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The Role of the Commission Secretary

*David M. Grenville**

1. INTRODUCTION

Royal commissions of inquiry are generally set up to address an urgent public concern that is almost certainly politically sensitive. The task that they are given to do is not an easy one, and they are expected to deal with it competently, economically and, above all, expeditiously. Inevitably, some controversy will be generated by their activities as they operate under intense public scrutiny. There are, in fact, two kinds of inquiries: one is the quasi-judicial investigation which has as its purpose to establish the facts and to determine whether any act was contrary to the law or the public interest, or in the case of an accident, could amount to negligence; the other is the consultative inquiry which seeks the best informed opinion in a particular area of public concern so that it may analyse the options and make policy recommendations to government. The investigative and the consultative inquiry are organized on rather different lines and operate in different ways. When one commission combines both functions, as did the Royal Commission on the Ocean Ranger Marine Disaster, it faces some interesting problems.

No two royal commissions are alike, but they do have more in common than may be immediately apparent. It is not generally appreciated by the public that a royal commission is an organization established solely for the

* Commission Secretary, Ocean Ranger Inquiry

purpose of conducting the inquiry and that it has a strictly limited life. A staff must be recruited, offices found and equipped and a plan, a schedule and a budget prepared before the commission can come to grips with the job it has undertaken. In the circumstances, it would seem reasonable to expect that the government which sets up a royal commission should, in the initial stage, provide it with considerable practical assistance and advice. That such advice and assistance is likely to be minimal is no doubt due to a proper concern that the traditional independence of a royal commission be safeguarded.

Harry Wilson's admirable handbook, *Commissions of Inquiry: A Handbook on Operations*,¹ is an essential reference and provides guidance on policy and precedent, as well as on organization and structure. It does not, however, attempt to deal with many of the special administrative problems encountered by most commissions. As Wilson notes:

The chairman of a commission is the deputy head under the appropriate Minister and as such is the chief executive of the commission. Under him, it is most important that a well-qualified executive officer (whether called executive director, executive secretary or by some other title) be appointed to assist the commissioners and to guide the day-to-day operations of the commission.²

As anyone knows who has managed an enterprise, it is easier to analyse the management process in the context of what had to be done and how it was achieved, than to attempt a series of generalizations. I wrote a report at the conclusion of the Ocean Ranger Inquiry which highlighted some of the administrative problems encountered by that particular commission and the solutions which we adopted. The report was written while events were still very fresh in my mind in the hope that it would record a few useful hints to others travelling the same road and that it would indicate areas in which more might be done to facilitate the work of future commissions. I have drawn freely on that report to illustrate the role of one particular commission secretary.

2. THE DISASTER

Early on the morning of February 15, 1982, the semi-submersible drilling unit *Ocean Ranger* capsized and sank on the Grand Banks, 170 nautical miles east of St. John's . . . The entire 84-man crew was lost in this disaster. Of the 69 Canadian crew members, 56 were residents of Newfoundland and the shock wave created by the loss was felt particularly throughout that province. In that tightly-knit maritime community there were few who did not discover a link, direct or indirect, to one of those lost in the tragedy. The inquiry by this Royal

1 H.A. Wilson, *Commissions of Inquiry: A Handbook of Operations* (Ottawa: Privy Council Office, 1982).

2 *Ibid.* at 13.

Commission is therefore of unusually deep concern to Newfoundlanders. It also has important implications for the rest of Canada and for other maritime nations engaged in the search for offshore oil and gas.³

This brief extract from the Commission's first report describes the situation with which both levels of government were confronted.

A major marine disaster had occurred with heavy loss of life and the majority of those who perished were Canadians, mostly Newfoundlanders. The complications were that the rig, the largest of its kind in the world at the time, was generally considered to be unsinkable; that it was a United States registered vessel which sank in international waters while drilling for a Canadian oil company; that the rig was operating under separate permits issued to that company by the Government of Canada and the Government of Newfoundland; and that the two governments were locked in dispute, at that time, about which of them had jurisdiction over offshore hydrocarbon resources. A year earlier, another semi-submersible had capsized in the North Sea with the loss of 123 lives. Public confidence in the safety of this relatively new industry was shaken. Other drilling rigs were still operating offshore. The public wanted to know without delay why the *Ocean Ranger* had capsized and sunk, why none of the crew had been saved and how other similar disasters could be avoided.

3. THE INQUIRY

Both levels of government had a very hot potato on their hands. Each moved rapidly to establish royal commissions to investigate the loss and to inquire into the safety of offshore drilling operations. In response to public pressure, however, the two governments decided to amalgamate them and a joint commission was set up in March 1982. The federal-provincial nature of the Commission's constitution was unprecedented and it gave rise to some unusual administrative problems. Its two-part mandate also provided an unusual challenge.

The first part of the Commission's terms of reference was essentially a judicial inquiry to establish the facts and to determine the cause of the disaster; the second part called for an examination of the processes of the design and construction of rigs, of the management of operations and of the nature of regulations that directly or indirectly promotes the safety of drilling off eastern Canada. The casualty investigation required the Commission to gather extensive technical and other evidence which was then presented and examined by counsel before the Commissioners at a formal quasi-judicial

3 Royal Commission on the *Ocean Ranger* Marine Disaster, Report One "The Loss of the Semisubmersible Drill Rig *Ocean Ranger* and its crew" (Ottawa: Supply and Services Canada, 1984) at iii.

hearing. The inquiry into offshore safety required the Commission to assemble a data base, to validate it and to seek advice and suggestions for improvement from knowledgeable persons in government, industry and universities.

