



PUBLIC INQUIRY RESPECTING GROUND SEARCH AND RESCUE FOR
LOST AND MISSING PERSONS

Transcript

Volume 6

Commissioner: Honourable Justice James Igloliorte

Friday

10 September 2021

CLERK (Mulrooney): All rise.

This commission of inquiry is now open.

Commissioner James Igloliorte presiding.

Please be seated.

G. BUDDEN: Thank you, Mr. Commissioner.

Just a couple of housekeeping matters before we start today's evidence.

This is our last day of hearings here in Makkovik and I would like – on behalf of the public inquiry, I'd like to thank the community of Makkovik for the great co-operation we've been shown here this week. I would particularly like to thank our technical support staff and that would be Arlene Ikkusek, Sarah Abel, David Tremblett and the folks from Makkovik Community Radio who've been broadcasting all week. And there are others as well who helped us before we came here and during our time here to make the running of the inquiry as smooth as it could be for us and for the witnesses and family members.

Also, as further housekeeping matters, the public should be aware that all the evidence that is heard here today, a transcript is typed up and is uploaded to our website, and also all the exhibits – as I mentioned the first day, all the exhibits, including the map we've been referring to, will also be on our website to be – anybody who wishes to can go on that site and review those documents.

The audio from these sessions has already been uploaded and once we have the opportunity and the necessary bandwidth we will be uploading the video as well. So going forward, these hearings, there will be a permanent record of what was said and all the evidence that was presented for members of the public to review if they wish to follow the work of the public inquiry. So unless I'm missing something, those are the housekeeping matters.

Today, we will hear evidence of the officials of the Government of Newfoundland and Labrador. One individual, Paul Peddle, will be participating by telephone as outlined yesterday. Another, Mitch Rumbolt, is here in person. Mr.

Ralph, counsel for the Government of Newfoundland and Labrador, will be doing the direct evidence of those witnesses, and other counsel will then have the opportunity to examine them.

Finally, I understand we will be – there will be a closing statement from members of the family of Burton Winters. I will leave that to their counsel, Mr. Tom Williams.

So I believe those are the matters – the preliminary matters, Mr. Commissioner.

THE COMMISSIONER: Thank you.

Marcella, can you just read out the website so that the people listening or wanting to go through the information that Mr. Budden has pointed out can do so.

CLERK: I think it's www.nlgsarinquiry.ca.

THE COMMISSIONER: That's correct.

Thank you.

P. RALPH: Thank you, Commissioner. Thank you, Mr. Budden.

As Mr. Budden indicated, there are two officials from the province participating in this panel. Paul Peddle is going to be participating from St. John's. Because of health reasons, he's unable to travel but very anxious to participate remotely. And the other gentleman is beside me here, is Mitch Rumbolt.

My plan, I guess, is to go through brief introductions of both of them and then Mr. Rumbolt is going to describe the role of Emergency Services Division of the provincial government in providing air support for ground search and rescue operations. Mr. Peddle then will describe his role in providing air support during the search for Burton. And then we'll open it up and give people an opportunity to ask questions of Mitch and Paul.

So I'll start first with you, Mitch. Perhaps you can describe your position in Emergency Services Division, how long you've been there, what's your sort of background in terms of education and training.

M. RUMBOLT: Good morning.

My name is Mitch Rumbolt. I'm the director of Emergency Services Division for the Province of Newfoundland and Labrador.

I guess in terms of background, I'm currently a police officer on secondment, a member of the Royal Newfoundland Constabulary on secondment to this division. I've been here approximately a year and a half. Over the course of my career, I guess I've had numerous responsibilities with respect to emergency management and completed numerous specific courses in relation to different aspects of emergency management. And I guess along the way, academically, I've obtained a graduate level degree in Master of Arts in Disaster and Emergency Management as well.

P. RALPH: Mr. Peddle I understand that you are recently retired from the government.

P. PEDDLE: Yes, I am.

P. RALPH: A few days ago. Perhaps you can describe what position you were when you retired and also your history with the Emergency Services Division.

P. PEDDLE: Okay.

I've been with Emergency Services for approximately 21 years. When I retired, I was the manager of plans and operations for the Emergency Services Division. Like Mitch, I've got a background in communications and in training education. That's basically what I've done for the past 30-plus years, I guess, is worked in training.

P. RALPH: Thank you, Paul.

So, Mitch, let's begin with a description of your position, what sort of responsibilities you have. I guess one of those now is dealing with the hurricane that's on the way to hit St. John's. But perhaps you can describe your role, generally, and also, in particular, with regard to air support and ground search and rescue.

M. RUMBOLT: Thank you.

I guess with the – in terms of overall emergency management for the province, our division is responsible for ensuring the province is prepared to respond to emergencies of all sorts. Specifically related to ground search and rescue, we facilitate helicopter delivery or availability of helicopters in terms of when we receive a request from the lead police agencies responsible for ground search and rescue in the province. So they would call us and ask for a helicopter and then we would contact government Air Services Division –

P. RALPH: I'm going to interrupt you, Sir. I apologize, Mitch.

But, I guess, the division that you're with now has had, sort of, different names over the years.

M. RUMBOLT: That is correct.

P. RALPH: Perhaps you can just describe that before we go further.

M. RUMBOLT: Okay.

Over time, our name has changed considerably. I believe in the early stages it was referred to as the Emergency Measures Organization. Some time after that it changed to the Fire and Emergency Services of Newfoundland and Labrador; that was a separate government agency. That agency was subsequently abolished after a few years and then became known as the Emergency Services Division, which we currently operate as today. At the time of this incident in Makkovik, it would've been operating as Fire and Emergency Services NL, which people commonly referred to as FES-NL, F-E-S-N-L.

P. RALPH: At Exhibit 168 – we don't really have to bring it up, but there's, I think, a very helpful document that was prepared by Mitch and it sort of describes the history of the Emergency Services Division and what department it's been in over the course of the last 30, 40 years.

M. RUMBOLT: That's correct.

P. RALPH: Now, Mitch, at what point in a ground search operation does Emergency Services become involved?

M. RUMBOLT: We – excuse me. We only become involved once the lead police agency responsible for ground search and rescue requires air support, in that they are looking for us to assist in acquiring air support for them. It's quite possible, and happens commonly throughout the province, that when a ground search and rescue team has been deployed, if they do not require air support, then we have no knowledge of their operations.

P. RALPH: And we heard evidence this week from many people about how it proceeded with Burton, the search for Burton, which was, I guess, a call to the police, an investigation by the police and then the police brought in the volunteers and it became a search and rescue operation. So, again, the Emergency Services, or FES-NL, at that point in time were not engaged in the search.

M. RUMBOLT: That is correct. First of all, there would have been a call from the police asking for air support.

P. RALPH: And who can make that call? Who can request – again, I think you indicated the lead agency would be the police and so that would be, I guess, the RNC or the RCMP.

M. RUMBOLT: That is correct.

P. RALPH: And so who can request assistance from Emergency Services Division for air support?

M. RUMBOLT: Within both police agencies – in this case, here in Makkovik, it would be the RCMP – and within each organization, there are only certain individuals that have the authorization to call and request air support on behalf of a GSAR mission.

P. RALPH: Perhaps we can go to Exhibit 163.

And this is a memo that is pretty recently prepared. And if we can go to the second page. And at the top of it says, a “LIST OF DESIGNATED POLICE PERSONNEL WHO ARE AUTHORIZED TO REQUEST AIR SUPPORT FOR GROUND SEARCH AND RESCUE” And I guess we've got the RNC is there. Perhaps you can go down and describe who these people are. I

guessing – we see Danny Williams is down on the bottom.

M. RUMBOLT: That is correct. This document basically outlines and adds clarity to who has authorization to call our 24-7 emergency line to request air support on behalf of the police agency for which they work. The top part of that document outlines the members of the Royal Newfoundland Constabulary in their three policing areas of jurisdiction, and the bottom portion of the document outlines the RCMP officers who are positioned, I believe, throughout the province and have the authority to request as well.

P. RALPH: Now, I think it's my understanding that because there was virtually the same situation in 2012 – that there were only certain people that could call Emergency Services Division or FES-NL, at the time, and request air support; is that correct?

M. RUMBOLT: That is correct.

P. RALPH: So once a designated person makes a call to Emergency Services or, at the time, FES-NL, who receives the request or the call?

