

## MEDIA RELEASE

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### **Ending Ontario's Mining Act misery**

*Free-entry system causing chaos; taxpayers on hook for half a billion dollars*

TORONTO – Two major environmental groups released a legal report today highlighting serious flaws in Ontario's antiquated Mining Act that has led to more than a century of conflict between mining companies, the public and Aboriginal peoples. Prepared by the Canadian Institute for Environmental Law and Policy (CIELAP) and Ecojustice (formerly Sierra Legal Defence Fund), the report presents the Ontario government with a clear framework for updating the law and revamping contentious elements of the law.

"Today we are presenting remedies that will end a century of needless conflict and finally bring Ontario's Mining Act into the 21<sup>st</sup> century," said Justin Duncan, lawyer with Ecojustice (formerly Sierra Legal Defence Fund).

The report presents a series of legislative reforms designed to fix the century old law's controversial free-entry system, which allows prospectors to claim rights to minerals under private property, public lands and traditional First Nations' territory without any need for prior consent, permit or environmental assessment.

"If it hadn't literally happened in my own backyard, I would not have believed prospectors could stake claims on your property without any warning or consultation," said Marilyn Crawford, who had a claim staked on her property near Ottawa. "The report prepared by Ecojustice and CIELAP offers sensible solutions to balance the needs of industry, landowners and the environment."

The report also highlights legal loopholes that have put taxpayers on the hook for an estimated half a billion dollars to clean up abandoned mine sites.

"The Mining Act's weak financial requirements have meant that some mining companies have avoided paying clean-up costs when the minerals were gone, leaving Ontario taxpayers with the tab," said Maureen Carter-Whitney, Research Director at CIELAP. "This is bad for business, bad for the health of our communities and is an unnecessary burden on taxpayers. Simply put: polluters must pay."

Ontario's Mining Act was first passed into law in 1873. In 1906 the government of the day gutted key elements that controlled access to lands and established a free-entry model, a mining-friendly system where company rights are paramount. For the next century, this free-entry system has stoked the fires of controversy, as mining companies have clashed with the interests of Aboriginal peoples, landowners and the public without due regard to environmental impacts.

Encouragingly, Ontario's Premier has pledged to reform the Mining Act to alleviate continued land-use conflicts and to update the law to reflect modern-day values associated with how Ontario's public lands are managed.

The report highlights three principal areas that must be addressed to remedy the mining Act: (1) requiring consent from landowners and First Nations; (2) implementation of land-use planning to determine where mining ought to be permitted; and (3) ensuring all projects face the scrutiny of environmental assessment.

For more information, please download the **report**, or contact:

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