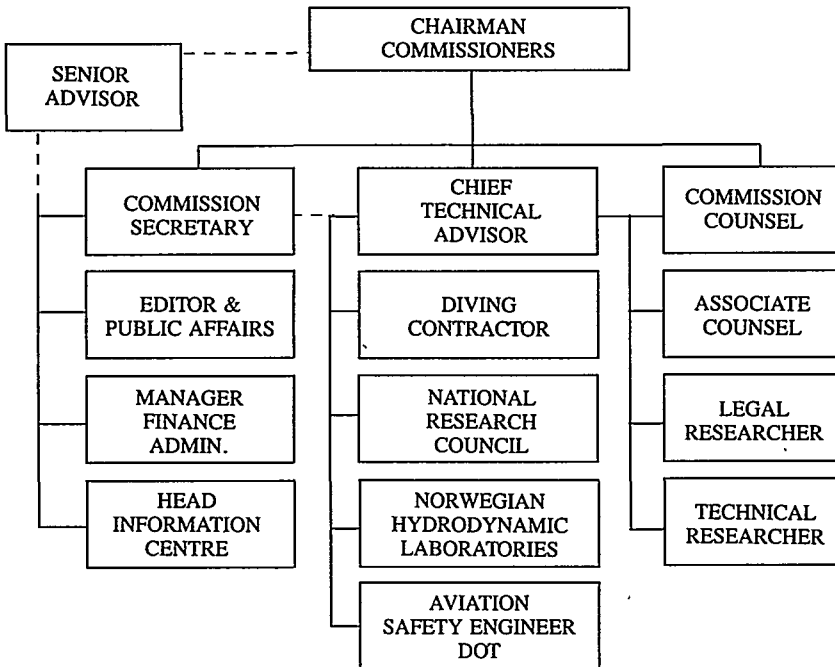
4. ORGANIZATION

Following their decision to set up a joint commission, the governments of Canada and Newfoundland then agreed to its terms of reference and entered into a memorandum of understanding with respect to the principles that would govern its administration and operations. The essence of this agreement was that the two governments would approve its budget and share equally in the costs of the Commission, but that it would operate on a single point budget system in accordance with federal administrative and financial policies and procedures. This meant in practice that, on all administrative and financial matters, the Commission dealt directly with the Privy Council Office, which in turn was responsible for dealing with the Newfoundland Department of Justice in respect of matters covered by the memorandum of understanding. During the initial six month period, however, communication between the two governments with respect to the finances and operation of the Commission was constrained by the political climate at that time and serious misgivings were expressed by Newfoundland ministers about the manner in which the Commission was perceived to be operating. In practice, the Commission thereafter also kept the government of Newfoundland fully informed of its financial position and of any changes made to its plan and schedule. It continued, nevertheless, to seek prior approval only from the government of Canada, in accordance with the agreed procedure, for proposed actions and expenditures.

When the two governments had agreed on the constitution of the Commission, they then appointed the Chairman, the Vice-Chairman and the four other Commissioners, three being nominated by each level of government. The Chairman recommended for appointment the Commission Counsel and, because of the scale of the inquiry, an Associate Counsel who temporarily undertook the administrative aspects of setting up the Commission pending the appointment of the Commission Secretary who was not appointed until the beginning of June, three months after the establishment of the Commission (see Figure 1). The Chief Technical Advisor to the Commission, a British naval architect resident in the Isle of Man, was appointed in April. During those first three months, an outline plan, a general schedule and a preliminary overall budget estimate were prepared, and arrangements made through the Department of Public Works for leasing space in a downtown commercial office building to provide the facilities required by the Commission during its projected three year life. The move out of temporary space was made in July

and most of the department heads and key staff members were in place by September. These were the Manager, Administration and Finance, the Head of the Information Centre, the Editor (also responsible for Public Affairs), three senior secretaries (to the Chairman, Commission Secretary and Counsel), the accounting clerk and the supervisor of the word-processing section. The Director of Studies, responsible for the Part Two study program, joined the Commission part-time in January and full-time in April 1983, followed shortly by the three study managers who reported to him.

FIGURE 1
Royal Commission of the Ocean Ranger Marine Disaster
Organization Chart — Part One Inquiry



A commission's ability to meet its terms of reference in a competent and professional manner depends to a great extent on the calibre of the staff it attracts. Because a royal commission has a high profile, it can offer a challenge, unusual experience and the prospect of an enhanced reputation to those who work for it successfully in whatever capacity. These aspects would have to be the major motivation for those who join its staff as the rates of remuneration which a commission can offer are only marginally higher than those paid routinely within government and less than the comparable levels of remuneration in the private sector. Indeed, working for an inquiry is not on the

career path for certain of the key people whose specialized experience, knowledge and proven skills are urgently required if a commission is to meet its objectives in a credible manner and within a reasonable time. For these reasons it may prove necessary to bring such persons in through secondments or through special contract arrangements when their services are required on a full-time basis for an extended period, or in an advisory capacity if their contribution can be made on a part-time basis. It proved possible to recruit high quality staff for the Ocean Ranger Commission almost entirely from within Newfoundland by means of advertising and by personal reference. The cost and difficulty involved in bringing candidates in from other parts of the country provided a strong incentive to canvass local sources. In the final analysis, it was only necessary to recruit two individuals to the Commission's staff from outside Newfoundland: one from Calgary and one from Ottawa, since their specialties were not available within the province.

