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Chair

The Honourable Maxime Bernier

Standing Committee on National Defence

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● (1715)

[*English*]

The Chair (Hon. Maxime Bernier (Beauce, CPC)): We will start meeting number 45 of the Standing Committee on National Defence. We have an hour.

We have with us as witnesses Mr. McDonald, as an individual, and also Mrs. Payne, from the Newfoundland and Labrador Federation of Labour. We're going to have Mr. Sullivan. We have with us also, from the Nouveau Parti démocratique de Terre-Neuve-et-Labrador, Madame Michael. Thanks for being with us.

You have seven minutes. We'll start with Mr. McDonald, if you're ready.

Mr. Philip McDonald (As an Individual): Good evening.

As you said, my name is Philip McDonald, and I survived the sinking of the *Melina and Keith II* on September 12, 2005. This was a day when whatever could go wrong did go wrong. While hitting turbulence at Cape Bonavista, the *Melina and Keith II* dipped her starboard railing a couple of times, flooding the entire deck in water. Then she listed over to the starboard, and water swamped her. The entire crew on deck scrambled across the deck and up the ladder. We then had to walk across the windows and doors of the wheelhouse. We attempted to release one of the life rafts but were unsuccessful, as the hull began turning upside down.

As the vessel was rolling over, we kept stepping back until she was completely upside down and all eight were standing on the hull in utter shock. The skipper managed to get an immersion suit for himself. However, the rest of us were in our working gear, in boots and oil clothes. I remember looking at my watch after I saw the EPIRB drift by, flashing its light on and off. It was 3:27 p.m. There was no mayday sent off, and the EPIRB was our only hope.

A couple of minutes later, the EPIRB signal—

The Chair: Mr. McDonald, can you just speak more slowly for the interpreters? They have to translate.

Thank you.

Mr. Philip McDonald: A couple of minutes later, the EPIRB signal was picked up by satellite but it did not retrieve a position. It was not until 4:44 p.m. that the position was known. It was not until after that that the Gander search and rescue was notified of an emergency. However, the search and rescue personnel were gone home for the day, since it was after 4 p.m. and they were now on a two-hour standby. All eight of us men were still holding on, trying not to be swept off the overturned sinking vessel. We were scanning the horizon looking for a boat or an aircraft, but there was nothing to be seen. We all pitched in on some prayers and we even sang *I'll Be Home For Christmas* to pass the time. The upside-down vessel was getting lower in the water, and last words were given by some in case they didn't make it.

It was shortly after 5:30 p.m. that the *Melina and Keith II* slipped below the diesel-soaked waves and all the men plunged into the water. Two men drowned right away, and I'll never forget the look on one of the men's faces as he screamed in terror, trying to learn how to swim, smacking his hands all around and slipping beneath, never to be seen again.

A while later, an aluminum boat surfaced but was upside down with a hole in its bow. Five of us managed to swim to it without any aid of personal floatation devices. We all clung to that little boat, but it would not support all of us. A piece of styrofoam surfaced next to me and I tucked it under my arm. The other four held onto the boat; however, they drifted away from me. The skipper was off in the distance in his immersion suit.

Now it had been two and a half hours since we capsized and two men had drowned. Six men were clinging to life and a Cormorant helicopter was still not airborne. It was not until 6:10 p.m. that night that they did get airborne en route to the EPIRB position, not arriving for another hour and 13 minutes.

I figured it was a little before 7 p.m. when my mind was telling me it was all over. I had extreme cramping throughout my body and I was biting my teeth together so hard I thought they were going to crack. Memories of my childhood, family, and friends flashed through my mind. I finally made the decision to give up, since there was no one going to rescue us. I held my breath as long as I could. I saw this bright light, but I was still in the water. The light came from a boat off in the distance. I shouted out to the other men in the water, “There's a boat!” Adrenalin started pumping. But just as quick as she appeared, she vanished. My heart sank. I looked over to where one of the men was just a minute ago, but he was gone, and floating right where he had been was the piece of styrofoam he had been holding onto. I realized how unbearable it was for him to see our chance of rescue disappear.

All of a sudden, I looked over and there was the light again coming straight toward us. Igor started swimming towards them like there was no tomorrow. I could hear voices shouting, “There's one”. They rescued Igor around 7:20 p.m. I started waving a piece of board that I had managed to grab earlier, trying to make myself visible. It steamed right towards me and I heard someone say, “There's another”. They threw me a rope and I wrapped it around my wrist several times. As they were hauling me aboard, I heard the loud noise of the Cormorant helicopter flying over. I jumped up on the deck and told the crew of the *Lady Charlotte Star* there were eight of us. Bernard and the skipper were rescued shortly later. Unfortunately, the other four, Ivan Dyke, Anthony Molloy, Joshua Williams, and Justin Ralph, were gone.

The initial EPIRB was treated as a false alarm and was not assigned the proper degree of urgency for quite a period of time. It was not until the LEO satellite picked up the position at 16:44, an hour and 15 minutes after the initial EPIRB signal, that the event was treated as an emergency. The VMS, the black box, a device used for pinpointing a location of a vessel, could have and should have been used within moments of the EPIRB not giving a position. This would have determined that the *Melina and Keith II* was at sea, and since the search and rescue coordinator could not contact the vessel via satellite phone or radio, assumptions should have been made that we were in trouble and Gander alerted of an emergency before 4 p. m.

