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**Official Report
of Debates
(Hansard)**

IN-7

**Journal
des débats
(Hansard)**

IN-7

**Standing Committee
on the Interior**

Building More Mines
Act, 2023

1st Session
43rd Parliament

Thursday 6 April 2023

**Comité permanent
des affaires intérieures**

Loi de 2023 visant
l'aménagement
de davantage de mines

1^{re} session
43^e législature

Jeudi 6 avril 2023

Chair: Aris Babikian
Clerk: Thushitha Kobikrishna

Président : Aris Babikian
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON THE INTERIOR**

**COMITÉ PERMANENT
DES AFFAIRES INTÉRIEURES**

Thursday 6 April 2023

Jeudi 6 avril 2023

The committee met at 1402 in the Radisson Hotel, Sudbury.

**BUILDING MORE MINES
ACT, 2023**

**LOI DE 2023 VISANT L'AMÉNAGEMENT
DE DAVANTAGE DE MINES**

Consideration of the following bill:

Bill 71, An Act to amend the Mining Act / Projet de loi 71, Loi modifiant la Loi sur les mines.

The Vice-Chair (Mr. Mike Schreiner): Good afternoon, everyone. Welcome to Sudbury. I wanted to wake you all up. Actually, I wanted to say to everyone who has been patiently waiting for us: Thank you for accommodating our travel challenges today.

I call this meeting of the Standing Committee on the Interior to order. We are meeting today to resume public hearings on Bill 71, An Act to amend the Mining Act. Are there any questions before we begin?

Before we begin, I'd like to ask for unanimous consent from the committee to extend our hearings today past 6 p.m. so we can accommodate all the presenters. Any objections? Okay. Thank you. We can let everyone know. I think it will be just one presenter past 6 p.m.

Our presenters today have been scheduled in groups of three for each one-hour time slot. Each presenter will have seven minutes for their presentation, and after we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be broken down into two rounds of 7.5 minutes for government members, two rounds of 7.5 minutes for the official opposition and two rounds of 4.5 minutes for the independent members as a group. I will be starting the rotation where we left off the rotation yesterday in Timmins.

RING OF FIRE METALS

ALAMOS GOLD

DE BEERS CANADA

The Vice-Chair (Mr. Mike Schreiner): The first three presenters are Ring of Fire Metals, Alamos Gold and De Beers Canada.

I will now call on Ring of Fire Metals. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Mr. Stephen Crozier: Hello. My name is Stephen Crozier, vice-president of sustainability for Ring of Fire Metals. I just wanted to thank the standing committee for the opportunity to make some remarks today regarding Bill 71.

When it comes to some of the proposed changes that have been tabled as part of this bill, two themes that I think would be useful to highlight are—there are obviously several changes that have been proposed as to how closure plans are reviewed and approved and financial assurance is provided in support of the obligations articulated in a closure plan, and, obviously, the process with respect to which they are vetted and validated.

I think there are several aspects of what it is that has been proposed that provides, from industry's perspective, a useful degree of latitude to decision-makers in terms of assessing the details of a particular plan as proposed, and that allows for decision-makers to make sensible decisions with a bit more flexibility than perhaps they previously had. That flexibility, as an example, has been reflected in some of the financial assurance, the commitments that are required in terms of financial assurance. That flexibility to allow for staging of financial assurance is something I think that development companies appreciate when you're making significant capital expenditures. Being able to ladder in the financial assurance, so that it tracks the disturbance as you advance through a project, is a sensible change to make or at least consider to make in certain instances. So there are a number of options that these proposed changes can help empower the ministry with when reviewing closure plans.

Broadly speaking from a technical standpoint, I believe that industry considers these changes as certainly very constructive. They've been proposed, probably by the ministry, to address some issues that the ministry itself has seen in terms of reviewing and approving closure plans in the past.

But there is obviously, I think, a related set of important concerns that have been flagged by many First Nations communities with respect to the manner in which the changes have been communicated and the extent to which conversations were held with respect to them. It is important to note that there's a discussion with respect to the changes that have been proposed, and then, of course, there's the prevailing requirement to engage with communities when any particular crown decision has the potential to impact the exercise of their Aboriginal and treaty rights.

While the framework, where it has been tweaked in terms of the decision-making environment for closure plans—there

are proposals to amend that technical decision-making environment. The obligation to engage is a prevailing obligation that rests at a constitutional level; that's not something you can amend out by virtue of changes to the Mining Act—or, indeed, any other act—which has to be consistent with the obligations that bind the crown in terms of all of the protective rights under the Constitution, most notably section 35.

But that said, I would be remiss—and I think industry appreciates that regardless of whether there is a technical requirement to consult formally with respect to the proposed changes, we collectively should not underestimate the degree to which—leaving aside formal consultative requirements—the need to have broader discussions and parallel discussions around what the proposed changes are, what they mean, to be able to give communities a chance to express their concerns and for the crown and for industry to hear those concerns and be prepared to respond to them is equally important. Additional efforts by industry and others would help orient these proposed changes and clarify how it is that they make changes from a technical standpoint but do not obviate the need to engage with communities, either from a consultation standpoint or from a relationship-building standpoint, to ensure they appreciate what these changes might entail and what they don't.

Overall, I think there are a number of encouraging proposals in Bill 71, and we appreciate the consideration of the ministry and this government in tabling them for consideration, so thank you.

The Vice-Chair (Mr. Mike Schreiner): Thank you for your presentation.

I will now call on Alamos Gold. You will have seven minutes for the presentation. Please state your name for Hansard, and you may begin.

Ms. Rebecca Thompson: Hi. My name is Rebecca Thompson. I am vice-president of public affairs at Alamos Gold.

Today, I will be splitting my time with my colleague here, Colin Webster, who is vice-president, sustainability and external affairs, also for Alamos Gold.

To begin with, Alamos Gold has two mines operating in northern Ontario. I want to just summarize a little bit about these two mines and then hand this over to Colin to speak a little bit more specifically on the bill.

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Thank you very much for the opportunity to speak to you all today.

Alamos is a Canadian-based intermediate gold producer with diversified production from three operating mines—as I mentioned, two in Ontario and one in Mexico. We own and operate Young-Davidson mine near the town of Matachewan, about 60 kilometres west of Kirkland Lake; Island Gold mine east of the town of Dubreuilville, 80 kilometres northeast of Wawa; and as I mentioned, Mulatos mine in Sonora state, Mexico. We have growth projects, including the Phase 3+ expansion at Island Gold as well as the Lynn Lake gold project in Manitoba. We employ more than 1,900 people, and we're committed to the highest

standards of sustainable development. We are listed on the Toronto Stock Exchange and the New York Stock Exchange.

Our Island Gold mine currently employs over 500 people, and the mine provides significant socio-economic benefits in the Algoma region. We have a recently released report on our website that details these specific benefits to the region. Last year, June 2022, we announced a C\$1-billion investment in our Phase 3+ expansion, which will allow the operation's expansion to 2,400 tonnes per day, and it will continue to be a major contributor to the local economy.

We will continue to engage and work with Indigenous communities and other communities of interest. Last year, we signed a community consultation and benefits agreement with Michipicoten First Nation, and earlier this year, we signed a definitive agreement with Batchewana First Nation. We are very proud of those two.

Young-Davidson mine employs 735 people, and it is also significant for the Timiskaming region in terms of socio-economic benefits.

By tabling Bill 71, the government is signalling that changes are required to foster mining as a cornerstone industry of Ontario's economy and, in particular, northern Ontario's economy. The principles and intent of what the government is trying to do are positive. Bill 71 shows that Ontario is headed in the right direction for this province to remain a top jurisdiction for mining in Canada and, in fact, the world.

With that said, I will turn this over to Colin.

Mr. Colin Webster: Thank you, Rebecca.

Good afternoon, everybody. Thank you for the invitation today. I'll take a few minutes to address some of the specific proposals in the legislation.

In Bill 71, the government has recommended a change with respect to updating closure plans. They highlight that there are circumstances whereby a notice of material change may not be warranted. The ministry outlines that there may be circumstances whereby minor site alterations are non-material, and thus, a notice of material change would not be required. We support this proposed change as a means of improving upon the current process, whereby a notice of material change is typically required for every site alteration, whether they be material or non-material; however, in order to provide this proposed change with the full effect, we request that the ministry defines what is considered "material," and to be as clear as possible with this definition. This will ensure that there is consistency and understanding across the mining industry in Ontario as well as with stakeholders impacted by our mining operations.

For example, mining companies have formal participation agreements, often referred to as impact benefit agreements, with Indigenous communities. A substantive component of these agreements deals with environmental aspects of the mine, often through the establishment of active environmental committees. Company and First Nation representatives regularly meet and are responsible for collaborating to review closure plan amendments prior to submission. They are also responsible for monitoring the decommissioning and observing the site reclamation. Questions may

arise during these committee meetings about what “non-material” means. The ministry should be as clear as possible up front as to what constitutes a non-material change.

Secondly, we support the introduction of a qualified person in the Mining Act to fully certify a closure plan, thus eliminating the need for ministry technical review. This supports the intent of the legislation to reduce duplication and streamline administrative functions. However, we would like to ask that the ministry provide external-facing guidance so that we as an industry and any of those qualified persons we engage understand clearly the expectations for reclamation measures. In doing so, this will ensure consistency across the mining industry in Ontario and also provide assurance among stakeholders impacted by mining operations.

Thank you for your time.

The Vice-Chair (Mr. Mike Schreiner): Thank you for your presentation.

I will now call on De Beers Canada. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Mr. Erik Madsen: Good afternoon, Mr. Chair and members of the committee. Thank you for the opportunity this afternoon to present. My name is Erik Madsen. I’m the lead of corporate affairs for De Beers Group in Canada. I’ve worked in the mining sector for 35 years, primarily in the areas of regulatory permitting, safety, and consultation with Indigenous communities and other stakeholders.

At this time, I’d like to acknowledge that the Victor mine is located on the shared territories of Attawapiskat First Nation, Kashechewan First Nation, Fort Albany First Nation and Moose Cree First Nation.

We are very proud of the work we’ve done at the Victor mine, spending close to \$2.6 billion to build and operate the mine, including almost \$700 million with Indigenous businesses and their joint ventures. Over one quarter of the mine force during operations was Indigenous. Throughout the operations, we held signed impact benefit agreements with Attawapiskat, Kashechewan, Fort Albany and Moose Cree. Victor has contributed more than \$74 million through these IBAs and other social investments. We’ve also paid approximately \$144 million in royalties to the province of Ontario.

Progressive reclamation at Victor mine began in 2014, with approximately one third of the mine site reclaimed by the time operations ended in mid-2019. We anticipate the active closure will be substantially complete later this year, following long-term monitoring until at least 2039.

I am presenting to the committee today for primarily two reasons: (1) as a company that is currently closing Ontario’s first diamond mine, I want to provide first-hand experience on examples of activities that we undertook in relation to closure permitting; and (2) to ensure that aspects of this bill are considered so that future mining companies will not have to endeavour unneeded costs and time related to undertake specific closure activities.

This province, as we have heard, is open for development, and Canada is recognized as a leader where critical

minerals can be accessed. Investors need certainty in regulatory requirements and timelines, and this includes understanding all aspects of closure.

Now turning to some specific examples we at De Beers had to deal with while in closure: We had 42 kilometres of buried HDPE pipe around the mine site. It was used for a water management system on-site. The pipe was buried when the mine was constructed. Over the next 15 years, the right-of-way over the pipeline grew up with natural vegetation.

O. Reg. 240/00 states that all pipes must be removed from the ground. We approached the regulators, had discussions with our Indigenous groups requesting that these pipes remain in the ground, as they were only used to pump water and leaving them in the ground would not result in any environmental harm, while digging them up would deal with increased disturbance that would take years to recover. This request was not approved, so the pipes were dug out of the ground, and although we are proud that we were able to remove a large amount of this pipe for recycling, some of this pipe may still be buried in an approved closure landfill on-site.

The issue of infrastructure built to support mining has been included in Bill 71.

At the start of active closure, De Beers initiated a series of engagements called Reimagining Asset Retirement, to work with local partners to figure out if any of the infrastructure associated with Victor could be repurposed for other uses. For example, could the accommodations facility be used for community gatherings? Could it be maintained for emergency housing in the event of flooding? Could the 100-kilometre power line remain in place and be part of the development of the future Ring of Fire?

We were unable to advance this work due to the state of closure at Victor and the onset of the COVID-19 pandemic, but also the difficulty of permitting any changes for the site—but that doesn’t mean we shouldn’t talk about it here today.

De Beers spent \$1 billion to build the mine. It seems a shame to tear it all down, especially a full-sized gymnasium and accommodation facilities that looked as good as they did the day they were built. The last of these buildings are being torn down as I speak here today. We tried unsuccessfully for months to determine if the 100-kilometre power line between Attawapiskat and Victor could be left in place, perhaps to provide hydroelectric power to the future Ring of Fire. Meetings were held with Five Nations Energy, but politically, there was no support to keep the line intact. That power line is now down, and there went the opportunity to reduce the costs of providing renewable energy from the province’s hydroelectric system by not having to build another costly power line.

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It’s also important to address permitting timelines. Victor’s closure plan amendment number 5 was officially approved in December of 2022, a few months before active closure is expected to be complete. Approval of relatively minor changes proposed in CP number 5 took 21 months from the date of our first submission.

Two of the biggest hurdles to active closure are (1) an undefined consultation requirement and (2) multiple environmental compliance approvals issued for a single operation.

Firstly, consultation is important, as you've heard today, especially with Indigenous First Nations. However, in Ontario the process seems to be entirely undefined. It would be helpful if Ontario developed a framework for consultation with recommended timelines and clear metrics for completion.

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. Erik Madsen: Secondly, in other jurisdictions—Alberta, Nunavut, NWT—each mine would be mostly governed by one to two major permits or approvals. The Victor mine had over 30 approvals issued by the Ontario government. These approvals do not offer flexibility to make adjustments easily during operations and as you step down an operation into closure.

In closing, it's important to say that it isn't about letting mining companies hand over their responsibility to close and rehabilitate their operations. De Beers opened Victor mine with the full understanding that we would have to close the site one day and we are living up to that commitment. We are very proud of how we are responsibly closing Victor mine, and it was recently announced that we will be the recipient of the 2022 Tom Peters Memorial Mine Reclamation Award.

Closing a mine is an enormous undertaking that, as I said from the start, requires regulatory and timeline certainty. We hope that our exploration team will make a new discovery that will allow us to build Ontario's second diamond mine, and we hope—

The Vice-Chair (Mr. Mike Schreiner): Excuse me, sir. I'm sorry to interrupt, but unfortunately you are out of time for your presentation. Thank you for your presentation. We certainly appreciate it.

We'll now go to questions. This round of questions will start with the independent member. I recognize MPP Hsu. You have 4.5 minutes.

Mr. Ted Hsu: Four and a half minutes?

The Vice-Chair (Mr. Mike Schreiner): Yes.

Mr. Ted Hsu: Okay, great. My first question is for Mr. Crozier. You mentioned that you had heard some concerns from the First Nations. I was, first of all, just wondering what they told you in terms of their reaction to Bill 71. How does that change your position in terms of the work that you have to do to get the support of First Nations in order to proceed at some point in the future with the projects that you want to proceed with?

Mr. Stephen Crozier: Certainly. Thank you for the question. We haven't heard any concerns expressed to us directly by any of the communities that we're engaged with, with respect to our proposed developments in the Ring of Fire, and there are several communities with whom we have active discussions. We are aware that other communities have raised—mainly in the media—concerns about the proposed changes and the method by which they were advanced and the feeling that there wasn't sufficient dialogue. Neskantaga First Nation is one of those communities.

I think we can acknowledge their concerns. Part of those concerns may be partly that there is a relationship-building aspect that the community believes is lagging, but it's unrelated to the Mining Act changes themselves. I don't think the challenge in terms of what our particular path forward for development requires—there are formal technical requirements in terms of consultation. I don't believe these changes in the Mining Act fundamentally alter that landscape. It's no secret that there is a complex and multifaceted set of discussions that really need to advance in terms of bringing development to the north.

There were certain challenges that existed before these changes were proposed. I don't believe that they have fundamentally altered that landscape, and I think it's incumbent upon Ring of Fire Metals—but as well, there is a role for the crown at the provincial level and the federal level to embrace the call to engage beyond the limits of what narrowly you might say is required for consultation.

Mr. Ted Hsu: Okay. Thank you.

A second question, for Mr. Madsen, regarding the power lines for Victor mine that were taken down: Which groups wanted it kept in place and which groups wanted it removed in the end?

Mr. Erik Madsen: Thanks for the question. The power line is owned by all five of the groups there, the Five Nations Energy, so all five of the groups—Fort Albany, Kashechewan, Attawapiskat and Moosonee—are all involved with the Ring of Fire. They own the line all the way to Attawapiskat, and then the line from Attawapiskat to the mine site was owned by us. That's why, as part of our closure plan, when we wanted to close it, we offered to actually sell it—

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. Erik Madsen: —for \$1 to Five Nations Energy if they wanted it for a dollar. But due to the politics in the area, they just said, "No. Your closure plan says you've got to take it down, so you must take it down." But those were the groups that were all involved with it.

Mr. Ted Hsu: So there were some other groups that didn't want the power line to stay up?

Mr. Erik Madsen: Well, it's owned by Five Nations Energy, so all five of the Aboriginal groups in the area own that line.

Mr. Ted Hsu: Okay. But they didn't want to buy the line for \$1?

Mr. Erik Madsen: No. They didn't want to take over the potential liability of it.

Mr. Ted Hsu: Okay. Thank you.

That's all I have right now.

The Vice-Chair (Mr. Mike Schreiner): The next round of questions will start with the government members. MPP Flack.

Mr. Rob Flack: I would like to start off with Mr. Crozier as well—great presentation. Having come from the world of business and understanding about investment, I'm learning a lot about the mining industry, and it's rather daunting when I look upon what investment you need to make to get up and producing. It's been argued that the lag between

discovery and production is due to the challenges of acquiring financing to develop the deposit rather than delays in the regulatory process. So can you talk a little about how this bill would improve or make it easier to access capital for a company like yours?

The Vice-Chair (Mr. Mike Schreiner): It should unmute for you.

Mr. Stephen Crozier: [*Inaudible*] muted now?

The Vice-Chair (Mr. Mike Schreiner): We can hear you now. Thank you.

Mr. Stephen Crozier: Can you hear me now?

The Vice-Chair (Mr. Mike Schreiner): Yes.

Mr. Stephen Crozier: Okay. Good.

Thank you for the question. Look, I think it's true of all companies. No surprises—permitting a proposed development, taking it from discovery to construction and commissioning, is a complicated process.

Canada is blessed with its geological endowment, and it is also blessed for being a stable jurisdiction. There is great a confidence, and understandably so, that, should you find something that has commercial value and you're able to bring it into production, you will be able to safely operate it without some of the threats that you face in other jurisdictions around security, stability and so forth. These are tremendous assets which we and others in the mining sector very much appreciate.

There remain challenges though, and the timeline to go from a discovery to development remains a shared priority, particularly in the context of how we help facilitate the transition to a more sustainable economy and how we also help address supply imbalances, given China's dominance of a lot of commodity sectors and the need to not decouple but rebalance some of the available supply to jurisdictions that are perhaps a bit friendlier. That's no small task. There are many approvals that are required.

The proposed changes in Bill 71 address a number of important changes. They don't address all of them, but what it signals is that commitment incrementally improving the flexibility for technical authorizations in a coherent manner and in a staged manner. So I think it is very much a positive development for Ontario-focused companies. I suspect that this is the first of what will be a series of changes looking to help make the system more timely but, at the same time, robust and protective of the environment and of the interests of the communities impacted by our proposed developments.

1430

Mr. Rob Flack: Great. Thank you.

My next question will be to Alamos Gold, so Ms. Thompson or Mr. Webster; you decide who wants to answer it. We've heard a lot about closures in the last couple of days, plans to close a plant, the difficulties that arise. Obviously, at some point, there's always an end, but the current process of amending for a closure plan can be quite onerous and costly, as we know. What will reducing the number of closure plan amendments do for your company as you move forward? Again, whoever wants to answer the question.

Mr. Colin Webster: Rebecca, I can answer this one. It's Colin Webster here.

Right now, the way the system works is that every time we have even a small change or a small addition to the site or something, we're forced to go into this process where we file a notice of material change, and the closure plan gets reviewed. Allowing us to do some minor amendments—and we still have to figure out what those minor amendments are—before we have to amend the closure plan will certainly make things a lot easier in that regard.

If you need to put a temporary building up or you need to bring in some temporary storage on your site, to require a closure plan amendment for those kinds of activities is very troubling in terms of the timeline it takes to get it done. So this would allow us to do those kinds of things, and it would be a lot easier, quite frankly. It would be a lot more straightforward, and it wouldn't result in any additional environmental effect or environmental impact. Those are the kinds of things that this kind of legislation would allow us to do.

Mr. Rob Flack: Thank you.

The next question is to De Beers Canada and Mr. Madsen. In listening to your frustrations, I guess, or concerns about the closure—it's, again, a daunting task. But how might the closure of the Victor site be different based on the changes that are being proposed in Bill 71?

Mr. Erik Madsen: Thanks for the question. A lot of the changes being proposed give a lot more certainty. You heard the fellow there just talk about material changes. Being able to make those changes quicker would be valuable. In our case, the Victor mine is accessed by a winter road. It only opens for six weeks a year. So if there are certain things you're going to do in a closure plan over a three-year period, if you miss the approvals on a certain aspect, then it delays it for another year or two years, and it just adds to the cost. So having the ability to make these changes quicker when you're closing would be very beneficial, especially for us with an ice road.

Mr. Rob Flack: Thank you. How am I doing for time?

The Vice-Chair (Mr. Mike Schreiner): You have one minute and three seconds.

Mr. Rob Flack: Really quickly, back to Mr. Crozier: One of the government's goals is to make Ontario the number one jurisdiction for investment in mineral development and mining. What impact do you see from this in helping the development of northern Ontario?

Mr. Stephen Crozier: Look, I think it is certainly positive, and what it signals is an orientation to changing decision-making in a way to make it more practical and more flexible while still being rigorous. I think, as a reflection of intent as to what we expect will be changes that might impact other regimes, holistically this is an excellent sign of a government that is seeking to help improve that regulatory environment to help bring certainty and flexibility to decision-making that's going to be needed to advance new developments, including ours in the north.

Mr. Rob Flack: Great. Thank you—

The Vice-Chair (Mr. Mike Schreiner): Sorry to interrupt. Your time is up.

We'll now go to the official opposition. I recognize MPP Mamakwa.

Mr. Sol Mamakwa: Meegwetch to the presenters: Stephen, Rebecca, Colin and Erik.

