

1989

c 40 Ontario Mineral Exploration Program Act, 1989

Ontario

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CHAPTER 40

An Act to revise the Ontario Mineral Exploration Program Act

Assented to July 13th, 1989

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

1. In this Act,

Definitions

“development” means preparing a deposit of a prescribed mineral resource for production;

“exploration” means prospecting or exploring for a prescribed mineral resource;

“incentive” means a grant, loan, payment or other financial concession made under this Act;

“incentive program” means a program prescribed under this Act to encourage exploration or development in Ontario;

“Minister” means the Minister of Mines;

“Ministry” means the Ministry of the Minister;

“prescribed” means prescribed by the regulations;

“project” means a project of exploration or development in Ontario;

“regulations” means the regulations made under this Act.

2. The Lieutenant Governor in Council may make regulations to establish incentive programs.

Incentive programs

3. The Minister may designate a project under an incentive program for a specified period.

Designation of project

4. The Minister may provide an incentive to any person who,

Incentives

- (a) is ordinarily resident in Canada; and
- (b) meets the prescribed eligibility conditions of an incentive program.

Incentive not
assignable,
etc.

5. An incentive under this Act may not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, anticipate or give as security an incentive is void.

Information
confidential

6.—(1) Except as provided in subsections (2), (3) and (4), all information obtained under this Act by an employee or agent of the Ministry is privileged and confidential and no such employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Exception

(2) Any information referred to in subsection (1) obtained by an employee or agent of the Ministry in the administration of this Act may be communicated to an employee of,

- (a) the Department of National Revenue of Canada; or
- (b) the Ministry of Revenue or the Ministry of Treasury and Economics.

Idem

(3) The name of a person who has received incentives under this Act and the aggregate of incentives received by the person may be published or disclosed by the Minister.

Idem

(4) One year or more after the expiry of the designation of a project designated under this Act, the Minister may disclose any technical reports, maps, plans or other particulars of the project that were submitted with any application relating to the project.

Return of
incentive
where not
entitled

7.—(1) A person who receives an incentive to which the person is not entitled or a payment in excess of an incentive to which the person is entitled shall forthwith return to the Minister the amount or excess amount, as the case may be.

Recovery of
incentive
where not
entitled

(2) If a person receives an incentive to which the person is not entitled or a payment in excess of an incentive to which the person is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and, where applicable, the amount of

any such indebtedness may be recovered in the manner provided for in the *Financial Administration Act*.

R.S.O. 1980,
c. 161

8.—(1) Every person is guilty of an offence who,

Offence

- (a) knowingly furnishes false or misleading information in an application or statement required by this Act or the regulations;
- (b) knowingly fails to disclose any information that is required to be disclosed by this Act or the regulations;
- (c) knowingly contravenes subsection 7 (1); or
- (d) contravenes subsection 6 (1) or 12 (1).

(2) If a corporation commits an offence under this Act, every director or officer of the corporation who authorizes, permits or acquiesces in the commission of the offence is a party to and is guilty of an offence and on conviction is liable to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted.

Director or
officer of
corporation

(3) An individual who is convicted of an offence under this Act is liable to a fine of not more than \$5,000.

Individual

(4) A corporation that is convicted of an offence under this Act is liable to a fine of not more than \$50,000.

Corporation

(5) No proceeding in respect of an offence under this Act shall be commenced more than five years after the offence was committed.

Limitation

9.—(1) The Minister may, for any purpose relating to the administration or enforcement of this Act, require from any person whose project has been designated under this Act any information, or the production of any document, within such reasonable time as is stipulated in the request.

Request for
information
or document

(2) If a person does not comply within a reasonable time with a request under subsection (1), the Minister may by written notice declare the person to be ineligible for incentives.

Loss of
eligibility
upon failure
to comply

(3) For purposes of section 7, a person declared under subsection (2) to be ineligible for incentives shall be deemed not to be entitled to any incentives received in respect of the project to which the request under subsection (1) relates.

Return of
incentive

Appointment
of persons to
make
inspections

10.—(1) The Minister may appoint persons to make inspections under this Act.

Certificate of
appointment

(2) A person appointed under subsection (1) exercising a power under this Act shall, on request, produce his or her certificate of appointment.