The last given position by the VMS, 48 degrees 56.36 minutes north, and 51 degrees18.92 minutes west, recorded at 2:30 p.m. local, was sufficient information to airborne the Cormorant and would have put it within a few miles from where we were actually rescued. That did not happen. They were not tasked until after 4 p.m. They were tasked at 4:50 p.m. local, and the search and rescue personnel were gone home and not airborne for another hour and 20 minutes after that.

● (1720)

This two-hour standby cost 50 minutes of valuable time, which to my mind was a major factor in the loss of life.

I saw a young man clinging to a piece of styrofoam just 20 minutes before I was rescued. He could not hold on any longer. I'm sure he would be here today if only the standby time was 30 minutes around the clock each and every day of the year.

What if? That's the question I ask myself time and time again. What if the mayday was sent? What if each department worked better with the others and made use of available technology to find out where we were at 3:30 that day? What if the VMS was used by the Marine Rescue Sub-Centre in St. John's and alerted Gander right away? What if we had an airborne Cormorant within 30 minutes?

I can answer this. All of these men would be waving, shouting, hugging, crying, and laughing on top of an overturned vessel as they watched the baskets and search and rescue techs lowered down from the big yellow helicopter in the sky. And even though I'm strong enough to do it, I would not have to relay the last words of some great men to crying eyes.

Thank you.

The Chair: Thank you, Mr. McDonald.

I will give the floor to Ms. Payne.

Ms. Lana Payne (President, Newfoundland and Labrador Federation of Labour): Thank you.

I'm not sure what I can say after that. It speaks for why we're here.

First, on behalf of the Federation of Labour, I'd like to thank the standing committee for having the foresight to make search and rescue response times a priority.

Before I get into my remarks, I was here for the previous session, and to Madam Gallant's question about comparing the Great Lakes to the North Atlantic, I can guarantee you there is no comparison when you look at 15-metre and 30-metre waves, 200 kilometres and 300 kilometres off our coastline. You can't compare those conditions to anything you can experience even in a great lake.

We certainly believe at the Federation of Labour that this issue is a priority for Newfoundlanders and Labradorians who make their living from the sea. We represent 25 affiliated unions, 500 union locals, and 65,000 working women and men from every sector of our economy, including for the purposes that you're here today, the offshore oil and gas and fishing industries.

For 75 years our federation has worked to advance the cause of working people and all citizens in our province by promoting and advocating for a more progressive civil society where no one gets left behind. We advocate for things like improved worker rights and stronger laws, including in the areas of labour relations, occupational health and safety, workers' compensation, and employment insurance. I believe that you've heard from a number of our affiliated unions during your sessions, including PSAC, FFAW, CAW, and CEP.

The issue of search and rescue response times has been a matter of concern for the workers of our province for quite some time, especially those employed in the fishing and oil and gas industries. But as is too often the case, it was not until tragedy struck—in this case on March 12, 2009, when Cougar Flight 491 crashed into the ocean, killing 17 workers and seriously injuring another—that this issue received more widespread attention.

During a commission of inquiry into the crash headed by Mr. Justice Robert Wells—and I believe you heard from him earlier today, and from here on out I'll refer to this as the Wells inquiry report—our federation spoke of our collective responsibility, our responsibility to ensure that we learn from this tragedy and the many others, and a responsibility that the lessons learned from these tragedies result in improved laws, regulations, and public policy. We spoke of our need as a seagoing people for the Wells inquiry to make a difference. We needed to know that good would come from this latest tragedy at sea.

I believe that the Wells inquiry has made a difference. In fact, I think it's contributed to why you're here today. We believe the work of that inquiry was vital. It was life-saving work. Today, I say the same to you as members of Parliament, as decision-makers, and as citizens of a great maritime nation: You too can make a difference.

Sometimes technology fails. Sometimes weather is unpredictable. Sometimes as humans we make mistakes. In those times, we need to be prepared. It is why we have firefighting services with rigid international response times, for example.

G.K. Chesterton, an English writer and philosopher, once said, “We are all in the same boat in a stormy sea, and we owe each other a terrible loyalty.”

With 243,000 kilometres of coastline—more than any other nation on the planet—there is little doubt that in Canada we owe each other a terrible loyalty. It is perhaps this philosophy that is at the root of our resilient history of survival in Canada. I believe that at the root of those values are caring for each other and sharing with each other.

Nearly 29 years ago, the sinking of the *Ocean Ranger*, one of the greatest tragedies off our coastline, resulted in the death of 84 Canadians. The crash of Cougar flight 491, the sinking of the *Ocean Ranger* drill rig, and the loss of some 43 lives from fishing accidents just since 2000 are stark and painful reminders that the sea, despite her many economic riches, is a dangerous place to make a living. But where would we be as a society without her bountiful resources of fish and oil and gas? Quite simply, we are a maritime nation. As such, much economic activity takes place offshore, and the rest of society depends on this work, our ability to harvest the sea.

● (1725)

The Government of Canada's commitment to search and rescue and our laggard search and response times in comparison to other nations have been the subject of much scrutiny in our province and much public discourse since the crash of flight 491. At the root of this criticism, as I'm sure you've heard many times today, are the inadequate and I think embarrassing response times we have in Canada. The 30-minute wheels-up doesn't mean 30 minutes from the time you get to the rescue site. We're just not talking about the 19 minutes or the 15 minutes during the day. It takes a lot longer to actually get to the rescue site. Those times are only between eight and four, as you've heard, Monday to Friday, and two hours to do that on weekends and evenings, as if weather or work could be neatly controlled within such a neat and tidy schedule. It's almost, as the old folks would say in our province, too foolish to talk about.

