9 ROIL, Q.C.:
 10 Q. Commissioner, yes, during the break that we
 11 just had, I'm pleased to advise you we've been
 12 able to under -- to get around, to work around
 13 some of our technology problems and we now, I
 14 believe, have the capacity to upload into the
 15 room the exhibit that Mr. Earle -- or the
 16 document that Mr. Earle is referring to.
 17 However, that document is still not in
 18 evidence formally, so I'm standing here now to
 19 ask you to accept into evidence Exhibits
 20 number P-120 through to 129. 120 through 128
 21 are CAPP exhibits. They are the responses to
 22 the various undertakings given by CAPP when
 23 they were giving evidence. Exhibit No. 129 is
 24 the letter from the C-NLOPB to PetroCanada re:
 25 the Occupational Health and Safety Committee

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1 meeting minutes. That was the document Mr.
 2 Earle referred to in his examination yesterday
 3 afternoon.
 4 COMMISSIONER:
 5 Q. All right, and these are going in by consent,
 6 I understand.
 7 ROIL, Q.C.:
 8 Q. The CAPP exhibits are going in with the
 9 consent of the CAPP legal counsel who are here
 10 today.
 11 COMMISSIONER:
 12 Q. Okay then, thank you. Please enter them.
 13 EARLE, Q.C.
 14 Q. Now gentlemen, we have on the screen an e-mail
 15 which is from Mr. Barnes to various persons,
 16 subject HUEBA meeting summary notes, and if --
 17 and again, Mr. Vokey, if you could draw your
 18 attention to this in particular because I know
 19 that this was during the period of time when
 20 you were operations manager and some of this
 21 appears to have, to some degree, come your
 22 way.
 23 On item number three, "some companies
 24 have polled the worker reps on the JOHS
 25 committees and there appears to be a consensus

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1 that the use of such devices is viewed as a
 2 positive move, but there remains a number of
 3 training and other concerns, as outlined in
 4 the discussion document. It was decided that
 5 a worker rep needed to be included on the
 6 implementation committee. Action:" someone
 7 "is designated to investigate the possibility
 8 of finding a worker rep volunteer." And so
 9 that decision was made, but we understand from
 10 Mr. Barnes' evidence that the operators
 11 subsequently decided that this function would
 12 not be performed by having a worker
 13 representative on the committee, but rather
 14 through the Occupation Health and Safety
 15 committees system, and I'm -- I know from
 16 reviewing some of the Occupation Health and
 17 Safety Committee minutes of Suncor, at that
 18 time of course PetroCanada, that in fact names
 19 were solicited for this and there was actually
 20 a name put forward, Mr. Neary, and it's not
 21 apparent how it came to be that there was not
 22 a representative from the minutes. Do you
 23 understand that there was a decision made not
 24 to have a worker representative?
 25 MR. VOKEY:

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1 A. No. First of all, I'd like to say this the
 2 first time I've seen this document, and I'm
 3 not aware of what the history is, but as it
 4 relates to summary note number three, it talks
 5 about a worker rep needed to be included in
 6 the implementation committee, and when we look
 7 at a new piece of equipment or a new device
 8 such as this, there's really a number of
 9 committees. There is a selection committee
 10 and that was the selection committee that Mr.
 11 Sacuta referred to earlier that went to Europe
 12 and then looked at what devices were out
 13 there. Implementation, to me, means the roll
 14 out and I guess, given the circumstances that
 15 this was rolled out, HUEBA was selected in
 16 January of 2009 and following the incident
 17 with 491, the operators undertook to implement
 18 it as part of the return to service. It was
 19 discussed with the JOHS committees and it was
 20 rolled out for all our onshore and offshore
 21 town hall sessions. So implementation, to me,
 22 means a representative for the roll out and we
 23 did have users involved in the selection also.
 24 So I just want to make that note.
 25 EARLE, Q.C.

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1 Q. Mr. Vokey, this is 2003.
 2 MR. VOKEY:
 3 A. I realize that.
 4 EARLE, Q.C.
 5 Q. And I would tell you that Mr. Barnes' evidence
 6 was that there was in respect to the same
 7 committee at the time.
 8 MR. VOKEY:
 9 A. Okay. Like I said, I haven't seen the
 10 document prior to this morning. I don't know
 11 the history.
 12 EARLE, Q.C.
 13 Q. I'm talking about Mr. Barnes' evidence.
 14 MR. VOKEY:
 15 A. Implementation, to me, means roll out.
 16 EARLE, Q.C.
 17 Q. I'm talking about Mr. Barnes' evidence now,
 18 and you know, I've got problems if you haven't
 19 seen this document because, let me tell you,
 20 your counsel has been fussing and fuming about
 21 you guys being asked some questions on these
 22 documents for the last several days, and I
 23 would have thought by now they would have
 24 given them to you, but -
 25 MR. SACUTA:

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1 A. Mr. Earle -
 2 EARLE, Q.C.
 3 Q. - that's it. You haven't seen them.
 4 MR. SACUTA:
 5 A. Mr. Earle, I think up until yesterday
 6 afternoon, under the advice of Commission
 7 counsel, we were told that we would not be
 8 examined on these documents. So I think I can
 9 speak for all of us, we have not had the
 10 opportunity or the time, based on the fact we
 11 found out yesterday afternoon that we would be
 12 examined on these documents.
 13 EARLE, Q.C.
 14 Q. Well, the question I have for you is how did
 15 this happen, Mr. Vokey, that in 2003, Mr.
 16 Barnes was communicating with C-NLOPB and Mr.
 17 Neary, I believe is his name, was put forward
 18 as a name for the implementation committee.
 19 There was a solicitation amongst Suncor
 20 workers for an individual to be a worker
 21 representative and nothing happened.
 22 MR. PRITCHARD:
 23 A. Mr. Earle -
 24 EARLE, Q.C.
 25 Q. Can you shed some light -- and I don't think

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1 you were here at the time, Mr. Pritchard.
 2 MR. PRITCHARD:
 3 A. I wasn't.
 4 EARLE, Q.C.
 5 Q. Can you shed some light, Mr. Vokey, on how
 6 that happened?
 7 MR. VOKEY:
 8 A. All I can say is that we, as operators, have
 9 committed to doing a full review. I'm not
 10 aware of the specifics, but the intent of
 11 reviewing why it took as long as it did for
 12 HUEBA will be forthcoming, a complete review.
 13 I can't answer your question at this point in
 14 time.
 15 EARLE, Q.C.
 16 Q. Mr. Pritchard, did you have something to
 17 offer?
 18 MR. PRITCHARD:
 19 A. Well, looking at the time line and my
 20 understanding from the selection of the device
 21 is such that the final decision for the device
 22 itself was not made for some time, well after
 23 2003, and therefore, if you have not selected
 24 the device, you cannot have an implementation
 25 committee or group to look towards that

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1 implementation, and therefore the review of
 2 this document here, 2003, and the question
 3 about implementation committee is such that at
 4 that time, a little premature, I believe, to
 5 go ahead with an implementation committee.
 6 EARLE, Q.C.
 7 Q. Well, Mr. Pritchard, I recommend to you that
 8 in your review of this process, you have a
 9 look at what implementation committee meant in
 10 this context, because I think if you review
 11 all the documents, you will see that it was a
 12 much broader scope of effort than one would
 13 normally consider to be a matter of
 14 implementation. I agree with you, I found
 15 that name rather strange, but -
 16 MR. PRITCHARD:
 17 A. Okay. I'll review the documents and get a
 18 better understanding of that and work with the
 19 people and -
 20 EARLE, Q.C.
 21 Q. And Mr. Barnes' evidence.
 22 MR. SACUTA:
 23 A. If I could just comment? We have already
 24 committed that CAPP is working on the terms of
 25 reference for a lessons learned exercise, and

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1 the review of this documentation has to be
 2 part of that in order to understand the
 3 complete picture of the history of the time
 4 period that it took to implement the HUEBA.
 5 We've also suggested that the results of this
 6 lessons learned will be a report which we
 7 expect with continuous improvement or
 8 recommendations for continuous improvement,
 9 and we think that's within the mandate of this
 10 Inquiry, which is to identify improvement
 11 opportunities for helicopter safety and not to
 12 assign blame during this process.
 13 EARLE, Q.C.
 14 Q. Now let us assume that what Mr. Barnes told us
 15 is correct and that there was a decision made
 16 to involve workers through the Occupational
 17 Health and Safety Committee structure. This
 18 was how worker input was to be obtained into
 19 this HUEBA process. The question I have for
 20 you, if that were in fact the decision, what
 21 would you expect within your organizations
 22 would have happened if that were the case?
 23 What would we find? Because I'll -- and I'll
 24 just tell you, and I'm not trying to blind
 25 side anybody, but I have Occupational Health

