

How to complete the Accreditation Application Form

Rail Safety Regulators' Panel National Guidance

This guidance has been developed by the Rail Safety Regulators' Panel for rail safety regulators, rail industry stakeholders and others to support consistent interpretation and application of the national model rail safety legislation. The use of this Guidance material is not mandatory. Rail safety regulators may publish appendices to this guidance to provide information about local variations to the national model rail safety legislation which apply in a particular state or territory.



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Introduction

Rail safety legislation imposes obligations on persons who undertake railway operations in Australia. Rail transport operators may be required to gain accreditation before undertaking railway operations.

This guidance material explains how to prepare an application for accreditation and should be read in conjunction with the

- *National Rail Safety Guideline for Accreditation of Rail Transport Operators* which explains the national rail safety scheme and the circumstances in which accreditation may be required; and the
- *National Rail Safety Guideline for Preparation of a Safety Management System* which explains requirements for safety management systems of rail transport operators.

The notes on the following pages are provided to assist applicants in completing the Accreditation Application Form under the rail safety legislation and regulations in each state and territory.

Applying for Accreditation as a Rail Transport Operator

An application for accreditation must be made on the approved application form. The application form must be submitted as a hard copy original document to each jurisdiction where accreditation is required. This is necessary as a result of the endorsement and signing requirements.

The application form will provide for inclusion of supporting information. Supporting information may be included directly within the form, or listed as an attachment where the level of detail required exceeds the capacity of the form.

Listed attachments must be clearly identified with appropriate document control information, e.g. name and version information such as date of issue and/or version number. It is important that attachments are clearly identified so that the information on which the regulator based their decision about the application is clear to any external body reviewing the decision. Appropriately referenced supporting information may be submitted in electronic form.

Applications in more than one jurisdiction

The applicant must submit a separate application for each jurisdiction in which it wishes to operate. The relevant rail safety regulators will communicate and liaise with one another in processing the applications in accordance with the *National Rail Safety Guideline for Uniform Administration of Accreditation*.

The purpose of uniform requirements for accreditation applications across jurisdictions and coordinated assessment of applications by rail safety regulators is to reduce the burden on industry and promote consistency of outcome and administrative efficiency in respect of those operators who operate in more than one jurisdiction.

Application fees

The fees involved in applying for accreditation vary across jurisdictions. Rail safety regulators will provide information on local requirements during the initial discussion prior to preparation and lodgement of the application. (see *National Rail Safety Guideline for Uniform Administration of Accreditation*).

Completing the Application Form

The following provides guidance on what information is required for each of the information fields on the approved application form.

Application type

Indicate if this is an application for a new accreditation or a variation of an existing accreditation in this jurisdiction.

Accreditation type

Indicate whether you are seeking accreditation as:

- a rail infrastructure manager, or
- a rolling stock operator; or
- both rail infrastructure manager and rolling stock operator.

Accreditation authority

1. Indicate the jurisdictions (if any) in which accreditation is currently held, and attach a copy of the accreditation notice(s).
2. Indicate the jurisdictions in which application for accreditation or variation of accreditation is being lodged for example, VIC, NT, NSW etc. This information assists regulators to coordinate assessment of the applications across jurisdictions.

Applicant information

Provide applicant information as indicated. Noting the following particular requirements.

Provide the name of the legal entity to be accredited. This should be the applicant's registered business name where applicable.

Provide the trading name if it is different from the business name. *Note that unregistered business names and trading names are not a legal entity and are not capable of accreditation.*

In the case of a body corporate provide the registered business address. In the case of an association supply the public officer's address. Where the applicant is an individual insert the applicant's residential address.

Insert the position title, person name and contact details of:

- The person with highest level accountability for the railway organisation (for example Managing Director, etc);
- The person who has been appointed by you to respond to any enquiries that the rail safety regulator may have about the application (the Accreditation Key Contact representative). If different from the Key Contact representative please also include contact details for:
 - the person responsible for ongoing accreditation matters;
 - the person responsible for ongoing safety management system/compliance issues;
 - provide the applicant's postal address if different to the registered business or residential address.

Accreditation requirement

Provide a brief description of the railway operations for which accreditation is sought – for example, passenger operations, bulk or intermodal freight operations, heavy haul, tramway, monorail etc.

Period of requirement

If you wish you may indicate your preferred date for commencement for the accreditation for the information of the regulator.

If you wish to apply for accreditation for a limited period, also indicate proposed date of expiry for the accreditation.

For example you may be applying for a variation to accreditation for the purposes of a one day event. In this case this can be indicated at this section of your application.

Railway operations to be conducted

From the options listed on the form indicate the categories of railway operations that are to be undertaken under this accreditation.

Permission may be granted only for the activities listed on the application form, as provided for by the legislation.

'Commissioning' refers to the process of bringing rail infrastructure or rolling stock into service.

Note – Accredited persons may be granted permission for the following railway operations under the National Model Legislation:

- **Infrastructure** – Construction, management, commissioning, maintenance, repair, modification, installation, operation, decommissioning
- **Rolling stock** – Construction, commissioning, maintenance, repair, modification, decommissioning, operation or movement or causing the operation or movement by any means on a railway.

Railway in relation to which accreditation is sought

Please indicate the railway in relation to which the applicant is to be accredited.

Sufficient detail should be inserted at this item to ensure that the physical and geographical limits of the relevant railway are clearly and unambiguously identified. This is particularly important in the case of applications for accreditation as a rail infrastructure manager. Reference may be made to maps or diagrams attached to the application.

Detail of the geographic locations and limits for particular types of operation such as driverless (automatic), single driver or two driver operation should also be included.

