

## Appendix A:

### Additional provisions of the *Building More Mines Act, 2023* to be proclaimed

Provision	Description	Effective date of provision
Subsection 1(1)	<b>Section 1 of the Act is amended by striking out “Director of Mine Rehabilitation” wherever it appears and substituting in each case “Minister”.</b>	April 1, 2024
Section 4	<b>Repeals paragraph 2 of subsection 138 (1) of the Act, resulting in the Office of the Director of Mine Rehabilitation being repealed.</b>	April 1, 2024
Subsection 5(1)	<b>The definition of “Director” in subsection 139(1) of the Act is repealed.</b>	April 1, 2024
Subsection 5(2)	<b>The definition of “protective measures” in subsection 139 (1) of the Act is amended by adding “subject to subsection (1.1)” at the end.</b>	April 1, 2024
Subsection 5(3)	<b>Subsection 139 (1) of the Act is amended by adding the following definition: “qualified person” means an individual who meets the prescribed requirements; (“personne compétente”)</b>	April 1, 2024
Subsection 5(4)	<b>The definition of “rehabilitate” in subsection 139 (1) of the Act is repealed and the following substituted:</b> “rehabilitate” means to take measures, including protective measures, in accordance with the prescribed standards, subject to subsection (1.1), to treat a site or mine hazard so that the use or condition of the site, (a) is restored to its former use or condition to the extent required by the prescribed standards, or (b) is changed to a different use or condition that the Minister determines, in accordance with the regulations, (i) is or will be compatible with the use of adjacent land, or (ii) is suitable for a future use of the site determined by the Minister; (“réhabiliter”)	April 1, 2024
Subsection 5(5)	<b>Section 139 of the Act is amended by adding the following subsection:</b>	April 1, 2024

	<b>Interpretation, prescribed standards</b> (1.1) For the purposes of this Part, the prescribed standards referred to in the definitions of “protective measures” and “rehabilitate” in subsection (1) are the prescribed standards, subject to any exemptions authorized by regulations made under clause 176 (2) (f) or circumstances provided for by regulations made under clause 176 (2) (g) in which compliance with a standard is not required.	
Subsection 6(1)	<b>Subsection 139.3 (5) of the Act is amended by striking out “the Director may issue an order” and substituting “the Minister may issue an order”</b>	April 1, 2024
Subsection 6(2)	<b>The French version of subsection 139.3 (6) of the Act is amended by striking out “L’ordonnance prévue” at the beginning and substituting “L’arrêté prévu”.</b>	April 1, 2024
Subsection 7(1)	<b>Paragraph 4 of subsection 140 (1) of the Act is repealed and the following substituted:</b> 4. After the conditions set out in paragraphs 2 and 3 have been met, i. the proponent has submitted to the Minister a closure plan that, A. includes financial assurance as required under this Act or the regulations, and B. meets any other prescribed requirements, or ii. the proponent has submitted to the Minister a closure plan that does not meet the requirements referred to in subparagraph i, together with an order under subsection (3) permitting the filing of the closure plan.	April 1, 2024
Subsection 7(2)	<b>Subsection 140 (2) of the Act is repealed and the following substituted:</b> <b>Certifications</b> (2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in a closure plan be certified by a qualified person or other individual specified by the regulations <b>Order permitting filing</b> (3) The Minister may by order permit the filing of a closure plan that does not meet all of the	April 1, 2024

	<p>requirements referred to in subparagraph 4 i of subsection (1), subject to the terms and conditions set out in subsection (4), if, before the proponent submits the closure plan,</p> <ul style="list-style-type: none"> <li>(a) the proponent submits a request for the order in the prescribed form and manner; and</li> <li>(b) the Minister determines that it is consistent with the purposes of this Act to make the order.</li> </ul> <p><b>Same, terms and conditions</b></p> <p>(4) In making an order under subsection (3), the Minister,</p> <ul style="list-style-type: none"> <li>(a) shall include a condition that the proponent meet the outstanding requirements in the time and manner specified by the Minister in the order; and</li> <li>(b) may include any other terms or conditions the Minister considers appropriate.</li> </ul> <p><b>Filing or returning closure plan</b></p> <p>(5) No later than 45 days after a proponent has submitted a closure plan, the Minister shall,</p> <ul style="list-style-type: none"> <li>(a) file the closure plan and give the proponent written confirmation that the closure plan has been filed as of the date of the written confirmation, if the closure plan meets the requirements of this Act and the regulations or there is an order under subsection (3) permitting the filing; or</li> <li>(b) return the closure plan to the proponent for resubmission, if the closure plan does not meet the requirements of this Act and the regulations and there is no order under subsection (3) permitting the filing.</li> </ul>	
Subsection 8(1)	<p><b>Paragraph 4 of subsection 141 (1) of the Act is repealed and the following substituted:</b></p> <p>4. After the conditions set out in paragraphs 2 and 3 have been met,</p> <ul style="list-style-type: none"> <li>i. the proponent has submitted to the Minister a closure plan that, <ul style="list-style-type: none"> <li>A. includes financial assurance as required under this Act or the</li> </ul> </li> </ul>	April 1, 2024