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1 and Safety Committee minutes for
 2 Suncor/PetroCanada. I don't have anything for
 3 Husky. I have some documents which I was told
 4 were Occupational Health and Safety Committee
 5 minutes for HMDC, but I don't think they can
 6 be. If they are, there's another serious
 7 problem.
 8 But I'm not seeing in those documents any
 9 indication of a consultative process, their
 10 input was being actively sought. So my
 11 question, in all sincerity, for you is what
 12 would you expect the process would be?
 13 MR. PRITCHARD:
 14 A. My expectations would be that we would have
 15 users of the suit engaged in the
 16 implementation and review of the HUEBA and
 17 once we rolled out the HUEBA with the
 18 workforce after return to service, we had no
 19 negative feedback in respect of that roll out
 20 and implementation and use of the device.
 21 Everybody was pleased to see that device in
 22 use.
 23 COMMISSIONER:
 24 Q. I would remind everybody that when I made the
 25 ruling yesterday to permit questions on this

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1 subject, it was only on the basis of what
 2 these gentlemen knew, and I think we're
 3 confined to that if they know, they will tell
 4 us. If they don't know, as I said to you
 5 yesterday, that's a perfectly truthful
 6 response.
 7 MR. PRITCHARD:
 8 A. Absolutely. Expectation -
 9 EARLE, Q.C.
 10 Q. Mr. Commissioner, I'm not asking the witnesses
 11 what they knew or didn't know at this point in
 12 time. I've given them the background, as I
 13 understand it. I'm asking the witnesses that
 14 if a decision is made for worker input through
 15 the Occupational Health and Safety Committee
 16 structure -
 17 COMMISSIONER:
 18 Q. Yes.
 19 EARLE, Q.C.
 20 Q. - what they would expect to see, how they
 21 would expect to see that, if you will, fleshed
 22 out.
 23 COMMISSIONER:
 24 Q. Of course, the other thing is who was here in
 25 2003.

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1 MR. VOKEY:
 2 A. I was here.
 3 MR. SACUTA:
 4 A. I was here, but I was in an engineering
 5 supervisory role working for Hibernia.
 6 MR. PRITCHARD:
 7 A. I was not here.
 8 EARLE, Q.C.
 9 Q. Mr. Vokey was operations manager at the time.
 10 COMMISSIONER:
 11 Q. Mr. Vokey would have -
 12 MR. VOKEY:
 13 A. Yes, sir.
 14 COMMISSIONER:
 15 Q. Okay. Well, I can only come back to say, yes,
 16 in a general way perhaps what one might
 17 expect, but that has to be said, in this
 18 context, without knowledge of the
 19 circumstances.
 20 EARLE, Q.C.
 21 Q. Well, I think the -- with respect, Mr.
 22 Commissioner, they know that the project
 23 started and the evidence of Mr. Barnes is that
 24 there was a decision made that worker
 25 participation would not be by a member on the

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1 committee, that it would be through the
 2 Occupational Health and Safety Committee
 3 system, and what I would like to know from
 4 these gentlemen, how they would expect -- I
 5 mean, they're the boss, each one of them --
 6 how they would expect that would occur.
 7 COMMISSIONER:
 8 Q. If they can speak for that period in time as
 9 to what they might expect or what they might
 10 expect today.
 11 EARLE, Q.C.
 12 Q. I'd be interested in what -
 13 COMMISSIONER:
 14 Q. Can you answer?
 15 EARLE, Q.C.
 16 Q. - they might expect today even.
 17 MR. VOKEY:
 18 A. The only thing I can say is that we do engage
 19 users and our workforce. In this particular
 20 case, this issue was worked through committees
 21 and as has been provided earlier, we do know
 22 there was challenges with HUEBA and it was
 23 actually taken off the table from a CAPP
 24 perspective for a period of time while it was
 25 assessed from a medical perspective with each

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1 of the operators. So again, this
 2 implementation committee would have been
 3 premature. As I indicated, the final decision
 4 was not made until January 2009 as to even
 5 what the piece of equipment would be. So it
 6 would have been premature six years before
 7 that to have an implementation committee when
 8 there was nothing to implement.
 9 EARLE, Q.C.
 10 Q. Well, let me follow through with that, Mr.
 11 Vokey. Are you then saying that in your view
 12 that worker participation would only commence
 13 at the implementation level? That worker
 14 participation wouldn't be involved in
 15 selection, would not be involved in time
 16 table, would not be involved in training?
 17 MR. VOKEY:
 18 A. I think we've already said, Commissioner, this
 19 was a very -- this particular one was a very
 20 complex issue and with respect to the word
 21 "worker" there were users, people that
 22 regularly travelled offshore on behalf of the
 23 companies. They also participated as part of
 24 the selection. So people that would actually
 25 ultimately end up using those devices were

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1 involved, but it was a complex issue and that
 2 is part of the review as to why it took as
 3 long as it did to implement.
 4 EARLE, Q.C.
 5 Q. I mean, I would appreciate if you could answer
 6 the question a bit more directly. I mean, do
 7 -- because you would have to agree that the
 8 word "worker" here, as it is used here, is
 9 referring to someone other than -- you all use
 10 different letters to identify them, an
 11 environment health and safety person or the
 12 sorts of people who would be members of the
 13 safety committee. When you're talking worker
 14 there in this, surely it is understood to be
 15 someone other than those people.
 16 MR. VOKEY:
 17 A. We look at people that use them and we do seek
 18 input and there's different avenues for that.
 19 I'd be speculating.
 20 EARLE, Q.C.
 21 Q. Either of you gentlemen have anything to offer
 22 on that?
 23 MR. SACUTA:
 24 A. I think communications, and I think item
 25 number four on this document that you've

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1 brought up in some way addresses that each
 2 operator needed to keep workers informed of
 3 progress on this issue through periodic
 4 updates to the JOHS committees. We recognize
 5 that the workforce needed to be kept apprised
 6 of the progress on this and I think that the
 7 review of the JOHS committee minutes will show
 8 that over the period between 2003 and
 9 implementation in 2009, there are examples
 10 where we did keep the workforce informed of
 11 the progress of the HUEBA decision making
 12 process. But as I've mentioned, we recognize
 13 that the process took nine years and we're
 14 taking the steps to evaluate that whole
 15 process in our lessons learned.

16 EARLE, Q.C.

17 Q. I hope you will make those minutes available
 18 to the Commission and as I say, I'm not
 19 confident that I've seen yours, and I know I
 20 haven't seen Husky's and I hope Husky will
 21 make theirs available, because I think it is
 22 important. We certainly feel it's important.
 23 This is perhaps a prime reason that Local 2121
 24 is participating in this Inquiry, because we
 25 feel it is important that there be worker

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1 participation in the area of helicopter safety
 2 and all matters going into helicopter safety.
 3 That they not simply be consumers, they be
 4 participants, and I think that's an important
 5 thing, Mr. Commissioner, for you to look at,
 6 and you may guess, Mr. Vokey, that I think the
 7 communication that happened, at least as far
 8 as your organization as evidenced by the
 9 Occupational Health and Safety Committee
 10 minutes, is not a great example.

11 Now on the issue of worker participation
 12 generally in these sorts of issues, and I
 13 would like to compliment Husky because I have
 14 noticed that Husky has seen to it that an
 15 ordinary worker is here for this Inquiry and I
 16 compliment you on that. Generally, gentlemen,
 17 where do your companies see worker
 18 participation coming into issues of safety as
 19 they relate to helicopters?

