



THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

Part II

PUBLISHED BY AUTHORITY

ST. JOHN'S, TUESDAY, FEBRUARY 24, 2015

**NEWFOUNDLAND AND LABRADOR
REGULATION**

NLR 21/15



**NEWFOUNDLAND AND LABRADOR
REGULATION 21/15**

Nickel-in-Concentrate Exemption Order, 2015
under the
Mineral Act
(O.C. 2015-026)

(Filed February 24, 2015)

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, February 23, 2015.

Julia Mullaey
Clerk of the Executive Council

ORDER

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Short title **1.** This Order may be cited as the *Nickel-in-Concentrate Exemption Order, 2015*.

Interpretation **2.** (1) In this Order

(a) "Act" means the *Mineral Act*;

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty

the Queen in Right of Newfoundland and Labrador, Voisey's Bay Nickel Company Limited and Inco Limited and includes the amendments to the agreement entered into on February 28, 2009, March 28, 2013 and December 19, 2014 by Her Majesty in Right of Newfoundland and Labrador, Vale Newfoundland and Labrador Limited and Vale Canada Limited; and

(c) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms, "government", "midlings concentrate", "nickel-in-concentrate", "proponent" and "replacement concentrate" have the meanings given to them in the development agreement.

Production order exemption

3. (1) Notwithstanding the production order, the proponent, prior to December 31, 2020, may ship a maximum of 633,000 tonnes of nickel-in-concentrate from the province.

(2) The amount of nickel-in-concentrate the proponent may ship from the province under subsection (1) includes the amount shipped by the proponent before December 19, 2014 under the *Voisey's Bay Nickel Company Limited Nickel Concentrate Exemption Order*, the *Nickel-in-Concentrate Exemption Order, 2009* and the *Nickel-in-Concentrate Exemption Order, 2013*.

(3) In the period beginning on January 1, 2014 and ending on December 31, 2014, the proponent shall not ship from the province an amount of nickel-in-concentrate that exceeds 50,000 tonnes.

Termination of production order exemption

4. The exemption contained in section 3 shall terminate on the earliest of

(a) the date on which the shipments from the province of nickel-in-concentrate by the proponent have reached a total of 633,000 tonnes;

(b) December 31, 2020; and

(c) the date on which it is rescinded under subsection 31.1(3) of the Act.

Middlings concentrate exemption option

5. (1) Notwithstanding subsection 3(1), the proponent shall have the option to ship middlings concentrate from the province.

(2) Before the proponent exercises the option under subsection (1) it shall notify the minister in writing that it intends to exercise the option.

(3) The notice referred to in subsection (2) shall include the information required under the development agreement.

(4) Where the proponent exercises the option under subsection (1) it shall, within 12 months after the middlings concentrate was shipped from the province, ship into the province replacement concentrate with an equivalent quantity of contained nickel.

Termination of middlings concentrate exemption option

6. The exemption option contained in section 5 shall terminate on the earliest of

(a) December 31, 2020; and

(b) the date on which it is rescinded under subsection 31.1(3) of the Act.

Suspension of exemption

7. (1) Notwithstanding sections 3 and 5, the right of the proponent to ship nickel-in-concentrate and middlings concentrate from the province shall be suspended where a term of the development agreement provides for the suspension for a failure of the proponent to fulfil an obligation under the development agreement, or for another reason provided for in the development agreement, and a notice, where one is required in the circumstances, has been given by the government to the proponent.

(2) Where the failure of the proponent, or the other reason, giving rise to the suspension of the proponent's right to ship nickel-in-concentrate and middlings concentrate from the province under this Order has been remedied as provided for under the development agreement, the proponent may resume the shipments.

NLR 40/13 Rep.

8. **The *Nickel-in-Concentrate Exemption Order, 2013, Newfoundland and Labrador Regulation 40/13* is repealed.**

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