

Inquiry into Circumstances Surrounding Explosion and Fire at Babine Forest Products

Terms of Reference

Definitions

1 In this order

“**commission**” means the commission of inquiry established under section 2 of this order;

“**Babine explosion**” means the explosion and fire that occurred at the Babine Forest Products Limited sawmill in Burns Lake BC on January 20, 2012.

Establishment of a commission

2 (1) A hearing and study commission, called the Babine Mill Commission of Inquiry is established under section 2 of the Public Inquiry Act.

(2) There will be a sole commissioner for the commission established under subsection (1).

Purpose of the commission

3 The purpose of the commission is to inquire into and report on the Babine explosion.

Terms of Reference

4 The terms of reference of the inquiry to be conducted by the commission are as follows:

- (a) To conduct hearings in Burns Lake and other locations it considers necessary to inquire into and make findings of fact respecting the actions taken by all levels of government, government agencies and delegates, employers and workers leading up to and following the Babine explosion.
- (b) The commission may consider:
 - i. Policies and actions of WorkSafeBC, the BC Safety Authority, local and provincial governments, fire departments and employers for any period the commission considers relevant preceding the Babine explosion.
 - ii. Policies and processes used by the RCMP in attending and investigating the incident and determining that no criminal investigation or charge was warranted.
 - iii. Consideration of whether the scope or application of section 217.1 of the Criminal Code as enacted by Bill C-45 (the Westray Bill) is effective in ensuring managers and employers are accountable for decisions that result in workplace injury or death.
 - iv. Policies and processes used by WorkSafeBC in attending the scene, investigating the incident and making charge recommendations.
 - v. Policies and processes used by the BC Safety Authority in attending the scene and investigating the incident.

- vi. Policies and standards used by Crown Counsel in receiving and processing information from WorkSafeBC.
 - vii. Actions taken by WorkSafeBC, the BC Safety Authority, local and provincial governments and employers since the Babine explosion including but not limited to enforcement actions, internal and external reviews, policy, process and regulatory changes and actions in support of the people directly and indirectly affected by the Babine explosion and in support of the employer or other commercial entities affected.
- (c) The commission will consider the implications of the information it gathers for the people directly affected by the Babine explosion as well as the larger community of employers and workers served by government and regulatory agencies responsible for worker safety.
- (d) The commission will recommend any changes necessary to legislation, regulation, practice or policy in order to improve outcomes and the accountability of agencies, employers and managers for the safety of workers.
- (e) The commission will submit a final report to the Attorney General on or before a date to be determined at the time the commission is established.