



**The Pilbara Infrastructure Pty.Ltd.**

ACN 103 096 340

## **RAIL ACCESS SEGREGATION MANUAL**


**Document No.: R-MA-RA-0001**

**Revision No.: F**

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|  | Section<br><b>MANUALS</b>    | Title<br><b>RAIL ACCESS SEGREGATION MANUAL</b> |

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## 1 CONTEXT

### 1.1 Purpose

This manual supplements, and is meant to be read in conjunction with, the TPI Rail Access Segregation Arrangements (Document R-PL-RA-0001). It provides personnel involved in Access Related functions information on how Segregation is implemented within TPI. The manual includes the controlled documents described in section 4.3.

### 1.2 Terms and Definitions

**Access** - Means the use of railway infrastructure.

**Access Agreement** - Means an agreement in writing under the Code between TPI and an entity for access by that entity.

**Access Application** - Means an application made in writing under the Code for access.

**Access Holder** - Means an entity who holds access rights under an access agreement.

**Access Seeker** – Means an entity who has submitted an access application.

**Act** – Means the Railways (Access) Act 1998.

**Code** – Means the Railways (Access) Code 2000 established under the Act

**ERA** – Means the Economic Regulation Authority.

**FMG** – Means Fortescue Metals Group Limited.


**Master Control Diagram** – Means a diagrammatic or electronic record covering specific parts of the Network which shows all of the Train Paths on that Network.

**Operator** – Means an entity to which access is provided under an Access Agreement.

**RAMS** – Means the Rail Access Management System comprising secured confidential information associated with track Access such as Access Applications, Access Agreements, Correspondence with Access Seekers, Train Schedules and Audit/Compliance reports.

**Regulator** – Means the person who holds, or is acting in, the office provided for by Part 3 of the Act.

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**Rules** – Means TPI's rules governing safe operation of trains on the railway in accordance with the Safety Management System approved under Section 10 of the Rail Safety Act together with any amendments, deletions or additions made in accordance with the Safety Management System and all policies and notices issued by TPI for the purpose of ensuring the safe use of the railway.

**Segregation Arrangements** – Means the TPI document approved under section 29(1) of the Act which describes how TPI will fulfill its obligations under the Act and Code in relation to Segregation.

**Segregation Awareness Statement** – Means a statement signed by a TPI or FMG employee, director, contractor or consultant to indicate their understanding of the obligations imposed under the Act or Code.


**Segregation Manual** – Means the internal manual (this document) used by TPI to give effect to the Segregation Arrangements.

**TPI** – Means The Pilbara Infrastructure Pty Ltd.

**Train Control Centre (TCC)** – Means the TPI Train Control Centre located in Rivervale, Perth.

**Train Schedule** – Means the schedules of planned train paths, consists, and timetables for all operators on the TPI network.

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### 1.3 TPI Railway Network

The TPI railway is a 256km railway line from the Herb Elliot Port at Port Hedland to the Cloud Break Mine located approximately 120km North of Newman, in the Pilbara region of Western Australia.

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## 1.5 Segregation Objectives and Strategies

TPI's objectives and strategies with regard to Segregation are to ensure:

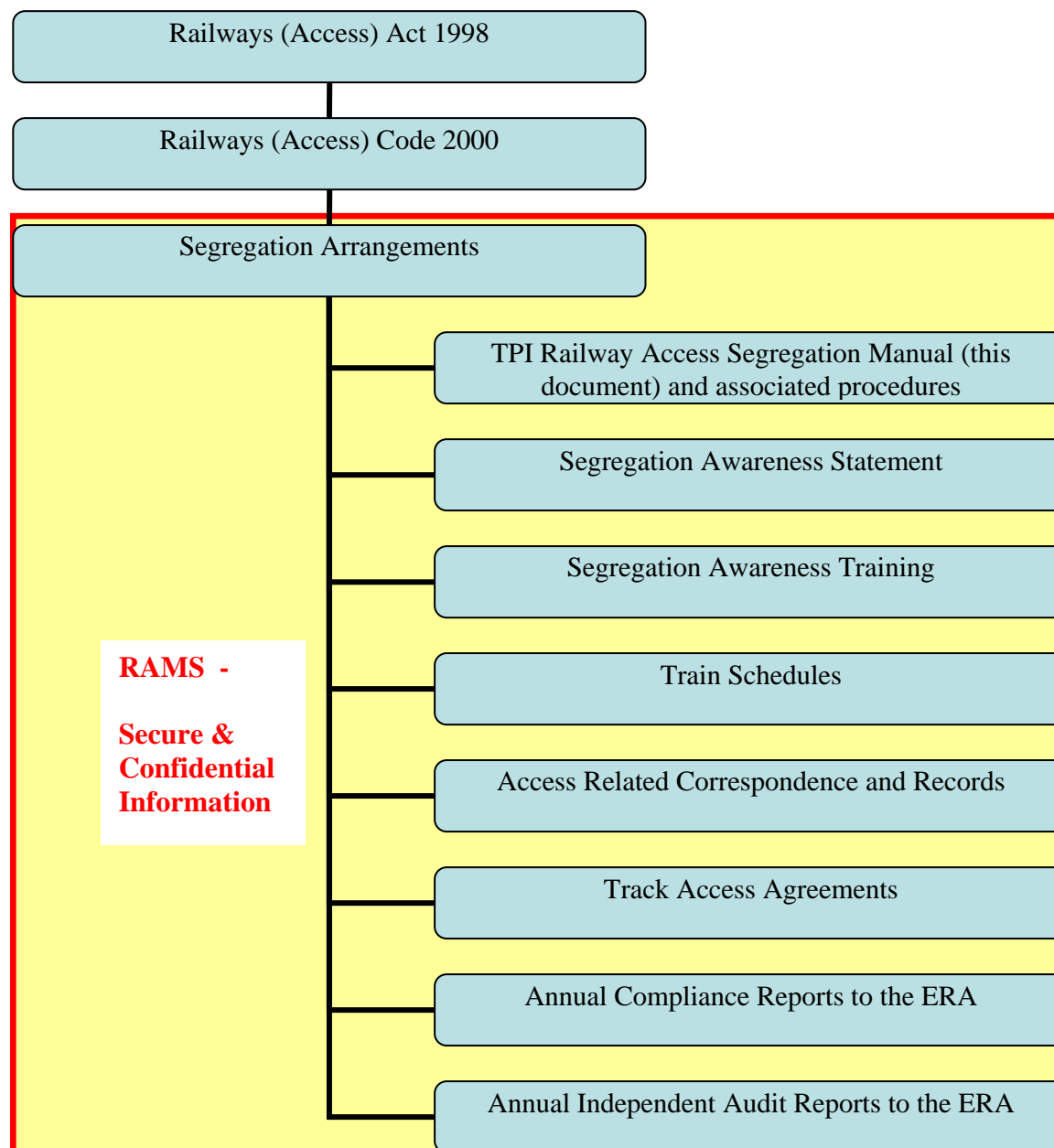
- Compliance with the Act and Code.
- Protection of Confidential Information.
- Avoidance of Conflicts of Interest.
- Duty of Fairness.
- Separate Accounts and Records.
- Understanding of and commitment by TPI or FMG Employees, Directors, Contractors and Consultants of the principles/obligations of the Act and Code.
- Development and maintenance of procedures relating to Segregation.
- Segregation Awareness and training is provided.
- Controls and measures to monitor performance are implemented.
- Compliance Audits are conducted.

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## 1.6 Hierarchy of Documentation

The hierarchy of documents relating to Segregation requirements is as follows:



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## 2 MANAGEMENT OF SEGREGATION ARRANGEMENTS

### 2.1 Overview of Access Related Roles and Locations

Procedure R-PR-RA-0009 describes the Access and non-Access related Roles and Responsibilities of TPI staff in regards to Access related functions outlined in Section 2 of the Segregation Arrangements.

The key Access related roles are:

- General Manager, Rail (referred to as Head of Rail in the Segregation Arrangements)
- Commercial Compliance Officer
- Train Planner
- Maintenance Department roles


Each staff member in an Access related function must undergo Segregation Awareness training and sign a Segregation Awareness Statement.

