

August 2017

POSITION PROFILE

New Zealand Mining Board of Examiners

The New Zealand Mining Board of Examiners (the Board) is established by WorkSafe New Zealand to perform statutory functions related to the competency requirements of workers in the extractives industry.

Functions

The Board's functions are set out in Schedule 3, of the Health and Safety at Work Act 2015 (the Act). The functions are:

- to advise WorkSafe on competency requirements for mine workers
- to examine applicants, or have applicants examined for Certificate of Competence
- to issue, renew, cancel and suspend Certificate of Competence and
- to undertake any other functions relating to training and competency requirements for participants in the extractives industry conferred on it by regulations made under the Act.

In addition to the primary functions, under the Board's Terms of Reference it is expected that the Board will:

- establish and maintain an association with its Australian counterparts, working closely to ensure equivalent standards, alignment between New Zealand competencies and their equivalents in Australia, and to progress joint New Zealand/Australian accreditation

- assess the continued professional development that CoC holders need to undertake to maintain their competency and recommend appropriate continued professional development requirements that must be met before a CoC may be renewed
- establish and maintain a close association with MITO or other relevant training organisations that are responsible for carrying out the training and assessment in extractives unit standards and
- through the Chair, advise the Board of WorkSafe of all significant matters arising in relation to the training, competency and certification of workers in the extractives industry and in respect of dealing with the Register of Panel Examiner appointees.

Governance Model

Board members are appointed by WorkSafe.

Clause 29 (4) of Schedule 3, of the Act requires that in making appointments to the Board, WorkSafe must have regard to the need to ensure that the Board has among its members knowledge and experience of:

- mining operations

- health and safety inspections in the mining industry
- mining education
- mining industry training.

The term of every member is up to three years. Members who wish to be reappointed must reapply for membership when their term expires. The terms of members are staggered to ensure that members are due for reappointment at different times. The Chief Inspector, Extractives is the Chair.

Role of Board Members

The Board has a public role, which is of importance to WorkSafe, the mining and extractives industry, and also the public of New Zealand.

The **collective duties** of the Board are to ensure that all decisions of the Board are lawful, fair, and reasonable so they stand up to both judicial and public scrutiny. The Board is responsible for ensuring that:

- all decisions relating to CoCs are made in accordance with the Regulations
- all persons that the Board makes a decision in respect of are granted natural justice
- all applications are considered consistently and take into account all relevant considerations
- all conflicts of interest are declared and recorded and the specified procedure for dealing with conflicts is followed
- all matters considered when making a decision in respect of a person are properly documented and records are securely kept
- personal and official information is dealt with in a manner that is consistent with the Official Information Act 1982 and the Privacy Act 1993
- the panels of examiners are operating in a manner consistent with their intended purpose and functions.

Individual Board Members owe the following duties to the Board of WorkSafe:

- to comply with all relevant legislation
- to act with honesty and integrity
- to act in good faith and not at the expense of WorkSafe or the Board's interests
- to act with reasonable care, diligence and skill and
- to not disclose information that is not already in the public domain.

Each Board Member has an overarching duty to not bring the Board and ultimately WorkSafe (including staff) into disrepute.

Workload and remuneration

The Board meets approximately six times a year. The Board may also meet further to workshop or work on specific issues. The expected time commitment for members is 12-15 days a year for meeting attendance and other business.

Board members are entitled to receive remuneration for services at a rate and of a kind set by the Minister in accordance with the Cabinet fees framework. Board Members are also entitled, in accordance with the fees framework, to be reimbursed for actual and reasonable travelling, meal, and accommodation expenses incurred in carrying out his or her office as a Member.

Knowledge, skills and experience

The Board needs a mix of the following: knowledge and experience in mining; quarrying and/or tunnelling operations; health and safety inspection in the extractive's industry; education and training in the extractive's industry. Members are also expected to have the following competencies:

- sound judgement
- integrity – high ethical standards and integrity in all personal and professional dealings
- accountability – the willingness to remain accountable for Board decisions
- reliability and commitment – the energy, commitment and motivation for the time and contribution necessary to contribute to the effective performance of the Board
- commitment to lifting the health and safety standards in the extractives industry
- understanding of, and experience in effective governance.

Eligibility for membership

Prior to appointment, a prospective appointee must:

- consent in writing
- certify that he or she is not disqualified from being a Member and
- disclose to WorkSafe the nature and extent (including monetary value, if quantifiable) of all interests that the person has at the time, or is likely to have, in matters relating to the Board.

Removal from office and resignation

- WorkSafe may cancel the appointment of a Member.
- A Member may resign from office by giving a signed written notice to WorkSafe.