I know that with regard to Bill 71, the Building More Mines Act, there was a submission from Matawa member First Nations. They said pretty much that they were informed of amendments, not consulted. As part of their submission, they say, "The government of Ontario sent letters to our First Nations informing our chiefs and councils of the proposed amendments on March 2, 2023." They went on to say, "The letters clearly stated that the province had no requirement to consult with our First Nations on the amendments, and we were being informed perhaps as a matter of courtesy."

It is very clear First Nations were not consulted and have not endorsed or consented to the proposed amendments. Is this how reconciliation works? Is this how you build relationships? If any of you have any comments on this, I'd welcome a response.

The Vice-Chair (Mr. Mike Schreiner): Would any of the presenters like to respond? Yes, go ahead—Ring of Fire Metals, I believe.

Mr. Stephen Crozier: Yes, certainly. In terms of the crown's communication and assessment as to whether a formal obligation under section 35 was triggered, I think we have to defer to counsel for the crown as to their view on that obligation.

I'm not sure that I disagree with their assessment. I think you could quite reasonably conclude, because of the nature of the changes, that many of them are technical in nature and apply at a systems level, but they don't actually grant a specific authorization to any company to do anything. Indeed, all of those future proposals would still themselves be subject to the duty to consult, and that has not changed and cannot change by virtue of an amendment to a law that is subordinate to the Constitution.

I think there's a larger question which you're raising in terms of, leaving aside the question of formal consultation, the commitment to dialogue, to reaching out and having relationship tables that are not just a technical exercise. It is an exercise of building relationships in a broader context and being prepared to support those. I think, leaving aside the technical consultation aspect, this government is working to broker those conversations, and I think industry has to embrace those as well. In the sense of, "Is consultation required? Yes/No." The answer to that question is helpful, but even if it's a no, outreach can still be facilitated in a number of different ways, and I think there is a standing commitment to continue those conversations. For those who are interested in participating, I think—

The Vice-Chair (Mr. Mike Schreiner): I think MPP Mamakwa would like to—

Mr. Sol Mamakwa: How much time do I have?

The Vice-Chair (Mr. Mike Schreiner): You have three minutes and 30 seconds.

Mr. Sol Mamakwa: Does anyone else want to—De Beers, if you want a quick comment?

Mr. Erik Madsen: Thanks for the question. We've always said that you have to consult with your Indigenous

parties, and that's important to anything that we do, from the start of exploration right through to closure.

But now, on this bill itself, I leave that up to the legal side to determine if there is enough consultation being done on it. I think there has been, but it is technical. There are technical and other aspects, as a colleague said there, so I would leave it up to them.

But I am a firm believer, and our company is—there's also FPIC and UNDRIP—that you have to consult with First Nations, and it's important that there is involvement.

Mr. Sol Mamakwa: Meegwetch.

Also, a question to Stephen Crozier for Ring of Fire Metals: There was an email that was c.c.'d to me, dated March 31, 2023. I'm not going to read the whole email, but it comes from Chief Moonias, going to Ryan. I'm going to just read the last portion of it:

"We have treaty rights, and we have inherent rights, and we have jurisdiction on our homelands that your company continues to ignore and disrespect. As such, Ring of Fire Metals must cease and desist all exploration activity immediately on our homelands. No consent, no access to our homelands. The encroachment and destroying of our homelands must stop immediately. We trust you will respect our rights and our homelands to cease and desist immediately."

It's signed by Chief Moonias.

1440

My question to Ring of Fire Metals is, will you honour this request? Or did you reply to this request?

Mr. Stephen Crozier: We have not yet responded to the request. We'll provide you with a copy when we share it. Respectfully, I think the position articulated by the community is a position that may not be shared by the sister communities also within the region with whom we are engaged in terms of our proposed activity and, as we have heard from them, on whose traditional territory we are operating.

Now, we have reached out many times—including to yourself, as you'll be aware—to sit and to have a dialogue. As yet, except for on the standing committee, there has been no response to that. I think that's part of where the commitment to dialogue is important—

The Vice-Chair (Mr. Mike Schreiner): I'm sorry, sir. Unfortunately, I'll have to interrupt. We're out of time.

We'll now move to the independent member. I recognize MPP Hsu.

Mr. Ted Hsu: I wanted to continue this line of questioning with Mr. Crozier. Where do you go from here? Because if you don't have buy-in—it doesn't sound like you have complete buy-in, by any means—where do you go from here? What should the government be doing? I guess we are here talking about what the government should be doing in the context of this bill, Bill 71. What do you think the government should be doing that it's not doing now?

Mr. Stephen Crozier: I think it is important, and I would appreciate if the members participating in the session would focus on the matter in front of them. In terms of what is at issue here, there is proposed legislation relating to the amendments to the Mining Act. I think there are certain communities that have raised concerns with it with whom

additional discussion might be helpful. There are a number of communities that have not raised concerns and who are either happy with it or indifferent.

I think it is important, in terms of understanding what to do next, to appreciate it within that broader context, so that we can have some focus in terms of understanding what concerns are being raised and what it might suggest in terms of a next step. I think that is a helpful orientation which it would be good if we could try to maintain.

Mr. Ted Hsu: Okay, but given that the government has not consulted before tabling this bill, it seems to me—it appears that it has inflamed some of the antagonism that you are dealing with. Should the government have done a better job of consulting before tabling this bill?

Mr. Stephen Crozier: I don't believe this bill—if you have been following the media in terms of our proposed activities, I don't detect any change, really. There have been a number of pieces and public statements made. I think this is just another one of them. I don't see it as materially different.

Again, as I note, there are a number of First Nations communities in the province that have not submitted comments or taken a position against the proposed changes. It's important to take note of those that are raising concerns, but also to not lose sight of that wider context.

That said, I do think any time somebody does raise concerns, there is the opportunity for engagement and for a discussion. I know we have offered that many times; that hasn't been taken up, for reasons we respect. I suspect the province has probably also reached out. I can't say for sure whether they have on this matter. And I think that's not visible to this committee in a way that at least I could—

The Vice-Chair (Mr. Mike Schreiner): Go ahead, MPP Hsu.

Mr. Ted Hsu: Quick question—how much time do I have?

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. Ted Hsu: Should this committee have come to northwestern Ontario to hear testimony? Would there be more witnesses that would want to talk to us about Bill 71 in northwestern Ontario?

Mr. Stephen Crozier: I don't believe so, but I would leave it to others to comment on that.

Mr. Ted Hsu: Okay. That's it.

The Vice-Chair (Mr. Mike Schreiner): I'll now move to the government members. I recognize MPP Smith.

Mr. Dave Smith: As I was listening to this, I was reminded of something that Ronald Reagan once said, and that was, if the answer is that you need more government, then you're asking a stupid question. I think that this bill is one of those ones where we're looking at reducing the government interference on a lot of things.

I want to touch on one thing in particular, and that is the certification of qualified people. I'm going to direct this one to Alamos Gold, if I could, please. In the process that we have to go through right now, everything is being reviewed by government employees. We've heard stories of going from three-to-four months for approval to more

than two years for the approval. Would you say that relying on certified and qualified people will reduce some of those delays?

Mr. Colin Webster: I can take this one, Rebecca.

My view is yes. But I'll caveat that with the understanding that external-facing guidance is required so that I can go out and engage external qualified people where and when I need them and have them certify what I'm doing to that guidance. So, yes, I think it would be quicker, typically, and it should take less time to get closure plans filed.

Mr. Dave Smith: Thank you.

I'm going to shift a little bit and go to De Beers on this one. You're actively going through the process of closing the mine right now, and there's a number of—I'll refer to them as assets—that were at the mine, for example, some of the buildings. Under the current regulations, you have to return that mine to as close a state as it was in prior to the mine functioning, which means that you have to tear down every building, you have to destroy the roads that get built. And you already talked about having to dig up the waterlines and that you had to disturb some environmental things that had grown overtop of that. Does it make sense to allow a mining company to reach out the communities around them and say, "These are assets that are available to you. Would you like them?" Is there value to it, or does it make sense to say, "Rip it all out"?

Mr. Erik Madsen: Thanks for the question. In our case, one of the things that we talk about is building forever within De Beers, and that includes what we're going to do after a site. So to your point, you don't want to tear down stuff in the north. Infrastructure is a lot of money, if it can be used by a community—and we know, in the area of Fort Albany and Kashechewan, every year there's floods, and so you have to move people out of there. We had a facility that would hold 400 people. There was a gymnasium and all that stuff. Could we have worked with the government and the communities to say, "Listen, why don't we keep this site here and figure out how we'll pay for it and all that instead of tearing it down?" Because every year you have to bring all these people out of these communities when there's a flood. That could be an option. They're out on the land still, in the area.

And then one year there was a forest fire, and we used our site. People stayed there while they were fighting a forest fire. It's a piece of asset that could be useful, so why tear it down?

Mr. Dave Smith: So if I could put some words in your mouth, it's worthwhile looking at whether or not you should keep some of this stuff and make an intelligent decision based on whether or not there is a need for it?

1450

Mr. Erik Madsen: Absolutely it's a worthwhile discussion before you do it. But in our case, it didn't work out, and it just happened—it was the pandemic and all that, and it was done. But it's definitely worth having discussions.

Mr. Dave Smith: But under our current regime, you really had no way of actually keeping those facilities. You had to tear them down.

Mr. Erik Madsen: We had to follow our plan, yes.

Mr. Dave Smith: And this change would allow you to have that discussion, then, with your neighbouring communities, and if there was a need and a desire, then you would keep it?

Mr. Erik Madsen: That's correct, yes.

Mr. Dave Smith: I'm going to just throw it over to my colleague Jess Dixon.

The Vice-Chair (Mr. Mike Schreiner): MPP Dixon, I recognize you.

Ms. Jess Dixon: My question is for Mr. Crozier of the Ring of Fire. Yesterday, we had an individual present about challenges in his community. He talked about mental health and wanting a water treatment plant and a youth facility. My understanding is that any new mines under this law offer a 45% resource revenue sharing agreement. In your experience, what type of money are we talking about? What could these communities resource themselves with with the revenue from mines? Mr. Crozier?

The Vice-Chair (Mr. Mike Schreiner): Mr. Crozier? It should unmute for you.

Mr. Stephen Crozier: Okay, I think I'm unmuted at the moment.

I'll have to say, for that particular provision, just to clarify, is that a crown-to-community revenue sharing commitment? Because that number sounds reminiscent of some of the model agreements that were negotiated by the province with certain communities around tax receipts. Just if you can quickly clarify that for me, that would be helpful.

Ms. Jess Dixon: Yes, 45% is my understanding, for new mines.

Mr. Stephen Crozier: Sorry; not the number—as to where it comes from. I'm assuming that that is a commitment from—

Ms. Jess Dixon: Yes, it's crown revenue to community, so it's not the mine. But we're talking about, because of your impact in an area, how you would have significant revenue which is returning. I am not familiar with the northern communities you're mining in, so I'm wondering what you are thinking could be offered up there.

Mr. Stephen Crozier: Thank you. It's an excellent question. I guess there's the potential for the combination of revenue sharing from the province as well as what are typical standard arrangements between companies and communities in the form of impact benefit agreements, in combination—entitlements can vary under those depending on degree of impact on a given community. But those can represent a significant contribution towards the budget for a community that can address infrastructure gaps, budgetary gaps to help improve significantly the quality of life not just for members that are living on-reserve but those off-reserve as well and that might benefit from those payments.

We have experienced working with communities or communities that we know through some of the people that work for us and their members of other communities that over time have seen their communities transformed by virtue of those opportunities. I think that commitment helps underscore that, and we're complemented with—

The Vice-Chair (Mr. Mike Schreiner): Sorry to interrupt, sir, but we're out of time for this round of questioning.

We'll now go to the official opposition. I recognize MPP Gélinas.

M^{me} France Gélinas: Thank you to all presenters. I will start with you, Mr. Crozier. You've worked on a number of mining projects in my riding, and if we bring you back to Côté Lake, Iamgold, would you say that a lot of the delays were that your company would do all of the work, we would send it to the Ministry of Mines, the Ministry of Northern Development, the Ministry of the Environment, the ministry of forestry—seven different ministries, and then we would wait months to hear anything from them? I would go talk to the minister and say, "You've had this report for six months now. Do you figure somebody could give us an answer?" Would you agree with the description I've just given as to how tough it was to get Iamgold permitting from the different ministries we had to deal with?

Mr. Stephen Crozier: I would agree. Big projects are difficult. Part of the reason they are difficult is—the public service are doing their best to manage with the resources they have on technically complicated applications, and where those applications need to be subject to rigorous frameworks that don't provide them with flexibility, that really makes their jobs, I think, more difficult.

Finding a way to empower officials so that we can have rigorous regulation but a degree of flexibility that is sensible to help improve those decision-making timelines is a worthy undertaking.

M^{me} France Gélinas: Thank you.

Ms. Thompson or Mr. Webster, in your opening statement, you talked about how, in the closure plans, we need to define what constitutes "material" impact. What do you figure will happen if we do not put any more definitions in the bill?

Ms. Rebecca Thompson: I'll start, and then Colin, you can finish.

I think Colin hit the nail on the head with respect to how the companies and First Nations communities often work within the scope of an impact benefit agreement, in that environmental committees are set up, and if there isn't clarity—the environment committees have representatives from both the company as well as the First Nation. As Colin mentioned in the remarks, they discuss matters with respect to closure plan amendments, and they review these amendments together, and they collaborate together on reclamation and rehabilitation. If there isn't clarity, this could be a situation of concern when these committee meetings happen, which are quite regular during the year.

I'll turn this over to Colin because he has some familiarity with this.

Mr. Colin Webster: Thanks, Rebecca.

The committees that Rebecca refers to are typically site-based folks from our environmental teams and representatives from the community, where we entertain all kinds of conversations around the environmental aspects of the mine. So for companies like ourselves that have those positive relationships, I don't think it's going to really—well, the material piece of it is really important from that

conversation perspective. But we're going to talk about it anyway. We're going to talk about material and non-material aspects at that table. But to understand why the closure plan isn't being amended is an important piece of it, and that, to me, is where the definition comes from. It also means it's going to be consistent across the industry, so that what is material to us is somewhat material to other companies as well. That, to me, is why it's somewhat important to have that definition.

M^{me} France Gélinas: It was mentioned that with this bill, we cannot amend our way out of our duty to consult with First Nations. Would you agree with that statement?

Mr. Colin Webster: Yes, I think so. Obviously, the duty to consult has to be discharged by the crown, and that certainly doesn't go away at all in any regard. It doesn't matter what kind of potential impacts or what kind of regulatory frameworks we're subject to; they all require consultation at some point, so I don't think it goes away at all.

M^{me} France Gélinas: I agree.

Mr. Madsen, same question to you: Do you believe that we cannot, at the provincial level, amend ourselves out from the duty to consult with First Nations? Do you agree?

Don't press any button—

The Vice-Chair (Mr. Mike Schreiner): It automatically comes on for you.

Mr. Erik Madsen: I agree. Like I said, with UNDRIP and FPIC now, you have to consult. It's just all about the size of the pie you're consulting for. If it's just a minor technical—but if it's a big, big, big view on something, yes, you have to consult them.

M^{me} France Gélinas: When it comes to the closure plan where the building had to be taken down—I have at least a hundred abandoned mines in Nickel Belt. Could it be that nobody wanted to take it over because it costs a ton of money to maintain that infrastructure that nobody uses? The provincial government is never willing to invest a penny into maintaining them. Although they could be very useful in the future, if nobody maintains them and nobody is willing to put a penny toward the maintenance of them then they fall apart.

The Vice-Chair (Mr. Mike Schreiner): One minute.

M^{me} France Gélinas: Could it be that this is what's happening with you again in 2023?

1500

Mr. Erik Madsen: I think it's a valid point you bring up. Especially with our site being in a remote area, you have to have access to the winter roads, so it's very costly to get to.

I'm thinking about future mines—this isn't just about Victor, but future mines. If you have access to a road somewhere where it's not as expensive, then it's definitely worth looking into before you tear something down. But in this case, we talked about it, and at the end, it had to come down.

M^{me} France Gélinas: I can tell you that I have roads to old mines in Nickel Belt, and the buildings are just—anyway, the bears like them, and so do the raccoons, but that's about it.

Coming back to you, Mr. Crozier: Do you also believe that the provincial government cannot amend itself out of the duty to consult?

The Vice-Chair (Mr. Mike Schreiner): I'm sorry to interrupt, but we're out of time for this round of questioning.

I want to thank all three presenters for joining us at committee today.

ONTARIO MINING ASSOCIATION

GLENCORE CANADA CORP.

NORTHWATCH

The Vice-Chair (Mr. Mike Schreiner): The next round of presenters will include the Ontario Mining Association, Glencore Canada Corp. and Northwatch.

I will now call on the Ontario Mining Association. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Ms. Aynsley Foss: Great. Thank you. Good afternoon, Chair and members of the committee. My name is Aynsley Foss, and I'm the issues and policy manager at the Ontario Mining Association. I very much appreciate the opportunity to appear today in front of the committee to address Bill 71, the Building More Mines Act. This bill is particularly important to our members, as it will improve the competitiveness of our sector by attracting and retaining investment in Ontario.

I'd like to acknowledge the hard work of Minister Pirie, his staff and the officials at the Ministry of Mines, who led an open and inclusive consultation process that resulted in a high-quality regulatory proposal.

I'm just going to give you a bit of history about the OMA. We were established in 1920 to represent the mining industry in the province, and we are one of the longest-serving trade organizations in the country. We represent 41 operating mines in the province as well as some mines that are nearing construction or are in active closure. Our members produce a variety of metals and minerals, including precious and base metals and non-metallic minerals, many of which are listed on Ontario's critical minerals list.

Demand for responsibly mined minerals continues to grow as the race to reach global net-zero emissions accelerates and while countries around the world scramble to respond to emerging geopolitical challenges. For Ontario, this presents a once-in-a-lifetime opportunity to develop our abundant natural resources and become the global supplier of choice for critical minerals and clean technology.

Ontario's Critical Minerals Strategy recognizes that the minerals found in Ontario position the province to build a strong domestic mining-to-manufacturing supply chain. Our members see the regulatory proposals under consideration today as a step in the right direction for getting us there. To succeed in global markets, we must have a modern and competitive regime for mine development and maintain important regulations that protect people's health, safety and the environment.

Our members operate according to the highest standards of excellence while balancing economic, environmental and social responsibility. In terms of our social responsibilities, Ontario's mining companies take a partnership approach to community relations. They engage communities in the process of creating sustainable value at the local level and look for opportunities to make a positive difference in people's lives. This participatory model is imperative in remote communities, where mining serves as the key to improving socio-economic circumstances.

Mining companies also prioritize local hiring and procurement. They invest in infrastructure, education, health care, cultural programs and environmental initiatives that are significant to First Nations communities.

I'm proud to say today that the mining sector has one of the highest proportions of Indigenous workers of all industries in the province, at 11%. That's nearly double the percentage of the Canadian population that identifies as Indigenous. As of 2020, there are 142 active agreements in place between Indigenous communities and mining companies. These agreements formalize mutually beneficial relationships between Indigenous communities and proponents. Yet consultation does not stop once these agreements are in place; it is ongoing throughout the life of the mine.

As you've heard over the past few days, many Indigenous communities are facing consultation fatigue. I'd like to share an example of why this is happening. One of our members was required to obtain 12 permits within a 12-month timeline. The company was then required to consult with Indigenous communities, which resulted in a total of 48 points of consultation, and that did not include any closure plan amendments. A more efficient process for closure planning, as proposed in Bill 71, will provide organizational rationalization and resource concentration for Indigenous communities, government and industries, yet it does not get rid of the duty to consult.

Before I run out of time I'd like to just touch on how Bill 71 supports the advancement of processing capacity. If implemented, Bill 71 will provide the framework to attract processing facilities to the province, which enables companies to process their metals and minerals right here in Ontario, instead of shipping them out of the province to be processed elsewhere. It also shortens the supply chain, with the intent that the auto sector in the south will be able to benefit from mining in the north.

Our members view Bill 71 as a smart regulatory policy that will pave the way for sustainable growth. Effective and proportional regulation is an essential part of good governance and it plays an important role in fostering responsible mineral development. Smart regulation is not about more or less legislation; it is about delivering results in the least burdensome and most cost-effective way for both government and industry. Putting in place smart regulations also ensures that innovation is not impeded by rigid guidelines and that barriers to trade are not created, either through high compliance costs or long processing times.

The rule of law and regulatory clarity will give us the ultimate edge when competing against other jurisdictions. Now more than ever, the mining sector has exceptional

potential, provided good policy and governance frameworks are in place. With the Building More Mines Act, we have a crucial opportunity to combine our economic goals with a vision for global excellence in safety and sustainability—

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Ms. Aynsley Foss: —all while working with our Indigenous partners to make Ontario mining the best in the world.

Thank you for your time and consideration today. I look forward to taking questions from you.

The Vice-Chair (Mr. Mike Schreiner): Thank you for your presentation. I will now call on Glencore Canada Corp. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Mr. David Yaschyshyn: Hello. Thank you for allowing me to appear today before the standing committee. My name is David Yaschyshyn. I'm here representing Glencore Canada Corp. I'm the manager of environmental affairs for Sudbury Integrated Nickel Operations. I previously worked at Kidd Operations in Timmins, where you were yesterday.

My hometown is Sudbury. My father worked underground here as a miner. I myself am a professional engineer. I got my education in southern Ontario at the University of Guelph. My entire career, 29 years now, has been working in mining and the environment in northwestern Ontario or in northeastern Ontario. I have worked at various underground mines, open pits and sites that have a combination of both, and also in smelting and refining within different commodities, whether it be gold, copper and zinc or nickel, copper and cobalt.

Today I am here to share Glencore's perspective on the proposed modernization of Ontario's Mining Act. I'd like to start by thanking the Ministry of Mines staff for their work on the modernization proposals on the Mining Act to date. The proposed improvements to bureaucratic processes within the Ministry of Mines will strengthen our Ontario operations, facilitate their expansion and lead to more timely decision-making.

Glencore is one of the largest natural resource companies in the world and an important pillar in the Canadian critical minerals supply chain. The products we produce and market play an essential role in modern life. From the copper, cobalt and nickel powering the electric vehicle revolution to the energy products helping keep the lights on, what we do touches every part of life as we know it today.

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For those who don't know Glencore, you probably know of our projects, particularly in Ontario, where Glencore took over the predecessor assets of Falconbridge and Noranda many years ago.

In Timmins, we operate in the Kidd concentrator and the Kidd mine, since 1966. It's the world's deepest base metal mine below sea level, mining at 9,800 feet, or three kilometres, with their focus on copper and zinc.

Here in Sudbury, we have our integrated nickel operations. We've been operating here since 1928. It includes two mines, with another one in development, our Strathcona

mill and our Sudbury smelter. Nickel and copper are the primary metals we produce here in Sudbury, while cobalt and precious metals are by-products. Those are all critical to the transition to the low-carbon economy we are within right now.

