

Mineral Rights Adjudication Board

Annual Report 2024-25

Message from the Chairpersons

As Chairpersons of the Mineral Rights Adjudication Board, we are pleased to present the annual report for the fiscal year ending March 31, 2025, in accordance with the requirements of a category three entity under the **Transparency and Accountability Act**. The report was prepared under the direction of the Board, which is accountable for the results reported herein.

The Mineral Rights Adjudication Board is committed to its supporting role to ensure that mineral exploration and development companies who have been aggrieved by the application of the **Mineral Act** or the **Mining Act** have recourse to an appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Megan Reynolds', with a stylized flourish at the end.

Megan Reynolds
Chairperson

A handwritten signature in blue ink, appearing to read 'Liam O'Brien', with a long, sweeping horizontal stroke at the end.

Liam O'Brien
Temporary Chairperson

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Entity Overview

Section 37 of the **Mineral Act** provides for the appointment of a Mineral Rights Adjudication Board (the Board). The Board is appointed by the Lieutenant-Governor in Council in accordance with a merit-based process pursuant to the **Public Service Commission Act**. Members serve for a three-year period and are eligible for reappointment. The Board consists of three persons, at least one of whom is a barrister, who shall be chairperson, and one of whom is experienced in mining. Temporary members can also be appointed for up to six months, where a member is unable to perform the duties, for example, if a member declares that there is a conflict of interest respecting a particular grievance.

As of March 31, 2025, the Board members were:

- Megan Reynolds (Chairperson), reappointed September 23, 2022
- Liam O'Brien (temporary Chairperson), reappointed January 30, 2025
- Roderick Mercer (member), reappointed September 23, 2022
- Michael Regular (member), appointed September 23, 2022
- George Jenner (temporary member), reappointed January 30, 2025

Mandate

The mandate of the Mining and Mineral Development Branch of the Department of Industry, Energy and Technology includes the supervision, control and direction of all matters relating to promotion, exploration and development of mineral resources and related industry developments. The Board contributes to this mandate by ensuring that the land tenure rights and development requirements of mineral exploration and mining companies and prospectors are fairly administered and regulated.

The Board has exclusive jurisdiction to hear and determine a question, dispute or matter arising out of the application of the **Mineral Act** or the **Mining Act** and applicable regulations, including hearing and determining on:

- the rights of persons to the issuing of licences, certificates and leases, including extensions of licences and leases;
- the suspension and reinstatement of a person's right to stake out claims;
- a decision by the Minister to withhold approval of a transfer, assignment, mortgage, pledge or conveyance of a licence;
- questions of priority for the right to obtain licences;
- all matters respecting the cancellation of licences and leases, including allegations of default of the conditions of licences and leases, and whether a misrepresentation by applicants for licences or leases is material;
- the right of persons to certificates;
- a question pertaining to security deposits required to be made by applicants for licences, including rights to refund and forfeitures to the Crown and amounts of refund and forfeiture; and
- other matters pertaining to the rights, privileges, obligations or duties of persons claiming or holding licences or leases conferred or imposed under the applicable legislation.

Vision

Grievances under the **Mineral Act** and the **Mining Act** are adjudicated fairly and efficiently.

Primary Clients

The Board's primary clients are mineral exploration companies and prospectors that file grievances related to rights under the **Mineral Act** and **Mining Act**.

Budget and Expenditures

The Board receives operational and financial support from the Department of Industry, Energy and Technology. The Board does not have a stand-alone budget and therefore audited financial statements are not required.

In 2024-25, the Department of Industry, Energy and Technology incurred \$6,200.00 in costs associated with the operations of the Board, including remuneration for members and transcription services.

Highlights and Partnerships

The Board collaborates closely with the Department of Industry, Energy, and Technology, the Department of Justice and Public Safety, as well as with clients and their legal counsel, to hear and resolve disputes concerning the application of the **Mineral Act** and **Mining Act** and Regulations.

Report on Performance

Strategic Issue: Mineral Rights Adjudication

A person affected and aggrieved by a matter falling within the mandate of the Board may apply to the Board to have the matter adjudicated.

Upon receipt of a notice of grievance, the Board shall hear the grievance, decide the matter of the grievance and record its decision not later than 90 days from the date of the receipt of the notice of grievance unless the Minister extends that period of time. If the timeframe cannot meet the timelines stated under the **Mineral Act**, the Board must request an extension from the Minister.

The Board, comprising all of its members, shall hear the grievance on a day appointed by it for the purpose, and shall decide the matter of the grievance, record its decision in writing, disclosing in that record whether the decision is unanimous or by majority, and

transmit copies of the decision to the grievor, other persons affected by the appeal and the Minister.

The Board may, before deciding the matter of the grievance, refer a question of law raised at the hearing of the grievance for the opinion of a judge of the Supreme Court.

The Board may award costs in an adjudication under this section for or against a party to the grievance, or the Crown, and fix the amount of the costs.

The Board reports on the objective and indicators below, through its annual activity reports, for each fiscal year of its 2023-26 activity plan.

2024-25 Objective

By March 31, 2025, the Mineral Rights Adjudication Board will have reviewed all notices of grievance filed under the **Mineral Act** or the **Mining Act**.

Indicators:

- **Adjudicated all grievances in a timely manner**
- **Issued decisions in a timely manner**

During 2024-25, two grievances were ongoing from prior years and two new grievances were filed. The first grievance that was carried over was originally submitted on June 17, 2020, by D. Lewis and remains active. This matter involves a relatively complex matter involving overlapping historical mineral rights pertaining to mineral licences 21890M and 21891M. Delays in bringing this grievance to a decision include the COVID-19 pandemic, conflicts of interest by two of the Board members resulting in temporary appointments being required, and the availability of legal representation by certain parties affected by the grievance. The second grievance that was carried over was filed on December 11, 2023, by CMC Metals Ltd. relating to mineral licences

027246M, 030787M, 031141M, 027243M, 031373M, 031140M, 23882M and was closed on May 10, 2024.

One grievance, filed on August 28, 2024 by D. Fraser regarding mineral licence 033545M, was closed on January 23, 2025. A second grievance, filed on November 29, 2024 by Almar Consultants (Almar) regarding mineral licence 36164M, remains active. Temporary appointments for the Almar grievance were effective January 30, 2025.

Table 1. Grievances considered by the Board in 2024-25

| Grievance | Submission Date | Decision Date | Current Status |
|-------------------|-------------------|------------------|----------------|
| D. Lewis | June 17, 2020 | n/a | Ongoing |
| CMC Metals Ltd. | December 11, 2023 | May 10, 2024 | Closed |
| D. Fraser | August 28, 2024 | January 23, 2025 | Closed |
| Almar Consultants | November 29, 2024 | n/a | Ongoing |

Opportunities and Challenges

The Government of Newfoundland and Labrador is advancing its efforts to be a leading jurisdiction for mineral exploration and development and has consistently ranked as one of the lead jurisdictions in overall investment attractiveness. Such rankings suggest the Province is increasingly recognized as a competitive jurisdiction, particularly in aspects such as the regulatory framework, taxation policies, low political risk, and its status as a stable mining region that actively promotes exploration and investment. The Board's mandate to hear and determine a question, dispute or matter arising out of the application of the **Mineral Act** or the **Mining Act** and applicable regulations is an important component of the efficient and competitive regulatory system for mineral exploration and development in the Province. The review of these acts is ongoing and presents an opportunity for Newfoundland and Labrador to continue to enhance its reputation as a competitive regulatory environment including matters related to the Board.

