



A P E G S

*Association of Professional Engineers
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Dear Ms. Thomson and Ms. Beaudoin:

Re: Changes to “Qualified Person” in National Instrument 43-101

The Association of Professional Engineers and Geoscientists of Saskatchewan is the regulator of the engineering and geoscience professions in Saskatchewan. We are pleased to provide our comments with respect to proposed changes to the definition of a “qualified person” in National Instrument 43-101 and the Companion Policy.

APEGS recognizes that while the CSA has determined the requirements for a “qualified person” for the purposes of standards of disclosure for mineral projects, the requirements are largely dependent upon such person being registered and licensed by a professional regulator. For mineral properties located within Canada, this requirement will typically be met by registration with and licensure by one of the ten geoscience or twelve engineering regulators in Canada. While National Instrument 43-101 does not negate the need for a qualified person to be registered in Canada, and more specifically in the province or territory in which a mineral property is located, the proposed definitions of qualified person and qualified association can certainly create confusion about the requirement for registration among those practitioners engaged in providing reports in accordance with NI 43-101.

Pursuant to *The Engineering and Geoscience Professions Act*, c. E-9.3 of the Statutes of Saskatchewan, 1996, those person engaging in the practice of professional engineering or professional geoscience in Saskatchewan are required to be licensed by APEGS. Our interpretation of this requirement is that it applies to those persons that are engaged in providing professional engineering or professional geoscience services for projects or properties located in Saskatchewan, whether or not they are physically resident or have

an office in Saskatchewan. If a professional engineer or professional geoscientist is engaged in professional practice in more than one province or territory in Canada, the logical conclusion is that this person will be required to be registered and licensed in more than one province or territory.

It is the role of APEGS to enforce prohibition sections of *The Engineering and Geoscience Professions Act* within Saskatchewan, just as it is the role of the other engineering and geoscience regulators to enforce similar provisions within their respective jurisdictions. The purpose of professional regulation is the protection of the public and the public interest, including economic interests. This is accomplished by confirming the qualifications and character of an applicant seeking registration and licensure as a professional engineer or professional geoscientist, a prohibition against unlicensed practice, and a statutory process for the investigation and discipline of members who are guilty of professional incompetence and/or professional misconduct.

As the role of the CSA is also public protection, and the definition of a qualified person is largely reliant upon the regulatory processes of engineering and geoscience regulators in Canada, public protection can be further enhanced by requiring that qualified persons as defined by NI 43-101 be required to comply with provincial and territorial legislation regulating the engineering and/or geoscience professions. As a result, APEGS is suggesting that NI 43-101 and the Companion Policy require that a qualified person be registered and licensed in the province or territory in which the property is located.

Please feel free to contact me if you have any questions about our comments.

Yours sincerely,



Robert H. McDonald, P.Eng., LL.B.
Director of Membership and Legal Services

cc Gary Delaney, P.Geo.
Ian McIntosh, SFSC