

## **2003 BCSECCOM 702**

### **Headnote**

Mutual Reliance Review System for Exemptive Relief Applications – relief from requirement in NI 43-101 to be a member of a professional organization in order to be considered a “qualified person”, for an individual with unique qualifications and work experience

### **Applicable British Columbia Provisions**

National Instrument 43-101 *Standards of Disclosure for Mineral Projects*, ss. 5.1, 9.1

### **IN THE MATTER OF THE SECURITIES LEGISLATION OF BRITISH COLUMBIA, ALBERTA, ONTARIO, THE NORTHWEST TERRITORIES AND THE YUKON TERRITORY**

**AND**

### **IN THE MATTER OF THE MUTUAL RELIANCE SYSTEM FOR EXEMPTION RELIEF APPLICATIONS**

**AND**

### **IN THE MATTER OF TRUE NORTH GEMS INC.**

### **MRRS DECISION DOCUMENT**

WHEREAS the local securities regulatory authority or regulator (the "Decision Maker") in Alberta, British Columbia, Ontario, the Northwest Territories and the Yukon Territory (the "Jurisdictions") has received an application from True North Gems Inc. (the "Corporation") for a decision under the securities legislation of the Jurisdictions (the "Legislation") that the Corporation is exempt from the requirement contained in National Instrument 43-101 *Standards of Disclosure for Mineral Projects* ("NI 43-101") that William R. Rohtert, Economic Geologist and Graduate Gemologist ("Rohtert") be a member in good standing of a professional association in order to be considered a "qualified person" under NI 43-101 (the "Membership Qualification Requirement");

AND WHEREAS under the Mutual Reliance Review System for Exemptive Relief Applications (the "System"), the British Columbia Securities Commission is the principal regulator for this application;

AND WHEREAS unless otherwise defined, the terms herein have the meaning set out in National Instrument 14-101 *Definitions*;

AND WHEREAS the Corporation has represented to the Decision Makers that:

## 2003 BCSECCOM 702

1. it is incorporated under the laws of the Yukon Territory, carries on a mineral exploration business in the Yukon Territory and has its head office located in Vancouver, British Columbia;
2. it is a reporting issuer in each of the Jurisdictions that provides for such status and is not in default of any requirement of the Legislation;
3. its securities are listed and posted for trading on the TSX Venture Exchange;
4. it owns certain gemstone exploration claims in the Yukon Territory;
5. it wishes to use Rohtert as its qualified person under NI 43-101;
6. Rohtert is a member of the International Colored Gemstone Association, which would meet the requirements of a professional organization as defined in NI 43-101, except that it:
  - (a) has not been given authority or recognition by statute, and
  - (b) is not currently required to admit members primarily on the basis of their academic qualifications and experience;
7. Rohtert would be a qualified person, but for the fact that he is not a member of a professional association as defined in NI 43-101; and
8. Rohtert is uniquely capable of acting as the Corporation's qualified person, with respect to coloured gemstone bearing or prospective coloured gemstone bearing properties, as a result of the combination of his academic qualifications and professional work experience, which include:
  - (a) masters degree in geology;
  - (b) graduating from the gemological program at the Gemological Institute of America; and
  - (c) exploration and project assessment experience with coloured gemstones since 1991.

AND WHEREAS under the System, this MRRS Decision Document evidences the decision of each Decision Maker (collectively, the "Decision");

## **2003 BCSECCOM 702**

AND WHEREAS each of the Decision Makers is satisfied that the test contained in the Legislation that provides the Decision Makers with the jurisdiction to make the Decision has been met;

The Decision of the Decision Makers under the Legislation is that the Corporation is exempt from the Membership Qualification Requirement in connection with the technical reports or other information prepared by Rohtert under NI 43-101 provided that:

1. Rohtert otherwise meets the definition of "qualified person" in NI 43-101; and
2. Rohtert only provides services to the Corporation relating to coloured gemstone bearing or prospective coloured gemstone bearing properties.

October 7, 2003

Brenda Leong  
Director