The transition is going to be further supported by a major new investment we're making here in Sudbury. You may have heard of the \$1.3 billion that's going into develop the Onaping Depth project, which will be to 2.5 kilometres below the existing Craig mine. This will be one of the world's first mines fully operated by battery-electric vehicles. We've been working diligently with electric-vehicle producers to make sure all parties are fully prepared for the all-electric mining operation.

Besides investments in new technologies to reduce our own greenhouse gases, Glencore has also been making investments in exploration and supporting other companies within the province. Last year, Glencore invested in Li-Cycle. It's an industry leader in lithium-ion-battery recycling and recovery in North America. They have a hub in Kingston area.

Recycling is another pillar of our operations for over the past 30 years in Canada, and we are expanding in this area. We are proud to be one of the companies leading in this particular area in copper, nickel, cobalt and precious metals recycling. In fact, our operations were some of the first to discover how to process end-of-life electronics, and we've been leading the way ever since.

As a global company, we operate in many jurisdictions, and our company welcomes these proposed changes to the Mining Act. We feel they're a significant step forward for us and help facilitate the expansion of our investments in Ontario and lead to more timely decision-making. In fact, we feel they are long overdue and will prove to be incredibly helpful for operators and companies looking to come to Ontario to invest.

Glencore has 12 closure plans filed in the province of Ontario. I personally have been involved with preparing some of those or reviewing them. I will give you some examples of why I feel these changes are well overdue.

Amending an already filed closure plan takes a period—in our experience, it's been five years or more. It's a very long period of time, and during that course of time, inevitably, there are a lot of staff changes, whether it's at the ministry, whether it's on the proponent side or the consultant side, and all of these lead to added cost and reworking along the way.

Planning, engineering or progressive rehabilitation or performing early closure measures is delayed as a consequence, putting the environment at risk and being exposed to inflationary costs. Projects become delayed due to lack of certainty, waiting for the closure plan to be filed and amended, whether that is a proposed divestment, an expansion of an existing operation, entering into a partnership or preparing for closure.

As you can see, the closure planning process has not been working efficiently. The proposed changes will significantly reduce the challenges in this particular area.

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. David Yaschyshyn: What we need is a mine operator here in Ontario was predictability for our investments and certainty and reasonable timelines for the important work that we do at our sites. We feel these changes accomplish that while still maintaining the high standards the province has for regulating mine operations.

Safety and environmental protection is one of Glencore's top priorities. We firmly believe the proposed changes to the Mining Act will not change these commitments as a company.

We see that these changes allow for practicality and flexibility for not only proponents of all sizes but also for the mines ministry or other ministries involved with managing closed sites and dealing with the site-specific nature of each site.

On this topic of multiple ministry oversight in permitting, we would encourage the governments to consider a more streamlined approach to mine regulation to improve efficiencies in this area.

The Vice-Chair (Mr. Mike Schreiner): I'm sorry, sir, to interrupt, but unfortunately your time is up.

I will now call on Northwatch. You'll have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Ms. Brennain Lloyd: Great, thank you very much, and it's nice that you all made it to Sudbury. My name is Brennain Lloyd; I work with Northwatch. We're a regional environmental non-governmental organization in northeastern Ontario. Our membership and our area of primary focus is the six federal districts of northeastern Ontario, which is the Robinson-Huron and Robinson-Superior treaty areas and the southern reaches of Nishnawbe Aski Nation territory.

The changes that are in front of us are a very large package of changes: It's five postings on the Environmental Registry, it's changes to the act, it's changes to the regulation, and it's the demotion of the mine rehabilitation code from code to policy—very significant. I think the net effects of them will be: increased uncertainty, inefficiencies, inconsistencies of application, excessive ministerial discretion and intervention, politicization of the permitting process—none of those are good.

I've tried to sort among all these different parts of the package in what, to me, is a logical order when you think of the way a mine progresses or mine development progresses. I'm going to start with the changes to the closure plan. Prior to or the day of filing a closure plan, a company can ask for a conditional filing order, which lets them then delay filing the full closure plan. They can also apply for or request phased financial assurances. Mining operations can begin in advance of having a closure plan, in advance of having provided full financial assurances. The mining operations can actually begin before we have those important pieces in place. Even more jarring, as I read further, was that baseline studies—without even ministerial discretion or ministerial approval or intervention—can be delayed until years after mine operation begins. This is extraordinary. There are also changes in who is qualified.

Another extraordinary change is the erasure of the position of director of mine rehabilitation. That position is an extremely important position within the civil service.

It's not just about approving mine closure plans and financial assurances; it's also the director under which the abandoned mine program sits. Where has that abandoned mine program been relocated to? We actually don't hear much about the abandoned mines program in Ontario in recent years, and that in itself is troubling. I would suggest to you that these changes to the Mining Act are a recipe for the creation of additional abandoned mines in the future. We've just erased an extremely important position within the civil service. That's extraordinary.

When we look at the way a mine is developed, what do you do? You start with beginning; your beginning is understanding the site. You have to understand the place where that mine is. Mines aren't placeless; they exist in real space and time. So how do you begin? You begin with the baseline studies. You need to understand the geology, the hydrology, the ecology, the chemistry. Is that site going to generate acid? Is that acid going to be mine-leaching? Those are important questions. How do you understand those questions, how do you have the answers to those questions if you've just jumped over the baseline studies and gone to mine operations before you even have a closure plan?

So you have baseline studies. Then you design your mine. Then you develop a closure plan that responds to that mine design. It's specific to that mine design. And those mine designs and the closure plans are done by—maybe not a cast of thousands, but by full professional teams. Mining companies don't do it; they hire consultants to do it. The consultants have multi-expertise teams, subject matter experts in a variety of areas. The minister doesn't have that. I know that my minister used to work in the mining industry. I know the minister was mayor of a mining town. He doesn't have that expertise, and I would suggest to you that he doesn't have the time. Unless he's moving his office into Willet Green, installing a cot and giving up sleep, he doesn't have the time. He doesn't have the expertise. These are extraordinary erasures we're seeing in the mining regime.

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So we develop a closure plan in response to the mine design. The way this system is going, the way these changes point us, is that instead of doing these steps in a logical order based on a century of experience in Ontario, we're just going to go at it in whatever order. "Let's build the roof, then maybe the porch, then the walls. Oh, we wanted a basement. We wanted a foundation for this mine operation"—too late. The mine operation has started before you've even done the baseline studies, before you even understand the conditions of this site.

The Vice-Chair (Mr. Mike Schreiner): One minute.

Ms. Brennain Lloyd: This is not good governance. This is the full politicizing of the permitting process. I agree, the multi-ministry permitting process—there are some problems there, lots of areas we could look at for improvement. These are going to take us away from improvements. It's going to take us back decades. It's going to take us prior to the 1990 development of the Mining Act. It's a recipe for—the main ingredients are politicization and ad hoc decision-making. The things that are on the menu

are environmental and social irresponsibility, unabandoned mines and a legacy of environmental hazards. We've forgotten everything we've learned in the last 40 years if you go this route. So I would ask the committee, put the brakes on. Send some message—

The Vice-Chair (Mr. Mike Schreiner): I'm sorry to interrupt; your time is up.

The first round of questions on this round begins with the government. I recognize MPP Bresee.

Mr. Ric Bresee: Thank you very much, Chair, and thank you all for your presentations—very informative. For my questions, I would like to start with Glencore—sorry, Mr. Yaschyshyn? Did I get that right?

Mr. David Yaschyshyn: Yaschyshyn. Like Yakabuski.

Mr. Ric Bresee: All right. You spoke of some of the projects that you're working on and also your environmental activities. We know that Minister Pirie has commented several times that you can't go green without mining. I do understand that Glencore is among several of the Ontario mining companies that have committed to net zero by 2050, so I'd like to ask how the proposed changes will help the industry as a whole or help your company and broader Ontario to go towards decarbonization.

Mr. David Yaschyshyn: Glencore as a company worldwide has made climate change commitments, and one of them is to a 50% reduction in their 2019 emission levels by 2035 and to be net zero by 2050. Other companies have done something similar. I explained just within our own company the move to go replace traditional diesel mining equipment underground to battery electric. That alone is going to reduce the carbon footprint of a typical mine significantly. And because of the commodities that we are producing—the nickel, the cobalt, even copper—these now find themselves in much bigger demand with the global transition to a low-carbon economy.

So it's doing our part as well on the production site to produce a pound of nickel with the smallest carbon footprint possible, but it's also a lot of pride to know that what we are producing is also going back and helping with the global climate change crisis.

Mr. Ric Bresee: Thank you. If I continue along that line, you mentioned Li-Cycle; it's actually done in my area of Ontario. We love to see that company proceeding, certainly.

But specifically to this bill: How will introducing more flexibility in the methods that can be used to rehabilitate a mine benefit your company and benefit the industry?

Mr. David Yaschyshyn: Yes—and for that matter, even help the ministry deal with a site that they might be managing on their own. It's really, I think, about being innovative and allowing a pathway for innovative or site-specific solutions to be thought of and applied, versus maybe being less flexible in some of the language that is in the current Mining Act. If you can respect the objectives of the parts of the code which are to protect human health and safety, protect the land and protect the environment, but you can do it in a fashion or a way that's maybe a little unique, that should be given full consideration, because it may be economically achievable, technically feasible. If it meets all the

objectives of the code for protection of the general society and environment, then it should be given consideration. In some pieces of the legislation, with how it's currently written, you're not given that flexibility.

Mr. Ric Bresee: When it comes to the specific measures within this bill, are there specific changes that you expect will have, I'll say, the most significant impact for your company operationally—impact to operations, but to your workers, to the communities that are in the areas of your mines?

Mr. David Yaschyshyn: Well, I know just from our staff who manage the closure plans that it's often an arduous process of back-and-forth, and the time delays. If one of our staff goes off on maternity leave and they come back in two years and the file is still open and they get into it again, they're maybe scratching their head about why it hasn't progressed further than it has. So speeding up that process will, I think, help the staff on the proponent side, on the ministry side. And that gives us a lot of certainty, knowing that we have consensus and agreement on a path forward on a rehabilitation measure and now, instead of waiting to implement it, we can implement it sooner.

Mr. Ric Bresee: Thank you very much.

I'll turn my questions to Ms. Foss from the Ontario Mining Association. I've heard that some of your members have been advocating for these types of changes for quite a while. There's an old cliché that my grandfather used, and I'm sure he was stealing it from someone else: The best time to plant a tree is 20 years ago, and the second-best time is today. So why would you say that today is the time to make these changes?

Ms. Aynsley Foss: I think there are several reasons, but one of them is that we have an abundance of critical minerals and we have an opportunity to mine them from a very—our hydro line up north is 95% carbon-free. We do need to mine minerals in order to transition to the green economy and build clean technologies, and if we want to focus on climate change, they should be built in Ontario, because we're going to do them with the absolute lowest carbon emissions. So it's a combination of decarbonization and, as well, that we've seen major supply chain disruptions with COVID-19, and now with other geopolitical issues—China; the Russia-Ukraine crisis. Localizing those supply chains will benefit Canadians.

The Vice-Chair (Mr. Mike Schreiner): One minute.

Ms. Aynsley Foss: As well, we're able to build manufacturing—a made-in-Ontario kind of supply chain between the north and the south.

Mr. Ric Bresee: Are there any other changes that your membership is seeking that we should be considering at this time?

Ms. Aynsley Foss: I think there's going to be a transition period in terms of this—so making sure that as the implementation of this bill is in place, that the ministry staff has the resources to be able to do that. I definitely think there is more to be done. I think we can focus on a one-window approach with mining, a one-window approach with Indigenous consultation. Definitely I think there is always more to be done, but I think this is a great start in order to build our competitive—

The Vice-Chair (Mr. Mike Schreiner): I'm sorry to interrupt, but time is up for this round of questioning.

1530

We'll now go to the official opposition. You'll have seven minutes. MPP West.

MPP Jamie West: I'll start off with Ms. Lloyd. One of the statements you said was that mining operations can begin before financial assurances are in place, before a closure plan is filed. Yesterday, we heard several mining companies saying that this wasn't accurate. They were telling me that if you would have a project, say, to develop the road, that would be three years. You pay your financial assurance ahead of time, and you'd have your closure plan just for the road ahead of time. Before the next stage could happen, you'd have to pay for the next project; let's say it was developing housing for the workers who were going to come into work in the mine site or setting up a headframe. Are you saying that that's not accurate?

Ms. Brennain Lloyd: I'm not sure under what requirements they are paying financial assurances for road construction or mining camps for housing, but—

MPP Jamie West: I was making up that part, but they were saying that with stage 1, they would pay in advance and make sure that everything was in place before they started the work for stage 1.

Ms. Brennain Lloyd: Well, it's called phased financial assurances, the language that's in the package. That sounds to me like they're not posting—it's in the package—full financial assurances in advance of beginning operations. I don't know who's tracking at what stage they are incurring what environmental liabilities to ensure that those financial assurances are adequately in place. I don't have confidence that that's there.

I also think that the idea of beginning operations before you've completed the closure plan has the same problems: Who is tracking it? What is being measured? What is development being measured against? They're beginning the operation before the full package of planning and design and closure is in place.

I also think it raises a really important question around the duty to consult. How do you consult with a First Nation about a mine that isn't designed, that isn't financially assured, but that has begun operation? And it isn't designed: If the closure plan isn't fully laid out, then the design is not complete. How do you fulfill a duty to consult over half or 25% or 10% of a mine proposal? Yet the mine can begin operation before all those things are fully in place. I think it's highly problematic.

MPP Jamie West: That makes sense. I would agree it is vague in the wording. What you said matches the wording of the legislation and what the mining company said also matches the wording of the legislation. If you don't have clarity, you are not going to move forward very well.

I want to ask Ms. Foss from the Ontario Mining Association a question. It's related to what Ms. Lloyd had just talked about in terms of consultation with Indigenous communities. Earlier, De Beers had said that it would be helpful if the government developed a framework on consultation with First Nations. It's not the first time that

we've heard this. How important is having a strong relationship with First Nations communities to the mining sector in Ontario?

Ms. Aynsley Foss: It's significant. I talked about the consultation fatigue, but if we were able to go to that one-window approach, where the ministry shares a consultation list of who we should be consulting with and making rules around that, I think it would help not just industry but also government and the Indigenous communities. But the duty to consult doesn't stop.

MPP Jamie West: Right. The reason I'm asking is that I know that multiple mining companies have decent relationships, but what I've been hearing through these consultations and when speaking to people about this bill is that the government has not had a good track record. I would believe, if I was a mining company in Ontario and the Premier said, "I'll jump on the bulldozer and build the road there myself," without having consultation with Indigenous communities, that might not be helpful to the success of a mining company. Would you agree with that?

Ms. Aynsley Foss: Yes, I think that having good relationships with your First Nations is critical. This hasn't really been touched on in these committee hearings, but we talk about environmental, social and corporate governance, and in order for our companies to get financing, they have to have a strong social track record, because they won't be able to go onto the TSX and the TMX and be able to raise money. So this is also a safety measure from an investor perspective.

MPP Jamie West: Just because of limited time, I wanted to ask Dave Yaschyshyn—you had mentioned early on that you're from Sudbury. I've lived in Sudbury my whole life. We're about the same age, give or take; I think I'm a little older. So you would remember in Sudbury—when I grew up here, Sudbury was a moonscape with these giant dead logs that even as a five-year-old kid I could lift up because they were so dried out. You would remember that there were no pollution controls in Sudbury in the past, and in fact, both Falconbridge and Inco in the day were allowed to pollute two times the legal limit of 100 parts per million—not to go too far into the weeds, but they were allowed 200 parts per million in terms of pollution. And then the government came in with their evil regulations, and now the Superstack doesn't have any SO₂ coming out of it.

How do we find that balance between ensuring that mining is efficient but also ensuring we don't go back to the 1950s, 1960s, 1970s of Sudbury so that we have—these are the concerns that people bring forward to me when we talk about closure plans, that when mine sites are abandoned or when pollution isn't controlled effectively, it's the public that pays for that. So how do we find that balance?

Mr. Dave Yaschyshyn: I guess how I would respond to that is that there are, I would say, lots of regulatory rules in place by various ministries. Yes, the Ministry of Mines is a key lead ministry on the mining side, but it's heavily supported or backstopped by the Ministry of the Environment—

The Vice-Chair (Mr. Mike Schreiner): One minute.

Mr. Dave Yaschyshyn:—in terms of air, water, release regulations and strict limits for the protection of human health and environment. As well, the Ministry of Natural Resources is another party that oversees certain work permits and makes sure that certain standards are adhered to.

In terms of really large projects, we also have the federal government on the Impact Assessment Act that comes in and also oversees the project, looking at the impacts, making sure the mitigations are in place to avoid any significant environmental or social impacts. So, definitely, the regulations of today are very much in place to prevent some of the legacy things like you recall back in the 1970s in Sudbury.

MPP Jamie West: So I've got, like, three seconds?

The Vice-Chair (Mr. Mike Schreiner): Four.

MPP Jamie West: It was a good guess, though, eh? I should have bet on that.

The Vice-Chair (Mr. Mike Schreiner): Thank you. Your time is up.

Now we go to the independent members. I recognize MPP Hsu.

Mr. Ted Hsu: I wanted to ask, first, a question of Mr. Yaschyshyn. Glencore is well capitalized, and that's why I'm asking you this question. This bill proposes to have qualified persons certify the mine closure plan. If a qualified person makes a mistake, in the present situation, it would be somebody in the Ministry of Mines that would have made the mistake, and presumably the ministry and the government would take responsibility for that. But if in the future a qualified person makes a mistake in the mine closure plan—this is somebody that, hypothetically, Glencore would have hired—does that mean that the liability goes to Glencore's big fat balance sheet? Would somebody want to sue you instead of asking the government to take responsibility? And what do you think about that? What would Glencore think about that?

Mr. Dave Yaschyshyn: In terms of—

Mr. Ted Hsu: Sorry, excuse me. It's just because it's highly likely, I would say, that qualified personnel might come from a small firm that is not as well capitalized as Glencore.

Mr. Dave Yaschyshyn: Right. In terms of qualified professionals, the current Mining Act has many aspects that require qualified professionals to certify that certain rehabilitation measures are designed properly and going to be effective when implemented. In fact, some of the proposed changes are actually that more areas of the Mining Act would require qualified professionals, so in essence having increased assurance from other professionals that those measures would be effective.

In terms of Glencore, we would go to the market and seek competent professionals in these fields and solicit them and ask them to help us prepare the closure plans and to design some of those remedial measures, rehabilitative measures, to meet the intent of the Mining Act and code.

1540

Mr. Ted Hsu: Maybe correct me if I'm wrong, but currently there are certain things that would get a stamp of approval from inside the ministry, inside the government of Ontario, and now this is going to change. The stamp of approval is going to come from a firm that Glencore hires.

Does that increase Glencore's liability, then, if a mistake is made?

Mr. David Yaschyshyn: Well, I think, from the proponent side, we are reviewing the adequacy of the measures that are being proposed, but I would fully expect that the government is doing some type of checklist exercise as well on that respect, that the certifications are in place and adequate.

Mr. Ted Hsu: But I thought this bill, because I listened to the minister yesterday, was meant to streamline things and reduce duplication. So I don't get it. The government is going to check so that it takes care of liability but somehow we're going to create this extra process outside of the government. It's confused. I'm confused, and maybe you could clarify that for me.

Mr. David Yaschyshyn: Well, there are some current definitions of what constitutes a qualified professional, and with this expansion, there would be—

The Vice-Chair (Mr. Mike Schreiner): One minute.

Mr. David Yaschyshyn:—some further definitions on who would constitute competent: environmental professionals, professional engineers, professional geologists, whatever the case may be.

Being part of professional organizations myself, being a professional engineer, there's a certain code of ethics that I must follow, and there are certain disciplinary process that are in place where if I don't adhere to high quality, there are repercussions for that mistake. But—

Mr. Ted Hsu: Yes, you might lose your licence or something. But still, if it costs a lot of money, somebody has to come up with the resources to fix the problem.

Anyway, that's it. I think my time is out.

The Vice-Chair (Mr. Mike Schreiner): You have 17 seconds, if you want to use it.

Mr. Ted Hsu: It's okay. I think I made my point.

The Vice-Chair (Mr. Mike Schreiner): Okay. We'll go to the government. MPP Sarrazin.

Mr. Stéphane Sarrazin: My question is for Ms. Foss from the Ontario Mining Association. A really easy question to start with: What have your members been saying about the proposed changes?

Ms. Aynsley Foss: Generally, they are supportive.

Mr. Stéphane Sarrazin: Is it welcome? It doesn't seem to be—I just wish you could elaborate a little bit more on this.

Ms. Aynsley Foss: Maybe I'll go back a little bit. When the cabinet came out with allocating a whole Ministry of Mines, I think there has been a lot of progress in this area, and I think we're actually lagging behind from a regulatory process.

You heard earlier from Erik Madsen. He said a lot of other jurisdictions have this single point of contact, and I think as we move towards this—starting with making a single ministry responsible for this or having a single ministry focused on that, the mining sector—we're starting to make these improvements. This is the start, and this is the foundation, and like the act says, it will build more mines, but also, it will be done in a way that's sustainable.

Mr. Stéphane Sarrazin: I've got another question for you also: What other changes do you think Ontario should

consider in an effort to make Ontario the number one jurisdiction for mining?

Ms. Aynsley Foss: I think we're getting there with these changes. I did talk about earlier, with that central assertions unit—in terms of streamlining consultation, making clear rules around consultation and providing certainty, I think that would improve the Indigenous relationships with everyone. And this question has been asked over and over: How can government also improve their relationships? Again, making one ministry responsible for that and a single point of contact would be a really good start.

Mr. Stéphane Sarrazin: I guess I could ask you one more question: What impact might the proposed changes have on the environment?

Ms. Aynsley Foss: I, personally, do not think any. I think this is more about process and administrative. I tried to emphasize this in the concluding remarks of my speech: Smart regulation doesn't necessarily mean health and safety or environment has to suffer. This is about improving processes. We still have the same commitment to making sure and protecting the environment.

Mr. Stéphane Sarrazin: Thank you very much.

I guess I'll ask Mr. Yaschyshyn from Glencore: The rush for critical minerals is accelerating right now. How do the proposed changes position Ontario to help the world meet the massive demand increases that are predicted?

Mr. David Yaschyshyn: In terms of the changes to the proposed legislation?

Mr. Stéphane Sarrazin: Yes.

Mr. David Yaschyshyn: I think it helps streamline the process that's currently in place. Maybe investors or other mining companies may have heard through the grapevine that it's not necessarily a streamlined process, and I think some of the administrative/bureaucratic process changes that are being proposed would improve that. If a company had that impression previously, knowing if these changes, as proposed, get passed, then they might reconsider exploring the closure planning process for their projects.

Mr. Stéphane Sarrazin: With the competition around mining worldwide, we've been saying that 15 years is too long in order to be able to extract minerals and to go on with mining. Especially now, these days, do you feel like we should be doing things faster to make sure to maintain our position as a leader in the sector?

