

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2023

Bill 71

An Act to amend the Mining Act

The Hon. G. Pirie
Minister of Mines

Government Bill

1st Reading March 2, 2023

2nd Reading March 9, 2023

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on the Interior
and as reported to the Legislative Assembly April 19, 2023)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

The Bill amends the *Mining Act*.

The Act is amended to provide for certain powers exercised by public servants appointed for the purpose to be exercised by the Minister of Mines instead:

1. Section 78 is amended to permit the Minister to exercise any power and perform any duty of a Director of Exploration under the Act in place of the Director.
2. Part VII is amended to remove the position of Director of Mine Rehabilitation and to give the powers and duties of the Director of Mine Rehabilitation to the Minister. A number of amendments are made to the French version of the Act to reflect the change.

Most of the remaining amendments in the Bill are made to or are in relation to Part VII of the Act (Rehabilitation of Mining Lands), including the following:

1. The definition of “rehabilitate” in subsection 139 (1) is re-enacted to provide for different rehabilitation outcomes. Complementary amendments are made to the definition of “protective measures”, which forms part of rehabilitation.
2. Section 140 is amended to provide that a closure plan respecting advanced exploration may be filed even if it does not meet the requirements of the Act and the regulations, if the proponent obtains an order from the Minister permitting the filing. The order must provide that the outstanding requirements be met within the period specified by the Minister in the order, and may be subject to further terms and conditions that the Minister may include in the order. Similar amendments are made to section 141 in relation to the filing of a closure plan respecting mine production and to section 143 in relation to the filing of an amendment to a filed closure plan.
3. Provisions are added to sections 140, 141 and 143 to expressly provide that regulations setting out the requirements for a submitted closure plan or amendment to a closure plan may require that a statement to be included in the closure plan or amendment be certified by a qualified person or other individual specified by the regulations. A definition of “qualified person” is added to subsection 139 (1).
4. Subsection 144 (2) of the Act is re-enacted to limit the number of circumstances in which a proponent must give notice of a material change in respect of a project.
5. Section 145 is amended to expressly take into account phased financial assurance.
6. A new subsection 145 (6.3) provides that if the Minister approves a change to the financial assurance in a proponent’s closure plan, an amendment to the closure plan indicating the change is deemed to have been filed. This removes any need for the proponent to propose an amendment to the filed closure plan under section 143 respecting the change.
7. Subsections 145 (2) to (5), dealing with the realization of security on the basis that a rehabilitation measure has not or will not be carried out, are re-enacted as a new section 146.
8. Section 152.1, dealing with recovery of minerals or mineral bearing substances and subsequent remediation of land, currently provides that the remediation must be such that the condition of the land with respect to one or both of public health and safety or the environment is improved following the remediation, as determined by the Director of Mine Rehabilitation. The section, which is not yet in force, is amended so that it will instead provide that the condition of the land following remediation must be comparable to or better than it was before the recovery with respect to both public health and safety and the environment, as determined by the Minister.
9. Subsection 153.2 (7) is enacted so that, if the Minister transfers a proponent’s filed closure plan to another person, an amendment to the closure plan indicating the transfer is deemed to have been filed. This removes any need for a person to propose an amendment to the filed closure plan under section 143 respecting the transfer.

Various complementary amendments are made to the Act, including the re-enactment of the regulation-making authority specific to Part VII (subsection 176 (2)) and the enactment of a transitional regulation-making authority (subsection 176 (1.1.1)).

An Act to amend the Mining Act

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 (1) Section 1 of the *Mining Act* is amended by striking out “Director of Mine Rehabilitation” wherever it appears and substituting in each case “Minister”.

(2) The definition of “Deputy Minister” in subsection 1 (1) of the Act is repealed and the following substituted:

“Deputy Minister” means the Deputy Minister of the Ministry; (“sous-ministre”)

(3) Clause (a) of the definition of “Minister” in subsection 1 (1) of the Act is amended by striking out “Minister of Northern Development and Mines” and substituting “Minister of Mines”.

