951

ALTERATION TO THE COMMISSION OF ENQUIRY TO EXAMINE AND ENQUIRE INTO ALL OF THE CIRCUMSTANCES WHICH LED TO THE TRAGIC INCIDENTS WHICH OCCURRED ON FRIDAY FEBRUARY 25, 2022, AT FACILITIES OWNED BY PARIA FUEL TRADING COMPANY LIMITED (PARIA), LOCATED AT NO. 36, SEALINE RISER ON BERTH NO. 6, WHICH LED TO THE DEATHS OF FOUR (4) EMPLOYEES OF LMCS LIMITED

(The Commissions of Enquiry Act, Chap. 19:01)

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of Trinidad and Tobago, notice is hereby given that on the 6th day of July....., 2022, Her Excellency, PAULA-MAE WEEKES, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces, in exercise of the powers vested in her under sections 2 and 3 of the said Act, altered the Commission of Enquiry to examine and enquire into all of the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited (Paria), located at No. 36, Sealine Riser on Berth No. 6, which led to the deaths of four (4) employees of LMCS Limited, issued and gazetted on the 22nd day of April, 2022, to revoke the appointment of **HON. MR. JUSTICE C. DENNIS MORRISON** as Commissioner and Chairman and to appoint **HON. JEROME LYNCH** as Commissioner and Chairman to the said Commission:

COMMISSION

REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency **PAULA MAE-WEEKES, O.R.T.T.,** President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

951—*Continued*

NOTICE—CONTINUED

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter referred to as 'the Act') it is provided, *inter alia*, that the President may whenever she deems it advisable, issue a Commission appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them therein mentioned, to enquire into any matter in which an enquiry would, in the opinion of the President, be for the public welfare;

AND WHEREAS on the 22nd day of April, 2022, **CHRISTINE KANGALOO**, Acting President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces, on the advice of Cabinet, issued her Commission under section 2 of the Act appointing **HON. MR. JUSTICE C. DENNIS MORRISON** and **GREGORY WILSON**, Commissioners to examine and enquire into all of the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited (Paria), located at No. 36, Sealine Riser on Berth No. 6, which led to the deaths of four (4) employees of LMCS Limited;

AND WHEREAS the Commissioners were appointed to enquire into the following, *inter alia*, Terms of Reference being matters set out hereunder and to make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, viz.:

1. To enquire into:
   - (i) the circumstances which led to the tragic incidents which occurred on Friday February 25, 2022, at facilities owned by Paria Fuel Trading Company Limited ("Paria") located at No. 36, Sealine Riser on Berth No. 6, Pointe-a-Pierre which led to the deaths of four (4) employees of LMCS Limited ("LMCS");
   - (ii) the scope of works issued by Paria for the underwater maintenance exercise on a 30-inch pipeline which LMCS' divers were carrying out on Friday February 25, 2022 within a hyperbaric chamber at the said No. 36, Sealine Riser on Berth No. 6;
   - (iii) and ascertain the proposals and plans submitted by LMCS to conduct the works at the said No. 36, Sealine Riser on Berth No. 6;
   - (iv) and examine generally the policies, procedures, practices and conduct relating to Paria and LMCS' employees, organized and contracted labour for these types of maintenance exercises;
   - (v) and identify the precise facts and circumstances which led up to and resulted in the loss of life and whether this was reasonable and justifiable in the particular circumstances;
   - (vi) and examine all of the decisions and actions taken after it became clear that the five (5) LMCS' divers went missing;

951—*Continued*

NOTICE—CONTINUED

(vii) and investigate the nature, extent and application of any standing orders, policy considerations, legislation or other instructions in dealing with the situation which gave rise to these incidents;

(viii) and identify whether Paria and LMCS had in place any lifesaving contingency plans in the event that life threatening incidents occurred and, if so, whether such or any plans were employed in response to these incidents; further, whether they employed sufficient safeguards and measures to ensure the safety of their contracted employees, property and the prevention of these incidents and to rescue the five (5) LMCS' divers;

(ix) and determine the adequacy and mechanical integrity of equipment utilized by LMCS;

(x) and determine the adequacy of LMCS' plans utilized for the operation of the maintenance exercise;

(xi) and identify whether by act or omission any identified or unidentified person or entity directly or indirectly caused loss of life;

(xii) and examine the role played by Paria and LMCS through their respective units, individually and collectively in dealing with these incidents; and

(xiii) and examine all other material circumstances leading up to and surrounding the incidents which took place on February 25, 2022 that led to the tragic deaths of the four (4) LMCS' divers and continuing up to the recovery of their bodies.

2. To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to:

(i) whether there has been any breach of duty by any persons or entities;

(ii) whether there are any grounds for any criminal proceedings to be initiated against any persons or entities;

(iii) whether criminal proceedings should be recommended to the Director of Public Prosecutions for his consideration;

(iv) the appropriate and best practices and/or policies and/or procedures to be utilised by companies such as Paria and LMCS for the conduct of these types of maintenance exercises and in response to these types of incidents;

(v) the policies, measures, mechanisms and systems that should be implemented to prevent the recurrence of the tragic incidents which occurred on Friday February 25, 2022 and continuing up to the recovery of the bodies of the four (4) LMCS' divers; and

(vi) making any other recommendations that may be deemed necessary in the circumstances.

951—*Continued*

NOTICE—CONTINUED

AND WHEREAS by section 3 of the Act, it is provided, *inter alia*, that in case any Commissioner becomes unable or unwilling to act, the President may appoint another Commissioner in his place; and any Commission issued under the Act may be altered as the President thinks fit by any subsequent Commission issued by her;

AND WHEREAS the President on the advice of the Cabinet has deemed it advisable to revoke the appointment of the Chairman and appoint another Commissioner and Chairman in his place;

NOW THEREFORE, I, **PAULA-MAE WEEKES**, President as aforesaid, in exercise of the power vested in me by sections 2 and 3 of the Act, do hereby alter my Commission by revoking the appointment of **HON. MR. JUSTICE C. DENNIS MORRISON**, as Commissioner and Chairman and appointing **HON. JEROME LYNCH,** Commissioner to hold the enquiry into the matters aforesaid;

AND I DIRECT that you, **HON. JEROME LYNCH** shall be Chairman of the Commission;

AND this my Commission shall be continued subject to any alteration or revocation thereof until you have finally reported.

Given under my hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's this 6th day of July, 2022.

Dated this 6th day of July, 2022.

Secretary to Cabinet