I'm sure that witness after witness has stated here today that the work in the offshore is not an eight-to-four endeavour. It is rather a 24/7 operation, whether it's in the oil and gas or the fishing industry. I believe that improved SAR response times are a matter of political choice. That's really what we're talking about here today: choices and allocations of budgets.

As I said, we live in a maritime nation and a good deal of economic activity takes place at sea. For example, in our province in 2010, oil and gas activity offshore Newfoundland and Labrador was valued at $8.4 billion. The fishing industry was valued at another $1 billion. I believe that government has a responsibility to provide adequate public services in this regard, and I don't believe it is. I would argue that SAR services are needed more today than ever before, given the increased economic activities we've witnessed in the last two decades.

Globalization means that more and more goods are transported by sea. We have only to walk along our harbourfront here in St. John's any day of the week to have this confirmed. In addition, offshore activity has increased significantly since the commission report into the *Ocean Ranger* sinking, when it made its recommendations with respect to enhanced SAR response times. I'm sure you've heard about that recommendation today. At that time the commissioner said that government or industry must provide for a dedicated, full-time search and rescue helicopter at the airport nearest to the offshore operations. That was over 20 years ago, and we still don't have it.

In addition to the increased transportation of goods and the expanded offshore activity from installations, transport of workers, oil tankers, and supply ships, at the same time we have also experienced a dramatic increase in the number of fishing vessels fishing farther offshore. In the late 1980s and early 1990s, as an example, a much smaller near-shore fleet of vessels—that would be those vessels greater than 40 feet—caught an average of about 10,000 metric tonnes of snow crab and shrimp. In 2008 this near-shore fleet had grown to 900 vessels, and now they are catching about 40,000 metric tonnes of snow crab and 80,000 metric tonnes of shrimp. This is about 12 times the total landings of shrimp and snow crab as 20 years ago, and much of this is taking place between 50 and 200 miles offshore.

According to the association that represents the offshore oil industry, Newfoundland and Labrador produces more than 340,000 barrels of crude oil per day, or about 35% of Canada's total light crude oil production. In 1997 we had about one oil field producing—Hibernia. Today there are three, with a fourth expected by 2017, as well as significant seismic and other exploration activity.

● (1730)

In the face of this increased activity, SAR capabilities are not keeping pace. I'm sure you heard from Justice Wells, but in his report he said it became very clear that in Canada's Newfoundland and Labrador offshore, our response times fell well below the standards applicable in other offshore oil operations and jurisdictions. He referred to the North Sea in the case of Norway and the U.K. His report basically pointed out that Canada does not have anywhere close to world-class SAR response times, and that must be rectified.

I'm sure you've also heard from others about why it's critically important to have improved search and rescue response times. We would support the recommendation with respect to 24/7 SAR operation response times within the 30-minute range, as well as consideration for improving rescue coverage.

Lastly.... I know, but we're at the end of the day. You have lots of time. You're not getting out, with the snowstorm. You might as well stay the night.

I would stress, as did Commissioner Wells in his report, that obviously prevention must be our first priority now and always. But we do not live in a perfect world. Despite all of our best efforts—and we believe that there are many more best efforts that need to be made in that regard—we must also still be prepared, which means adequate and acceptable SAR capabilities and response times.

The families of the workers who lost their lives at sea deserve that this be the least of our efforts. The thousands of Canadians who continue to make their living at sea deserve the same.

Thank you.

● (1735)

The Chair: Thank you, Ms. Payne.

I will give the floor to Ms. Michael.

Ms. Lorraine Michael (Leader, New Democratic Party of Newfoundland and Labrador): Thank you very much. *Merci.*

I do want to thank the committee for the opportunity to present to all of you.

Before going on, I want to particularly thank Mr. McDonald for having the courage to sit here with us today.

I felt a responsibility to present to this body—not because I'm going to say anything different, I don't think, from what you've been hearing, but every perspective brings something new. One of the things that impelled me to come before you, as I did before Commissioner Wells when he was holding his inquiry, was my experience as a person who was working with communities at the time of the *Ocean Ranger* disaster. My goal was working with communities with regard to the impact of the new development that was happening in the offshore of Newfoundland and Labrador, and what impact the development of oil in the offshore was going to have on our communities and on our people. Then we had the disaster in 1982.

For three years I worked with the families of the 84 men who went down when the *Ocean Ranger* went down. I came to have a very good understanding of the impact on families of such a disaster.

I think from the experience we've had here today from Mr. McDonald, we also can imagine, because we now have this very concrete example, what it is like for somebody who survives and what it's like for the families of those who survive as well. We cannot impress upon ourselves too much the seriousness and the impact of what it means to have these disasters at sea.

I'm here as the leader of the New Democratic Party of Newfoundland and Labrador, so as a politician I speak to you as a peer as well. I may be at the provincial level, but I think we're all peers. And as a peer, I say to you that I cannot overestimate for myself the responsibility I have as a politician to make decisions that are for the people of this province, that are for the people who work on that massive ocean we sit in the middle of; or the responsibility we have for people who have died, for people who have been through disasters yet survived, and for people who will continue to be in those situations.

We cannot think of things in any other way but our responsibility for their safety. Just as we think about our responsibility for the safety of the people in any workplace, or for the safety of people who are in a burning house or who are in an accident on our streets, we have a continuing responsibility for the safety of the people who are working out on that water in whatever capacity they work there.