2 Section 4 of the Act is amended by adding the following subsection:

Exception

(5.0.1) Subsection (5) does not apply to a power or duty set out in subsection 78 (2).

3 Section 78 of the Act is amended by adding the following subsections:

Minister may act instead of Director of Exploration

(2) The Minister may exercise any power and perform any duty of a Director of Exploration under this Act in place of the Director.

Same, interpretation

(3) For the purposes of subsection (2), if the Minister exercises a power or performs a duty of a Director of Exploration, a reference in any Act or regulation to a Director of Exploration in respect of the exercise or performance shall be read as a reference to the Minister.

4 Paragraph 2 of subsection 138 (1) of the Act is repealed.

5 (1) The definition of “Director” in subsection 139 (1) of the Act is repealed.

(2) The definition of “protective measures” in subsection 139 (1) of the Act is amended by adding “subject to subsection (1.1)” at the end.

(3) Subsection 139 (1) of the Act is amended by adding the following definition:

“qualified person” means an individual who meets the prescribed requirements; (“personne compétente”)

(4) The definition of “rehabilitate” in subsection 139 (1) of the Act is repealed and the following substituted:

“rehabilitate” means to take measures, including protective measures, in accordance with the prescribed standards, subject to subsection (1.1), to treat a site or mine hazard so that the use or condition of the site,

- (a) is restored to its former use or condition to the extent required by the prescribed standards, or
- (b) is changed to a different use or condition that the Minister determines, in accordance with the regulations,
 - (i) is or will be compatible with the use of adjacent land, or
 - (ii) is suitable for a future use of the site determined by the Minister; (“réhabiliter”)

(5) Section 139 of the Act is amended by adding the following subsection:

Interpretation, prescribed standards

(1.1) For the purposes of this Part, the prescribed standards referred to in the definitions of “protective measures” and “rehabilitate” in subsection (1) are the prescribed standards, subject to any exemptions authorized by regulations made under clause 176 (2) (f) or circumstances provided for by regulations made under clause 176 (2) (g) in which compliance with a standard is not required.

6 (1) Subsection 139.3 (5) of the Act is amended by striking out “the Director may issue an order” and substituting “the Minister may issue an order”.

(2) The French version of subsection 139.3 (6) of the Act is amended by striking out “L’ordonnance prévue” at the beginning and substituting “L’arrêté prévu”.

7 (1) Paragraph 4 of subsection 140 (1) of the Act is repealed and the following substituted:

4. After the conditions set out in paragraphs 2 and 3 have been met,
 - i. the proponent has submitted to the Minister a closure plan that,
 - A. includes financial assurance as required under this Act or the regulations, and
 - B. meets any other prescribed requirements, or
 - ii. the proponent has submitted to the Minister a closure plan that does not meet the requirements referred to in subparagraph i, together with an order under subsection (3) permitting the filing of the closure plan.

(2) Subsection 140 (2) of the Act is repealed and the following substituted:

Certifications

(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in a closure plan be certified by a qualified person or other individual specified by the regulations.

Order permitting filing

(3) The Minister may by order permit the filing of a closure plan that does not meet all of the requirements referred to in subparagraph 4 i of subsection (1), subject to the terms and conditions set out in subsection (4), if, before the proponent submits the closure plan,

- (a) the proponent submits a request for the order in the prescribed form and manner; and
- (b) the Minister determines that it is consistent with the purposes of this Act to make the order.

Same, terms and conditions

(4) In making an order under subsection (3), the Minister,

- (a) shall include a condition that the proponent meet the outstanding requirements in the time and manner specified by the Minister in the order; and
- (b) may include any other terms or conditions the Minister considers appropriate.

Filing or returning closure plan

(5) No later than 45 days after a proponent has submitted a closure plan, the Minister shall,

- (a) file the closure plan and give the proponent written confirmation that the closure plan has been filed as of the date of the written confirmation, if the closure plan meets the requirements of this Act and the regulations or there is an order under subsection (3) permitting the filing; or
- (b) return the closure plan to the proponent for resubmission, if the closure plan does not meet the requirements of this Act and the regulations and there is no order under subsection (3) permitting the filing.

