ONRSR Policy

Fees

safe railways for Australia

Document ID:	ONRSR-1963997744-299
Version number:	4.4
Approved by:	Director Policy
Date approved:	26 June 2026

Version History		
Version	Date	Comment
1.0	Sept 2013	First release
2.0	2015	First review
3.0	2017	Incorporated introduction of Major Project Fees (new MP section and minor updates across the policy) Updated definition of T&H operator and updated T&H operator discounts on annual and accreditation fees
4.0	March 2022	Addressed application of annual variable fees where operations move from one operator to another (new or existing) operator Clarified major project component fee: date of application; and where fees may apply in addition to annual accreditation fees
4.1 4.2 4.3	2022 2024 2025 2025	Minor Updates to: - Remove T&H transition arrangements - Align with new national rail safety data strategy reporting requirements - Remove reference to WA mirror legislation from 1 October 2024 (version number not updated) - Align with changes to accreditation and registration fees from 26 May 2025 - Clarify fixed fee for operators that are both registered and accredited
4.4	2026	Periodic review: added version history; minor grammatical changes

Office of the National Rail Safety Regulator
Level 1, 75 Hindmarsh Square, Adelaide SA 5000
PO Box 3461, Rundle Mall, Adelaide SA 5000
Phone: 08 8406 1500
E: contact@onrsr.com.au
W: www.onrsr.com.au
www.linkedin.com/company/office-of-the-national-rail-safety-regulator

Copyright information

© Office of the National Rail Safety Regulator 2026. This material may be reproduced in whole or in part, provided the meaning is unchanged and the source is acknowledged

Table of contents

1 Purpose 4

2 Background 4

3 Scope 4

4 Definitions 4

5 Legislative framework 4

6 Annual fees 5

7 Major project fees 6

7.1 Context 6

7.2 Types of Fees 6

7.3 Regulatory oversight of major projects 7

7.4 What is a major project? 8

7.5 What is not a major project? 8

7.6 Application (complex operations) fee 9

7.7 Annual project component fee 9

7.8 Notification by the Regulator 10

7.9 Show cause and right of review 11

8 Entering into agreements 11

9 Waivers and refunds 11

9.1 Tourist and heritage railways 11

9.2 Surrender of accreditation or registration 12

9.3 Suspension or cancellation of accreditation or registration 12

9.4 Waiver or refund of exemption application fees 13

10 Late payment of annual fees 13

11 Failure to pay the annual fee 13

12 Recovery of fees 13

13 Further information 13

1 Purpose

The purpose of this policy is to provide information on the fees payable by rail transport operators and how the Office of the National Rail Safety Regulator (ONRSR) will exercise its discretionary powers with respect to annual fees, waivers, refunds and payment arrangements for fees administered by ONRSR.

2 Background

ONRSR has been established under the *Rail Safety National Law* (RSNL) to administer a national system of rail safety regulation, including the effective management of rail safety risks through a national scheme for accreditation of rail transport operators.

Under the RSNL, rail transport operators must pay application fees for certain formal applications to ONRSR and annual fees for accreditation and/ or registration. These fees cover, in part, the cost of regulatory services provided by ONRSR.

3 Scope

The document is intended to be read in conjunction with the legislation and other relevant ONRSR policies. The policy itself imposes no legal duty and where actions or requirements are described as mandatory these reflect requirements in the RSNL or *Rail Safety National Law National Regulations 2012* (National Regulations). It is not intended to replace the legislation, or to limit or expand the scope of the legislation. In the event of an inconsistency between this policy and the legislation, the legislation will prevail.

This policy has relevance for the ONRSR officers responsible for exercising discretion with respect to fees paid by rail transport operators.

4 Definitions

Definitions provided by the RSNL and the National Regulations apply within this guideline.

> **RSNL** – means the Rail Safety National Law which has been enacted as a Schedule to the *Rail Safety National Law (South Australia) Act 2012* as it applies in each state and territory.

> **National Regulations** – means the *Rail Safety National Law National Regulations 2012*.

Section 4 of the RSNL defines the terminology used in this policy. Where terms are not defined within the legislation or regulations the Macquarie Dictionary definition applies.

5 Legislative framework

The RSNL requires that rail transport operators pay one-off fees for applications as prescribed in regulation 58 and listed in Schedule 3 to the National Regulations.

Sections 76 and 95 of the RSNL require accredited rail transport operators and registered rail infrastructure managers of private sidings to pay annual fees as prescribed in Schedule 3 of the National Regulations.

