

Mineral Rights Adjudication Board

Annual Report 2023-24

Message from the Chair

In accordance with the provisions of the **Transparency and Accountability Act** for category 3 entities, I am pleased to submit the annual report for the Mineral Rights Adjudication Board. This report covers the period of April 1, 2023 to March 31, 2024.

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 **Mining Act** or the **Mineral Act** have recourse to an appeal.

Four grievances were submitted in the reporting year, including two grievances later withdrawn by the grievor. There were five grievances submitted in previous years, of which four were closed in 2023-24, and one remains active. In 2023-24, the Mineral Rights Adjudication Board issued decisions on five of the seven grievances that were active. Our signatures below are on behalf of the entire Board and are indicative of the Board's accountability for the preparation of this report and the results reported on its objective for 2023-24.

Respectfully submitted,



Megan Reynolds
Chairperson



Liam O'Brien
Temporary Chairperson

Table of Contents

Entity Overview	2
Highlights and Partnerships	4
Report on Performance	5
2023-24 Objective	5
Opportunities and Challenges	7

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. 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, 2024, the Board members were:

- Megan Reynolds (chair), reappointed September 23, 2022
- Liam O'Brien (temporary chair), appointed July 8, 2024
- Roderick Mercer, reappointed September 23, 2022
- Michael Regular, appointed September 23, 2022
- George Jenner (temporary member), appointed July 8, 2024

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 primary groups that file grievances with the Board are mineral exploration companies and prospectors who have 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 2023-24, the Department of Industry, Energy and Technology incurred \$7,757.03 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.

2023-24 Objective

By March 31, 2024, 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 this reporting period, five grievances were ongoing from prior years and four new grievances were filed, including two that were subsequently withdrawn.

Of the five grievances ongoing from previous years, the board issued decisions on four during 2023-24, with one grievance ongoing (D. Lewis). The D. Lewis grievance process related to mineral licences 21890M and 21891M was initiated at the early stages of the COVID-19 pandemic; however, the complexity of land tenure in that area, declarations of conflict of interest by two members resulting in temporary members needing to be appointed, and availability of legal representation by certain parties affected by the grievance have caused processing delays. The 90-day timeframe for the Board to provide a decision was extended by the Minister on September 25, 2020, and remains active.

One grievance was filed in May 2023 [mineral licence 025964M, 025965M, 026002M (Burin Gold) which was withdrawn]; two in September [mineral licence 024083M (B&A Minerals) and mineral licence 025128M (Prospector Minerals) which was withdrawn], and one in December [mineral licence 025534M, 027246M, 030787M, 031141M, 031366M, 027243M, 013173M, 031140M (CMC Metals)]. The Board rendered decisions on all grievances filed in 2023-24 except for those that were withdrawn by the grievors. The decision related to the CMC Metals grievance was not rendered during the reporting period.

Table 1. Grievances considered by the Board in 2023-24

Grievance	Submission Date	Decision Date	Current Status
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D. Lewis	June 17, 2020	n/a	Ongoing
Exploits Discovery Corp., Crest Resources Inc., and Nick Rodway	May 28, 2021	August 21, 2023	Closed
Quadro Resources Ltd.	October 14, 2022	October 10, 2023	Closed
Buchans Development Corporation Limited	March 15, 2023	August 11, 2023	Closed
York Harbour Metals NL Inc.	March 23, 2023	October 27, 2023	Closed
Burin Gold Corp.	May 19, 2023	n/a	Withdrawn
B&A Minerals Ltd.	September 6, 2023	December 11, 2023	Closed
Prospector Metals Corp.	September 11, 2023	n/a	Withdrawn
CMC Metals Ltd.	December 11, 2023	May 10, 2024	Closed

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.