We can't say that the responsibility begins or ends at a certain time of day, or a certain time of the week, or a certain time of the month. It's 24-7. I think I heard Mr. Hann say the same thing when he presented, that we don't say, oh, the fire halls can shut down at 5 o'clock in the afternoon. We don't do that.

I don't care how much money it takes. I don't care what we have to do with legislation to make things happen. We have to do better than what we're doing. The standard that we have in Canada is completely a disgrace. It's unacceptable. You all know the figures. I'm not going to repeat them all. I've heard them here already today.

But if we have places that are working under exactly the same circumstances that we are, that massive North Atlantic or the North Sea, and they can have wheels up in 15 minutes, and they can do that 24/7, and they can manage to survive as countries economically while doing it, then we have to be able to do it as well. We have no choice but to do it, because it is our responsibility. We have to keep people safe.

And I don't care if we couldn't have saved anybody on the *Ocean Ranger*. It's true we couldn't have, but we do not know that we couldn't have saved somebody else from the Cougar helicopter.

We've heard from Mr. McDonald about how lives could have been saved from that fishing boat. It doesn't matter that there may have been one we couldn't have saved; we have to think of the ones whose lives were lost when they shouldn't have been lost, and we have to maintain that.

● (1740)

I just don't understand how we can be bringing dollars and cents into this. When it comes to federal-provincial, give me a break. We've been through this all before. We all know the federal government gets money as well from the offshore. The federal government has the responsibility for what happens in that water out there.

If you have the responsibility that allows you to get royalties from that water, then you have the responsibility to save the lives of people who work on that water as well. I'm focusing a bit on the oil and gas, but we also know that we are talking about those in the other marine industries, especially our fishing industry. We benefit from it, and therefore we also have to take our responsibility very seriously.

How can I be less passionate than I am around this? How can you be less passionate around it as well? Let's not hide behind “Oh, it's complicated”. It's not complicated. It's being done in other places. Let's make sure we say to the people of Newfoundland and Labrador that their lives are just as important as the lives of marine workers in Norway, as the lives of marine workers in the U.K., as the lives of marine workers in the U.S. Their lives are just as important.

We do that concretely by putting in place the best possible regulations that we can with the resources to make them happen. Yes, if doubling the number of people and doubling the number of resources is how we have to do it, then we have to do it. It's only common sense, even if you do nothing but visually look at the map of Newfoundland itself, because it's the island we're talking about. Just visually look at it and look especially at where the oil and gas installation areas are.

It doesn't take very much to put two and two together and say, for example, that not only do we have to have what we have in Gander—we absolutely need it—but we also have to have something in St. John's as well, even visually. It makes absolute sense.

I agree totally with the example that Ms. Payne used. We're concentrating on the wheels-up time. We also have to think about the distance they have to travel to get to where the disasters or the accidents are.

One thing they do in the U.S., which I think is extremely important, is not just talk about the wheels-up time. They say they have to be able to get out to an accident or a potential disaster within 90 minutes, which includes the wheels-up time.

We have to take into consideration the distance that's travelled. It's not just the wheels-up time. It's also how far you have to go. That was why the Hickman report, after the *Ocean Ranger*, said that you had to have something in St. John's because of the oil and gas installation, because Gander was too far away. It was just common sense. That was repeated by Justice Wells as well.

How often do we have to say it? I heard others on the first panel say this as well: how often do we have to say it? How many more years do we have to go on saying this has to happen? It's a no-brainer, to use that common expression. It really is a no-brainer when we're dealing with people's lives.

Whether or not the fixed-wing SAR should be in Gander or here, figure that one out. Maybe let the people who do the search and rescue figure that part out. As for having it based in St. John's, there are reasons why that's been recommended by two commissions.

The Chair: Finish up shortly, please.

Ms. Lorraine Michael: I think I've covered most of my notes, actually. I'll close.

It's the government's responsibility to offer search and rescue. While industry can be there to back up, as Cougar was, they shouldn't be the first ones.

I want to quote from Robert Decker, who was the sole survivor of the Cougar crash, when he told the Wells inquiry what happened to him as he found himself in the water alive after the crash. This is the expectation of somebody in the water, just as it was the expectation of Mr. McDonald. Robert Decker said:

> Then I guess I was anxious, because I knew my only hope was rescue by a helicopter. Obviously when the helicopter came on scene, I knew it was a Cougar.... I knew the colours. I was expecting a big search-and-rescue yellow helicopter, which I think anyone would probably anticipate.

Thank you very much. *Je vous remercie*.

● (1745)

The Chair: Thank you, Ms. Michael.

We'll give the floor to Mr. Sullivan.

Mr. Lawrence Sullivan (Owner, Sea Gypsy Enterprises): Good evening.

As you're all probably aware, I was the owner of the *Sea Gypsy Enterprises*, which sank on September 12, 2009, and two lives were lost. Just to fill you in on some of the details of the story, at approximately 11:10 the *Sea Gypsy* was in trouble and she issued a mayday. It took approximately one hour and 42 minutes for the helicopter to reach her position. It was in the middle of the day on a Saturday afternoon; they said the time was well within the guidelines for the reach. But the position of the *Sea Gypsy Enterprises* was approximately 67 miles from Cape Spear, which is at the mouth of St. John's harbour, or 67 miles you could say from St. John's airport. It took just about two hours, an hour and 42 minutes, for a helicopter to reach. A helicopter would be coming from St. John's airport, if you were in the water. Instead she had to leave Gander and one was tasked from Nova Scotia.

