

NSW Mining and Petroleum Competence Board

Charter

[Work Health and Safety \(Mines and Petroleum Sites\) Act 2013](#)

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About the Mining and Petroleum Competence Board

The Mining and Petroleum Competence Board (the Board) is a statutory board that advises the Minister for Natural Resources about safety-critical roles in the NSW mining and petroleum industries on the:

- setting of competence standards
- standards for assessing competence
- requirements for the maintenance of competence.

The Board is established under the *Work, Health and Safety (Mines and Petroleum Sites) Act 2013* (the Act).

The Board comprises people representing the interests of employers and employees, officers of the Department of Primary Industries and Regional Development and advisors with expertise in the development and assessment of competence standards for people performing functions at mines and petroleum sites. The Board has an independent Chairperson.

The Board may make rules about the procedures for its operation that are consistent with the Act and supporting regulations, subject to the direction of the Minister.

Vision

The Board's vision is to improve mine safety by contributing to the development of world leading competence standards in the NSW mining and petroleum industries.

Objectives

The Board aims to ensure the competence of people performing safety critical roles in NSW mining and petroleum operations. It does so as part of an overall strategy to improve mine safety performance by:

- maintaining a strategic focus on significant competence issues
- ensuring processes are in place for:
 - consultation, publication and communication of changes to competence standards
 - identification of and responding to emerging issues.
- liaising with other jurisdictions, with an aim to promote consistency in competence standards.

Terms of reference

The Board advises on the framework for the assessment and maintenance of competence for mining and petroleum extraction in New South Wales.

This includes:

- the development of competence standards
- the assessment and examination process for the issuing of certificates of competence

- requirements for the maintenance of competence
- advice to the minister on matters related to competence requirements.

Membership

The Minister appoints an independent Chairperson and two officers of the Department to the Board. Additionally, determined by the Minister, membership of the Board includes:

- four people to represent the interests of employees
- four people to represent the interests of employers
- two or more people with expertise in the development and assessment of competence of persons performing functions at mines or petroleum sites.

Responsibilities of the chair

The Chair must comply with the board's code of conduct (refer Appendix A) and:

- support the board to perform its functions, acting within its statutory powers, and complying with legal obligations and policies
- facilitate the conduct of meetings, including the preparation of an agenda, to allow frank and open discussion
- facilitate the flow of information to members and stakeholders.
- liaise with the Minister.

Responsibilities of members

Members responsibilities include:

- complying with the board's code of conduct (refer Appendix A)
- listening respectfully to other perspectives
- making a positive contribution to the work of the board
- endeavouring to reach consensus on matters and consider all relevant legislation and policy objectives. If consensus cannot be reached the Chair will communicate the majority view and alternate views.

Members who represent an industry stakeholder are also expected to:

- obtain and communicate the views of the organisations they represent
- act as a conduit between the board and their organisation.

Other key participants

Minister

The board is appointed and authorised by the Minister. It is subject to the direction and control of the Minister.

Secretariat

The Department of Primary Industries and Regional Development provides the secretariat function. The secretariat provides policy, research and administrative functions to support the operation of the board.

Examiners

The examiners are individuals appointed to the examination panels to undertake assessments on behalf of the board. Their primary duty is to undertake the assessment of applicants, via written and oral examinations.

Conduct of meetings

Frequency

The Board must hold a minimum of two meetings each year. The Chair, or the Department of Primary Industries and Regional Development may convene a meeting.

Quorum

The quorum for a meeting is a simple majority and must include at least one departmental, one employee and one employer representative. The Board must not make decisions at a meeting without a quorum. A meeting may take the form of a face-to-face meeting, teleconference, video conference or consensus via electronic means (such as email).

Duties of chair

The Chair shall preside at all Board meetings. The Chair has the same right to raise issues for discussion and contribute to meeting agendas as the other members. In the Chair's absence, the members present will vote for a member to Chair the meeting.

Decision making

The members must endeavour to reach consensus on all matters in providing their advice.

Where consensus cannot be reached the Board will provide advice to the Minister or Department, setting out the majority view and the alternate views, together with an analysis of the advantages and disadvantages of each view.

The Board's decisions must be in the public interest and be able to withstand public scrutiny. Board members must avoid conflicts of interest.

Working groups

The Board may establish special purpose working groups to workshop specific issues and develop papers to inform its formulation of advice. Such working groups may be comprised of sub-groups of the Board, the regulator, parties outside the board with expertise relevant to the issue being considered, or a combination.