Mr. David Yaschyshyn: There are definitely, even within our own company, projects that are competing against other projects. Every project needs to proceed on its own merits, and do so responsibly.

When I worked at the Kidd mine in Timmins, I think from discovery in 1963-64 to first production in 1966—we're talking two to three years from discovery to put into production. Can we do that again today? I don't know. That's, I guess, the challenge. It was done in the past, and we just want to make sure that if we do go at a quicker pace, it's done responsibly.

Mr. Stéphane Sarrazin: That seems like a nice story, but do you have other examples of how it was not as easy to get the process going?

Mr. David Yaschyshyn: Well, just even with our own experience with having existing operating mines, or mines

that are in closure or temporary suspension, just getting those closure plans advanced on an amendment takes—it's been five years. And in just that time period, we're struggling to do—we don't know which pathway to do our engineering or our planning. Just by that delay in itself, we face inflationary pressures. We face inflationary pressures because of the delays, the delays, the delays.

Mr. Stéphane Sarrazin: We heard from other members yesterday that the closing plan is pretty hard to do, because the mining operation could last 50 years and what was needed at the beginning of the project is not necessarily what's needed at the end of the project. Would you like to comment on that?

Mr. David Yaschyshyn: Definitely that the mine goes through different phases, from advanced exploration—this is the first time a closure plan is put in place. Nobody can do advanced exploration unless the financial assurance is put in place, as well as an approved closure plan, as well as the duty to consult and all those matters are taken care of.

Right from the get-go of a mine, there are processes in place to make sure it's done responsibly. If that mine advances to the next stage of production, then we have another iteration of the closure plan—

The Vice-Chair (Mr. Mike Schreiner): Sorry to interrupt, but our time is up for this round of questioning.

1550

We will now move to the official opposition. MPP Mamakwa.

Mr. Sol Mamakwa: Meegwetch to the presenters. I've been listening intently to the round of questions. I know, when we hear about opening up mines faster, I just think about some of the First Nations that live in far northern Ontario. Sometimes they are not around the table to have these discussions, and I can't help but think that you're planning a way to colonize First Nations faster. I say that because land brings a way of life for First Nations people. Land brings the identity of who they are. Land brings the teachings of who they are, for thousands of years. Land brings the languages that we have today. Land brings the history.

One of the submissions that we saw was that “the province of Ontario must be held accountable for this exploitive and aggressive approach contrary to the principles of reconciliation and the spirit and the intent of treaty.

“The Matawa Chiefs Council close this written statement marking the need for Ontarians to understand the cumulative wholesale legislative, policy and regulatory changes (‘the legislative bulldozer’) that have been made in incremental phases on all aspects of the Ontario lands legislations.... The province of Ontario has yet to make any substantive effort to communicate or include the meaningful participation of the Matawa member First Nations as a collective region, despite a very aggressive legislative and public agenda to access our traditional territories and homelands.” That's part of their submission, submitted by the chiefs of Aroland, Constance Lake, Eabametoong, Ginoogaming, Long Lake #58, Marten Falls, Neskantaga, Nibinamik and Webequie.

Just a quick question to Ms. Foss: You said you are supportive of this bill and that this is sustainable. Does that mean you are part of the colonial ways of this government?

Ms. Aynsley Foss: In terms of the colonial ways of this government, absolutely not. We want buy-in from our stakeholders. Our goal, where we operate, is to provide value and socioeconomic benefits to the communities. To give you one example: We had one mine that, as they came into production, needed to connect to the grid, and while they connected to the grid they added 22 communities that were also connected to the grid along the way. This is just one example or case study on how mining can improve communities. That wasn't just the four communities that were neighbouring them; that was 22 communities.

Another way is—hopefully we get buy-in, because we would prefer to get the suppliers that are local and include them in part of the business and how we conduct business. We give priority to local First Nations in terms of that.

The Vice-Chair (Mr. Mike Schreiner): MPP Gélinas.

M^{me} France Gélinas: My question will be to David—I won't risk your last name; I'm French. You've talked about the closure plans. I'd like you to share with my colleagues what it's like to deal with the local Ministry of Natural Resources, Ministry of the Environment and Ministry of Mines. Let's just think of the last closure plan that you worked on. How many of the people in those ministries were “acting,” rather than having full-time jobs? How many times did the directors of those different ministries change, just in the last couple of closure plans that you've worked with? Have you seen any of that?

Mr. David Yaschyshyn: Certainly, yes. I had described earlier the delay in even five years of the closure plan advancing, and I think we may have seen three directors of mine rehabilitation over the course of that time. Each director needs to come up to speed and kind of learn the file and where the file is at in order to pick it up, carry it and progress it forward.

So yes, we've seen that. We see it even in our own company, where there's turnover and trying to get the competent people into the different roles. I think it's a challenge in many, many sectors of mining, and it's such an important industry that we somehow have to solve that labour gap that we're starting to see.

M^{me} France Gélinas: I fully agree with you. I deal with those people also. The government came in in 2018 and wanted to decrease the amount of the civil service, so whenever somebody leaves, he does not get replaced; somebody gets into an “acting” job. Those jobs never get to be fulfilled. The director of mines—yes, we've had three since you guys are in power, and in between those three they've been “acting.” None of them are able to make decisions. If you want mining to move faster, give full-time jobs to those people and guarantee them that they'll have full-time jobs.

The Vice-Chair (Mr. Mike Schreiner): One minute.

M^{me} France Gélinas: None of this, “Oh, you can't replace because we're trying to decrease.” If you're serious, you have to do this. Let them hire. The Ministry of Natural

Resources right now in Sudbury does not have a single full-time employee; they're all "acting." How can they help the mine move faster? It's the same thing with the environment, the same thing with mines. Five years, he told you. She came back from maternity leave. There have been changes of director and not one single plan has been approved—by you guys, not by them—since 2018.

I'll go to you, Ms. Foss. Did your industry ask for the director of mine rehab to be replaced by the minister?

Ms. Aynsley Foss: Sorry. Can you repeat that?

M^{me} France Gélinas: Did your industry—

The Vice-Chair (Mr. Mike Schreiner): Sorry to interrupt, but we're out of time.

We'll go to the independent member. I recognize MPP Hsu.

Mr. Ted Hsu: Thank you. I think I'll direct this question to Ms. Foss at the OMA. This is about qualified personnel again, because the act uses the same term, "qualified people," for, say, the geologists and mining engineers who might write the 43-101 report, which is meant to protect investors, and it uses the same term for people in very different disciplines like environmental science or biology or geochemistry who might be working on the mine closure plan. I'm wondering if the industry would support the idea that, in order to prevent conflicts of interest, if these two different groups of qualified people are working at the same firm and paid out of the same revenues—would it support some language in the regulations or in the act to make sure there's some kind of separation so that they're not talking to each other as they're working on their different pieces? It's something that in the financial industry used to be called a Chinese wall, to prevent conflicts of interests. These two groups could be working at different firms, or at the very least, if they're working in the same very large firm of experts, that they don't talk to each other. Would you support something like that in the legislation to prevent conflicts of interest?

Ms. Aynsley Foss: Yes, so if I'm understanding your question correctly, oftentimes the qualified person who might work on one area of the closure plan isn't involved by any means in terms of the investment side of the company.

Mr. Ted Hsu: So it sounds like you don't object to that.

Ms. Aynsley Foss: You know, I just don't know if I quite understand it from a policy perspective. I know when Linda Byron spoke yesterday, she spoke about that. I really would think she would be the best person to respond on how to deal with that because she understands how these firms work. I don't know.

1600

Mr. Ted Hsu: So my concern is that you have a mining company that hires some qualified people that work on the 43-101 report and then another group of qualified people that work on mine closure. If they're at the same firm, because there are many large—you can imagine, if there's a large firm that employs both, that there might be a conflict of interest.

Maybe I'll just ask Mr. Yaschyshyn if he has a view on that, whether that's a reasonable requirement to put in, to prevent conflicts of interest, and then I'll ask Ms. Lloyd to comment if she would like.

Mr. David Yaschyshyn: I know it's running short on time. Right now there are elements in the current Mining Act that require declarations of any conflict of interest and that the people certifying parts of the plan declare they do not have a conflict of interest. So I would think that's probably a pretty good protection to maintain.

The Vice-Chair (Mr. Mike Schreiner): One minute.

Ms. Brennain Lloyd: I think there's a real lack of definition around what "qualified person" means. It could be somewhere else, but it's not in the material that has been made available to me. I think that, whatever the case, nothing is going to replace a well-qualified, well-employed civil service that is there to consistently protect the public interest and the environment. You can have whatever qualifications you might like out in the private sector, but it won't replace having a professional-class civil service in place.

Mr. Ted Hsu: I may only have a few seconds, but I just wanted Ms. Foss to maybe expand a little bit on how to define consultation fatigue.

Ms. Aynsley Foss: I think when, say, you have to consult with one Indigenous community at multiple junctures and you might have to consult on, say, a permit to—

The Vice-Chair (Mr. Mike Schreiner): Sorry to interrupt, but we are out of time.

I want to thank all three presenters for joining the committee today.

UNITED STEELWORKERS LOCAL 6500
ATIKAMEKSHENG ANISHNAWBEK
NELMACO EASTERN LTD.

The Vice-Chair (Mr. Mike Schreiner): We'll move to our next round of presenters. In this round, it will be the United Steelworkers Local 6500, Atikameksheng Anishnawbek and Nelmaco Eastern Ltd.

I will now call on United Steelworkers Local 6500. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Mr. Eric Delparte: Hello. My name is Eric Delparte. I'm the treasurer for United Steelworkers Local 6500. I'd like to thank everybody for coming out to Sudbury and consulting with us. I'd also like to thank you for giving us the opportunity to address everybody here today. I'm going to read a statement we have prepared.

The United Steelworkers Local 6500 has a rich mining history. We are one of the largest mining locals in Ontario, with over 2,500 members and almost 7,000 active retirees. We have been representing miners and mining plant workers in Sudbury for over 60 years now. We live, play, fish and hunt in the same communities that we mine, smelt and refine the ore from. Because of these factors, the state of our environment before, during and after mining takes place is of the utmost importance to us.

As the need for critical minerals becomes ever more vital, new and exciting opportunities for our members and our communities are presenting themselves. Expansion and development of new mines will certainly increase our membership and will lead to more long-term jobs and prosperity in our communities.

Our membership is a large contributor to our local economy and supports many community initiatives and charitable organizations like the United Way, to whom our membership helped donate over half a million dollars to this year, or the Maison McCulloch Hospice, where we sponsored the building of a new room. We were also a driving force to get the cancer treatment centre here in Sudbury. This means families in the north can get the treatment in the north. This alleviates the financial burden and stress placed on families which would have otherwise sought treatment down south.

Changes to the Mining Act could be beneficial to all workplace parties if the process allows for stakeholder input, including meaningful consultation with Indigenous communities.

While we agree that phased closure plans and other efficiencies make sense for today's mining methods, some proposed amendments have our membership in our communities concerned. Expansion of financial assurance permitted by the act may lead to funds not being available to ensure proper closure of a mine and the lands not being reclaimed. In saying this, there are examples of towns in Ontario, such as Timmins, where the grounds are decimated from lack of reclamation once mining activities were halted. These communities now live with the legacy of environmental hazards that affect all aspects of life.

Recently, the Auditor General of Ontario made various recommendations regarding the management of environmental hazards associated with abandoned mines in the province of Ontario. In her report, entitled Value-for-Money Audit: Management of Hazards and Emergencies in the Environment, the auditor highlights that "3,942 or 69% of the 5,746 abandoned mine sites in Ontario are known to have features that are considered a hazard." Furthermore, only 3% of these sites have been partially rehabilitated while many more are unknown.

In 2015, the auditor estimated that the cost of only 216 rehabilitated sites was \$3.1 billion. Even with the current legislation, there is an unimaginable financial burden to the crown and ultimately the taxpayers and the community members who live in mining regions.

It is our concern that these proposed amendments could allow mining companies to profit without the liability of closure costs. In the event the province becomes a creditor in an insolvency filing, an inequitable amount of liability is shifted to the taxpayers while small communities will be devastated by the undue hardship of land reconciliation. Current land royalties generated from mines are nowhere near the remediation costs. Inaction on remediation could lead to the leaching of mining contaminants into our lakes, our rivers, our streams and cause far-reaching, devastating impacts on our ecosystems.

We challenge the province to ensure they maximize all opportunities to achieve a net benefit for the citizens of Ontario. This means caring for the safety of our miners, ensuring health care and education systems where mining takes place are well funded, protecting the environment in which we live, play, fish and hunt and ensuring the lands are properly reclaimed after mining has ceased.

Prosperity for mining must not only be enjoyed by the proprietors, but the wealth should be distributed to allow the communities, from which mining companies extract these non-renewable resources, to thrive. Please consider the following recommendations:

(1) All lands that are mined should be rehabilitated to a state that is better than the condition the land was in at the beginning of the mining process, inclusive of tailing recovery mining.

(2) If financial assurance is to be expanded, it is only temporary during the new phase of development and all previous stages are fully funded before any new approvals begin.

(3) If portions of closure plans are to be deferred, it is only temporary and these deferrals are reconciled before moving on to the next phase of mine development.

(4) The Mining Act is amended to raise royalties to ensure Ontarians receive the net benefit of mining, distributing some of those royalties to the communities in which the ore is mined.

(5) The mining act is amended to incorporate inflation into closure plans.

(6) The "qualified person" under the Mining Act—

The Acting Chair (Mr. John Yakabuski): You have less than one minute left.

Mr. Eric Delparte: I could go slower.

Laughter.

Mr. Eric Delparte: (6) The "qualified person" under the Mining Act is clearly defined and guidelines are developed for the qualified person to follow.

(7) That a task force be set up to inspect mine closures for hazards and environmental issues with the power to remedy the issues.

Thank you again for giving us the opportunity to be here, and we look forward to your questions.

The Acting Chair (Mr. John Yakabuski): Thank you very much. We will now move to Atikameksheng Anishnawbek. You've got seven minutes, and—

Chief Craig Nootchtai: Aanii. Boozhoo.

Remarks in Ojibway.

Good afternoon, everyone. My name is Craig Nootchtai. I'm the Chief of Atikameksheng Anishnawbek. I'm of the Loon Clan, and my home is Atikameksheng. I welcome you here to Atikameksheng reservation lands.

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We are a sovereign First Nation, and we are signatory to the Robinson-Huron Treaty entered into with Her Majesty the Queen of England on September 9, 1850. Chief Shawenakishick signed on behalf of Atikameksheng Anishnawbek.

We are one of the 21 First Nations who are beneficiaries of the Robinson-Huron Treaty and who are collectively advancing a treaty annuities claim action before the Ontario courts regarding the crown's failure to pay augmented annuities based on increased resource revenues within our traditional territory.

This treaty provides for land set aside for Atikameksheng for our sole use and benefit and are described as: "Sixth—Shawenakishick and his band, a track of land now occupied

by them, and contained between two rivers, called Whitefish River, and Wanabitaseke, seven miles inland.” These lands described in the treaty have been our home since time immemorial. We have never surrendered them and they are therefore under our jurisdiction and care.

We are also advancing a separate action before the Ontario courts called the boundary claim because the size and boundaries of our reservation were not surveyed properly in 1884.

We also have a timber claim in the Specific Claims Tribunal where we seek compensation for timber harvesting permits that were illegally sold by Prime Minister John A. Macdonald back in 1886 to one of his close personal friends for pennies on the dollar.

I just want to give some context here: I appear before you today on behalf of the Atikameksheng Anishnawbek to formally announce that we don’t support Bill 71, Building More Mines Act, as we have not been properly consulted with. We were just informed on March 2 that these amendments are proposed, so we have not been consulted since they were first thought up by the minister. We want to bring forward our perspective, our comments and recommendations with specific regard to the proposed amendments, and we’ve contained this in the statement.

We also want to call on the Ontario government to commit to the development of a consultation framework to review and amend the Ontario Mining Act in full consultation and participation with Ontario First Nations so that we can participate in the planning, decision-making, production, and revenue-sharing in mining activities within our reservation and traditional lands.

In particular, I will speak to the following key points. There are five mines currently operating on our reservation lands, four mines operating within our traditional territory, and a handful more of new projects which will be starting in the near future. These mines have all started without our prior consent, and with these proposed amendments, the new projects will most likely get fast-tracked without consulting Atikameksheng. These mines have tremendously impacted the health and well-being of our nation as they have displaced us from our homes, taken away our ability to carry out our inherent rights to harvest food and medicines on our reservation lands and our traditional lands. The current Ontario Mining Act encourages and promotes further cumulative negative impacts on our nation, and the proposed changes in Bill 71 will perpetuate that. The proposed changes will also seek to fast-track the processes to start new mines and projects within our reservation and traditional lands without proper consultation and accommodation occurring—and the need for further consultation and engagement with Atikameksheng Anishnawbek and other First Nations before Bill 71 proceeds to the third reading; our preliminary concerns with regard to the proposed amendments and suggested avenues for improvement; and also a request to ask Ontario to re-evaluate the entire Ontario Mining Act legislation so that Atikameksheng and other First Nations can truly participate in and benefit from mining activities within their reservation and traditional lands.

I have four main points that I’m going to read out:

(1) Further consultation and engagement with Anishnawbek peoples is necessary before Bill 71 proceeds to the third reading so that we have time to review the proposed amendments in greater detail to determine impacts on our nations.

(2) We caution against consolidating decision-making authority by empowering the minister to act as (1) director of exploration and (2) director of mine rehabilitation, as the minister would not be able to effectively engage and consult with First Nations on a nation-to-nation level—and I don’t see how he can do that, personally, being a minister.

(3) We are concerned about the proposed amendments regarding closure plans, including (1) the loosening of the certification process; (2) deferring elements; (3) lower reporting obligations; (4) allowing phased financial assurance; and (5) changing the definition of “rehabilitate,” as all of these changes make it easier for mining companies to avoid consulting with First Nations to determine what their needs and concerns are regarding development in their reservation and traditional lands.

(4) We are concerned with the lower standard of care required to issue recovery permits, as lower standards may result in disastrous harms to our lands, which will hurt future generations.

In conclusion, Bill 71 seeks to encourage more mining development in Ontario at the cost of less regulation regarding closure plans and other rehabilitative measures. We are concerned that both the benefits and the costs of the proposed amendments will have an adverse impact on the environment and on inherent and treaty rights of Atikameksheng Anishnawbek.

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Chief Craig Nootchtai: We want to have proper consultation sessions with us to further review and discuss this bill. We want to recommend to avoid consolidating decision-making authority by empowering the minister. We’re asking the committee to not adopt the proposed amendments to closure plans as they are currently drafted, and to not adopt the proposed amendments to issuing recovery permits.

I just wanted to close and share my first experience with Minister Pirie after he was appointed. He was in a room full of chiefs, and he told us we don’t have a veto over mining activities in our traditional lands and that Ontario wants to implement the Critical Minerals Strategy to get the minerals out of the ground and get them to market as soon as possible. He also has gone on to say it shouldn’t take—

The Acting Chair (Mr. John Yakabuski): I’m sorry, but that is your time. Thank you very much.

We will now call on Nelmaco Eastern Ltd. You have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

Mr. Fred Delabbio: My name is Fred Delabbio, and I sort of feel out of place because I applied to come to this hearing because it said “building more mines,” and in the last 45 minutes sitting here it sounds like everybody is closing mines down.

I don't know who the panel consists of, but I'll ask, do any of you have a prospecting licence? Boy, do I have my work cut out for me.

Nothing happens—nothing—until the prospectors go on the property. I was rather fortunate as a young person—I'm 84 now—of meeting Thayer Lindsley a couple of times when I was growing up in Falconbridge. He said that the most important people in finding new mines—and that's what I thought this act was about—are the prospectors, so make sure if you ever get in the position, take care of the prospector.

In the last eight or nine years, the Ontario government came in with what they call the MLAS. That's the new Minister of Mines's Mining Lands Administration System. It is so inefficient, and has become more inefficient with COVID. Last Tuesday, we had a local prospectors' meeting, and two of the so-called managers were there to answer questions. I've given examples in there. I posed two questions to two of the managers. They were unable to come up with any answers at all.

We used to get, years ago, two free assays with every assessment work and claim we filed. The ministry got rid of that. Assays are very expensive.

Some of the prospectors are getting out of prospecting because of the bureaucracy we have. I'll give you an example: When you stake a claim, you have to have a prospector's licence. The next move you have to make is you have to get a client basis, and your client profile is done, again, through the MLAS. Two of the questions they ask are “what is your mother's maiden name?” and “What was your grandmother's name?” I can assure you, both my grandmother and my mother were not prospectors and had nothing to do with it. You then get a client number and a PIN. This, again, is very complicated with the Sudbury office being closed for the last four or five years.

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One of the biggest tools of a prospector is our claims maps, claims files from previous filers. Our current library is being moved—for five years. So I asked the ministry, if you can create a human in nine months, why can't you move an office in five years, to which there's no answer. After listening to other people, I really wonder what this whole bill is about. I've been rather fortunate and been able to get contact with Vic Fedeli to happen to help me, and when they came out with the list of critical minerals, I asked many questions on this which, as a professional engineer, I had a hard time getting answers to. But one of the things that happens is, when you send in a sample for an assay, every once in a while I have a question asking for what they call multiple elements. Sure enough, it comes back: 42 elements in this assay. Reading it over, all of a sudden I discovered some rare earths with extremely high assays.

I've gone to the ministry as to where we go with this from here. They have no answer on how to handle it, yet it's on the list. So I took it upon myself to contact a company in New England and told them I was a prospector involved with some junior companies. I said we have some extremely high assays on zirconium. Well, they just about

fell off their Chair, because the American government is not allowing them to get their sources supplied from China and they wanted to know how much money the American government could give us to go ahead and proceed on this finding. This is an example of what we can do.

Now, 99% of the mines in Canada were found by prospectors, and out of those, one in 1,000 makes it to a mine. So if we want to get more mines in Ontario, we've got to get more prospectors, and we don't have the young people showing up to be prospectors. Let's not worry about closing mines and doing all the other stuff in between. If the bill is to make new mines, we've got to get new prospectors. Thayer Lindsley said to me, “All prospectors aren't geologists,” and that has meant an awful lot to me. I'm both a prospector and a geologist and a professional engineer, but it has been a challenge. I thank you very much.

The Acting Chair (Mr. John Yakabuski): Thank you very much for your presentation. We will now move to the first round of questioning, and this round will begin with seven and a half minutes for the official opposition. We will turn it over to MPP West.

MPP Jamie West: Thank you very much, Chair. I'm going to start with Mr. Nootchtai from Atikameksheng Anishnawbek. You were saying about your first meeting with the minister—so I just wanted to give you the opportunity to finish what you were saying.