M. RUMBOLT: That call actually would come into our agency over our 24-7 emergency line; it's a number that is available to municipalities or youth agencies, in this case, when they require support. The number would be answered during regular business hours by one of our staff at the St. John's office and, outside of regular business hours, we have a contracted agency to answer calls. They would take the requisite information related to the emergency – in this case, it would be requesting helicopter support, and then contact – they would maintain a contact list for our on-call staff, known as the Regional Emergency Management and Planning Officers.

So the call centre would notify the REMPO, which is the Regional Emergency Management and Planning Officer, provide the details of the RCMP or RNC request, and then the REMPO, who may be on call after hours, would then call the police to start the process of (inaudible) the helicopter.

P. RALPH: Right. So the person with the Emergency Services Division or FES-NL would

have a direct contact with the police who are requesting the air support.

M. RUMBOLT: Once they receive that information from the answering service, they would have the name and number of the police officer and the REMPO would call the police officer directly.

P. RALPH: And how much discretion is exercised at that point? And when I say that I mean, you know, does the official from the province with FES-NL or Emergency Services Division exercise discretion in terms of saying yes or no, we're going to give you a helicopter?

M. RUMBOLT: In each and every case that we receive from a police agency, we are of the understanding that the police have assessed that situation and they are calling us because they need air support. To my knowledge, we've never denied a request. We've always said yes to their request.

P. RALPH: And so once the person, the official from your division has that request, what does that official do then?

M. RUMBOLT: With that information, I guess they would speak to the requesting police officer and obtain the nature of the incident, whatever is relevant at the time. Of course, that would include the geographic location of the incident, any details that could help with the situation; if it's, you know, basic details pertaining to the person's, perhaps, age or description.

It's oftentimes that we do not receive the name of the individuals; it just might be a 50-year-old male or it might be a 45-year-old female missing in a certain geographical area. If there's any extenuating circumstances known, if they have any pre-existing medical conditions of concern, that may be noted. And also, I guess the primary piece of information that would be asked or provided, would be the name and contact number of a police official at the site, at the scene of the incident, so that once that information is conveyed to the next step, then the air service provider could contact that official directly themselves and remove us from that communication link.

P. RALPH: And so, once the official gets that information, where do they go with it?

M. RUMBOLT: So the first step in our process would be contacting government Air Services and asking if they have a contracted helicopter available to provide the assistance that is requested by the police. That, I guess, depending on the outcome of that situation would determine what our next step would be. If it's during daytime hours and the weather permits flying, then the government Air Services Division would contact the pilot of the contracted aircraft, provide them with the information of the contact person – the police contact person – on the site so that the pilot could then contact the person on the site to confirm coordinates and weather conditions at site.

P. RALPH: Right.

So I understand the province has a contract with Canadian Helicopters company. Is that correct?

M. RUMBOLT: Currently, that's correct.

P. RALPH: And as part of that, I guess, the – that contract, that company provides an array of services in, sort of, fisheries, forestry, medevacs. But one of the things they do is provide air support for ground search and rescue.

M. RUMBOLT: That is correct.

P. RALPH: And I understand as well that, as you indicated, those – the aircraft that Canadian have, the helicopters they have, cannot fly in all conditions. Is that right?

M. RUMBOLT: That is correct. They're limited to what's called VFR, visual flight rules, and that would be in daytime and daylight hours and the weather would have to allow for same as well.

P. RALPH: And any sense of how government Air Services determines whether Canadian is going to be able to supply a helicopter, how that process works?

M. RUMBOLT: They would assess the weather themselves. And it's my understanding that, ultimately, the decision would be the pilot of the

aircraft who would make their own assessment as well based on their departure location and where their services will be provided, at which geographical site of the incident.

P. RALPH: Now, I understand that – so government Air Services, that’s a division, I think, of Transportation and Infrastructure, a department of the provincial government. Is that right?

M. RUMBOLT: That is correct.

P. RALPH: And so once you are advised by government Air Services that there is a helicopter that can assist, what’s the next step?

M. RUMBOLT: So once we’re provided with confirmation that a contracted helicopter is available, we would provide the government Air Services dispatcher again with the name and contact information for the officer at site and the pilot or government Air Services would contact the person directly to ensure that we have that communications link confirmed.

Our person who received the call – the REMPO who received the call would then contact the police agency who made the request – the police officer who made the request – and confirm that a helicopter was available and basically state that if you haven’t heard from the pilot or somebody from government Air Services in a very short order, that they can call us back and we would follow up to ensure they have that communication link established.

P. RALPH: And it might be helpful to go to Exhibit 017, page 26.

Down towards the bottom. And these are the notes of Corporal Vardy that he took during the search for Burton. At 10:34: “Received a call from Universal Helicopters, Brian, who advised he was en route and gave an ETA of 1200hrs.”

That’s when you’re speaking about – you’re making sure that there’s a connection between the person on the ground who’s doing the search and the pilot?

M. RUMBOLT: Precisely. So, in this case, it’s confirmed the pilot has contacted the officer at site and they’ve established that communication

link and that would effectively remove us from the equation and we would step back at that point.

P. RALPH: So what role does Emergency Services Division have after that point?

M. RUMBOLT: Once we know or are confident that the communication has been established between the aircraft pilot and the police officer at site, we have no further involvement in communicating or obtaining the situational awareness of the flight.

We do provide instructions and that’s widely known by the authorized police officers, and this is more purely an administrative piece, but after two hours, they do call us back and say they require the helicopter longer. And, again, I’ve never been – I’m not aware of a situation ever where we denied the additional time. So we would just continue to provide aircraft in two-hour increments for as long as the aircraft was able to fly.

P. RALPH: And that two-hour increment, I understand that would be two hours from the site of the search.

M. RUMBOLT: That’s correct. So if there was a hour or two to fly to the site of the incident, then once arriving on site the aircraft would be permitted to fly for two hours, the police agency would contact us and say we expelled our two hours and we’re looking for more search time, at which time we would say approved, go for another two hours.

P. RALPH: So is it fair to say that your officials at Emergency Services or FES-NL, at the time, don’t have a role in directing how the pilot conducts the search at the site?

M. RUMBOLT: Absolutely not. We’re not involved in making any strategies, determining search patterns or locations. It’s totally at the discretion of the lead police agency in how they conduct their search. The helicopter that we provide is just support that we provide to them. They dictate its use.

P. RALPH: And we heard evidence of – this week of, you know, spotters getting on board aircraft throughout the days that they were

searching for Burton. And does the official from Emergency Services or FES-NL have any role to play in putting spotters on a helicopter?

M. RUMBOLT: No, we have no role, no role in identifying or providing spotters. That, again, is left to the police coordinator on the site and possibly the search manager as well.

P. RALPH: So, currently, there's – the province has a contract with Canadian; I think, at the time, in 2012, it was another company called Universal.

M. RUMBOLT: That's correct.

P. RALPH: So in the event that an official calls the government Air Services dispatcher and the dispatcher says, you know, we've contacted Canadian now but Universal then and says: I'm sorry, but we can't provide – either there's – you know, the weather is not good enough for us to be able to use an aircraft or it's at night or perhaps there's just none available because they're at other things. What does the official do next with that information?

M. RUMBOLT: Our field staff at that point are – they are authorized to contact the Joint Rescue Coordination Centre in Halifax and seek military assistance from whatever assets military would deem appropriate in terms of a humanitarian assistance mission.

P. RALPH: And so perhaps you can describe that relationship that the officials would have with JRCC. So what are the duties of an official with Emergency Services Division in terms of speaking with JRCC?

M. RUMBOLT: When our staff, the REMPO, calls JRCC they would identify themselves – their name and which agency they're calling on behalf of – and provide the information that they are aware of at that juncture. That would be conveyed to the air coordinator. We try to speak with the air coordinator directly, who would have, I guess, from a military perspective, the best awareness of the situation on JRCC's side. So the information would be conveyed and say that the request is being made for assistance to support and then the JRCC would assess that and determine if they are able to assist.

P. RALPH: Mitch, is that, I think, a fair summary of the role of officials with FES-NL or Emergency Services Division? Anything you'd like to add to that?

M. RUMBOLT: No, that's basically it. We provide the helicopters upon request and we don't have any influence over how the lead police agency uses them or where they use them or anything of that nature.

P. RALPH: Okay, thank you.

Paul, can you hear me okay?

P. PEDDLE: Yes – excuse me. Yes, I can.

P. RALPH: Now, Paul, I understand that you would like to have been here, but unfortunately, you're unable to travel. Is that right? We don't have to get into your medical issue.