20 MR. PRITCHARD:

21 A. We expect the workforce to be engaged fully in
 22 safety. It's everybody's duty and
 23 responsibility to be engaged in safety. I
 24 think there are certain elements of safety and
 25 features of safety equipment that the

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1 workforce need to be involved with, either a
 2 good understanding and participation in some
 3 selections, and typically the suits and the
 4 CSGB standards that have been improved, we
 5 have worker input towards those standards.
 6 Once those standards are established and the
 7 suit manufacturers understand those particular
 8 standards, then we would expect our protocols
 9 of bid process to go through their normal
 10 course of events for the selection of a suit.
 11 Now it might be that during the course of that
 12 selection, and we hone it down to perhaps one
 13 or two, we will get some worker involvement to
 14 trial out the suits. So there's an element of
 15 input at the front end, but then once we get
 16 to that bid and evaluation technical piece in
 17 the middle, we expect our processes to take
 18 care of that and we will expect to have the
 19 worker involvement with that final overview of
 20 the suit, I will call it.

21 MR. SACUTA:

22 A. I think we have well established processes in
 23 place under which workers can express
 24 concerns. There is a responsibility on all of
 25 our workers, whether they're our supervisors

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1 or contractor employees, if they have concerns
 2 to raise them either through their safety rep,
 3 through the JOHS committee or direct to their
 4 supervisor, as was done in the right to refuse
 5 dangerous work situations. We have well
 6 established processes in place in which worker
 7 input can be -- that worker can contribute to
 8 their concerns associated with helicopter
 9 safety or any other safety issue on the
 10 platform.

11 EARLE, Q.C.

12 Q. Do you see it as being a worker-initiated
 13 participation through existing processes?

14 MR. SACUTA:

15 A. It can be a worker or a manager initiated
 16 concern. This is not us versus them. Safety
 17 is we, and we're all responsible for the
 18 safety of ourselves and the people working
 19 beside us.

20 EARLE, Q.C.

21 Q. Mr. Vokey?

22 MR. VOKEY:

23 A. We all take great strides to communicate with
 24 our workforce and I just want to make sure we
 25 do understand that. In terms of a go-forward

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1 with respect to not only, as Mr. Sacuta said,
 2 helicopter matters, but all safety matters, we
 3 do endeavour to engage our workforce to the
 4 greatest extent that we can. Is it an area
 5 that we can continuously improve on? I think
 6 we need to take a look at it, but we do
 7 engage, and I just want to make sure we're
 8 clear on that. This is not about an us and
 9 them. Collectively, we're all there and if
 10 it's an area that we can improve on, we'll
 11 certainly look at it.

12 EARLE, Q.C.

13 Q. Gentlemen, would you accept that current day
 14 thinking on safety issues takes as a basic
 15 premise that worker involvement in the
 16 processes and in development of safety
 17 principles and application of them is key to
 18 their legitimacy and gives you a better result
 19 than a top down approach?

20 MR. VOKEY:

21 A. I think, if I -

22 MR. PRITCHARD:

23 A. In my testimony, I fully engaged that. I
 24 looked at the people, equipment and processes.
 25 I emphasized the fact that it is people within

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1 each of those categories that really matter
 2 and engagement at all levels, whether it be a
 3 design engineer or a worker at the work phase,
 4 it's important for people engagement for the
 5 overall safety.

6 MR. VOKEY:

7 A. If I can just comment? We do not manage from
 8 a top down. As I indicated when we started
 9 this process, I've been in this industry
 10 almost 30 years and I've seen light years of
 11 progress in worker engagement, user engagement
 12 and engagement of stakeholders. Are we where
 13 we need to be? I don't think you can answer
 14 that question. We continuously strive to
 15 improve our communication and engagement with
 16 our workforce.

17 EARLE, Q.C.

18 Q. Mr. Sacuta, do you have any -

19 MR. SACUTA:

20 A. I support, echo the comments of the other two
 21 on the panel.

22 EARLE, Q.C.

23 Q. The next phases of this Inquiry will, from
 24 time to time, provide opportunity for, and I'd
 25 suggest, the need for individual worker

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1 involvement, whether it's in some of the
 2 things like focus groups that have been
 3 discussed with Ms. Turner's efforts or whether
 4 it is in some of the other investigations that
 5 the Commission is going to undertake. I'm
 6 asking you, each of you, for your companies,
 7 will you commit that there will be no
 8 impediment by way of a loss of pay or status
 9 or anything else to worker participation in
 10 the future processes of this Inquiry?

11 MR. PRITCHARD:

12 A. We fully support the Phase 1B of the Inquiry
 13 and of course, we don't know the full shape
 14 and size of that 1B and we'll take that at
 15 face value when it comes to us and analyze
 16 where best place the various individuals need
 17 to be. For Husky, if we see workforce
 18 engagement, there will be no loss of pay.

19 EARLE, Q.C.

20 Q. So are you saying you're going to decide
 21 whether it's meritorious for a worker to
 22 involve himself in the participation in this
 23 Inquiry?

24 MR. PRITCHARD:

25 A. We'll look at the various stages, because if

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1 there's a -- I don't know, a specific very
 2 technical piece of work that might come about
 3 and potentially workforce engagement might not
 4 be appropriate at that particular time.

5 EARLE, Q.C.

6 Q. But surely if -- that's for the Inquiry to
 7 decide, isn't it?

8 MR. PRITCHARD:

9 A. Husky will -

10 EARLE, Q.C.

11 Q. You know, I'm obviously not suggesting to you
 12 that somebody in catering try and design a
 13 helicopter. What I'm talking about is as I
 14 understand how this Inquiry will go forward,
 15 there will be -- and we have been assured that
 16 there will be opportunities for individual
 17 worker participation, whether it's in, as I
 18 say, a focus group or whether it's by a
 19 survey, all sorts of things, and I know from
 20 dealing with employers over the years that
 21 often the first thing that comes to mind with
 22 an employer when somebody is being asked to
 23 participate in that, you know, is the lost
 24 time, who's going to pay the wages. And I am
 25 asking you gentlemen to commit for your

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1 companies that if the Inquiry wants people to
 2 participate, then in fact there will be no
 3 impediment, that you'll continue to pay their
 4 wages.
 5 MR. VOKEY:
 6 A. And I guess I can just second what Mr.
 7 Pritchard said. I mean, there's going to be a
 8 lot of personal interest, a lot of special
 9 interest, a lot of group initiatives and as
 10 operators, and I think I said it earlier this
 11 morning, ultimately the operator, the person
 12 that holds the operating license, is the only
 13 one that's accountable with the regulatory
 14 body. So the operators need some input into
 15 this process also. Where we feel there's
 16 value or potential value, we'll certainly
 17 engage and we have in the past and we'll
 18 continue to do that.
 19 EARLE, Q.C.
 20 Q. So you're not prepared to defer to the
 21 Commission?
 22 MR. VOKEY:
 23 A. Well, I can't -- you haven't given me anything
 24 specific to commit to, so once we see what the
 25 initiatives are, we'll determine if we feel

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1 there's value in it.
 2 COMMISSIONER:
 3 Q. Perhaps I could help here. Everybody knows
 4 that we're doing the risk assessment through
 5 Aerosafe. We have at the -- at two JOHS
 6 meetings, there must have -- there were
 7 probably 50 or 60 people at each meeting and
 8 we have, on behalf of Aerosafe, without
 9 comment really, submitted forms to what, 100
 10 people, and they were given back to us and
 11 immediately sent to Aerosafe and Aerosafe will
 12 be down here very shortly interviewing all
 13 sorts of people at the managerial level and at
 14 the worker level, and I know of no impediment.
 15 MR. VOKEY:
 16 A. There's no impediment from Suncor's
 17 perspective.
 18 MR. SACUTA:
 19 A. There would be no resistance from HMDC to that
 20 at all.
 21 MR. VOKEY:
 22 A. We are committed to this process,
 23 Commissioner, and any value that we think we
 24 can add as organizations, either individually
 25 or collectively, I mean, we are here to

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1 assist.
 2 COMMISSIONER:
 3 Q. So, I mean, we're going to do that.
 4 EARLE, Q.C.
 5 Q. And I understand from at least the interview
 6 with Ms. Turner with me that she's
 7 contemplating some more extensive processes
 8 like focus groups.
 9 COMMISSIONER:
 10 Q. Oh yes.
 11 EARLE, Q.C.
 12 Q. Which literally are going to mean hours of
 13 involvement, and I hope, gentlemen, and I
 14 can't -- won't have any involvement with you,
 15 Mr. Pritchard, on this one, but those, two of
 16 you who deal with Local 2121, that we won't be
 17 in a situation where people are told "yeah,
 18 you can do a focus group if you do it on your
 19 time off."
 20 MR. VOKEY:
 21 A. Neither one of us are punitive organizations.
 22 MR. SACUTA:
 23 A. And I think you would be aware that we'll
 24 certainly support the Inquiry and will
 25 certainly follow what is written into our