### 2.2 Location Overview

The following table summarises key locations and types of security used.

| Location                            | Description   |
|-------------------------------------|---|
| Train Control, Rivervale            | The Train Control centre is a purpose built set of rooms in a secure building which is manned 24 hours a day, locked at all times and monitored by a major security firm. The entrance to the facility is via a series of doors which are key-card locked and key-cards are issued only to staff who require entrance to the Train Control facility. Individual areas of the building will be secured from unauthorised access by staff in accordance with TPI's procedures to ensure protection of confidential information. |
| Rowley Yard, Port Hedland           | The Rowley Yard facility is a security patrolled premises with entrance to buildings controlled by Abloy keys which are issued only to staff who require entrance to the buildings. Individual areas of the building will be secured from unauthorised access by staff in accordance with TPI's procedures to ensure protection of confidential information.  |
| FMG Hyatt Centre Office, East Perth | The FMG Hyatt Centre Office is located on the second floor of a secure building which is locked at all times and monitored by a major security firm. The entrance to  |

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|  |   |
|--|---|
|  | the facility is via a series of doors which are key-card locked and key-cards are issued only to staff who require entrance to the office. Individual areas of the building will be secured from unauthorised access by staff in accordance with TPI's procedures to ensure protection of confidential information. |
|--|---|


## 2.3 Types of Confidential Information and Security Arrangements

The following types of confidential information are securely stored. The Commercial Compliance Officer will record who has access to documents and information in the Confidential Information Register.

| Document Type   | Staff Security                         | Physical Security   | Electronic security |
|---|--|---|---------------------|
| Train Schedules   | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Applications for Access<br>Agreements and<br>Preliminary information.             | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Signed Access<br>Agreements   | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Correspondence with<br>Access Seekers   | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Pricing and Financial<br>Information including<br>Invoices and Payments           | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |
| Master Control Diagram,<br>Master Train Plan and<br>Weekly Train Plan             | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |
| Train Graphs  | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |
| Train Manifests and<br>operational reports<br>required under Access<br>Agreements | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |

Refer to "Procedures for protecting confidential information."; document R-PR-RA-0002, "Procedure for provision of information to be given to the TPI or FMG Board / CEO / Senior Management."; document R-PR-RA-0005, "Procedure to ensure the protection of information provided to FMG Finance."; document R-PR-RA-0006.

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## 2.4 Staff Transfers

Consistent with Section 4.3.1 of the Segregation Arrangements, TPI will manage the transfer of staff as part of its actions to protect confidential information and avoid conflict of interest. Restrictions on staff transfers will not apply in the event of emergencies, such as the following:

- Unexpected resignations, temporary or permanent unavailability of senior staff where the vacant position must be filled immediately to ensure safe or productive rail operations; and
- Managing the impact of significant accidents or weather events where such management requires urgent transfer of key senior staff.

Refer to “Use of TPI Staff in an Emergency.”; document R-PR-RA-0003.


## 2.5 Conflicts of Interest

Under Section 3 of the Segregation Arrangements, TPI commits that no person will perform duties concurrently for TPI and FMG in relation to Access related functions. In particular the Commercial Compliance Officer responsible for Access applications and responding to Access Applications and negotiating Access Agreements shall not at the same time perform other duties within TPI or FMG which perform haulage functions or could otherwise affect the operations of Access Seekers.

The following are the main protection control mechanisms which are in place to prevent Conflicts of Interest.

| <b>Protection controls</b>             |
|--|
| Segregation Awareness Statements       |
| Access related procedures              |
| Protection of confidential information |

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## 2.6 Duty of Fairness

The Duty of Fairness reflects an obligation to negotiate for and provide access on a non discriminatory basis. TPI commits to the obligation that, in performing their functions, relevant officers will not have regard to the interests of the railway owner (TPI) in a way that is unfair to persons seeking Access or to other operators.

Fairness extends to determinations made by the Regulator under Part 5 of the Code, including in relation to the following:

| <b>Fairness Area</b>                       | <b>Fairness protection Mechanism</b>  |
|--|---|
| Fairness of prices                         | Section 21(1) of the Code   |
| Fairness of non-price terms and conditions | TPI's Standard Access Agreement allows Access Seekers to test the Duty of Fairness. |
| General                                    | Segregation Awareness Statement   |

## 2.7 Separation of Accounts and Financial Records


TPI will maintain separate accounts, information and financial records which comply with section 6 of the Segregation Arrangements which in turn comply with section 34 of the Act and relevant provisions of the Code.

Access related accounts and financial records will be prepared and processed by FMG's Finance Group.

The following table sets out how the separation of Access related accounts and records is managed within TPI.

| <b>Separation Area</b> | <b>Separation mechanism</b>   |
|------------------------|---|
| Accounts               | Segregation Awareness Statements, Secure storage, and Restricted Access to systems. |
| Financial Records      | Segregation Awareness Statements, Secure storage, and Restricted Access to systems. |

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### 3 COMPLIANCE PLAN

#### 3.1 Breaches and Complaints Management


In accordance with Section 7.3 of the Segregation Arrangements, the following types of behaviour may lead to breaches of compliance and/or complaints.

Each type of behaviour is handled by the corresponding corrective arrangement.

| <b>Type of behaviour</b>               | <b>Corrective Arrangement</b>   |
|--|---|
| Breach of Segregation obligations      | Written Complaint from Access Seeker or other complainant and Internal Investigation by TPI |
| Disclosure of Confidential Information | Written Complaint from Access Seeker or other complainant and Internal Investigation by TPI |
| Unfair discrimination                  | Written Complaint from Access Seeker or other complainant and Internal Investigation by TPI |
| Conflict of Interest                   | Written Complaint from Access Seeker or other complainant and Internal Investigation by TPI |
| Breach of Security                     | Written Complaint from Access Seeker or other complainant and Internal Investigation by TPI |

Refer to “Procedure for handling complaints and breaches.”; document R-PR-RA-0008

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### 3.2 Annual Audit and Report

In accordance with section 7.2 of the Segregation Arrangements, the annual Audit will audit the following areas:

| <b>Audit area</b>                     | <b>Audited by</b>         | <b>When</b> |
|---------------------------------------|---------------------------|-------------|
| Access related financial Accounts     | Independent external body | Annually    |
| Non-Financial Segregation Obligations | Independent external body | Annually    |

TPI will provide an Annual Report to the Regulator on the results of these external compliance audits, including all instances of non-compliance and rectification strategies. The report will be made public.

### 3.3 Key Performance Indicators

TPI commits to reporting the following Key Performance Indicators to the Regulator to assist in assessing the effectiveness of the Segregation Arrangements.


| <b>KPI</b>  | <b>Target</b> |
|---|---------------|
| Number of breaches or complaints referred by TPI to the Regulator.                          | nil           |
| Number of potential breaches or complaints referred by Access Seekers to the Regulator.     | nil           |
| Number of substantiated breaches or complaints referred by Access Seekers to the Regulator. | nil           |

## 4 SUPPORTING DOCUMENTATION AND FORMS

### 4.1 Segregation Awareness Statement

The following Segregation Awareness Statement shall be signed by personnel engaged in Access Related Functions.

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### SEGREGATION AWARENESS STATEMENT

1. As required in Section 31 of the Railway (Access) Act 1998, this statement provides for the person who is signatory to this agreement to maintain confidentiality and not to disclose to persons or organisations outside of the TPI organisation, any “confidential information” on rail Access related functions.

“Confidential Information” as defined in Section 31 Clause (2) of the Act means information that has not been made public and that:

- (a) is by its nature confidential;
- (b) was specified to be confidential by the person who supplied it; or
- (c) is known by the person using or disclosing it to be confidential

2. For the purposes of this statement, confidential information also includes any written, verbal or electronic information relating to Access applications, Access negotiations, Access agreements, correspondence on Access, Access invoices and payments and train planning functions dealing with pathways and train consists.

3. The signatory to this statement also commits to complying with the Act as it applies to Access related functions with respect to Section 28 – Duty to Segregate, Section 31 – Protection of Confidential Information, Section 32 – Avoidance of Conflict of Interest, Section 33 – Duty of Fairness and Section 34 – Maintenance of Separate Accounts and Records.

4. The signatory must not use any Confidential Information for his or her own advantage or act in any manner which could cause regulatory non-compliance to The Pilbara Infrastructure Pty Ltd.

5. The signatory must immediately upon demand, deliver to TPI all material including documents, papers, plans, drawings, tapes, disks, computer files or any other medium for storing or recording information, comprising any Confidential Information, including all copies thereof.

### AGREEMENT


In signing this statement, I hereby agree to maintain confidentiality and not to disclose confidential information as specified in Section 2.3 of this Segregation Manual. I further understand that I cannot breach the requirements and obligations specified in the Railway (Access) Act 1998 and the Railway (Access) Code 2000.

NAME..... POSITION.....

SIGNATURE ..... DATE.....

WITNESS NAME..... WITNESS SIGNATURE.....