We'll never know the answers to what happened that day if a helicopter had been stationed in St. John's. One body, the body of Robert Keough, was recovered and he drowned. So we will not know if a helicopter had been there within 30 minutes or 45 minutes, if that man could still be alive today. And the body of Chris McCarthy was never recovered. We know he had his survival suit on, but we just don't have any answers as to what happened or anything else. All we know is we'll never see him again, and he left behind a wife and three children.

Some of the other questions, like the last survivor to be picked up that day.... It took about three and a half hours from the time the mayday went out for him to be rescued by the helicopter. He was spotted in the water by the captain. They were in the search and rescue helicopter flying around still trying to locate Chris and Daniel. Daniel was spotted by Larry Roach, the captain of the *Sea Gypsy Enterprises*. He just happened to spot him in the water.

Even though the weather was good and it was in the middle of the day, look at the chances of survival. When you look at that Saturday—I know I was here in St. John's when I got the call—it was a nice sunny Saturday morning about ten after eleven. When you think that nothing is going to happen that day, a lovely day, and if they were in the water they would be rescued within a few minutes or within normal time. But everything is a lot different when it's out on the Atlantic Ocean, as some of the speakers have said, and time is of the essence. You can picture any of us there now if we were put in the water and if you're three and a half hours there. September is the warmest time of the year, but as I say, one body was recovered. And that was in September. As the year goes on, or in early spring, the water is so much colder, the chance of survival....

Also, when you look at all the fishing activity and the men who fish there inside the 200 miles and outside the 200 miles, the majority of fishing activity is taking place right off the coast of St. John's, off the Avalon Peninsula. The majority of the oil activity is there. What I'm looking for is a search and rescue helicopter in St. John's. The airport is there; all the facilities are there. You're looking at one helicopter or whatever, to be manned 24 hours with a stand-down time.

● (1750)

In different terms, the city here can have probably six or eight fire halls, I don't know how many, that are manned 24 hours. We're looking for one helicopter. There's an airport there. All the facilities are there. We need a helicopter staffed and crewed 24 hours.

You can look at anything on figures. If an accident is going to happen, and they are going to happen—I never thought it could happen to me, but it did—it's going to happen where most of the activity is going ahead, and most of our activity in Newfoundland is off St. John's, off the Avalon Peninsula. I'm not asking you to take anything out of Gander. Those people in Gander need it for different parts of the island. But if you were going to put an extra search and rescue helicopter in Newfoundland, and you sat down and you looked at the map, but you also looked at where the fishing activity is, where the oil activity is going ahead, where all the shipping activity is from across the Atlantic, I think you'd pick the area that's closest to it, which normally would be St. John's.

I only come in on the last of Philip's speech. I knew Philip from before. I think he was an observer on my boat at one time. We've been involved in different aspects, with boats. What you don't realize, a lot of search and rescue efforts end in happy times. I know my boat, the *Sea Gypsy Enterprise*, she was at sea the day the *Melina and Keith II* went down. She wasn't too far away. She was at sea the night two men were lost from the *Ryan's Commander*. We're on record. I was a member of the coast guard search and rescue and we had several incidents over a number of years where we assisted ships and took people off burning boats. We all know that when something happens time is of the essence.

If there's a helicopter in Gander and the boat is sinking on the Grand Banks, or if there's a helicopter crashing in the ocean, same thing—minutes mean lives. We don't know how many. We'll never know. You can ask that question: could two lives be saved with *Sea Gypsy Enterprise*? I don't know, but nobody can answer. Nobody can say that they couldn't be saved. So if we're talking dollars, what price do we put on people's lives?

I always say the government never minds bringing in rules and regulations as long as they don't have to pay for it themselves, as long as they can hand them down and pass them on. And in the industries I've been involved in, there've been lots of rules and regulations passed down where the costs are absorbed by the people. The government does not absorb them. And when the government looks at different things, like with lighthouses and stuff like that, how many lighthouses do you have to close up on the east coast of Newfoundland, the east coast of Canada, the west coast, all over in B.C.? All the dollars they saved probably could have been channelled into search and rescue facilities.

I know we don't need all the lighthouses, with all the technology that's being brought in, but the dollars that are being saved from this could be transferred back to search and rescue facilities and helicopters.

Thank you.

● (1755)

The Chair: Thank you.

I want to thank all our witnesses. I know that it is difficult for you because it brings memories. I can assure you that this committee will have in mind the two words you said, Mr. McDonald, when we go to work on our report: “what if?” We're going to remember that, and it will be in our mind when we write our report.

Thank you.

I'll give the floor to Mr. Simms.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Thank you, Mr. Chair, and well put.

We've heard from municipal politicians. We've heard from union leaders. We've heard from a wide array of people. This is our last hearing now. This is the last part of this hearing, and it will be the last for this series. We've heard from harvesters who feared the worst. Now we hear from harvesters who lived the worst.

Mr. McDonald, I'm well aware of your situation. I know the *Melina and Keith II*, as I was first approached by the gentleman in the back, Mr. Ralph.

Mr. Sullivan, I don't think we've ever met, but I do send my heartfelt condolences on this particular situation.

The situation I wanted to zero in on in the first part of my questioning, and that is what I brought up with the other harvesters as well, is the technology you use to send out the alerts. I think this should be part of the report, in addition to the standby, the 30-minute or the two-hour standby.

On the EPIRB situation you had, Mr. McDonald—I'm not aware of the circumstances here, but Mr. Sullivan, please weigh in—and the technology you had, did you have something beyond your EPIRB or black box to signify that you were in trouble?

