

TERMS OF REFERENCE

NEW ZEALAND MINING BOARD OF EXAMINERS' PANEL OF EXAMINERS

BACKGROUND

1. WorkSafe New Zealand (WorkSafe) is New Zealand's workplace health and safety regulator. It was established as a stand-alone Crown Agency on 16 December 2013 as part of the response to the report of the Royal Commission on the Pike River Coal Mine Tragedy.
2. A new regulatory framework for health and safety in the extractives industry came into force on 16 December 2013, subject to transitional arrangements. The new regulatory framework comprises amendments to the Health and Safety in Employment Act 1992 (the Act), and the Health and Safety in Employment (Mining Operations and Quarrying Operations) Regulations 2013.
3. The New Zealand Mining Board of Examiners (the Board) was established in October 2014 under Section 20D of the Act. Its functions are set out in Appendix 1.
4. New competency requirements for safety-critical roles in mining and quarrying were published in the New Zealand Gazette on 18 December 2014 and came into force on 1 January 2015.

5. The competency requirements require panels of examiners (panels) to examine a CoC applicant who has met all other CoC requirements.

PURPOSE

6. The purpose of the panels is to assess applicants for CoCs by way of oral examination or other examination or both, that the applicant has competence in the subject areas covered by the requirements set for the relevant CoCs.¹
7. Panels will make recommendations to the Board whether applicants have the satisfactory competence to gain a CoC.

FUNCTIONS

8. Panels make recommendations to the Board. The Board is responsible for making decisions on awarding CoCs. Panel members therefore cannot indicate to applicants either what their recommendation will be or indicate whether the applicant has been awarded a CoC.
9. Panel of examiners' members will:
 - Conduct oral examinations based on the subject areas in the CoC requirements.
 - Assess applicants based on assessment guidelines.

¹ The list of CoCs for which an examination is compulsory and for which an examination may be conducted is attached as Appendix 2.

- Rigorously and fairly determine an applicant's knowledge of good practice in the extractives industry.
 - Rigorously and fairly determine an applicant's knowledge of good practice in health, safety and well-being.
 - Participate if required, in setting examination scenarios and questions and in the development of model answers.
 - Provide feedback when required through formal reviews of assessment outcomes.
 - Act with professionalism, integrity and confidentiality.
- Excellent communication and interpersonal skills.
 - Ability to prioritise workload and meet strict deadlines.
 - Understanding of and preferably experience in conducting assessments.
13. A member on the register of panel members may resign by notice in writing to the Chair, New Zealand Mining Board of Examiners.

LENGTH OF APPOINTMENT

14. Appointments will initially be for a period of three years.

MEMBERSHIP

10. Panels members are appointed by the Board. A register of panel members will be kept. A panel member will be appointed to a panel from the register on the basis of which CoC is being examined for and the member's availability.
11. Panels consist of a minimum of three members, including a chair. The chair is appointed by the Board.
12. Panels members must satisfy the Board that they are a fit and proper person to undertake the role² and have:
- Extensive practical industry experience, preferably in more than one of the areas covered by CoCs. (Preference will be given to members who are currently employed as a manager within the extractives industry.)
 - Hold the relevant CoC and preferably a higher qualification.
 - Demonstrate understanding of work, health and safety legislation, codes and guidelines within the New Zealand industry.

PROCESS

15. Panels' procedures and processes are set by the Board. These will be outlined in guidelines which all panel members must use.
16. Secretarial support will be provided by the Board's secretariat.

² Applicants must complete the attached fit and proper person form.

APPENDIX 1

New Zealand Mining Board of Examiners Functions

The functions of the New Zealand Mining Board of Examiners are to:

- > advise WorkSafe on competency requirements for mine workers
- > examine applicants, or have applicants examined for certificates of competence
- > issue, renew, cancel and suspend certificates of competence
- > undertake any other functions relating to training and competency requirements for participants in the extractives industry conferred on it by regulations made under the Health and Safety in Employment Act 1992.

In addition to the primary functions, it is expected that the New Zealand Mining Industry Board of Examiners will:

- > work closely with its Australian counterparts to ensure equivalent standards and to progress joint New Zealand/Australian accreditation.
- > assess the required continued professional development that must be undertaken to ensure holders of certificates of competence maintain their competency. The Board will recommend the appropriate continued professional development required for holders of certificates to be able to have their certificates of competence renewed upon expiry
- > establish and maintain a close association with MITO and other relevant training organisations that are responsible for carrying out the training and assessment in extractives unit standards.

APPENDIX 2

Examinations for Certificates of Competence

CoCs which are subject to a panel of examiners:

- a. site senior executive
- b. first-class mine manager
- c. first-class coal mine manager
- d. A-grade opencast coal mine manager
- e. A-grade quarry manager
- f. A-grade tunnel manager
- g. coal mine deputy
- h. electrical superintendent
- i. mechanical superintendent
- j. ventilation officer
- k. winding engine driver
- l. coal mine interviewer.

CoCs which may be subject to a panel of examiners:

- a. B-grade opencast coal mine manager
- b. B-grade quarry manager
- c. B-grade tunnel manager.