

January 2017

NEW ZEALAND MINING BOARD OF EXAMINERS

Continuing professional development log verification

Purpose

This policy and process sets out how certificate of competence (CoC) holders' compliance with continuing education (also known as continuing professional development (CPD)) requirements are verified within the five year cycle.

Legislation

Regulation 43 of the Health and Safety at Work (Mining Operations and Quarry Operations) Regulations 2016 (the Regulations) requires that a holder of a CoC 'must comply with the continuing education requirements prescribed under regulation 34(a)(ii) for a holder of that certificate of competence'. In addition, an applicant for renewal of a CoC must satisfy the New Zealand Mining Board of Examiners (the Board) that the applicant has complied with continuing education requirements.

Scope

Given the large numbers of CoC holders,¹ every continuing professional development (CPD) log book cannot be monitored regularly to ensure that CPD requirements have been met. It is the individual holder's responsibility to ensure that CPD requirements are met and log books are filled in appropriately. At the same time the Board needs a way to monitor compliance with requirements throughout the five year cycle of a CoC.

The process to confirm that a CoC holder has met CPD requirements in order to renew a CoC after five years is a separate process.

Verification

Verification activities are the Board's way of measuring compliance with CPD requirements for CoC holders.

The underlying principle in the case of 'verifiable' CPD is that the activity is able to be objectively verified by evidence from a competent source. This applies to 'Formal Learning'. This means that 'Informal Learning' will not be subject to verification.

Verification will focus on confirming whether the recorded activity has actually been undertaken.

In addition, entries will be checked to ensure that they:

- are relevant to the current or future professional development of CoC holders.
- are correctly classified
- have the correct hours attributed to each activity
- cover activities in all four competency areas: operating and safety systems; legislation; emergency management and leadership, including specialist requirements.

Each year five percent of CoC holders will be randomly selected to have their log books verified. If the CoC holder has been selected for verification within the previous three-year period and met the verification process, the holder will not be included in the current verification unless the final five year verification is due. However if the holder was exempted, failed the previous verification or recalled for verification, they will be included.

¹ Estimated to be around 2,000.

Evidence

Means by which formal learning CPD activities can be verified:

- attendance records, meeting minutes, registration forms, or confirmation of registration
- published papers/articles/research work
- certificates
- assessment reports
- Record of Achievement
- statutory declarations
- any other means which is appropriate.

The Process

Verifications will be undertaken annually.

Those selected for verification will have all the contents of their CPD log book verified.

Those selected for verification:

- will be notified by the Board's Chair
- will be provided with a copy of their log book as held by WorkSafe, if WorkSafe holds a copy of the person's log book
- will be given approximately four weeks within which to provide the Board's Secretariat with documented evidence of formal CPD activities and any other information required. The supporting evidence does not need to be the original. Photocopies are acceptable. The Board may ask for further information if it considers this is required.

Verification

The Secretariat will undertake the verification, with the assistance of the Board's log book sub-committee if technical expertise is required.

The Secretariat will provide a report and recommendations to the Board once the verification has been completed.

The Board will decide:

- whether CPD verifications requirements have been met or not met
- actions which need to be put in place
- any consequences.

Requirements met

Those CoC holders who have been verified as meeting all CPD requirements will be contacted by the Board's Chair in writing to confirm their success and that they will not need to undergo verification in the next three years.

Verification will also be undertaken before the renewal of each CoC. This will be undertaken at least six months before the expiry date.

Requirements not met

Those who fail to meet verification requirements will be informed of this, and of the reasons why. Each case will be considered on a case-by-case basis by the Board.

A supportive, educative approach will be taken wherever possible to enable the holder to ensure that the five year period requirements are met. This may, for example, involve regular monitoring and feedback. The Board is also able to cancel or suspend a CoC if it is satisfied that the holder has not complied with CPD requirements. The individual's log book will undergo a formal verification process in the subsequent year (and following years) if considered necessary.

Exemption

An application for an exemption may be made to the Chief Executive of WorkSafe New Zealand. Applications will need to state in detail why an exemption is being requested.

The power to grant such an exemption from CPD requirements lies with WorkSafe, not the Board.² Exemptions for individuals may be granted by the Chief Executive of WorkSafe and will be considered on a case-by-case basis. An applicant for an exemption will need to satisfy WorkSafe that there are sufficient grounds to grant an exemption.

All exemptions will be published on WorkSafe's website and notified in the *New Zealand Gazette*.

False or misleading information

A CoC holder who is found to have supplied false or misleading information in relation to the verification process could have their CoC cancelled or suspended. The Board will consider this on a case by case basis.

The provision of false or misleading information, and the failure to disclose information, will be relevant to the Board's assessment of whether a CoC holder is a fit and proper person. A finding by the Board that a person is not a fit and proper person may result in cancellation of a CoC.

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² Section 220 of the Health and Safety at Work Act 2015 allows WorkSafe to grant exemptions from compliance with any provision of Regulations.