Chief Craig Nootchtai: Thank you. In front of the chiefs he said First Nations don't have a veto over mining activity in their traditional lands, and he's gone on to talk about how it shouldn't take 15 years to open a mine. I asked him, “Within this Critical Minerals Strategy, how are First Nations involved in this?” He couldn't answer. He didn't have a response. When I looked at the Critical Minerals Strategy myself, there's really nothing in there to include First Nations. What he kind of alluded to was, “Well, there's going to be some money available,” and that seems to be the rhetoric when it comes to discussions with him.

I just wanted to make a point, though, that he keeps saying it shouldn't take 15 years to open a mine, but it shouldn't take 156 years for Ontario to understand what it means to consult with First Nations. It's been that long. There should be legislation that says you have to go to this First Nation because that's their home. I just don't understand how we can be so far behind. We're pushing so hard to get all of these minerals out of the ground and into the market, so I don't understand why there isn't a commitment for resources to help First Nations get the capacity they need so they can sit at these tables and talk about, “Okay, we need to understand.”

Ms. Lloyd said it best, that getting rid of baseline studies is probably the worst thing that you can do. We need baseline studies to understand what needs to be reclaimed and how—and the rhetoric that I've had so far with Minister Pirie is, “We're just going to keep pushing. Sorry.”

MPP Jamie West: I have heard the promise of prosperity for First Nation communities several times while debating this bill and while listening to people deputize.

One of the things I wanted to mention to you was, good luck on the 1850 Robinson-Huron Treaty challenge. If there's a promise that money is coming, then why is it that you have to—I think the court decision is now being appealed. So if money is coming and there's a good relationship between the Conservative government and First Nation communities, why do communities such as yours have to appeal the treaty challenge from 1850?

Chief Craig Nootchtai: Are you talking about our appeal to—

MPP Jamie West: About the—

Chief Craig Nootchtai: The intervention?

MPP Jamie West: The annuities.

Chief Craig Nootchtai: Ontario has appealed, of course, the judge's decision. We've won at every level. What the intervention provides us with is an opportunity to speak toward the uniqueness of our boundary claim. Everything that the judge has upheld in her decision—we want to reinforce that because those precedents are going to help us win our boundary claim.

We're intervening at the Supreme Court level to get Atikameksheng's voices heard about—and it has a huge impact on mining. Atikameksheng doesn't want to slow down the process; we just want to be a part of it, right from—all phases, from planning, designing, construction, everything. Most importantly, we want to know what that closure plan is because we need to hold the mining proponents accountable, and with this, we're not sure of that.

MPP Jamie West: The reason I was mentioning it is because I want to spell out for my friends in government, who may not be familiar with this, that you had to challenge this at every level of government. So when government comes to you and says, "Trust us," there may be trust issues when you've had to fight and challenge every level of government.

As New Democrats, we're not against responsible mining. We represent mining communities. I come out of mining personally; so do some of my friends.

But what has been clear through consultation on Bill 71 and what has been made clear by the mining sector while they were here is that the free, prior and informed consent with First Nations needs to happen, or mines don't happen. That has been clear in outbursts at Queen's Park, in consultations through here. Companies have told us steps that they've taken—historic IMAs—but the buck always stops with the government; it stops with the crown. The government has the responsibility to initiate and undertake consultation.

We keep hearing from the minister and from the Premier, "Well, anytime you want to come over, if you"—the Premier, the other day, said there were no letters: "Someone didn't send us a letter." Yesterday, when my friend Sol asked, "What are you doing to facilitate these conversations," the minister said, "My door is open anytime they want to come over."

Is it the responsibility of the government to invite First Nations for consultation?

Chief Craig Nootchtai: I think it kind of goes hand in hand. We've been knocking on the door, pounding on the windows long enough. It should be automatic. This is why

I recommend that there be legislation. It should be written somewhere.

You look at the Northwest Territories with the Mackenzie Valley Resource Management Act—that's legislation created in 1998. There are provisions for the federal and provincial governments, mining proponents, First Nations to sit together at tables to go over these projects to determine what the impacts are and how they're going to manage it. It's legislation that has been working for over 20 years.

I don't understand why Ontario is so far behind in that sense.

MPP Jamie West: I'm going to go to Mr. Delparte from USW Local 6500 now.

First, I want to recognize that we've been hearing several times about the important jobs and the boon to community and how good they are for workers, so I want to recognize the work that your union has done—and unions like Mine Mill 598 locally here—to raise wages for workers, to provide a good life for workers. There is a sense, when you fast-forward to 2023, that this magically happened and the companies just decided to do this, but the reality is that unions created this. And they also became stewards of the land, in terms of the environment.

Do you want to talk a little bit about how the Steelworkers got involved with reducing pollution in Sudbury?

The Acting Chair (Mr. John Yakabuski): One minute remaining.

Mr. Eric Delparte: Sure. We've always been advocates because we live in the community. We've had greats like Homer Seguin, who did a lot of the work with the soil studies here in Sudbury to ensure that we see the impacts of what roasting beds do in our communities and how that land then cannot be used, or must be treated properly before it can be used. There are areas still in Creighton now if you go to Google Maps where you can see old roasting beds that are just these strips of barren land where nothing really grows, and there's kilometres of it. So we continue to advocate for that. We continue to advocate for reduction of pollution in our environment.

I hear stories of when my father was a kid and when he was younger—

The Acting Chair (Mr. John Yakabuski): Thank you very much. Unfortunately, your time has expired for this round.

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We'll now go to the independent members, who have four and a half minutes for questions. MPP Schreiner.

Mr. Mike Schreiner: Chair, through you, I'd just like to thank all three of the presenters for coming today.

Eric, I'd like to start my first question with you, if that's okay. I'm actually surprised; you're the first person who talked about the Auditor General's report and the \$3-billion liability around abandoned mines, and some have suggested it may even be double that. I also appreciate the fact that you're like, "I want work for my workers, and I also want to make sure my workers have a safe place to live, hunt, fish and enjoy the environment as well."

One of the questions I have is around section 18 of the bill, where it talks about that the remediation would bring the condition of the land—and I'm going to quote from the

bill right now—“with respect to one or both of public health and safety or the environment following the remediation is comparable to or better than ... before the recovery.”

So I’m curious, because I know unions work very hard on public health and safety, and you’ve also been pretty eloquent about protecting the environment: Do you think those “ors” should turn into “ands” in the bill?

Mr. Eric Delparte: Yes. I don’t think you should be trading off one for the other, if you’re asking me that. I think they should be “and,” “and,” and “and,” yes.

Mr. Mike Schreiner: I appreciate that.

Craig, if you don’t mind, I’ll go to you now. I just want to be clear: As leader of the Green Party, I want to see a critical minerals strategy. I want to see us be a leader in the transition to a green, clean economy. I know critical minerals are going to play an incredibly important role in that, and there’s a bit of a gold rush happening around the world when it comes to critical minerals.

You’ve talked about the need to have legislation for consultation, and you’ve also talked about the need for capacity for First Nations. If both of those were in place, would that make things go faster because you would actually possibly have the right mechanisms for relationships to be built?

Chief Craig Nootchtai: Absolutely. I can only speak for Atikameksheng. I know internally we’ve focused, really, on building capacity and understanding mining in our area. It’s so profound. Like I was mentioning, we have all of these mines in our territory and there could be 10 to 14 closure plans per mine, so understanding those technical documents and understanding what they mean in terms of reclamation—I love the fact that USW has that same mentality, because that’s our mentality too.

It’s now seven generations since we signed that treaty, and we haven’t really shared in the revenues. I think if we could get a share of the revenue to support us forming more teams—we need teams to evaluate what’s going on on a regular basis, and even more so now if these amendments go through because now there’s less legislation for mining companies. So who’s going to provide that oversight? I like the fact that the question before was about who’s liable and when that qualified person—

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Chief Craig Nootchtai: —makes a decision or something, right? And they can’t really answer that. But guess who has to clean up the mess? It’s us.

Mr. Mike Schreiner: You have to live with it, right?

Chief Craig Nootchtai: We have to live with it.

Mr. Mike Schreiner: Quick question—and I know our time is very limited: What would that capacity look like? What you need to build the capacity to be a true partner here?

Chief Craig Nootchtai: I would need a team, obviously, of skilled—we’d need engineers, we’d need geologists, we’d need negotiators, a couple more of me and a couple more politicians to help build that up. But yes, absolutely, we also need to have relationships with the city, with organizations such as the USW. We need to have all of those

connections, those ties in place, and more discussions with our MPs and MPPs, as well. It has to be a group effort, right? We can’t just all rely on—

The Acting Chair (Mr. John Yakabuski): Thank you very much. Unfortunately, the time has expired.

We will now move to the government side. MPP Leardi.

Mr. Anthony Leardi: I’d like to start with Mr. Delparte.

Mr. Delparte, thank you for being here today. Let’s start with something easy: What’s your training? What’s your background? What do you do?

Mr. Eric Delparte: When I was hired, I was 19 years old. I came in and I had very little mining experience, and through Inco I got to be a support miner. Then I transferred over to Stobie mine, and there I did some work in the blasting fields, and also some of the production miners running scoop trams and stuff like that—

Mr. Anthony Leardi: How long have you been in mining?

Mr. Eric Delparte: Twenty-five years.

Mr. Anthony Leardi: And you’re a representative of the United Steelworkers Local 6500.

Mr. Eric Delparte: Yes.

Mr. Anthony Leardi: How many people in your local?

Mr. Eric Delparte: Just over 2,500.

Mr. Anthony Leardi: Do you have a collective agreement?

Mr. Eric Delparte: We do.

Mr. Anthony Leardi: With who?

Mr. Eric Delparte: With Vale.

Mr. Anthony Leardi: Do you have more than one collective agreement or just one?

Mr. Eric Delparte: We only service our membership, and it’s just the one collective agreement.

Mr. Anthony Leardi: I suppose your collective agreement has terms in it for pensions.

Mr. Eric Delparte: Yes.

Mr. Anthony Leardi: And for benefits?

Mr. Eric Delparte: Yes.

Mr. Anthony Leardi: Do you think you have a good pension? It could be better, right?

Mr. Eric Delparte: Always.

Mr. Anthony Leardi: You could always ask for more, right?

M^{me} France Gélinas: You used to have a good pension.

Mr. Eric Delparte: We used to have a good pension. It’s been, yes, kind of separated.

Mr. Anthony Leardi: Do you think you’ve got pretty good benefits, though?

Mr. Eric Delparte: I mean—

Mr. Anthony Leardi: You could always ask for more.

Mr. Eric Delparte: I’ve got benefits. How’s that?

Mr. Anthony Leardi: In my area we have some auto workers who are really excited about mining, because they’re going to receive the critical mines from the north to build electric vehicles in the south, where I’m from. Many of them are represented by Local 444, auto workers—that’s Unifor. What do you have to say to them about mining in the north and electric vehicles in the south?

Mr. Eric Delparte: What do I have to say to them?

Mr. Anthony Leardi: Yes.

Mr. Eric Delparte: I mean, work is good. I think work is good for the entire province and for all people. I think it's important to have work.

Mr. Anthony Leardi: All right. Thank you.

Let's move on to Mr. Delabbio. Mr. Delabbio, you told us a little bit about yourself. You're an engineer?

Mr. Fred Delabbio: Yes.

Mr. Anthony Leardi: And what else? You had other qualifications.

Mr. Fred Delabbio: Too many of them, unfortunately.

Mr. Anthony Leardi: Oh, gosh. Just two or three, then.

Mr. Fred Delabbio: Okay. I'm a prospector and a geologist. I own two mining equipment companies. I'm a graduate in geology, physics and environmental science, as well. I took numerous courses just to keep myself busy.

Mr. Anthony Leardi: Okay. And you're a prospector first and foremost?

Mr. Fred Delabbio: That has always been my love. In grade 11, I had a very good teacher at Sudbury Mining and Technical School, and he sort of got me started at 14 years old. Once you're a prospector, you're always a prospector.

Mr. Anthony Leardi: And you shared with us a statistic which I think is fascinating, of the number of—you said one in a thousand. Explain what you meant by one in a thousand.

Mr. Fred Delabbio: Well, if 1,000 prospectors each found something in a year, one of those showings would become a mine. That's the ratio, historically.

Mr. Anthony Leardi: And you used this word: assay. Help us understand: What's an assay?

Mr. Fred Delabbio: Well, when you take a sample of a property, you want to know what's in it. You think you know what's in it as a geologist. In the past, they would go through—I can ask for a gold assay, I can ask for a copper, I can ask for a nickel. In the past, the ministry used to do 20 different elements, whether you asked for it or not. They would make a decision as to what they thought was in it as well. They had people trained.

That's what we do, but every once in a while—I have learned over the years to run what we call a multi-element, and this has been extremely profitable to me, because we're discovering elements, especially critical minerals, by mistake, because we don't know anything about the critical minerals. This is wide open to us.

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Mr. Anthony Leardi: Do you have employees?

Mr. Fred Delabbio: Pardon me?

Mr. Anthony Leardi: Do you have employees?

Mr. Fred Delabbio: No, I have associates.

Mr. Anthony Leardi: Okay.

Mr. Fred Delabbio: Most of my involvement—we have small, not junior companies. We aren't listed. We have private—like, you'd call it a syndicate, a group of other prospectors, chemists. We even have a couple of lawyers involved in our group who prospect with us.

Mr. Anthony Leardi: Well, I'll always encourage that. Thank you very much.

How am I doing for time, Chair?

The Acting Chair (Mr. John Yakabuski): You have two minutes and 24 seconds.

Mr. Anthony Leardi: Okay. I'll go to Chief Nootchtai. Did I say that correctly?

Chief Craig Nootchtai: Nootchtai.

Mr. Anthony Leardi: Nootchtai. Chief, you used this phrase, "a couple more of me." I have to ask you, what do you mean?

Chief Craig Nootchtai: Well, people who aren't afraid to speak up, who have a strong work ethic. I am just always on the go, but I also have a background in civil engineering as well. I'm also a businessman. I've managed social departments before. Really, a chief wears so many different hats, and they're responsible for everybody, right? So that's why I'm saying I need a few more.

Mr. Anthony Leardi: You talked about the Robinson Treaty and the court action. I thought I was talking to a lawyer, but I was wrong. I want to ask you about that. Your nation has an existing action; is that correct?

Chief Craig Nootchtai: Yes, the boundary claim and the timber claim.

Mr. Anthony Leardi: Is it just your nation or are other nations involved?

Chief Craig Nootchtai: For the boundary claim, it's just our nation, yes.

Mr. Anthony Leardi: And who is the action against?

Chief Craig Nootchtai: It's against Canada and Ontario.

Mr. Anthony Leardi: Okay. Thank you for letting me know.

The Acting Chair (Mr. John Yakabuski): You have one minute left.

Mr. Anthony Leardi: Going back to the United Steelworkers representative, I wanted to ask you one more question with regard to the activities of your union. Has your United Steelworkers organized other locals in other mines?

Mr. Eric Delparte: Our local doesn't organize locals in other mines. We leave it to the district or the national office to do that kind of organizing.

Mr. Anthony Leardi: Okay. Your local is how many members again?

Mr. Eric Delparte: I think we're getting close to 2,600.

Mr. Anthony Leardi: Okay. And have you organized all of the mines in Sudbury—or, excuse me, has United Steelworkers organized all the mines in Sudbury?

Mr. Eric Delparte: No, not all the mines. There are some that are falling under Unifor right now, like for Glencore, and there is another union, Local 2020, a local for the Steelworkers, that has some mines as well.

Mr. Anthony Leardi: Do you know—

The Acting Chair (Mr. John Yakabuski): Thank you very much. That concludes round 1 of questioning.

We'll now return to the official opposition for seven and a half minutes. MPP Gélinas.

M^{me} France Gélinas: Gimaa Nootchtai, I would like to focus on the fourth recommendation you have made: "To not adopt the proposed amendments to issuing 'recovery permits.'" You go on to say that the loosening of certifications, the deferring of the elements, the lowering of reporting

obligations, the allowing of phased financial assurance and the changing of the definition of “rehabilitate” are all things that we should not adopt.

I know that the people of Atikameksheng Anishnawbek have been working really hard to get the Long Lake gold mine to stop leaching arsenic into Long Lake. Would you like to share with my colleagues a little bit of the work that you have been doing and how tough it is to close a mine when you don't have a closure plan?

Chief Craig Nootchtai: Yes, this has been going on for well over a decade now, so even before my time. Basically, because there are so many jurisdictions and there are also many different departments that are involved—and basically cleaning up a mess, right? Because they didn't have good legislation back then when that mine was operating, now we're left with a mess.

When you look at that and then you look at what's proposed here, that potentially could happen. In speaking with our legal in BC, when the tailings dam blew, it was a qualified person who was doing the technical review on that. So that's concerning to us. If we're saying, “Now we're going to ask a qualified person to do this”—well, we already know what's going on, because look at what's going on at Long Lake gold mine and how long it's taking to rehabilitate that area. We can't have them fishing in their area anymore. We have cottagers there, our neighbours beside us—they, too, are in the same position as us. We can't use that area. It's just continuing to harm the environment, and it's how many years now—15 years, 16 years? We're still nowhere near close to having a firm commitment and plan to rehabilitate that area.

I think we need to tighten restrictions so that we don't have these kinds of scenarios again. It takes considerable resources away from actually doing work in the communities when we're dealing with these messes.

Mme France Gélinas: I agree. I've been an MPP for 16 years. We have been working at this for 16 years. We have dealt with six or seven different persons in charge of this project every time, and it's always the same; every time we change the person in charge, it seems to go two years back and it takes forever to get there. There is still not one shovel in the ground to get this arsenic out of there and move it out, and it has been 16 years. We are about five kilometres away from Long Lake. It is a beautiful, beautiful lake in my community.

You all know what arsenic is. Would you like it in your water? We don't want it in our water either.

This is what closing plans mean to us. It means that there won't be any more arsenic leaching into our beautiful lake where people live, where people fish, where people harvest and all of this.

Thank you, Chief Nootchtai. It's much appreciated.

I'd like to go to USW. You also talked about, in the closure plan, that they have to be inclusive of the tailing recovery of mining. Could you explain for the people who are here what size the tailings are in Sudbury? How big are they? Give them an idea as to what we mean when we say “tailings.”

Mr. Eric Delparte: Tailings are kind of where some of our water goes to evaporate, to try to get back into the environment. In the process of creating these tailing ponds, you end up losing some minerals that go in there. But along with the minerals come some of the mine contaminants as well, so you end up with these huge, huge ponds of water, and also with the water is the slurry that comes up from underground. So you may get some trace nickel; you may get some arsenic and other horrible materials. When you go tailings recovery mining, you're basically allowing a mining company to go in and dredge and sludge out what's left there to try to pull out even more minerals that might have been lost in the process. So when we're doing tailings recovery mining, the process itself is sludging and going through that area. There should also be some sort of plan to ensure that once that is done it gets cleaned up as well.

Mme France Gélinas: So, all of the dirty water from the mines, they go in there; they have to be included into the closing plan.

Fred, I would like to ask if you remember when we used to be able to call and there was a secretary who answered our call, and then if you wanted to see the map, they would actually say, “Yes, come on in. The maps are all there.” Was your work easier when the ministry was funded enough to have a secretary to take your call and open the door?

Mr. Fred Delabbio: Well, if you call the ministry today, there's nobody there. It has been closed since COVID.

I think anybody they hire—now I'm being rather facetious: You're trained and the first word you have to learn is “can't”; anything your client asks, you say “can't.” The second thing you're taught is, you have to say, “No, it belongs in another department.”

So I think you're correct—

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Mr. Fred Delabbio: Being a private individual, I've been rather harsh on the ministry, and a lot of people said I was crazy to come to the hearing because some of the ministry people will be vindictive, but I'm 84 years old, so they can't do me much harm.

1650

Mme France Gélinas: But you're perfectly right. The ministry is so underfunded that they cannot do the basic task of supporting—and he's absolutely right: If we don't have prospectors, you're not going to have any new mines. This is how it starts, but they need to have access to the maps. They need to have access to the ministry, and right now, our access to the ministry is broken. There's nobody to answer the phone. There's nobody who will respond to your email. You can knock on the door until you're blue in the face. The building is still there; there could be somebody at the back who happens to have—

The Acting Chair (Mr. John Yakabuski): Thank you very much. That concludes your time for questions.

We'll now move back to the independent members, who have four and a half minutes. MPP Hsu.

Mr. Ted Hsu: Chief Nootchtai, thank you very much for coming today. I wanted to go back to this issue of qualified persons, because currently, the ministry is doing the

technical evaluation of mine closure plans, and now it's proposed to be moved into qualified persons who might be employed by a firm that is outside the government.

I know you're worried about overreliance on qualified persons. In your view, how should it be set up? Should it all be in the ministry? What does the ministry need to do if it were in the ministry? Do they need to pay enough money to get the best people in the ministry? Or maybe you have some ideas.

Chief Craig Nootchtai: That's a loaded question, but I think there are models out there already. I mentioned the Mackenzie Valley Resource Management Act. They have an environmental review board, where they vet these processes on a regular basis to find out where there are inefficiencies. I think, for instance, the phased financial assurance that's proposed in here is already adopted there. It's because they've gone through cycles of opening mines. A key thing, though, is they actually have all of these different players at the table—First Nations communities are represented there—and not just one person. They have a team of land use planners, environmental monitors, engineers. So it's each group having their team being able to review and then have representatives sit at that review board.

So I think, like I said, it's going back to the Ontario Mining Act, looking at and having these good discussions on how we can improve on the processes within.

Mr. Ted Hsu: If I could just ask again, because I would like to get a different perspective—and perhaps I'll ask Mr. Delparte and Mr. Delabbio the same question.

When I look at the act—and I don't have a lot of experience in mining—it uses the same term, “qualified persons,” for mining engineers and geologists who write these filings to protect investors and for other skilled people with qualifications to do the technical review of mine closure plans. Do you think it would help in the act if we gave different names to these two different groups so it wasn't confused? Is that necessary or not?

Mr. Eric Delparte: The Mining Act, the Occupational Health and Safety Act, the mining regulations all name people and they have no problems defining them. I think it's important to define these people. Yesterday they talked about how professionals, if they're engineers or whatever the case, have something to lose if they make bad decisions. In Timmins, they made some really good points around that. I think those are all things that you must consider.

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Mr. Eric Delparte: There has to be some sort of retribution, or there should be some sort of accountability there.

You also talked about if there's a government entity earlier too, and I thought that was an interesting—maybe that's an important thing too: to have a government person to make those decisions as well so the liability is there. Maybe it saves the company from some of the liabilities, but I don't think they should be safe from all liability either.

Definitions aren't something the government has shied away from in the past, and I think it needs to be defined

right now with the government if they're going to be doing this, so that people will know who they are and that we have the right people in place to make those decisions and to ensure the safety of all Ontarians.

Mr. Ted Hsu: If there's enough time—

Mr. Fred Delabbio: I'm just going to make a comment to you as an engineer: Just remember, half of the engineers were in the bottom half of the class, so when you say “qualified person,” you've got to make sure you have a qualified person—

The Acting Chair (Mr. John Yakabuski): Thank you very much. That concludes the time for the questioning for the independent parties.