	<p>regulations, and</p> <p>B. meets any other prescribed requirements, or</p> <p>ii. the proponent has submitted to the Minister a closure plan that does not meet the requirements referred to in subparagraph i, together with an order under subsection (3) permitting the filing of the closure plan</p>	
Subsection 8(2)	<p><b>Subsection 141 (2) of the Act is repealed and the following substituted:</b></p> <p><b>Certifications</b></p> <p>(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in a closure plan be certified by a qualified person or other individual specified by the regulations.</p> <p><b>Order permitting filing</b></p> <p>(3) The Minister may by order permit the filing of a closure plan that does not meet all of the requirements referred to in subparagraph 4 i of subsection (1), subject to the terms and conditions set out in subsection (4), if, before the proponent submits the closure plan,</p> <p style="padding-left: 40px;">(a) the proponent submits a request for the order in the prescribed form and manner; and</p> <p style="padding-left: 40px;">(b) the Minister determines that it is consistent with the purposes of this Act to make the order.</p> <p><b>Same, terms and conditions</b></p> <p>(4) In making an order under subsection (3), the Minister,</p> <p style="padding-left: 40px;">(a) shall include a condition that the proponent meet the outstanding requirements in the time and manner specified by the Minister in the order; and</p> <p style="padding-left: 40px;">(b) may include any other terms or conditions the Minister considers appropriate.</p> <p><b>Filing or returning closure plan</b></p> <p>(5) No later than 45 days after a proponent has submitted a closure plan, the Minister shall,</p> <p style="padding-left: 40px;">(a) file the closure plan and give the proponent written confirmation that the closure plan has been filed as of the</p>	April 1, 2024

	<p>date of the written confirmation, if the closure plan meets the requirements of this Act and the regulations or there is an order under subsection (3) permitting the filing; or</p> <p>(b) return the closure plan to the proponent for resubmission, if the closure plan does not meet the requirements of this Act and the regulations and there is no order under subsection (3) permitting the filing.</p>	
Subsection 10(1)	<p><b>Paragraph 4 of subsection 143 (1) of the Act is repealed and the following substituted:</b></p> <p>4. After the conditions set out in paragraphs 2 and 3 have been met,</p> <ul style="list-style-type: none"> <li>i. the proponent has submitted to the Minister an amendment to the closure plan that, <ul style="list-style-type: none"> <li>A. includes financial assurance as required under this Act or the regulations, and</li> <li>B. meets any other prescribed requirements, or</li> </ul> </li> <li>ii. the proponent has submitted to the Minister an amendment to the closure plan that does not meet the requirements referred to in subparagraph i, together with an order under subsection (3) permitting the filing of the closure plan.</li> </ul>	April 1, 2024
Subsection 10(2)	<p><b>Subsections 143 (2) and (3) of the Act are repealed and the following substituted:</b></p> <p><b>Certifications</b></p> <p>(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in an amendment to a closure plan be certified by a qualified person or other individual specified by the regulations</p> <p><b>Order permitting filing</b></p> <p>(3) The Minister may by order permit the filing of an amendment to a closure plan that does not meet all of the requirements referred to in subparagraph 4 i of subsection (1), subject to the terms and conditions set out in subsection (4), if, before the proponent submits the amendment,</p>	April 1, 2024