The Regulator must notify a rail transport operator if an additional application (complex operations) fee or an annual project component fee may and/or will apply, consistent with section 64 of the RSNL and prescribed in Schedule 3 of the National Regulations.

Part 7 of the RSNL prescribes the requirements for review of decisions. Section 215 provides for rail transport operators to seek a review of a decision made by the Regulator to charge an

application (complex operations) fee (s64(5)) or an additional annual project component fee (s76(4)(e)).

Sections 76 and 95 provide the power for ONRSR to make agreements with rail transport operators regarding the payment of annual fees, and to suspend accredited operators for failing to pay annual fees.

There is no fee for applications for variation of accreditation or registration, or variation of conditions/restrictions of accreditation or registration.

Sections 77 and 96 contain provisions that allow ONRSR to waive or refund the whole or part of any fee payable under Division 4 and Division 5 of Part 3 of the RSNL, covering application fees for accreditation and registration and annual fees. Similarly, section 214A allows ONRSR to waive or refund the whole or part of any exemption application fee payable.

Section 260 of the RSNL allows ONRSR to recover amounts due as a debt to ONRSR through court proceedings. This allows for dishonoured payments to be recovered by ONRSR.

6 Annual fees

Annual fees are a condition of accreditation and registration and are not subject to review. The fee amounts are prescribed in Schedule 3 to the National Regulations and updated from 1 July each year. They are also published on our website.

Annual fees are payable for each financial year of accreditation and/or registration. Rail transport operators will be issued with a single invoice for railway operations under their accreditation and/or registration at least four weeks prior to the payment due date of 31 October. Project component fees (Major Project Fee) will be invoiced per project (see section 7.8).

Rail transport operators accredited or registered after 1 July will be invoiced on commencement for the applicable fees, adjusted for the period ending 30 June. Pro-rata amounts are calculated to the month and are payable for each month that an operator is accredited or registered.

Invoices are issued via email to the Accountable Person nominated to ONRSR. The Key Contact and Finance Contact (if provided) are also included in the email. It is the rail transport operator's responsibility to ensure these details are up to date.

Annual accreditation fees

Annual accreditation fees comprise a fixed and variable component. The fixed component is a single national fee issued to each accredited operator, irrespective of how many jurisdictions the operator is permitted to operate in under their Notice of Accreditation. The fixed fee amount is not subject to the national Consumer Price Index (CPI).

Variable fees are payable for railway operations under the operator's effective management and control. To determine the variable fees payable, ONRSR applies the applicable state/territory variable rates for the financial year to the activity reported in the calendar year prior. This includes the total length of track managed (excluding track managed under a notice of registration) (see ONRSR's Network and Railway Operations Data Submission Requirements Guideline) and freight and/or passenger kilometres travelled and excludes track maintenance kilometres (see ONRSR's Monthly Reporting Requirements Guideline). Best endeavours will be made to ensure that this data is accurate, however it is ultimately the responsibility of the operator and penalties may apply under s120(3) for providing late, false or incorrect data.

When an applicant becomes accredited for new railway operations, the variable fee will become payable in the following financial year. New accredited operators are those that will be undertaking new operations, including registered persons who become accredited. If accreditation has not been held for a full calendar year, the variable fees will be based on the available activity data and discussed with the operator to ensure they reasonably reflect the operations under their effective management and control. Once determined the fees will not be subject to reconciliation.

When an operator surrenders their accreditation and/ or a new or existing operator becomes responsible for the operations under that accreditation, the activity reported for those operations in the previous calendar year will form the basis of the variable fees. Examples may be where the operations or part of the operations have been bought or there has been a company re-structure resulting in a new accreditation. To ensure the variable fee reasonably reflects the operations under the effective management and control of the new responsible entity, the track and train kilometres on which the variable fee rate will be applied will be discussed with the operator. These fees are not subject to a reconciliation process and will be payable from commencement of accreditation, where annual fees for the financial year have not been paid under the previous arrangements.

Variable fee rates are adjusted each year consistent with the cost recovery model endorsed by the Standing Council of Transport Infrastructure (now the Infrastructure and Transport Ministers' Meeting) in May 2012, with changes endorsed in November 2016. For more information on how the rates are determined see ONRSR's fact sheet: About the Cost Recovery Model.

