

## EXPRESSION OF INTEREST | INFORMATION PACK

# Appointment as Chairperson of Mining Competence Board

January 2016

## Mining Competence Board

The Mining Competence Board (the board) has been established to improve mine safety performance by ensuring the competence of people performing safety-critical roles in the New South Wales mining industry. The Board's authority derives from Part 8 of the Work Health and Safety (Mines) Act 2013.

The board is subject to the control and direction of the Minister for Resources and Energy, and combines and replaces the previous Coal Competence Board and Metalliferous Mines and Extractive Industries Competence Board.

## Board functions

The functions of the board are set out in the Work Health and Safety (Mines) Act 2013 (see attachment A). The functions of the board are:

- to oversee the development of competence standards for persons exercising functions at a mine that may impact on the health and safety of any person
- to oversee initial and ongoing assessments of the competence of persons exercising any such function
- to advise the Minister on matters related to the competence required of persons to exercise any such function.

The board oversees the assessment of the competence of people performing specified functions through regular written and oral examinations. The assessment process is undertaken by examination panels made up of suitably qualified members from the mining industry and appointed by the NSW Department of Industry. The department provides the administrative resources and management of the examination process. The panels examine certificate of competence candidates and make an assessment of their competence.

Working groups have previously been established by the boards to address issues relating to competence standards, maintenance of competence and the delivery of training related to certificates of competence.

## Chairperson

The chairperson of the board is appointed for a term of up to three years and is not to be an officer of the department and independent. Independence would generally include, but not be limited to, matters such as:

- not currently being engaged in permanent employment by a mining industry employer
- not currently being engaged in permanent employment by a mining industry employee representative group
- not currently being the principal of a registered training organisation that delivers training for pre-requisite qualifications for certificates of competence assessed by the Board.

The chairperson is bound by the Code of Conduct for members of advisory committees/boards, contractors and consultants to the NSW Department of Industry.

The attributes of the chairperson should include;

- A highly developed capacity for analytical and critical thinking.
- Extensive experience in convening meetings at a senior level and leading negotiations between stakeholder groups with diverse perspectives.
- The ability to gain consensus on collaborative approaches accepted by stakeholder.
- The ability to provide high level advice to the Minister on Board outcomes.
- The ability to treat sensitive and confidential information appropriately and ethically.

The NSW Department of Industry is an inclusive workplace which promotes flexible working arrangements. People with a disability, Indigenous Australians, younger people and people from culturally diverse backgrounds are encouraged to apply. See Attachment B – Advertisement for independent chairperson, for more information.

## Members

The board comprises people representing the interests of employers and employees, officers of NSW Department of Industry and independent people with expertise in the development and assessment of competence standards for people performing functions at mines or coal operations. Members can be appointed for terms of up to three years.

## National reform initiatives

Statutory functions for the mining industry and the development of competence standards have been addressed as part of the National Mine Safety Framework. The Standing Council on Energy and Resources (SCER) Subcommittee for Non-Core Mine Safety (New South Wales, Queensland and Western Australian) has agreed to the establishment of a National Competency Advisory Council.

The Australasian Mine Competence Advisory Council (AMCAC) is being established and will agree and provide advice on the competencies and process for positions requiring practising certificates and other positions, and on the maintenance of competencies. AMCAC will recommend adoption of its outcomes by the New South Wales, Queensland and Western Australian Competence Boards.

## Current work program

The board has developed a Strategic Plan to 2020 and has embarked on a number of significant initiatives to address issues relating to competence. These include:

- Develop world leading competence standards for statutory functions.
- Develop a scheme for practising certificates.
- Identify and address emerging issues for statutory functions.
- Develop and implement a collaborative communication strategy.

For further information see the Mining Competence Board web page at:

[www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board](http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board)

## Meetings and commitments

It is anticipated that the board will meet between four and six times per year. Depending on the make-up of the board, meetings may be held in Sydney, the Hunter Valley or other regional mining areas.

Additional commitments may be required for participation in working group meetings. By mutual agreement, members may also represent the board at additional relevant meetings or events.

## Remuneration

The level of remuneration (sitting fee) is subject to ministerial and cabinet approval. Reasonable travel expenses may also be reimbursed.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 2016). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Industry, Skills and Regional Development or the user's independent advisor.

# Attachment A

## Extract from the WHS (Mines) Act 2013

### Division 2 Mining Competence Board

#### 63 Constitution of Mining Competence Board

- (1) There is constituted by this Act a body corporate with the corporate name of the Mining Competence Board.
- (2) The Board represents the Crown.

#### 64 Ministerial control of Board

The Board is subject to the control and direction of the Minister.

#### 65 Membership of Board

- (1) The Board is made up of the following persons appointed by the Minister:
  - (a) the Chairperson of the Board (who is not to be an officer of the Department),
  - (b) such number of persons as the Minister determines, selected in accordance with the regulations, to represent the interests of employers in the mining industry,
  - (c) such number of persons as the Minister determines, selected in accordance with the regulations, to represent the interests of workers in the mining industry,
  - (d) no more than 4 additional persons who have expertise in the development and assessment of competence of persons performing functions at mines,
  - (e) 2 officers of the Department.
- (2) The regulations may make provision for or with respect to the submission of representatives under this section and the appointment of members of the Board.

#### 66 Procedure of Board

- (1) The regulations may make provision for or with respect to the procedure of the Board.
- (2) The Board may make rules about the procedure of the Board that are not inconsistent with this Act or the regulations. Those rules are subject to any direction of the Minister.