	<p>(a) the proponent submits a request for the order in the prescribed form and manner; and</p> <p>(b) the Minister determines that it is consistent with the purposes of this Act to make the order.</p> <p><b>Same, terms and conditions</b></p> <p>(4) In making an order under subsection (3), the Minister,</p> <p>(a) shall include a condition that the proponent meet the outstanding requirements in the time and manner specified by the Minister in the order; and</p> <p>(b) may include any other terms or conditions the Minister considers appropriate.</p> <p><b>Amendments, ordered by Minister</b></p> <p>(5) The Minister may at any time, by order, require that the proponent submit, within the time specified in the order and in accordance with the order, amendments to a filed closure plan, which may include requirements to increase the amount of financial assurance.</p> <p><b>Filing or returning amendment to closure plan</b></p> <p>(6) No later than 45 days after a proponent has submitted an amendment to a closure plan, the Minister shall,</p> <p>(a) file the amendment and give the proponent written confirmation that the amendment has been filed as of the date of the written confirmation, if the amendment meets the requirements of this Act and the regulations or there is an order under subsection (3) permitting the filing; or</p> <p>(b) return the amendment to the proponent for resubmission, if the amendment does not meet the requirements of this Act and the regulations and there is no order under subsection (3) permitting the filing.</p>	
Subsection 11(1)	<p><b>Subsection 143.1 (1) of the Act is repealed and the following substituted:</b></p> <p>Specified changes by order (1) The Minister</p>	April 1, 2024

	may at any time, by order, require changes to a filed closure plan	
Subsection 11(3)	<b>The French version of paragraphs 1 and 2 of subsection 143.1 (2) of the Act are amended by striking out “l’ordonnance” wherever it appears and substituting in each case “l’arrêté”</b>	April 1, 2024
Subsection 11(4)	<b>Subsection 143.1 (3) of the Act is amended by striking out “within 30 days after receiving the order requiring changes, notify the Director” and substituting “within 30 days after receiving the order requiring changes, notify the Minister”.</b>	April 1, 2024
Subsection 13(1)	<b>Paragraph 6 of subsection 145 (1) of the Act is repealed and the following substituted:</b> 6. Any other form of security or any other guarantee or protection, including a pledge of assets, a sinking fund, royalties per tonne or any type of phased financial assurance, that meets any prescribed requirements and that is acceptable to the Minister.	April 1, 2024
Subsection 13(2)	<b>Subsections 145 (2) to (5) of the Act are repealed</b>	April 1, 2024
Subsection 13(4)	<b>Section 145 of the Act is amended by adding the following subsections:</b> <b>Change in phased financial assurance</b> (6.1) If the financial assurance provided under this section is any type of phased financial assurance and the proponent fails to comply with the required phasing, the Minister may require, in the prescribed manner, that the proponent promptly provide cash, a letter of credit, a bond or other security, guarantee or protection acceptable to the Minister for any or all of the outstanding amount. <b>Change of financial assurance on application</b> (6.2) A proponent may apply to the Minister for a change in the form of financial assurance specified in the filed closure plan to another form permitted under subsection (1). <b>Deemed amendment</b> (6.3) If the Minister approves a change under subsection (6), (6.1) or (6.2), an amendment to the proponent’s closure plan indicating the change shall be deemed to have been filed	April 1, 2024

Section 14	<p><b>The Act is amended by adding the following section:</b></p> <p><b>Order for rehabilitation</b></p> <p>146 (1) If the Minister has reasonable and probable grounds for believing that a rehabilitation measure required by a filed closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with the plan, the Minister may, by order, provide for the performance of the rehabilitation measure.</p> <p><b>Notice</b></p> <p>(2) At least 15 days before an order is issued under subsection (1), the Minister shall give the proponent written notice of an intention to issue the order.</p> <p><b>Parties affected</b></p> <p>(3) Both the notice and the order shall be directed to,</p> <p>(a) the proponent who submitted the closure plan or to their successor; and</p> <p>(b) any person who, to the Minister's knowledge, provided the financial assurance for or on behalf of the proponent or to that person's successor or assignee.</p> <p><b>Realization of security</b></p> <p>(4) On the issuance of the order, the Crown may use any cash, realize any letter of credit or bond or enforce any other security, guarantee or protection provided or obtained as financial assurance for the performance of rehabilitation measures in respect of the site or mine hazard in order to carry out the rehabilitation measure specified in the order.</p> <p><b>Performance by agent</b></p> <p>(5) The Minister may appoint an agent to carry out a rehabilitation measure on behalf of the Crown, if the Minister considers it necessary.</p>	April 1, 2024
Subsection 15(1)	<p><b>The French version of subsection 147 (1) of the Act is amended by,</b></p> <p><b>(a) striking out “peut, par écrit,” and substituting “peut, par arrêté,”; and</b></p> <p><b>(b) striking out “l’ordonnance” and substituting “l’arrêté”.</b></p>	April 1, 2024
Subsection 15(2)	<p><b>Subsection 147 (2) of the Act is amended by striking out “does not comply with an order</b></p>	April 1, 2024