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1 collective agreement, as far as how we handle
 2 those employees.
 3 EARLE, Q.C.
 4 Q. Mr. Sacuta, that's the point. The collective
 5 agreement doesn't contemplate this exercise.
 6 This is an extraordinary exercise, and I hope
 7 that you and your company will recognize that
 8 this is an extraordinary exercise and that you
 9 may have to have different rules as it applies
 10 to this.
 11 MR. SACUTA:
 12 A. We're certainly committed to supporting the
 13 Inquiry.
 14 MR. VOKEY:
 15 A. And with respect to engagement, as I indicated
 16 yesterday, we engage, through the Occupational
 17 Health and Safety Committees. They represent
 18 everybody that works offshore, notwithstanding
 19 what their affiliation is, and we will be
 20 engaging our Occupational Health and Safety
 21 Committees.
 22 EARLE, Q.C.
 23 Q. Thank you, gentlemen.
 24 MR. VOKEY:
 25 A. Thank you.

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1 COMMISSIONER:
 2 Q. Thank you, Mr. Earle. Now Ms. O'Brien, if you
 3 have some questions?
 4 MS. O'BRIEN
 5 Q. Yes, I do, Commissioner.
 6 COMMISSIONER:
 7 Q. Okay.
 8 MR. TREVOR PRITCHARD, MR. PAUL SACUTA, MR. GARY VOKEY,
 9 EXAMINATION BY MS. KATE O'BRIEN
 10 MS. O'BRIEN
 11 Q. Thank you. Thank you, panel. Kate O'Brien,
 12 I'm here representing the families of the
 13 deceased flight crew. I understand from your
 14 presentation to date on numerous occasions
 15 that you all certainly take the position that
 16 it is the operators who are responsible for
 17 safety of the offshore workforce, and I take
 18 it from that that when you talk about the
 19 offshore workforce, you're not just talking
 20 about your own direct employees. You're
 21 talking about the employees of your
 22 contractors who work offshore as well. Is
 23 that correct?
 24 MR. VOKEY:
 25 A. That's correct.

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1 MR. SACUTA:
 2 A. That is correct.
 3 MR. PRITCHARD:
 4 A. That's correct.
 5 MS. O'BRIEN
 6 Q. So when you talk about taking that
 7 responsibility over those contract employees,
 8 would that include the employees of Cougar?
 9 MR. VOKEY:
 10 A. It would if -- as it relates to our operating
 11 installations, yes.
 12 MS. O'BRIEN
 13 Q. What do you mean by that, Mr. Vokey?
 14 MR. VOKEY:
 15 A. Where they're on our installations, where
 16 they're coming into our installations, where
 17 they require the support of our other services
 18 as part of their operations. Where they're
 19 under our control, we do take responsibility,
 20 yes.
 21 MR. SACUTA:
 22 A. For example, during refuelling of the
 23 helicopter would be an example of where we
 24 take the responsibilities to ensure that it is
 25 done properly and safely.

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1 MS. O'BRIEN
 2 Q. And from time to time, so would those pilots,
 3 from time to time, have to spend a more
 4 significant period of time on your
 5 installations because of, you know, they can't
 6 fly out or, you know, do they ever have to
 7 overnight?
 8 MR. PRITCHARD:
 9 A. Occasionally, the pilots may stay on board.
 10 If we put a helicopter out for a specific time
 11 period, so a fly in and fly out on the same
 12 day, for instance, the pilots may be on board
 13 for a number of hours.
 14 MS. O'BRIEN
 15 Q. So I know that we've had very detailed
 16 evidence about how you oversee and ensure that
 17 these workers are -- you know, they have the
 18 basic survival training, that they're using
 19 the HUEBA, that they're -- you know, all the
 20 programs with the suits and whatnot. Do you
 21 do that type of -- you know, are you looking
 22 at the pilots and flight crew as well for
 23 those types of things? Do you oversee that?
 24 MR. PRITCHARD:
 25 A. Through an audit function, we would look at

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1 the Cougar records to establish the requisite
 2 training requirements for the pilots.
 3 MS. O'BRIEN
 4 Q. Okay. So when you're saying that through your
 5 audit function, so will you periodically audit
 6 Cougar to ensure that they are operating in a
 7 way that you're satisfied with and that is
 8 consistent with your contract with them?
 9 MR. PRITCHARD:
 10 A. Correct.
 11 MR. SACUTA:
 12 A. Including reviewing training requirements,
 13 night flight currencies, all the issues that
 14 are contractual, as well as would normally be
 15 covered under their certification
 16 requirements, in terms of having the required
 17 number of landings to meet, for example, are
 18 specific aviation operations guided
 19 requirements.
 20 MS. O'BRIEN
 21 Q. Okay. So would that include an assessment of,
 22 say, the survival training of pilots? So not
 23 training that's, you know, specifically
 24 required for actually -- you know, it's not
 25 flight training, but the survival training.

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1 Do you have a requirement that the pilots take
 2 the basic survival training?
 3 MR. SACUTA:
 4 A. It's my understanding that pilots do complete
 5 the basic survival training.
 6 MR. VOKEY:
 7 A. Yeah.
 8 MS. O'BRIEN
 9 Q. Is that a requirement of yours?
 10 MR. SACUTA:
 11 A. It would be a requirement to be on our
 12 facility, and I'm sure it's a contractual
 13 requirement. I'm not positive. I would
 14 expect it's a contractual requirement in our
 15 contract.
 16 MS. O'BRIEN
 17 Q. The reason why I ask, and I don't know if
 18 you're aware, certainly when I looked at -- if
 19 we could maybe bring up Exhibit 00117/200
 20 which was the ASR team report, the subset of
 21 the HOTF report? 200.
 22 REGISTRAR:
 23 Q. 200.
 24 ROIL, Q.C.:
 25 Q. Right at the bottom.

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1 MS. O'BRIEN
 2 Q. And if you could go to page 18 of that report,
 3 please? And if you could just excuse me, I'm
 4 going to get my water. Thank you. Okay. So
 5 if you could scroll down a bit, there is a
 6 section here that indicates what Mr. Sacuta
 7 has just indicated about the -- it should be
 8 on page 18, yeah, on page 18 which you're on
 9 now. There is a section there that covers the
 10 BST training. There we go. I see it coming
 11 up. So it says there, I'm just reading from
 12 the top of the page there, "initial general
 13 ground training for all newly hired pilots for
 14 either the Sikorsky S-61N or the S-92A
 15 commences with one week of ground school
 16 classroom training followed by a week of BST
 17 at the Marine Institute in St. John's." Now I
 18 don't know if either of you gentlemen heard
 19 the testimony from Mr. Rutherford and Mr.
 20 Harvey from the Marine Institute, but at that
 21 time, I asked I think Mr. Rutherford
 22 specifically about what type of training the
 23 pilots took and his understanding, at that
 24 time, was that the pilots only took a one-day
 25 HUET training. That they didn't do the full

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1 five-day BST course. Now I noticed this,
 2 obviously this discrepancy in his testimony in
 3 this ASR report here and I spoke to him about
 4 it in the past day. Yesterday I brought it to
 5 his attention, and he came back to me this
 6 morning and said well, maybe he got it wrong.
 7 He's not sure, but at that time, that's
 8 certainly what his understanding had been.
 9 Are you able -- any of you able to comment on
 10 that?
 11 MR. SACUTA:
 12 A. It's my understanding that they've completed
 13 the five-day and they maintain that
 14 certification as per any other employee who
 15 goes offshore.
 16 MS. O'BRIEN
 17 Q. Okay. And in order to stay -- by your own
 18 regulations, your own requirements, in order
 19 for them to spend any time on your
 20 installations, they have to have that full
 21 five-day training? Is that correct?
 22 MR. VOKEY:
 23 A. Unless -- we have exemption processes that's
 24 rarely used, but if they are going to be on
 25 our facility, they would require the training.

