



August 22, 2022

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Alberta Securities Commission,  
Financial and Consumer Affairs Authority of Saskatchewan,  
Manitoba Securities Commission,  
Ontario Securities Commission,  
Autorite des marchés financiers,  
Financial and Consumer Services Commission, New Brunswick,  
Superintendent of Securities,  
Department of Justice and Public Safety, Prince Edward Island

Nova Scotia Securities Commission,  
Office of the Superintendent of Securities, Service NL,  
Northwest Territories Office of the Superintendent of Securities,  
Office of the Yukon Superintendent of Securities  
Nunavut Securities Office

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**RE: Geoscientists Canada's comments on the NI 43-101 Consultation Paper issued April 14, 2022**

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Thank you for the opportunity to provide comment on the NI 43-101 Consultation Paper. Geoscientists Canada is the national umbrella organisation of nine of the provincial and territorial geoscience practice regulators and is pleased to provide the following recommendations pertaining to question 3. of Section A. Improvement and Modernization of NI 43-101, questions 16. and 17. of Section E. Qualified Person Definition, and question 38. of Section L. Other:

**3. a) Should we consider greater alignment of NI 43-101 disclosure requirements with the disclosure requirements in other influential mining jurisdictions?**

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Greater alignment of disclosure requirements globally, utilizing current practices/requirements most appropriate for clear communication to the investor in the interest of public protection and, where possible, not overly burdensome to the company/qualified person, is always the best course of action. Alignment makes for clear, understandable reporting for investors while supporting the global mobility of geoscience and engineering professionals. Alignment will also have the effect of reducing unintentional errors and/or omissions by mining companies due to minor inconsistencies between codes. This should have the effect of reducing the burden on regulators.

**16. Is there anything missing or unclear in the current qualified person definition? If so, please explain what changes could be made to enhance the definition.**

With regard to **Part (a)** the current definition of the Qualified Person (QP), the following revisions are recommended:

- (a) is an engineer or geoscientist with a university degree, or equivalent accreditation, in*
- (i) an area of geoscience; or*
  - (ii) an area of engineering relating to mineral exploration or mining;*

If the CSA generally accepts geoscience university degrees without examining further the discipline of geoscience in which the degree was obtained, then the comma should be removed after the word ‘engineering’ as the remainder of the sentence only applies to the type of engineering university degree obtained.

With regard to **Parts (b) and (c)** of the current QP definition, and for greater clarity for geoscientists and engineers both in Canada and internationally, the following revisions are recommended:

- (b) has at least five years of experience that:*
- i) is obtained after the awarding of the initial university degree or equivalent accreditation identified in (a)*
  - ii) is relevant mineral exploration, mine development, mine operation, or mineral project assessment experience, or any combination of these, and*
  - iii) when combined with the knowledge gained through the university degree or equivalent accreditation provides the individual with sufficient competence in the subject matter of the mineral project*

Revised Part (b) i) provides greater clarity with regards to level of experience sought and applies equally to domestically and internationally trained engineers and geoscientists.

Revised section (b) iii) provides greater clarity concerning “experience relevant to the subject matter of mineral project”. It is suggested that “and the technical report” be removed from “experience relevant to the subject matter of the mineral project and technical report” as the subject matter of the mineral project is the topic of the

technical report. Including the words “ and the technical report” then suggests that the requirement for a QP does not apply to such items as press release, websites, etc. by their exclusion from the definition.

With regards to **Parts (d) and (e)** of the current QP definition, the following recommendations are made:

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*is in good standing with a professional association:*

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*i) where the individual holds a membership designation that:*

*a. requires attainment of a position of responsibility and the exercise of independent judgement in their profession; and*

*b. requires a favourable peer evaluation of the individual’s character, professional judgement, experience or demonstrated prominence or expertise in in the field of mineral exploration or mining, and ethical fitness;*

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*and,*

*ii) where there is a legislative requirement that regulates the practice of engineering or geoscience, is registered with the professional association(s) of the jurisdiction(s) in which the project is located and where work is conducted*

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Concerning point i) above, the suggested revision applies equally to both domestic and international associations while retaining the rigor of the QP definition requirement for membership level and attained professional responsibility level, and while retaining the flexibility to accommodate various professional association membership requirements globally.

Concerning point ii) above, as the CSA relies on the QP’s ethics to help ensure that reports are prepared in the public interest, then by allowing reports by QP’s operating illegally, and therefore unethically, in a jurisdiction anywhere in the world where there is a legal obligation to be registered with the jurisdictional professional association is to contradict the CSA reliance on the ethics of the QP.

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**17. Should paragraph (a) of the qualified person definition be broadened beyond engineers and geoscientists to include other professional disciplines? If so, what disciplines should be included and why?**

At this time, it is not suggested that the QP definition be broadened beyond engineers and geoscientists, but rather that Item 3. Reliance on Other Experts in Form 43-101F1 be revisited and revised to adequately address other experts and professional disciplines.

**38. Are there other disclosure requirements in NI 43-101 or the Form that we should consider removing or modifying because they do not assist investors in making decisions or serve to protect integrity of the mining capital markets in Canada?**

After reviewing the websites of several professional associations listed in Appendix A of Companion Policy 43-101CP, it has been noted that complaints and discipline



processes may not be readily publicly accessible, nor clear and transparent. It would be difficult for the public to determine how to make a complaint or determine the outcome of a complaint. In the public interest, it is suggested that the definition of “professional association” in the Instrument be revised to include:

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*(e) has a documented, publicly accessible, fair, and transparent complaints or grievance process, and*

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*(f) has and applies disciplinary powers which can be demonstrated as actively utilised and includes the power to suspend or expel a member regardless of where the member practises or resides.*

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On behalf of Geoscientists Canada,

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