	<b>of the Director under subsection (1), the Director may” and substituting “does not comply with an order under subsection (1), the Minister may”.</b>	
Subsection 15(3)	<b>Subsection 147 (3) of the Act is repealed and the following substituted: Recommendation that lease be voided</b> (3) If the proponent does not comply with an order under subsection (1) and is a lessee of the lands on which the mine hazard exists, the Minister may recommend to the Lieutenant Governor in Council that the lease be declared void on condition that the Minister indicate in the notice referred to in subsection (2) the intention to make such a recommendation.	April 1, 2024
Subsection 15(4)	<b>The French version of subsection 147 (5) of the Act is amended by striking out “l’ordonnance rendue” and substituting “l’arrêté pris”</b>	April 1, 2024
Section 16	<b>Subsection 151 (3) of the Act is amended by striking out “subsection 145 (5)” in the portion before clause (a) and substituting “section 146”.</b>	April 1, 2024
Subsection 17(1)	<b>Subsection 152 (1) of the Act is repealed and the following substituted:</b> Appeals to Tribunal (1) A proponent may appeal to the Tribunal, (a) an order requiring the submission of a closure plan under subsection 147 (1); (b) an order requiring changes to a filed closure plan under section 143.1; or (c) an order for the performance of rehabilitation measures under section 146	April 1, 2024
Subsection 17(2)	<b>The French version of subsection 152 (2) of the Act is amended by, (a) striking out “d’une ordonnance ou d’une mesure visée” and substituting “d’un arrêté ou d’une mesure visés”; and (b) striking out “l’ordonnance” and substituting “l’arrêté”.</b>	April 1, 2024
Subsection 17(3)	<b>Subsection 152 (4) of the Act is repealed and the following substituted:</b> Automatic stay unless removed (4) Upon service on the Minister of the notice under subsection (2), the Minister’s order is stayed until the Tribunal disposes of the appeal unless the Minister applies, on notice, for a removal of the stay.	April 1, 2024

Subsection 17(5)	<b>Subsection 152 (6) of the Act is repealed and the following substituted: Refusal by Tribunal</b> (6) Despite subsection (4), the Tribunal shall refuse to hear an appeal of an order for changes to a filed closure plan that require an increased amount of financial assurance unless the proponent has provided the Minister, along with the notice of appeal, with the increased amount of financial assurance required, which amount shall be held by the Crown pending the outcome of the appeal.	April 1, 2024
Subsection 17(6)	<b>Subsection 152 (8) of the Act is amended by striking out “the Director’s order or action” and substituting “the Minister’s order or action”.</b>	April 1, 2024
Section 21	<b>Subsection 153 (2) of the Act is repealed.</b>	April 1, 2024
Subsection 22(2)	<b>Subsection 153.2 (2) of the Act is amended by striking out “the Director may recommend that the Minister not consent to the transfer of the lease or licence” at the end and substituting “the Minister may, on that basis, refuse to consent to the transfer of the lease or licence”.</b>	April 1, 2024
Subsection 22(3)	<b>The French version of subsection 153.2 (3) of the Act is amended by striking out “peut ordonner” and substituting “peut, par arrêté, ordonner”.</b>	April 1, 2024
Subsection 22(4)	<b>Subsection 153.2 (4) of the Act is amended by striking out clause (a) and the portion before clause (a) and substituting the following: Realization of security</b> (4) If a proponent fails to comply with an order referred to in subsection (3), the Minister may, (a) realize on the financial assurance under section 146 if the proponent is subject to a closure plan;	April 1, 2024
Subsection 23(1)	<b>The French version of subsection 153.4 (1) of the Act is amended by striking out “d’une ordonnance ou” in the portion before clause (a).</b>	April 1, 2024
Subsection 23(2)	<b>The French version of subsection 153.4 (2) of the Act is amended by, (a) striking out “et l’ordonnance ou l’arrêté sont réputés signifiés” and substituting “et l’arrêté est</b>	April 1, 2024