The Commission's Chief Technical Advisor, whose role was critical to the effective conduct of the Commission's Part One investigation, did not reside in Newfoundland. The decision to appoint a resident of the United Kingdom to this important position was made on the recommendation of the government of Canada and was prompted by his outstanding international reputation as an expert witness in the field of marine loss investigations. In that capacity, he was responsible for directing the Commission's technical investigation and for advising the Commissioners and Commission Counsel with respect to the technical evidence. Although the outcome of the Part One investigation was successful and the technical work carried out for the Commission was acknowledged to be of a high standard, the process of achieving it was complicated by not having this key individual available in person for consultation, except on an occasional basis. The difficulties that were encountered, which led to delays and misunderstandings, would undoubtedly have been ameliorated if the Chief Technical Advisor to the Commission had been resident in Canada, preferably in Newfoundland, and if the person who actually held that appointment had instead been retained in a more clearly defined consultative capacity.

An important factor affecting the organization of this Royal Commission was its location in St. John's, close to where the disaster occurred on which its work was focussed but further away from Ottawa than any other major federal commission had ever operated. This was a significant disadvantage during the initial stage as the constraints of time and distance imposed practical limitations on personal contact at the staff level between the Commission and federal officials in Ottawa just when the learning curve was at its steepest. A deliberate emphasis by the Commission from the outset on the development of a high quality communications system mitigated this problem substantially, but never wholly removed it. Although the Commission recruited an administrative officer on secondment from the Department of Public Works'

Newfoundland Regional Office during the initial phase, his lack of familiarity with the Ottawa scene was a negative factor, notwithstanding the very positive contribution that resulted from his excellent contacts at the local and Atlantic Region levels.

Despite the effective support that was given by the Privy Council Office, some of the Commission's problems during its first year would probably have been substantially reduced if an administrative officer could have been found who had some Ottawa experience in the federal system and a current connection. This became evident when the very successful arrangement was subsequently made to second a science procurement manager, from the Department of Supply and Services' Science Centre in Hull, to manage the Commission's contracting operations for its Part Two study program. Liaison visits were made to Ottawa by Commission staff on a regular basis and, at the urging of the Commission, return visits were made to St. John's from time to time by officials from the Privy Council Office. These visits could, with advantage, have been more frequent during the initial phase when Commission staff were wrestling with innumerable start-up problems and too busy to leave the office.

There is no doubt that the decision to locate the Commission in St. John's was a wise one. At the time of the loss and in the political climate that existed then, it could hardly have been based anywhere else. Nevertheless, there were some additional factors related to its location that affected the Commission's operations. Travel in and out of Newfoundland is often unpredictable and the work of the Commission was sometimes hampered in a way that would not have occurred had it been based in central Canada. Also, as a result of its composition, its constitution and its location, the Commission was perceived by many to be a Newfoundland inquiry examining problems peculiar to Newfoundland rather than a national investigation with international ramifications. This was the response received when the Commission informed the government of Nova Scotia that it intended to conduct hearings in Halifax as its mandate called for it to inquire into the safety of drilling operations offshore in eastern Canada. Notice was given, in any event, of the Commission's intention to hold final hearings in both Halifax and St. John's, if warranted by the response received.

In the end, as a result of the broad scope of the Commission's consultative efforts, the international nature of the industry and the keen interest shown from many quarters in the work of the Commission, these locational difficulties were overcome. There is no doubt too that the increasing quality and reliability of teleconferencing facilities and other communications systems will progressively diminish disadvantages of location. Audio teleconferencing was used to some extent by the Commission to cut down on travel and consult rapidly, but an audio-visual teleconferencing system that could be easily used by all participants would have made a major contribution to the efficiency of the operation.

5. SUPPORT SERVICES

The activities in which a royal commission must engage, the constraints of time under which it must function and the pressure of public scrutiny under which it must operate make it essential that the necessary support services provided are of the highest quality. Information service is central to a commission's operations as it comprises the process of finding and acquiring, with the minimum of delay, information which is accurate, current and relevant to the requirements of commissioners, staff and consultants working for the commission. It also comprises the design and maintenance of a system for storing, searching and rapidly retrieving the commission's entire data base. This need was met for the Ocean Ranger Inquiry through an online computerized database, which was used to maintain a keyword index of the verbatim transcripts of the evidence presented at the Part One hearings and of submissions and reference material acquired during the second part of the inquiry.

