



Association Number A03958 | ABN 64 217 302 489

NATIONAL RAIL INDUSTRY WORKER GOVERNANCE COMMITTEE (NRIWGC)

Charter Agreement

July 2019

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OVERVIEW

The Rail Industry Worker (RIW) Program is a single online competency management system for rail workers in the Australian rail industry, designed to establish a cohesive, national approach to competency management allowing access and portability for rail workers across each of the different state networks.

The RIW Program is owned and endorsed by the ARA on behalf of ARA Members and RIW participants, meets regulatory requirements and complies with each jurisdiction's rail safety law.

The governance arrangements for the RIW program are managed by the National Rail Industry Worker Governance Committee (NRIWGC) in accordance with this Charter. NRIWGC are responsible for the governance arrangements due to their expertise in the Australian rail industry.

The ARA is the contract manager for the implementation of the RIW Program and has entered into an agreement with the RIW Service Provider to deliver the RIW Program in accordance with the guidance provided by the NRIWGC.

PROGRAM VISION

"To continue developing and improving a national system that efficiently manages the competency of rail industry workers to meet legislative obligations and maximise safety to ensure a productive and sustainable future for Australia's rail network."

PURPOSE

The NRIWGC's role is to act as representatives of industry, to govern the RIW Program and provide guidance to the ARA, as program owners, and the RIW Service Provider.

The NRIWGC is expected to:

- Promote national roles to allow more access and portability for rail workers across different State and Territory jurisdictions.
- Provide governance on behalf of industry users with the RIW Program and RIW Service Provider on matters concerning competence, legal, safety and other related issues (including guidance and decisions on where competencies within the RIW Program and the Rail Safety National Law are met).
- Share information to help establish clear priorities for the continued development and implementation of the RIW Program at a national level.
- Determine the business rules for the RIW Program.
- Ensure the vision for the RIW Program aligns with stakeholder interests.
- Drive continuous improvement for the RIW Program, based on industry's expanding needs.

MEMBERSHIP

Members

The NRIWGC is made up of representatives who are responsible for competency management of workers including rail operators, primary contractors and infrastructure organisations. Membership is restricted to organisations that are ARA Members and participate in the RIW Program.

All Rail Operators who participate in the RIW program and that are ARA members are entitled to membership of the NRIWGC. Three contractor representatives are nominated to be members of the NRIWGC by the ARA's Rail Contractors Group every two years (with the most recent appointment having occurred with effect from March 2018).

As at the date of this Charter, the current membership of the NRIWGC is made up of the following organisations:

- Australian Rail Track Corporation (ARTC)
- Department of Planning, Transport and Infrastructure South Australia (DPTI)
- John Holland Group (JHG), who represent Country Rail Network (CRN)
- Metro Trains Melbourne (MTM)
- NSW Trains
- Public Transport Authority Western Australia (PTA WA)
- Queensland Rail (QR)
- NSW Cluster
 - Sydney Metro <position currently vacant>
 - Sydney Trains <position currently vacant>
 - Transport for New South Wales (TfNSW)
- V/Line Corporation (V/Line)
- Three contractor representatives nominated by the Rail Contractors Group (RCG) every two years. One of the three contractor representative must participate in Joint Venture projects. As at the date of this Charter, the current membership of the NRIWGC from the Rail Contractors Group includes:
 - a) Coleman Rail
 - b) McConnell Dowell
 - c) <Contractor rep with JV experience - position currently vacant>

Representatives

Member organisations who are represented on the NRIWGC identify their representatives as the “NRIWGC member representative”.

NRIWGC member representatives represent both their organisation as a user of the RIW Program and the rail industry broadly, to support the fulfilment of the RIW Program vision.

Each NRIWGC member provides:

1. a nominated primary representative who has appropriate decision-making authority and;
2. an alternate support person to represent the NRIWGC member in the absence of the primary representative.

Specialist members, subject matter experts and other industry representatives may be consulted or appointment by the NRIWGC as required from time to time.

There are no ‘term limits’ as to how long a NRIWGC member representative may serve – that is a decision for the appointing NRIWGC member.

Each NRIWGC member representative should have detailed understanding of the: rail industry; Rail Safety National Law; national rail competencies and their networks role requirements. NRIWGC member representatives should have responsibility for competency management of workers in their organisation.