	<b>réputé signifié”; and (b) striking out “de l’avis, de l’ordonnance ou de l’arrêté” and substituting “de l’avis ou de l’arrêté”.</b>	
Subsection 23(3)	<b>The French version of subsection 153.4 (3) of the Act is amended by, (a) striking out “et les ordonnances ou arrêtés” and substituting “et les arrêtés”; and (b) striking out “l’avis, l’ordonnance ou l’arrêté” and substituting “l’avis ou l’arrêté”</b>	April 1, 2024
Section 24	<b>Section 153.5 of the Act is repealed and the following substituted: Notice for amending and revoking orders</b> 153.5 If the Minister amends or revokes any order made under this Part, the Minister shall give written notice to the person to whom the order is directed.	April 1, 2024
Paragraph 25(1)(b)	<b>Subsection 167 (2) of the Act is amended by, striking out “aux conditions de l’ordonnance” and substituting “aux conditions de l’ordonnance ou de l’arrêté ” in the French version.</b>	April 1, 2024
Subsection 25(2)	<b>Subsection 167 (3) of the Act is repealed and the following substituted: Application for restraining order</b> (3) The Minister may apply at any time to a judge of the Superior Court of Justice for an order prohibiting advanced exploration, mining or mine production on a site if any person fails to, (a) comply with section 140, 141 or 141.1, as the case may be, before commencing or recommencing a project; (b) comply with a term or condition of an order made under subsection 140 (3), 141 (3) or 143 (3); (c) comply with a filed closure plan as required under section 141.2; (d) comply with the requirements of section 143 or 143.1; or (e) submit a notice of material change required under subsection 144 (2).	April 1, 2024
Subsection 27(1)	<b>Section 176 of the Act is amended by adding the following subsection: Same</b> (1.1.1) The Lieutenant Governor in Council may make regulations governing transitional matters arising from the enactment of the	April 1, 2024

	Building More Mines Act, 2023 that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of amendments made by that Act.	
Subsection 27(2)	<b>Subsection 176 (1.2) of the Act is amended by adding “or (1.1.1)” after “subsection (1.1)”</b>	April 1, 2024
Subsection 27(3)	<p><b>Subsections 176 (2) and (2.1) of the Act are repealed and the following substituted:</b></p> <p>(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations relating to Part VII,</p> <p>(a) governing closure plans and their preparation, including specifying documents and information that must be included in a closure plan and setting out certification and reporting requirements;</p> <p>(b) governing the standards for rehabilitation, including governing the standards for the protective measures to be taken in respect of the closure of a mine;</p> <p>(c) governing determinations for the purposes of clause (b) of the definition of “rehabilitate” in subsection 139 (1), including setting out procedures for requesting a determination;</p> <p>(d) governing financial assurance for the purposes of section 145;</p> <p>(e) imposing time limits for the compliance of duties under the Part;</p> <p>(f) authorizing a person specified in the regulations to exempt a proponent from complying with any standard, procedure or requirement in a regulation made for the purposes of the Part, subject to any terms or conditions the person may specify or that may be specified in the regulations;</p> <p>(g) providing for circumstances in which a proponent, project or class of either need not comply with a regulation or a provision of a regulation made for the purposes of the Part;</p> <p>(h) governing transitional matters arising from the enactment of Schedule 10 to the Accelerating Access to Justice Act, 2021 that,</p>	April 1, 2024

	in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of the amendments to this Act made by that Schedule.	
Subsection 27(4)	<b>Subsection 176 (2.1.1) of the Act is amended by adding “Without limiting the generality of subsection (1)” at the beginning.</b>	April 1, 2024
Subsection 27(5)	<b>Clause 176 (2.1.1) (k) of the Act is repealed.</b>	April 1, 2024
Subsection 27(6)	<b>Subsection 176 (2.2) of the Act is amended by striking out “subsection (1), (2) or (2.1.1)” and substituting “this section”</b>	April 1, 2024
Subsection 28(1)	<b>The following provisions of the Act are amended by striking out “the Director” and “the Director’s” wherever they appear and substituting in each case “the Minister” or “the Minister’s” respectively:</b> <b>1. Section 1.</b> <b>2. Part VII, other than sections 152.1 to 152.7.</b>	April 1, 2024