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## 4.2 Confidential Information Register

| Confidential Information Register  |         |       |                      |         |           |
|--|---------|-------|----------------------|---------|-----------|
| <p>This register has been prepared as part of TPI's obligations under the Railways (Access) Act 1998, in particular, the segregation arrangements approved under S29 of that Act. The provision of confidential information, as defined in the Segregation Arrangements, to any TPI and FMG staff, management, directors, contractors and consultants, must be recorded in this register. Recipients must sign the register to acknowledge both receipt of this information and their acceptance of appropriate obligations under the above Act.</p> |         |       |                      |         |           |
| Date   | Officer | Title | Information provided | Purpose | Signature |
|  |         |       |                      |         |           |
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## 4.3 Associated Controlled Documents

This manual has the following controlled documents associated with it.

| Document Name   | Document Number |
|---|-----------------|
| Procedures for protecting confidential information.   | R-PR-RA-0002    |
| Use of TPI Staff in an Emergency.   | R-PR-RA-0003    |
| Procedure for preparation by Operators of amendments to daily or weekly plans for variable services.  | R-PR-RA-0004    |
| Procedure for provision of information to be given to the TPI or FMG Board / CEO / Senior Management. | R-PR-RA-0005    |
| Procedure to ensure the protection of information provided to FMG Finance.                            | R-PR-RA-0006    |
| Procedure for handling complaints and breaches.   | R-PR-RA-0008    |
| TPI Roles and Responsibilities  | R-PR-RA-0009    |

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**RAIL ACCESS – PROTECTING CONFIDENTIAL INFORMATION**


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## 1 PURPOSE

This document describes how confidential information is identified, stored, accessed and protected.

## 2 SCOPE

Applies to any information defined as confidential under the Segregation Arrangements.

## 3 REFERENCES

Segregation Arrangements – R-PL-RA-0001

Segregation Manual – R-MA-RA-0001

## 4 DEFINITIONS

**Access Agreement** - Means an agreement in writing under the Code between TPI and an entity for access by that entity.

**Access Application** - Means an application made in writing under the Code for access.

**Access Holder** - Means an entity who holds access rights under an access agreement.

**Access Seeker** – Means an entity who has submitted an access application.

**Act** – Means the Railways (Access) Act 1998.


**Code** – Means the Railways (Access) Code 2000 established under the Act

**Confidential Information** – As defined in section 5.1 below.

**Stage 1** - Applies from the commencement of TPI's railway operations.

**Stage 2** - Applies to the operational phase of access by third parties. It will commence after the signing of the first Access Agreement and no later than six months before the scheduled commencement of operations by the first Access Holder.

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## 5 PROTECTION OF CONFIDENTIAL INFORMATION

### 5.1 Definition of Confidential Information

#### **Stage 1**

In Stage 1, confidential information includes only information disclosed as part of an Access Application or access negotiation. It covers confidential information disclosed under an Access Agreement for the 6 month period between when an Access Agreement is signed and Stage 2 comes into effect.

Examples of Stage 1 confidential information include:

- an Access Application and provision of preliminary information by an Access Seeker;
- correspondence related to the negotiation of the Access Agreement;

Access-related confidential information received in Stage 1 may only be used for the purpose of:

- responding to an Access Application;
- negotiating an Access Agreement; or
- as specifically authorised by an Access Seeker.

Requests for Access and the access negotiation process is managed by TPI's Commercial/Compliance Officer.


For enquiries contact – Bob Pemberton – 6218 8888

#### **Stage 2**

In Stage 2, confidential information includes, in addition to the Stage 1 confidential information, confidential information disclosed as part of the operation of an Access Agreement.

Examples of Stage 2 confidential information include:

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- the Access Agreement itself and information exchanged in the management of the Access Agreement over time;
- train scheduling/planning data, to the extent it identifies specific haulage operations, including Master Train Control Diagrams and Completed Train Control Diagrams, Weekly and Daily Train Plans and voice logging tapes from train control;
- plans, correspondence and negotiations relating to any expansion of access rights to allow an increase in third party traffic;
- any data related to operations under an Access Agreement including the data held in TPI's Rail Access Management System; and
- billing information.

In addition to the purposes outlined under Stage 1, access-related confidential information may only be used for the purpose of administering an Access Agreement.

## 5.2 Confidential Information Flows


### ***Stage 1***

TPI's Commercial/Compliance Officer is responsible for the handling of confidential information. An Access Seeker's confidential information will only be disclosed for the purpose of and to the extent necessary to progress an Access Application or respond to an Access Seeker's request.

All staff managing or conducting access-related functions must undertake segregation awareness training and sign a Segregation Awareness Statement, so that they are aware of and understand TPI's segregation obligations under the Act and the Code, and specifically the need to protect confidential information as defined in the Code.

In assessing an Access Application, TPI's Commercial/Compliance Officer may disclose the Access Seeker's confidential information to the train control and track managers, provided that disclosure to each recipient is limited to the sole purpose of negotiating an Access Agreement. Such disclosure is necessary in order to determine whether there is sufficient capacity available for the requested train services, evaluate operational requirements, timelines, train configurations, accreditations, wheel profiles and other rolling stock technical details. The

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Commercial/Compliance Officer is the sole custodian of confidential information during Stage 1. Access to confidential information by other TPI staff must not occur, other than as described above and to line management for approval purposes.

In the event that an officer from train control or track becomes aware of confidential information through this process, that officer shall sign a Segregation Awareness Statement and specifically acknowledge the confidential nature of the information disclosed to it for the purposes of progressing an Access Application.

TPI's Commercial/Compliance Officer maintains a register of those staff, including external contractors/consultants, to who confidential information of a third party Access Seeker is disclosed. The register acknowledges receipt of the confidential information by the recipient. A third party Access Seeker may view these registers relating to disclosure of its confidential information.

TPI provides management reports to both its own Board, the General Manager Rail, and to the FMG Director Operations, CEO and Board members. Use and disclosure of any access seeker confidential information revealed through this reporting is in accordance with the segregation arrangements, including direct reporting to the relevant senior executive only.


These management reports provide financial details at aggregate company level for TPI and do not identify individual access customers, and reports on other operational and strategic issues. They also include statistics on overall network usage, and safety performance.

Typical reports include:

- operational matters related to the performance of the network and the maintenance work being carried out;
- seeking approval for or reporting progress on capital works;
- reports on significant incidents;
- contracts, including access agreements, that have been entered into but only at broad detail level without disclosure of full terms and conditions; and
- monthly financial reports and commentary at aggregate levels.

When TPI is presenting reports to TPI or FMG management, directors and boards in which confidential information is to be presented, procedure R-PR-RA-0005 shall be complied with to ensure that:

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- The confidential information presented is clearly identified; and
- Recipients of the information have signed a Segregation Awareness Statement.

Where there is a need for TPI to brief the senior management of TPI or FMG outside of structured meetings and those briefings are likely to result in the disclosure of confidential information, particularly related to the identity of the access seeker, TPI shall ensure that:

- The confidential information presented is clearly identified; and
- TPI or FMG management members have signed Segregation Awareness Statements.
- Procedure R-PR-RA-0005 applies.

All TPI or FMG management and directors provided with confidential information must be recorded on the register. The register records both names and position titles for each person.

## Stage 2


As in Stage 1, TPI staff responsible for negotiating access must only disclose Access Seeker or Access Holder confidential information for the purpose and to the extent necessary to progress an Access Application, respond to a request from a Access Seeker, negotiate an Access Agreement or administer an Access Agreement.

Similar to Stage 1, TPI requires all of its staff managing or conducting access-related functions to sign a Segregation Awareness Statement, to the effect that they are aware of and understand TPI's segregation obligations under the Act and the Code, and specifically need to protect confidential information as defined in the Code.

The Stage 1 obligation for TPI's Commercial/Compliance Officer to maintain a register of those staff, including external contractors/consultants, to whom confidential information is disclosed, also applies in Stage 2 but extends to include disclosure of Access Holder confidential information.

That is, the disclosure by TPI of Access Holders' confidential information in the course of the operation/administration of an Access Agreement must be recorded on the register. The register acknowledges receipt of the confidential information by the recipient and confirms the recipient's awareness of the confidential nature of the

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information through the acknowledgement of the Segregation Awareness Statement by the recipient. An Access Holder may view these registers relating to disclosure of its confidential information.

Custody of confidential information is the responsibility of multiple staff members within TPI and FMG including the Commercial Compliance Officer, train control and track maintenance staff.

