

Getting a rail licence

Introduction

To operate and/or provide access to a railway in New Zealand, Waka Kotahi NZ Transport agency must first grant you a rail licence, as per the [Railways Act 2005](#) (the Act). This legislation puts the onus on each licence holder to ensure that none of the rail activities for which it is responsible causes, or is likely to cause, the death of or serious injury to an individual ([so far as is reasonably practicable](#)).

Note: If another licence holder's licence and safety case cover all your rail activities you may not require a licence under the Act.

What is an access provider?

An access provider is a person or organisation that controls the use of a railway line by rail operators. This applies to a railway operating on a single rail or set of rails with a gauge of 550 mm or greater, and those with a lesser gauge which are included by regulation.

What is a rail operator?

A rail operator is the person who provides or operates a rail vehicle as described above, including:

- a locomotive
- railcar
- tram
- light rail vehicle
- hi-rail vehicle
- maintenance vehicle
- shunting tractor.

Generally, railways with a lesser gauge that are available for public use are considered to be amusement devices and are excluded from requiring a licence under the Railways Act.

Note: For details about operating those, refer to WorksafeNZ's [Amusement devices](#) page.

How do I start the process?

When you first enquire about getting a licence to perform rail activities, a member of the Safer Rail team will work with you to answer any initial questions you have and provide you with the appropriate guidance material.

They will also guide you to get your [Rail safety case](#) to an appropriate standard before you submit the official application, which could include travelling out to view your premises and rail vehicles and talk about your proposed activities.

Developing your safety case and safety system

All licence holders are required to have a safety system with an overarching safety case approved by Waka Kotahi (WorkSafe NZ is also consulted before a safety case is approved).

What is a safety case?

A rail safety case provides an overview of your organisation's approach to safety and demonstrates how your management systems work together to achieve your safety commitments.

Its development gets you, as a (prospective) rail participant, to look carefully at your organisation and think about how you will keep people safe, rather than just focusing on your equipment or procedures. It does this because often the most serious accidents come about not just from one thing going wrong, but from a build-up of failures across the organisation.

Your safety case must cover all of your rail activities and those of any rail participants for which you are responsible for (will operate under your licence). It should show how your organisation will be structured to manage safety and risk. It's important to ensure all interoperability arrangements with other rail participants are also covered so there are no gaps in responsibility or accountability with regards to safety.

A key principle of the safety regime is that the organisation which creates the risk carries the responsibility for managing it.

Note: Comprehensive guidance for how to develop a safety case is provided on the [Rail safety cases page](#) and you will also find our [Risk management](#) guidance helpful.

What is a safety system?

A safety system is what underpins the operations of a licence holder, with the key idea behind any such system being 'say what you do, do what you say'. Such systems define the standards and procedures consistent with accepted railway operating practices for the activities being undertaken.

An effective safety system:

- ensures operational consistency
- ensures risks are managed
- measures performance, and
- seeks continuous improvement as appropriate.

Internal audits by the licence holder and safety assessments by the Transport Agency are carried out to ensure ongoing compliance with the safety system.

Note: For more information see the guidance on our [Governance](#) and [Safety assessments](#) pages.

Applying for your rail licence

Applications for a licence must be made using the [Railways Act 2005 Application for a licence form](#) and must include your proposed safety case with an application fee of \$120.

All time and expenses incurred by Waka Kotahi in consideration of your application will be chargeable, regardless of whether your application is successful. See our [Rail licence application fees](#) page for guidance on how to keep these costs down. You can also contact the Safer Rail team via railregulation@nzta.govt.nz if you require further assistance.

You cannot carry out rail activities (eg move rail vehicles or allow operation on your network) until your safety case has been approved and you have received your licence.

What's next?

Once your rail licence has been granted, a Safer Rail team member will be in touch to set up your first safety assessment. This is so Waka Kotahi can gain assurance that you're operating in line with your approved safety case and haven't overlooked any safety-related aspects of your business (eg you may have some temporary restrictions on your licence until this assurance has been gained).

Note: For more information, see our guidance on the [Safety assessments](#) page.

If you want to change the activities you perform under your licence, you may need to seek approval from Waka Kotahi first. It is an offence to operate beyond the scope of your licence.

Note: For more information, and to clarify whether you need to notify us or apply for permission, see the guidance on our [Safety case variations, replacements and change notifications](#) page.