8 (1) Paragraph 4 of subsection 141 (1) of the Act is repealed and the following substituted:

4. After the conditions set out in paragraphs 2 and 3 have been met,
 - i. the proponent has submitted to the Minister a closure plan that,
 - A. includes financial assurance as required under this Act or the regulations, and
 - B. meets any other prescribed requirements, or
 - ii. the proponent has submitted to the Minister a closure plan that does not meet the requirements referred to in subparagraph i, together with an order under subsection (3) permitting the filing of the closure plan.

(2) Subsection 141 (2) of the Act is repealed and the following substituted:

Certifications

(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in a closure plan be certified by a qualified person or other individual specified by the regulations.

Order permitting filing

(3) The Minister may by order permit the filing of a closure plan that does not meet all of the requirements referred to in subparagraph 4 i of subsection (1), subject to the terms and conditions set out in subsection (4), if, before the proponent submits the closure plan,

- (a) the proponent submits a request for the order in the prescribed form and manner; and

- (b) the Minister determines that it is consistent with the purposes of this Act to make the order.

Same, terms and conditions

- (4) In making an order under subsection (3), the Minister,
 - (a) shall include a condition that the proponent meet the outstanding requirements in the time and manner specified by the Minister in the order; and
 - (b) may include any other terms or conditions the Minister considers appropriate.

Filing or returning closure plan

- (5) No later than 45 days after a proponent has submitted a closure plan, the Minister shall,
 - (a) file the closure plan and give the proponent written confirmation that the closure plan has been filed as of the date of the written confirmation, if the closure plan meets the requirements of this Act and the regulations or there is an order under subsection (3) permitting the filing; or
 - (b) return the closure plan to the proponent for resubmission, if the closure plan does not meet the requirements of this Act and the regulations and there is no order under subsection (3) permitting the filing.

9 Section 141.2 of the Act is repealed and the following substituted:

Compliance with filed closure plan

141.2 A proponent shall comply with their filed closure plan.

10 (1) Paragraph 4 of subsection 143 (1) of the Act is repealed and the following substituted:

- 4. After the conditions set out in paragraphs 2 and 3 have been met,
 - i. the proponent has submitted to the Minister an amendment to the closure plan that,
 - A. includes financial assurance as required under this Act or the regulations, and
 - B. meets any other prescribed requirements, or
 - ii. the proponent has submitted to the Minister an amendment to the closure plan that does not meet the requirements referred to in subparagraph i, together with an order under subsection (3) permitting the filing of the closure plan.

(2) Subsections 143 (2) and (3) of the Act are repealed and the following substituted:

Certifications

(2) Regulations made for the purposes of subparagraph 4 i of subsection (1) may require that a statement to be included in an amendment to a closure plan be certified by a qualified person or other individual specified by the regulations.

Order permitting filing

(3) The Minister may by order permit the filing of an amendment to a closure plan that does not meet all of the requirements referred to in subparagraph 4 i of subsection (1), subject to the terms and conditions set out in subsection (4), if, before the proponent submits the amendment,

- (a) the proponent submits a request for the order in the prescribed form and manner; and
- (b) the Minister determines that it is consistent with the purposes of this Act to make the order.

Same, terms and conditions

- (4) In making an order under subsection (3), the Minister,
 - (a) shall include a condition that the proponent meet the outstanding requirements in the time and manner specified by the Minister in the order; and
 - (b) may include any other terms or conditions the Minister considers appropriate.

Amendments, ordered by Minister

(5) The Minister may at any time, by order, require that the proponent submit, within the time specified in the order and in accordance with the order, amendments to a filed closure plan, which may include requirements to increase the amount of financial assurance.