Similar to Stage 1, the use and disclosure of Access Holder confidential information by TPI as part of management reports to both its own Board and to the General Manager, Rail, and to the FMG Director Operations, CEO and Board members is in accordance with these segregation arrangements. The Commercial Compliance Officer maintains a distribution list for such information that is strictly limited to the small number of FMG's senior executives and Board members identified as being necessary to disclose Access Seeker confidential information for the purpose of managing an Access Agreement.


### 5.3 Location of TPI Premises where Confidential Information is stored

The following table summarises key locations and types of security used.

| Location                            | Description  |
|-------------------------------------|--|
| Train Control, Rivervale            | The Train Control centre is a purpose built set of rooms in a secure building which is manned 24 hours a day, locked at all times and monitored by a major security firm. The entrance to the facility is via a series of doors which are key-card locked and key-cards are issued only to staff who require entrance to the Train Control facility. Confidential information is securely stored in lockable storage. The facility is locked when not in use. Individual areas of the building will be secured from unauthorised access by staff in accordance with TPI's procedures to ensure protection of confidential information. |
| Rowley Yard, Port Hedland           | The Rowley Yard facility is a security patrolled premises with entrance to buildings controlled by Abloy keys which are issued only to staff who require entrance to the buildings. Confidential information is securely stored in lockable storage. The facility is locked when not in use. Individual areas of the building will be secured from unauthorised access by staff in accordance with TPI's procedures to ensure protection of confidential information.  |
| FMG Hyatt Centre Office, East Perth | The FMG Hyatt Centre Office is located on the second   |

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|  | <p>floor of a secure building which is locked at all times and monitored by a major security firm. The entrance to the facility is via a series of doors which are key-card locked and key-cards are issued only to staff who require entrance to the office. Confidential information is securely stored in lockable storage. The facility is locked when not in use. Individual areas of the building will be secured from unauthorised access by staff in accordance with TPI's procedures to ensure protection of confidential information.</p> |
|--|---|

#### 5.4 Types of Confidential Information and Security Arrangements

The following types of confidential information must be securely stored. The Commercial Compliance Officer records who has access to documents and information in the Confidential Information Register.

| Document Type   | Staff Security                         | Physical Security   | Electronic security |
|---|--|---|---------------------|
| Train Schedules   | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Applications for<br>Access Agreements<br>and Preliminary<br>information.          | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Signed Access<br>Agreements   | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Correspondence with<br>Access Seekers   | Segregation<br>Awareness<br>Statements | Swipe Card to<br>premises and locked<br>hardcopy storage. | Restricted access   |
| Pricing and Financial<br>Information including<br>Invoices and Payments.          | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |
| Master Control Diagram,<br>Master Train Plan, Daily<br>and Weekly Train Plans     | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |
| Train Graphs  | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |
| Train Manifests and<br>operational reports<br>required under Access<br>Agreements | Segregation<br>Awareness<br>Statements | Swipe Card to<br>hardcopy premises<br>and locked storage. | Restricted access   |

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## 5.5 Hardcopy Access

### Stage 1

Any written or electronic confidential information received by the Commercial/Compliance Officer in performing access-related functions must be kept on TPI files within the TPI premises listed above.

These files must only be accessible to the Commercial/Compliance Officer who will control access of other TPI staff for the purpose of processing an Access Application, or negotiating an Access Agreement.

The Commercial/Compliance Officer must also:

- keep a record of staff that have accessed an Access Seeker's confidential information and the purpose for which the information was used; and
- ensure relevant officers accessing Access Seeker's confidential information sign-in and sign-out confidential information each time it is utilised.

TPI may be required to disclose data, including confidential data, in relation to the following matters:

- the requirements of section 7(1)(b)(i) of the Code; or
- other legislative requirements, such as the *Rail Safety Act*.

In disclosing any confidential data for these reasons, TPI must protect the confidential basis of the source data.


### Stage 2

Stage 1 obligations also apply in Stage 2, however, are extended to cover Access Holder confidential information as well as Access Seeker confidential information.

TPI staff involved in the access related functions listed in Section 2 are located at three locations, as below. The respective staff responsibilities for specific components of the access related functions during Stage 2 are listed below.

- Train Control Centre at 97 Great Eastern Highway, Rivervale ("Train Control Centre"), responsible for:


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- Management of Access Agreements; and
- Regulatory compliance (partly).
- Rowley Marshalling Yard and office, 20 km south of Port Hedland (“Rowley Yard”), responsible for:
  - Negotiation of access agreements;
  - Regulatory compliance (partly);
  - Infrastructure maintenance;
  - Capacity management; and
  - Interface emergencies.
- FMG Head Office at the Hyatt Centre, 87 Adelaide Terrace, East Perth (“Hyatt Centre”), responsible for:
  - Regulatory compliance (partly) and;
  - Corporate services.

All information must be stored in a secured compactus or similar facility at each site, with respective storage areas referred to as “access management areas”. Such areas must be locked when not attended by TPI staff. The Train Control Centre must be secured with entry controlled by TPI. Entry to the access management areas is only available to staff who have signed TPI’s Segregation Awareness Statement, and who are approved by TPI’s General Manager, Rail.

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## 5.6 Electronic Access

### ***Stage 1***

TPI shares an IT network with FMG. To ensure Access Seeker's confidential information is only accessed by the Commercial/Compliance Officer for the purpose of negotiating an Access Agreement, access to confidential information held electronically is subject to limited access, with password protection and other computer security controls in place to prevent unauthorised access.


The access of users across TPI/FMG's computer network must be restricted to immediate functional areas and related areas. User ID's, passwords and access to any given part of the network are allocated by line managers at the commencement of the staff member's employment. Access to areas of the network that apply to access related functions are automatically restricted to all staff, unless authorisation is given by the General Manager, Rail. All such authorisations are recorded in the register and authorised staff are required to sign the Segregation Awareness Statement.

### ***Stage 2***

A shared IT network between TPI and FMG also applies in Stage 2. Under Stage 2, Access Holder's confidential information is only accessed by the Commercial/Compliance Officer (or other staff in the TPI Network group responsible for negotiating access) for the purpose of either negotiating or administering an access agreement. The same limitations on access described in Stage 1, in terms of security measures apply.

Over the course of an access agreement, TPI may also collect potentially confidential information in relation to an Access Holder's haulage operations, including number and size of trains and tonnages carried. This information is stored in an operations management system. Access to this information is password protected and limited to relevant TPI staff. The Commercial/Compliance Officer, in liaison with the General Manager, Rail, must authorise all access to third party's confidential data held in the operations management system and may only grant access to persons who have signed Segregation Awareness Statements.

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## 5.7 Staff Issues

Effective segregation arrangements require policies and procedures to be in place to address the movement of staff with access to confidential information. This shall apply to internal staff transfers as well as the use of external contractors/consultants.

### Transfers

#### *Stage 1*

Under Stage 1, the Commercial/Compliance Officer is solely responsible for access negotiations. This officer must not undertake duties in other areas of TPI/FMG which place the officer in a position of conflict of interest. As such, the Commercial/Compliance Officer is not be permitted to work on matters for other areas of TPI/FMG, either on a temporary or permanent basis, in respect of which they have had access to Access Seeker's confidential information or the activities of the area could affect the Access Seeker's operations. In the case of a permanent transfer, this limitation would apply for a period of 3 months.


#### *Stage 2*

Under Stage 2, there may be more staff potentially with access to confidential information of Access Seekers and Access Holders (ie. train control and track staff other than the Commercial/Compliance Officer). All such staff shall be signatories of the Segregation Awareness Statement. Further, under Stage 2 there is a requirement that a staff member (at Manager level or senior) who transfers from the below rail area of the business to other areas of TPI/FMG on either a temporary or a permanent basis are not permitted to work on matters in respect of which they have had access to Access Seeker/Holder's confidential information or the activities of the area could affect the Access Seeker/Holder's operations. In the case of a permanent transfer, this limitation applies for a period of 12 months.

The limitations in this section do not apply under emergency circumstances. If TPI believes there is an emergency and cannot obtain staff other than from its above rail team, then it may use such staff in these positions after it advises the Regulator of:

- The circumstances giving rise to the emergency;

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- The expected duration of the emergency; and
- The steps TPI will take to protect against a conflict of interest in these circumstances including those people who are proposed to be used signing a Segregation Awareness Statement.

Refer to procedure R-PR-RA-0003

## Consultants

From time to time in the course of access negotiations or in the duration of an Access Agreement it may be necessary for TPI to disclose confidential information to its external consultants and advisers. Where it is necessary for TPI to disclose confidential information to a consultant, the consultant is required to sign TPI's Segregation Awareness Statement. The following obligations apply in these circumstances.