Mr. Lawrence Sullivan: How the mayday from the *Sea Gypsy Enterprise* went out and was received by the coast guard stations here and relayed.... It was only when the boat sank that the EPIRB.... Your EPIRB does not go off on a boat until the boat sinks. Our mayday went out before. While the captain was sending out the mayday, he told us that all the crew were in their survival suits. He had to go put his on. But he never got time to put his on. He had to jump in the water with no survival suit and swim to a cover of a fish box that was floating. From that he swam to the life raft, with nothing on, only a pair of shorts, and got into the life raft.

Mr. Scott Simms: Mr. McDonald.

Mr. Philip McDonald: From the time the incident started until she started listing over, by the time she was completely upside down, was approximately minutes. We got across the deck to the second deck and tried to release the life raft, and as we were doing so, she was gradually tipping over, and we were stepping our way back. There was no mayday put off, not through the marine radio. There was a satellite phone. If the time had been taken to make those calls in the wheelhouse, they could have been trapped inside. The EPIRB was our only chance, and I think it took an hour and 15 minutes from the time the EPIRB initially went off to the time the LEO satellite picked up its position. The technology was there.

I think it was in 2004 that it was mandatory for the black boxes to be installed on all fishing vessels in a certain class. It was used by DFO to pinpoint or keep track of where we were, but it was also expressed that even though the fisherman himself had to cover the cost of this black box, it would be used to help save our lives. But in this case, it wasn't.

All they had to do in a matter of seconds was go in and punch in the name *Melina and Keith II* , and it would have shown its last known position, which would have been only a couple or three or four miles from where we actually got rescued. If the coordinator who was on duty that night had used that technology and had alerted the search and rescue in Gander before four o'clock, they could have been on their way within their 30-minute guideline, maybe in 20 minutes. I had no doubt that they would have flown over and seen our men, as I said earlier, waving at them, and we would have all been rescued before the vessel sank at 5:30.

● (1800)

Mr. Scott Simms: This report points that out, doesn't it? In your opinion, this report that you gave us points that out. It talks about that in detail, right?

So you had a communication breakdown in addition to anything that is considered to be a standby posture.

Mr. Philip McDonald: Between departments, the coast guard, or DFO and the coast guard, had that technology first-hand. They use it all the time. I don't know if search and rescue in Gander used that technology or if it was passed along via another department, but if they couldn't get airborne or couldn't even be notified because they didn't know the position, this technology, this black box, should have been used right away.

Mr. Scott Simms: Yes. Thank you very much, Mr. McDonald.

[*Translation*]

The Chair: Thank you.

I'll give the floor to Mr. Bachand.

[*English*]

Mr. Claude Bachand (Saint-Jean, BQ): You may need your translation devices.

[*Translation*]

It's often difficult for us, as members of Parliament, to hear moving testimonies. We heard some yesterday in Gander, and we are hearing more here today. I assure you that my colleagues and I are doing everything we can so that we don't lose any more lives under the current system. If we need to change the system, we will.

Yesterday, in Gander, I also said that we can't do anything about fatalities. I believe that our goal is not to lose any more lives. But it's difficult to achieve this type of goal 100%. We are going to do everything we can to change things and ensure that human loss is kept to a minimum. I'll admit that it's difficult for me to keep a cool head and analyze the situation appropriately when I am touched and very moved. As an elected official, I'm trying to see how I can logically try to resolve the situation.

When the context is more emotional, it's more difficult. It's important that we're aware of it and that, then, once we've composed ourselves, we try to see what influence we may have on changing the system. I'm not saying that we don't need to dedicate more money to it. That may be necessary. We will see what the committee recommends. I've already shared my position. There might be structural problems.

As for response times, it's all very well to have access to a helicopter in 15 or 20 minutes, but there might be a coast guard boat near the incident site that could get there faster. We are looking at things like that.

Speaking of speed, I said a little earlier that a helicopter is not as quick as an airplane, and that a boat is even less so. But it all depends on where they're located. A lot of people are telling us that the locations of things need to be different. We're also considering reorganizing all these things.

I want to ask you some questions about responsibilities. I find that it is much too easy to say that the government is responsible 24 hours a day, 7 days a week, 365 days a year. I think that others have responsibilities too. In particular, there are provincial responsibilities. I can tell you that, in Quebec, the Sûreté du Québec is on patrol. I'm not going to claim that it's as difficult for us as it is for you. I grant you, the waters of the Atlantic are probably the most deadly in the world. We are trying to find solutions. Our intentions are good.

So, I'd like to hear you talk about responsibilities. Oil companies make billions of dollars in profit every year. I wouldn't want you to tell me to leave them out of it. I would not want to hear that it's the federal government's responsibility because these companies pay taxes to the federal government. I think that if a company wants to be perfect and behave like a perfect corporate citizen, the company will have to make its contribution because it is benefiting from access to workers and services provided by the government.

I'd like you to tell me about shared responsibility. When I say "shared", I recognize that the federal government must carry most of the load, but the provinces, municipalities and large companies, such as the oil companies, also have a role to play and must make their contribution.

This is what I'd like to hear you talk about. Perhaps Ms. Michael could start and we'll see if we politicians share the same point of view.

● (1805)

Ms. Lorraine Michael: Thank you. I'll answer in English.

[*English*]

It's true. There are many responsibilities, and they all have to be shared. I think what we're saying here today is that we are focusing on one particular responsibility, but we have to look at all of the others.