All commissions undertake studies, retain experts and use specialized services of various kinds. Although they are allowed considerable latitude, because of their authority to select and engage persons, commissions must follow government procurement policies and procedures and display fiscal responsibility. Because their operations are under close and often critical observation, failure to do so may prove to be embarrassing and will in any event cause delay. Procurement and contract administration, therefore, needs to be conducted in a professional manner. It is generally believed that government procurement operations are very slow and inefficient. Accordingly, it is only natural that commissions usually seek to avoid delay by taking the short-cut and dealing directly with the Treasury Board. Although this is indeed the quickest way to proceed in certain instances, it can sometimes take much longer than using the procedures and processes that govern the operations of the Department of Supply and Services. It was the experience of the Ocean Ranger Commission that a Department of Supply and Services science procurement manager seconded to the Commission's staff, but retaining his Department of Supply and Services authority and status following their procedures, could achieve rapid and satisfactory results. This same result could have been achieved without a secondment, if the volume of contract work was less, by a designated officer within the Department of Supply and Services to provide the required service by assignment, so long as he worked closely with commission staff.

It is probably a normal aspect of any royal commission that it is attempting to achieve a great deal in a very short time. This means that the office staff have to be competent at their jobs, highly motivated and able to function with minimum supervision. They should be backed up with the best available word-processing, reprographic and communications equipment to assure

maximum productivity. An efficient mail and messenger service is vital. A well managed office will be supported by alert and sensitive personnel who can recruit the right kind of staff and then look after them properly. This objective entails working out a sensible way of operating within the Public Service pay plan, administering salary policy carefully and learning how to come to terms with the government personnel classification system in the context of the special requirements and time horizon of a royal commission.

An effective finance and control system geared to the needs of the commission is a vital support service. A commission must be able to ensure that members of its staff are paid promptly and that its bills are settled expeditiously. It has to prepare credible budget estimates, obtain funding approval, record commitments, monitor expenditure and forecast actual costs at the end of a period. Unless it can do these things, the commission cannot manage its operations responsibly and it will lose credibility with its staff, within government and with the public. Its activities are subject to annual audit and, if that process reveals irregularities, the commission's reputation may be damaged. It is in the area of financial procedures and cost control that a new organization needs urgent help in the initial stage. A simple management information system for monitoring and controlling costs must be put in place from the outset. The standard federal government monthly cost report did not meet this need in the case of the Ocean Ranger Inquiry, and probably still does not. A commission perceived not to be in control of its expenditures is quickly subjected to public criticism.

6. PUBLIC INFORMATION

All inquiries attract public interest and none more than those concerned with disasters. Because of the intense regional public concern about the work of the Ocean Ranger Commission and the nature of its mandate, it was essential to develop a good working relationship with representatives of the media and to facilitate their task where possible of reporting the public hearings and the progress of the investigation. A staff member with experience in this field was appointed to act as spokesman on a routine basis, combining the role with that of Editor. As the Chairman of the commission was a judge, he preferred to have the Commission Secretary respond where controversial issues were involved. The other Commissioners and members of the staff did not make public statements on behalf of the Commission.

The Commission's terms of reference and the practice and procedure rules for the hearings were printed and distributed to the media and interested public. Press releases were issued to inform the public of new developments in the Commission's work and formal statements were made by the Chairman at regular intervals to report on the progress of the work and the status of the inquiry. As the Commission was located in Newfoundland and dealing with

the international oil industry, its work was carried out entirely in English. Nevertheless, any material that was published formally was, of course, made available in both official languages. Arrangements were also made to provide simultaneous translation facilities at the hearings if required.

7. PART ONE PROCESS

The Commission faced a daunting task in the first part of its inquiry. There were no survivors from the *Ocean Ranger* to give first-hand evidence about the cause of the disaster. The wreck of the drillrig lay upside down on the floor of the Grand Banks at a depth of 255 feet, with the superstructure crushed into the seabed. The Commissioners decided

[T]hat the investigation of the loss of the *Ocean Ranger* and its crew should go beyond the realm of acceptable conjecture or reasonable deduction based upon circumstantial evidence. It should endeavour through scientific investigation to determine why in fact the *Ocean Ranger*, alone of the three rigs on Hibernia, capsized and sank during a severe winter storm.⁴

The decision to secure detailed technical evidence led to a major program of technical investigation and study which was certainly one of the largest and most complex of its kind ever undertaken in Canada.

One of the Commission's first actions was to award a contract for an underwater examination of the rig. This difficult and hazardous operation resulted in the successful recovery of portholes, the ballast control panel, related electrical equipment and a great deal of technical data about the condition of the wreck. Extensive analysis of this data and testing of the equipment recovered during the dive was then undertaken, along with a comprehensive program of model tests. These tests were carried out jointly by the National Research Council of Canada in Ottawa and the Norwegian Hydrodynamic Laboratories in Trondheim. As the Commission's report noted, this extensive use of model-testing as an investigative tool to examine the behaviour of a mobile offshore drilling unit was unprecedented. All the reports on the technical investigations undertaken were formally introduced as evidence at the public hearings. The results of these studies, together with the evidence of more than one hundred witnesses, enabled the Commission to reach conclusions beyond reasonable doubt as to the causes of the loss of the rig and its crew.

Although it would have been preferable to defer the commencement of hearings until the investigation had been completed and all the evidence could be presented coherently, it was not practicable to do so because of the intense

public concern and interest in the inquiry. This was compounded by publicity about the United States Coast Guard and the National Transportation Safety Board hearings held soon after the disaster, and a perception that these agencies were already getting to the root of the problem. For this reason, the Commissioners were understandably anxious to start the process expeditiously and they decided to begin their hearings in late October 1982. The Commission was, therefore, faced with the monumental task during that summer and fall of assembling a staff team, setting up offices, agreeing on and arranging for the diving operation and technical investigation to get underway, interviewing potential witnesses, assembling documentary evidence and planning the Part One public hearings. It was the responsibility of the Commission Secretary to co-ordinate and administer these activities in close consultation with the Commission Counsel.