### **Stage 1**


Consultants must be managed such that they are not in a position to disclose access seeker confidential information inappropriately. This must include an obligation to only use such information for the purpose for which it was provided and to not disclose it to other areas of TPI/FMG. Additionally, access seekers consent must be obtained prior to such disclosure.

Consultants who work for the company for a specified period of time must be included as a staff member for the purpose of the segregation arrangements.

### **Stage 2**

The same obligations as in Stage 1 apply, but they also apply to information disclosed during the operation of an Access Agreement.

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## 5.8 Documentation

### Segregation Awareness Statement

#### **Stage 1**

Where an employee, or contractor/consultant, of TPI has prescribed duties which include managing or conducting access-related, TPI must, at the time of their permanent or temporary appointment, require the employee to sign a Segregation Awareness Statement that they are aware of their responsibilities and obligations under the Act and the Code and specifically as it relates to confidential information as defined in the Act and the Code and in these segregation arrangements.

#### **Stage 2**

Stage 1 obligations also apply in Stage 2.

### Advice regarding confidentiality

#### **Stage 1**

TPI must inform Access Seekers at the onset of negotiations (whether inside or outside of the Code) of their rights to confidentiality.

If negotiations have commenced outside the Code and an Access Seeker subsequently makes an Access Application under the Code, TPI and the Access Seeker must agree on what information previously supplied by the Access Seeker is subject to the confidentiality provisions of these segregation arrangements.

#### **Stage 2**

TPI must inform Access Holders (whether negotiated inside or outside of the Code) of their rights to confidentiality in the administration of the agreement upon commencement of the Stage 2 arrangements.

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**RAIL ACCESS – USE OF TPI STAFF IN AN EMERGENCY**

**Document No.:** R-PR-RA-0003


**Revision No.:** A

**Issue Date:** 11<sup>th</sup> May 2009

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|  | <b>TPI RAIL ACCESS<br/>MANAGEMENT SYSTEM</b> | Document Number<br><b>R-PR-RA-0003</b>                             |
|   | Section<br><b>PROCEDURES</b>                 | Title<br><b>RAIL ACCESS – USE OF TPI STAFF IN AN<br/>EMERGENCY</b> |

## 1 PURPOSE

This document describes how and when TPI Staff may undertake other duties in an emergency, taking into account its obligations under the Railways (Access) Act 1998 and the approved Segregation Arrangements.

## 2 SCOPE

Applies to all transfers of Senior staff in an emergency situation.

## 3 REFERENCES

Segregation Arrangements – R-PL-RA-0001

Segregation Manual – R-MA-RA-0001

## 4 DEFINITIONS

**Access Agreement** - Means an agreement in writing under the Code between TPI and an entity for access by that entity.

**Access Application** - Means an application made in writing under the Code for access.

**Access Holder** - Means an entity who holds access rights under an access agreement.


**Access Seeker** – Means an entity who has submitted an access application.

**Emergency** – means any event of temporary duration where TPI believes it requires TPI staff to attend and assist. Examples are:

- Staff Absences including Sick Leave, Injury, incapacitation.
- A Safety or Operational Incident. Under the Rail Safety Management System, TPI are required to utilise TPI staff to attend to, and investigate safety incidents.

**Junior Staff** – means staff in roles below Manager level, such as Superintendent, Supervisor or Operator.

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**Senior Staff** – means staff at Manager level or above, and includes the Commercial Compliance Officer

**Stage 1** - Applies from the commencement of TPI's railway operations.

**Stage 2** - Applies to the operational phase of access by third parties. It will commence after the signing of the first Access Agreement and no later than six months before the scheduled commencement of operations by the first Access Holder.

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## 5 STAFF TRANSFERS IN EMERGENCY SITUATIONS

### 5.1 Overview of Staff Transfer situations, other than in an emergency

#### **Stage 1**

Under Stage 1, the Commercial/Compliance Officer is responsible for access negotiations and manages the handling of confidential information across TPI during negotiations with Access Seekers. This officer will not undertake duties in other areas of TPI/FMG which place the officer in a position of conflict of interest. As such, the Commercial/Compliance Officer will not work on matters for other areas of TPI/FMG, either on a temporary or permanent basis, in respect of which they have had access to Access Seeker's confidential information or the activities of the area could affect the Access Seeker's operations. In the case of a permanent transfer, the limitation will apply for a period of 3 months.


#### **Stage 2**

Under Stage 2, there will be more staff potentially with access to confidential information of Access Seekers and Access Holders. All such staff shall undertake Segregation Awareness Training and be signatories of the Segregation Awareness Statement.

Under Stage 2 there will be a requirement that a Senior staff member who transfers from the below rail area of TPI to other areas of TPI/FMG on either a temporary or a permanent basis will not be permitted to work on matters in respect of which they have had access to Access Seeker/Holder's confidential information or the activities of the area could affect the Access Seeker/Holder's operations. In the case of a permanent transfer, the limitation will apply for a period of 12 months.

There are no restrictions on the transfer of Junior staff between below rail and above rail functions. Any staff member transferring into a below rail position who can be reasonably expected to handle confidential information will undertake Segregation Awareness Training and sign the Segregation Awareness Statement.

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## 5.2 Transfer of staff in the event of an emergency

The above limitations will not apply under emergency circumstances. If TPI believes there is an emergency and cannot obtain staff other than from its above rail team, then it may use such staff in these positions. At that time, the General Manager, Rail must advise the Economic Regulation Authority in writing of the following:

- The circumstances giving rise to the emergency;
- The type of emergency;
- The expected duration of the emergency;
- The roles of staff being transferred ie the from-role and to-role;

As part of this advice, TPI must also indicate the steps it will take to protect against a conflict of interest in these circumstances.


The minimum steps must include:

- The staff member concerned, being advised by preferably the Commercial Compliance Officer, or in that person's absence, the General Manager, Rail of the staff member's responsibility under the Railways (Access) Act 1998 and the approved Segregation Arrangements.
- The staff member concerned must sign a Segregation Awareness Statement.
- When a choice of suitable staff is available, the criteria for staff selection must include evaluation of the degree of conflict of interest that exists for respective candidates.

Further steps that may be taken, if possible, include the following:

- The staff member concerned undertaking only those duties necessary to manage the emergency.
- The staff member concerned having access only to those files and documents that are necessary to manage the emergency.

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|---|--|--|
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|   | Section<br><b>PROCEDURES</b>                 | Title<br><b>RAIL ACCESS – USE OF TPI STAFF IN AN<br/>EMERGENCY</b> |

### 5.3 Emergency transfer Log

The following log shall be kept to record transfers in an emergency situation:

| <b>Name</b> | <b>From-Role</b> | <b>Date-from</b> | <b>To-Role</b> | <b>Date-To</b> |
|-------------|------------------|------------------|----------------|----------------|
|             |                  |                  |                |                |
|             |                  |                  |                |                |
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**The Pilbara Infrastructure Pty.Ltd.**

ACN 103 096 340

**RAIL ACCESS – PREPARATION BY OPERATORS OF AMENDMENTS  
TO DAILY OR WEEKLY PLANS FOR VARIABLE SERVICES**


**Document No.: R-PR-RA-0004**

**Revision No.: A**

**Issue Date: 20<sup>th</sup> May 2009**

**Amendment History**

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|  | <b>TPI RAIL ACCESS<br/>MANAGEMENT SYSTEM</b> | Document Number<br><b>R-PR-RA-0004</b>  |
|   | Section<br><b>PROCEDURES</b>                 | Title<br><b>RAIL ACCESS – PREPARATION BY OPERATORS<br/>OF AMENDMENTS TO DAILY OR WEEKLY PLANS<br/>FOR VARIABLE SERVICES</b> |

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|   | Section<br><b>PROCEDURES</b>                 | Title<br><b>RAIL ACCESS – PREPARATION BY OPERATORS<br/>OF AMENDMENTS TO DAILY OR WEEKLY PLANS<br/>FOR VARIABLE SERVICES</b> |

## 1 PURPOSE

This document describes how proposed amendments to daily or weekly plans for services which experience variable demand or variable destinations are handled.

## 2 SCOPE

Applies to any proposed amendments to daily or weekly plans for variable services.

## 3 REFERENCES

Segregation Arrangements – R-PL-RA-0001

Segregation Manual – R-MA-RA-0001


## 4 DEFINITIONS

**Stage 1** - Applies from the commencement of TPI's railway operations.

**Stage 2** - Applies to the operational phase of access by third parties. It will commence after the signing of the first Access Agreement and no later than six months before the scheduled commencement of operations by the first Access Holder.

