February 2022

RegTech Award Compliance Strategic Working Group – Charter

Context

Name

RegTech Award Compliance Strategic Working Group ('the Working Group').

Background

The Regulatory Technology (RegTech) roadmap for modern awards was developed following a co design process with key stakeholders in early 2021. It sets out a range of opportunities for the government to consider, which are intended to enable and support innovation and uptake of RegTech solutions that make it easier for business – particularly small business – to comply with their obligations under modern awards and pay staff correctly.

The Government announced funding for the first steps in the RegTech roadmap in the 2021-22 Budget. This includes proactive engagement with the RegTech sector to foster collaboration and co-design to support the objectives of the RegTech roadmap.

The Working Group is a representative advisory group intended to facilitate collaboration between digital service providers (DSPs) and the Attorney-General's Department ('the department') and portfolio agencies, in relation to progressing the department's Regulatory Technology Roadmap for Modern Awards ('the Roadmap').

Terms of Reference

Purpose

The purpose of the Working Group is to support and enable innovation and uptake in technology solutions that assists businesses to better understand and comply with modern awards and the Fair Work Act 2009 (Fair Work Act), in line with the Roadmap. The group will foster a collaborative co-design partnership between government and DSPs on those matters.

This Working Group has the following objectives:

   a. collaborating to ensure that government initiatives arising from the Roadmap, such as the Fair Work Commission's (FWC) Modern Awards Pay Database (MAPD) application programming interface (API) meet the needs of end-users;

   b. helping to inform the development of options for government consideration;

   c. providing a forum for the government Members to keep DSPs aware, informed and engaged with issues and initiatives relating to the Roadmap;

   d. providing a forum for DSPs to express views on the Roadmap with government Members for

consideration;

establishing specialist focus groups (from time to time) to consider and collaborate on agreed initiatives.

Scope

Included Matters

The Working Group will:

a. represent DSPs in relation to technology for compliance with modern awards and the Fair Work Act;

b. provide a representative view of DSPs generally, rather than be a channel for individual or company issues;

c. understand and help manage the government Members' partnership with DSPs at a strategic level;

d. provide a forum for Government members to seek feedback from the DSPs on relevant matters; and

e. develop a clearer picture of the relevant touchpoints across Government for DSP's and identify any gaps, for consideration by the Government.

Excluded Matters

The Working Group will not:

a. represent DSPs in relation to tax or superannuation issues, or any other broader finance-based and whole-of-government applications;

b. technical and architectural design issues that should be referred to specialist focus groups; or

c. be a forum to resolve specific issues with award interpretation and application.

Priorities of Inaugural Group

A work plan will be agreed by members of the working group, and revised at least every 12 months.

Membership

Members

The Working Group must have a minimum of five Members representing DSPs.

Membership is reviewed annually.

Proposed membership:

Position
Assistant Secretary, IR Strategy Branch – co-Chair • The Director, Usability will fulfil the role of Deputy co-Chair and act in the role of co-Chair when the Assistant Secretary is unavailable.
Industry representative – co-Chair • An appropriately senior industry representative will fulfil the role of Deputy co-Chair and act in the role of co-Chair when the substantive co-Chair is unavailable.
Representatives from the Attorney-General's Department
Representatives from the Fair Work Commission
Representatives from the Fair Work Ombudsman
Digital service provider representatives

Appropriate Representation

Membership will be organisation-based, with each individual representing their respective organisation.

Membership of the inaugural group will be by invitation as agreed between the co-Chairs.

Once the group is established, membership will opened to be filled via an Expression of Interest (EOI) process, based on the selection criteria at Appendix B.

Membership will be decided according to expertise, alignment with the Working Group's collaborative purpose, and representation requirements. The Working Group's membership must be as widely representative of DSPs as possible.

The Working Group will have approximately 10-12 Members (along with relevant government members).

The working group may agree to invite representatives from other organisations to attend specific meetings

from time-to-time to provide expert advice on certain matters, or to otherwise foster development and understanding of RegTech solutions.

Term of Appointment

The Working Group is intended to be established as an ongoing forum to support engagement and collaboration between government and DSPs.

Membership will be formally reviewed on an annual basis to ensure the Working Group remains representative of the business software industry as a whole.

Expectations of Members

Members are expected to:

a. have subject matter knowledge, skills and experience related to the purpose and scope of the group;

b. take a cooperative approach to their role, bearing in mind the Working Group's collaborative purpose over any commercial interest;

c. maintain the confidentiality of documents tabled and discussions had within the Working Group;

d. dedicate sufficient time and resources to meet their responsibilities;

e. act with due diligence; and

f. declare any conflicts of interest to the Secretariat.

Appendix A – Definition of Roles

Department Co-Chair

The department co-Chair is responsible for:

    a. Defining and approving the direction of the agenda and progress of the Roadmap, and setting the agenda from the government perspective.

    b. Working closely with the DSPANZ co-Chair.

    c. Ensuring that outcomes are reported to the appropriate stakeholders.

    d. Representing the Working Group in government forums.

    e. Taking appropriate action to organise government contributions and engagement with Working Group Members.

    f. Conducting meetings.

DSPANZ Co-Chair:

The DSPANZ co-Chair is responsible for (in conjunction with the department co-Chair):

    a. Defining and setting the agenda from the perspective of DSPs.

    b. Working closely with the department co-Chair.

    c. Taking appropriate action to organize DSPANZ contributions and engagement.

    d. Representing the Working Group in non-government forums.

    e. Conducting meetings.

Secretariat

Secretariat is provided by the department and is responsible for:

    a. defining and setting the agenda for discussion and forward planning;

    b. administrative and organisational tasks;

    c. distributing papers and documents at least 48 hours prior to meetings;

    d. publishing content as agreed by the co-Chairs on the department's website where appropriate; and

e. ensuring the Work Plan and Meeting Schedule are updated to reflect existing and emerging priorities.

Members

Members are responsible for:

Attending and participating as per Member expectations.

Notifying of substitutions on the original EOI form.

A co-Chair can allow substitutions other than those nominated on the EOI form in exceptional circumstances.

Appendix B – Membership Selection Criteria

Digital Service Provider Representation

Representatives are desired from a wide range of DSPs providing solutions in relation to modern awards.

1. Representatives are desired from a wide range of DSPs providing solutions in relation to modern awards.

2. Representatives should be subject matter experts with relevant skills and experience to provide value to the group.

3. For this Working Group, industry representatives may include (not exclusively):

   a. payroll systems and software (including awards interpretation software);

   b. business accounting (including specialist business management software);

   c. any other software or technology solution to assist businesses or employees in relation to awards;

   d. other industry segments that are approved by the co-Chairs.

4. Representatives are desired from DSPs with different levels of experience in the Australian market e.g. new, well-established, start-ups, and large corporates.