P. PEDDLE: No, I've been ill for the last few months, so I had to take some time off and I retired last week.

P. RALPH: Right.

P. PEDDLE: So, before we start, may I just make a comment, Sir.

P. RALPH: Sure. Yes, of course.

P. PEDDLE: Upon reviewing the SAR, search and rescue recordings, I feel I should apologize for my choice of language and sarcasm when I was dealing with the JRCC. I ensure you folks this is not me. I apologize to the Winters family and to the residents of Makkovik.

Sometimes in emergencies, people use humour and I shouldn't have done it but, nevertheless, my apologies to the Winters family and to the residents of Makkovik. And it's like I said, I had hoped to be there, but the doctor said no.

P. RALPH: So, Paul, this obviously was – the event, the search for Burton, this is almost 10 years ago. And we've met several times about your role in providing your support for the search. I guess it's fair to say that you have a recollection of some of the calls you made and some of the conversations that you made, but it's not a perfect recollection of all the calls and

conversations that you had in January and February of 2012.

P. PEDDLE: You're correct, Sir.

P. RALPH: And so I guess it's – some of the – the documents, I guess, are of some assistance in terms of helping with your memory. Is that fair to say?

P. PEDDLE: That's fair, yes.

P. RALPH: And I think you have all the exhibits in front of you.

P. PEDDLE: I do.

P. RALPH: I understand you are sitting in a boardroom, Emergency Services Division office in St. John's.

P. PEDDLE: That's correct.

P. RALPH: And perhaps the first exhibit we can go to is Exhibit 018, page 81.

P. PEDDLE: You just faded out, sorry.

P. RALPH: Exhibit 018, page 81.

P. PEDDLE: Yes, Sir.

P. RALPH: Now, we've heard evidence from Corporal Vardy, and basically, the search for Burton started on the 29th of January. And I understand he had a conversation with Sergeant Youden and it's summarized here by Sergeant Youden. And on –

P. PEDDLE: Sorry, you faded out again, Sir.

P. RALPH: Okay. I'm just going to read you the statement. It says: "2240 ... (Lab time) a call was made to Sgt. Youden to request helicopter assistance. Through discussions with Cpl. Vardy, it was decided to have the search continue in the area to ensure the missing person was not hiding after the altercation with his guardians over the computer. Helicopter assistance from NL Provincial Fire and Emergency services would be contacted at first light." So that's a recording of a conversation that happened on January 29th between RCMP – two RCMP officers.

So I understand the first time that you would've had any communication with the RCMP would've been on the 30th.

P. PEDDLE: That's correct. Monday morning.

P. RALPH: And perhaps we can go to Exhibit 021.

P. PEDDLE: Okay.

P. RALPH: I'm going to jump around on you a little bit, Paul, in terms of what happened on the 30th, but I'm going to start at 11 o'clock in the morning.

P. PEDDLE: Yeah. Excuse me, but you keep fading out. I don't know why. Maybe when you're speaking, I'll mute myself. That might help here.

P. RALPH: Okay. Well – I'll get close to the phone here and the microphone. Is that better?

P. PEDDLE: Yes, that's good.

P. RALPH: Okay.

So Exhibit 021, this is – it's an email from you to Tina English and David McCormack. Can you identify who those people are?

P. PEDDLE: Yes. David was the director in the position that Mitch is in now. And Tina works in our – one of our admin officers, and she's responsible for flights.

P. RALPH: Okay, do you want to read that email?

P. PEDDLE: Yes.

"We have a search underway for a 14 year old boy from "Makkovik. I authorized two hours from site. Could you please arrange an AFA number?"

P. RALPH: And Mitch had earlier spoken about "two hours from site," but perhaps you can advise again the Commissioner what that means.

P. PEDDLE: However long it takes to the site. So if it took an hour to fly somewhere, then once

they get to the site, to the community, then they'd have two hours to search.

P. RALPH: And the AFA number, what does that mean?

P. PEDDLE: Air flight authorization number, I believe. It is a number we'll provide to the company – Universal.

P. RALPH: And what's the purpose of the AFA number?

P. PEDDLE: So we can keep track of the billing and know what the bill is for and what flight it's for, what search and so on.

P. RALPH: Okay.

As I understand it, I guess it is a way within government of keeping track of who is using the helicopters.

Mitch, you want to jump in there? Is that –?

M. RUMBOLT: That is correct. It is an administrative process just to help us collate the search incidents throughout the province with the specific aircraft usage.

P. RALPH: And perhaps we can go now to Exhibit 025.

P. PEDDLE: Yeah, okay. I got it.

P. RALPH: And this is entitled "RESERVATION PRINTOUT." And now on this – I understand this is a printout of a screen of information that will be held by government Air Services.

Are you there? Can you see the document, Paul?

P. PEDDLE: Yeah. I'm sorry, you –

P. RALPH: That's okay.

P. PEDDLE: We couldn't hear you here in the room.

P. RALPH: That's okay.

So are you on Exhibit 025 right now?

P. PEDDLE: I am.

P. RALPH: And as I understand it, this is not a document of Emergency Services Division; it is a document printed out by government Air Services.

P. PEDDLE: That is correct.

P. RALPH: And in this – I guess this would apply to the work that you did in getting a Universal helicopter on January 30, 2012?

P. PEDDLE: That is correct.

P. RALPH: And it indicates here, I guess, the AFA number. Can you see where that is?

P. PEDDLE: Yes, it is.

P. RALPH: And that number is? Can you identify it?

P. PEDDLE: Yes, 211064655.

P. RALPH: And just below that, it indicates that it was – this helicopter was booked by you.

P. PEDDLE: Correct.

P. RALPH: And then down below it gives the helicopter company, Universal, that it was booked on January 30, 2012 and the flight time was 4.8 hours and it says "2 HRS APPROVED ON SITE, MISSING PERSON."

P. PEDDLE: Correct.

P. RALPH: So that is information that was recorded by government Air Services but provided to government Air Services by yourself.

P. PEDDLE: Yes.

P. RALPH: Now, if we go to Exhibit 032.

P. PEDDLE: Okay.

P. RALPH: And so this, again, is a – this is an invoice sent by the helicopter company, Universal. It's dated February 7, 2012. And, again, if we look at the description here, it says "4.8 Flying Hours January 30, 2012." And,

again, in terms of your recollection, is this the bill for the helicopter that you authorized or that you dispatched on January 30, 2012, in relation to Burton?

P. PEDDLE: Yes, it is.

P. RALPH: And can you see an AFA number on that document? It's written – it's handwritten there.

P. PEDDLE: Okay, yeah, AFA number is AFA211064655.

P. RALPH: That's the same AFA that was in the government Air Services reservation printout?

P. PEDDLE: Yes, it is.

P. RALPH: Now, we've heard evidence that the efforts to try and get air support started before 11 o'clock on the 30th, and can you recall what time you would have started working on getting – on attempting to get a helicopter to –

P. PEDDLE: I'm very sorry you just totally went off-line there. I couldn't hear a word you said.

P. RALPH: No worries.

The – so the email that you sent to Tina English and David McCormack, that was at 11:05?

P. PEDDLE: Correct.

P. RALPH: And it indicated that at that point, you had already authorized a helicopter to be dispatched to Makkovik to search for Burton.

P. PEDDLE: I – yes, I – we were working earlier in the morning to try to get one. One wasn't available, but we did get one around that time.

P. RALPH: All right.

And now I'm going to go to Exhibit 048.

P. PEDDLE: Okay.

P. RALPH: And page 2.

P. PEDDLE: Yes, Sir.

P. RALPH: And this is – this exhibit is a transcript of the recordings made by the JRCC in conversations that they had with yourself and others during the days that they were – that the search was ongoing for Burton.

P. PEDDLE: Correct.

P. RALPH: And do you want to read down through just the first few paragraphs. I'll stop you when I – when you – when I need you to stop.

P. PEDDLE: Okay, so we're looking at page 2?

P. RALPH: Yes.

P. PEDDLE: Yeah. (Inaudible) –

P. RALPH: (Inaudible). I'm – I'm sorry. I'm (inaudible) –

P. PEDDLE: (Inaudible) –

P. RALPH: Paul?

P. PEDDLE: Good morning, it's Paul Peddle calling from Fire and Emergency Services over in St. John's. How are you? Fine, thank you. "That's good. We've got an issue this morning in Makkovik in Labrador. We have a 14-year-old boy missing. He has been missing since yesterday. The community has done a search" and "they can't find him. They're afraid he might be gone out on the water, you know, on" the "Ski-Doo over the ice and God knows what has happened ... then."