Given the high volume of information considered by the NRIWGC and various demands on NRIWGC member representative schedules, alternates may be used. Alternates must be identified in advance (as set out above), fully briefed, and able to fulfil the duties of the primary NRIWGC member representative and represent the NRIWGC member organisation during decision making when the primary NRIWGC member representative is unavailable. Alternates are expected to be kept up to date on all RIW activities by their primary NRIWGC member representatives and when expected to attend on behalf of a NRIWGC member, must be fully prepared to discuss all agenda items.

If a NRIWGC member representative does not appropriately adhere to the role and responsibility of a NRIWGC member representative, then the NRIWGC could seek a replacement.

If an NRIWGC member representative (whether primary or alternate) wishes to resign from the NRIWGC, they must provide written resignation to the ARA and NRIWGC Chair. It is an obligation on the relevant NRIWGC member to appoint a replacement as soon as is practically possible.

All NRIWGC member representatives (whether primary or alternate) must have authority to bind the appointing NRIWGC member during all decisions and votes of the NRIWGC.

All NRIWGC members must ensure that they have appropriate insurance policies in place to cover any decisions, actions or inactions taken by them or their member representatives as part of the NRIWGC. Each NRIWGC member will take all reasonable steps to obtain insurance.

Chair

The NRIWGC member representatives will, from amongst themselves, appoint:

1. an individual to serve as the NRIWGC Chair; and
2. an individual to serve as the NRIWGC Deputy Chair.

The appointment will be by an ordinary resolution of the NRIWGC member representatives.

The NRIWGC Chair and Deputy Chair will each serve for a period of two years from the date of the appointment. The NRIWGC Chair and Deputy Chair can be re-elected for consecutive periods.

The NRIWGC Chair will preside as chair at every meeting of the NRIWGC. If there is any meeting at which the NRIWGC Chair is not present within fifteen minutes after the nominated commencement time for the meeting (or if they are in attendance but unwilling to act as chair) then the Deputy Chair will preside as chair. If there is any meeting at which the NRIWGC Deputy Chair is not present within fifteen minutes after the nominated commencement time for the meeting (or if they are in attendance but unwilling to act as chair) then the NRIWGC member representatives in attendance will appoint an individual from amongst themselves to serve as chair of that meeting.

The individual serving as chair does not have a second or casting vote in the case of an equality of votes of the NRIWGC.

MEETINGS

The NRIWGC meets face to face at least once every two months and meets via teleconference on an as needs basis. Face to face meetings will consist of a two-day agenda, with one day being dedicated to matrix development and a second to operational activities, which includes a report from the RIW Service Provider.

Meeting Protocols

- **Regularly Scheduled Meetings:** to be held every two months, unless deemed necessary to be held more frequently by the NRIWGC. Dates for future meetings will be determined at the end of each face to face meeting.
- **Special/Extraordinary Meetings:** may be called by the NRIWGC Chair or the ARA, with no less than 48 hours notice and will be conducted via video or teleconference, unless deemed urgent in which case shorter notice may be given.
- **Action / Decision without a Meeting:** for instances when more immediate action or decision is required on individual items such as acceptable evidence, business rule changes, RIW queries etc. the ARA will circulate information requests via email for the NRIWGC to review, comment and vote.
- **Timing:** reasonable turnaround time for review, comment and vote on actions / decisions (where there is no meeting held) is 5 business days, unless deemed urgent or agreed otherwise by the NRIWGC Chair. If queries are not straight forward and NRIWGC member representatives need to consult with organisational subject matter experts, they must advise the ARA and the NRIWGC Chair that extra time

will be needed. NRIWGC member representatives who wish to abstain from voting on specific items must notify ARA at the time of the request. If NRIWGC member representatives do not respond within designated timeframes, they forfeit their right to vote and decisions will be considered against the appropriate decision-making designation.

- **Record keeping:** the ARA will record all decisions made by the NRIWGC through meeting minutes, actions registers, and formal NRIWGC email correspondence.
- **Quorum:** 75% of NRIWGC member representatives is required for all NRIWGC meetings.