Strategic plan

The Board will prepare a three-year strategic plan to identify key focus areas. A supporting work plan outlining how the objectives of the strategic plan will be met will be prepared before the beginning of each new financial year.

The strategic plan underpins the Board's accountability for its key outputs of advice and recommendations on the competencies, assessment and maintenance of competencies for statutory positions.

The Department will publish:

- the Board agenda on the Department's website before each meeting
- approved Board minutes of each meeting
- approved Board annual reports
- approved Board strategic plans.

Risk register

The Board will develop and maintain a risk register. The Board will review the risk register annually at its November meeting or as the Board requests.

Risks can be added to the register on an ad hoc basis during additional business at other meetings as required.

Reporting

The Board must provide an annual report by 31 December each year to the Minister on achievements against its objectives and strategic plan.

Formal relationships with other boards and committees

The Board will establish and maintain a formal relationship with other Australasian boards and committees relevant to competencies of statutory functions in NSW.

Appendix A – Mining and petroleum competence board code of conduct

The members are committed to the standards and principles outlined in this code of conduct (the code). The code is to be updated periodically to take account of changed circumstances or new situations, to maintain its currency and value.

All members are required to understand their duties and responsibilities outlined within this code.

Conflicts of interest

Board members will:

- disclose full and accurate details of potential conflicts of interests that may be relevant to the Board's activities, including positions and pecuniary interests in corporations, partnerships or other businesses.
- comply with applicable management procedures for conflicts of interest.

All Board members are to complete the Member's Declaration and Undertaking form and update it as circumstances change. Identification of conflicts of interest must remain a standard agenda item for each meeting.

Members must also identify any conflicts or possible conflicts or pecuniary interests at each meeting at which the Board is to consider a matter for which a conflict is present or may be present.

The secretariat is to maintain a register of pecuniary declarations and any conflicts declared at meetings are to be noted in the minutes for the meeting.

Should a member have a real or perceived conflict of interest in respect of a matter being considered by the Board, the Board must determine how to manage the conflict of interest and record reasons for that decision.

Confidentiality

Board meeting papers are confidential. Meeting papers are circulated in good faith and Board members must ensure they maintain confidentiality. Except where required by law, members must not disclose or publish confidential Board information (including meeting papers) to non-Board members unless authorised by the Chair. Should there be no Chair, the Department will provide authorisation until a new Chair is appointed.

When the disclosure or publication of confidential Board information is permitted, only the minimum amount of information to achieve the approved purpose is to be disclosed/published.

Personal and professional behaviour

Board members will:

- treat each other, the secretariat and others with whom they deal fairly and consistently, in a non-discriminatory manner and with proper respect, courtesy and sensitivity to their interests, rights, safety and welfare
- use Board meetings as the appropriate forum for discussion of relevant issues

- perform their functions with integrity, impartiality, honesty, conscientiousness and loyalty to the public interest
- exercise due care and diligence in fulfilling the functions of office and exercising the powers attached to that office
- not engage in conduct likely to bring discredit upon the Board or take improper advantage of their position as Board members
- all times, comply with the spirit, as well as the letter, of the law, and with the principles contained in this Code.

Demonstrate leadership and stewardship

Board members will:

- promote and support the application of NSW public sector values as embodied in the *Government Sector Employment Act 2013 No 40*.
- use the resources of the State in a responsible and accountable manner.
- for ways to improve the performance of the Board and promote high standards of administration and governance
- comply with any relevant administrative requirements, policies and decisions of the government of the day in an impartial manner.

Gifts and benefits

Board members must be wary of accepting gifts and benefits as this can place a public official in a position where they feel obligated to act contrary to rules of integrity, impartiality and honesty.

Board members must not accept gifts or benefits that could place them under an actual or perceived financial or moral obligation to other organisations, or to individuals.

Reporting suspected corrupt conduct

Corrupt conduct is the dishonest or partial exercise of public official functions. It may also involve the conduct of non-public officials which adversely affects the honest and impartial exercise of a public official's functions.

Board members will report improper conduct or misconduct which has been, or may be occurring in the workplace and report the details to the relevant people or agency.

Board members are to familiarise themselves with their rights and responsibilities under the *Independent Commission Against Corruption Act 1988* and the *Public Interest Disclosures Act 1994*.