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1 MS. O'BRIEN:
 2 Q. Okay, but you just said --
 3 MR. PRITCHARD:
 4 A. One day, of course, as the Commissioner went
 5 out, a one-day survival course would give them
 6 a six day exemption for offshore, to go
 7 offshore.
 8 MS. O'BRIEN:
 9 Q. Okay, so if a pilot was only going to be out
 10 there for -- can you explain the exemptions?
 11 Are these exemptions that work for pilots?
 12 MR. VOKEY:
 13 A. We have in the past -- I think Mr. Sacuta
 14 talked to the other day, in the past,
 15 depending if the individual was just going out
 16 for a one time visit, there was a potential
 17 for an exemption, and these are reviewed with
 18 the regulator on a regular basis, but these
 19 exemptions would not apply to pilots. In
 20 fact, I don't know of any current cases where
 21 we give people exemptions.
 22 MS. O'BRIEN:
 23 Q. Okay, so the pilots -- from your point of
 24 view, the pilots have to have the full five
 25 days?

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1 MR. VOKEY:
 2 A. That's my understanding, yes.
 3 MS. O'BRIEN:
 4 Q. All right, and what about -- you know, I know
 5 that you have described a system in place
 6 whereby anyone who's going offshore, there's a
 7 check to make sure that their BST is up to
 8 date, that they don't require a refresher or
 9 what not. Do you do that kind of tracking for
 10 the pilots, or do you just leave that up to
 11 Cougar?
 12 MR. VOKEY:
 13 A. I think it's fair to say it will be left to
 14 Cougar. I'm not sure if the pilots are in the
 15 database or not.
 16 MR. PRITCHARD:
 17 A. I'm unaware of the pilots being in a the
 18 database.
 19 MR. SACUTA:
 20 A. I believe we leave that up to Cougar.
 21 MS. O'BRIEN:
 22 Q. Would the same go for medical examinations?
 23 MR. SACUTA:
 24 A. Correct.
 25 MS. O'BRIEN:

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1 Q. Do you know if the pilots are using the HUEBA
 2 devices?
 3 MR. SACUTA:
 4 A. They are not.
 5 MS. O'BRIEN:
 6 Q. They're not using the HUEBA devices?
 7 MR. SACUTA:
 8 A. My understanding is the pilots are not using
 9 HUEBA.
 10 MS. O'BRIEN:
 11 Q. Do you know why that is?
 12 MR. SACUTA:
 13 A. I do not.
 14 MS. O'BRIEN:
 15 Q. Do you know who would know why that is?
 16 MR. SACUTA:
 17 A. I think it's a discussion for Cougar.
 18 MR. VOKEY:
 19 A. It would be Cougar.
 20 MS. O'BRIEN:
 21 Q. Have the operators ever engaged Cougar on that
 22 issue, whether or not the pilots would be
 23 using HUEBA?
 24 MR. VOKEY:
 25 A. Not to my knowledge.

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1 MR. SACUTA:
 2 A. I'm not aware of an engagement.
 3 MR. PRITCHARD:
 4 A. I was actually unaware that they didn't wear
 5 them.
 6 MS. O'BRIEN:
 7 Q. Pardon?
 8 MR. PRITCHARD:
 9 A. I was unaware that the pilots did not wear
 10 them.
 11 MS. O'BRIEN:
 12 Q. Okay. So would you consider that something
 13 that is in the sole purview of Cougar, that's
 14 something that the operators really are not
 15 and should not be concerned with, what kind of
 16 safety equipment the pilots are using?
 17 MR. SACUTA:
 18 A. I think it would be difficult for the
 19 operators to determine what risk that would
 20 expose the pilots to in terms of their ability
 21 to continue to maintain control of the
 22 helicopter. I think that's something that
 23 Cougar specifically has to look at as part -
 24 if they're going to introduce that for their
 25 pilots, they're best suited to understand any

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1 consequences of implementing that equipment on
 2 their flight suits for their pilots.
 3 MS. O'BRIEN:
 4 Q. Okay, so you're saying it's not your
 5 responsibility?
 6 MR. SACUTA:
 7 A. Correct.
 8 MS. O'BRIEN:
 9 Q. Okay. I suppose similarly with the flight
 10 suits, do you take any involvement in the
 11 flight suit selection for the pilots?
 12 MR. VOKEY:
 13 A. No, we don't.
 14 MR. SACUTA:
 15 A. As part of our annual audits, though, one of
 16 the components they look at is that they're
 17 using certified suits and certified life
 18 vests, and the suits are different than the
 19 suits that our passengers travel in.
 20 MR. VOKEY:
 21 A. They're certified by Transport Canada.
 22 MR. SACUTA:
 23 A. They are certified by Transport Canada.
 24 MS. O'BRIEN:
 25 Q. So your audits, you ensure that they have

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1 certified suits and certified life vests, but
 2 not the HUEBA, not helmets, right?
 3 MR. VOKEY:
 4 A. Well, HUEBA is a new device, and I think, you
 5 know, we need to better understand that
 6 through Cougar as to the reasoning why.
 7 MS. O'BRIEN:
 8 Q. Okay, I understood that's what you said. I
 9 just wanted to make sure that there's some --
 10 you know, what I'm hearing is there's some
 11 safety devices that you, as operators, ensure
 12 that the pilots are using and some that you
 13 don't consider it to be your concern. So I
 14 understand that certified flight suits is your
 15 concern, yes?
 16 MR. VOKEY:
 17 A. That's correct.
 18 MS. O'BRIEN:
 19 Q. Having life vests is your concern?
 20 MR. VOKEY:
 21 A. Certified life vests, yes.
 22 MS. O'BRIEN:
 23 Q. Certified life vests. Having HUEBA or
 24 breathing apparatus is not your concern?
 25 MR. SACUTA:

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1 A. It's not a regulatory requirement, whereas the
 2 certified life suits and certified life vests
 3 are.
 4 MS. O'BRIEN:
 5 Q. Okay, and what about helmets?
 6 MR. VOKEY:
 7 A. Again that would be whether or not there was a
 8 certification requirement by Transport Canada
 9 for the pilots, you know, to wear helmets or
 10 not. I don't think, as operators, it's not
 11 our business to say whether or not pilots
 12 should or should not wear them. They're way
 13 outside of our expertise.
 14 MS. O'BRIEN:
 15 Q. Okay, so really the only two pieces of
 16 equipment that you're concerned with are the
 17 life vests and that they're wearing certified
 18 flight suits?
 19 MR. VOKEY:
 20 A. To ensure that they meet all certification
 21 requirements.
 22 MR. SACUTA:
 23 A. We're concerned with any equipment that is a
 24 regulatory requirement under which they
 25 operate.

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1 MS. O'BRIEN:
 2 Q. Okay. I know we had -- somewhere in your
 3 presentation, I don't know if it was in the
 4 presentation or in someone's answer that the
 5 flight suits that the pilots do wear have the
 6 thermal equivalent of the helicopter passenger
 7 transport suits. Do you know whether that's
 8 the same -- if they have the same -- I don't
 9 know if water gets into them, whether they
 10 still have that same thermal properties. Do
 11 you know if they have the same types of seals
 12 and things that the helicopter passenger suits
 13 do?
 14 MR. VOKEY:
 15 A. I've got no personal knowledge of that, but
 16 when I have talked to Cougar specifically,
 17 they did indicate there were at least two
 18 different suits that had certification that
 19 they were using, the pilots were using.
 20 MS. O'BRIEN:
 21 Q. Okay, that's something I can speak with
 22 Cougar, okay. You spoke a bit about as part
 23 of your return to service process, that you
 24 made some revisions -- you looked at and made
 25 some revisions to the search and rescue

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1 capabilities and the first response of Cougar,
 2 and I believe that you said that one of the
 3 things that you had done was to decrease the
 4 core group, or just have a core group of
 5 pilots who had the search and rescue training,
 6 and to increase the amount of training for
 7 those pilots? If you could just -- I might
 8 not have stated that correctly.
 9 MR. PRITCHARD:
 10 A. Yeah, I delivered that. We did take a core
 11 group of pilots. There's a certain number of
 12 hours that are allocated for training, and,
 13 therefore, a smaller group of pilots and SAR
 14 technicians working towards those hours just
 15 enhances their training.
 16 MS. O'BRIEN:
 17 Q. Okay. So now there's sort of a set -- a
 18 smaller group of personnel who get that
 19 specific training?
 20 MR. PRITCHARD:
 21 A. Correct.
 22 MR. VOKEY:
 23 A. Cougar actually identified it as a continuous
 24 improvement initiative. They felt, as an
 25 organization, they could enhance their