**Variable Service** – means services which experience variable demand or variable destinations.

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## 5 AMENDMENTS TO DAILY OR WEEKLY PLANS FOR VARIABLE SERVICES

Operators may prepare amendments to daily or weekly plans for services which experience variable demand or variable destinations provided that they do not interfere with other operators rights and subject to TPI having ultimate control of such changes.

### 5.1 Notification period

The operator must supply TPI with their proposed amendment, in writing or electronic format, at least 48 hours (or such other timeframe as agreed in the operator's Access Agreement with TPI) prior to the earlier of the time of commencement of the proposed amendment or the original commencement of the service.

If the amendment is not received in the agreed timeframe, the proposed amendment may be denied by TPI.

### 5.2 Interference with other operator's rights


If TPI deems that the proposed amendment may potentially interfere with other operators rights, or it cannot be reasonably accommodated given capacity or operational constraints of the railway, then TPI may deny the amendment.

TPI will respond to the operator, initially verbally or electronically and subsequently in writing or electronically as soon as possible. It will use reasonable endeavours to respond at least 24 hours prior to the earlier of the time of commencement of the proposed amendment or the original commencement of the service.

### 5.3 Agreed Penalty

As part of the negotiation of an operator's Access Agreement, TPI will seek to establish an agreed penalty rate for amendments to services. The rates and conditions will be specified in the operators Access Agreement with TPI.

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#### 5.4 Confidentiality Provisions

All correspondence, email and discussions, in relation to the proposed amendments and the response by TPI, constitute confidential information and must be handled in accordance with the segregation arrangements and segregation manual.

Refer to procedure R-PR-SA-0002.

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**RAIL ACCESS - PROVISION OF INFORMATION TO THE TPI OR FMG  
BOARD/CEO/SENIOR MANAGEMENT**


**Document No.: R-PR-RA-0005**

**Revision No.: A**

**Issue Date: 21 May 2009**

**Amendment History**


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|  | <b>TPI RAIL ACCESS MANAGEMENT<br/>SYSTEM</b> | Document Number<br><b>R-PR-RA-0005</b>                            |
|   | Section<br><b>PROCEDURES</b>                 | TITLE<br><b>PROVISION OF INFORMATION TO<br/>SENIOR MANAGEMENT</b> |

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|   | Section<br><b>PROCEDURES</b>             | TITLE<br><b>PROVISION OF INFORMATION TO SENIOR MANAGEMENT</b> |

## 1 PURPOSE

This document describes procedures to manage the provision of confidential information to senior management in TPI or FMG, to ensure compliance with obligations and approved segregation arrangements under the Railways (Access) Act 1998.

## 2 SCOPE

Applies to the provision of confidential information to the directors and senior management of TPI and FMG ("directors and senior management"). The provision to and use of confidential information, as described in the Segregation Arrangements and the Segregation Manual, by directors and senior management, is limited to the purposes of:

- Responding to an Access Application;
- Negotiating or executing an Access Agreement; or
- Administration or management of an Access Agreement.


## 3 REFERENCES

|                          |              |
|--------------------------|--------------|
| Segregation Arrangements | R-PL-RA-0001 |
| Segregation Manual       | R-MA-RA-0001 |

## 4 DEFINITIONS

|                          |   |
|--------------------------|---|
| Access Agreement         | Means an agreement in writing under the Code between TPI and an entity for access by that entity.   |
| Access Application       | Means an application made in writing under the Code for access.   |
| Access Holder            | Means an entity who holds access rights under an access agreement.  |
| Access Seeker            | Means an entity who has submitted an access application.  |
| Confidential Information | Means information that has not been made public and that: <ul style="list-style-type: none"> <li>(a) is by its nature confidential;</li> <li>(b) was specified to be confidential by the person who supplied it; or</li> <li>(c) is known by a person using or disclosing it to be confidential.</li> </ul> |

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## 5 PROCEDURES

### 5.1 Stage 1

In Stage 1, confidential information will only include information disclosed as part of an Access Application or access negotiation. It will cover confidential information disclosed under an Access Agreement for the 6 month period between when an Access Agreement is signed and Stage 2 comes into effect.

Examples of Stage 1 confidential information include:

- an Access Application and provision of preliminary information by an Access Seeker;
- correspondence related to the negotiation of the Access Agreement;

#### **5.1.1 Segregation Awareness Training and Segregation Awareness Statement**

All directors and senior management that can reasonably be expected to be provided with confidential information, shall undertake segregation awareness training, and sign the Segregation Awareness Statement. Training and induction programs for new directors and senior management shall include segregation awareness training. TPI's Commercial/Compliance Officer is responsible for coordinating the training and managing the statements.

Contact Bob Pemberton, phone 6218 8810

#### **5.1.2 Confidential Information Register**

The provision of any confidential information to directors and senior management, including verbal briefings and discussions at occasional meetings, shall be recorded in the Confidential Information Register ("register"). TPI's Commercial/Compliance Officer is responsible for managing the register.


Contact Bob Pemberton, phone 6218 8810

#### **5.1.3 Management Reports**

The content and provision of reports to directors and senior management, and their use of these reports, shall be based on the following principles:

- The provision of information in regards to Access Applications shall be restricted to allowing a response to an Access Application, negotiating or executing an Access Agreement;
- Recipients of reports containing confidential information must have signed a Segregation Awareness Statement.
- Any directors and senior management who are not prepared to sign a Segregation Awareness Statement may not receive a copy of the report and must not be present when the reports are discussed;

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- The identity of Access Seekers must not be disclosed;
- Only broad level detail of the terms of Access Agreements may be disclosed;
- Reports on relevant operational matters, including usage and performance of the railway network, maintenance programs, operating and capital costs, revenue and other financial information, incident management and audits shall be presented on an aggregate basis; and
- All confidential information in reports shall be clearly identified.

#### **5.1.4 Occasional Meetings**

Meetings held with directors and senior management, where confidential information relating to Access Seekers is disclosed, shall be based on the principles in Section 5.1.3.

Further, the disclosure of any confidential information at occasional meetings must be authorised by the General Manager, Rail.

#### **5.1.5 Other Forms of Communication**

Other forms of communication involving directors and senior management, including emails, memos, letters, telephone calls, and occasional discussions, involving confidential information relating to Access Seekers, must comply with the control measures in this document.

### **5.2 Stage 2**

Stage 2 applies to the operational phase of access by third parties. It will commence after the signing of the first Access Agreement and no later than six months before the scheduled commencement of operations by the first Access Holder.

In Stage 2, confidential information will include, in addition to that of Stage 1, confidential information disclosed as part of the operation of an Access Agreement.

The control measures described in Stage 1 apply to Stage 2.

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**RAIL ACCESS - PROVISIONS TO ENSURE PROTECTION OF  
INFORMATION TO BE GIVEN TO FMG FINANCE**


**Document No.: R-PR-RA-0006**

**Revision No.: A**

**Issue Date: 21 May 2009**

**Amendment History**


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|---------------|-------------------------------|------------------------|-----------------------|------------------------|-----------------------|
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|  | <b>TPI RAIL ACCESS MANAGEMENT<br/>SYSTEM</b> | Document Number<br><b>R-PR-RA-0006</b>                                |
|   | Section<br><b>PROCEDURES</b>                 | TITLE<br><b>PROTECTION OF INFORMATION<br/>PROVIDED TO FMG FINANCE</b> |

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|   | Section<br><b>PROCEDURES</b>             | TITLE<br><b>PROTECTION OF INFORMATION PROVIDED TO FMG FINANCE</b> |

## 1 PURPOSE

This document describes procedures to manage the provision of confidential information to FMG Finance, to ensure compliance with obligations and approved segregation arrangements under the Railways (Access) Act 1998.

## 2 SCOPE

Applies to the provision of confidential information by TPI to FMG Finance for the purpose of that group:

- preparing and issuing invoices to, and collecting payments from Access Holders;
- managing the accounts and financial records of Access Holders;
- supporting TPI in its regulatory accounting responsibilities; and
- undertaking statutory and cost accounting functions on behalf of TPI.