Filing or returning amendment to closure plan

- (6) No later than 45 days after a proponent has submitted an amendment to a closure plan, the Minister shall,
 - (a) file the amendment and give the proponent written confirmation that the amendment has been filed as of the date of the written confirmation, if the amendment meets the requirements of this Act and the regulations or there is an order under subsection (3) permitting the filing; or

- (b) return the amendment to the proponent for resubmission, if the amendment does not meet the requirements of this Act and the regulations and there is no order under subsection (3) permitting the filing.

11 (1) Subsection 143.1 (1) of the Act is repealed and the following substituted:

Specified changes by order

- (1) The Minister may at any time, by order, require changes to a filed closure plan.

(2) Subsection 143.1 (2) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Same, mine hazard under s. 147 (1)

- (2) If a change ordered under subsection (1) is to a closure plan for a mine hazard under subsection 147 (1) and the order requires that a new schedule for completing the rehabilitation of the mine hazard be submitted, the following rules apply:

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(3) The French version of paragraphs 1 and 2 of subsection 143.1 (2) of the Act are amended by striking out “l’ordonnance” wherever it appears and substituting in each case “l’arrêté”.

(4) Subsection 143.1 (3) of the Act is amended by striking out “within 30 days after receiving the order requiring changes, notify the Director” and substituting “within 30 days after receiving the order requiring changes, notify the Minister”.

12 (1) The English version of subsection 144 (1) of the Act is amended by striking out “forthwith” and substituting “promptly”.

(2) Subsection 144 (2) of the Act is repealed and the following substituted:

Notice of material change

- (2) A proponent shall promptly notify the Minister in the prescribed form and manner if a change that could reasonably be expected to have a material effect on the adequacy of the proponent’s filed closure plan is planned, has occurred or is likely to occur.

13 (1) Paragraph 6 of subsection 145 (1) of the Act is repealed and the following substituted:

6. Any other form of security or any other guarantee or protection, including a pledge of assets, a sinking fund, royalties per tonne or any type of phased financial assurance, that meets any prescribed requirements and that is acceptable to the Minister.

(2) Subsections 145 (2) to (5) of the Act are repealed.

(3) The English version of subsection 145 (6) of the Act is amended by striking out “forthwith” and substituting “promptly”.

(4) Section 145 of the Act is amended by adding the following subsections:

Change in phased financial assurance

- (6.1) If the financial assurance provided under this section is any type of phased financial assurance and the proponent fails to comply with the required phasing, the Minister may require, in the prescribed manner, that the proponent promptly provide cash, a letter of credit, a bond or other security, guarantee or protection acceptable to the Minister for any or all of the outstanding amount.

Change of financial assurance on application

- (6.2) A proponent may apply to the Minister for a change in the form of financial assurance specified in the filed closure plan to another form permitted under subsection (1).

Deemed amendment

- (6.3) If the Minister approves a change under subsection (6), (6.1) or (6.2), an amendment to the proponent’s closure plan indicating the change shall be deemed to have been filed.

14 The Act is amended by adding the following section:

Order for rehabilitation

- 146 (1)** If the Minister has reasonable and probable grounds for believing that a rehabilitation measure required by a filed closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with the plan, the Minister may, by order, provide for the performance of the rehabilitation measure.

Notice

(2) At least 15 days before an order is issued under subsection (1), the Minister shall give the proponent written notice of an intention to issue the order.

Parties affected

(3) Both the notice and the order shall be directed to,

- (a) the proponent who submitted the closure plan or to their successor; and
- (b) any person who, to the Minister's knowledge, provided the financial assurance for or on behalf of the proponent or to that person's successor or assignee.

Realization of security

(4) On the issuance of the order, the Crown may use any cash, realize any letter of credit or bond or enforce any other security, guarantee or protection provided or obtained as financial assurance for the performance of rehabilitation measures in respect of the site or mine hazard in order to carry out the rehabilitation measure specified in the order.

Performance by agent

(5) The Minister may appoint an agent to carry out a rehabilitation measure on behalf of the Crown, if the Minister considers it necessary.