#### 67 Functions of Board

- (1) The Board has the following functions:
  - (a) to oversee the development of competence standards for persons exercising functions at a mine that may impact on the health and safety of any person,
  - (b) to undertake initial and ongoing assessments of the competence of persons exercising any such function,
  - (c) to advise the Minister on matters related to the competence required of persons to exercise any such function.
- (2) The Board also has any function conferred or imposed on it by this Act, the regulations or the Minister.
- (3) Without limiting subsection (1), the Board may do any or all of the following for the purpose of carrying out its functions:
  - (a) engage consultants,
  - (b) develop competence standards or cause competence standards to be developed,
  - (c) assess a person's competence, cause a person's competence to be assessed or accept an assessment of a person's competence.

#### 68 Annual report

The Board must, within 6 months after the end of June each year, make an annual report of its activities during the preceding year to the Minister.

# Extracts from the WHS (Mines) Regulation 2014

## Part 11 Mining Competence Board

### 163 Definition

In this Part:

*member* means member of the Board.

### 164 Membership of Board

- (1) Each member of the Board appointed by the Minister to represent the interests of employers in the mining industry is to be selected from persons nominated by:
  - (a) the NSW Minerals Council, or
  - (b) Cement Concrete & Aggregates Australia.
- (2) Each member of the Board appointed by the Minister to represent the interests of workers in the mining industry are to be selected from persons nominated by:
  - (a) the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, or
  - (b) the Australian Workers' Union, Greater New South Wales Branch.
- (3) The Minister may decline to accept the nomination of any candidate.
- (4) If a body referred to in subclause (1) or (2) fails to nominate a candidate within 60 days after being requested to do so by the Minister, or fails to nominate within that period a candidate whose nomination is accepted by the Minister, the Minister may appoint any person whom the Minister considers suitable to represent the interests of the body as a member of the Board, instead of a person nominated by the body.
- (5) A member may be represented at any meeting by a delegate of the member who is taken to have all the functions of the member at the meeting.
- (6) A member may, by instrument in writing, appoint any person to be the member's delegate. However, a member cannot appoint a person whose nomination as a candidate has been declined under subclause (3), unless the member has first obtained the written consent of the Minister.

### 166 Functions of Board

- (1) The Board has the following functions:
  - (a) to advise the regulator on the training, qualifications, experience, knowledge or skills required for the exercise of statutory functions,
  - (b) to advise the regulator on the conduct of assessments, including the nature, type and manner of assessments,
  - (c) to make recommendations to the regulator in relation to conditions that may be imposed on a practising certificate,
  - (d) to ensure, as far as possible, that the competency required under this Regulation in respect of the exercise of a statutory function is consistent with the competency required in other Australian jurisdictions for the exercise of the statutory function,
  - (e) to recommend to the regulator requirements in relation to the maintenance of competency for holders of practising certificates.

- (2) In exercising its functions the Board is to ensure that it exercises them as consistently as is reasonably practicable with bodies exercising similar functions in other Australian jurisdictions and to that end it is:
  - (a) to consult with those bodies, and
  - (b) to take into consideration the effective movement of workers between jurisdictions when making recommendations.
- (3) The Board may consider any one or more of the following when assessing whether a person is competent to exercise a statutory function:
  - (a) the person's qualifications,
  - (b) the person's learning and experience,
  - (c) how the person performs in an exam,
  - (d) the results of any previous assessment of the person.

**167 Committees of Board**

- (1) The Board may establish committees to assist it in the exercise of its functions.
- (2) It does not matter that any or all of the members of a committee are not members of the Board.
- (3) Unless determined otherwise by the Board, the procedure of a committee is to be the same as for the Board.

# Attachment B

## Independent chairperson advertisement



The NSW Department of Industry is an inclusive workplace which promotes flexible working arrangements. People with a disability, Indigenous Australians, younger people and people from culturally diverse backgrounds are encouraged to apply.

### Expression of Interest

## Independent Chairperson of Mining Competence Board

Expressions of Interest are sought from suitably qualified people for consideration for appointment as independent Chairperson of the NSW Mining Competence Board.

The Board's functions are to provide advice to the Minister on matters relating to the competence of people required to perform functions at coal mines, metalliferous mines and quarries related to health and safety, to oversee the development of competence standards and the initial and ongoing assessment of the competence of people performing functions at these mines.

The Board membership comprises a Chairperson, member representative of employers and employees, officers of the NSW Department of Industry and independent members.

The independent Chairperson should be independent of the mining industry stakeholder organisations and Registered Training Organisations that service it. Experience in the mining industry would be beneficial but not required. The attributes of the Chairperson should include;

- a highly developed capacity for analytical and critical thinking;
- extensive experience in convening meetings at a senior level and leading negotiations between stakeholder groups with diverse perspectives;
- the ability to gain consensus on collaborative approaches accepted by stakeholders;
- the ability to provide high level advice to the Minister on Board outcomes;
- the ability to treat sensitive and confidential information appropriately and ethically
- experience in mining education or professional skills development is desirable but not essential.

Information about the role of the Chairperson of the Mining Competence Board is available by contacting John Flint on 02 4931 6636. Enquiries and Expressions of Interest will be treated with the strictest of confidence.

Further information about the Board can be accessed on the NSW Department of Industry website at:

<http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/safety-and-health/about-us/mining-competence-board>

A 2 page expression of interest outlining relevant experience and qualifications that address the above attributes and a short CV should be directed to:

MCB Executive Officer  
NSW Department of Industry – Resources and Energy Governance  
PO Box 344 Hunter Region Mail Centre NSW 2310

Email: [mcb.secretariat@industry.nsw.gov.au](mailto:mcb.secretariat@industry.nsw.gov.au)

**Nominations close at 5pm Friday 26 February 2016**