



CODIFY
MINING REPORT

October 2020

Editors:

Erin Bower, Portia Biswas, Michael J. Bourassa, and Jai Lakhani

Brought to you by

THE NORTHERN MINER

GLOBAL MINING NEWS · SINCE 1915

Table of Contents

FEDERAL 2

 SOR/2020-199: United States Surtax Order (Aluminum 2020) 2

Alberta..... 3

 Alberta Regulation 164/2020: ALBERTA ENERGY REGULATOR ADMINISTRATION FEES RULES
 AMENDMENT REGULATION..... 3

 Alberta Regulation 165/2020: OIL AND GAS CONSERVATION RULES (ORPHAN FUND LEVY)
 AMENDMENT REGULATION..... 4

Ontario 4

 O. Reg. 524/20: GENERAL 4

Quebec..... 5

 Bill 42, An Act to give effect to fiscal measures announced in the Budget Speech delivered on 21
 March 2019 and to various other measures..... 5

 Bill 44, An Act mainly to ensure effective governance of the fight against climate change and to
 promote electrification 6

Student Editors 8

Lawyer Editors..... 9

FEDERAL

SOR/2020-199: United States Surtax Order (Aluminum 2020)

Registered September 16, 2020

Published September 30, 2020

ENABLING STATUTE

Customs Tariff S.C. 1997, c. 36

GOVERNMENT NOTE

The United States Surtax Order (Aluminum 2020) [the “Surtax Order”] establishes surtaxes of 10% on imports from the United States of aluminum and aluminum-containing products classified under 44 tariff items, covering \$3.6 billion in imports from the United States annually (2017–2019 annual average).

Applicable surtaxes will be calculated on the basis of the value for duty of the imported goods, as determined in accordance with sections 47 to 55 of the *Customs Act*. These surtaxes will apply in addition to any regularly applicable customs duties.

The surtaxes will only apply to goods originating from the United States, which are goods eligible to be marked as a good of the United States in accordance with the *Determination of Country of Origin for the Purpose of Marking Goods (CUSMA Countries) Regulations*.

The surtaxes take effect on September 16, 2020, and will remain in place until the United States eliminates its tariffs against Canadian aluminum. The surtaxes will not apply to U.S. goods that are in transit to Canada on the day on which the surtaxes came into force.

EDITOR’S COMMENTS

- The regulations impose a 10% surtax of the value for duty (determined in accordance with the Customs Act) on the tariff items listed.
- The 44 items listed are all goods that originate in the United States and represent \$3.6 billion in aluminum and aluminum-containing products imported from the United States.

Edited by Portia Biswas

SOURCE

<http://gazette.gc.ca/rp-pr/p2/2020/2020-09-30/html/sor-dors199-eng.html>

Alberta

Alberta Regulation 164/2020: ALBERTA ENERGY REGULATOR ADMINISTRATION FEES RULES AMENDMENT REGULATION

September 13, 2020

September 30, 2020

ENABLING STATUTE

Responsible Energy Development Act, SA 2012, c R-17.3

GOVERNMENT NOTE

No summary.

EDITOR'S COMMENTS

- Makes administrative changes to dates, and various administrative costs in *Alberta Energy Regulator Administration Fees Rules, AR 70/2019*.
- For example, it updates the administration fee for the operation of a well.

Edited by Erin Bower

SOURCE

https://www.qp.alberta.ca/documents/gazette/2020/pdf/18_Sep30_Part2.pdf

Alberta Regulation 165/2020: OIL AND GAS CONSERVATION RULES (ORPHAN FUND LEVY) AMENDMENT REGULATION

September 14, 2020

September 30, 2020

ENABLING STATUTE

Oil and Gas Conservation Act, RSA 2000, c O-6

GOVERNMENT NOTE

No summary.

EDITOR'S COMMENTS

- Changes the date of deemed liability for the licensee in the orphan fund levy calculation.

Edited by Erin Bower

SOURCE

https://www.qp.alberta.ca/documents/gazette/2020/pdf/18_Sep30_Part2.pdf

Ontario

O. Reg. 524/20: GENERAL

File September 21, 2020

Published September 21, 2020

ENABLING
STATUTE

Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Sched B

GOVERNMENT
NOTE

No summary

EDITOR'S COMMENTS

- Amends O. Reg. 328/03
- Imposes limitations on who may not be appointed to be a member of the board of directors or as chief executive officer of the Ontario Energy Board.
- The individuals listed as ineligible are directors, officers, employees or agents of a market participant, a generator/distributor/transmitter, a unit sub-meter provider, the Smart Metering Entity, the IESO, any person affiliated with any of those just listed and any person who sells electricity or ancillary services through the IESO.