15 (1) The French version of subsection 147 (1) of the Act is amended by,

- (a) striking out “peut, par écrit,” and substituting “peut, par arrêté,”; and
- (b) striking out “l’ordonnance” and substituting “l’arrêté”.

(2) Subsection 147 (2) of the Act is amended by striking out “does not comply with an order of the Director under subsection (1), the Director may” and substituting “does not comply with an order under subsection (1), the Minister may”.

(3) Subsection 147 (3) of the Act is repealed and the following substituted:

Recommendation that lease be voided

(3) If the proponent does not comply with an order under subsection (1) and is a lessee of the lands on which the mine hazard exists, the Minister may recommend to the Lieutenant Governor in Council that the lease be declared void on condition that the Minister indicate in the notice referred to in subsection (2) the intention to make such a recommendation.

(4) The French version of subsection 147 (5) of the Act is amended by striking out “l’ordonnance rendue” and substituting “l’arrêté pris”.

16 Subsection 151 (3) of the Act is amended by striking out “subsection 145 (5)” in the portion before clause (a) and substituting “section 146”.

17 (1) Subsection 152 (1) of the Act is repealed and the following substituted:

Appeals

Appeal to Tribunal

(1) A proponent may appeal to the Tribunal,

- (a) an order requiring the submission of a closure plan under subsection 147 (1);
- (b) an order requiring changes to a filed closure plan under section 143.1; or
- (c) an order for the performance of rehabilitation measures under section 146.

(2) The French version of subsection 152 (2) of the Act is amended by,

- (a) striking out “d’une ordonnance ou d’une mesure visée” and substituting “d’un arrêté ou d’une mesure visés”; and
- (b) striking out “l’ordonnance” and substituting “l’arrêté”.

(3) Subsection 152 (4) of the Act is repealed and the following substituted:

Automatic stay unless removed

(4) Upon service on the Minister of the notice under subsection (2), the Minister's order is stayed until the Tribunal disposes of the appeal unless the Minister applies, on notice, for a removal of the stay.

(4) Subsection 152 (5) of the Act is amended by striking out “or to filed amendments to a closure plan”.

(5) Subsection 152 (6) of the Act is repealed and the following substituted:

Refusal by Tribunal

(6) Despite subsection (4), the Tribunal shall refuse to hear an appeal of an order for changes to a filed closure plan that require an increased amount of financial assurance unless the proponent has provided the Minister, along with the notice of appeal, with the increased amount of financial assurance required, which amount shall be held by the Crown pending the outcome of the appeal.

(6) Subsection 152 (8) of the Act is amended by striking out “the Director’s order or action” and substituting “the Minister’s order or action”.

~~18 (1) Paragraph 1 of subsection 152.1 (2) of the Act is repealed and the following substituted:~~

~~—1. That the permit holder shall ensure the remediation of the land on which the tailings or other waste materials are located, such that the condition of the land with respect to one or both of public health and safety or the environment following the remediation is comparable to or better than it was before the recovery, as determined by the Minister.~~

~~(2) Subclause 152.1 (3) (a) (iii) of the Act is repealed and the following substituted:~~

~~—(iii) how the land would be remediated such that the condition of the land with respect to one or both of public health and safety or the environment following the remediation is comparable to or better than it was before the recovery, as determined by the Minister;~~

~~(3) Clause 152.1 (5) (d) of the Act is repealed and the following substituted:~~

~~—(d) whether, if the remediation were carried out in accordance with the proposed recovery and remediation plan, the condition of the land with respect to one or both of public health and safety or the environment following the remediation would be comparable to or better than it was before the recovery; and~~

18 (1) Paragraph 1 of subsection 152.1 (2) of the Act is repealed and the following substituted:

1. That the permit holder shall ensure the remediation of the land on which the tailings or other waste materials are located, such that the condition of the land with respect to public health and safety and the environment following the remediation is comparable to or better than it was before the recovery, as determined by the Minister.