P. RALPH: Okay, just keep going, the – one next paragraph and then stop.

P. PEDDLE: "The weather is down in the area and we can't get a small chopper or a plane in the sky to head to Makkovik. I don't know whether you can do it or not, but wondering if you can ... do a humanitarian mission, go have a look" to "see if you can find the young fella."

P. RALPH: And so this is 1308 Zulu time, and I understand that's 9:08 Atlantic Time.

P. PEDDLE: That would be correct, yeah.

P. RALPH: So at this point you're advising JRCC that the "weather is down in the area and we can't get a small chopper or a plane" And when you say "we," who do you mean, "we"?

P. PEDDLE: Government Air Services would be the provincial government and Universal Helicopters couldn't fly.

P. RALPH: And so how would you have discovered that was the case?

P. PEDDLE: We would've made contact with government Air Services in Gander and put the request in. They would go to Universal, and Universal would make the decision, along with the pilot, whether they could or could not fly.

P. RALPH: And I understand – I won't go any further than that conversation, but I understand that the official with the JRCC advised you that he'd call you back, and he did call you back and that conversation is on page 6 of the same exhibit.

P. PEDDLE: Okay.

P. RALPH: And on the first column it's January 30, 1325, so that's 9:25 Atlantic Time.

P. PEDDLE: Okay.

P. RALPH: And you go down and see where it says: Paul Peddle, hello?

P. PEDDLE: Okay.

P. RALPH: Perhaps you can read to sort of the next page, the middle of the next column, (inaudible) –

P. PEDDLE: Okay.

"Yes, Paul Peddle, please.

"... Speaking.

"... Hi, it's Captain MacDonald from the RCC. How are you doing?"

Not bad. Yourself?

"Not too bad.

"... Good.

"... We don't think we're going to be able to do much for you right now.

"... Oh.

"... Our Hercules is US." Which means out of service.

"Okay.

"... In 444, they're broken at the moment in Goose Bay.

"... Really?

"... They're on their way to see – the weather is 600/1 right now in Makkovik and doesn't support flight ops for 412 anyway.

"... Okay.

"... The boss is not willing to send a Cormorant that far north, with no Herc available" for backup.

P. RALPH: Okay, thank you. That's good.

So, at 2012, how many years had you been involved in getting air support for ground search and rescue operations?

P. PEDDLE: Sorry, you're going to have to repeat that again.

P. RALPH: In 2012, at that point in your career, how long had you been involved in providing air support or getting air support for ground search and rescue?

P. PEDDLE: Approximately 11 years.

P. RALPH: And in those 11 years had you ever come across a time when the JRCC was unable to provide assistance when requested by yourself?

P. PEDDLE: Only if it was bad weather or there was no chopper available whatsoever or no planes available.

P. RALPH: And then perhaps we can go to Exhibit 018, page 79.

P. PEDDLE: I got it, Sir.

P. RALPH: I understand, Mister – or, Paul, I understand that you don't have extensive notes on what you did during the search for Burton. Is that right?

P. PEDDLE: You are correct, Sir.

P. RALPH: And however, I think that – you know, there is – I guess it's Sergeant Youden – this is page 81.

P. PEDDLE: Sorry you're going to have to repeat that again, Sir.

P. RALPH: That's fine, just one moment. Bear with me.

This is – so Exhibit 018, page 81, can you find that, Paul?

P. PEDDLE: I have it, Sir.

P. RALPH: And middle of the page. These are the notes that Sergeant Youden made during the – those days when the search for Burton is ongoing and it says, 9 o'clock "Sgt. Youden spoke to Paul Peddle" Can you see that?

P. PEDDLE: Yes.

P. RALPH: Okay, do you want to read the next few paragraphs?

P. PEDDLE: Nine o'clock.

P. RALPH: Nine hundred hours, it should say, actually.

P. PEDDLE: Exhibit 018?

P. RALPH: Yes, page 81.

P. PEDDLE: Page 81.

I got page 1. Oh, a different one. Okay, I'm looking at something completely different, but we just found it, yes. "0900 ... Sgt. Youden spoke to Paul Peddle and advised that weather conditions in Labrador were not suitable for flying commercial aircraft. A request was made" to DND for support.

P. RALPH: Keep going.

P. PEDDLE: At 9:40, "Paul Peddle advised Sgt. Youden that weather conditions were not suitable for Universal helicopters to conduct flight at that time. He further advised ... DND resources were not available for unknown reason."

P. RALPH: Just keep reading. I'll tell you when to stop.

P. PEDDLE: "1008 ... Sgt. Youden was advised that weather conditions in Makkovik was one half mile visibility unsuitable for flights at this time.

"1030 hrs Makkovik detachment advised Sgt." –

P. RALPH: Yeah.

P. PEDDLE: Youden, I think it is.

P. RALPH: That's right.

P. PEDDLE: "... that Woodward's Oil Company private helicopter had arrived in Makkovik to assist" in "the search since the father of the missing youth was an employee of Woodwards.

"1032 ... Sgt. Youden notified ... Paul Peddle of NL Fire and Emergency Services that weather conditions had cleared and Woodward's private helicopter had arrived in Makkovik to assist."

At 10:36 [sp. 1056], "Sgt. Youden received a call from" Paul "Peddle advising that Universal Helicopter from Goose Bay had been dispatched to assist in the search."

P. RALPH: Okay, thank you. You can stop there.

And maybe we can go down to Exhibit 017, page 26.

P. PEDDLE: Seventeen, page 26?

P. RALPH: That's right.

P. PEDDLE: Okay, got it.

P. RALPH: And these are the notes of Corporal Vardy. And you can go to the – almost to the bottom of the page, and it says 1034.

P. PEDDLE: Okay.

P. RALPH: 1034 hours. Perhaps you can ready that sentence.

P. PEDDLE: Yeah. "1034hrs Received a call from Universal Helicopters, Brian, who advised he was enroute and gave an ETA of 1200hrs."

P. RALPH: So the – so it appears as though Brian is the helicopter pilot for Universal and he's speaking directly to Corporal Vardy.

P. PEDDLE: Okay. I would assume that, yeah.

P. RALPH: Yes. And any idea how that connection is made?

P. PEDDLE: Well, once we make a request for a helicopter, we would give the police officer or whoever is leading the investigation their phone number so they could contact and have communications back and forth between each other, because we would not be involved in that.

P. RALPH: Right.

So once the pilots and the people on the ground who are doing the search are communicating, what would be your role after that?

P. PEDDLE: Basically, our role would be to follow up in two hours to see if the additional time is required, just to make sure, or if they're standing down or if they require JRCC assistance after dark.

P. RALPH: So the – at 10:30, Universal is communicating with Corporal Vardy. So I guess you've arranged for a helicopter to go. You've given the pilot Corporal Vardy's phone number, so they're in communication.

And I just want you to go now to Exhibit 023.

P. PEDDLE: Okay.

Okay.

P. RALPH: And so at the top here, it's an email from Cheryl Gullage and it's to yourself and David McCormack and Nancy Emberley, Fred Hollett, Marilyn McCormack, Pamela Rodgers,

Mike Samson and Derek Simmons. Perhaps you can identify the people that are in that email.

P. PEDDLE: Okay.

Well, Cheryl Gullage was our communications officer at the time. Dave McCormack would be the director. It would be – Nancy Emberley was our admin officer; Fred Hollett was the fire commissioner; Marilyn McCormack was the assistant deputy minister; Pamela Rodgers was the director of Policy and Planning and Derek Simmons would have been assistant fire commissioner at that time.

P. RALPH: And it appears as though what Ms. Gullage was doing at that point was distributing an email that came from Corporal Vardy. Can you go to the bottom of the page?

P. PEDDLE: Yes.

P. RALPH: And that appears to be an update from Corporal Vardy and – actually it's written by Vardy but the email was actually sent by a person Joline Reddick from the RCMP. The email is dated 4:26, January 30. Perhaps you can read the email.

P. PEDDLE: Okay.

"The air search has been completed, the Universal Helicopter is en route back to Goose Bay. They are flying along the snowmobile route from Makkovik to Goose ... just to cover off that area. Further to this, it is confirmed that there are snowmobile tracks on the ice headed into open water. Searchers are continuing to check ... the area of the tracks for some positive confirmation. There is currently searchers in a small boat checking the water for any sign of debris. There are plans to have an underwater camera brought in to check the water off the edge of the ice.