Decision Making Designations

Decisions made by the NRIWGC are based on:

- obligations to comply with National Rail Safety Law;
- Network Operators policies and procedures; and
- requirements stipulated by the Australian Skills Quality Authority.

It is acknowledged that some NRIWGC member powers are limited by other machinery of government protocols and controls such as delegations of authority and as such, may need to confirm with others including internal governance committees, decision making bodies, oversight bodies and key individuals before a binding decision can be made at the NRIWGC.

NRIWGC member representative with a declared conflict of interest must abstain from voting where deemed appropriate by the NRIWGC.

DESIGNATION	DESCRIPTION
UNANIMOUS CONSENSUS	When the whole NRIWGC is in agreement and accepts the decision / action in its current draft.
MAJORITY VIEW	When most of the NRIWGC is in agreement and accepts the decision / action in its current draft, but less than half disagree.
MINORITY VIEW	When less than half of the NRIWGC is in agreement and accepts the decision / action in its current draft.
NO CONSENSUS	When there is neither support nor opposition to the decision / action. In such cases the decision / action will be brought to the next face to face meeting for discussion. If the discussion holds urgency, a Special/Extraordinary meeting will be called.

Decision making designations should be determined by the NRIWGC on a case by case basis, but at a minimum:

Unanimous Consensus is required for:

- Service Agreement
- Service Management Plan
- Permission Acceptance Agreement (PAA)
- Privacy Protocol

- the RIW Service Provider’s Privacy Policy
- Permissions User Matrix
- National Roles Matrix
- Business Rules relating to system functionality

Majority Decisions are required for:

- An individual’s evidence of competency that informs a business rule.

Individuals have a right of appeal on decisions affecting their right to work. A case can be reconsidered by NRIWGC with new information. Individuals must notify the ARA of their request for a review of the decision within 10 working days of being notified of the decision. The ARA will then inform the NRIWGC within 3 working days of receipt of the request and provide the additional evidence / information supplied by the individual. The NRIWGC must re-consider the decision at the next face to face meeting. Only one review per case is available.

ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITIES
CHAIR	<ul style="list-style-type: none"> • Nominations and appointment to occur every 2 years. • Fulfil all the responsibilities listed for Representative role • Lead NRIWGC meetings and guide the NRIWGC in accomplishing objectives detailed in this Charter • Must attend all NRIWGC meetings or notify ARA and arrange the Deputy Chair if not available • Represent the NRIWGC in discussions with ARA and the RIW Service Provider
DEPUTY CHAIR	<ul style="list-style-type: none"> • Nomination and appointment to occur every two years in line with Chair selection process. • Undertake the roles and responsibilities of the NRIWGC Chair when unavailable.
MEMBER REPRESENTATIVE	<ul style="list-style-type: none"> • Must participate in all NRIWGC meetings or notify ARA and NRIWGC Chair in advance and make arrangements for their Alternate to attend in their place • Monitor the operations of the RIW Program • Promote the RIW Program to ensure support and awareness • Identify risks and ensure issues are managed for corrective action to be taken, tracked and monitored • Identify areas for improvement and opportunities for national consistency across industry • Engage periodically with stakeholders to understand their needs and business changes etc • Review monthly report on KPIs from RIW Service Provider • Review evidence of competence for rejection or approval • Review matrices • Review national roles (ARA to draft business rules and communications on recommendations from the NRIWGC) • Monitor the activities of any working parties created by the committee to address specific areas • Provide/nominate subject matter expertise when required • Liaise with subject matter experts when required

ALTERNATE MEMBER REPRESENTATIVE	<ul style="list-style-type: none"> • Fulfil the responsibilities listed for Member Representative if the Primary Member Representative is unable to attend • Keep up to date with status of the NRIWGC discussions and decisions
ARA	<ul style="list-style-type: none"> • Manage RIW Program Contract with the RIW Service Provider, and any other related contracts • Overall management of the RIW Program (at the direction of the NRIWGC) • Monitor the operations of the RIW Program • Act as secretariat of the NRIWGC • While not a member of the NRIWGC, the ARA must appoint an individual to attend all NRIWGC meetings (as part of the secretariat role and to answer any questions in respect of the management and operations of the RIW Program) • Communicate and liaise with key stakeholders including RIW participant organisations, Authorised Health Professionals (AHPs), Rail Training Organisation, ONRSR, RISSB, and Government • Maintain core business rules • ARA to periodically review RIW Program website • Provide secretariat support including agenda papers, minutes and an action/status list for each meeting • Draft quarterly ARA Board report on NRIWGC updates
RIW SERVICE PROVIDER REPRESENTATIVE	<ul style="list-style-type: none"> • Not a member of the NRIWGC • Must attend all NRIWGC meetings that they are invited to • Report to the NRIWGC at regular intervals • Report on KPIs • Provide subject matter expert advice on the RIW system • Provide updates on operational activities • Provide periodic reporting as per contractual terms, service management, and any additional requests as agreed by NRIWGC and the RIW Service Provider • Provide feedback from users on the system functionality and future needs • Support continuous improvement