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1 capabilities by using less numbers, but more
 2 hours on fewer individuals to provide their
 3 first response provision service.
 4 MS. O'BRIEN:
 5 Q. Okay. So am I to understand it, before that
 6 everybody had some training, and now it's
 7 fewer people have more training?
 8 MR. VOKEY:
 9 A. That's my understanding, but again Cougar
 10 would be able to speak to the specifics.
 11 MS. O'BRIEN:
 12 Q. Okay, and so I know you talked about how now
 13 there is always a helicopter ready and waiting
 14 in case of an emergency event. Is that the
 15 same for a pilot, is one of these SAR trained,
 16 specialized SAR trained pilots always on call?
 17 MR. PRITCHARD:
 18 A. That's correct. The group go on rotar., so
 19 they are available.
 20 MS. O'BRIEN:
 21 Q. Sorry, the group --
 22 MR. PRITCHARD:
 23 A. The group are on, you know, rotation.
 24 MS. O'BRIEN:
 25 Q. Rotation.

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1 MR. PRITCHARD:
 2 A. I can't give you the exact rotation, but that
 3 core group are on rotation.
 4 MS. O'BRIEN:
 5 Q. Okay, and I think, Mr. Sacuta, you had said at
 6 one point that the -- you talked about the one
 7 hour wheels up time, which was one of these
 8 other post March 12th changes, and you had
 9 said that that was a decision made by the
 10 operators to go with the one hour wheels up
 11 time. So I would just like you to maybe give
 12 us a little bit more information about what
 13 considerations went into your decision to make
 14 it a one hour wheels up time?
 15 MR. SACUTA:
 16 A. The considerations that would have went into
 17 that determination was the period of time it
 18 would take to ready the on location aircraft,
 19 to file a flight plan, and be able to launch
 20 successfully with all the required equipment
 21 in the aircraft. The commitment in our
 22 operations plan for a Hibernia perspective is
 23 a maximum of one hour, but, you know, Cougar
 24 has demonstrated and had demonstrated on March
 25 12th that they were able to exceed that, or be

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1 less than that requirement.
 2 MS. O'BRIEN:
 3 Q. Do you know how that -- do you know what the
 4 requirements are -- I don't know of the
 5 Department of National Defence would have a
 6 similar requirement for response time once
 7 they get a call, if they have a wheels up time
 8 that they're guided by, or whether they're
 9 guided by their international treaties, you
 10 know. Do you have any idea of what their --
 11 was there any comparison made?
 12 MR. PRITCHARD:
 13 A. We don't know the DND requirements, so when
 14 DND take the stand, that's best a question
 15 addressed to them.
 16 MS. O'BRIEN:
 17 Q. Okay. So part of your considerations in
 18 deciding the one hour response time maximum
 19 did not include finding out what DND does and
 20 a comparison of those numbers?
 21 MR. SACUTA:
 22 A. We certainly know what DND states their
 23 response times are. Between 8 and 4 o'clock
 24 on weekdays, their response time is 30
 25 minutes, and after hours and on weekends,

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1 their response time is two hours, their quoted
 2 maximum response times. They also have
 3 demonstrated the ability to have wheels up in
 4 less than that, but I think DND is best suited
 5 to answer those specific questions on response
 6 times.
 7 MS. O'BRIEN:
 8 Q. Okay, thank you. Now just for the final area
 9 of questioning, and this would be -- if I
 10 could ask to have brought up, Exhibit
 11 P000/117402, and these are the responses to
 12 the questions from the JOHS Committees.
 13 Before I go to the specific question, please
 14 correct me if I'm wrong, these are questions
 15 that workers submitted through their JOHS
 16 Committees to the operators after the March
 17 12th incident, and then you eventually
 18 supplied answers and posted questions and
 19 answers, correct?
 20 MR. VOKEY:
 21 A. That's correct.
 22 MR. SACUTA:
 23 A. The majority of the questions came to the JOHS
 24 Committee, but from my experience, I also had
 25 individuals that submitted questions directly

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1 to me which I then forwarded on to the team
 2 that was looking at compiling those questions.
 3 MS. O'BRIEN:
 4 Q. Sure, okay. So if we can maybe go to Question
 5 91, and I'll preface this by saying my
 6 questions in this regard may seem very
 7 specific, but they're intended to get at sort
 8 of two larger issues, and one of them is this
 9 fidelity requirement which I know that in your
 10 conclusions you put forward as one of the
 11 issues to be looked at going forward, fidelity
 12 between training and the helicopters that are
 13 actually used, and the other deals with
 14 communications. So you -- I think everyone's
 15 identified that Question 91, sorry, I don't
 16 have a page number --
 17 REGISTRAR:
 18 Q. 91?
 19 MS. O'BRIEN:
 20 Q. Question 91, yes.
 21 REGISTRAR:
 22 A. Page 22.
 23 MS. O'BRIEN:
 24 Q. There we go. So Question 91, someone asked
 25 how hard is it to remove a window in the S-

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1 92A, and the answer given is that, "The
 2 windows are designed to be pushed out easily
 3 in an emergency". Do any of you have any idea
 4 what -- in generating that answer to this
 5 question, what inquires would have been made,
 6 what you would have done?
 7 MR. VOKEY:
 8 A. I can probably speak to that. Cougar actually
 9 did some demonstrations, you know, in the
 10 helicopters showing, you know, what it took to
 11 remove the windows, and if I recall correctly,
 12 there were even videos taken demonstrating the
 13 ease at which the windows could be removed.
 14 MR. SACUTA:
 15 A. We certainly discussed this particular
 16 question with Cougar to get their response to
 17 this question.
 18 MS. O'BRIEN:
 19 Q. I don't know if any of you were present when I
 20 was questioning Mr. Rutherford and Mr. Harvey
 21 from the Marine Institute, but I did ask them
 22 some questions regarding removal of windows,
 23 and I think the testimony of Mr. Rutherford
 24 was that they knew from Cougar that it takes
 25 40 pounds per square inch to remove a window

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1 from the S-92A.
 2 MR. VOKEY:
 3 A. I don't have any knowledge of that.
 4 MS. O'BRIEN:
 5 Q. Okay, that was his testimony. I'm just
 6 telling you that's what he said.
 7 MR. VOKEY:
 8 A. Yeah, yeah, I have no knowledge of that.
 9 MS. O'BRIEN:
 10 Q. And he seemed to be confident in that, but I
 11 found it interesting, he was not aware of what
 12 it took to remove the windows in the HUET, and
 13 he did not know whether the force required to
 14 remove a window in the HUET was more or less
 15 than the force required to remove a window in
 16 an S-92A. So I suppose the -- let me go back.
 17 I would assume this question was asked by
 18 someone who probably had some concern that
 19 they wouldn't be able to remove the window,
 20 right?
 21 MR. VOKEY:
 22 A. That's correct.
 23 MS. O'BRIEN:
 24 Q. Yes, and, you know, you had said that the
 25 windows can be pushed out easily in your

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1 answer, but, you know, Mr. Rutherford
 2 testified that in the HUET training, his
 3 testimony was that for the HUET training, it
 4 was not easy. Those are his words, "not easy
 5 to push out a window", and he did say that
 6 some trainees had difficulty doing it, okay.
 7 Are any of you aware of that?
 8 MR. VOKEY:
 9 A. I'm not aware of that.
 10 MR. PRITCHARD:
 11 A. I'd be surprised at that too.
 12 MS. O'BRIEN:
 13 Q. Okay.
 14 MR. SACUTA:
 15 A. If that's what the testimony was, that's what
 16 it was.
 17 MR. SACUTA:
 18 A. Was he talking about the S-92 or about the
 19 HUET?
 20 MS. O'BRIEN:
 21 Q. About the HUET.
 22 MR. SACUTA:
 23 A. Okay.
 24 MS. O'BRIEN:
 25 Q. So he didn't -- he said with the HUET, he