Annual registration fees

Registered rail infrastructure managers of private sidings pay a fixed fee each year for registration, which covers all private sidings under that registration. The amount payable is not based on the length of track or the location of private sidings. This fee is not subject to CPI. Registered rail infrastructure managers that are also accredited rolling stock operators are not required to pay an annual registration fee.

Rail infrastructure managers of freight terminals may apply to the Regulator for registration, rather than accreditation, to undertake rail operations. It will be at the discretion of the Regulator whether registration is granted instead of accreditation.

Matters that may inform the Regulator include the size, complexity and risk associated with the freight terminal.

7 Major project fees

7.1 Context

There are many rail projects being undertaken by rail transport operators across Australia at any one time, however there are very few extremely complex major projects for which the annual fee *(project component fee)* for regulatory oversight may be charged during the life of the project. If a person is seeking a new accreditation for railway operations that are of such a scale and complexity (related to the delivery of a major project) an *application (complex operations) fee* may also apply.

ONRSR encourages all entities involved with major rail projects to engage early with ONRSR on the scope and nature of the proposed changes to rail infrastructure or rolling stock. This will support the adoption of appropriate safety assurance activities (refer ONRSR's Major Projects Guideline*)* the use of which, is strongly encouraged, but is not mandatory. Early engagement also enables discussions in relation to the assessment of a project component fee to take place prior to the commencement of construction activity.

Major project fees apply to cover the cost of regulatory oversight of major rail projects.

7.2 Types of Fees

It is anticipated that major project fees will apply to a very small number of railway operations.

There are two different types of fees which could apply to a major project:

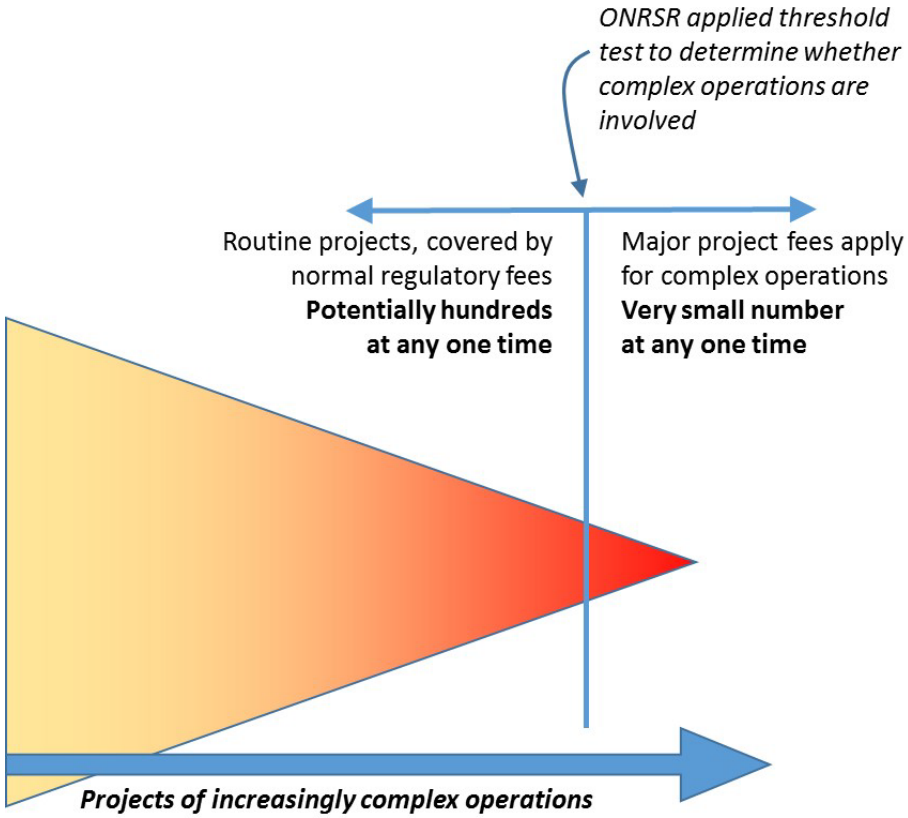
1. An ***application (complex operations) fee*** – this fee will only apply to entities who are not currently accredited and who seek accreditation for all or part of the railway operations for a major project. It applies in addition to the application for accreditation fee.
2. An annual ***project component fee*** – the applicable fee will depend on the level of project complexity. The fee amounts are set out in section 1 of Schedule 3, Part 2 of the National Regulations (project component fee (a), (b) or (c)).