(2) Subclause 152.1 (3) (a) (iii) of the Act is repealed and the following substituted:

—(iii) how the land would be remediated such that the condition of the land with respect to public health and safety and the environment following the remediation is comparable to or better than it was before the recovery, as determined by the Minister.

(3) Clause 152.1 (5) (d) of the Act is repealed and the following substituted:

—(d) whether, if the remediation were carried out in accordance with the proposed recovery and remediation plan, the condition of the land with respect to public health and safety and the environment following the remediation would be comparable to or better than it was before the recovery; and

19 (1) The French version of subsection 152.6 (1) of the Act is amended by,

- (a) striking out “peut, par ordonnance” in the portion before clause (a) and substituting “peut, par arrêté”;
- (b) striking out “dans l’ordonnance” wherever it appears and substituting in each case “dans l’arrêté”; and
- (c) striking out “et que l’ordonnance de cessation de l’activité ait été révoquée” at the end of clause (c) and substituting “et que l’arrêté de cessation de l’activité ait été révoqué”.

(2) The French version of subsection 152.6 (2) of the Act is amended by striking out “peut, par ordonnance” and substituting “peut, par arrêté”.

(3) The French version of subsection 152.6 (3) of the Act is amended by striking out “une ordonnance prise” and substituting “un arrêté pris”.

20 (1) The French version of clause 152.7 (1) (a) of the Act is amended by striking out “une ordonnance prise” and substituting “un arrêté pris”.

(2) The French version of subsections 152.7 (2) and (3) of the Act are amended by striking out “l’ordonnance” wherever it appears and substituting in each case “l’arrêté”.

21 Subsection 153 (2) of the Act is repealed.

22 (1) Subsection 153.2 (1) of the Act is amended by striking out “an order of the Director, the Tribunal or the Minister under this Part” in the portion before clause (a) and substituting “an order under this Part”.

(2) Subsection 153.2 (2) of the Act is amended by striking out “the Director may recommend that the Minister not consent to the transfer of the lease or licence” at the end and substituting “the Minister may, on that basis, refuse to consent to the transfer of the lease or licence”.

(3) The French version of subsection 153.2 (3) of the Act is amended by striking out “peut ordonner” and substituting “peut, par arrêté, ordonner”.

(4) Subsection 153.2 (4) of the Act is amended by striking out clause (a) and the portion before clause (a) and substituting the following:

Realization of security

(4) If a proponent fails to comply with an order referred to in subsection (3), the Minister may,

- (a) realize on the financial assurance under section 146 if the proponent is subject to a closure plan;

(5) Subsection 153.2 (5) of the Act is amended by striking out “an order of the Director, Tribunal or Minister” and substituting “an order under this Part”.

(6) Section 153.2 of the Act is amended by adding the following subsection:

Deemed amendment

(7) If a filed closure plan is transferred in accordance with subsection (6), an amendment to the closure plan indicating the transfer shall be deemed to have been filed.

23 (1) The French version of subsection 153.4 (1) of the Act is amended by striking out “d’une ordonnance ou” in the portion before clause (a).

(2) The French version of subsection 153.4 (2) of the Act is amended by,

- (a) striking out “et l’ordonnance ou l’arrêté sont réputés signifiés” and substituting “et l’arrêté est réputé signifié”; and

- (b) striking out “de l’avis, de l’ordonnance ou de l’arrêté” and substituting “de l’avis ou de l’arrêté”.

(3) The French version of subsection 153.4 (3) of the Act is amended by,

- (a) striking out “et les ordonnances ou arrêtés” and substituting “et les arrêtés”; and

- (b) striking out “l’avis, l’ordonnance ou l’arrêté” and substituting “l’avis ou l’arrêté”.

24 Section 153.5 of the Act is repealed and the following substituted:

Notice for amending and revoking orders

153.5 If the Minister amends or revokes any order made under this Part, the Minister shall give written notice to the person to whom the order is directed.