For example, you talked about industry. There is a major responsibility for industry and one of those responsibilities is something that I know Commissioner Wells looked at when he did his inquiry. I'm certain that you're going to be carefully studying his recommendations, because one of the things he looked at in great detail, for example, was the responsibility of industry with regard to having survival suits that really meet the needs of being in the North Atlantic and survival suits that under whatever circumstances will be able to give off warnings so that people can be found easily, etc.

So yes, there are responsibilities that industry has to follow, for example, and there are many recommendations that Mr. Wells has in his report that do point to industry. Industry is responsible for the lives of the people, whether they are working on their boats, or on their rigs, or whatever it is. There is no doubt about that. I don't think we can be too easy on industry when it comes to their responsibility, especially when it comes to whether it looks like what we're asking for is expensive. If we're talking about the oil industry in particular and we think about what happened in the Gulf of Mexico and with BP, they have the money and they have the resources, even if that is through their insurance or whatever. I agree with you.

We also have the responsibility to make sure that the management is done well. You can look at the Canada-Newfoundland Offshore Petroleum Board, where you have the federal and provincial governments working together. I don't think the C-NLOPB is doing its job adequately around the whole issue of safety and all of the aspects of occupational health and safety.

I made this comment when I presented to Commissioner Wells, and I think he deals with it in his recommendations as well: I believe we should be modelling ourselves on Norway and on Australia. We should have a separate safety body that has the resources not just to set regulations but to be involved in the research that needs to be done and to enlist here in Newfoundland and Labrador, for example, our university and our marine institute in doing research that is particular to safety in the North Atlantic.

So it's not just around wheels-up and helicopters that there is a joint responsibility. It's in all of those aspects. I would agree with you.

The Chair: Thank you very much, Ms. Michael.

I will give the floor to Mr. Harris.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

Thanks to all of you for your presentations: Ms. Michael, in your public role as member of the House of Assembly of Newfoundland and Labrador and leader of a political party; Ms. Payne, as the leader of the Newfoundland and Labrador Federation of Labour; and Mr. McDonald and Mr. Sullivan, as participants in the industry with important things to say.

Mr. McDonald, maybe we should clarify your role and your circumstances on the *Melina and Keith II* in September of 2005. You weren't fishing, I understand. Could you tell us what you were doing and what your role was?

● (1810)

Mr. Philip McDonald: For six years I worked as a fishery observer through a private company called Seawatch Incorporated, a subcontractor under DFO. My role was basically to go out on various fishing vessels, depending upon where I was assigned, and to go out on a trip or two on each boat, basically to see how much they were catching and where they were catching it, to make sure they were following the guidelines, and to take some samples. It was stuff like that.

Mr. Jack Harris: On your timelines that you've suggested here, I just want to let the committee know that these are confirmed in a Maritime Search and Rescue operations report, which I have copies of for the committee in both official languages. This confirms the response time of one hour and 20 minutes for the Cormorant helicopters out of Gander, after being tasked—not after locating you, or hearing about you, or hearing the EPIRB—and the response time of the Hercules out of Greenwood was that it was tasked at 16:30 in Nova Scotia and was airborne at 17:55, according to this report, one hour and 25 minutes later.

You have I think demonstrated to us, as a witness to this, that there were people who, if these assets had been in the air within 20 minutes or 30 minutes, as we've talked about, would have been there probably an hour earlier. You witnessed people losing their lives during that one-hour period. Have I got that perfectly clear?

Mr. Philip McDonald: Yes, perfectly, right on the button. Like I said, it was around seven o'clock when I started having doubts if I was going to make it or not.

One of the young men was holding on to a piece of styrofoam. He let go of the aluminum boat he was holding on to with the other men and was holding on to a piece of styrofoam, like I had. This was about seven o'clock. Shortly after, the *Lady Charlotte Star* came on the scene and disappeared. She was doing her grid pattern of sorts, so she was going back and forth through the debris field. So when she first came on the scene he was still there, and when she vanished for a period of time I guess he lost all hope and he let go. But that was only 20 minutes before we got rescued.

The hour and 20 minutes it took for them to get airborne after they were tasked after four o'clock, there were 50 minutes lost there. That 50 minutes. No doubt about it, if they were there 50 minutes earlier, that particular individual and maybe another one would definitely be here today.

Mr. Jack Harris: Thank you.

There are other complications that are outside of that and don't have any bearing on it, but that particular point is included there as well. So I would ask that this be distributed to the committee for our consideration.

Mr. Sullivan, in your presentation you told us how long it took after the mayday that the aircraft was there, so that would have included response time as well as transit time to get there. Do you have any knowledge of when it was...? We're talking response time, but obviously the total response time includes both of those things. One of the things we're focused on is how long it takes to get in the air. Are you aware of the time it took? It was a Saturday morning, so it would have been under the two-hour period.

Mr. Lawrence Sullivan: All I was told is they were at the scene within the two hours.

Mr. Jack Harris: They were at the scene within two hours.

Mr. Lawrence Sullivan: An hour and 42 minutes.

Mr. Jack Harris: But you don't know when they got in the air, so you can't comment on that.

Mr. Lawrence Sullivan: No.

Mr. Jack Harris: I'm curious. You weren't there, I suppose, so—

The Chair: Shortly, Mr. Harris.

Mr. Jack Harris: In the three and a half hours it took to pick up, did these people drift quickly? What happened?

Mr. Lawrence Sullivan: Yes. They drifted fairly quickly, but they said it was fairly hard to see with the debris and with the suits in the water with their heads sticking up with the suits. It wasn't as easy to spot as you would think. They were flying over them several times before they were spotted.