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1 didn't know what kind of force, he didn't know
 2 if it was more or less than the S-92, but he
 3 said it's not easy and he did say that some
 4 people do have trouble with it, okay. So it
 5 could be the type of person who had trouble
 6 with it on the HUET might be the very type of
 7 person who would have put that question
 8 through to you for a response, right. So you
 9 have a very different answer, obviously, than
 10 what Mr. Rutherford's experience is with the
 11 HUET. I know we're talking about two
 12 different pieces of equipment here. One of
 13 the -- we're talking here -- I would suppose
 14 in the demonstrations you had from Cougar,
 15 we're talking about forced push out windows
 16 when you're not submerged, right?
 17 MR. VOKEY:
 18 A. That's correct, but that's also taught in the
 19 basis survival training. If you're got
 20 pressure, water pressure against the window,
 21 it's different than if it's just in air. The
 22 intent is for the training and for what we're
 23 taught is that as soon as the helicopter
 24 touches down on the water, that the windows --
 25 and the rotors stop, that the windows are

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1 popped in air, not in water.
 2 MS. O'BRIEN:
 3 Q. Sorry, you're saying your people are trained
 4 not to try to push out the windows once
 5 submerged?
 6 MR. VOKEY:
 7 A. No, what I'm saying is they're taught that
 8 when the helicopter touches down on the water
 9 and as soon as the windows potentially --
 10 there's no potential to create a hazard with
 11 the rotors, when the rotors are stopped,
 12 people are taught to release their windows.
 13 MS. O'BRIEN:
 14 Q. As soon as possible, of course.
 15 MR. VOKEY:
 16 A. As soon as possible after touching down, yes.
 17 MS. O'BRIEN:
 18 Q. Okay, all right. So are they -- I suppose
 19 there could be an instance where a helicopter
 20 ditches in such a way that there is not that
 21 moment in time to do it before you submerge
 22 too?
 23 MR. VOKEY:
 24 A. I guess it's possible, but that's not what the
 25 training contemplates. It contemplates the

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1 windows are released in air.
 2 MR. SACUTA:
 3 A. The training is for a controlled ditching.
 4 MS. O'BRIEN:
 5 Q. Okay, all right. The series of questions that
 6 I'm asking you is really to raise for you, as
 7 you're looking at -- and for the Commissioner,
 8 as you're looking at some of these issues of
 9 fidelity and communication to people, you
 10 know, my concern is that if you're
 11 communicating in a question like this that
 12 it's easy, don't worry about it, that would
 13 make -- from the evidence we've had to date,
 14 that may not completely coincide with what
 15 we've heard from the trainer and it might be
 16 an issue that's worth some more investigation
 17 to ensure that people who are travelling have
 18 real expectations of what needs to be done in
 19 an emergency and they have knowledge that they
 20 can do it themselves, and if they can't, they
 21 are thinking right away of an alternative
 22 that's suitable for them.
 23 MR. PRITCHARD:
 24 A. Thank you for that identification there. I'm
 25 unaware of that particular situation. I'm

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1 sure we'll look at it.
 2 MS. O'BRIEN:
 3 Q. Right, and if I might just have a moment to
 4 review my notes, but I believe that is --
 5 those are the extent of my questions. Thank
 6 you very much.
 7 COMMISSIONER:
 8 Q. Thank you, Ms. O'Brien. Now counsel for the
 9 parties being examined, have you decided on
 10 any order between you?
 11 MR. WALLACE:
 12 Q. Commissioner, did you ask counsel for the
 13 families?
 14 COMMISSIONER:
 15 Q. You're quite right, yes, yes. Actually,
 16 counsel for the families in my list come
 17 before counsel for the estates of the pilots.
 18 That's where I made the mistake. They should
 19 have gone before you, yes.
 20 MS. BATTCKOCK:
 21 Q. Good morning, Commissioner, Allison Battcock
 22 for the families of the deceased passengers,
 23 and we have no questions.
 24 COMMISSIONER:
 25 Q. Okay, thank you. Now counsel for the parties?

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1 Ms. Strickland. No. Okay then, I don't want
 2 to question you, but I would like to discuss
 3 with you, you know. Firstly, coming back to
 4 the issue of the surveys and the risk
 5 management that we have engaged Aerosafe to
 6 do, you know we've already started, of course,
 7 I'm sure you know that --
 8 MR. VOKEY:
 9 A. Yes.
 10 COMMISSIONER:
 11 Q. And to my knowledge, it's an ongoing process
 12 and Ms. Turner will be back and/or people with
 13 her company and expecting to interview all
 14 sorts of people to ask questions of them right
 15 throughout your organizations. Now I don't
 16 know -- people perhaps don't love people to
 17 come prying about, but we're talking about
 18 safety, we're not talking about proprietary
 19 interests, money, or anything like that, but
 20 safety as it relates to helicopter offshore
 21 transport. I take it there is no problem with
 22 that?
 23 MR. PRITCHARD:
 24 A. None whatsoever.
 25 MR. SACUTA:

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1 A. We're here to fully support the Inquiry.
 2 COMMISSIONER:
 3 Q. Okay.
 4 MR. VOKEY:
 5 A. And in terms of our history, we're all used to
 6 either internal audits, external audits, with
 7 regulators. That is a normal part of our
 8 business for external stakeholders and
 9 interest holders to come into our
 10 organizations to drill as deep as they wanted
 11 into whatever they want.
 12 COMMISSIONER:
 13 Q. Because you're -- all three of you, I'm sure,
 14 are very familiar with risk assessment. I was
 15 not until I started this process, but you have
 16 to be in the normal --
 17 MR. VOKEY:
 18 A. Yes.
 19 COMMISSIONER:
 20 Q. Okay, then and the risk assessment process is
 21 going to take in consideration not every
 22 person, but every category of persons, and
 23 that's okay. I think it was you, Mr. Vokey,
 24 mentioned about the development or the
 25 evolution of the industry over the years that

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1 you've been in it. I'm not talking about the
 2 industry in the technical sense of extracting
 3 oil, but in terms of safety, I'd be interested
 4 in hearing from any of you, any of the three,
 5 about that, where have we come from, because
 6 we're looking ahead and this Inquiry has to
 7 look ahead.
 8 MR. VOKEY:
 9 A. Maybe if I can start, if I take a look at the
 10 equipment that we use today, the helicopter
 11 suits, the survival suits, the enhancements
 12 that we use like HUEBA, they are light years
 13 from what we had when I started almost 30
 14 years ago. The types of vessels we use, the
 15 fast rescue craft that are supported today,
 16 there was nothing like that 30 years ago. The
 17 training that our employees and contractors
 18 receive, again there's no comparison in terms
 19 of safety training today and technical
 20 training compared to what it was 30 years ago.
 21 If you take a look at our life boat systems
 22 and the quality of that, you know, there are
 23 significant changes in that area. I think
 24 it's fair to say in our industry, you know, 20
 25 to 30 years ago it was, as I think Mr. Earle

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1 said, a top down type of organization, and all
 2 organizations -- I mean, it was -- there was a
 3 hierarchy that is not there today. We engage
 4 our workforce today here on the east coast,
 5 and I can speak for the other operators
 6 because I've been involved in their
 7 operations, either through meetings or being
 8 on their platforms, worker engagement today is
 9 -- there's no comparison to what it is today
 10 versus 30 years ago, and it's an area for
 11 continuous improvement, but we do engage. So
 12 that's just, I guess, my two bits on where we
 13 were versus where we are today.
 14 COMMISSIONER:
 15 Q. Would either of you like to comment?
 16 MR. PRITCHARD:
 17 A. Very similar, and I'll go back to my people,
 18 forces, and equipment, all of those are light
 19 years ahead of where we were 35 years when I
 20 started. Thirty-five years ago, I wouldn't
 21 have heard of a permit to work. I understood
 22 the equipment and did my own isolations, went
 23 ahead and performed my own duties and worked
 24 just as part of my work description, as it
 25 were, so we are well away from that way of

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1 working. The equipment is also light years
 2 ahead with the technology that we have, and I
 3 think here about the likes of the fire and gas
 4 detection, or even the helideck lighting
 5 system is so much improved from years gone by,
 6 and I believe that people's attitudes --
 7 whilst we had a lot of good work ethics many,
 8 many years ago, we were all (up and at it
 9 4344). I think the same work ethics apply,
 10 but I think in a very controlled manner, and
 11 the attitude is far superior these days.

