

permits, record mining claims and supply mine inspection services.

The federal government complements many of these services in consultation with the provinces. Federal-provincial mineral development agreements are a prominent vehicle for co-operation.

10.8 Mining legislation

10.8.1 Federal jurisdictions

The matter of legislative jurisdiction, in relation to the exploration and exploitation of mineral resources, offshore of the East and West Coasts of Canada has not been totally resolved. The Supreme Court of Canada, in an opinion of November 1967, stated in part that, as between Canada and the province of British Columbia, Canada has proprietary rights in and legislative jurisdiction over "lands, including the mineral and other natural resources, of the seabed from the ordinary low-water mark on the coast outside the harbours, bays, estuaries and other similar inland waters, to the outer limit of the territorial sea of Canada". In May 1982, the Supreme Court of Canada ruled that between Canada and Newfoundland, legislative jurisdiction in respect of the mineral resources of the seabed and the sub-soil of the continental shelf offshore of Newfoundland, in the region of the Hibernia oil discovery, falls to Canada.

Some near-shore coastal waters fall under provincial jurisdiction. In 1984, the Supreme Court of Canada ruled that the seabed of the Strait of Georgia falls within the boundaries of the province of British Columbia as established at the time of the colony of Vancouver Island and has remained unchanged since that date.

The Department of Energy, Mines and Resources (EMR Canada) has responsibility for administration and enforcement of legislation and regulations relating to mineral resources off Canada's coasts, in the Hudson Bay and Hudson Strait regions, and for federally owned mineral rights that become available for development in the provinces. The Department of Indian and Northern Affairs (INA Canada) is responsible for mineral rights in the Yukon and Northwest Territories, and in Canada's Arctic offshore regions.

Generally, the administration and management of mineral resources and rights on and/or beneath Indian reserves is the responsibility of INA Canada. Minerals can be disposed under the mining, or oil and gas regulations by either tender or negotiated agreement, following the respective Indian band approval.

10.8.2 Federal mining laws and regulations

Mining exploration and development is carried out in Yukon under the Yukon Quartz Mining Act and the Yukon Placer Mining Act. In Northwest Territories, including Arctic coastal waters, operations are governed by the Canada mining regulations. Regulations for placer-gold dredging, coal mining and quarrying are common to both territories. In Yukon, mining rights may be acquired by staking claims. A one-year lease may be obtained to prospect for the purposes of placer mining, renewable for additional one-year periods; a 21-year lease, renewable for a like period, may be obtained under the Yukon Quartz Mining Act.

Under Canadian mining regulations, a prospector must be licensed. Staked claims must be converted to lease or relinquished within 10 years. In certain areas, a system of exploration over large areas is allowed by permit. Any individual 18 years of age or more or any joint stock company in Canada may hold a prospector's licence. No lease is granted to an individual unless the applicant is a Canadian citizen. No lease is granted to a corporation unless it is incorporated in Canada and at least 50% of the issued shares are owned by Canadian citizens or the shares are listed on a recognized Canadian stock exchange. A new mine beginning production is not required to pay royalties for 36 months.

10.8.3 Provincial laws and regulations

In general, Crown mineral lands within provincial boundaries (with the exception of those in Indian reserves, national parks and other lands under federal jurisdiction) are administered by the province. Mineral rights on Crown lands may be acquired or leased from the province, if not already held by others.

Crown land purchases or grants currently do not include the mineral rights, which reside with the province. Some early land grants in the four western provinces, and in Quebec, New Brunswick and Newfoundland included certain mineral rights which can be conveyed along with the land to a purchaser. Otherwise mineral rights must be acquired separately from the owner or leaseholder thereof if in private hands, or acquired or leased from the province if in the public domain. However, there are some exceptions, mainly surface minerals, which the land owner retains, as explained under the heading "Quarrying regulations" following. In Nova Scotia this exception is broadened, where the land owner retains the mineral rights to gypsum,