These fees were introduced to reduce cross-subsidisation from 'business as usual' railway operations. The total amount to be collected from annual fees will be reduced by the fees collected from major projects up to the value of $1.150m[1] per annum (adjusted by CPI).

The fees are prescribed in Schedule 3, Part 1 (1A) and Part 2 (1a) of the National Regulations and the annual fee is adjusted by CPI each year.

These are not representative of a fee for service but rather reflect the overall level of regulatory oversight applied in the delivery of the necessary oversight of rail safety matters by ONRSR during the design and construction phase of a major project.

The diagram below represents the extent to which it is anticipated that major project fees will apply in relation to railway operations.



7.3 Regulatory oversight of major projects

ONRSR is involved throughout the delivery of a major project, from design through to commissioning. However fees will only apply once railway operations commence in accordance with section 4(1) of the RSNL. The primary focus of the ONRSR work over these stages is to engage with the major project proponent/s to support timely, safe operations to commence at the

[1] Figure for 2021-22

end of the project. During the delivery of a major project ONRSR may typically undertake the following:

> assess applications and issue relevant statutory notices

> liaise with the rail transport operator's project team monitor project activities including:
  - accreditation planning
  - safety assurance planning
  - reviewing the safety risk register
  - liaising with safety assessors
  - reviewing safety arguments and key risk assessments
  - reviewing safety verification and validation processes

> site and safety management system inspection activities.

If a rail transport operator is considering undertaking a major project then ONRSR would encourage early engagement. As the project progresses, ONRSR will engage regularly with the major project's independent assurance bodies, including the independent safety assessor (if engaged by the rail transport operator); and provide comment where rail safety related issues require further attention by the major project. ONRSR will seek assurance that the major project is complying with its duties under the RSNL and is minimising risks to safety so far as is reasonably practicable.

7.4 What is a major project?

A major project is the delivery of a significant change to railway infrastructure or rolling stock by one or more entities.

The key consideration for determining if major project fees (complex operations fee and/or project component fee) will apply is the significance of the proposed change and the scale and complexity of the regulatory oversight that will be required. Table 1 below provides some typical examples, as a guide only, of such projects.

Table 1 Examples of major projects

Change to	Typical examples
Rolling stock	> introduction of a new class of rolling stock not previously used in Australia > significant modifications requiring complex systems integration > introduction of complex new safety risks > introduction of complex delivery mechanisms
Rail infrastructure	> introduction of novel signalling or train control systems > construction of a complex underground railway > significant modifications requiring complex systems integration > substantial construction of new rail infrastructure > introduction of complex new safety risks > novel infrastructure construction methodology > complex delivery mechanisms

7.5 What is not a major project?

Business-as-usual activities such as routine maintenance, renewal of infrastructure to the same configuration and to existing rail transport operator standards, introduction of new rolling stock of a class already used by the rail transport operator, and removal of railway crossings by construction

of road-over-rail or rail-over-road bridges are not considered to be major projects. Examples are provided in table 2 below.

Table 2 Examples of business-as-usual activities

Change to	Typical examples
Rolling stock	> routine maintenance activity > introduction of rolling stock of a class already used by a rail transport operator > renewals for asset life extension > procurement of motive power > delivery in the tourist and heritage sector
Rail infrastructure	> routine maintenance activity > renewals for asset life extension > railway crossing removals > short extensions to existing railway lines > provision of localised additional assets > building refurbishments > delivery in the tourist and heritage sector

7.6 Application (complex operations) fee

In addition to the *application for accreditation fee* (section 64(2)(d)), to be paid at the time the application is submitted, ONRSR will assess the complexity of the operations to determine whether it is a major project. ONRSR will take into consideration the scope and nature of railway operations and the scale and complexity of rail safety regulatory oversight that will be required and may charge a one-off application (complex operations) fee to assess the proponent's application. This fee is a fixed amount, as set out in Schedule 3 that applies to non-accredited persons applying for accreditation to undertake a major project.

7.7 Annual project component fee

In order to determine if an annual project component fee is payable by a rail transport operator, the Regulator may consider the following:

> A new application for accreditation (where the complex operations fee was applied);

> An application for variation to accreditation;

> A notification of change;

> Information supplied by a rail transport operator.