"The RCMP are reminding residents to be safe around areas of open water. If you are not sure of the ice conditions or familiar with the area, please stay off the ice. Snowmobilers traveling across frozen water are reminded to always wear an approved flotation system."

P. RALPH: So the email was sent to yourself by Cheryl Gullage at 4:59 and it's stating that

the air search is complete. So you authorized the dispatch of a helicopter for two hours on site earlier that day, in the morning. Can you recall if there were any subsequent requests from the RCMP for, I guess, another authorization of a couple of hours of searching from site?

P. PEDDLE: I can't recall, to be honest, but if the request came in, we would have approved it.

P. RALPH: Okay. We have heard evidence from Corporal Vardy that there was no further requests for air support that evening.

And so the email stated that the air search was complete and that Universal was on the way back. Do you know if you would have spoken directly with Corporal Vardy that afternoon?

P. PEDDLE: I don't recall. I think I spoke to an RCMP officer, whether it was Vardy, I couldn't tell you.

P. RALPH: And can you recall what the substance of that conversation would have been?

P. PEDDLE: It was basically what was in the email, or I'm sorry that press release that they put out they're standing down.

P. RALPH: Right.

Perhaps we can go to Exhibit 018.

P. PEDDLE: Okay.

P. RALPH: Page 82

P. PEDDLE: Could you repeat that again, please?

P. RALPH: No problem. Exhibit 018, page 82.

P. PEDDLE: Exhibit 018, page 82. Yeah. Okay, Sir, I have it.

P. RALPH: So can you recall the next time that you would have been contacted about the search for Burton Winters – for Burton?

P. PEDDLE: It would have been the next day, in late – like suppertime.

P. RALPH: Okay. So there – again, we are looking at Sergeant Youden's notes and could you read the entry for 1705?

P. PEDDLE: "... Sgt. Youden placed a call to NL Fire and Emergency Services requesting air support since Cpl. Vardy had reported that a snowmobile had been located outside the area initially believed to be the entry point. Mr. Paul Peddle returned my call and confirmed that he would make a request to DND for further assistance."

P. RALPH: And perhaps we can go to Exhibit 049, page 5.

P. PEDDLE: 049, page 5.

P. RALPH: And the second –

P. PEDDLE: Just a moment, Sir, I have a little technical difficulty here.

P. RALPH: No problem, no worries. Take your time; there's no rush.

P. PEDDLE: Page 5. Okay, Sir.

P. RALPH: And so, in the second column there you have got January 31, 2012, 2051:57.

P. PEDDLE: Correct.

P. RALPH: And so, I think that would be at 8:51 Zulu time, which would make it about 5 o'clock in St. John's.

P. PEDDLE: Okay. That's correct.

P. RALPH: And – so can you read the first interaction there between yourself and the Unidentified Male Speaker?

P. PEDDLE: Okay.

"Yes, good evening. It's Paul Peddle calling from Fire and Emergency Services over in St. John's.

"... Yes.

"... How are you this evening?

"... Fine.

“... That’s good.

“Yesterday, we put a request in to you folks; unfortunately, you weren’t able to help us.

“... Mm-hmm.”

(Inaudible.)

“In Makkovik, Labrador, where there was a 14-year-old boy missing.

“... Mm-hmm.

“... He had gone on his Ski-Doo and the police tracked the Ski-Doo yesterday to the edge of the water. And they were able to put underwater cameras down ... and found the Ski-Doo and the gas can, but they – where it is, they seem to think” that possibly “he could have made it to shore.”

Now, the question is: Are you able to search?

P. RALPH: Keep going.

P. PEDDLE: “... Okay.

“Right now, we don’t have a Hercules; we’re broken.

“... Okay.

“... We got a call ... about this, this afternoon and we” are “doing a little staff checking. We’re also US right now in Goose Bay but they’re on a test flight for that.

“... Okay.

“... And Gander would have to be approved by the OIC. Are you flying any – do you have any” aircraft “resources available?

“... No, not this evening we don’t. Once it comes dark, we’re out of service.

“... Did you fly them today?

“... No, we did not because we only received the request no more than three minutes ago.

P. RALPH: Okay, that’s fine.

P. PEDDLE: “... Okay, do you have a lat. and long.”

P. RALPH: Paul, that’s good.

So I’m going to back up there. It seems to me that you gave them some information that was incorrect in terms of where the Ski-Doo was at that point, they – you advised them that the Ski-Doo had been found under water.

P. PEDDLE: Yes, that is correct. I found out after that the information I was given was incorrect.

P. RALPH: Right, so that’s fine.

I’m going to go to that now because this call happened at 4:51 Atlantic time. So we can go now to page 6.

P. PEDDLE: Page 6.

Okay.

P. RALPH: And so January 31, so basically six minutes later you called back. And, perhaps you can read again, the first three entries there.

P. PEDDLE: “... Hi, it’s Paul Peddle again from Fire and Emergency Services.

“... Yes.

“... I told you something incorrect. The Ski-Doo was not found down under the water. It was found on the top of the ice. That’s why they think that he must have headed inland or gone somewhere.

P. RALPH: That’s fine – that’s fine.

P. PEDDLE: “Anyway, I’ve got the longitude and the latitude.

“... Okay, go ahead.”

P. RALPH: That’s fine. Paul, that’s good.

Thank you.

P. PEDDLE: Okay, thank you.

P. RALPH: Again, maybe we can go to page 10.

P. PEDDLE: Okay. Exhibit 010? Okay, page 10. Okay.

P. RALPH: Yeah, Exhibit 049. The same exhibit, page 10.

P. PEDDLE: Okay, Sir.

P. RALPH: And so now we are 2111 Zulu time, so I guess that is 5:11 Atlantic time. And read those first five or six lines, would you?

P. PEDDLE: Okay.

Me: "Hello.

"... Yes, Paul Peddle, please.

"... Speaking.

"... Yeah, Paul, it's the JRCC calling.

"... Yes.

"... I've talked to my boss: we've got a 412 in Goose Bay that they think it will be serviceable in 45 minutes to" an "hour.

"... Okay, great."

P. RALPH: Okay, that's good. Thank you, Paul.

So, at that point, you've requested and JRCC are providing a helicopter to help, to assist in this search on the night of January 31. I understand as well that they also sent an Aurora aircraft to assist. Is that your understanding? Were you aware of that?

P. PEDDLE: That's my understanding, yes.

P. RALPH: And perhaps now we can go to Exhibit 026.

P. PEDDLE: Okay, so you went quiet again. Could you repeat that, go to ...?

P. RALPH: Exhibit 026.

P. PEDDLE: Okay, I have it.

P. RALPH: Okay, so there are actually – this is an email and it says: "From: Fire and Emergency Services, Newfoundland." Again, it's to a number of officials and it's dated Wednesday, February 1, 2 o'clock – 2:10 a.m. And perhaps you can – I think there are three emails here and perhaps you can describe who would be writing these emails.

P. PEDDLE: That would be me more than likely writing these emails because I was the person on call. And I would be informing the senior management of Fire and Emergency Services.

P. RALPH: Okay, let's do these chronologically. So the first one in time would have been at the bottom of the page, perhaps you can read that, and also indicate what time and who the email is to.

P. PEDDLE: Okay, well, it's to Marilyn McCormack, David McCormack, Mike Samson, Pamela Rodgers, Fred Hollett, Cheryl Gullage and myself. I was cc'd. It would have went to our Fire and Emergency Services account, which includes myself.

P. RALPH: Okay. So what was the date and time?

P. PEDDLE: It's January 31, 1739.

P. RALPH: And so that's 5:39?

P. PEDDLE: Correct.

P. RALPH: Okay, and read the email.

P. PEDDLE: "Just got a call searchers have found the snowmobile on the ice. The young man is a member of the" Junior "Rangers and people think that he could be on the land. I have a request in to JRCC for assistance. They are not sure if they can help. I am waiting response. Keep ya posted."

P. RALPH: Okay. So go to the email above that.

P. PEDDLE: "RCC will have a chopper out of" Happy Valley-Goose Bay "ready to head to Makkovik in 1 hour. Keep you posted."

P. RALPH: And the next one.

P. PEDDLE: “The search is over for the night, some tracks were spotted, but no luck. Our chopper will be on site” again “in the morning to continue the search in daylight.”

P. RALPH: Thank you.

And perhaps we can go to Exhibit 025.

