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British Columbia Securities Commission
Alberta Securities Commission
Financial and Consumer Affairs Authority of Saskatchewan
Manitoba Securities Commission
Ontario Securities Commission
Autorité des marchés financiers
Financial and Consumer Services Commission, New Brunswick
Superintendent of Securities, Department of Justice and Public Safety, Prince Edward Island
Nova Scotia Securities Commission
Office of the Superintendent of Securities, Service NL
Northwest Territories Office of the Superintendent of Securities
Office of the Yukon Superintendent of Securities
Nunavut Securities Office

Dear Sirs/Madams

With respect to CSA Notice and Request for Comment – Proposed Repeal and Replacement of National Instrument 43-101 Standards of Disclosure for Mineral Projects, I wish to comment on my own behalf on the proposed changes to the definition of “qualified person.”

The existing Instrument defines a qualified person as an individual who:

- (a) is an engineer or geoscientist with a university degree, or equivalent accreditation, in an area of geoscience, or engineering, relating to mineral exploration or mining;
- (b) has at least five years of experience in mineral exploration, mine development or operation or mineral project assessment, or any combination of these, that is relevant to his or her professional degree or area of practice;
- (c) has experience relevant to the subject matter of the mineral project and the technical report;
- (d) is in good standing with a professional association; and
- (e) in the case of a professional association in a foreign jurisdiction, has a membership designation that
 - (i) requires attainment of a position of responsibility in their profession that requires the exercise of independent judgment; and
 - (ii) requires

- A. a favourable confidential peer evaluation of the individual's character, professional judgement, experience, and ethical fitness; or
- B. a recommendation for membership by at least two peers, and demonstrated prominence or expertise in the field of mineral exploration or mining;

Note that there is no requirement that the individual be a *professional* engineer or geoscientist, only that they have a degree in a relevant field (relating to mineral exploration or mining) and be a member of a professional association. I am a metallurgical engineer and Registered Member of SME, and Fellow of AusIMM. I have been admitted to both after peer review, which is allowable and necessary in these foreign associations when the applicant is not a professional engineer, as is my case. Each of these societies allows that an engineer or geoscientist may have the requisite experience and knowledge to be a qualified person or competent person without having attained the status of professional engineer.

The new definition substantially changes parts (a) and (b). Part (a) has been deleted and replaced with a requirement that the individual be a "professional geoscientist, professional engineer or equivalent of either." It is not clear what "or equivalent of either." The removal of the education requirement in a relevant field now allows that civil and mechanical engineers who have experience in mining and geology may be considered as qualified individuals. I agree with this broadening of the candidate pool. Part (b) has been changed to require 5 years of experience "as a professional geoscientist, professional engineer or equivalent of either..." Again, the change here is to require that the individual be not only an engineer or geoscientists with 5 years of experience, but a professional engineer or geologist with 5 years of experience after attaining professional status.

The preamble to the document suggests that the change to part (b) is designed to require that the experience gained must be *after* registration as a professional engineer or geologist.

My concern is that there is a (broadened) pool of qualified engineers and geoscientists that are fully competent and have such experience, but not as *professional* engineers and geologists. Rather, they have the requisite 5 years of experience after having been admitted to the professional ranks of a professional association, such as Registered Member of SME or Fellow of AusIMM, both of which are "acceptable foreign associations and membership designations" per Appendix A of the Companion Policy 43-101. This pool of qualified persons will be disqualified under the proposed language in the new instrument. Note also that the definition requires that the experience be as a professional engineer or geoscientist, which is not the same as gaining the experience after admission to a professional association.

If the goal of the instrument in removing the explicit requirement of an education requirement in a relevant field of study is to have the the professional associations police this, why not allow them, too, to determine who has the qualifications for admission to the associations at the designation levels listed in Appendix A of the Companion Policy 43-101?

In keeping with this suggestion, and to maintain as wide a pool as qualified persons as possible, I would propose changing the language of the qualified persons definition as follows:

“qualified person” means an individual who is a ~~professional geoscientist, professional or engineer or equivalent of either is~~ **in good standing with a professional association**, and

(a) has at least 5 years of experience ~~as a professional geoscientist, professional engineer or equivalent of either~~ in mineral exploration, mine development, mine operation or mineral project assessment, or any combination of these, **such experience coming after admission to a professional association**,

(b) has experience relevant to the subject matter of the mineral project, **and**

~~(c) is in good standing with a professional association, and~~

~~(d)~~ (e) in the case of an individual who is a member of a foreign professional association, has a membership designation that

- (i) requires or obligates the individual to have attained a position of responsibility in the individual’s profession that requires the exercise of independent judgment, and
- (ii) requires or obligates
 - (A) a favourable confidential peer evaluation of the individual’s character, professional judgment, experience and ethical fitness, or
 - (B) a recommendation for membership of at least 2 peers and demonstrated prominence or expertise in the individual’s field of practice;

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Davis', with a stylized, flowing script.

Graham A. Davis, Ph.D.
RMSME, FAusIMM