● (1815)

Mr. Jack Harris: Did they have the Hercules there too?

Mr. Lawrence Sullivan: Yes, the Hercules arrived there too, but they had done a fair amount of searching before, like I said, in different patterns, before they spotted them and picked them up.

The Chair: Thank you.

I will give the floor to Mr. Hawn.

Hon. Laurie Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for coming. I know it's not easy. We do appreciate the testimony. It's worth while, and as the chair said, it will guide us in our deliberations.

I'll finish up with a few questions. Clearly in your case, Mr. McDonald, there was more than the response time, which is a given. There were clearly some notification difficulties or breakdowns in communication, which obviously is a part of the whole thing. The EPIRB limitation, of course—as we found out today, or yesterday, I forget—it might take from the time the EPIRB goes off.... Of course there's no indication of location. It could take as much as 90 minutes before they get a location from the EPIRB, just because of where the satellite is.

There is absolutely no question that the faster you can get to the scene of an accident, regardless of the kind of accident, whatever we're talking about, the better it is. That's pretty self-evident. It's the kind of thing that governments in Canada have been wrestling with over the decades. Governments of all stripes have been wrestling with this to try to do the best we can.

We talked about shared responsibilities. I'd like to follow up a little bit, Ms. Michael, with your conversation with Monsieur Bachand, that there is responsibility in the oil patch, in the case of a large industry, to take some of that responsibility. We talked at one point about having an aircraft at one of the sites.

Do you think it's a feasible, reasonable expectation that perhaps we talk about four big operations out there—or soon to be four—that there be some combination of effort among those companies to combine resources and put a capability on one of those rigs? Would that be a reasonable thing to follow up on with those companies?

Ms. Lorraine Michael: I certainly think it would be a reasonable thing to follow up on, especially as the SEALs are getting farther away from land and you actually now have a situation where helicopters have to stop before they go on. So I think you're going to have to start looking at some kind of substation system to go along with the total search and rescue package. I think that definitely has to be looked at.

Hon. Laurie Hawn: Ms. Payne, you made a comment about it's critical to get on the site, the faster the better. In some places in the U.S. certain areas have requirements to get to a location and so on. Do you have an idea of what you think would be a reasonable expectation to get to the site of an incident? Because now some of these things, even today, are 500 kilometres offshore.

Ms. Lana Payne: There are a couple of chapters in Justice Wells' report that deal with this in terms of what are acceptable and comparable at times when you look at what's happening in the North Sea and in Norway. So I would look to that, because they went to those regions and studied what was happening, including the substations and the coordination of activities between industry and governments and how they do that.

I'm not going to suggest that it should be 90 minutes or should be whatever. I think we should look at what the experts have already researched. But I know there's a discussion about resources. This is obviously the big thing. Where are we going to get the money to pay for this stuff, and what's acceptable?

Canada is an industrial nation. We have a lot of wealth. Our GDP is incredible and has been growing by leaps and bounds outside of that little blip in 2008 and 2009. Now we have all of this activity that's happening at sea, a lot more than we had 20 years ago when governments were grappling with these kinds of discussions and decision-making.

I really do believe it comes down to political choices. And to just leave these kinds of things up to industry could be mean then, in the case of the oil and gas industry, which has incredible resources and incredible wealth, that you get a type of search and rescue system for them, and then what do we do for everybody else? So I think the best way to build a really good search and rescue system is to pool our resources and say we're going to treat every citizen the same and every kind of industry the same, and I think that's only going to happen by having discussions with stakeholders.

One other point. As someone said—I think it was you—it's not just about taxes. Quite frankly, it is about how we collect resources from corporations and from people and what we do with them. Right now we're having these discussions in our country around things like corporate tax cuts and fighter jets and prisons and all of this kind of stuff. So I would argue that this is a very small budget item when we consider $16 billion for fighter jets and $8 billion for prisons and $6 billion in—

● (1820)

Hon. Laurie Hawn: That's a political discussion for another place—

Ms. Lana Payne: It is, but this is a political discussion, isn't it?

Hon. Laurie Hawn: But since you've brought it up and to that point, I can't let the impression be that the government is planning to sign a cheque for $16 billion. We're going to pay for those airplanes until I am 90 years old, and the cost to maintain them is going to be spread until I'm 105 years old. So this is not a one-time, one-budget thing.

Ms. Lana Payne: No, I know. That's kind of scary; that means my daughter is going to be—

Hon. Laurie Hawn: I totally agree that it's a shared responsibility, and that's the point: it's not to put it on industry, but it's to point out that there is a shared responsibility and we do all have to work together.

And to compare England, which is very tiny compared to Canada, and the responsibilities we have across this country is a little bit like apples and oranges.

The Chair: Thank you very much.

I think we must go back to our subject, because it's important for everybody and we're here for that.

I think members were here today and yesterday to listen to what you have to say. As I said in the beginning, your message is very clear, and the members are here and they're ready, when we get back to Ottawa, to work on this report.

I want to thank everybody, you and the others who were with us before this hearing. Thank you for taking the time. We will take that with us when we go back to Ottawa.

That will end our meeting number 45.

And I just want to say to the members that we'll have our dinner in the same room, Salon F, and we'll discuss our future work, because of the weather.

Mr. Jack Harris: Has that *Melina and Keith II* report been tabled to the committee?

The Chair: Yes, we have it.

Mr. Jack Harris: Okay. Perfect.

The Chair: Thank you very much, and good evening.

The meeting is adjourned.

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