ARA Support Contacts

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REVIEW AND AMENDMENT

The NRIWGC will review the terms of this Charter annually or as the need arises. In the event that a change to the Charter is proposed NRIWGC members will have 10 business days to agree to the change by unanimous consensus. Unless the change is required to be compliant with the law (in which case it will be adopted after the 10 business days have expired), if there is no unanimous consensus then the change will not be adopted.

CONFIDENTIALITY AND PRIVACY

To adhere to the objectives of this Charter, NRIWGC members are expected to share information and collaborate. All information relating to the RIW Program is to be held in strict confidence and to be used only for the purposes of the NRIWGC. Confidential RIW information must not be disclosed to any other party other than the NRIWGC member and NRIWGC member representatives, unless approved otherwise by the NRIWGC (on the recommendation of the ARA and the RIW Service Provider). Disclosure of information to unauthorised parties may lead to the NRIWGC member's input being rejected and/or expulsion from the NRIWGC.

A NRIWGC member or member representative may disclose confidential information to a legal advisor for the purposes of seeking legal advice on their obligations, liability and/or application of the law relevant to the NRIWGC and/or the RIW Program provided that such information is held by their legal advisors in strict confidence.

The NRIWGC and its members sharing information for the purposes of the NRIWGC must not contravene obligations under Privacy Act 1988, the Australian privacy principles as amended from time to time, State and Territory Information Privacy Acts, as well as any personal employment contracts. The following policies apply to the NRIWGC members and member representatives:

- Service Management Plan
- Permissions Acceptance Agreement
- RIW Privacy Protocol
- User Access Permissions

Each NRIWGC member and member representative must execute a Deed Poll (in the form attached to this Charter) to acknowledge and be bound by the terms of this Charter.

LIABILITY

Each NRIWGC member and member representative indemnifies each other NRIWGC member, and the ARA with regard to NRIWGC decisions.

DEED POLL – NRIWGC MEMBERS

This Deed Poll is made on _____ in favour of all members of the National Rail Industry Worker Governance Committee and the Australasian Railway Association.

1. I understand and agree to the terms of the NRIWGC Charter.
2. I acknowledge that I have received copies of the policies that are referred to in "Confidentiality and Privacy" within the NRIWGC Charter and agree to be bound by the terms of those policies.
3. As the NRIWGC Member:
 - a. I have authority to appoint the Primary Member Representative and the Alternate Member Representative; and
 - b. the Primary Member Representative and the Alternate Member Representative have the authority to bind the NRIWGC Member.

NRIWGC Member Organisation

Signature:

Date of Signing (DD/MM/YYYY)

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Primary Member Representative Full Name (Please print):

Alternate Member Representative Full Name (Please print):

The NRIWGC Member wishes to declare the following exceptions or Conflicts of Interest:

DEED POLL – NRIWGC MEMBER REPRESENTATIVES

This Deed Poll is made on _____ in favour of all members of the National Rail Industry Worker Governance Committee and the Australasian Railway Association.

1. I understand and agree to the terms of the NRIWGC Charter.
2. I acknowledge that I have received copies of the policies that are referred to in "Confidentiality and Privacy" within the NRIWGC Charter and agree to be bound by the terms of those policies.

NRIWGC Member Organisation

Member Representative Full Name (Please print):

Primary or Alternate (Please print):

Signature:

Date of Signing (DD/MM/YYYY)

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The Member Representative wishes to declare the following exceptions or Conflicts of Interest: