**68 Mine record**

(1) A coal mine operator for a coal mine must keep a mine record that includes—

(a) all reports of, and findings and recommendations resulting from inspections, investigations and audits carried out at the mine under this Act; and

(b) all directives issued under this Act to the coal mine operator and the operator’s agents or representatives; and

(c) a record of all remedial actions taken as a result of directives issued under this Act; and

(d) a record of and reports about all serious accidents and high potential incidents that have happened at the mine; and

(e) all other reports or information that may be prescribed under a regulation for this section.

**Part 9 Inspectors and other officers and directives**

**Division 1 Inspectors and inspection officers**

**125 Appointments**

(1) The chief executive must appoint officers or employees of the public service as inspectors or inspection officers.

(2) The chief executive must appoint an inspector to be chief inspector of coal mines.

**126 Qualifications for appointment as inspector**

The chief executive may appoint a person as an inspector only if the chief executive considers the person has appropriate competencies and adequate experience to effectively perform an inspector’s functions under this Act.

**127 Qualifications for appointment as inspection officer**

The chief executive may appoint a person as an inspection officer only if the chief executive considers the person has appropriate competencies, or other adequate experience, to effectively perform an inspection officer’s functions under this Act.

**127A Appointment conditions and limit on powers**

(1) A person who is appointed as an inspector or inspection officer holds office on any conditions stated in—

(a) the person’s instrument of appointment; or

(b) a signed notice given to the person by the chief executive.

(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person’s functions or powers under this Act for the office.

**128 Functions of inspectors and inspection officers**

**Inspectors and inspection officers have the following functions—**

(a) to enforce this Act;

(b) to monitor safety and health performance at coal mines;

(c) to inspect and audit coal mines to assess whether risk to persons is at an acceptable level;

(d) to help persons to achieve the purposes of this Act by providing advice and information on how the purposes are to be achieved;

(e) to check that safety and health management systems and procedures are in place to control risk to persons affected by coal mining operations;

(f) to provide the advice and help that may be required from time to time during emergencies at coal mines that may affect the safety or health of persons;

(g) if unsafe practices or conditions at coal mines are detected, to ensure timely corrective or remedial action is being taken and, if not, require it to be taken;

(h) to investigate serious accidents and high potential incidents at coal mines;

(i) to investigate matters at coal mines that affect the successful management of risk to persons;

(j) to investigate complaints about matters relating to safety or health resulting from coal mining operations.

**129 Further functions of inspectors**

*Inspectors have the following additional functions—*

(a) to advise the chief inspector on safety and health at coal mines;

(b) to make recommendations to the commissioner about prosecutions under this Act.

**Division 5**

**Directives by inspectors, inspection officers and industry safety and health representative**

**Subdivision 1**

**Power to give and way of giving directives**

**161 Directive may be given**

A directive may be given by a person, and for a matter, mentioned in subdivision 2.

**162 How directive is given**

Other than for sections 166, 167 and 170, the directive must be given in writing to the coal mine operator for the coal mine to which the directive relates.

The person giving the directive must give a copy of the directive to the site senior executive for the mine.

Failure to comply with subsection (2) does not affect the validity of the directive.

163 How directive is given for ss 166, 167 and 170

For sections 166, 167 and 170, a directive is to be given in the way stated in the sections.

**Subdivision 2**

**Matters for which directives may be given**

 **164     Directive to ensure coal mine worker competent**

If an inspector believes that a particular task at a coal mine should be performed only by persons with a particular competency, the inspector may give a directive that the task be performed only by a person with the competency.

**165 Directive to carry out test**

If an inspector reasonably suspects a risk from coal mining operations is not at an acceptable level, the inspector may give a directive to carry out stated tests to decide whether the level of risk is at an acceptable level.

**166 Directive to reduce risk**

(1) If an inspector or inspection officer reasonably believes a risk from coal mining operations may reach an unacceptable level, the inspector or officer may give a directive to any person to take stated corrective or preventative action to prevent the risk reaching an unacceptable level.

(2) The directive may be given orally or by notice.

(3) If the directive is given orally, the person giving the directive must confirm the directive by notice to the person in control of the mine or part of the mine affected by the directive and to the relevant site senior executive.

(4) Failure to comply with subsection (3) does not affect the validity of the directive.

**167 Directive to suspend operations for unacceptable level of risk**

(1) If an inspector, inspection officer or industry safety and health representative believes risk from coal mining operations is not at an acceptable level, the inspector, officer or representative may give a directive to any person to suspend operations in all or part of the mine.

(2) The directive may be given orally or by notice.

(3) If the directive is given orally, the person giving the directive must confirm the directive by notice to the person in control of the mine or part of the mine affected by the directive and to the relevant site senior executive.

(4) Failure to comply with subsection (3) does not affect the validity of the directive.

**168 Directive to review safety and health management system and principal hazard management plans**

If an inspector believes the safety and health management system or a principal hazard management plan for a coal mine is ineffective, the inspector may give a directive to review the safety and health management system or the principal hazard management plan and make it effective.

**169 Directive to suspend operations for ineffective safety and health management system**

If an inspector believes there is not an effective safety and health management system for a coal mine or part of a coal mine, the inspector may give a directive suspending operations in all or part of the mine.

**170 Directive to isolate site**

If an inspector believes it is necessary to preserve evidence after a serious accident or high potential incident, the inspector may give a directive to any person to isolate and protect the accident or incident site.

The directive may be given orally or by notice.

If the directive is given orally, the inspector must confirm the directive by notice to the person in control of the mine or part of the mine affected by the directive and to the relevant site senior executive.

Failure to comply with subsection (3) does not affect the validity of the directive.

**171 Directive about separate part of the mine**

This section applies if part of a surface mine taken to be a separate part of a surface mine under section 21(4) is operated in a way so that it is no longer a separate part of a surface mine under section 21(4).

An inspector may give a directive to a person to operate the part of the surface mine so that it is a separate part of a mine under section 21(4).

If the directive is not complied with, an inspector may give a further directive suspending operations in the part of the surface mine.

**172 Directive to provide independent engineering study**

(1) The chief inspector may give a directive to provide an independent engineering study about—

(a) risks arising out of coal mining operations; or

(b) the safety of part or all of any plant, building or structure at the mine; or

(c) a serious accident or high potential incident at the mine.

(2) The directive must state—

(a) the reasons for and objectives of the study; and

(b) that the person who undertakes the study must be a person approved by the chief inspector.

(3) For subsection (2)(b), the chief inspector may approve a person only if the person—

(a) has relevant professional qualifications and experience for the study; and

(b) is not an employee of the coal mine operator for the mine or of a contractor at the mine

**256 Recommendation to prosecute**

(1) The following persons may recommend to the commissioner that there be a prosecution for an offence against this Act—

(a) an inspector;

(b) an industry safety and health representative; (c) a site senior executive.

(2) Subsection (1) does not limit the commissioner’s power to prosecute.