



Mineral Rights Adjudication Board

ACTIVITY PLAN

April 1, 2007 to March 31, 2008



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MIN-2
A25M5
2007/08
c.2



Chairperson's Message

March 27, 2008

Honourable Kathy Dunderdale
Minister of Natural Resources
Natural Resources Building
P.O. Box 8700
St. John's, NL
A1B 4J6

Dear Minister:

I am pleased to submit a transitional Performance-Based Plan for the Mineral Rights Adjudication Board. Its categorization under the *Transparency and Accountability Act* is pending. This plan covers the period April 1, 2007 to March 31, 2008.

The board recognizes the vision and mission of the Department of Natural Resources and is committed to its supporting role to ensure that mining exploration and development companies who have been aggrieved by the application of *the Mining Act* or *the Mineral Act*, have recourse to an appeal. The board has reviewed all strategic directions from the Minister of Natural Resources and has prepared this plan to be consistent with direction to sustain natural resource development through benefits maximization.

My signature below is on behalf of the Mineral Rights Adjudication Board and indicative of the board's accountability for the achievement of the goal contained in this plan.

Respectfully submitted,


Ernest Boone
Chairperson

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Overview

Section 37 of the *Mineral Act* provides for the appointment of a Mineral Rights Adjudication Board. The board is to be appointed by the Minister with the approval of the Lieutenant-Governor-in-Council. The members serve for a three year period, and they are eligible for reappointment. The board consists of 3 persons, at least 1 of whom is a barrister, who shall be chairperson, and 1 of whom is experienced in mining.

The board now consists of: Mr. Ernest Boone (lawyer, Chair), appointed September 10, 2007; Mr. Roland Strickland (geologist), appointed January 30, 2007; and Mr. Stephen Burt, appointed January 30, 2007.

Mandate

It is the function of the board and 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;
- disputes or questions arising between a person and the minister or recorder, or between competing claimants, respecting the boundaries of areas physically staked or the manner and time of staking;
- 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.

Values of the Department of Natural Resources

The Mineral Rights Adjudication Board performs its duties within the core values established by the Department of Natural Resources.

- Integrity - Each individual will be honest, dependable, fair, credible and trustworthy. They will openly acknowledge mistakes, seek to correct them and learn from them.
- Respect and Professionalism - Each individual will apply departmental legislation and policies equitably to stakeholders. They will serve our client groups to the fullest extent possible.
- Timeliness - Each individual will meet specified deadlines in accordance with departmental priorities and follow through on their commitments.
- Collaboration - Each individual will seek the opinions and ideas of others in the application of departmental legislation and policies.
- Innovation - Each individual will demonstrate initiative and flexibility in responding to challenges and change.

Primary Clients

The clients of the Mineral Rights Adjudication Board are mining exploration and development companies who have rights under either *the Mineral Act* or the *Mining Act*.

Vision and Mission

Given its primary clients, the Mineral Rights Adjudication Board contributes to the vision and mission of the Department of Natural Resources, Mines and Energy Branches, by ensuring that the rights of mining and oil and gas exploration and development companies are fairly administered.

Vision of the Department of Natural Resources, Mines and Energy Branches

The vision of the Department of Natural Resources, Mines and Energy Branches, is of a province that is realizing the full benefit from the use of its mineral and energy resources in a sustainable manner.

Mission of the Department of Natural Resources, Mines and Energy Branches

By 2011 the Department of Natural Resources, Mines and Energy Branches, will have identified and facilitated further opportunities for resource development and optimized the benefits received from these resources. Additional information on measures and indicators associated with the mission statement can be obtained from the Department of Natural Resources, 2006 to 2008 strategic plan.

Goal

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.

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.

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.

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 Trial Division, and the Rules of Court made under the Judicature Act relating to a special case apply to a reference made under this subsection as if that reference were made by the parties to the grievance.

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.

Goal: By March 31, 2008, the Mineral Rights Adjudication Board will have carried out its responsibilities under legislation.

Measure: Carried out responsibilities

Indicators:

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

Conclusion

The Mineral Rights Adjudication Board is committed to supporting the mandate of the Minister of Natural Resources and will continue to do its part to further the vision and mission of the Department of Natural Resources, Mines and Energy Branches, by ensuring that the public can receive a hearing to appeal the application of *the Mineral Act* and *the Mining Act*.

Appendix A

Strategic Directions

Strategic directions are the articulation of desired physical, social or economic outcomes and normally require action by more than one government entity. These directions are generally communicated by government through platform documents, Throne and Budget Speeches, policy documents and other communiqués. The *Transparency and Accountability Act* requires departments and public bodies to take into account these strategic directions in the preparation of their performance-based plans. This action will facilitate the integration of planning practices across government and will ensure that all entities are moving forward on key commitments.

Title: Sustainable Resource Development

Outcome: Effective and efficient management of our natural resources to ensure that they are utilized in a sustainable manner such that the resources and the economic benefits from these resources are optimized. This outcome supports government direction as outlined in Government’s 2003 Policy Document and the 2004 and 2005 Speech from the Throne.

Focus Areas of the Strategic Direction	Being addressed by other entities reporting to the Minister	This Direction is addressed in the Board’s
		Activity plan
3. Minerals <ul style="list-style-type: none"> • Exploration • Land Use • Benefits Maximization • Value-added activities 	* * *	*