We'll now return to the government side. You have seven and a half minutes.

Mr. Anthony Leardi: Mr. Chair, the government side has no further questions.

The Acting Chair (Mr. John Yakabuski): Thank you very much.

In that case, where are we on the actual clock? We're four minutes away.

Thank you very much to our presenters on this round. We really appreciate you joining us at the committee today, and you're excused.

If our other folks are here—we have VR Resources Ltd., Vale Base Metals and Neskantaga First Nation.

MPP Jamie West: Chair, could we get two minutes to go to the washroom?

The Acting Chair (Mr. John Yakabuski): Pardon me, folks. We're going to call a five-minute recess before we start the next round.

The committee recessed from 1656 to 1702.

VR RESOURCES LTD.

VALE BASE METALS

NESKANTAGA FIRST NATION

The Acting Chair (Mr. John Yakabuski): I'm going to call this meeting back to order.

I understand that VR Resources Ltd., Vale Base Metals and Neskantaga First Nation are ready.

We will begin with VR Resources Ltd. You will have seven minutes for your presentation. Please state your name for the purpose of Hansard, and you may begin.

Mr. Mike Gunning: Am I unmuted? Can everyone hear me?

The Acting Chair (Mr. John Yakabuski): We can hear you, sir.

Mr. Mike Gunning: Let me just share my screen.

The Acting Chair (Mr. John Yakabuski): We can see you, too.

Mr. Mike Gunning: Okay. Are we good?

The Acting Chair (Mr. John Yakabuski): Yes.

Mr. Mike Gunning: Thank you. My name is Mike Gunning. I'm the CEO of VR Resources, a junior exploration company based here in Vancouver and active for rare earth elements exploring in northern Ontario.

Just quickly to the minister and his team, thank you for the invite to contribute, and to the standing committee, good luck with your review process.

I thought in these seven minutes I would just give you two messages, essentially: One, just make sure people understand how exploration fits into the mining process; and secondly, in my case, looking at rare earth elements and what is the global state of the nation in this particular critical metal, because I think it's important for the committee to understand that.

Firstly, this is just a photo from Otter Rapids up north of Cochrane as we're moving up towards James Bay in northern Ontario. That's our current exploration. You can consider greenfield mineral exploration as essentially the front end of R&D in the mining industry. We test ideas so that large companies like Vale, if we can make a discovery, have opportunities to actually open mines. We test ideas continuously. We use new technologies. We use new mineral deposit models, and Canada, in general, is a world leader along with countries like Australia in mineral exploration.

The message really is just about scale in terms of budgets, timelines, footprints and people. Greenfield exploration is small. That's our exploration camp on the side of the road; it's a couple of trailers. It's often a couple of tents in the field. It might be active for two months a year; it might be active for eight months. And generally, from idea generation to making a decision—is this a discovery that a company like Vale could mine?—that can be made in two to three years. The budgets are also generally small. We work in the scale of millions of dollars, not tens of millions or hundreds of millions. And our footprint is also generally small.

This is an example of a drill rig. The crew required here is from four to six people. We might have them for a month or two. We might be able to make a decision on an idea with two drill holes; it might take two or three years and take 20 drill holes.

From a footprint point of view, this is a reclaimed, cleaned-up drill site a few years after we've been there. And so, in much of the early-stage exploration, the footprint of the project is also negligible; we just need to continually test ideas as the foundation for where Canada is going to have new opportunities for new mines.

When I looked at the document that was provided to me, I noticed on the summary on page 2 a focus on having a modern and competitive regime for exploration and mining, and on page 3, on purpose, emphasizing a reduction in project delays which can lead to cost overruns. I would convey to the committee—I've worked in most jurisdictions in Canada and many around the world in my career in exploration. Is the exploration environment, the regulatory environment in Ontario, modern and competitive? I would say, yes, that it is. From all of the technologies and processes that we use, Ontario is modern and it is well administered.

In terms of project delays, it's important in exploration because the more ideas I test, the better chance there is that one of them becomes a mine opportunity for a company like Vale. Beyond my seven minutes, there are examples

in the permitting process, which is the main issue around project delays in exploration, where efficiency is often not about removing access for permitting—that's why Canada has integrity in mining—but it's more about looking at areas where you can reduce redundancy. Again, it's just about time, allowing companies to test ideas quickly. It makes us more competitive.

That would lead me to my final message to the committee, which is about global competitiveness in rare earth elements. If the goal for Ontario, for Canada, for North America, is to secure domestic raw material supply in rare earth elements, permanent magnets or new sustainable technologies in the green economy—electric vehicles and wind turbines—it's important for the committee to understand that in North America, we are literally starting from zero. We don't have any rare earth element production in Canada, virtually none in North America. That's the issue for competitiveness, in terms of securing supply for our downstream industries. The challenge for the collective mining industry is strong.

And so, if we look at this graph—it's from a company in Australia—I'm just illustrating that this global constrained monopoly in rare earth elements is about 30 years in the making. When Mountain Pass in California closed—when you look at mining, about 65% is controlled by China; when we get to mineral extraction, it's about 80%; and in the manufacturing of permanent magnets, it's about 90%. These permanent magnets are important. They are required in every electric vehicle, in every wind turbine on this planet as we move into the green economy.

With that, my main message to the committee—

The Acting Chair (Mr. John Yakabuski): You have one minute remaining, sir.

Mr. Mike Gunning: My congratulatory note to the minister on the timing of this meeting is the news literally out this morning from Japan: China has just announced that they are going to ban the export of rare earth magnet technology. So I would applaud this initiative for this mines act. Everything that the collective mining industry can do and governments can do in North America to secure domestic supply is going to be needed. I don't think the general public realizes how serious the situation is for sustainable technologies.

With that, good luck with your review process.

The Acting Chair (Mr. John Yakabuski): Thank you very much, sir.

I will now move to Vale Base Metals. You will have seven minutes for your presentation. Please state your name for the purpose of Hansard, and you may begin.

1710

Mr. A.J. Nichols: Great. Thanks very much to the committee, Chair. My name is A.J. Nichols. I'm the global head of corporate affairs for Vale Base Metals. I'm joined here by my colleague Lisa Lanteigne. On behalf of Vale, its 123-year history in the province and the 4,400 employees that we have across the province, we welcome and are very grateful for the opportunity to appear before the committee today.

I would like to offer a land acknowledgement. It's important that we acknowledge that we're operating within traditional Indigenous lands in the Sudbury basin and many other Indigenous communities near our operations across Canada and the world. Our Sudbury operations are within the traditional lands of the Atikameksheng Anishnawbek First Nation, Wahnapiatae First Nation, Sagamok Anishnawbek First Nation, Whitefish River First Nation, and we also operate within the traditional territory of the Métis Nation of Ontario Region 5.

Over the past 14 years, Vale has invested over \$32.8 billion to sustain and grow our Ontario operations. We're very proud of our role to be an anchor industry in the Sudbury, Port Colborne and Mississauga communities, and we look forward to continued decades of employment and shared benefits with our employees, our Indigenous rights holders as well as stakeholders and communities. We have a substantial profile in the production of identified critical minerals throughout Ontario and our Canadian portfolio. We are the only fully integrated nickel processor and producer in North America, and we're excited about what the future holds, particularly with Ontario's Critical Minerals Strategy and how that dovetails in with the national strategy.

Just to give you some numbers, in 2022, we produced roughly 93,430 tonnes of nickel in Canada. That represent roughly 74% of the national total, and 58,870 of those tonnes were produced in Ontario. For copper, we had 82,700 tonnes of production nationally, and 66,105 tonnes came from Ontario. So you can see how important and how grateful we are for our Ontario operations and the 123 years of operating there.

COVID-19 and—as the previous presenter, Michael, stated—geo-economic pressures have presented significant challenges but also significant opportunities for the province of Ontario and Canada. We're excited about the opportunities we're trying to see and discover together with partners on the EV ecosystem that is fast emerging in the province, and it's great to see the announcements that are being made in the mid and downstream sectors, particularly over the last two years. We congratulate the government as well as the economic development agencies for the progress that's being made on that.

However, with this in mind, I just want to emphasize one key point: In order for Ontario and for Canada to keep up and be a recognized ESG sustainable critical mineral producer of choice, we also need to ensure that government policyholders as well as communities, companies like ourselves, as well as partners in the mid and downstream realize how critical and important it is that we address depletion as well as ways that we can expedite bringing new tonnages of critical minerals to the marketplace to take advantage of the global decarbonization net-zero targets that the province as well as the country have set forth.

Right now, what I would like to do is turn things over to Lisa, who will walk us through a little bit more specific recommendations we have on specific aspects of the Building More Mines Act. Lisa, I'll turn it over to you, and

then, of course, we welcome any questions from the committee following our presentation.

Ms. Lisa Lanteigne: Again, it's Lisa Lanteigne. I manage the environment teams across our Canadian operations. Members of the committee, thanks. I'm very pleased to offer some of these initial reflections and comments on the proposed acts.

With respect to the recovery of minerals, Vale supports amendments promoting a circular mining approach, whereby a permit would be available to recover minerals from waste materials. The positive implications associated with mining waste are quite significant. That said, in the case, for example, where the current closure scenario is the perpetual management of environmental impacts—so looking at the collection and treatment of acid mine drainage from a large legacy waste disposal such as a tailings facility—Vale is seeking clarity around the term “improvement” following recovery and remediation activities. Vale recognizes that the ministry has also highlighted this potential ambiguity and proposes that the return state be one that is in keeping with the projected end land use and is protective of the public's health and safety and the environment.

On the broader topic of the circular economy and recycling, Vale is excited about the opportunities that this holds for our industry and for Ontario to be a regional and potentially global champion in this space.

Regarding the minister's decision-making authority: While Vale is supportive of moving the statutory role from the director of mine rehabilitation to the minister, we expect and recommend that decisions would be made in close consultation with the relevant government agency officials, with whom we at the company typically have a close working relationship. Having this top-down and bottom-up collaborative approach is highly advantageous to ensure that the necessary context and safeguards, as well as efficiencies, are in place to support industry, while of course allowing the government to carry out its functions more effectively and ensuring the public's interests.

Vale strongly supports the strengthening of qualified persons certifications. Certifications are currently required in closure plans—

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Ms. Lisa Lanteigne: —with little benefit to either the minister or the company as multiple reviews persist, resulting in significant resource use. Recognition of certifications will streamline the process and will free up resources to support closure activities. Vale anticipates the potential higher costs of obtaining the certifications up front, but the new process will ultimately result in fewer resources. It also ensures that environmental and other safeguards are maintained, as our understanding is that the “qualified persons” designation would have to include experts that are recognized in their field of competency.

On the proposed amendment on conditional filing order: Vale supports this concept, the amendments and keeping with the process that we're familiar with, whereby certain studies, for example, are committed to completion at a later date. Formalizing this process adds flexibility and

shortens time frames, especially for new mines or new developments.

Regarding the proposal to eliminate the need for notice of material changes for minor alterations: We support this amendment as well. Currently, there now exists a material change or expected—

The Acting Chair (Mr. John Yakabuski): I thank you for your presentation. Your time has expired.

We will now call on Neskantaga First Nation. You will have seven minutes for your presentation. Please state your name for the purpose of Hansard, and you may begin.

Chief Christopher Moonias: Boozhoo.

Remarks in Anishiniimowin.

I am a land user, and I am a treaty rights holder. It's important for people to understand that our lands were never conquered and that we were here long before Europeans first came and took this land they said was without human life.

My great-grandfather was a signatory to Treaty 9 with the crown, Canada and Ontario. When he signed the treaty, he agreed to share the land and resources with settlers in a mutually beneficial way for as long as the sun shines, the grass grows and the rivers flow.

Long before we signed a treaty, my ancestors entered into a treaty with the land, animals, waters and all living things. The original treaty was passed down from the Creator. We call this inherited rights, and it is what gives us responsibility to care for the land and to use its resources wisely for future generations. It gives us our jurisdiction and sovereign rights. The treaties with the crown, Canada and Ontario have never been honoured. We have never been treated as partners in sharing the land and resources.

Today, I am allowed to comment on Bill 71 and related regulatory amendments as an afterthought. Where is the respect here? Where is the long-term relationship-building, which would move us forward together in a good way? Building meaningful nation-to-nation relationships between First Nations, Canada and Ontario is a foundation of free, prior and informed consent. This is the only way development will move forward on our land.

The UN Declaration on the Rights of Indigenous Peoples recognizes that mining projects and closure plans need to be reviewed by Indigenous people whose consent is required. The world is moving forward in terms of Indigenous rights, and here in Ontario, you are recklessly jumping backwards.

1720

This is also the case for the environment. Already, Ontario doesn't require mining projects to conduct environmental assessments, and the Building More Mines Act will rip away the little protection we had left for the environment and the people of Ontario and Canada. It is in the best interests of all parties to strengthen our economy, create good jobs and improve everyone's quality of life, but we can't rob our future of clean water and our precious, carbon-storing peatlands which help protect our environment, just for the rich to get richer.

Who do you think foots the bill when mines close and don't clean up their mining mess? It will all come back to the people of Ontario.

If Ontario passes this bill, protection of the environment will be set back decades, making us more and more like a developing nation. Mining companies will be less financially responsible for cleanup. Rehabilitation standards will be severely relaxed. Companies will need to have proper closure plans in place before operations begin. Taking away the need for closure plans means that mining proponents won't need to fully rehabilitate the peatlands in our area after mining. This makes no sense from either a treaty rights perspective or a climate policy perspective. Creating this fully proponent-driven system won't put the people of Ontario first and won't uphold the crown's duty to consult and accommodate. What it will do is back us up into a corner and force us to fight for what is right—and we will.

The Building More Mines Act is about the rich getting richer. It's a lose-lose situation for anyone or anything other than the rich. The people of Ontario are the ones who will suffer the consequences of this government's short-sighted plan.

Supporters of this bill say that sidestepping environmental protections and Indigenous partnerships will save our economy and allow us to build electric cars to save the environment. When my great-grandfather signed a treaty, he said, "If something sounds too good to be true, it probably is." I couldn't agree more.

Since when has the Ford government been known for caring about the environment? In 2019, the Ford government spent over \$230 million to cancel renewable energy projects which would have created jobs and grown the economy. Ford said he was proud of that.

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Chief Christopher Moonias: In 2021, this government was [*inaudible*] prioritizing green energy but at the same time pouring hundreds of millions of dollars into a car industry for electric vehicles.

The truth is that Bill 71 supports Ford's friends in the automotive and mining industries—the rich getting richer. What everyone needs to understand is that Bill 71 is ignoring the responsibilities of the government to achieve consent from First Nations. This will mean a series of costly legal nightmares for the province and proponents, and devastating environmental impacts for our grandchildren and great-grandchildren.

Last week, 12-year-old Bedahbun Moonias from Neskantaga was at Queen's Park, and she delivered a message to the Ontario government. She said, "Think about our next generation. What if we lose our culture?"

Our future must be more important than the rich getting richer. If we don't stand up for ourselves, the land and the rivers—

The Acting Chair (Mr. John Yakabuski): Thank you very much. Your time for the presentation has expired.

We will now move to the first round of questioning. We will begin with the independent members for four and a half minutes. MPP Hsu.

Mr. Ted Hsu: My first question is for Chief Moonias.

Thank you for joining us, albeit virtually. I guess my first question is, why are you virtual? Do you think that

this committee should have travelled to northwestern Ontario to meet more people in person?

Chief Christopher Moonias: That was the first comment I made when the schedule was made. I couldn't even come to—I was on my way to Sudbury, and of course the weather played a large part that I couldn't make it there. I was to be there in person. If it was done at least in Thunder Bay, I could have been here. I'm in Thunder Bay right now—that's as far as I made it.

Mr. Ted Hsu: Thank you. And then another general question: I was surprised to learn from a ministry official that there wasn't any consultation with Indigenous communities before this bill, Bill 71, was tabled. How has the lack of consultation before tabling the bill affected you and your community's relationship with the mining industry?

Chief Christopher Moonias: Well, I mean, when Neskantaga is not consulted for any reason, they will oppose whatever is being planned. They need to be consulted. They need to be accommodated. I would have thought they would understand: For anything to happen, they are required to give their free, prior and informed consent.

Mr. Ted Hsu: Thank you very much.

My next question is—I'll direct it to Vale Base Metals. It's about, as you put it, the minister taking over the statutory role of acting as the director of mine rehabilitation or director of exploration. Why do you think it's important for the minister to take over that statutory role? Is that necessary? Does that change anything that you do?

Mr. A.J. Nichols: Thank you very much for the question. Just to add in terms of what my colleague Lisa mentioned, it is to have a—the proposal, I think, would work very well in collaboration with the officials and experts that are contained within the ministry. It really depends on the scope and the scale of the mining operation that we're having to look at.

In the case of Vale, for example, honourable member, we've been operating for 123 years, and the size and scale of our operations and also the costs that would be considered for our closure plans, as well as for active and in-parallel rehabilitation, would be quite significant. And so, some of those decisions, when you're coming to the 50% or end-of-life scenarios and whatnot, are at quantum as well as at a scale that we think would be of benefit for both the minister as well as the experts contained within the ministry to review, for the sake of expediency. That would not have any impact on safeguards or environmental or stakeholder considerations—we fully support those, as a responsible mining company and in the sustainable production of the minerals we do—but we think that this would create greater efficiencies, having both the minister as well as the availability of the experts within the ministry to take such decisions.

Mr. Ted Hsu: Okay. Thank you.

And then one last question for Mr. Gunning: How do we make sure that the rare earths that are mined in Ontario—

The Acting Chair (Mr. John Yakabuski): You have less than a minute.

Mr. Ted Hsu: —get processed in Ontario? How do we make sure that that happens?

Mr. Mike Gunning: Sorry. I didn't hear that.

Mr. Ted Hsu: How do we make sure that the rare earths mined in Ontario get processed in Ontario?

Mr. Mike Gunning: Well, I guess to really make sure, you'd need a processing plant in Ontario, which we don't have. That's a challenge for rare earth elements: It's not just finding them and mining them, but it's also recognizing that it's an integrated industry, through to extraction plants and ultimately to permanent-magnet manufacturing sites. If you want the electric vehicle plant in Oshawa to have a fully domestic permanent magnet in that vehicle, North America is essentially starting from scratch both in mines and extraction plants—

The Acting Chair (Mr. John Yakabuski): Thank you very much. Time for questions has expired.

We will now move to the government side for seven and a half minutes. MPP Smith.

Mr. Dave Smith: I'm actually going to pick up on that question for Mr. Gunning. Over the 15 years of the previous Liberal government, they seemed to be doing things that would shut down the mining industry. They increased the cost of electricity, which made it more difficult to process it. So it would seem to me that it's very odd that he would bring up that question, because the party that he represented tried everything possible to shut this down.

Does this bill actually make it a little bit easier for you to head down the path on critical minerals and rare earth elements?

1730

Mr. Mike Gunning: Is that a question for me?

Mr. Dave Smith: It is, yes.

Mr. Mike Gunning: I think anything that can allow—I'm a junior exploration company. We're trying to essentially test ideas at the front end to say, "Where is there potential for development of critical metals domestically?"

I think just in the concept of having a framework that is modern and efficient and is looking at removing redundancies, the answer is yes, it is positive. It doesn't make the world of R&D and mineral exploration any easier in terms of making discoveries, but it does facilitate the opportunity to go out and test your ideas.

Mr. Dave Smith: Thanks for bringing up the fact that you're a junior exploration company. Does that mean that you took advantage of programs like OJEP?

Mr. Mike Gunning: Yes, we were able to apply and receive funding from OJEP.

Mr. Dave Smith: In your slide presentation, you showed the rehabilitation of one of your exploration mines, for lack of a better term.

Mr. Mike Gunning: Drill holes.

Mr. Dave Smith: In this closure plan process that we're going through, I do recognize that on the exploration side, it's vastly different than the actual mining side of it, but is there going to be a benefit to a junior explorer, then, in how we have changed some of the closure plans?

Mr. Mike Gunning: I don't know the details, but in general I would say I don't think there's any applicability. We are simply too early a stage. We're not a mine. We're

not even an advanced site. So I don't think there's a connection there.

Mr. Dave Smith: Thank you. Basically what I'm hearing from you is that you're still in support of the bill, but there isn't a direct benefit to your company. There's an indirect benefit, because of the work that you do, that will benefit other companies as well.

Mr. Mike Gunning: Yes. I could have opened up my seven minutes with saying most of this bill is not about my mineral exploration sector. I'm simply at the front end of the mining sector that the bill is trying to facilitate.

Mr. Dave Smith: Thank you.

Chair, how much time do I have left?

The Acting Chair (Mr. John Yakabuski): Four minutes and 30 seconds.

Mr. Dave Smith: I'm going to pivot over to Vale. One of the goals of the bill is to accelerate development, without sacrificing progress that we've made in the environmental protections. Do you think that this bill finds that balance that accelerates the process without reducing any of the environmental protections that we have?

Mr. A.J. Nichols: Thank you very much for the question. Michael was providing some good perspective in terms of just how long it takes. You basically have a discovery, and one in 7,000 discoveries end up becoming a future Sudbury in terms of it being taken to full-stage production. This isn't if you didn't do your exploration program and you didn't find anything; this is actually when you find substantive potential in the minerals that you're drilling for and so forth. Only one in 7,000 really make it through, and that's because of the complexities about the permitting process as well as the capital that is required up front to develop an ore body into something that is a working mine. And then, of course, if you are going to add refining and processing capacity as well, that requires separate streams of permitting and so forth.

Where we think there's an opportunity is that the demand for sustainably mined, ESG-driven, low-carbon copper, nickel, cobalt, PGMs is unheard of. We're entering this generational moment where the demand for these materials, because of the global energy decarbonization efforts under way, has never been seen.

So what we want to do, and what we'd like to do, is to have our project portfolio optimized so that we can avoid duplication, while maintaining the highest ESG environmental standards for our projects as well as our expansion projects, so that we can also make sure that Canada and Ontario are that ESG critical mineral supplier of choice, not only reputationally, but also economically. Because if we can do this properly in this province and show and demonstrate that, it will also welcome future investment across not only the mining industry, but also the mid-and-downstream-related enterprises and industries that are connected to the ones that use and process copper, nickel and cobalt into other things that are meaningful for not only the energy transition but also their manufacturing processes or high-value-added manufacturing capabilities like aerospace, for example.

Mr. Dave Smith: Thank you for that.

Chair, how much time do I have left?

The Acting Chair (Mr. John Yakabuski): A minute 45.

Mr. Dave Smith: Back to Vale, then: There's been some conversation from the opposition saying that we're weakening something to do with the rehabilitation of the mine by doing it in phases. My understanding is that it can take 10 to 15 years to actually get a mine to operation. If I use that as my example, over the course of that 10-year period, you're building a road, you're putting the infrastructure in, you're building the buildings that you would need to have all before you would have the mine functional. Each of those requires a permit. In this new model, you would be putting the financial assurance in at each phase so, therefore, at each permit. Is it reasonable to say—

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Mr. Dave Smith:—that you would be investing on that financial assurance at each step and that the financial assurance would be to recover from the step that you're about to go into? Is that fair to say?

