



COR/2019/06701

December 4, 2019

Dear Applicant:

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: TW/150/2019)**

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On November 5, 2019, the Department of Transportation and Works received your request for access to the following records:

*BNT/2019/0110 Meeting Note - Conair Aerial Firefighting (September 19, 2019).*

I am pleased to inform you that a decision has been made by the Deputy Minister for Transportation and Works to provide access to the requested information.

In accordance with your request, the appropriate record is attached.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*) (a copy of this section of the *Act* has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8  
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records

are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-5351 or by email at [ATTW@gov.nl.ca](mailto:ATTW@gov.nl.ca).

Sincerely,



**Angela McIntyre**  
ATIPP Coordinator

## Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

### **Direct appeal to Trial Division by an applicant**

**52.** (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

**Meeting Note**  
**Department of Transportation and Works**  
**Meeting with Conair Group Inc.**  
**Thursday, September 19, 2019, 3:00 – 3:30 p.m.**  
**TCII Boardroom, Main Lobby, 2<sup>nd</sup> Floor, West Block**

**Attendees:**

- Department of Transportation and Works
  - Hon. Steve Crocker, Minister
  - Sean Dutton, Deputy Minister
  - John Baker, ADM – Infrastructure
  - Eilanda Anderson, Executive Assistant to Minister Crocker
  
- Department of Tourism, Culture, Industry and Innovation
  - Hon. Bernard Davis, Minister
  - Charles Bown, Deputy Minister
  - Gillian Skinner, ADM – Regional Development and Diversification
  - Kara Connors, Executive Assistant to Minister Davis
  
- Conair Group Inc.
  - Matt Bradley, President & COO
  - Jeff Berry, Director Business Development
  - Craig Campbell, President, JPOM Canada
  - Robert Gosse, President, MG Investments

**Purpose of Meeting:**

- The meeting was requested by Conair Group Inc. to discuss opportunities for the province's firefighting fleet. The agenda presented by the organization is included as Annex A.

**Background:**

Conair Group Inc.

- Conair Group Inc. (Conair) is a Canadian company established in 1969 that employs over 330 people. Conair offers aircraft for purchase, lease or other contractual arrangements and specialized services including aeronautical engineering design, flight operations and aircraft maintenance related to aerial firefighting missions.
  
- As well, the company offers aerial firefighting services. The company flies 8,000 to 12,000 aerial firefighting hours with over 68 aircraft each year and has operations in Canada, the United States, France, and Australia. Conair's fleet of aircraft includes amphibious and land-based air tankers (i.e., water bombers), as well as smaller, "air attack" planes used in coordinating and directing aerial firefighting activities.
  
- Conair's clients have included:
  - British Columbia Ministry of Forests, Lands and Natural Resource Operations;
  - Alberta Sustainable Resource Development, Forest Protection Division;
  - Saskatchewan Ministry of Environment, Wildfire Management Branch;
  - Yukon Wildfire Management Branch;
  - Alaska Department of Natural Resources;

- Government of France, Ministère de l'Intérieur Direction générale de la sécurité civile et de la gestion des crises;
  - Air Tractor Inc.; and,
  - Wipaire, Inc.
- JPOM Canada is an independent consultancy whose services include government relations and business development representation. Both JPOM and MG Investments are required to register with the Registry of Lobbyists, on behalf of Conair.

### GNL Firefighting Operations

- The Department of Transportation and Works (TW) is responsible for the provision, maintenance and management of the Provincial Government's fleet of five CL415 water bombers.
- The Department of Fisheries and Land Resources (FLR) is responsible for the province's Fire Suppression Program. Program field delivery is provided using infrastructure established in FLR's regional and district offices, as well as the five water bombers operated by TW.
- FLR ground crews and equipment are located at 24 depots throughout the province. During forest fire season (May to September) water bombers are deployed such that each region has coverage.
- In addition to water bombers, FLR uses helicopters for initial attack of forest fires, as well as for rapid movement of firefighting personnel and equipment. TW is responsible for procuring helicopter services, and managing the resulting contract(s), on behalf of all government departments.
- Over the last five years, there has been an average of 111 forest fires per year and, of these, an average of 26 that required water bomber services. Provincial forest fire/water bomber statistics for the last five years have been included in Annex B.
- In September 2018 one of the province's water bombers sustained significant damage to the lower left hull during a firefighting operation. It is believed that, while performing a water scoop, the aircraft struck rocks hidden below the surface of the pond. Since that time, the Fire Suppression Program has been operating with four aircraft.
- The Government of Newfoundland and Labrador participates in the Canadian Inter-Agency Forest Fire Centre, an organization through which firefighting resources can be shared across jurisdictions when needed. Through this sharing agreement, TW/FLR can avail of additional water bombers at a cost and has done so in the past, when necessary.

### **Analysis:**

- In addition to a company overview, the meeting agenda provided by Conair includes the following topics.

#### Discussion of the French Q400MR Contract

- The Q400MR is a fixed wing, land-based air tanker that can deliver fire retardant, foam or water. Q400MR features include Pratt & Whitney PW 150A turboprop engines, maximum tank capacity of 10,000 litres, a loaded cruise speed of 370

knots, etc. In addition to aerial fire control, the aircraft is suitable for use in transporting passengers and/or cargo and is certified for landing on unpaved air strips.

- Conair France has supported France's Sécurité Civile for over 30 years, providing aerial firefighting and emergency response aircraft.

#### Discussion of the RJ85 Large Air Tanker Modifications

- The Avro RJ85 is also a fixed wing, land-based air tanker. Features include four engines, maximum tank capacity of 11,355 litres, a loaded cruise speed of 380 knots, etc.

#### Discussion on the Benefits of Privatization

- The company will provide a summary of the advantages and benefits of privatization of firefighting services, as well as highlights of its business case. The Government of Newfoundland and Labrador has made no commitments in this regard, and has made no plans to privatize this service.

#### **Potential Speaking Points:**

- Thank-you for your interest in doing business with the Government of Newfoundland and Labrador.
- As I am sure you are aware, the acquisition of any product or service by the Government of Newfoundland and Labrador must adhere to the *Public Procurement Act* and regulations.

**Prepared/Approved by:** A. Marshall / J. Crummey/J. Baker / T. English  
**Deputy Minister's Approval:** S. Dutton, Deputy Minister

September 19, 2019

Annex A  
Proposed Agenda



Overview & Benefits of Privatization or Leasing  
of Newfoundland & Labrador's AFF Fleet

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Protecting Our World

Agenda

- ✓ Conair Overview
- ✓ French Q-400MR Contract
- ✓ RJ-85 Large Air Tanker Modifications
- ✓ Privatization Benefits
  - ❖ Summary of Advantages & Benefits
  - ❖ Business Case Highlights



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Protecting Our World

**Annex B**  
**Provincial Forest Fire Statistics**

Region	2014		2015		2016		2017		2018		Total	
	# Fires	# with tanker	# Fires	# with tanker								
Eastern	61	16	71	10	47	16	58	19	93	24	<b>330</b>	<b>85</b>
Western	17	2	32	2	27	6	14	2	28	2	<b>118</b>	<b>14</b>
Labrador	46	11	25	6	17	10	8	1	11	2	<b>107</b>	<b>30</b>
Totals	124	29	128	18	91	32	80	22	132	28	<b>555</b>	<b>129</b>