Counsel to the Commission was responsible for assembling all the evidence and for introducing it before the Commissioners at the public hearings. He was assisted in the analysis of it by the Commission's Chief Technical Advisor who directed the technical investigation. While this work progressed, the organization of the hearings proceeded in parallel. Practical and Procedure Rules for the Inquiry were drawn up and published. A notice was issued inviting Applications for Standing. Suitable premises were identified at which to conduct the public hearings and arrangements were negotiated for their use.

The nature of a commission's requirements for hearing facilities will depend greatly on its mandate, but the process followed by most inquiries involves some type of public hearing. These may be relatively brief and in a variety of locations or they may be held in one place over a protracted period. In the case of the Ocean Ranger Commission, the Part One hearings took 89 days spread over 17 months. It was necessary, therefore, to acquire the use of a facility which was adequate for the Commission's purposes and which could be controlled fully while in use. The kind of facility required was one that was accessible, appropriate as the setting for an inquiry into a major disaster and large enough to accommodate Commissioners and staff, witnesses, counsel for the many interested parties, official observers, representatives of the media and members of the general public. A large church hall was eventually found that met these criteria and a lease was negotiated that reconciled the Commission's unusual requirements with the operation of a multi-use community facility.

Because of the technical nature of much of the evidence, the large number of participants involved in the hearing process and the expectation that it would be of long duration, a special video system was designed and installed in the hall to permit the display, over a back-projection screen and high-resolution television monitors, of documents, charts and maps, photographic material, film and video tapes. A high-quality audio system with an integrated recording capability was also installed, together with carpeting and

sound baffles to improve the acoustic properties of the hall. Radio journalists were provided with a connection to this system so that they could record parts of the proceedings themselves if they wished. The existence of a mezzanine balcony in the hall allowed the Commission to permit television coverage of the hearings while they were in progress without distracting the participants, which also contributed to the excellent reporting of the hearings that occurred. It was clear that the investment in these special systems was amply justified by the increased efficiency of the proceedings and by the consequent saving in time and overall cost.

8. ADVISORS

The nature of the disaster made it essential that the results of the inquiry should have international credibility. Accordingly, it was recognized from the outset that the Commission should seek the advice and help in its work of the most knowledgeable and respected people in the fields in which its investigation was to be undertaken. This policy was followed during the Part One investigation of the casualty in the selection of technical consultants and expert witnesses. In planning the Part Two inquiry into safety offshore eastern Canada, it was decided to undertake, initially, a program of state of the art studies which would be carried out for the Commission by consultants. A small group of advisors reviewed and validated the study plan. This initial group was subsequently expanded into four advisory committees, composed of individuals with particular expertise in the key fields covered by the studies. These committees assisted in the selection of consultants, reviewed the work done and suggested how best to arrange for it to be checked independently by reference to other recognized experts.

Once the initial work of these committees was completed, they became inactive as groups, but individual members were consulted further as necessary. In particular, the chairmen of the four committees, each distinguished in his field, and the Commission's Senior Advisor, a well-known Canadian scientist with extensive international experience in the management of research, worked very closely with Commissioners and staff in the development of the final validation of this work. This was achieved through the consultative process which took place during the course of half a dozen seminars and a major international conference organized by the Commission for the purpose. A number of advisors subsequently prepared draft material which was used as a basis for chapters in the final report, as well as providing constructive criticism during the process of reviewing the report in various draft stages. Their participation in the work of the Commission enhanced the quality of the end product and added greatly to its credibility. Through its advisors, the Commission was able to reach and canvass the views of many

influential persons who were, in the final analysis, in a position to respond to the recommendations which it made.