12 MR. SACUTA:
 13 A. From my experience, when I was in university,
 14 I worked the drilling rigs during the time I
 15 was in university, and if you brought up
 16 safety at that point, it was you weren't tough
 17 enough, and I think the industry has evolved
 18 in an unbelievable amount over the length of
 19 my career. I have three kids, and quite often
 20 I get asked how would you feel about any of
 21 your kids working on the Hibernia platform,
 22 and although I recognize there are risks
 23 associated with the business that we all
 24 operate in, I would sleep comfortable at night
 25 knowing that they're on the Hibernia platform

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1 based on the focus our organization places on
 2 safety. There is nothing more important than
 3 our workforce safety, and I would sleep very
 4 comfortably at night if any of my children
 5 decided to work on that facility.

6 COMMISSIONER:
 7 Q. What are your thoughts in the issue of culture
 8 because as I see it in this learning process
 9 that I'm engaged in, that culture has to go
 10 right through an industry or a part of an
 11 industry such as yours, and that everybody has
 12 to buy into the culture in order for it to be
 13 successful. How do you -- I'm sure that
 14 Aerosafe is going to look at your cultures and
 15 have some thoughts, whatever they might be.
 16 How do you feel about it, can you see this in
 17 the reality of your daily work?

18 MR. PRITCHARD:
 19 A. Absolutely. To gain a safety culture and have
 20 continuous improvement in safety culture, you
 21 need continuous communications. Sometimes --
 22 I mentioned before in my transcript there
 23 about vigilance. Vigilance is so important
 24 because you can embed safety tools, safety
 25 culture within somebody, but if it's not

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1 maintained, then that safety culture may drift
 2 back. So vigilance to ensure that we work
 3 hard to communicate, to re-educate, and it's
 4 similar to, you know, training refreshers. We
 5 constantly -- our day to day activities are
 6 pretty much constantly engaged in safety
 7 matters and communications.

8 COMMISSIONER:
 9 Q. Obviously, in the positions you three men are,
 10 safety has to be a part of your daily lives,
 11 but do you have -- you also, of course, run
 12 the operations. Do you have people, such as
 13 the Board as Mr. Pike as a Chief Safety
 14 Officer, do you have people in that capacity
 15 who get up in the morning and go to work, or
 16 whenever they go to work, that safety is their
 17 primary concern?

18 MR. VOKEY:
 19 A. Yes.

20 MR. SACUTA:
 21 A. From Hibernia perspective, we have a complete
 22 Safety Health and Environment Department,
 23 which includes supervision, and a number of
 24 employees that have various responsibilities
 25 within that group. We also have dedicated

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1 safety health and environment personnel
 2 offshore to assist with the day to day safety
 3 of the individual production facility itself.

4 MR. PRITCHARD:
 5 A. Similar to us, we have a dedicated resource to
 6 support the day to day activities. I would
 7 also like to point out that the Safety Manager
 8 does not report to me. The Safety Manager
 9 reports to my Vice President. So in terms of
 10 performance of safety, which I'm the line
 11 Manager, I take full responsibility for
 12 safety, but my performance is reported back to
 13 my Vice President.

14 COMMISSIONER:
 15 Q. So it goes, you're telling me, further up the
 16 line?

17 MR. PRITCHARD:
 18 A. The reporting structure does -- I have the
 19 responsibility and there's a suite of health
 20 and safety professionals that would support my
 21 day to day activities.

22 MR. VOKEY:
 23 A. And it would be similar for Suncor. We have
 24 an Environmental Health and Safety Manager,
 25 and similar to the other installations, we do

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1 have offshore health advisors, health and
 2 safety advisors. They report directly in
 3 through the EH & S Manager in our case, who
 4 reports to the Vice President, and not to me.
 5 So there is an autonomy there.

6 COMMISSIONER:
 7 Q. The reason I'm raising these things for
 8 discussion, of course, is that in reading, and
 9 remember you weren't -- you may have been here
 10 our opening day when I talked about the Royal
 11 Australian Air Force, and the -- you know, the
 12 production, namely, the planes, pilots, and
 13 all that was a very, very high officer
 14 involved, I think a Wing Commander, but the
 15 person in charge of maintenance was very much
 16 down the hierarchy scale, didn't have the same
 17 clout, and it does seem from the reading that
 18 I'm doing that the safety person has to have
 19 major clout within the organization. How do
 20 you feel about that?

21 MR. PRITCHARD:
 22 A. For me, it's personally engrained into me. I
 23 take full responsibility for safety, and I see
 24 the safety professionals as assisting me in
 25 helping with tools and reporting my

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1 performance, as I said, back to the Vice
 2 President. If that performance is not to his
 3 satisfaction, of course, he has a strong
 4 safety culture too, and then will make
 5 assistance, but the Safety Manager is a
 6 professional in his own right to be able to
 7 understand the best practises and give those
 8 evaluations to the operations group for use,
 9 and, of course, he can assist in training and
 10 educating us in where we should be heading.

11 COMMISSIONER:
 12 Q. Okay. One last thing, in the course of your
 13 evidence, we'll call it, testimony, you've
 14 mentioned things that within the last year
 15 new procedures and things that have been
 16 instituted, vis-a-vis safety, and I think
 17 that's a very good thing because you are the
 18 people with the responsibility day to day to
 19 manage, so I think that's fine, but some of
 20 the things you may have done - I remember you
 21 mentioned a couple of them, but some of the
 22 things you may have done or be doing may not
 23 at this stage be known to me, and I may be
 24 thinking perhaps as things go on of those of
 25 these things. What I will do as we get a bit

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1 further on into our issues, I will ask counsel
 2 to get from you -- not necessarily you
 3 personally, but the appropriate person in your
 4 companies, a list of the things that you have
 5 instituted in the last year, shall we say, and
 6 if you feel that you can do so, things that
 7 you are contemplating and studying so I'll
 8 have the benefit of that when I sit down to
 9 prepare a report.

10 MR. SACUTA:
 11 A. This is specific to helicopter operations?

12 COMMISSIONER:
 13 Q. Oh, yes, yes. I'm not confined altogether,
 14 but the helicopter offshore travel is what I'm
 15 talking about.

16 MR. VOKEY:
 17 A. We welcome that.

18 MR. PRITCHARD:
 19 A. We thoroughly support that.

20 COMMISSIONER:
 21 Q. Good, because I would like to have that, you
 22 know.

23 MR. PRITCHARD:
 24 A. Yes, certainly.

25 COMMISSIONER:

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1 Q. Okay, thank you very much.

2 MR. VOKEY:
 3 A. Thank you, sir.

4 COMMISSIONER:
 5 Q. Now, Mr. Roil.

6 ROIL, Q.C.:
 7 Q. Commissioner, that's all the evidence we have
 8 for today. You will recall that when you
 9 began this process, you indicated that in
 10 addition to people who would be parties with
 11 standing here, that other members of the
 12 public could present to you. We have a
 13 presenter for tomorrow. Lorraine Michael, who
 14 is leader of the New Democratic Party of
 15 Newfoundland and Labrador, has indicated the
 16 desire to make a presentation, and she will be
 17 available tomorrow afternoon at 2 p.m. to do
 18 that. I understand from talking to her
 19 assistant that it will be in the nature of an
 20 hour or so that presentation will take.

21 COMMISSIONER:
 22 Q. I see. Now the presentations by the
 23 individual companies, they've been scheduled,
 24 I take it, for next week?

25 ROIL, Q.C.:

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1 Q. That's right, the next one is we'll have Mr.
2 Sacuta back again for an encore visit with
3 other representatives of HMDC for the first
4 two days, then Suncor for two days, and then
5 Husky the first two days of the following
6 week, after which the JRCC people will be
7 presenting with consultation with my
8 colleague, Ms. Fagan.

9 COMMISSIONER:

10 Q. I see. Okay then, so we adjourn now until
11 2:30 tomorrow afternoon.

12 ROIL, Q.C.:

13 Q. 2 p.m. tomorrow.

14 COMMISSIONER:

15 Q. Oh, 2 p.m. Okay then, thank you.

16 (UPON CONCLUDING AT 12:07 P.M.)

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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 13th day of January, 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 13th day of January, 2010

11 Cindy Sooley

12 Discoveries Unlimited Inc.

13 Judy Moss

14 Discoveries Unlimited Inc.

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