Mr. A.J. Nichols: Lisa, could you kindly weigh in on this?

My colleague Lisa is an expert on this matter, Mr. Chair as well as the honourable member.

Lisa, please.

Ms. Lisa Lanteigne: Thank you.

Yes, that's exactly that case. I guess the idea is, even if you think, for example, of a new mine site, you have everything planned out, designed, in order to put up financial assurance for what you think might be your end state many years down the line. That's a big financial commitment, to have to put that up front to cover a liability that doesn't even exist yet. So that is exactly the point. We do that in phases to reflect the work and the liability that's actually on the site at any given moment.

Mr. Dave Smith: So you're paying the financial—

The Acting Chair (Mr. John Yakabuski): Thank you very much. Your time has expired.

We will now move to the official opposition. You have seven and a half minutes. MPP Mamakwa.

Mr. Sol Mamakwa: Meegwetich to the presenters, VR Resources, Vale Base Metals and Neskantaga.

I'm going to focus my question to Neskantaga Chief Chris Moonias. There are some things that you have said that others do not speak about, and that's pretty unique. You spoke about jurisdiction. You spoke about sovereignty. You spoke about treaty rights. You spoke about inherent rights and this bill as an afterthought as well, reaching out after it has been presented, and the responsibilities of free, prior and informed consent, the United Nations Declaration on the Rights of Indigenous Peoples. I think it's clear where this government is very reckless in the work on this legislation, trampling on the rights of the First Peoples of these lands. If you can explain about what engagement, consultation, free, prior and informed consent means to you.

Chief Christopher Moonias: Meegwetich, MPP Sol. Thank you for your question. What we mean by consultation/accommodation is that consultation and accommodation happen in the community with the people. Neskantaga's

position is that Ontario has that duty to consult with Neskantaga, and to date, there hasn't been anybody from Ontario who has offered anything to consult us, and there hasn't been any representative from Ontario who has stepped into our community for the past several years to do any consultation. Our position is a principled one, and we have made our position clear to everybody: We don't want mining companies or proponents to consult with us; we want the government to do that job, and we've always been clear on that. The only way that any development is going to happen in our territory is with the free, prior and informed consent of Neskantaga.

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Mr. Sol Mamakwa: Another thing is that last week you were at Queen's Park, and some of the other First Nations got me to ask questions. I know that one of the things you had asked for is a meeting with Premier Doug Ford to start a dialogue on the bill, but also on the Ring of Fire. I asked the Minister of Mines yesterday and he said his door is always open. Also, the Premier said to the media that you have to write a letter to him if you want a meeting. What are your thoughts on that?

Chief Christopher Moonias: I don't have to write a letter to anybody, especially to the person that wants to bulldoze my territory. He comes and meets with me. I made it clear to his people that that's the way it's going to be. If he wants to bulldoze my territory, I don't have to write a letter begging for a meeting. I don't have to write a letter begging for his attention. That's my position. And I'm only going to talk to him; I'm not going to talk to anybody else. I'm not going to talk to any proponent. I'm not going to talk to any minister below him. I'm only going to talk to the Premier, if he wants to consult with us nation to nation.

Mr. Sol Mamakwa: How much time?

The Acting Chair (Mr. John Yakabuski): Two minutes and 20 seconds.

Mr. Sol Mamakwa: I know that there was a statement that came out as well from the Matawa Chiefs Council. It's dated April 3, 2023. It was submitted by all of the chiefs of Matawa First Nations and it talks about how the province of Ontario "must be held accountable for this exploitive and aggressive approach contrary to the principles of reconciliation and the spirit and intent of treaty."

The chiefs at the Matawa Chiefs Council pretty much closed this written statement "marking the need for Ontarians to understand the cumulative wholesale legislative, policy and regulatory changes ("the legislative bulldozer") that have been made in incremental phases on all aspects of the Ontario lands legislations."

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Mr. Sol Mamakwa: I know that when we talk about ways of life, teachings, languages, history, identity—we all know it comes from the land. Can you further elaborate on the comments from the nine Matawa chiefs?

Chief Christopher Moonias: That is true, that we have a deep, rooted connection to the land. Our languages, our

identity, that's where it comes from. The lack of consultation on this, the laws that are being passed, it erodes the relationship with the government. It continues to happen, the colonial way. When colonialism is forced upon us all the time—

The Acting Chair (Mr. John Yakabuski): That concludes the time for questions for the official opposition.

We will now move to the independent members for four and half minutes. MPP Schreiner.

Mr. Mike Schreiner: Through you, Chair, to the presenters: I want to thank all three of them for being here.

My first question is for Chief Moonias. Is there a way that mining could take place in the Ring of Fire that would advance reconciliation, be respectful of the treaties and also protect the land and the water and the people who live there?

Chief Christopher Moonias: I don't know if you were listening. I've always mentioned the duty to consult, the duty to accommodate, the duty to ensure that we are on the same level playing field. Meaningful nation-to-nation discussions need to happen for a community to have that free, prior and informed consent.

Mr. Mike Schreiner: In your presentation, you described the current process as a proponent-driven system. Could there be some other system, and could you maybe describe that for us, that would enable free, prior and informed consent, and move forward in a positive direction a meaningful relationship?

Chief Christopher Moonias: Well, we've always maintained that the duty to consult is the obligation of the crown. We've always—

Mr. Mike Schreiner: And so—

Chief Christopher Moonias: Pardon me?

Mr. Mike Schreiner: Go ahead. Keep going, sorry.

Chief Christopher Moonias: We've always maintained that the obligation of the crown is to consult the community, the nation. I mean, I don't know what else to tell you. We've been saying that all along. I mean, we've had working relationships with companies before, but that respected our processes.

Mr. Mike Schreiner: Gotcha. I think you've said it well and answered the question, so I appreciate that.

I just—really quick—and I'm probably almost out of time—

The Acting Chair (Mr. John Yakabuski): You have a minute and 45 seconds.

Mr. Mike Schreiner: A minute and 45 seconds.

Mr. Gunning, I'm curious. You raised some concerns that I've been talking about for probably a decade now about how far behind Ontario in particular is, but North America in general, when it comes to critical resources, and how that applies to us being successful in the new climate economy, especially when it comes to renewable energy, electric vehicles and electric batteries. Can you outline why we're so far behind China in particular?

Mr. Mike Gunning: I think I would first say—

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Mr. Mike Gunning: I don't want to look in the rear-view mirror too much, because I think the main answer to your question is that for my children's generation, climate change and sustainable technology is the driver right now, and that didn't exist in the 1980s and 1990s.

For whatever reason, there is one country in the world, when we were backing away from rare-earth-element mines, that decided strategically to build an integrated industry around these technologies like permanent magnets. And 30 years later, as we address climate change as the issue and understand the importance of electrifying this planet and getting off fossil fuels—I think the real answer is these metals have simply become more important. They've become more valuable. I don't think we need to look in the rear-view mirror; we just need to respond—

Mr. Mike Schreiner: Sir, really quick, because I'm almost out—

The Acting Chair (Mr. John Yakabuski): You are, actually. You are out of time. Thank you very much. There will be another round.

We will now move to the first round for the government members. You have seven and a half minutes. MPP Flack.

Mr. Rob Flack: Thank you, Chair. Again, all great presentations. I think, if I could, I will start off with Vale Base Metals, and I'll let you folks decide how you want to answer these questions.

First of all, I was impressed and taken aback. Am I right when I say you've invested \$32.8 billion in Canada?

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Mr. A.J. Nichols: It's \$32.8 billion just in Ontario.

Mr. Rob Flack: In Ontario—okay. So for the committee's benefit, could you just quickly outline where that investment has been made? What have you invested nearly \$33 billion in?

Mr. A.J. Nichols: Certainly. So this would be in new projects, which we would call capital expenditures—or capex, as it's quite often referred to—but this is also our sustaining operational expenditures, our opex, which would take up an even greater share of that \$32.8 billion.

In regard to the environment in particular, we had a groundbreaking initiative called AER, which was the atmospheric emissions reduction program, that was successively concluded in 2016, I believe—Lisa can jump in if I've got my dates off—and that was a billion dollars that did not add one tonne of new production. What it was aiming at doing was completely, almost drastically, reducing our sulphur dioxide emissions, particulate emissions, as well as our NO_x emissions. That went well below the government regulations and almost put us into a best-in-class position.

Again, we had to do that while sustainably operating in a legacy operation that was almost 120 years old. That is something that our employees as well as our company and the community of Sudbury are also very proud of, because it helped reshape the image that people have of sustainable mining, and particularly sustainable mining in Ontario.

Lisa, please jump in there about the AER project, as well as if I've got the date correct in terms of when the completion was.

Ms. Lisa Lanteigne: That's true, and that was almost a \$2-billion project, and we have more in the pipeline as well. We have a scrubber going in at our nickel refinery here in Sudbury by 2025, and that's another \$187 million that we're going to be spending by 2050. And then every year we spend quite a bit of money on just remediation.

We have been mining for over a hundred years in the city of Sudbury, and there are some legacy impacts, but we take those very seriously and we prioritize the work that needs to be done. We're consistently spending the money on the studies and the work.

Mr. A.J. Nichols: The final example I'll give you is we opened a new ore body that we thought was mined out last October, which was Copper Cliff mine south. That was an over C\$900-million investment that will bring roughly 10,000 to 12,000 tonnes of nickel as well as 13,000 to 14,000 tonnes of copper every year for the next 12 to 14 years—again, highlighting a recent example of investment.

Mr. Rob Flack: So, obviously impressive numbers. But having, again, been in the world of business—I've not invested those types of dollars—I would say it's great to invest in assets, but the most important assets you have in business are people. How many people do you employ in this country or this province?

Mr. A.J. Nichols: In the country, we employ roughly 6,000 people across three provinces. That's in Manitoba, Ontario as well as Newfoundland and Labrador. In Ontario, the direct employment is 4,432 people in Sudbury, Port Colborne, Mississauga as well as our Toronto global headquarters for base metals.

Mr. Rob Flack: And I'm assuming you're paying them fairly—well. Do you have a comprehensive benefit package including pensions?

Mr. A.J. Nichols: Yes. In regard to the averages—and I can get those for you, honourable member—yes, all of our employees are paid well above the standard average salary that you would have across the province. That is something that the mining industry nationally is also recognized for, that we do offer good employment, good training opportunities, good health-and-social benefits for our workers throughout the industry, and we're very proud of that as well.

Mr. Rob Flack: How about professional development? How about continuing education for employees? Professional development could be—whether it's safety training, health and safety, whether it's upgrading education, do you offer those assistance programs for your employees?

Mr. A.J. Nichols: Yes, we do.

Mr. Rob Flack: Okay. That's impactful indeed.

So let's get specific to Sudbury, because that's where we are. What impact will driving faster approvals in the development of mines have specifically for the community of Sudbury?

Mr. A.J. Nichols: Well, I'll answer your first question too; I've got the number. Our average salaries are 81.5% above the provincial average, honourable member, and that's for the province of Ontario.

In regard to Sudbury, we're extremely excited. As I mentioned with the Copper Cliff mine south opening last year, where we actually had technology and innovation highlight a new ore body that we thought was not viable, we've gone back in and secured additional resources as well as employment for a couple hundred people for the next 10 to 15 years. This is substantial. We're very proud about that as well, and we're actively looking at other projects that would also expand on to nickel and copper, cobalt, as well as PGM ore opportunities that we have.

We have probably the most aggressive exploration program in our company's history under way, not only in Ontario but also nationally, because we do want to find those new resources as well as limit our environmental footprint to the extent possible. This is where that blend of technology, know-how, expertise, having the right people really direct this program, is so beneficial not only for our company, but also for the community. This is something that we actively strive for.

The area that Lisa is from, the environment area, is an active participant in our projects review as well.

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

Mr. A.J. Nichols: And that's the integrated approach that we have: to ensure that we're not just mining properly, but we're also doing it in the proper, sustainable way as well.

Mr. Rob Flack: Okay. Real quickly, then, if I can move over to VR Resources and Michael Gunning: Have the proposed updates to the Mining Act provided your company with an opportunity to advance your Hecla-Kilmer project? Is that going to be a good deal all around?

Mr. Mike Gunning: I think the concept and premise for the act—again, the exploration that my company did is essentially the front end of that act. But I think the premise on focusing on a regulatory environment for *[inaudible]*, a regulatory environment for mineral exploration that is modern and efficient, the answer to your question is yes. It's up to us to raise venture capital. It's up to us to apply technologies to be successful, to test ideas and make discoveries for companies like Vale. And the act is mostly about what happens after the discovery. But in concept, yes.

The Acting Chair (Mr. John Yakabuski): Thank you very much. Your time has expired.

We'll now return to the official opposition. MPP West, you have seven and a half minutes.

MPP Jamie West: I'll start with A.J. and Lisa from Vale. Not specific to the bill, but I do want to congratulate you on the AER project. Achieving a target with technology that wasn't invented, in a running plant, is something to be celebrated—just to recognize that. As well, I think that when it comes to the environment, the changes that have happened in Sudbury over my lifetime are something as well that we can use as a boilerplate to share with mining companies around the world on how we can re-green cities. So I want to congratulate you on those two things as well.

A.J., you had started your presentation with a land recognition. I was a Vale employee for about 17 years before I was elected, and we didn't do land recognitions when I

was first hired, and we didn't have a strong relationship as a company with First Nations. So I just want to ask you about why it is important for your company to start off with land recognitions.

Mr. A.J. Nichols: Thank you very much, honourable member, for the question. It's a great one. I think we'll just be very frank and say that truth and reconciliation touches upon all facets of society in Canada. As a company, we've made a concerted effort to not only educate ourselves but also listen. I think it starts with listening to our community, and that means all of our communities where we operate and so forth.

In regard to the truth and reconciliation that is happening all across Canada, this is something that also grips our employees as well as ourselves on a daily basis. Again, I think we're learning by doing, and also learning by engagement. We're actively engaging all of our Indigenous rights holders around our operations and throughout the country to learn, but also to see where we can form interesting partnerships for what the future holds. Because it's very clear, I think, that we have a massive opportunity for greater collaboration. That can be in employment. That could also be in supplier networks or skills and training development.

If we look at the demographics of Canada, for example, we have a lot of untapped potential with our Indigenous youth. We'd like to learn from those communities in terms of how we can better integrate opportunities for Indigenous communities to be part of our operations and vice versa.

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And so I think that, Jamie, to answer your question on a high note, we try our best to be a learning organization. That means that we have to also adapt, and I think we take pride in not thinking that we always have the answers to everything. We try our best to really listen to our communities, and also, if there are issues or opportunities that we're not aware of, we greatly welcome those—and that's through dialogue and meaningful action.

Thank you very much for your question.

MPP Jamie West: Thank you for your response.

Just to be clear, I want to recognize that many organizations are on that path, in changing how we behave, as well. I was president of the labour council for five years, and we didn't do land recognitions for the first couple of years I was hired either—because it's that path that we're all following.

I'd like to go on to Chief Moonias. We've been hearing a lot over the last two days and basically in the last month since the bill was tabled that 15 years is too long to open a mine. We know right now that there are 5,746 abandoned mines in Ontario. If 15 years is too long to open a mine, how long is too long to close a mine?

Chief Christopher Moonias: Those are the things that we don't know, because the fact that we are *[inaudible]* and that's why we need to understand what they do in mines and what happens in a mine before and after it's open. We need to know the impacts. We need to know the actual, real benefits. Those are the things that our people don't understand. We need to ensure that the community understands, that the nations understand, and that's why

we keep on saying free, prior and informed consent—make sure they understand what the real impacts are and what the real benefits are. How long will it take Ontario to meet its obligation to consult?

MPP Jamie West: Following up on MPP Mamakwa's earlier question about wanting to speak with the Premier: I remember, during the PDAC conference, you clearly requesting to speak to the Premier. So I think it has been twice that you've been at Queen's Park asking to speak with the Premier. I know in the scrums you talked about wanting to speak with the Premier. The second time you were at Queen's Park, you were escorted out of the gallery for—you're not allowed to speak from the gallery. I was sitting beside MPP Mamakwa, and I remember him saying at least four times to the Premier, "You need to speak with the chiefs."

Do you feel like the Premier isn't aware that the chiefs want to be consulted with?

Chief Christopher Moonias: Pardon me? I couldn't—

MPP Jamie West: I was just saying that it appears to me that you've been very clear that you want to have a meeting with the Premier. The Premier is saying, though, he hasn't received a piece of paper.

The Acting Chair (Mr. John Yakabuski): You have one minute remaining.

MPP Jamie West: Is it realistic that the Premier is unaware that you'd like to have a meeting?

Chief Christopher Moonias: I don't think he's unaware. He heard me. He was turning red when I was telling him to meet with me. I believe he knows.

MPP Jamie West: My final question: Is free, prior and informed consent optional for the government?

Chief Christopher Moonias: No.

The Acting Chair (Mr. John Yakabuski): Thank you very much. That concludes this round.

We want to thank all the presenters for joining us today and for your comments and answering the questions.

NEWMONT CANADA

The Acting Chair (Mr. John Yakabuski): We are ready for the next presenter, and that is Newmont Canada.

You will have seven minutes for your presentation. Please state your name for the purpose of Hansard, and you may begin.

Mr. John Mullally: Thank you, Mr. Chair, and good afternoon, committee members. Thank you for providing a venue for Newmont, and the industry overall, to speak to the importance of mining in the province of Ontario and to comment on some of the improvements and changes to the Mining Act today. My name is John Mullally. I'm the Canadian country manager, North American senior director for sustainability and external relations for Newmont. I've worked in the mining sector for over a decade in many jurisdictions in Canada, the United States, North and South America, and offered perspective in terms of how legislation and regulatory regimes can uphold the principles of sustainability, while allowing the industry to continue to thrive and create prosperity for surrounding communities.

To begin, I thought I would share a little bit about Newmont, the company that I'm proud to work for. The company was founded in 1921, so Newmont has been around for over 100 years. A leading gold company, and also a producer of copper, silver and zinc, the company's world-class portfolio is anchored around the world. Our purpose is to create value and improve lives through sustainable and responsible mining. Sustainability is thus one of our core values. This is obvious by our recognition as one of the most transparent companies on the S&P 500, as well as the leading gold miner on the Dow Jones Sustainability World Index for seven consecutive years.

I'm reaching you today from Vancouver. Good to see many of you in the room. I understand the weather has been a bit tough.

Here in Canada, we operate in Ontario with two operations: Musselwhite mine, which is 500 kilometres north-west of Thunder Bay, and the Porcupine operation in Timmins and Chapleau, Ontario, as well as our Éléonore mine, which is on the Quebec side of James Bay. In Ontario, we employ 2,200 people, and those are primarily employed in northern Ontario. In the Yukon, we also have a project, as well as in British Columbia.

We're proud to be one of the largest employers in Timmins. We employ over 1,200 people. We also prioritize local and Indigenous procurement. At Porcupine, we spend \$150 million annually on local procurement, \$18 million of which is with Indigenous suppliers. As an example, Niiwin is a company that was founded out of the Porcupine resource development agreement with Wabun Tribal Council, and has gone on to do over \$57 million worth of business. We also have extensive working relationships at our Musselwhite mine with Windigo Catering, Wasaya Airways and many others.

Also, just two hours west of Timmins and Chapleau is our Borden mine, which represents a shining example of our commitment to transitioning to a low-carbon economy. There, we commissioned a nearly fully electric underground mine in 2019, and we are 90% of the way there. We continue to advance towards full electrification at Borden.

Our Musselwhite mine is one of the first mines in Canada to enter into a comprehensive agreement with First Nations communities. Last year, we were honoured to celebrate with many of our First Nations partners at the mine site's 25th anniversary of the Musselwhite agreement, along with 25 years of commercial production.

Across the country, we have agreements with 25 different Indigenous communities. Each of the agreements is structured to focus on and govern environmental impacts, business opportunities and consider employment opportunities and cultural heritage, amongst others. We uphold the highest standard of engagement through our Indigenous peoples standard, and our approach to community relationships is absolutely informed by our purpose, which is to create value and improve lives.

As you can see, Newmont is a cornerstone in the Ontario mining sector, and we're pleased to share a couple of perspectives on the changes proposed to the Mining Act.

I'd like to commend the committee on your efforts to ensure that there's legislative and regulatory clarity to support effective planning for closure while upholding rigorous environmental standards. Within these changes, I think the establishment of the concept of "qualified professional" would enable regulatory amendments that would strengthen qualified persons. I think that is encouraging. I think that allowing qualified professionals to certify closure plans would help conserve government resources and allow for the timely filing of closure plans, and posting of the appropriate sums of financial assurance in a timely fashion, which serves the interests of industry as well as taxpayers in Ontario.

I also think that the conditional closure plan filings would mean that companies can post financial assurance when required rather than, in some cases, waiting months or even years to file the final closure plan. It is, in fact, more appropriate, as consultation with First Nations and ongoing studies can change the design of the mines as more and more information is understood. This would offer communities and the taxpayers' surety and confidence, knowing that we're covered and, at the same time, providing flexibility to the industry.

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Conditional closure plans, phased financial assurance and more flexible notices of material change will ensure that financial assurance is up to date and sufficient, while it will continue to encourage investments in Ontario and allow for significant and important projects to move forward. I think this is an improvement for all Ontarians, including industry—

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. John Mullally: Should the Legislature choose to accept the concept for a qualified professional and eventually transition to a system whereby qualified professionals can certify plans, we wish to flag two important considerations: (1) We need to know that the professionals are out there and that they're ready to and willing to take responsibility; and (2) we need to know that there are sufficient numbers out there.

This principle does work. Qualified professionals in things like the Independent Tailings Review Board that are part of the British Columbia regulatory system work, and I think QPs could lead to better coordination across ministries as well. For example, a QP for geotechnical work could be used for other authorizations under the Ministry of the Environment, Conservation and Parks, for example.

We also believe that it's important to allow for other senior officials to authorize and certify closure plans, so we agree with that change. It's simply not workable at Newmont, for example, considering the number of employees and layers in the company to expect that our CFO—

The Vice-Chair (Mr. Mike Schreiner): I'm sorry to interrupt, but unfortunately you are out of time.

We'll now move into questions. It starts with the government members. MPP Leardi.

Mr. Anthony Leardi: John, thanks for being with us today. I appreciated your presentation. I'm from an auto-

producing area of the province, and I can tell you we're very, very excited about the electric vehicle revolution that is taking place.

Minister Pirie has talked about the electric vehicle revolution that's driving the demand for critical minerals in the auto sector, but I understand that there is also an electric vehicle revolution that's going on in mining as well. Can you tell us a bit about the work that Newmont is doing to transition away from diesel-powered equipment?