9. PART TWO PROCESS

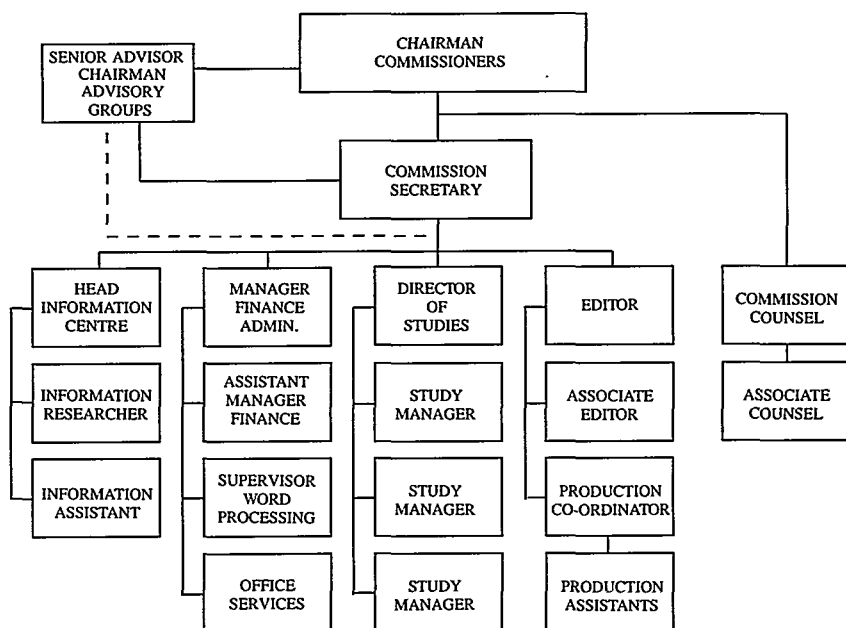
As previously noted, the Part One inquiry into the loss of the *Ocean Ranger* was quasi-judicial in nature. Witnesses gave evidence on oath and were examined by counsel in a formal setting before the Commissioners. The Part Two inquiry into safety in eastern Canada offshore drilling operations called for accurate, current information to be assembled about how those operations were being conducted and for opinions and suggestions to determine whether and how improvements should be introduced. Because of the complexity of the Part One technical investigation and the consequent length of the hearings, it became apparent fairly early on that it would be necessary to embark on the Part Two inquiry before Part One had been concluded. This involved some changes in attitude, mode and organization midway through a difficult process. While the adversarial, legal procedures of the inquiry into the loss of the *Ocean Ranger* were being pursued under the direction of Commission Counsel, the information gathering, consultative process of the inquiry into offshore safety was launched by the Commission's Director of Studies (see Figure 2). These two streams of activity were in many ways complementary and mutually supportive. They had to be closely co-ordinated and yet perceived to be separate activities with somewhat different goals.

It was decided at the outset that the goal of the Part Two investigation would be to identify practical means of improving the safety of offshore operations. The prerequisite to achieving it would be to undertake the necessary inquiry in such a way as to reassure informed opinion that the information assembled was credible; steps would have to be taken to arrange for a sufficiently wide range of views to be canvassed; and it would be essential to ensure that the conclusions reached following investigation and consultation were defensible and realistic. It was felt that recommendations based on such conclusions were likely to be regarded as practical and to command respect.

The best way to be confident that information is credible is to make it freely available for examination and reaction. If it proves to be sound when tested, then the material is strengthened by the process. Should inaccuracies be identified, the Commission will have been warned. In the Part One inquiry, the information on which the Commission based its findings (including the results of studies and test programs undertaken for it) was all tested in this way by being made public formally as evidence which was then subject to examination and challenge. In Part One, the issues were defined, the goal was to arrive at the reasons and causes for the loss and the interests of the parties directly concerned were clearly identified. The Part Two goal, of contributing to improvement in the safety of offshore drilling operations, involved reach-

ing conclusions about how to do things better. This was not a matter of fact but of opinion. A consultative process was the approach most likely to yield the highest common factor rather than the lowest common denominator. In Part One, there were parties of interest with formal standing and the right to be heard. In the Part Two inquiry, there were only interested parties defined as being any party able to contribute to the consultative process or who may have a direct and substantial interest in the recommendations of the Commission.

FIGURE 2
Royal Commission on the Ocean Ranger Marine Disaster
Organization Chart — Part Two Inquiry



The information base for the Part Two inquiry and the Commission's final report consisted of the Part One Report and the evidence given before the Commissioners; the results of the Part Two study program; submissions received from interested parties; and the results of the consultation process related to each of these. The consultation process was perceived as being progressive: private in the initial stages and eventually public. It began in March 1983 with a small seminar of invited experts from government, industry and universities. This group reviewed the draft Part Two Study Plan and suggested the establishment of Advisory Committees to assist the Commission with the implementation of this program.

This program was carried out by consultants and study teams to provide a concise but comprehensive review of the state of the art in the main areas of

concern. Twenty-four studies were undertaken over a two-year period in four principal areas: environment, design, safety and training and regulations. The views expressed and the conclusions reached in these study reports were those of the authors. They represented input to, rather than the output of, the Commission. As the draft study reports came in, they were subjected to an internal review process. When a report containing an analysis of data and conclusions was judged to be of an adequate standard, it was then sent for critical assessment to an external expert or experts of equal standing to the author of the report. This peer review process was also applied to submissions received from interested parties. It was at that stage, when all the studies and submissions were complete and reviewed, that the Commission was ready to begin public discussion of the subject matter covered by this material. In accordance with the procedure already adopted for the Part One inquiry, interested parties were then afforded access to all of the documents that were relevant to such a discussion so that they could make an informed contribution to it.

An inquiry of this nature always faces the problem of whether and when to accept that the information gathered is sufficiently accurate, current and comprehensive to form an acceptable basis for conclusions and recommendations. The world does not stand still to be studied and the very process of an inquiry stimulates awareness of inadequacies and change. New practices are introduced and sensible improvements are adopted while the inquiry is still going on. A commission must keep this moving target in its sight and devise the means for validating its data base in a convincing manner shortly before it cuts off the study and consultative process and writes its final report. A number of seminars were, therefore, held during this closing phase to focus expert knowledge and opinion in several key fields and to update studies and fill gaps in the data base. Arrangements were also made for final hearings related to the safety of offshore drilling operations.