25 (1) Subsection 167 (2) of the Act is amended by,

- (a) striking out “an order of the Director, Tribunal or Minister under Part VII” and substituting “an order under Part VII”; and

- (b) striking out “aux conditions de l’ordonnance” and substituting “aux conditions de l’ordonnance ou de l’arrêté” in the French version.

(2) Subsection 167 (3) of the Act is repealed and the following substituted:

Application for restraining order

(3) The Minister may apply at any time to a judge of the Superior Court of Justice for an order prohibiting advanced exploration, mining or mine production on a site if any person fails to,

- (a) comply with section 140, 141 or 141.1, as the case may be, before commencing or recommencing a project;
- (b) comply with a term or condition of an order made under subsection 140 (3), 141 (3) or 143 (3);
- (c) comply with a filed closure plan as required under section 141.2;
- (d) comply with the requirements of section 143 or 143.1; or
- (e) submit a notice of material change required under subsection 144 (2).

26 (1) Clause 170.1 (3) (a) of the Act is amended by striking out “a Director’s decision” and substituting “a decision”.

(2) Clause 170.1 (3) (b) of the Act is amended by striking out “clause 140 (1) (c) or 141 (1) (c)” and substituting “paragraph 3 of subsection 140 (1) or paragraph 3 of subsection 141 (1)”.

27 (1) Section 176 of the Act is amended by adding the following subsection:

Same

(1.1.1) The Lieutenant Governor in Council may make regulations governing transitional matters arising from the enactment of the *Building More Mines Act, 2023* that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of amendments made by that Act.

(2) Subsection 176 (1.2) of the Act is amended by adding “or (1.1.1)” after “subsection (1.1)”.

(3) Subsections 176 (2) and (2.1) of the Act are repealed and the following substituted:

Regulations re Part VII

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations relating to Part VII,

- (a) governing closure plans and their preparation, including specifying documents and information that must be included in a closure plan and setting out certification and reporting requirements;
- (b) governing the standards for rehabilitation, including governing the standards for the protective measures to be taken in respect of the closure of a mine;
- (c) governing determinations for the purposes of clause (b) of the definition of “rehabilitate” in subsection 139 (1), including setting out procedures for requesting a determination;
- (d) governing financial assurance for the purposes of section 145;
- (e) imposing time limits for the compliance of duties under the Part;
- (f) authorizing a person specified in the regulations to exempt a proponent from complying with any standard, procedure or requirement in a regulation made for the purposes of the Part, subject to any terms or conditions the person may specify or that may be specified in the regulations;
- (g) providing for circumstances in which a proponent, project or class of either need not comply with a regulation or a provision of a regulation made for the purposes of the Part;
- (h) governing transitional matters arising from the enactment of Schedule 10 to the *Accelerating Access to Justice Act, 2021* that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of the amendments to this Act made by that Schedule.

(4) Subsection 176 (2.1.1) of the Act is amended by adding “Without limiting the generality of subsection (1)” at the beginning.

(5) Clause 176 (2.1.1) (k) of the Act is repealed.

(6) Subsection 176 (2.2) of the Act is amended by striking out “subsection (1), (2) or (2.1.1)” and substituting “this section”.

28 (1) The following provisions of the Act are amended by striking out “the Director” and “the Director’s” wherever they appear and substituting in each case “the Minister” or “the Minister’s” respectively:

1. Section 1.
2. Part VII, other than sections 152.1 to 152.7.

(2) Sections 152.1 to 152.7 of the Act are amended by striking out “the Director” and “the Director’s” wherever they appear and substituting in each case “the Minister” or “the Minister’s” respectively.

Commencement

29 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Sections 1 to 17 and 21 to 27 and subsection 28 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Sections 18 to 20 and subsection 28 (2) come into force on the later of the day subsection 5 (1) comes into force and the day section 7 of Schedule 12 to the *Supporting People and Businesses Act, 2021* comes into force.

Short title

30 The short title of this Act is the *Building More Mines Act, 2023*.