



Mine Safety NSW

Mining and Petroleum Competence Board

Charter



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What is the Mining and Petroleum Competence Board?

The Mining and Petroleum Competence Board (the Board) is a statutory board that advises the Minister of Resources and Energy on the:

- setting of competence standards;
- standards for assessing competence, and;
- requirements for the maintenance of competence.

for safety critical roles in the NSW mining and extractives industries.

It is established under the *Work, Health and Safety (Mines) Act 2013*.

The Board comprises people representing the interests of employers and employees, officers of NSW Department of Industry and advisors with expertise in the development and assessment of competence standards for people performing functions at mines. The Board is chaired by an independent Chairperson.

Vision

To improve mine safety by contributing to the development of world leading competence standards in the NSW mining and extractive industries.

Objectives

The Board aims to ensure the competence of people performing safety critical roles in NSW mining operations, as part of an overall strategy to improve mine safety performance by:

- Maintaining a strategic focus on significant competence issues
- Undertaking consultation with all relevant stakeholders when progressing competence matters
- Ensuring processes are put in place to quickly identify emerging issues and respond accordingly
- Liaising with other jurisdictions, with an aim to promote consistency in competence standards, and
- Ensuring that all key stakeholders have access to consistent and accurate information regarding competence standards.

Terms of reference

The Board advises on the framework for the assessment and maintenance of competence for coal and metalliferous 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, and;
- advice to the Minister on matters related to competence requirements.

Membership

The Board will comprise the independent chairperson (the chair), as well as the following members:

- four employee representatives;
- four employer industry representatives;
- two advisors; and
- two NSW Department of Industry representatives.

Responsibilities of the chair

The chair's responsibilities, with the assistance of the Secretariat, include:

- Supporting the Board to perform its functions, act within its statutory powers, and comply with legal obligations and policies;
- Facilitating the conduct of meetings, including the preparation of an agenda, to allow frank and open discussion;
- Facilitating the flow of information to members and stakeholders;
- Liaising with the relevant ministers and departmental representatives.

Other key participants

Minister for Industry, Resources and Energy

The Board is appointed and authorised by the Minister for Industry, Resources and Energy (the Minister) under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*. It is subject to the direction and control of the Minister.

NSW Department of Industry, Division of Resources & Energy

The Secretary of NSW Department of Industry is the regulator of mine safety in New South Wales.

Secretariat

The secretariat function is provided by NSW Department of Industry. 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

A minimum of two meetings must be held each year. A meeting may be convened by the Chair or by NSW Department of Industry.

Quorum

The quorum for a meeting is a simple majority and must include at least one departmental, one employee and one employer representative. Decisions must not be made 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 meetings of the Board. The chair has the same right to raise issues for discussion and contribute to meeting agendas as the other members.

In the absence of the chair, 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 department by way of the secretariat, setting out the majority view and the alternate views, together with an analysis of the advantages and disadvantages of each view.

Decisions should be made in the light of applicable legislation, the code of conduct, Government policy and board objectives. Decisions and outcomes must be in the public interest and be able to withstand public scrutiny. Conflicts of interest, including personal gain at public expense, must be avoided.

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.

Conduct of members

Code of Conduct

Members of the Board are committed to the standards and principles outlined in the Code of Conduct (the *Code of Conduct for Members of Advisory Committees/Boards, Contractors and Consultants to the NSW Department of Industry, Skills and Regional Development*). The code is designed to attract the highest level of confidence by providing guidelines on expected standards of behaviour.

The code is to be updated periodically to take account of changed circumstances or new situations, to maintain its currency and value.

All members have a responsibility to understand their duties and responsibilities outlined within this code.

Conflicts of interest

All board members must disclose interests, which include positions and pecuniary interests in corporations, partnerships or other businesses that may be relevant to the activities of the Board.

All members must complete a *Conflict of Interest Declaration* form and identification of conflicts of interest must remain a standard agenda item for each meeting.

When an issue arises, which may be either a real or perceived conflict of interest, the member must disclose full and accurate details of the issue to the chair as soon as practicable.

All declarations are to be recorded within a register maintained by the secretariat and noted within the minutes of the meeting.

The Board should make a decision as to how to manage the conflict of interest and record reasons for that decision. A decision may include:

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- Agreeing that the member will not participate in any discussion relating to the interest or issue, not receive any relevant Board papers, or be absent from the meeting room when any discussion or vote is taking place and not vote on the matter;
 - Severing the connection, such as resigning from the position giving rise to the conflict;
 - Resigning from the Board.

Confidentiality

From time to time Board members may be given access to confidential material. These materials are shown in good faith and Board members must ensure that confidentiality is maintained. Documents that are confidential will be marked accordingly.

Strategic Plan

The Board must prepare a five year strategic plan to identify key focus areas. A supporting work plan, which will outline how the objectives of the strategic plan will be met, will be prepared prior to the beginning of each new financial year.

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

Reporting

In addition to other advice, 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 the Mine Safety Advisory Council (MSAC) and the Australasian Mining Competency Advisory Council (AMCAC).

Review

The operation of the Board will be reviewed prior to the end of the first three-year term to assess how the Board has achieved its objectives, and evaluate how effectively it has met its terms of reference. This will allow for any necessary adjustments to be made.