As this Part Two process was drawing to a conclusion, the Commission's Part One Report was nearing completion. It had been apparent for some time, due to the protracted nature of the Part One investigation, that these two streams of work would come together at about the same time and that the transition from Part One to Part Two would require skilful handling if anticlimax was to be avoided. Commissions are normally wise to avoid interim reports, however intense the pressure may be for some quick answers, because of the risk of having them treated as a final product in spite of the stated qualifications to the contrary. In the case of the Ocean Ranger Inquiry, after a major investigation extending over a two-year period, it would have been unacceptable to delay the Commission's report until the Part Two process had also been completed. It was decided, therefore, to submit a report on the Part One inquiry as soon as it was ready. The Commission could then switch its whole attention to the Part Two inquiry and to its final report.

It had become clear by the late fall of 1983 that the Part One Report was unlikely to be ready for submission to government until the following summer. Plans had to be made for public hearings for the Part Two inquiry and the question to be resolved was what form these should take. The formal hearings related to the loss of the drillrig and its crew eventually extended over 17 months and were finally completed in late March 1984. Some way had to be found to seek public consultation in Part Two that would highlight the different process being followed and the non-adversarial nature of the proceedings. Because of the specialized and technical nature of much of the subject matter pertaining to the safety of offshore drilling operations, it was clear that discussion of it would have to take place before the Commissioners among knowledgeable persons qualified to assess and challenge the views of other experts. A conference would provide a formal, but non-adversarial, setting in which it would be possible to stimulate debate by experts on the basic issues and questions which the Commission had to address and to illuminate possible new directions and opportunities for improvement. Its purpose would be to assess the information base and conclusions assembled for the Commission by its staff and to seek a broad consensus on the nature of any practical suggestions offered to the Commission for improving the safety of offshore drilling operations. After intensive discussion within the Commission, it was decided that a logical extension of the peer review approach adopted for validating the Part Two study reports would be to convene such an international consultative conference to consider, against the background of the Part One findings, the conclusions reached in those reports, in the proceedings of the seminars and in any submissions received.

Arrangements were made to hold the Conference on Safety Offshore Eastern Canada at Memorial University of Newfoundland in mid-August 1984. The conference, scheduled to last for three days, was organized by a small staff team working with the Commission Secretary. Co-ordination and policy direction were provided by a conference organizing committee chaired by the Vice-Chairman of the Commission. Representatives of the federal and provincial governments, the offshore petroleum industry and the University were members of this committee and contributed to the planning of the conference. The Chairman of the Royal Commission and the Commission's Senior Advisor acted jointly as General Chairmen of the Conference. Session Chairmen were distinguished Canadians drawn from government, industry and university. Keynote speakers were selected from among the leading international experts in the fields of environment and design, man/machine interface, emergencies and the regulatory system. Each delegate was personally asked by the Commission to participate in the Conference because of special knowledge and experience in one or more of the key areas that affect safety offshore eastern Canada and attendance was limited to approximately 200 persons from the world community concerned with the offshore oil and gas

industry. The Commission's Director of Studies and his staff acted as rapporteurs for all the sessions. They subsequently prepared the Conference proceedings, circulated soon afterwards to all participants for comment, which provided a very valuable reference and source of inspiration to the Commission during the preparation of its final report.

As matters turned out, the Commission's first report was submitted to government in mid-summer 1984 as planned and it was subsequently released to the public just ahead of the Conference. The favourable reception accorded the report, the publicity generated by its release and the availability to the participants of the Commission's Part One conclusions and recommendations ensured the success of the Conference. It had always been planned that the Part Two inquiry would conclude with public hearings at which individuals and public interest groups could make their views known to the Commission. Hearings were scheduled to be held in Halifax and St. John's in the fall of 1984, but it became clear that all who wished to had already approached the Commission to convey their views and it only proved necessary to hold one final brief hearing in St. John's to complete the Part Two consultative process. All that then remained was to write the final report.

10. THE REPORT

The report of a royal commission is its principal visible product, apart from the studies undertaken for it, which may also be published. An attractive and readable report is more likely to reach and influence the audience for which it is intended than one which is poorly presented and written. Accordingly, it is essential to devote attention and resources at an early stage to planning the report and to its design and production, recognizing that it is too late to do so in the closing stages when the pressure of the schedule has become intense.

A royal commission's report is submitted to the Governor-in-Council and the format, mode and timing of its publication is a matter for government decision. In practice though, the government will probably accept the commission's reasonable recommendations with respect to publication and delegate to it the responsibility for implementing them. Although the commission is reporting to and advising the government, what it has to say is likely to be of interest to others who would be affected by its recommendations if they were to be adopted.

A commission must therefore decide what kind of a report it intends to write and who is likely to read it. In the case of the Ocean Ranger inquiry, it was clear from the start that the report would be studied by a broad international audience in government, industry and universities interested in, or involved in, some aspect of the offshore petroleum industry. The report would therefore need to be written in language to be understood easily by the general

public, clearly presented, well illustrated and supported where necessary with technical appendices to meet the needs of the more expert reader. A graphics designer with a background in engineering and offshore operations was retained to prepare a design guide for the report and to plan its eventual production. This individual subsequently acted as production co-ordinator and led the production team, which consisted of two editorial assistants and one technical assistant.