P. PEDDLE: Yes, Sir.

P. RALPH: And, again, that’s the printout from government Air Services.

P. PEDDLE: Correct.

P. RALPH: And perhaps you can go to the bottom of the page there.

P. PEDDLE: Yes.

P. RALPH: And describe what information is contained in that printout.

P. PEDDLE: That would be the search run on Wednesday, the type of aircraft. It’s a helicopter, Universal. And it basically says that it flew for 4.7 hours for missing persons in Makkovik.

P. RALPH: Right.

And maybe we can go to Exhibit 032.

P. PEDDLE: Yes, Sir.

P. RALPH: And go to page 2.

P. PEDDLE: Page 2? Okay, I have it.

P. RALPH: And perhaps you can identify what that document is.

P. PEDDLE: This document would’ve been, I assume, the invoice from Universal Helicopters for the total number of hours for the flight.

P. RALPH: So that’s the invoice for the flight on Wednesday, February 1, in the search for Burton. Is that correct?

P. PEDDLE: Yes, Sir, it is.

P. RALPH: And perhaps we can go next to Exhibit 017, page 28.

P. PEDDLE: Yes, Sir.

P. RALPH: At the bottom there, these are, again, the notes of Corporal Vardy. And perhaps you can go down to 0115 hours.

P. PEDDLE: Yes, Sir.

P. RALPH: And read the sentence that starts Member spoke.

P. PEDDLE: “Member spoke with Paul PEDDLE of Fire and Emergency Services who made arrangements to have a helicopter from Goose Bay to come to Makkovik for first thing in the AM.”

P. RALPH: And do you remember that conversation?

P. PEDDLE: No, Sir, I don’t.

P. RALPH: That’s fine.

And we’ve heard evidence that helicopter from Universal arrived on Wednesday morning and that, in fact, was the helicopter that was – that found Burton.

P. PEDDLE: That would be correct to the best of my knowledge.

P. RALPH: I have no further questions.

G. BUDDEN: Perhaps Mr. Williams will continue the practice and Mr. Williams can lead with what questions he may have.

P. RALPH: At this point, I think that in terms of the events, of course, of January 29 to February 1st, certainly – obviously, Mitch wasn’t involved in that and Paul was. So in terms of policy, Mitch is probably the better person to direct those questions to, but, of course, you can direct them to whomever you please.

T. WILLIAMS: Yes, okay. And perhaps these questions may be better posed to Mr. Rumbolt at this point in time.

Given your introductory comments, I trust that the EMO offices – provincial EMO offices – are required to contract out any requirements for Air Services. Is that correct?

M. RUMBOLT: That is correct. The actual contracting is done through Transportation and Infrastructure. It would've been Transportation and Works back in the day, but you are correct.

T. WILLIAMS: Okay.

And these private companies – at this time, we'll deal with Universal – what are their capabilities for nighttime flying?

M. RUMBOLT: They'd fly by what's called VFR, visual flight rules, and they are not capable of flying at night to the best of my knowledge.

T. WILLIAMS: So if we have an inland search and rescue mission ongoing, there are no provincial resources available to continue a search after dark. Would that be correct?

M. RUMBOLT: That is correct.

T. WILLIAMS: And if such a search is required, then I trust you may extend the request to DND.

M. RUMBOLT: That is correct, for a humanitarian mission.

T. WILLIAMS: Okay.

And what is the typical practice on, not necessarily the Winters case but if there's a matter of emergency, depending on circumstances, is it quite common when there's an ongoing search that it's a joint effort as between EMO and DND so that search efforts can continue overnight to find the missing person?

M. RUMBOLT: I'm not sure if I exactly understand your question.

T. WILLIAMS: Okay, maybe I'll try to clarify.

I mean, if you have a report of a missing person, there are climate conditions of concern – it's mid-winter, freezing temperatures – clearly, it

falls within provincial jurisdiction. You have your air service deployed; it's coming on dark. Would that automatically then result in your calling DND to continue search efforts over the course of the evening?

M. RUMBOLT: 100 per cent correct.

T. WILLIAMS: Okay.

So it is quite common for DND to respond to provincial requests?

M. RUMBOLT: That is correct. To ensure the continuity of the search.

T. WILLIAMS: Okay, and that's what I was getting at.

With respect to the equipment on these private contractors, first of all maybe I'll start with the training. Are you able to speak to the level of search and rescue training that the private contractors would have?

M. RUMBOLT: That would be outside of my knowledge.

T. WILLIAMS: So we're not aware as to the skill level – and I'm not suggesting this in any demeaning way, but in terms of specific training for search and rescue by the private contractors.

M. RUMBOLT: I'm not aware of that. I am aware that they work closely with the NLSARA to ensure that they are able to work together, but I'm not able to speak to the specific qualifications or capabilities of the aircraft crew.

P. RALPH: Mr. Blackmore is here. I don't know if he wants to step in there but –

T. WILLIAMS: Well, I won't pursue it too much now, at this point in time, but I think it is of note or of interest to the inquiry that we do retain these private services and I think it's something that we should look at. And, again, maybe Mr. Smith can speak to it or Mr. Blackmore can speak to it at a later point in time in terms of ensuring, you know, capable training for –

M. FREEMAN: Yeah, and, Mr. Williams, of course, we're going to have four or five days policy round table –

T. WILLIAMS: Sure.

M. FREEMAN: – in St. John's.

T. WILLIAMS: Maybe then, it can be addressed there as well.

So can I presume that these aircraft would not have the same level of technology and equipment such as, you know, heat detection radar, night vision, as would private – with the DND?

M. RUMBOLT: Having been in both helicopters, you are correct.

T. WILLIAMS: Okay.

Has there ever been occasion where, to your knowledge – and I know you were there a limited time and maybe Mr. Peddle can address this as well, given he was there over a longer period of time – that EMO has reached out to one of their private contractors and they have not been available or do not have equipment available to be dispatched immediately for a search?

M. FREEMAN: I guess we'll give Mitch a chance and then perhaps Paul a chance to answer that question.

M. RUMBOLT: If I understand the question correctly, there are indeed occasions when the contracted helicopter cannot fly because of weather, darkness or availability to a much lesser extent. They generally, would ferry the aircraft from as far away as needed to get it to help, if it was capable of flying.

T. WILLIAMS: Okay, and I appreciate the weather concerns, obviously, and nighttime flying restrictions.

But, I guess, where I'm trying to focus on, you know, do we – because we're dealing with private contractors that obviously have other, you know, professional obligations, is there ever occasion that they can't – they don't have the resources available? Or do they have, as a part

of their contractual requirements, an obligation to have a dedicated helicopter available to the provincial government for EMO services?

M. RUMBOLT: To my understanding of the contract, which is limited, there are aircraft that have to be available within the province. I'm not sure to speak specifically to having one dedicated – one or more dedicated to our purposes.

T. WILLIAMS: Okay.

And to the best of your knowledge, if you're able to speak to this, if – and currently, I guess, it's Canadian Helicopters. How many sites across the Island would they have resources at, you know, for a call? So, for example, if a call comes in from Makkovik, does the chopper have to fly out of St. John's, Gander, Corner Brook? Where would they be located across the province?

M. RUMBOLT: I'm certain that for Labrador it would be the helicopter bases in Happy Valley-Goose Bay and there are two, maybe three, I can't be certain – I think it actually could be three, maybe four locations on the Island where helicopters are positioned.

T. WILLIAMS: Okay, thank you.

P. RALPH: (Inaudible) can I just stop you for a second?

Mr. Peddle, are you able to hear this?

P. PEDDLE: Yes, I am.

P. RALPH: Okay.

T. WILLIAMS: And perhaps just a couple of questions for you, Mr. Peddle, specifically relating to the Winters search.

Mr. Ralph took you through some exhibits earlier and I don't think we need to go back to them, but they were the –

P. PEDDLE: Sorry, you're gone again. I lost you.

T. WILLIAMS: Okay. I'll go back again.

Early in your evidence with Mr. Ralph, he brought you to a couple of exhibits which were the invoices and requisitions for government for the – for retaining Universal Helicopters on the 30th of January 2012. And I believe these were Exhibits 025 and 032, for your own reference. But I noted that, as was highlighted, the amount of time that was put in for Universal for the entire search was 4.5 hours I believe. I don't have it in front – five, 4.5 to 4.8. But it specifically states that there was only two hours on site. Is that correct?

P. PEDDLE: The 4.8, that means there would've been two hours on site and it would've been, I guess, 1.3 needed for travel time.