Edited by Portia Biswas

SOURCE

—

<https://www.ontario.ca/laws/regulation/r20524>

Quebec

Bill 42, An Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures

September 24, 2020

Published September 24, 2020

STATUTES OF INTEREST

The Mining Tax Act, c I-0.4

GOVERNMENT NOTE

The purpose of this bill is to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and in various Information Bulletins published in 2017, 2018 and 2019. For the purpose of introducing or modifying fiscal measures specific to Québec, the bill amends,

among others,... (2) the *Mining Tax Act* to introduce a sustainable development certification allowance.

EDITOR'S COMMENTS

- Introduces a sustainable development certification allowance for mining.
- Sets out a detailed method for calculating the allowance.

Edited by Erin Bower

SOURCE

<http://m.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-42-42-1.html>

Bill 44, An Act mainly to ensure effective governance of the fight against climate change and to promote electrification

September 24, 2020

Published September 25, 2020

STATUTES OF INTEREST

Act respecting the Ministère des Ressources naturelles et de la Faune, M-25.2

Act respecting the Régie de l'énergie, R-6.01

Act respecting Transition énergétique Québec, T-11.02

GOVERNMENT NOTE

This Bill establishes that the Minister of the Environment and the Fight Against Climate Change is, by virtue of office, the Government's advisor regarding the fight against climate change and that he or she is to ensure government-wide integrated governance of the latter. More specifically, the Minister must ensure the coherence and coordination of government and ministerial measures and measures proposed by certain public bodies that concern the fight against climate change and must be involved in their preparation.

EDITOR'S COMMENTS

- The Bill entrusts the Minister with responsibility for preparing a climate change framework policy. It creates a standing advisory committee to advise the Minister on policy directions, policies, programs and strategies regarding the fight against climate change.

- The Minister may give other ministers and certain public bodies any opinion he or she considers appropriate, especially if a proposed measure does not comply with the principles and objectives set out in the framework policy.
- Makes amendments to parts of the greenhouse gas cap-and-trade system.
- Gives the Minister of Energy and Natural Resources responsibility for integrating governance on energy transition.

Edited by Erin Bower

SOURCE

<http://m.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-44-42-1.html>

NOTE: There was no new legislation in September for the provinces and territories not mentioned above.

Student Editors



Erin Bower

Managing Editor

University of Alberta, JD 2020

Email: ebower@ualberta.ca

Full Bio:

Erin is a recent law school graduate from the University of Alberta. Prior to law school, she obtained a Bachelor of Science in Psychology from the University of Calgary. While at law school she became interested in natural resource law and energy law through her coursework. She also served for two years as a member of the Editorial Board for the Alberta Law Review. Currently, she is clerking at the Alberta Court of Appeal. After her time at the Court she will finish her articles with Osler, Hoskin & Harcourt LLP in Calgary.



Portia Biswas

Editor

Osgoode Hall, JD 2021

Email: pbiswas@yorku.ca

LinkedIn: <https://www.linkedin.com/in/portia-biswas-0aa71410b/>

Full Bio:

Portia is a third-year law student at Osgoode Hall Law School and is currently a summer student at Aird & Berlis LLP in Toronto. Prior to law school, Portia obtained a Bachelor of Arts in Psychology from Ryerson University. Portia's professional experience is rooted in the non-profit sector, with experience in development and corporate relations. She was introduced to the legal sector through her work as an editor for Thomson Reuters' ProView platform. Portia is the Director of Operations for Fair Change Legal Clinic which provides legal representation for street-involved individuals.

Lawyer Editors



Michael J. Bourassa

Executive Editor

Partner, Fasken

Email: mbourassa@fasken.com

Full Bio:

Michael's practice is focused in the mining industry. A member of the Global Mining Group, he acted as the group's co-ordinator from 2004-2012. A recognized expert, Michael has accumulated extensive experience on both Canadian and international mining projects.

Michael was Co-Chair of the International Bar Association's Mining Executive Committee and a past Director of both the Rocky Mountain Mineral Law Foundation and the Prospectors and Developers Association of Canada. Michael also frequently writes on important CSR trends in the mining industry, and speaks on a wide range of mining related topics.

Widely recognized for his mining expertise, Michael has been ranked in several leading legal publications including Chambers Global, Chambers Canada and the Canadian Legal Lexpert Directory. He has also been named Who's Who Legal's "Mining Lawyer of the Year" in 2010, 2011, 2012, 2014 and 2017, and been recognized in their International Who's Who of Mining Lawyers, for 13 consecutive years.



Jai Lakhani

Lawyer Editor

Associate, Bennet Jones

Email: lakhanij@bennettjones.com

Full Bio:

Jai is a lawyer in the Corporate group at Bennet Jones, who focuses on mining companies in his practice. A highly versatile lawyer, he uses his regulatory to advise clients on complex matters. Prior to Bennet Jones, Jai worked as legal counsel at Volkswagen, and interned at the Ontario Securities Commission. He graduated from Osgoode Hall and the Schulich School of Business with a JD / MBA.