The Regulator must then, based on the proposed railway operations, take into account the following in accordance with Schedule 3, Part 2 (1b) of the National Regulations:

(a) whether the railway operations, or any part of the railway operations, involve the introduction of new rolling stock or rail infrastructure not previously used in Australia;
(b) whether the railway operations, or any part of the railway operations, involve the introduction of safety critical systems or other rail technology not previously used in Australia;
(c) the complexity of any contract delivery or system integration in relation to the railway operations, or any part of the railway operations;
(d) the extent of any change required to the safety management system or network rules in respect of the railway operations, or any part of the railway operations;
(e) the extent of any new safety risks identified in relation to the railway operations, or any part of the railway operations,

and determine the impacts of these factors on the level of regulatory oversight required.

Below is an indicative guide only as to where the fees prescribed in Schedule 3, Part 2 (1a) of the National Regulations may apply, based on the process outlined above.

Project component fee (a) (highest)	> the proposed technology is not used in the Australian rail industry; **or** > the project is highly complex and may involve significant technological or operational change, which present higher safety risks to the public (such as the introduction of a new passenger fleet, integration into an existing passenger network, major tunnelling); **or** > the governance and/or contractual arrangements are highly complex; **and** > the proposed railway operations introduce significant new risks
Project component fee (b)	> the proposed technology is already widely used throughout the Australian rail industry; **or** > the project is being constructed and delivered separately to the end operator / maintainer
Project component fee (c) (lowest)	> the project involves substantial extension of infrastructure or substantial rolling stock modifications; **and** > the end operator/maintainer is undertaking the project

7.8 Notification by the Regulator

The Regulator must notify the rail transport operator in writing setting out that the Regulator is considering charging the application (complex operations) fee and/or the annual project component fee (or fees). The rail transport operator may, within seven days (or as otherwise agreed) make written representations to the Regulator showing cause why the fee or fees should not be charged.

The Regulator must consider any written representations made by the rail transport operator as part of this process.

If the Regulator proceeds with making the decision to charge the project component fee(s), then a notice must be provided to the rail transport operator informing them of this fact, and include the following:

> Reasons for charging the fee;

> The total of the fees being charged;

> The date on which the fee/s is to be paid;

> Information regarding the right of review.

In advising which annual project component fee applies, the Regulator must include the factors considered, the relevancy of those factors; the impacts on the regulatory oversight required; and response to written representations if made.

After confirmation of the project component fee has been notified to the proponent in writing, the annual fee becomes payable from the date that railway operations commence in accordance with section 4(1) of the RSNL. Typically, this may include (but is not limited to) when construction commences, or the installation of new technology begins. The initial annual project component fee is charged as a pro-rata amount until the end of the current financial year.

The annual project component fee applies until the completion of the project:

> Fees paid beyond the project completion date will be refunded on a monthly pro-rata rate

> Should the project cease, ONRSR may, at its discretion, refund part of the major project fee paid for the current year on a pro-rata basis

> Where a project is suspended, the amount paid past the date of suspension will be carried over as a credit to be applied at the recommencement of the project.

Provisions for the waiver or refund of fees in the RSNL are provided in section 9 of this policy.

Once the major project is complete, the annual project component fee will no longer apply and annual accreditation fees will apply (Schedule 3, Part 2 (1) of the National Regulations). This is typically upon final commissioning or in the case of new rolling stock, once the first batch has been commissioned and ONRSR has been satisfied that all systems are robust for the rollout of the remaining fleet.

If a rail transport operator is undertaking more than one major project at any one time, separate annual project component fees may apply. Similarly, standard accreditation fees may apply in addition to a project component fee where the rail transport operator is accredited for railway operations that are outside of the scope of the major project.

7.9 Show cause and right of review

The decision to charge a fee under section 64(5) or section 76 (4)(e) (a decision to charge a particular fee according to a factor determined by the Regulator) is a reviewable decision.

The Regulator will advise the proponent that they are considering charging the application for accreditation (complex operations) fee and/or the annual project component fee and the proponent has 7 days to make written representation to the Regulator showing cause why the fee should not be charged or not at the level notified by the Regulator. The Regulator must consider the reason/s given in determining whether to proceed with the fee.

If the Regulator proceeds with the decision to charge an application (complex operations) fee or the annual amount payable as the project component fee, a proponent may apply to the Regulator for a review of the decision in accordance with the right of review set out in the Notice. The application must be made using ONRSR's application form (available on ONRSR's website). An application will be considered as per ONRSR's *Review of Decisions Policy*.

During this time, the fees that are the subject of the review are not payable (on-hold). The fee payable will be in accordance with the outcome of the review.