The Commission Secretary had overall responsibility to the Commission for the writing and production of the report. The Part One and Part Two reports were different in content and style. Report One was a presentation of factual evidence and of the Commission's findings, while Report Two presented an analysis of the processes affecting the safety of operations on which the Commission based its conclusions and recommendations. In Part One, the Editor and an assistant attended the hearings, prepared summaries of the evidence and proceedings and, between sessions, began to write draft material to be used as a basis for Report One. A preliminary table of contents was approved by the Commission at an early stage of this work, which provided the framework on which the first draft of the report was based. As working draft chapters became available, the Commissioners received them for comment and considered at Commission meetings the matters of significance in them that required policy decisions. It was at this stage of the process that the computerized data base maintained by the Commission's Information Centre provided most valuable. As all the proceedings of the Commission at its public hearings were indexed daily by keywords, verifying points of evidence was quick and simple because of this system.

The final draft of Report One could not, however, be developed until the Part One investigation and public hearings had been concluded. After this occurred, it took a further three months to bring the text to the point at which the Commissioners were prepared to give it their final approval. Throughout this period, work was proceeding in parallel on the editing, production and translation of approved material. Once the complete text had been approved, the production team moved to Ottawa and worked closely with the Government Printing Office to produce the report in final form. This was done by early August 1984 and submitted to the governments. It was thus possible to publish the English edition of the report just ahead of the Commission's offshore safety conference. The French edition, by special dispensation, was published a month later.

In the preparation of Report Two, a number of individuals judged to be highly competent, knowledgeable persons of recognized intellectual ability were selected (mainly, though not exclusively, from among the Commission's existing advisors) and, following a briefing meeting with all the Commissioners, each was invited to prepare a working draft of a particular chapter. When this draft had been completed and submitted for review, a further meet-

ing took place at which the Commissioners discussed the draft, passed on their comments and suggested how the draft might be amended. When the revised working draft had been accepted, all further work on that chapter was done within the Commission. One Commissioner was delegated the responsibility for providing direction to the editorial group, which was composed of Commission staff members who undertook the process of revising the material through a series of further drafts and for approving the final draft on behalf of the Commissioners.

The Director of Studies was responsible to the Commission Secretary for assembling the data base and presenting the key issues for each section of the report; for providing information and support to writers preparing drafts of chapters and for critically reviewing the resulting material for accuracy and validity; for developing and refining the Commission's final conclusions and recommendations and for presenting them in a draft concluding chapter. He also reviewed critically the summaries of seminar and workshop proceedings, selected study reports, the conference proceedings and other supporting material included in the final report, besides advising the Commission on the content of the report. The Editor was responsible to the Commission Secretary for liaison with the Commissioners regarding the content, nature and structure of the report; for directing the editing of the text; for reviewing and preparing illustrative material for production; for processing written material through the various stages from word-processing to type-setting, mock-up, paste-up and printing; for translation and processing for production of the French edition; and for co-ordination of the writing and production schedule.

Reports One and Two were, respectively, 400 and 300 pages long, and the third and fourth volumes of the report, containing the report and seminar summaries and the conference proceedings, added a further 400 pages of text. This represented a significant publishing challenge and geography added a special dimension. The material was all prepared in St. John's, translation was done in Quebec City and the reports were printed in Ottawa. Text was mainly transmitted electronically, except for the concluding chapters of each report which were hand-carried. Proofs were exchanged and corrected via facsimile transmission. The Commission's production co-ordination team worked in the closest collaboration with the Government Printing Office from St. John's in the early stages of each report and then from nearby temporary quarters in Ottawa during the final stage of printing and binding.

11. CONCLUSION

It is acknowledged that in the gathering of information and views, a commission may well prefer to stay at arm's length from the government bureaucracy which is directly responsible for the subject matter of its inquiry. The experience of the Ocean Ranger Commission, however, was that the co-

ordinator appointed by the government to facilitate this process made a significant contribution to the efficiency of the operation, ensured that the data and views provided to the Commission had an official status and validation and made certain that inter-and intra-departmental differences were reconciled in advance. The relative openness of the information gathering process and the procedures used to obtain an independent verification of the material provided to the Commission ensured, so far as possible, that it was sound even if there were differences in viewpoints about how it should be interpreted.

A commission of inquiry is a race against time from start to finish and there is very little opportunity to learn on the job as progression through each of its stages provides fresh challenges of a different kind. The organizational pattern and policy approaches adopted at the outset will probably persist, therefore, throughout the life of the commission. As it is a relatively short-term enterprise, the tendency will be to live with a problem rather than risk change in the expectation of benefit which will accrue over time. For these reasons, it is obviously preferable to start out right and it is, therefore, at the outset that most good can be done in organizational and administrative terms. It is in this respect that governments can probably help most by providing sound and experienced support in the initial phase. This does not imply any infringement on the independence of a commission, but assistance in approaching a difficult task in a manner that will ensure a professional and effective operation within the framework of government administrative and financial policies and procedures that govern the activities of all commissions. The more efficient and productive that operation is recognized to be, the more credible the commission will be and the greater its eventual impact.

The role of the commission secretary is to orchestrate these diverse activities, to ensure that the commissioners are provided with an efficient organization able to provide them with sound advice and information on which good decisions can be based, and to produce a professional report. The way in which an inquiry is managed directly affects its credibility. The sole purpose of a commission of inquiry is to reach credible findings and to make recommendations to government which can form the basis for action to resolve a problem or to formulate new public policy. It is the commission secretary's responsibility to see that the commissioners are provided with the means to achieve that objective.