## 3 REFERENCES

|                          |              |
|--------------------------|--------------|
| Segregation Arrangements | R-PL-RA-0001 |
| Segregation Manual       | R-MA-RA-0001 |

## 4 DEFINITIONS

|                          |   |
|--------------------------|---|
| Access Agreement         | Means an agreement in writing under the Code between TPI and an entity for access by that entity.   |
| Access Application       | Means an application made in writing under the Code for access.   |
| Access Holder            | Means an entity who holds access rights under an access agreement.  |
| Access Seeker            | Means an entity who has submitted an access application.  |
| Confidential Information | Means information that has not been made public and that: <ul style="list-style-type: none"> <li>(a) is by its nature confidential;</li> <li>(b) was specified to be confidential by the person who supplied it; or</li> <li>(c) is known by a person using or disclosing it to be confidential.</li> </ul> |

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## 5 PROCEDURES

### 5.1 Stage 1

Stage 1 applies from the commencement of TPI's railway operations. Stage 2 applies to the operational phase of access by third parties. It will commence after the signing of the first Access Agreement and no later than six months before the scheduled commencement of operations by the first Access Holder.

In Stage 1, the primary responsibility of FMG Finance will be to support TPI in its maintenance of financial records and reporting obligations under the Railways (Access) Act 1998 and Railways (Access) Code 2000 ("Act" and "Code" respectively). The confidential information provided by TPI to FMG Finance, to enable the preparation of such records and reports will include:

- Railway operational usage and performance;
- Railway operational cost data, including maintenance, plant, leases, staffing, contractors and head office costs; and
- Railway capital expenditure for capacity expansion purposes.

Confidential information prepared by FMG Finance will include financial records and reports. During Stage 1, there will be no accounts issued to third party operators on the railway.

#### **5.1.1 Segregation Awareness Training and Segregation Awareness Statement**

All existing and new FMG Finance staff that can reasonably be expected to be provided with confidential information, shall under take segregation awareness training, and sign the Segregation Awareness Statement.

TPI's Commercial/Compliance Officer is responsible for coordinating the training and managing the statements.

Contact Bob Pemberton, phone 6218 8810

#### **5.1.2 Confidential Information Register**

The provision of any confidential information to FMG Finance staff, including verbal briefings and discussions at occasional meetings, shall be recorded in the Confidential Information Register ("register"). Likewise, all records and reports prepared by FMG Finance, on behalf of TPI shall be recorded in the register.

TPI's Commercial/Compliance Officer is responsible for managing the register.


Contact Bob Pemberton, phone 6218 8810

#### **5.1.3 Storage of Confidential Information by FMG Finance**

Confidential information provided by TPI to FMG Finance Staff, and records and reports generated by FMG Finance must be secured. Refer to R-PR-RA-0002 "Protection of Confidential Information".

Electronic information, records and reports must be stored in a restricted access area within the FMG Finance part of the computer network. Access to such areas is limited

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to staff who are authorised by the General Manager, Rail and who have signed the Segregation Awareness Statement.

Hard copy information, records and reports must be stored in a lockable filing cabinet, compactus or similar storage facility. The facility must be locked at all times it is not in use. Access to the storage facility is limited to staff who are authorised by the General Manager, Rail and who have signed the Segregation Awareness Statement.

## 5.2 Stage 2

In Stage 2, confidential information will include, in addition to that of Stage 1, information provided by TPI to FMG Finance, and invoices and reports prepared by FMG Finance as part of the operation of an Access Agreement and statutory reporting.

Information provided by TPI to FMG Finance includes:

- Operational data required to prepare invoices for Access Holders; and
- Operational and capital cost data required for the preparation of documents described below.

Information, accounts, records, invoices and reports generated by FMG Finance includes:

- invoices issued to Access Holders; and
- correspondence and other communications with Access Holders in regards to the collection of payments.

The control measures described in Stage 1 apply to Stage 2.

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**The Pilbara Infrastructure Pty.Ltd.**

ACN 103 096 340

## **RAIL ACCESS – HANDLING COMPLAINTS AND BREACHES**


**Document No.:** R-PR-RA-0008

**Revision No.:** B

**Issue Date:** 19<sup>th</sup> May 2009

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## 1 PURPOSE

This document describes how complaints from Access Seekers and Access Holders are handled.

## 2 SCOPE

Applies to any formal complaints received from Access Seekers or Access Holders.

## 3 REFERENCES

Segregation Arrangements – R-PL-RA-0001

Segregation Manual – R-MA-RA-0001

## 4 DEFINITIONS

**Access Agreement** - Means an agreement in writing under the Code between TPI and an entity for access by that entity.

**Access Application** - Means an application made in writing under the Code for access.

**Access Holder** - Means an entity who holds access rights under an access agreement.

**Access Seeker** – Means an entity who has submitted an access application.

**ERA** – Economic Regulation Authority.


**Formal Complaint** – a complaint received in writing from an Access Seeker or Access Holder.

**Stage 1** - Applies from the commencement of TPI's railway operations.

**Stage 2** - Applies to the operational phase of access by third parties. It will commence after the signing of the first Access Agreement and no later than six months before the scheduled commencement of operations by the first Access Holder.

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## 5 COMPLAINTS AND BREACH MANAGEMENT

### 5.1 Overview of Complaints and Breach Management

The complaints and breach handling procedure detailed below form part of TPI's Segregation Arrangements. Access Seekers and Access Holders can approach the Economic Regulation Authority (ERA) if they consider a segregation breach may have occurred. The Railway (Access) Act 1998 provides wide powers for the ERA to investigate any alleged breaches of the segregation arrangements.

#### **Stage 1**

If a third party Access Seeker considers that TPI has breached its legislative segregation obligations, they may lodge a written complaint with TPI.

TPI will conduct an investigation of any complaint and advise the complainant in writing of the outcome of the investigation and TPI's proposed response, if any. TPI will advise the ERA as per section 5.2 below.

TPI will report any breach of the segregation arrangements of which it becomes aware to the ERA in writing within 5 business days. TPI notes that the Regulator has the ability to commission special audits on any issue or area where additional assurance is sought.


#### **Stage 2**

The complaints handling procedure in Stage 1 will also apply in Stage 2. However, it will be extended to cover possible breaches of these segregation arrangements in relation to Access Holder confidential information as well as Access Seeker confidential information.

In accordance with Section 7.3 of the Segregation Arrangements, the following types of behaviour may lead to breaches of compliance and/or complaints.

Each type of behaviour is handled by the corresponding corrective arrangement as described in the following table.

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| <b>Type of behaviour</b>               | <b>Corrective Arrangement</b>   |
|--|---|
| Breach of Segregation obligations      | Written Complaint from Access Seeker/Holder or other complainant and Investigation by TPI |
| Disclosure of Confidential Information | Written Complaint from Access Seeker/Holder or other complainant and Investigation by TPI |
| Unfair discrimination                  | Written Complaint from Access Seeker/Holder or other complainant and Investigation by TPI |
| Conflict of Interest                   | Written Complaint from Access Seeker/Holder or other complainant and Investigation by TPI |
| Breach of Security                     | Written Complaint from Access Seeker/Holder or other complainant and Investigation by TPI |


## 5.2 Receipt of Complaint

As soon as a Complaint is received, the General Manager, Rail and the Commercial Compliance Manager must be notified.

If the Complaint was received other by a formal written signed letter with a company letterhead, then the Complainant shall be asked to supply it in that format.

TPI will advise the ERA within 10 business days of any complaint it receives and the action it is taking to investigate the complaint. TPI will use reasonable endeavours to complete its investigation and advise the complainant and the ERA of the result within 30 days of receiving its complaint.

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### 5.3 Record of Complaint

The Commercial Compliance Manager shall record the summary details of the Complaint in the Complaints Register, as shown in the table below. The written complaint shall be kept on file in a secure location with the Complaint reference number annotated on it.

| Complaint No. | Date of Complaint | Complainant | Complaint Received in writing? Y/N | Investigation Leader | Regulator notified? Y/N |
|---------------|-------------------|-------------|------------------------------------|----------------------|-------------------------|
|               |                   |             |                                    |                      |                         |
|               |                   |             |                                    |                      |                         |

### 5.4 Appointment of Investigator


By default, the appointed Investigator is the Commercial Compliance Officer. However, the General Manager Rail may appoint another investigator if the nature of the complaint relates to the Commercial Compliance Officer. If the complaint relates to the General Manager Rail, then an external investigator may be appointed by the Director of Operations, FMG.

### 5.5 Investigation process and preservation of evidence

The Investigator shall ensure, where possible, that the following evidence is gathered and retained in a secure location.

- Records including written and email correspondence.
- System Access Logs.
- Witness Statements.
- Details of Telephone conversations.
- Relevant Dates and times.

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## 5.6 Final Investigation Report


The Investigator shall provide a final report to General Manager, Rail (or the Director of Operations, FMG if the complaint relates to the General Manager, Rail) within 7 days of the receipt of the written complaint.

