

Executive Summary

Modernizing Ontario's Mining Act

FINDING A BALANCE

Discussion Paper

August 2008

Ontario is modernizing its Mining Act to ensure that this legislation promotes fair, balanced, sustainable development that benefits all Ontarians.

As Canada's largest producer of minerals, Ontario accounted for 28 per cent of the national total in 2007, at an approximate value of \$10.7 billion. The sector employs 100,000 Ontarians directly and indirectly, and offers average weekly earnings that are 50 per cent higher than all other industrial sectors. Each year, mining companies inject approximately \$1 billion into the Ontario economy and support over 1,000 local businesses.

Mining holds tremendous potential, especially for the province's northern, rural and Aboriginal communities. Ontario wants to make sure that this potential is developed in a sustainable way that continues to benefit the province and respects communities.

In announcing Ontario's Far North Planning initiative on July 14, 2008, Premier Dalton McGuinty said Ontario is going to modernize the way mining companies stake and explore their claims to be more respectful of private land owners and Aboriginal communities.

Ontario believes exploration and mine development should only take place following early consultation and accommodation with Aboriginal communities, he said.

The Premier also stressed that the goal, both in the Far North region and across the province, is to strike the right balance between conservation and development.

By modernizing the Mining Act, Ontario will ensure that it has up-to-date mining practices to support this vibrant and vital sector. A modernized Mining Act will also address the need to ensure appropriate consultation with and accommodation of First Nation and Métis communities.

The modernization process will build on commitments outlined in Ontario's Mineral Development Strategy and on input and information received during previous consultations and dialogues – including ongoing discussions regarding an Aboriginal Consultation Approach for Mineral Sector Activities, the EBR-Environmental Registry posting on surface and mineral rights issues, consultations on Ontario's Mineral Development Strategy and preliminary discussions toward the development of a Growth Plan for Northern Ontario.

The government believes five critical policy issues must be addressed in this review of Ontario's Mining Act:

1. *Mineral tenure system and security of investment*

Potential adjustments to the mineral tenure system, including free entry, to assure investment security while taking into account other interests, including Aboriginal community concerns and private landowners' issues

2. *Aboriginal rights and interests related to mining development*

Potential approaches to consultation and accommodation related to the broad range of mineral sector activities as they affect Aboriginal and treaty rights

3. *Regulatory processes for exploration activities on Crown Land*

Potential approaches to regulating exploration activities, including consultation and accommodation of Aboriginal communities.

4. *Land use planning in Ontario's Far North*

Potential approaches to the requirement that new mines in the Far North would need community land use plans supported by local First Nations.

5. *Private rights and interests relating to mining development (mineral rights/surface rights issues)*

Potential approaches to address mineral rights and surface rights issues.

How to Participate

The Ministry of Northern Development and Mines will host facilitated public discussion sessions in Timmins (August 11), Sudbury (August 13), Thunder Bay (August 18), Kingston (August 28) and Toronto (September 8). Please visit www.ontario.ca/miningact for more information about the public meetings.

The ministry will be reaching out to First Nation and Métis communities for their input through meetings with First Nation and Métis leaders and organizations. In addition, we will provide copies of the discussion paper to all First Nation communities and Aboriginal organizations in the province, then follow up with invitations for input. Focused meetings for mineral sector and other stakeholders will be held in appropriate locations throughout Ontario.

You may also respond to the discussion paper through the Environmental Registry or by emailing us at miningact@ontario.ca. Written submissions may be mailed to:
Ministry of Northern Development and Mines
99 Wellesley Street West, Room 5630
Toronto, Ontario M7A 1W3

All comments should be sent by October 15. We will introduce legislation in the upcoming session and, if it is passed, new rules would be in place for later next year.