T. WILLIAMS: Two point –

P. RALPH: So I think return trip, so –

T. WILLIAMS: Yeah, so –

P. RALPH: – for each way.

T. WILLIAMS: – it came, obviously, from Happy Valley, so roughly an hour-plus flying time to the site –

P. RALPH: I don't think the math is entirely right, but you get the idea.

T. WILLIAMS: Yeah. So we have two hours actually on site involved in the search.

P. PEDDLE: That would be correct, Sir.

T. WILLIAMS: Okay.

And the Woodward helicopter that was brought in that was not arranged in any way, shape or form through EMO, correct?

P. PEDDLE: No, Sir, it was not.

T. WILLIAMS: Okay. So that was just voluntary supplying of services by Woodward, given a personal connection.

P. PEDDLE: Correct.

T. WILLIAMS: So we know on the first day of this search that when the calls came in, early in the morning, and the calls were first made – I

believe, if memory serves me correct, I'm not looking at any documentation but I believe it was around 9:20 – that there was a total of three hours spent searching for Burton Winters by Air Services in the first 24 hours – total of three hours.

P. RALPH: I'm not sure that Mr. Peddle is in the best position to – sorry, I'm not sure if he would have any knowledge about what Woodward was doing (inaudible) –

T. WILLIAMS: Well, okay, in fairness, you can't speak to Woodward but you can speak that Universal – if we – we've had evidence to show that Woodward were in the air. And, again –

P. RALPH: I'm not even sure if he can speak to what a Universal pilot did that day. I mean, I think he has that information here that he knows what hours were billed, but I don't know if it is broken down for him in terms of what the helicopters were doing.

T. WILLIAMS: Okay. So based on the documentation that you have and your personal knowledge that there was no other requests that came in for additional time on the 30th of January –

P. PEDDLE: That is correct.

T. WILLIAMS: – the best knowledge you have is that there was only two hours requested.

P. PEDDLE: Based on this form that I have here in front of me, yes, that is correct.

T. WILLIAMS: Okay. That's all the questions I have.

Thank you.

P. PEDDLE: Sorry, I can't hear you.

P. RALPH: That's all the questions that Mr. Williams had for you.

P. PEDDLE: Okay.

P. RALPH: We have some more lawyers here now that may have some questions.

P. PEDDLE: Fine, thank you.

M. FREEMAN: Hello. Good morning. It is Mark Freeman, the lawyer with Justice Canada. I don't have any questions for this panel, thank you. But we look forward to working with FES-NL and with the provincial government at the later stages of the policy inquiry, through the Commissioner and yourself, Mr. Budden, to find any co-operation we can between the federal agencies and the provincial agencies that can be improved.

So thank you very much.

G. BUDDEN: Geoff Budden here.

I do have a couple of questions. I'll start first with Mr. Rumbolt. We will likely hear evidence that at the policy table – round table in October as to this issue, but just here today I thought it might be helpful to anybody following to have just a very brief sense of why we talk about the federal government's role and the provincial government's role. So just – and I realize that you're not a lawyer – constitutional lawyer or anything like that, but would you agree that generally in Canada there are areas where the provincial government has responsibility and areas where the federal government has responsibility?

M. RUMBOLT: That is absolutely correct.

G. BUDDEN: And your understanding is that the federal government, constitutionally, might have responsibility, say, for marine search and rescue, search and rescues over the ocean, while the provincial government would generally have responsibility for ground search and rescue, search and rescue over land?

M. RUMBOLT: That is correct.

G. BUDDEN: And that is – flows out of some basic constitutional principles of the way Canada is governed and organized?

M. RUMBOLT: I understand that to be correct.

G. BUDDEN: And that there are grey areas, such as the stuff around the shoreline, which we will park for now. But as a general rule, that's your understanding?

M. RUMBOLT: I would also agree with that.

G. BUDDEN: Okay.

So the provincial government, which has responsibility for ground search and rescue, I understand that it relies, obviously, on its – on the contracted RCMP services and the RNC services and on the volunteer sector of NLSARA. Would that be correct? That's how it conducts ground search and rescue.

M. RUMBOLT: That is correct. That's how it's organized.

And with respect to air support, it has its contracted helicopter capacity, which would be the – was Universal at the time, presently – mental block here.

M. RUMBOLT: Canadian.

G. BUDDEN: That's right. And they would have helicopters stationed, as we've heard, at different points around the Island.

M. RUMBOLT: That is also correct.

G. BUDDEN: And – around the province, rather. And for both in 2012 and again today, the Labrador search and rescue contracted services is based in Happy Valley-Goose Bay.

M. RUMBOLT: That is correct.

G. BUDDEN: Okay.

And essentially, however, that capacity ends at dusk. There's no – the Newfoundland government has no either contracted for or its own owned resources to conduct search and rescue during the hours of darkness.

M. RUMBOLT: That is correct.

G. BUDDEN: Okay.

So when it – we hear that it relies on the federal government for humanitarian assistance, what I gather from that – correct me if I'm wrong – is basically the Newfoundland government is saying: We don't provide that service ourselves; however, we rely on the goodwill of the federal government, which doesn't have the legal

obligation, perhaps, but we rely on them for the humanitarian effort to step in when we lack the capacity ourselves.

M. RUMBOLT: When it's dark or inclement weather, we do reach out to the Canadian Armed Forces, JRCC, for that assistance after dark or in inclement weather.

G. BUDDEN: Because the Government of Newfoundland and Labrador does not itself have the capacity to do air support for search and rescue after dark.

M. RUMBOLT: Correct, the contracted helicopter does not have that capability.

G. BUDDEN: Okay, thank you.

To your knowledge, has this relationship existed for decades, essentially?

M. RUMBOLT: It predates my arrival, but historically speaking, I believe that to be correct.

G. BUDDEN: Okay, thank you.

Those are the policy questions I have. I do have a question that probably is best answered by Mr. Peddle, so perhaps, Mr. Peddle, I'll give you the first chance to answer this.

P. RALPH: Can you hear Mr. Budden okay, Mr. Peddle?

P. PEDDLE: Yes, I can.

P. RALPH: Okay.

G. BUDDEN: Thank you.

In your direct evidence, a question was put to you by Mr. Ralph that was something along the lines of the circumstance of the – January 30, when a request was made, and the OIC said that he could not authorize a Cormorant because there's no Herc available. And you said something like – or Mr. Ralph asked you if you had encountered a previous situation and you said no, other than for weather or when – and I wrote this down, but I may have not got it correct – when no choppers or planes whatsoever were available. Do you remember saying that?

P. PEDDLE: I believe so, yes.

G. BUDDEN: Yes. How often would that occur?

P. PEDDLE: Not very often to be honest with you. You know, we've always put in a request whether it goes to – it'll go to Air Services first. If they are not able to fly, we go to JRCC. And I don't think I was ever turned down by JRCC, to be honest with you.

G. BUDDEN: However, you did say in your direct evidence that you would be turned down, if I understood it correctly, when no choppers or planes whatsoever were available. Do you recall a circumstance where they'd say, look, we'd like to help but we've simply got nothing?

P. PEDDLE: I think what I meant there was it would be bad weather so that the Herc couldn't even fly.

G. BUDDEN: Okay, so you've never been in a situation before when the weather was okay, or let's say you've never had a situation where weather wasn't an obstacle, but there is simply no equipment available to participate in a search?

P. PEDDLE: That's correct, Sir. That's never happened.

G. BUDDEN: Okay.

And so how many years were you in this position?

P. PEDDLE: I joined in 2000 and I was there until 2013, I think.

G. BUDDEN: Okay, and you would have made – well, correct me if I'm wrong, but I'm assuming you would have made hundreds, if not a thousand or more, calls to JRCC over those 17 years. Is that accurate?

P. PEDDLE: Yeah. I was there – yeah, quite a few – there were quite a few calls to JRCC.

G. BUDDEN: And this is the single time in all that time when equipment wasn't available when it was a non-weather issue?

P. PEDDLE: I'm sorry I can't hear you.

G. BUDDEN: I'm sorry. And you're saying the Burton Winters search on January 30 was the only time in all your years when equipment was unavailable, when assistance couldn't be offered for non-weather-related reasons?

P. PEDDLE: That is right, Sir.

G. BUDDEN: Okay.

I have nothing further. I don't know if the Commissioner – if there is any redirect.

M. FREEMAN: Mr. Budden, sorry, I just want to – before we leave that question.

So I think the evidence of Lieutenant Colonel Marshall was that it was, in fact, weather and serviceability of the assets; that it was a combination of things that led to the rejection of the request at the time of the Winters matter. So I want to include that in the premise of your question there about this was the only occasion when you were asking JRCC for something and it was declined because of serviceability. It was actually a combination of weather and serviceability that went into that answer of we can't help you at this moment.