## 5.7 Investigation Report format

The Investigation Report shall include as a minimum the following sections.

- The name of the Complainant
- The date of the Complaint
- The name of the Investigator (and any assistant investigators).
- The evidence gathered in section 5.5
- A summary of the findings including any breaches that have occurred
- The recommended Corrective Actions to prevent the same or a similar complaint from being received in the future

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## 5.8 Notification of Breaches to Economic Regulation Authority

TPI will report any breach of the segregation arrangements of which it becomes aware to the ERA in writing within 5 business days. The correspondence to the ERA will use report format described in section 5.7. TPI notes that the Regulator has the ability to commission special audits on any issue or area where additional assurance is sought.

The Commercial Compliance Manager shall record the summary details of the Breach as shown in the table below.

| Breach No. | Date of Breach | Details | Regulator notified? Y/N |
|------------|----------------|---------|-------------------------|
|            |                |         |                         |
|            |                |         |                         |
|            |                |         |                         |
|            |                |         |                         |

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**RAIL ACCESS – ROLE DESCRIPTIONS**


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## 1 PURPOSE

This document describes TPI staff Roles and Responsibilities.

## 2 DEFINITIONS

**Access** - Means the use of railway infrastructure.

**Access Agreement** - Means an agreement in writing under the Code between TPI and an entity for access by that entity.

**Access Application** - Means an application made in writing under the Code for access.

**Access Holder** - Means an entity who holds access rights under an access agreement.

**Access Seeker** – Means an entity who has submitted an access application.

**Act** – Means the Railways (Access) Act 1998.


**Code** – Means the Railways (Access) Code 2000 established under the Act

**ERA** – Means the Economic Regulation Authority.

**RAMS** – Means the Rail Access Management System comprising secured confidential information associated with track Access such as Access Applications, Access Agreements,

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### 3 MANAGEMENT OF SEGREGATION ARRANGEMENTS

#### 3.1 Overview of Access Related Roles and Locations


The following tables describe the Access related Roles and Responsibilities of TPI staff.

Staff in Access related roles are required to sign Segregation Awareness Statements.

#### TPI Rail Management

| Role   | Responsibilities  | Location                  | Direct Report  |
|--|---|---------------------------|--|
| General Manager, Rail (previously titled Head of Rail) | Line responsibility for rail infrastructure and haulage operations including compliance with key legislation such as the Rail Safety Act and the Railways (Access) Act and Code.<br>Reviews and approves responses to Access Seekers.<br>Participates in negotiating Access Agreements.<br>Reviews and Approves Access Agreements.  | Rowley Yard, Port Hedland | Director, Operations (previously titled Chief Operating Officer) |
| Commercial Compliance Officer                          | Receive applications from Access Seekers.<br>Prepares draft responses to Access Seekers.<br>Negotiates Access Agreements.<br>Prepares draft Access Agreements.<br>Processes correspondence with Access Seekers.<br>Maintains a list of approved staff in access related functions and their access level within RAMS.<br>Manages the Confidential Information Register, audits and day to day compliance with the Act and Code. | Rowley Yard, Port Hedland | General Manager, Rail  |
| Superintendent Train Control                           | Manages the Train Control facility and assists the General Manager, Rail with maintaining the Train Path Policy and the Train Management Guidelines.<br>Owner of the Rule Book and Safeworking procedures.<br>Supervises Train Planner and Train Controller.  | Train Control, Rivervale  | Manager Operations   |

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|               |   |                             |                    |
|---------------|---|-----------------------------|--------------------|
| Train Planner | Prepares the Master Train Plan, Master Control Diagram and Weekly Train Plan for the TPI Network. | Train Control,<br>Rivervale | Manager Operations |
|---------------|---|-----------------------------|--------------------|

## Track Maintenance

| Role                      | Responsibilities  | Location                  | Direct Report             |
|---------------------------|---|---------------------------|---------------------------|
| Manager Track Maintenance | Manages the Track Maintenance Team. Approves and reviews the wheel rail interface including wheel profile, maximum axle load, maximum train length and maximum train speed. | Rowley Yard, Port Hedland | General Manager, Rail     |
| Track Engineer            | Specifies and reviews the wheel rail interface including wheel profile, maximum axle load, maximum train length.  | Rowley Yard, Port Hedland | Manager Track Maintenance |
| Track Maintenance Planner | Plans and manages the track and rail formation maintenance program.   | Rowley Yard, Port Hedland | Manager Track Maintenance |
| Track Inspector           | Inspects track and prepares work orders for track maintenance.  | Rowley Yard, Port Hedland | Manager Track Maintenance |


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## Rail Systems

| <b>Role</b>                 | <b>Responsibilities</b>  | <b>Location</b>           | <b>Direct Report</b>        |
|-----------------------------|--|---------------------------|-----------------------------|
| Manager Rail Systems        | Manages the Signals & Communications Team.<br>Approves and reviews the signals & communications system design including the system of trackside and onboard safeworking equipment. | Rowley Yard, Port Hedland | General Manager, Rail       |
| Rail Systems Superintendent | Specifies and reviews the signals & communications system design including the system of trackside and onboard safeworking equipment.  | Rowley Yard, Port Hedland | Manager Rail Systems        |
| Rail Systems Technicians    | Maintains Signals & Communications system.   | Rowley Yard, Port Hedland | Rail Systems Superintendent |

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### 3.2 Overview of Non-Access Related Roles and Locations

The following tables describe the non-Access related functions within TPI.

#### TPI Operations

| Role                     | Responsibilities   | Location                  | Direct Report                |
|--------------------------|--|---------------------------|------------------------------|
| Manager Operations       | Manages the efficient and safe operation of TPI rolling stock.   | Rowley Yard, Port Hedland | General Manager, Rail        |
| Superintendent Rail Crew | Manages Rail Crew Supervisors  | Rowley Yard, Port Hedland | Manager Operations           |
| Rail Crew Supervisors    | Supervises Train Drivers and performs yard shunting duties.  | Rowley Yard, Port Hedland | Superintendent Rail Crew     |
| Train Drivers            | Drive TPI trains   | Rowley Yard, Port Hedland | Rail Crew Supervisors        |
| Train Controllers        | Execution of the Weekly Train Plan and the control, monitoring and recording of day to day train movements on the TPI network. | Train Control, Rivervale  | Superintendent Train Control |


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## TPI Rollingstock Maintenance

| Role                             | Responsibilities   | Location                  | Direct Report                    |
|----------------------------------|--|---------------------------|----------------------------------|
| Manager Rollingstock Maintenance | Manages the maintenance of TPI rolling stock.                        | Rowley Yard, Port Hedland | General Manager, Rail            |
| Maintenance Engineer             | Approves design of rolling stock and associated maintenance facility | Rowley Yard, Port Hedland | Manager Rollingstock Maintenance |
| Maintenance Planner              | Plans the maintenance of TPI rolling stock                           | Rowley Yard, Port Hedland | Manager Rollingstock Maintenance |
| Superintendent Maintenance       | Manages Maintenance Supervisors                                      | Rowley Yard, Port Hedland | Manager Rollingstock Maintenance |
| Maintenance Supervisors          | Supervises Maintenance Technicians                                   | Rowley Yard, Port Hedland | Superintendent Maintenance       |
| Maintenance Technicians          | Maintains TPI Rolling stock  | Rowley Yard, Port Hedland | Maintenance Supervisors          |

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### Safety Department

| Role                  | Responsibilities                 | Location                  | Direct Report         |
|-----------------------|----------------------------------|---------------------------|-----------------------|
| Superintendent Safety | Safety audits and investigations | Rowley Yard, Port Hedland | General Manager, Rail |
| Safety Officer        | Assists Superintendent Safety    | Rowley Yard, Port Hedland | Superintendent Safety |

### Technical Department

| Role                  | Responsibilities   | Location                  | Direct Report         |
|-----------------------|--|---------------------------|-----------------------|
| Technical Manager     | Manages rail projects  | Rowley Yard, Port Hedland | General Manager, Rail |
| Manager Accreditation | Manages interface between the Accredited Owner and Operator (TPI) and the Office of Rail Safety. Assists Technical Manager with managing rail projects | Rowley Yard, Port Hedland | Technical Manager     |
| Projects Officer      | Assists Technical Manager with managing rail projects  | Rowley Yard, Port Hedland | Technical Manager     |
| Document Controller   | Maintains Controlled documents including the Rule Book and Safeworking procedures.   | Rowley Yard, Port Hedland | Manager Accreditation |

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