

Mineral Rights Adjudication Board

Activity Plan 2023-2026

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Chairperson's Message

I am pleased to present this Activity Plan for the Mineral Rights Adjudication Board, a category 3 entity under the **Transparency and Accountability Act**. The plan covers the period April 1, 2023 to March 31, 2026.

The Mineral Rights Adjudication Board's (the Board) role is to ensure that persons – most commonly mineral exploration companies and prospectors – who feel aggrieved by the application of the **Mineral Act** have recourse to an appeal. The Board also has jurisdiction over matters under the **Mining Act**. This plan outlines the Board's intended activities for the next three years in carrying out this role.

The plan has been prepared in consideration of Government's Strategic Direction relevant to the mining sector and in accordance with requirements of the **Transparency and Accountability Act**.

My signature below is on behalf of the Board and is indicative of the Board's accountability for the preparation of the plan, as well as the achievement of its stated objective.

Sincerely,



Megan Reynolds

Chairperson



Liam O'Brien

Temporary Chairperson

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, are eligible for reappointment, and convened only as grievances arise. 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 there is a conflict of interest.

As set out in section 38 of the **Mineral Act**, the Board's role, in support of the mandate, is to hear and make determinations on questions and disputes arising out of the application of the **Mineral Act**, the **Mining Act**, and related regulations. This often involves hearing and determining on disputes related to licences, certificates and leases allowed for under these statutes and the associated rights and privileges those instruments convey.

As of March 31, 2023, the Board members were:

- Megan Reynolds (Chairperson)
- Roderick Mercer (Member)
- Michael Regular (Member)
- Liam O'Brien (Temporary Chairperson)
- George Jenner (Temporary Member)

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

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 license;
- 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.

Process

Section 39 of the **Mineral Act** states that a person affected and aggrieved by a matter falling within the mandate of the Board can file a notice of grievance with the Board to have the matter adjudicated.

Upon receipt of notice of a grievance, the Board is obligated to hear the grievance, decide upon the matter and record its decision within 90 days, unless the Minister of Industry, Energy and Technology extends that period of time.

Board members convene on a pre-determined date to hear a grievance and make a decision. Before making a decision, however, the Board may need to refer a question of law raised at the hearing for the opinion of a judge of the Trial Division. Once a decision has been made by the Board, the decision is recorded in writing and transmitted to the grievor, other persons affected by the grievance, and the Minister of Industry, Energy and Technology.

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**.

Strategic Issue

Mineral Rights Adjudication

The priority of the Board for the period April 1, 2023 to March 31, 2026 is focused on carrying out the Board's mandated activities to hear and decide grievances filed under the **Mineral Act** or the **Mining Act**. Active and modern exploration and mining industries require an effective dispute resolution mechanism. As such, by fulfilling its role effectively, the Board supports the Provincial Government's overall strategic direction toward growth in the exploration and mining industries.

The following objective and indicators have been established by the Board and will apply to each year covered by the planning period. Performance results will be made available each year in an annual report, for the fiscal years 2023-24, 2024-25 and 2025-26, as required under the **Transparency and Accountability Act**.

Objective

By March 31 each year, the 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

Annex A - Strategic Direction

A strategic direction is the articulation of a desired physical, social, or economic outcome that would normally require action or involvement by, more than one government entity. The following strategic direction has been identified by Government for this planning cycle and is relevant to the operations of the Board.

Developing Innovation and Opportunity in Our Mineral Exploration and Mining Sector

Outcome: Position Newfoundland and Labrador as a globally competitive, top tier jurisdiction for mineral exploration and development.

