October 15, 2018

Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (File # NR-169-2018)

On September 25, 2018, the Department of Natural Resources received your request for access to the following records/information:

I would like a copy of the following Briefing Note written in August 2018: Designation of inspector under the Mining Act.

I am pleased to inform you that a decision has been made by the Department of Natural Resources, confirmed by the Deputy Minister, to provide access to the requested record. The record is attached.

As set out in section 42 of the Act you may ask the Information and Privacy Commissioner to review the department’s decision to provide access to the requested information. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your request should identify your concerns with the department’s response and why you are requesting a review.

The request for review may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6  t 709.729-1466
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

Pursuant to section 52 of the Act, you may also appeal directly to the Supreme Court Trial Division within 15 business days after receiving the department’s decision.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

For further details about how an access to information request is processed, please refer to the Access to Information Policy and Procedures Manual at http://www.atipp.gov.nl.ca/info/index.html.

If you have any questions, please feel free to contact me at 709-729-0463 or rhynes@gov.nl.ca.

Sincerely,

Rod Hynes
ATIPP Coordinator
Information Note
Department of Natural Resources

Title: Designation of inspector under the Mining Act

Issue: Process for designating an inspector in accordance with section 11 of the Mining Act.

Background and Current Status:
• The Mineral Development Division, specifically the Engineering Analysis Section, is responsible for the administration of the Act. The section consists of a manager, four engineers and a geologist.

• Section 11 of the Act covers the designation or appointment of inspectors as well as the duties and powers of an inspector.

• An inspector’s duties include monitoring the development of a project under a development plan and the progress of rehabilitation or closure of a project under a rehabilitation and closure plan.

• Powers of an inspector include the right to enter a mine site to perform an inspection, to be provided with requested documents and information, and to have an expert accompany them on site. These rights are crucial to being able to adequately administer the Act.

• Inspectors have a statement added to the back of their Government IDs indicating that they are inspectors under the Act.

Analysis:
• The Director of the Mineral Development Division, and the Manager and staff of the Engineering Analysis section should be inspectors under the Act.

• The process to designate an inspector is to have the Minister send a letter to the Queen’s Printer confirming the appointment of an individual as an inspector under the Act after which a notice is published in the Newfoundland Gazette.

• JSP has advised that the process for designating an inspector is appropriate.

Action Being Taken:
• A letter has been drafted appointing Sarah Bassler, Mineral Development Engineer with the Engineering Analysis Section, as a Mining Act inspector. Ms. Bassler was recently permanently appointed in her position.

Prepared/Approved by: A. Smith / P. Canning
Ministerial Approval: Received from Hon. Siobhan Coady

August 21, 2018