



One Yonge Street, Suite 704,
Toronto, Ontario M5E 1E5
Tel: 416-203-2746
Toll Free: 1-877-557-2746
Website: www.pgo.ca
E-mail: info@pgo.ca

April 21, 2023

Ministry of Mines
Corporate Policy Secretariat
99 Wellesley St W., Room B-312
Toronto, ON
M7A 1W3

Via email: MiningActAmendments@ontario.ca

Re: **SUBMISSION BY PROFESSIONAL GEOSCIENTISTS ONTARIO (PGO)**
Proposal for Bill 71, ERO number 019-6750
Regulation to the Mining Act, R.S.O. 1990 - Closure Planning

To whom it may concern

Professional Geoscientists Ontario (PGO) is a self-regulatory organization governing the practice of professional geoscience in Ontario and reporting to the Ontario Minister of Mines. PGO was created under the Professional Geoscientists Act which received Royal Assent on June 23, 2000.

In response to the Proposal, PGO wishes to express its views regarding the concept of the Qualified Person as presented in ERO 019-6750.

Qualified Persons

The Canadian Securities Administrators, including the Ontario Securities Commission, recently completed a public consultation in regards to National Instrument (NI) 43-101 - Standards of Disclosure for Mineral Projects, which included a call to review and comment on their regulated description of the Qualified Person. It should be noted that professionals using signature and seal for reports at the Prefeasibility and Feasibility study level are expected to work at the same level of professional expertise as those preparing the various components of Closure Plans. Additionally, the Ministry of Environment, Conservation and Parks also provides regulation regarding Qualified Persons under Part II of O. Reg. 153/04: RECORDS OF SITE CONDITION - PART XV.1 of the Environmental Protection Act, R.S.O. 1990, c. E.19.

NI 43-101 is one of three formal documents CSA provides to the public, along with Form 43-101F1 Technical Report (the Form) and Companion Policy 43-101CP Standards of Disclosure for Mineral Projects (CP). These documents all carry weight and together define a Qualified Person responsible for the preparation of a Technical Report and other public technical disclosure. This would also apply to technical information provided in another public forum (including distribution through the environmental registry) and therefore should require equivalent experience and qualification vested in the Qualified Person. The Instrument and the Companion Policy in particular figure jointly in providing criteria under which a qualified person must self-define.

The definition of the Qualified Person in O. Reg. 153/04 contains references to a Qualified Person's (as a Defined Person) work experience which parallels the description in the NI 43-101 Companion Policy. These two documents describe experience beyond the minimum of 5 years work, requiring decision-making and managerial position experience. The definition of experience should also, we believe, be built on a 5 year period of work experience acquired after receiving professional registration.

PGO recommends that the Ministry of Mines apply a definition for Qualified Persons in Bill 71 that is equivalent in professional standing and experience to the definitions used by other provincial regulators in Ontario.

It is a legislated requirement for geoscientists and engineers who practice in Ontario to be licensed practitioners in good standing with Professional Geoscientists Ontario and Professional Engineers Ontario respectively. The PGO Regulations also requires that geoscientists registered in another province or jurisdiction who are contemplating work in Ontario, obtain a license to practice with PGO. This latter is a requirement in Professional Acts across the country and allows our provincial organisations to safeguard the Profession while allowing global experts to work here on world class projects.

Certification and Closure Planning

PGO also notes that in the Introduction to Bill 71 The Ministry of Mines proposes that amendments would *"strengthen Closure Plans by including additional certifications, and correspondingly remove the need for ministry technical reviews"*. We believe the Ministry should consider the scale of projects that must file a Closure Plan and apply a Ministry Review where this Review would be more expedient in keeping with the Bill's commitment to reduce inefficiencies.

Many Closure Plans presented to the Ministry by proponents are for *“surface stripping on mining lands where the surface area over which the surface stripping is carried out is greater than 10,000 square metres, or where the volume of surface stripping is greater than 10,000 cubic metres, except....”*. The costs and efforts required by the proponent to certify at this level of advanced exploration should not be so onerous that the project is unduly delayed or over certified. This level of advanced exploration work should be assessable by the Ministry using its current review criteria and not be unduly delayed by it.

We remain available to the Ministry for further participation in the development of Bill 71.

Respectfully submitted,



Melanie Siewert, P.Geo.(Limited), President



William McGuinty P.Geo. FGC Geology Subcommittee Chair

Cc: Tony Andrews, CEO