

Notifications of change versus variations of accreditation

Rail transport operators are required to notify ONRSR of prescribed changes to their railway operations. Operators may also have to apply to vary their accreditation and demonstrate competency and capacity to manage the risks to rail safety created by the changes. This fact sheet provides further information on the two processes.

What is the purpose of accreditation?

The purpose of accreditation under section 61 of the *Rail Safety National Law (RSNL)* is to attest that a rail transport operator (operator) has demonstrated to the Regulator that it has the competence and capacity to manage risks to safety associated with its railway operations.

It is an offence to carry out railway operations unless the person is accredited, exempt from the requirement to be accredited, or is carrying out operations on behalf of an accredited operator.

Applications for accreditation

When an operator applies for accreditation, one of the matters that must be included in the application is the scope and nature of the railway operations for which the application is sought in accordance with section 64(2) of the RSNL.

The Regulator may grant an application for accreditation if they are satisfied that the applicant has the effective control and management and competence and capacity to manage risks to safety associated with the railway operations.

The notice of accreditation must specify the scope and nature of the railway operations, the manner in which they are to be carried out, and any restrictions or conditions that have been imposed.

The Regulator issues a Notice of Accreditation that describes the nature of the railway operations and any restrictions or conditions that have been imposed.

Continuous improvement

An objective of the RSNL under section 3(2) is the continuous improvement of the safe carrying out of railway operations. As such, ONRSR expects that over time an operator may introduce:

- > new classes of rail infrastructure
- > operational assets such as signalling and communication systems
- > a different class or type of rolling stock
- > changes to procedures and practices within the safety management system.

Notification of change

Section 67(2) of the RSNL provides that it is a condition of accreditation that operators must notify the Regulator in writing, within the prescribed timeframes, about certain decisions, events or changes as set out in regulation 9 of the *Rail Safety National Law Regulations 2012* (National Regulations). For more detail about the notification requirements see Appendix A.

Before submitting a notification of change to ONRSR, operators whose railway operations are undertaken on, or form part of, the National Network for Interoperability (NNI), should consider if there are any interoperability matters that could result from the change.

If an operator cannot meet the prescribed notification period, it should contact ONRSR immediately once it becomes aware that the notification time will not be met.

A Notification of Change should be submitted via the ONRSR Portal.

How a notification is managed

When an operator submits a notification of change to the Regulator, they should await ONRSR's response before implementing the proposed change.

ONRSR will review the notification of change to ensure that:

- > the change is within scope of the operator's original accreditation
- > there is no immediate risk to safety resulting from the proposed change.
- > interoperability matters have been considered where relevant.

If ONRSR does not accept that the change is appropriate, it will notify the operator and provide advice on alternative options.

Scope and nature of railway operations

When an operator proposes a change to its railway operations, it must consider whether it will result in a change to the *nature* of its railway operations or introduce operations outside the *scope* of its accreditation.

Changes to the nature of operations are usually apparent and require a significant amendment to an operator's safety management system.

Examples of a change of nature include, but are not limited to:

- > commencing passenger operations in addition to freight operations.
- > a change in operations from tourist and heritage operations to commercial.
- > a change in role from maintenance activities using rolling stock to rail infrastructure manager.

The nature of an operator's railway operations is described in its Notice of Accreditation. The notice may broadly describe the scope as the 'manner of carrying out' the railway operations.

Examples of a change of scope include, but are not limited to:

- > a change from lineside to in-cab signalling.
- > a change of the grade of automation for rolling stock operations.

- > the introduction of new traction systems such as hydrogen or battery electric rolling stock.

Variation of accreditation

Under section 68(2) of the RSNL, when a change to the scope or nature of the railway operations is identified, the operator must apply to the Regulator to vary its accreditation.

An application for variation must be made in writing and must:

- > specify the details of the variation being sought
- > contain the information prescribed in regulation 11 of the National Regulations.

Before submitting an application for variation to ONRSR, operators whose railway operations are undertaken on, or form part of, the NNI should consider if there are any interoperability matters that could result from the change to railway operations.

Operators can initiate the process to apply for a variation to accreditation by completing the EOI application on ONRSR's website.

How a variation of accreditation is managed

A variation assesses the 'future state' of the proposed railway operations to ensure risks to rail safety have either been eliminated or are being managed so far as is reasonably practicable.

ONRSR will undertake an assessment to determine that the applicant has the competency and capacity to manage the potential risks.

ONRSR will engage with the applicant and develop an accreditation plan to assess the application.

A varied Notice of Accreditation may include, but not be limited to:

- > the introduction of conditions or restrictions to the notice of accreditation.

- > the further definition of rolling stock or rail infrastructure permitted for the railway operations.
- > a change to the description for the manner of carrying out railway operations.

Major projects

The Regulator will also consider whether a proposed change to the scope and nature of an operator's railway operations qualifies as a major rail project, which could result in an additional fee under Schedule 3, Part 1 of the National Regulations.

While there is no legal definition of what constitutes a major project, it will normally result in the delivery of a significant change to railway infrastructure or rolling stock.

If operators intend to undertake projects that involve a significant technical or operational change with a high level of complexity, early engagement with ONRSR is encouraged, well ahead of any formal application.

It is likely that operators whose railway operations are undertaken on, or form part of, the NNI and who are planning to undertake projects of this type will need to consider interoperability.

More information about major projects can be found on ONRSR's website.

Further information

Operators can submit notifications of change through the [ONRSR portal](#).

Operators can initiate interest to apply for a variation of Accreditation via ONRSR's website: [Variation of Accreditation | ONRSR](#).

ONRSR's [Major Project Guideline](#), [Major Project Fees Factsheet](#) and [Interoperability of Railway Operations Guideline](#) are available on ONRSR's website.

Contact

If information of a specific nature is required, operators should contact their local ONRSR office.

See contact details on the ONRSR website – www.onrsr.com.au – or email contact@onrsr.com.au.

Appendix A – Notification requirements – proposed decisions, proposed events and changes

Decision, event or change	When notification must be given
A decision to design or construct, or to commission the design or construction of, rolling stock or new railway tracks.	As soon as is reasonably practicable after the decision is made.
The introduction into service of rolling stock of a type not previously operated by the operator, or the re-introduction into service of rolling stock not currently operated by the operator.	At least 28 days before the date the operator intends to introduce or re-introduce the rolling stock into service.
A change to a safety critical element of existing rolling stock.	At least 28 days before the date the operator intends to bring the change into operation.
A change to 1 or more of the classes of rail infrastructure used in the operator's railway operations.	At least 28 days before the date the operator intends to introduce the new class of rail infrastructure into service.
A change to a safety standard for the design of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to adopt the change.
The decision to adopt a new safety standard for the design of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to adopt the new standard.
A change to the frequency of, or procedures for, the inspection or maintenance of railway infrastructure or rolling stock.	At least 28 days before the date the operator intends to bring the change into effect.
A change to the network rules relating to the conduct of the operator's railway operations.	In accordance with the provisions of Part 4 Division 4 of the Regulations.
A decision to introduce a new network rule relating to the conduct of the operator's railway operations.	In accordance with the provisions of Part 4 Division 4 of the Regulations.
A decision to change any work scheduling practices and procedures set out in the operator's fatigue risk management program.	At least 28 days before the date the operator intends to bring the change into effect.
The replacement, or a change in the contact details of any person appointed under regulation 8(b).	As soon as is reasonably practicable after it is known the replacement or change will occur.
A change in the operator's name or residential address, or the operator's business or trading name, or in the case of a body corporate, a change in the name or registered business address of the body corporate.	As soon as is reasonably practicable after the change is made.