



Changes to the Rail Safety National Law 2017

From 1 July 2017, changes to the Rail Safety National Law and National Regulations apply. The changes were approved by Ministers in November 2016. A summary of the changes as they will apply to accredited, registered and exempt operators is provided here. Note that commencement of the changes in Western Australia is subject to a separate parliamentary process and ONRSR will advise when this has taken place.

Provision	Description of change	Who is impacted
Ability to charge an application (complex operations) fee Amendment of section 64 Amendment of section 215 Amendment of schedule 3 to the National Regulations	In addition to the application for accreditation fee, the Regulator may decide to charge an additional fee (major project fee), where significant regulatory oversight of the proposed operations will be required. The fee will be set in Schedule 3 of the National Regulations. A decision by the Regulator to charge this fee is reviewable.	Accredited operators with proposed major projects (new applicants only)
Ability to charge an annual (project component) fee Amendment of section 76 Amendment of section 215 Amendment of schedule 3 to the National Regulations	The Regulator will have the ability to charge an annual major project fee. The process, factors to be considered by the Regulator, and fee amounts will be set in Schedule 3 of the National Regulations. A decision by the Regulator to charge this fee is reviewable.	Accredited operators undertaking major projects
Monthly periodic return Amendment of regulation 56(1)(b) & removal of 56(4) (Annual Return)	Monthly returns will include an additional requirement for operators to report the numbers of employees engaged in rail safety work, as at the last working day of the month. Operators must use the updated form when submitting their July monthly return. The Annual Return will no longer be required.	Accredited operators *Also applies in WA from 1 July 2017
Surrender of registration Amendment of section 94	A registered person may surrender a private siding, without going through a variation process or surrendering their entire registration.	Registered persons
Surrender of exemption New section 213A Amendment of section 215	An exemption holder will be able to surrender their exemption, following the same process as a surrender of accreditation. A decision by the Regulator to refuse a notice to surrender is reviewable.	Rail transport operators with exemptions granted
Addition of QLD Fatigue provisions Amendment of regulation 29 Amendment of schedule 2 to the National Regulations	Railway operations in Queensland will be subject to additional fatigue management requirements. These prescribe maximum hours of work and breaks for passenger and freight train drivers.	Accredited operators (Queensland only)

Provision	Description of change	Who is impacted
Functions and objectives Amendment of section 13	The Rail Industry Safety and Standards Board (RISSB) will become a prescribed authority, for the purposes of allowing ONRSR to provide operator data necessary for industry initiatives to improve safety.	N/A
Railways to which this law does not apply Amendment of regulation 7	The exclusion of the North West Rail Link Project will be broadened to any temporary, isolated railway used for construction of tunnels undertaken by the NSW Government.	N/A

Where to find the legislation

Information about amendments to the legislation is available on the ONRSR website at www.onrsr.com.au/operations/legislation/amendmentsto-legislation

The *Rail Safety National Law (SA) 2012 Act* and *National Rail Safety National Law Regulations 2012*, as they apply in each state and territory under ONRSR (except for Western Australia), will be updated from 1 July 2017. A link is available on the ONRSR website at www.onrsr.com.au/operations/legislation

In Western Australia the *Rail Safety National Law (WA) 2015 Act* and *Rail Safety National Law (WA) Regulations* apply and are available from the ONRSR website. Update to these is subject to a separate parliamentary process and timing.

Further information

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