Mr. John Mullally: Thank you for your question. The most recent example: At one of our mines in Ontario, at the Borden mine in Chapleau, we commissioned a full, all-electric underground mining fleet. We were the first—we're looking to commission an entirely electric fleet. We got 90% of the way there, and I think where the important work that Newmont continues to push forward in Canada is to ensure that we're able to commercialize mobile electric equipment at heavier and heavier tonnage so as to, for example, have electric vehicles that can move 100 tonnes and 150 tonnes' worth of rock. That work is extremely important both to Newmont as well as to the mining sector in Canada—as well as to other sectors, for that matter. We've signed a \$100-million partnership with Caterpillar to advance that commercialization.

Mr. Anthony Leardi: Did you say \$100 million?

Mr. John Mullally: A \$100-million partnership with Caterpillar.

Mr. Anthony Leardi: Wow. Thank you. Now, I understand Newmont operates not only in Ontario but in several jurisdictions across Canada, and even around the world. The proposed changes to this act: How will they improve Ontario's competitiveness with other mining jurisdictions?

Mr. John Mullally: I think that these are important changes; in particular, for clarity, to provide companies flexibility and to provide companies certainty in terms of when we can expect closure plans to be filed, and also in terms of taking some of the unnecessary consultative burden, in some cases, off communities for things that are not material, or for planned projects and certain items that would be in other authorizations. I do think there are some important changes being proposed in the proposed changes.

Mr. Anthony Leardi: Okay, thank you. We've already touched a little bit about your transition to an all-electric fleet, at least in one of your mines. Can you tell us about some of your world-class environmental standards for your mining operations?

Mr. John Mullally: Yes. We have a set of nine environmental standards that we uphold across all of our operations. Newmont applies our global standards to each and every one of our operations, including our operations here in Canada. Those ensure environmental protection at standards that often are more stringent than regulatory standards in which we operate.

We have environmental performance professionals up and down the organization, in some cases leading, for example, on things like the Global Industry Standard on Tailings Management, folks who are involved in the design

and developing the criteria of that global standard to manage tailings facilities in a responsible manner.

It's extremely important for us. We bring that professional rigour and that type of subject matter expertise to our Canadian operations, including to our two operations in Ontario.

Mr. Anthony Leardi: That's great. Thank you.

I want to ask you now about flexibility. We contend—or at least some of us contend that the changes that we're introducing to the Mining Act are going to allow companies to operate more flexibly. I want to ask you, why is operational flexibility important for a mine site?

Mr. John Mullally: As I was saying, when it comes to, in particular, the conditional filing, the phased financial assurance and having generally more flexibility around notices of material change, those are areas essentially where there can be changes to the design of mines. These are complex operations, so to be going through these processes but not to have financial assurance in place is something that is not ideal for industry, nor for Ontarians.

I think that is extremely important. It will allow us to assure certain pieces of infrastructure in certain parts of a design along the way, as we move forward with various studies and consultation which could inevitably change the design. We certainly benefit from having the ability to assure parts of the work before it's all complete.

Mr. Anthony Leardi: We have a proposal in front of us today, but what other things could Ontario do to create conditions for growth in the mining sector?

Mr. John Mullally: One of the things from the qualified professional concept that I think would be helpful is inter-ministerial coordination. Deputy ministers in British Columbia have a panel that they work on. Essentially, it allows them to look at projects across different ministries. For example, you may have one ministry that identifies communities for consultation. Those other ministries would be able to then identify those same ones.

What we've said on a number of occasions is that to have a central assertions unit, for example, in Ontario would provide additional clarity so that we'd have some understanding, that sort of all-Ontario view in terms of the communities that are impacted.

We're consistently surprised that the Ministry of Environment would have a different perspective than the Ministry of Mines as it relates to impact to communities and assertions. A centralized unit like that would provide tremendous certainty.

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. Anthony Leardi: In the one minute left, I want to see if I can tease a little bit more information out of you about this \$100-million deal with Caterpillar. What are you at liberty to tell us about that? Where is this \$100 million going, and what's it going to do?

Mr. John Mullally: It's really meant to accelerate the commercialization of heavy mining machinery, both for the underground environment—most of our underground mines in the world are in Canada—and for open pits, essentially to take the money, work collaboratively with

Caterpillar so that we can advance more quickly toward commercialization of these heavier vehicles and bring those into operations at our mines, including at our mines in Canada.

Mr. Anthony Leardi: And you said at least some of them are electric?

Mr. John Mullally: Yes. This \$100 million is going exclusively toward commercialization of battery electric vehicles.

Mr. Anthony Leardi: One hundred million dollars—

The Vice-Chair (Mr. Mike Schreiner): Thank you. We're out of time.

We'll now move to the official opposition. MPP West.

MPP Jamie West: Thank you very much, Chair. Thank you as well, Mr. Mullally, for your presentation. You talked about mining sites—Musselwhite and others. Can you tell me about the relationship that your company has with First Nations communities?

Mr. John Mullally: Sure. Thank you for that question. At Musselwhite, we have an agreement with four Musselwhite signatories and two tribal councils, as well as a fifth community, Mishkeegogamang. These relationships date back to 1997—so 25 years in existence. Last year, we celebrated our 25th anniversary both of production and the agreement. **1820**

What I think is really unique about Musselwhite is that it was the first comprehensive impacts and benefits agreement that was signed in Canada between industry and First Nations, and the province of Ontario and the federal government were both involved in that agreement. That agreement stands up to modern agreements today in terms of the environmental protection, the environmental committees, the provisions for business opportunities and employment, as well as cultural heritage components. It's a very thorough agreement.

I think MPP Sol Mamakwa was at the celebration in September, and I often quote Sol saying that he congratulated us for that. He also pointed out that the biggest room is the room for improvement, and I think in industry we acknowledge that we've had lots of success with First Nations, and that's great, but we do also acknowledge that there's room for improvement.

Over at Porcupine—each and every one of our relationships depends on the history and the First Nations communities, of course, and the rights and the territory. Porcupine was a little bit different, because they've been mining there for 110 years, but we actually established an agreement in 2015 based on no—based on no constitutional obligation to do so, let's say. It wasn't associated with a project or any type of consultation requirement; we just determined that it was the right thing to do with Wabun Tribal Council at the time. And so, we have there what was called a resource development agreement.

Over in Quebec, at our Eléonore operation in Quebec alongside the Cree, we have an agreement with the Wemindji Cree, as well as the Cree Nation government. That was established in 2012, and so we recently celebrated 10 years. We've done over a billion dollars' worth of business with Cree businesses associated with that operation, so it's a very

strong commercial and deep agreement over there in Quebec, as well.

MPP Jamie West: I think that's something that we can learn from you. I didn't realize it was 25 years; I knew it was a long time. But a 25-year relationship with five First Nations and Indigenous communities is impressive. A lot of industries now are trying to build these relationships, and I've often said they can learn from mining communities, especially in northern Ontario, and mining companies.

What's the secret to building and maintaining these sorts of relationships effectively? I know it's not an easy thing to answer.

Mr. John Mullally: I think that's a really good question. We'd be more than happy to talk to any members or communities and certainly for our communities and partners to talk with other communities, too, because I think it's important to focus on the successes. We're too often focused on how things are not going well with industry and First Nations, and certainly our experience is that, in particular, when we're respectful and working in areas where we're welcome, things go well.

Probably the greatest illustration of the success of the Musselwhite agreement is that in 2012, when the mine needed additional power, it reached out to its signatories and its partners. Those signatories, of course, as you would know—some of which were not connected to power either and were dependent on diesel—at that time formed Wataynikaneyap. Goldcorp, at the time, was a cofounder with 14 First Nations, and it came from a mutual need for additional low-carbon power—in some cases, of course, not about low-carbon; just about a far cheaper and far safer form of power.

I think that your comment about trust is accurate, because I don't think with that type of larger number of communities involved and a proponent—I think that trust is the secret sauce that allows those kinds of things to happen.

MPP Jamie West: Just for reference, because you're on-camera, when you see me looking like this, it's because I'm looking at the screen. I'm not ignoring you.

As MPPs, we're often told that businesses, to be more successful, need efficiencies. Sometimes, for me, it sounds like the efficiencies that are being proposed are to not have meaningful consultation with First Nations communities. Have you found with your business that it is more efficient to have the consultations or less efficient to have the consultations and relationships with First Nations communities?

Mr. John Mullally: The way that we establish our relationships with communities is based on, essentially, dialogue and developing understanding. You can use consultation with a capital C—you know, D, capital C, duty to consult. But, for us, there really is no relationship without that cadence of the environmental committee meetings that we have, the business opportunities, the committee meetings, the working with Indigenous nations, the working with the national development corps. All of those things are ongoing all the time. In some cases, the projects are going to be discussed. Any changes that are material are going to be discussed, in any case, with these communities as a matter

of course, just associated with our Indigenous people standard and associated with our culture, associated with our values as a company.

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

MPP Jamie West: It sounds almost like what you're describing is the duty to consult is almost like building a friendship. It's not a checkbox exercise; it is an ongoing relationship of communication. Am I correct?

Mr. John Mullally: Yes. It's definitely a relationship, and it is one that requires consistent work. It's not something that we can sit idly by, that's for sure.

MPP Jamie West: I'll give up the rest of my time, because I think it will take too long to answer.

The Vice-Chair (Mr. Mike Schreiner): We'll now go to the independents, and I recognize MPP Hsu.

Mr. Ted Hsu: Mr. Mullally, I'd like to go back to something you said. You were talking about qualified professional designation and conserving government resources. I asked this question before, and I wanted to ask somebody else the same question. I wanted to understand this a bit better.

If we have qualified professionals outside of government giving the stamp of approval and a mistake is made and there is some damage that needs to be fixed, who is liable in the end? Because the government is allowing somebody else outside of the ministry to do the technical work and give the stamp of approval based on their qualified professional designation. Is it the firm that the qualified professional works for, or is it Newmont mining that's liable, or is it the government?

Mr. John Mullally: I wouldn't want to comment on just liability. When I think about the qualified professional and the complexity of the various areas that are required to be reviewed—it could be geotechnical, hydrogeological, biological, social science—there's an array of different areas that would get actually embedded into the closure plan. From a principle perspective I think that there's a lot of value in looking at that qualified professional, that certification and understanding—that that concept, anyways, can work, and that, currently, it's resulting in backlog and some inefficiencies. So looking at this as a concept can work. But in terms of the liability—

Mr. Ted Hsu: I guess what I'm worried about is the government saying, "Oh, we're not liable; it's the qualified professionals that gave the stamp of approval, because we moved it out of the ministry." Am I understanding this correctly or not?

Mr. John Mullally: I'm not commenting on liability, I'd just be commenting on the concept of "qualified professional" insofar as really getting probably the highest-quality review and highest-quality product, and kind of getting it done by where it makes sense, then having that be something that's quite fairly commonplace in other areas, and allowing that for government, for industry and for those subject matter experts to really do what they do well. I think it is important, though, that the quality of qualified professionals is understood and those qualified professionals are in a position to accept that responsibility

to certify these plans, and that there be sufficient number to do so. But, certainly, from an efficiency perspective, I think that there are gains to be had, versus the current state, and that this concept is a way in which to achieve some of those gains.

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Mr. Ted Hsu: You also expressed a worry that there might not be sufficient numbers of qualified professionals out there. Are you seeing a shortage right now in that skill in the job market?

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. John Mullally: Even just to define, first off, what is that “qualified professional,” there would need to be—as I said, there are so many things that go into the technical review, that go into the closure plans. It covers an array of subject matter experts. It’s not one; it may need to be a number: biologists and hydrogeologists, geotechs, just to name a few. These are in high demand.

But again, if you can imagine, to figure out exactly if there are sufficient—I think it’s an important exercise within determining if this is an efficiency gain with respect to closure plans.

Mr. Ted Hsu: Okay. Thank you.

The Vice-Chair (Mr. Mike Schreiner): That concludes this round of questioning.

We’ll now go to the government members. MPP Leardi.

Mr. Anthony Leardi: Mr. Mullally, one thing we didn’t touch on was Newmont’s activities and what kind of product they’re producing. Please take a moment to tell the committee. Give us an idea of what kind of products you’re producing. Let’s start there.

Mr. John Mullally: Sure. We’re the largest producer of gold in the world. We produce over six million ounces of gold. Then, the other metals that we produce are silver, lead, zinc and copper, over a million of what we call gold-equivalent ounces. All of those other metals equate to a million gold-equivalent ounces.

The critical minerals are an important component of our plans moving forward. One of our projects in British Columbia is a gold porphyry, so it contains copper and gold. That’s Galore Creek, a 50-50 joint venture with Teck.

The jurisdictions where we operate: This gold is produced here in Canada. We have an operation in the United States. We’re also in Peru, in Argentina, Suriname, Ghana and Australia.

Mr. Anthony Leardi: Now, Mr. Mullally, I think I told you earlier that I was particularly interested in the auto sector, because my area of the province is particularly interested in producing autos. You did touch on critical minerals. You also touched on zinc and copper. Do you ship any of your product to auto producers presently? Yes or no? And in the future, do you have any plans to ship any of your product to auto or battery producers?

Mr. John Mullally: That’s a really good question. I can’t say whether or not that goes to auto producers. But what I would say is that Canada is an extremely attractive jurisdiction for Newmont in thinking about critical minerals. British Columbia, Ontario, Quebec in particular and

other provinces in Canada continue to be places where we would look to operate as we look for politically stable and attractive jurisdictions, where we understand the regulatory and we have certainty around things like legislation and authorizations.

Mr. Anthony Leardi: Well, let’s dwell on that for a minute. I’m particularly interested in what makes Ontario an attractive jurisdiction for future investments from Newmont, so let’s talk about that. What makes Ontario an attractive jurisdiction for future investments by Newmont?

Mr. John Mullally: One of the biggest things about Ontario is that it has a very low-carbon-content power supply, and the province is well covered as it relates to the electricity grid. Electrification and the overall content of, for the most part, nuclear and hydro power on the grid means that for us to achieve our 30% by 2030 and net-neutral by 2050 in jurisdictions like Ontario is achievable. That’s something that’s becoming increasingly important as we allocate capital across the world.

The other thing is skills. There’s no question that the industry in Ontario has a history in excellence with respect to operations—from safety to the operations side of things to areas like sustainability and external relations that I work with. That’s also an extremely important part. The other part is the geology. It does a lot come down to that, and the geological endowment of the province is extremely important.

Typically, the support as well—there are places that are less resource-friendly. Historically, Ontario has always been a place that has been supportive of sustainable and responsible mining practices, and that continues to be the case, certainly in the jurisdictions where we operate. In the areas like north of Thunder Bay around Musselwhite and then in Timmins and in Chapleau, we’re well received—strong communities that are supportive and that benefit significantly from the industry as well. Those are some of the things that make Ontario attractive.

Mr. Anthony Leardi: Thank you. Let’s talk about skills for a moment. Everywhere I go, and particularly in my riding of Essex, I hear employers seeking skills, seeking persons who have skills. What would be the current demand from Newmont with regard to skills? Give us an example of two or three skilled areas that you’re currently very, very, very interested in getting more employees into.

Mr. John Mullally: There’s certainly demand for trades. That’s one area where there’s significant demand in the mining industry. If it’s electricians, if it’s millwrights, those are things where we have shortages. Mining engineers, in particular, around northern Ontario: That has been something that has come up as a shortage as well.

Those would be two that come to my mind: the trades, the mining engineers. The range of technical expertise required is significant if you look at metallurgists as well and process people.

Mr. Anthony Leardi: This might be an unfair question, but if I could supply you with all of the skilled trades, all the people you need today, how many could you hire today?

Mr. John Mullally: At each of our operations, we were running at about 30 or 40—

The Vice-Chair (Mr. Mike Schreiner): One minute.

Mr. John Mullally:—people short at each of our operations. That was largely some COVID-type hangover and then there was also just a shortage in personnel. I think if it was all the right people, people who wanted to potentially relocate to Timmins and work at a fly-in-and-fly-out operation, it could be as many as 60.

Mr. Anthony Leardi: All right. Last question: Is there any anticipated allocation of capital in Ontario after this legislation potentially passes?

Mr. John Mullally: Certainly. We're looking at expansion in Timmins as well. We've recently commissioned a \$160-million water treatment facility, and then we're also looking to spend more than \$200 million to redevelop a previously mined pit called the Pamour pit, and so—

The Vice-Chair (Mr. Mike Schreiner): Sorry to interrupt, but that's all the time we have for this round of questioning.

We'll now move to the official opposition. MPP Mamakwa.

Mr. Sol Mamakwa: Meegwetch, John. Good to see you again. It's been a while.

I know this bill, Building More Mines Act, is a bill that was given to First Nations—they were notified March 2. They were informed of these amendments to the bill, and I know a lot of First Nations, the ones I've been speaking with anyway, were not consulted and, I know, even to the point where permitting—recovery permits—avoids the duty to consult and accommodate. It goes as far as some First Nations saying that the province of Ontario must be held accountable for this exploitive and aggressive approach contrary to the principles of reconciliation and the spirit and intent of treaty.

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Are there any words of advice that you can say to this government regarding this bill—where they don't be too colonial towards First Nations people?

Mr. John Mullally: That's a good question, Sol. I'm not in a great place to be providing the government advice on their Indigenous relations.

I would hope that you would agree—you and I have known each other for a little bit—that Newmont has always sought to have good relationships with our partners and, in times when there have been disagreements to deal with, to work through those challenges together, because things in relationships and partners don't necessarily always go according to plan. That, really, has been our approach.

I'm proud to work for a company that is a values-based company, and we make values-based decisions. Even though Ontario hadn't closed its operations around the time of the COVID pandemic, in consultation with your community and North Caribou, we decided that it would be best to close the operation for the safety of our communities. It's things like that that I think people remember. I think people then look and say, "Oh, yes, that's the kind of company that Newmont is"—so we'll continue to do that, irrespective. That's what I said in terms of our own internal framework

that we have at Musselwhite, for example, with our environmental working committee, and the frequency of the meetings and the implementation committees and how we go through the process, so that all of the important works are discussed and go through those committees. That's our own thing—that we would continue to stand up for any of the kinds of works or projects, including changes to the closure plan.

Mr. Sol Mamakwa: Back on January 7, 2023, I was at North Caribou Lake, and I spent overnight there, and the first thing I saw there was bottled water being flown in. It was being distributed to the First Nations members who were there. Later on that evening, I spent overnight and I went to buy a case of bottled water—24 250-millilitres—and it cost me 20 bucks. The next morning, I made coffee using that bottled water.

The more time you spend in these communities, you see how it impacts the people who live in these communities. I met with the mother of a four-year-old boy—at that time, he was three, and his skin was covered in scabs because of the water treatment plant that's there.

The reason why I share that story is, I know Musselwhite has been there since the early 1990s, and when the government talks about prosperity, jobs, I still see the poverty that's there. What is wrong when we see these things, even though this First Nation is a signatory to the Musselwhite mine? Sometimes the government will say, "It will bring prosperity to the north. It will bring prosperity to the people." Even though the mine has been there for 30 years, there's no prosperity. There are still kids who are suffering—and that was just one kid. Can you share your thoughts on it?

Mr. John Mullally: Yes, that's something that I'm aware of too, because, as you know, I spend time in the communities, and so I know North Caribou. And to understand too that, working with the communities—and I fully agree, to not see that community development and not see those benefits is difficult. We want to leave a lasting legacy that's beneficial, that addresses these things. That's why one of the most—

The Vice-Chair (Mr. Mike Schreiner): You have one minute.

Mr. John Mullally: One of the things that I'm most proud about with Musselwhite was the role that Musselwhite played in founding Wataynikaneyap. We're not a transmission company, and we're not a government, so we didn't fund it, but we funded the terms of reference for the environmental assessment, and we brought in those initial 14 communities that formed the company. That's what I think that we need to look at: How do we do those big-scale projects?

North Caribou—there's been a lot going on with North Caribou. We've had a tremendous amount of difficulty just getting into the community. So perhaps next time that you're going, maybe we could go together, because I think that there's also perhaps some, again, COVID hangover there and less receptiveness from the community. But I can say that everyone at the site, and myself as well, are keen—

The Vice-Chair (Mr. Mike Schreiner): I'm sorry to interrupt, but that's all the time we have for this round of questioning.

We'll now go to the independent members for 4.5 minutes. MPP Hsu.

Mr. Ted Hsu: I'd like to ask about the labour shortage in the mining industry. We want to attract young workers to consider a career in mining, and I think one of the factors that determines that is the reputation of the mining industry and how young people feel about the mining industry. I'm just wondering: What do you think the government could do to help with that?

Mr. John Mullally: Yes, I think your point about the reputation is a good one. I often say that the folks who work in the mining industry are those that understand just how great of an industry it is. It's been a very good industry for me to work in, and for a lot of people that I work with and people who have experienced that. But to the outsider, it continues to carry a reputation that does not serve the industry and that is also, generally speaking, not accurate. There are, of course, examples of bad apples.

I think training is critical for sure. When it comes to developing trades careers, I think the apprenticeship side of things is important, so considering things other than university-type education. But there's a tremendous amount of technical needs at the mine sites as well, and in some cases we've seen mining engineering schools in southern Ontario whose numbers have been depleted significantly.

I think too that we can do a better job in terms of working with Indigenous communities, as we are currently the largest private-sector employer of Indigenous peoples in Canada. But I think we can do better. Some of that surrounds some of the legacy and some of the reputational things. So when you see there's more priority and more interest on something like critical minerals—but doing it

in a way that is celebrating the expertise and celebrating the excellence of the companies operating in Ontario and doing so in a way that is encouraging communities to get involved.

Mr. Ted Hsu: Earlier today, Chief Moonias said that they would like the expertise to evaluate mining closure plans themselves. Is that something that the government can help with, given that we have expertise in Ontario and we have the ability to educate students, to train people? Perhaps that's part of the same effort to train more young people.

Mr. John Mullally: There's no question that companies need to include our Indigenous partners in their review in all aspects. So we provide capacity or we provide funding, we have face-to-face meetings, and we exchange data. We have confidentiality agreements and things like that in place.

The Vice-Chair (Mr. Mike Schreiner): One minute.

Mr. John Mullally: So there's those provisions in place that are the cornerstone of strong relationships with Indigenous partners. I think, again, a qualified professional who's signing off and certifying various pieces of work and that that be shared in a very transparent way with one of our communities is just something that we would do as a matter of course.

Mr. Ted Hsu: Thank you.

The Vice-Chair (Mr. Mike Schreiner): That completes this round. I want to thank Newmont Canada for coming to committee and providing a presentation and answering questions. That concludes our business for today.

As a reminder, the deadline to send in a written submission will be 7 p.m. on Thursday, April 6, 2023—that's nine minutes from now.

This committee is now adjourned until 9 a.m. on Tuesday, April 18, 2023, in Toronto.

The committee adjourned at 1851.

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Mr. Sol Mamakwa (Kiiwetinoong ND)

MPP Jamie West (Sudbury ND)

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