Inspections

11.—(1) For the purpose of ensuring compliance with this Act and the regulations, a person appointed under subsection 10 (1) may,

- (a) enter any place at any reasonable time where,
 - (i) any business associated with a project designated under this Act is carried on or any property relating to such a project is kept,
 - (ii) anything is done in connection with a business referred to in subclause (i), or
 - (iii) any document relating to a business referred to in subclause (i) is kept;
- (b) request the production for inspection of documents or things that may be relevant to the inspection;
- (c) examine or audit any document or thing produced in response to a request under clause (b);
- (d) upon giving a receipt therefor, remove from a place documents or things produced in response to a request under clause (b) for the purpose of making copies or extracts; and
- (e) examine any land, property, process or matter that may be relevant to the inspection.

Entry to
dwellings

(2) Subsection (1) does not apply to confer a power of entry to a room actually used as a dwelling without the consent of the occupier except under the authority of a warrant issued under this section.

Warrant

(3) A justice of the peace may issue a warrant authorizing the person named in the warrant,

- (a) to do anything set out in clause (1) (a), (c), (d) or (e); or
- (b) to enter and search a room actually used as a dwelling.

(4) A warrant may be issued under subsection (3) if the justice of the peace is satisfied on information under oath that,

Requirements
for warrant
to issue

(a) in the case of a warrant to be issued under clause (3) (a), a person appointed under subsection 10 (1) has been prevented from doing anything permitted under clause (1) (a), (c), (d) or (e) or there is reasonable ground to believe that such a person may be prevented from doing any of those things; or

(b) in the case of a warrant to be issued under clause (3) (b), it is necessary that a room actually used as a dwelling be entered for the purposes of carrying out an inspection or there is, in such a room, a document or thing that there is reasonable ground to believe will afford evidence relevant to an inspection under this Act.

(5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Execution of
warrant

(6) Unless renewed, a warrant under this section expires not later than thirty days after the date on which it is made.

Expiry

(7) A warrant under this section may be issued or renewed upon application without notice.

Notice not
required

(8) A warrant under this section may be renewed, before or after expiry, for any reason for which it may be issued.

Renewal of
warrant

(9) A person doing anything under the authority of a warrant issued under this section is authorized to call on such police officers to assist and to use such force as is necessary in the execution of the warrant.

Assistance

(10) A person taking material in order to copy it shall make the copy with reasonable dispatch and shall promptly return the material taken.

Copies

(11) Copies of, or extracts from, documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Admissibility
of copies

12.—(1) No person shall obstruct a person carrying out an inspection under this Act or withhold, destroy, conceal or refuse to provide any relevant information or thing required for the purpose of the inspection.

Obstruction

Facilitating
inspection

(2) It is a condition of every project designated under this Act that the person who applied for designation of the project facilitate any inspection relating to the project.

Advisory
committees

13.—(1) The Minister may appoint advisory committees to advise him or her on any matters relating to this Act.

Idem

(2) The Minister may fix the terms of reference of an advisory committee.

Idem

(3) The Minister may appoint the chairperson and members of an advisory committee and fix their remuneration and expenses.

Delegation of
powers and
duties

14. Where, under this Act, a power is granted to or vested in or a duty is imposed upon the Minister, the Minister may delegate in writing that power or the obligation to perform that duty to the Deputy Minister of Mines, to an employee of the Ministry or to any other public servant, subject to the conditions set out in the delegation.

Regulations

15.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the eligibility conditions of any incentive program;
- (b) prescribing the evidence to be furnished by a person applying for an incentive or designation of a project;
- (c) prescribing anything that is referred to in this Act as prescribed;
- (d) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act.

Regulations
may be
retroactive

(2) A regulation is, if it so provides, effective with reference to a period before it was filed.

General,
specific or
limited
regulation

(3) Any regulation may be general or specific or of limited application.

Repeals

16. The *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980 and section 46 of the *Equality Rights Statute Law Amendment Act*, 1986, being chapter 64, are repealed.

17. Despite section 16, the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, continues to apply to any program of mineral exploration designated by the Minister under subsection 2 (1) of the said Act. Transition

18. This Act comes into force on the day it receives Royal Assent. Commence-
ment

19. The short title of this Act is the *Ontario Mineral Exploration Program Act, 1989*. Short title

