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(no amdt)

ALBERTA REGULATION 109/2009

Coal Conservation Act

AGENT EXEMPTION REGULATION

Definitions

1 In this Regulation,

- (a) “mutual recognition agreement” means a valid and subsisting agreement made between the Board and a regulatory body for the purpose of recognizing substantial regulatory equivalency and enabling reciprocity between Alberta and another jurisdiction;
- (b) “regulatory body” means an entity having lawful authority respecting the regulation of coal mines and related facilities in a jurisdiction other than Alberta.

Exemption from agent requirement

2(1) An individual or a corporation or other organization is exempt from the requirement to appoint an agent under section 33(1) of the Act if, and for so long as, the individual, corporation or organization

- (a) is resident of a jurisdiction and subject to the authority of a regulatory body that is a party to a mutual recognition agreement with the Board,
- (b) is in compliance with all applicable legislation and regulations and all applicable directives, orders and directions of the Board and the regulatory body referred to in clause (a),
- (c) owes no debt to the Board,
- (d) does not, in Alberta or elsewhere, operate a coal mine or a related facility in a manner that, in the opinion of the Board, is unsafe or presents a serious threat to public safety or the environment,

- (e) agrees to attorn to the jurisdiction of Alberta with respect to all matters, obligations and liabilities pertaining to its coal licences, permits and approvals in Alberta, and
 - (f) meets any other condition imposed by the Board for the purpose of exemption from the requirement to appoint an agent.
- (2) For greater certainty, nothing in this section requires the Board to enter into a mutual recognition agreement if the other jurisdiction fails to prove to the satisfaction of the Board that substantial regulatory equivalency exists between Alberta and the other jurisdiction.