G. BUDDEN: Okay. Well, I guess we can debate that later, but that's – your comment is noted, if I may do that.

M. FREEMAN: Thank you.

G. BUDDEN: Thank you.

Anybody wish to redirect?

P. RALPH: No redirect.

G. BUDDEN: Have you anything, Mr. Commissioner?

THE COMMISSIONER: No, thank you very much, except to say that, Mr. Peddle, if you could stay on the line to hear what's being said, as the family will have a closing comment as well and, you know, it's important that we all participate in this.

So we can continue, Mr. Budden.

G. BUDDEN: We have no further evidence to offer during this phase of the Public Inquiry hearings, the Makkovik phase. I'm not sure if the other counsel have any other comments.

We are, however – we do anticipate hearing from – a closing statement from the Winters family, and I'm not sure whether it will be delivered by Mr. Williams or by Natalie Jacque. I'll leave that to Mr. Williams to inform us on that.

T. WILLIAMS: Thank you, Mr. Budden.

And before – because of technology – and we'd like to have Mr. Peddle hear this – I'm going to ask Natalie if she wouldn't mind coming forward to this table with a microphone, because we can't take the microphones off the phone. So I'm going to ask Natalie if she would like to come forward and have a statement, and then I'm going to offer an opportunity for any other family members to have a statement.

But before Natalie, while she just gets set up here, on behalf of the family we'd like to thank the commission and all the participants over the course of this week for their support, their openness and their honesty in addressing many of the issues that have concern to us.

And, on a personal note, I would like to extend a thank you to the family for their openness and their friendship over the last week, as well as the community of Makkovik, who have been absolutely superb and have been very supportive. And I even heard that support as I pulled into the parking lot of the arena this morning on Makkovik radio, getting out of the radio I heard a community member calling in and playing a song, which I had never realized that there was a song actually written for Burton. And as I got out of the car, a community member, a resident had called in to have a song, the Burton Winters song, dedicated to his grandmother.

Now, I don't know which grandmother but I know it's to one of the grandmothers and I think that's a sign of how this community has embraced this last week. So a very heartfelt thank you to everybody here.

So I'd like now to call upon Natalie, if she would now have a comment prior to closing of proceedings.

N. JACQUE: Thank you very much.

Sorry to read off with the laptop. I wrote this this morning and I wanted – I definitely wanted to have a word.

G. BUDDEN: Ms. Jacque, very respectfully, just to remind you to speak into the mic as best you can.

N. JACQUE: What happened with Burton during his final days was a perfect storm; it was perfectly imperfect. He had too many obstacles against his favour: the stormy weather, the crack in the ice, the time of the year with limited daylight and extreme cold temperatures, mechanical issues with the air assistance, open waters preventing him from walking towards land and the list goes on.

Burton at the tender age of 14 ultimately has shown us all what strength and persistence looks like within these challenges. He fought incredibly hard and we can't begin to imagine what he was thinking, to be going through all these obstacles alone. I believe he had walked as far as he could and we are all here today walking the rest for him. As much as we tried to help then, I feel like we are doing that again now in honour of him to help make future search and rescue instances less tragic.

Times will arise again where perhaps less than ideal obstacles occur and some which we have no control: seasons, the weather, the ice conditions, but all of those which we can control and all of the lessons that we have learned in hindsight after losing Burton, we now have to take these into more appropriate thought and understanding, and more can be done for our loved ones.

Emergency equipment, if it's ever down, should quickly become priority, not on a list to get to but a top priority to help future emergencies. If a helicopter containing volunteer search and rescue members is being left as the lead, is it appropriate to say that this will suffice. No qualified gear or crew will be sent to the North Coast because of the amount of time it would

take to return and await the next possible call? We should not stand for that. Areas that are vast and remote should never be told that we're less important to provide assistance to. In not so many words, that's exactly what happened in Burton's tragedy.

And all of that, I did want to share something that was an enlightening moment yesterday that I believe will begin to bring some closure. The exact moment when DND representative said the idea of sending additional crew was not discussed but it was possible, more could have been done to help with the search.

In any healthy relationship or marriage, there's always going to be give and take to help that relationship through. Both parties will need to learn from their faults or take responsibility, when needed, to continue moving forward, if it's worth it. I hope – and I'm sure that we all here hope the same – that the relationships between these agencies involved are able to better strengthen and enhance the relationships moving forward.

From the past 9½ years, so many individuals and groups and communities came together to help push for answers, and we could not have been here without every single person that was touched enough by Burton's resilience to help.

Thank you for your rallying and your beautiful words and your support. And some as far away as they were, but especially to our local people and all of Nunatsiavut. We still feel that love and we hold on to that today.

Thank you.

THE COMMISSIONER: Thank you very much, Natalie. Thank you to the family. Thank you –

T. WILLIAMS: I'm just going to check, Mr. Commissioner –

THE COMMISSIONER: Counsel.

T. WILLIAMS: – if anyone else has – I'm not sure we discussed this morning. Is there anybody – other members of the family that would like an opportunity to come forward to

have a comment prior to our close of proceedings here in Makkovik?

E. WINTERS: (Inaudible.)

T. WILLIAMS: Okay.

For the record, just so that – I know we don't have a visual camera here – this is Edna Winters, Burton's grandmother.

E. WINTERS: Nakurmiik. Thank you.

I haven't prepared anything and it's been very difficult through the process, as it has been since my grandson was lost. But I want to thank the panel for starting this process, Commissioner.

As Natalie had said, my grandson, he walked through a storm. He never survived the storm, but that storm continues until we set up a process that will enable people to have the support and the services they need. It's wonderful to see that this process has started and that we will be working together to sort out all those grey areas so that the best outcome is for families in future who are put into the same situation that we had to face.

And as Natalie had said, we are very grateful to all the people who have, over the years, continued to provide support and the love that they share with us through our loss. And for all of those other people who have had to go through the same, we reach out to them as well. And I hope that looking at all of these things and hearing everything that was said through this week for all the parties involved, you don't just look at the policy and the grey areas; that you realize that you have to work together for this system to work better.

I thank you all for everything that you are doing, Commissioner, and everyone else here and all those people out there. Burton didn't just affect us; he affected the world.

Thank you.

T. WILLIAMS: Thank you, Edna.

I don't know if there's any of the other family members wish to speak.

Okay. If nobody else wishes to speak, Mr. Commissioner, that would be all the comments we'd have from the family. Thank you for providing the opportunity.

THE COMMISSIONER: Well, thank you very much.

I think we've seen grace, strength, resilience; we've seen thoughtfulness. I think these are the great qualities of Inuit demonstrated today. But there are two other emotions as well that we have to recognize; one is sorrow, the sorrow that we can never appreciate the family has gone through. And we, of course, can share that, but we can never go through that depth of emotion. The other is the expression of guilt, but how – and that was said by everyone who has taken part in the searches, by the police, by the community, by the family and by others who were a part of this.

But you do get some lessening of the guilt by hearing someone forgive you. And I believe that through these actions, from what we've heard, there have been expressions of forgiveness and that will go a long way, even though we're simply a commission, in dealing with some of your personal burdens that you have to bear. You've expressed remorse, but you also have someone on the other side who is willing to say that we can start healing ourselves if we forgive.

It will take a long time to heal the pain, but I think, as already mentioned so wonderfully by the family members, that process, even after all this time, has begun.

We're grateful, as mentioned, as Mr. Budden has pointed out and all the lawyers have pointed out, for the strength from this community, the strength that you have. We're not finished our work, but we'll certainly take everything that you've said into account in writing our reports, which is for the benefit of other people who may run into the same kind of problem.

So for this stage of the inquiry, I'll ask the clerk to close it down, but we will continue. You can keep track of us. And maybe, Mr. Budden, I should ask you to remind the public whether they have any additional role to play in further information to be given to the commission.

G. BUDDEN: Yes, if any member of the public or any organization wishes to contribute to the work of the – of this Public Inquiry – and that can be done not just by appearing in public like this – the terms of reference, which are at tab 1, speak of submissions and meetings and so forth. So we are open, very open, to input from the public, whether it be by email or something more formal. So just a reminder that it is a public inquiry and very interested in feedback from the public about these important issues.

Is that – anything you wish me to add to that, Mr. Commissioner?

Thank you.

THE COMMISSIONER: Thank you.

Go ahead, Marcella.

CLERK: All rise.

This commission of inquiry is concluded for the day.