8 Entering into agreements

The payment of annual fees is a requirement of accreditation. Only in exceptional circumstances may ONRSR consider payment of an annual fee under an alternative agreement. There are two forms of payment agreement that ONRSR may elect to reach with a rail transport operator:

> payment of annual fees by instalments (e.g. monthly)

> deferral of payment of annual fees to a later date.

9 Waivers and refunds

The RSNL confers discretionary powers for ONRSR to provide waivers or refunds of the fees payable under Division 4 and Division 5 of Part 3 of the RSNL, and exemption application fees payable under Division 2 of Part 6. The circumstances in which ONRSR may exercise this power are outlined below. The Regulator also retains the right to consider exceptional circumstances.

9.1 Tourist and heritage railways

Tourist and heritage rail transport operators will be subject to discounted application fees and discounted annual accreditation fees, which will be given effect through the exercise of the ONRSR's power to determine and waive fees under sections 76 and 77 of the RSNL.

These fees may be paid in full or in part by state and territory governments on behalf of selected tourist and heritage operators in that jurisdiction, as a Community Service Obligation. ONRSR

does not administer this process but will accept these operators as tourist and heritage operators and invoice in full or in part state and territory governments for discounted fees on their behalf.

There may be other rail transport operators that may be eligible to receive discounted fees as a tourist and heritage operator but have not been nominated under the Community Service Obligation provision.

When assessing whether a rail transport operator is a tourist and heritage operator for the purposes of discounted fees, ONRSR will have regard to the following criteria:

> the railway principally involves the restoration, preservation or operation of vintage rolling stock; and

> the purpose of the railway is to recreate historical railway experiences; and

> the railway is operated for enjoyment by the public on a not-for-profit basis.

The discounted accreditation application fees are outlined in Table 3.

Table 3 Tourist and heritage railways' discounted application fees

Type of fee	Section of the RSNL	Percentage of full fee payable[2]
Application for Accreditation	64(2)(d)	10%

The fixed component of annual accreditation fees will be discounted for tourist and heritage operators but the variable rate will be as published in the National Regulations. The fixed component of the annual fee will be published on the ONRSR website.

Major project fees will be waived for tourist and heritage rail operators.

9.2 Surrender of accreditation or registration

In response to an intention to surrender accreditation or registration, a waiver or refund of annual fees paid to ONRSR may be granted in exceptional circumstances, on a pro-rata (monthly) basis for the remaining portion of the financial year for which annual fees have already been paid. Where a waiver or refund will be applied, this will be calculated from the full month commencing 28 days after the intention to surrender has been received. The surrender may commence before or after this period, subject to all outstanding fees (adjusted or not) being paid.

A waiver is subject to surrender being accepted, if the intention to surrender is withdrawn or discontinued, the full annual fees will be payable.

The surrender of a private siding/s where the registered rail infrastructure manager will retain registration to manage other private siding/s will not attract any fee or refund.

9.3 Suspension or cancellation of accreditation or registration

Due to the regulatory effort associated with suspension and cancellation of accreditation or registration, ONRSR will not provide refunds of annual fees paid.

Annual fees will continue to accrue over any period of suspension and will be payable before the suspension can be withdrawn.

[2] As listed in Schedule 3 to the National Regulations.

9.4 Waiver or refund of exemption application fees

Section 214A allows ONRSR to waive or refund fees payable under Division 2 of Part 6 of the RSNL. This power provides for extenuating circumstances and will be exercised at the Regulator's discretion.

10 Late payment of annual fees

In the absence of an agreed alternate arrangement for the payment of an annual fee by a rail transport operator, ONRSR may impose a late payment fee where the fee is not paid on or before the due date. The method of calculation for this fee is prescribed in the National Regulations.

11 Failure to pay the annual fee

ONRSR may suspend the accreditation of an operator where they have failed to pay the annual fee, consistent with Section 76 of the RNSL. Notice of 30 days will be provided to the operator to which they must respond by paying the fee or negotiating an alternative payment agreement.

Once an operator has been suspended no railway operations may be undertaken until that suspension is withdrawn.

12 Recovery of fees

ONRSR will make all reasonable efforts to enter into agreements with rail transport operators for alternative payment arrangements and will give due consideration to the possibility of providing waivers and refunds. However, it should be noted that these powers are discretionary and ONRSR is not obligated to exercise these powers. In the event that a rail transport operator is recalcitrant and fails to comply with the requirements of the RSNL, ONRSR may attempt to recover fees through court proceedings.

13 Further information

For questions about ONRSR's fees please contact us.