The geographic location and limits should be described using defined terms where available (for example metropolitan rail area¹) or specific localities (for example, Kalgoorlie to Kewdale and Kwinana) as appropriate. Attachment of maps of the railway may be included where appropriate.

¹ A term defined in the NSW Transport Administration Act, 1988

Evidence of effective management and control of rail infrastructure

If the application is for accreditation as a rail infrastructure manager, indicate whether the applicant:

1. Owns the rail infrastructure that is to be managed.
2. Is not the owner of the infrastructure but has/or will have a statutory or contractual right to use the rail infrastructure or provide access to it.
3. Owns some infrastructure and has rights in relation to some infrastructure (i.e. a combination of 1 and 2).

Supporting documentary evidence of should be attached or referenced for example the contract with the owner of the infrastructure for management and control of the infrastructure, or reference to source of statutory entitlement.

Rail infrastructure

Please describe the rail infrastructure in relation to which the application is made.

Rail infrastructure is defined the Act and means the facilities that are necessary to enable a railway to operate safely and includes:

- a) Railway tracks and associated track structures;
- b) Service roads, signalling systems, communications systems, rolling stock control systems and data management systems;
- c) notices and signs;
- d) electrical power supply and electric traction systems;
- e) associated buildings, workshops, depots and yards;
- f) plant, machinery and equipment;

but does not include rolling stock.

You may list specific items beyond those listed as examples if necessary.

This information is needed to provide the regulator with a comprehensive picture of the railway operations that are to be undertaken.

Rail infrastructure maintenance

If maintenance of the infrastructure is undertaken by another party or parties please list the parties involved and the manner in which the services of these parties are engaged.

This information is needed to provide the regulator with a comprehensive picture of the manner in which the required competency and capacity is being assembled to undertake the railway operations being sought in this application.

Evidence of effective management and control of the operation or movement of rolling stock

If the application is for accreditation as a rolling stock operator indicate whether the applicant:

1. Owns the rolling stock.
2. Hires or leases the rolling stock from a third party.
3. Owns some rolling stock and hires or leases some rolling stock.
 - a) If the provision of train crews for the rolling stock operation or movement is to be undertaken by another party or parties, provide a list of the parties involved and the manner in which their services are engaged (for example, hire of train crew as contracted staff or hire of another organisation to provide train crew).
 - b) If the effective management and control of rolling stock operation or movement by a third party is to be exercised by the applicant (for example, track machines/vehicles or rolling stock on hire or loan), provide a list of such third parties and details of such arrangements.

Note: a "hook-and-pull" arrangement is typically related to a third party providing locomotive power to effect the movement of the applicant's rolling stock.

Right of access to rail infrastructure

Provide details of the rights of access to the rail infrastructure on which the rolling stock is to operate. Reference supporting documentation, for example access agreements.

Rolling stock to be moved or operated

Indicate the rolling stock that is to be operated or moved under this accreditation. Rolling stock may be described by class or type of rolling stock as appropriate. Indicate the type of motive power in respect of each class or type.

Parties undertaking movement or operation of rolling stock

If the movement of rolling stock is to be undertaken by another party or parties, provide a list of the parties involved and the manner in which their services are engaged (e.g. "hook-and-pull" arrangement)

Providers of train crews

If train crews are to be supplied by another party or parties list these parties.

Construction, repair or maintenance of rolling stock

If the construction, repair or maintenance etc of rolling stock is to be undertaken by another party or parties, provide a list of the parties involved and the manner in which their services are engaged (for example, contractor arrangement or as a result of a lease agreement).

Evidence of financial capacity or public risk insurance

Applicants may provide a copy of public risk insurance held in relation to the railway operations for which accreditation is sought.

Alternatively, applicants may provide evidence of financial capacity to meet reasonable potential liabilities arising from the accredited railway operations.

Evidence of consultation in preparation of safety management system

Provide details of consultation undertaken in relation to the applicant's SMS, including:

- who was consulted;
- when and how the consultation occurred;
- results of the consultation and its impact on the development of the SMS.

Provide references to, or copies of, supporting documentary evidence of this consultation.

Safety Management Plan

Please attach a copy of the Safety Management Plan (SMP). This may be in hard copy or electronic form, but in either case list the appropriate reference in the space provided.

Note that the Rail Safety Regulator may require all or selected elements of the safety management system to be submitted. Rail Safety Regulators will provide information on local requirements during the initial discussion prior to preparation and lodgement of the application.

Applicant declarations

If the applicant for accreditation is not an individual, the application must be signed by:

- The directors, if a company applicant;
- Each partner, if a partnership applicant; and
- The governing body if an unincorporated association or body applicant.

Each signatory must make a declaration that:

- The application is true and correct;
- That he or she is not a person who is disqualified under the *Corporations Act 2001* from managing corporations.

Further guidance in relation to declarations is provided by the *National Rail Safety Guideline for Accreditation of Rail Transport Operators*.

Special requirements for signature apply to a body corporate that is applying for accreditation. If the applicant is a company registered under the *Corporations Act 2001*, then the application must be signed in accordance with s127 of that Act. This means it must be signed by:

- Two directors of the company;
- A director and a company secretary of the company; or
- Where the company has a sole director who is also the company secretary, that director.

In any other case, the application must be signed by each director, or each member of the committee of management of the body corporate. For example, this will apply to incorporated associations and to bodies deemed by statute to be bodies corporate.

If the applicant is an unincorporated association or body, the application must be signed by its governing body, namely, each member of the committee of management of the association or body.

If the applicant is a partnership, the application must be signed by each partner. If the applicant is an individual, the application must be signed by the individual.