

# Utilities (Emergency Planning Code) Determination 2011

Disallowable Instrument DI2011–274

made under the

***Utilities Act 2000*, s 59 (determined codes), s 63 (public access) and s 65 (application of industry code provisions)**

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**1 Name of instrument**

This instrument is the *Utilities (Emergency Planning Code) Determination 2011*.

**2 Commencement**

This instrument commences on the day after it is notified.

**3 Repeal of Code**

This instrument revokes the Emergency Planning Code 2010 which formed part of the *Determination of Technical Codes*, Instrument No. 170 of 2010, made under the *Utilities Act 2000* and notified on 26 July 2010.

**4 Determination of Code**

I determine the attached Emergency Planning Code.

**5 Public access to documents**

Copies of the Emergency Planning Code are available for inspection by members of the public between 9:00am and 5:00pm, Monday to Friday, at the Independent Competition and Regulatory Commission's offices at Level 2, 12 Moore Street, Civic ACT, and on the Commission's website ([www.icrc.act.gov.au](http://www.icrc.act.gov.au)). Copies of these documents can be made at the Commission's offices. Electronic copies are available on request. No charge will apply.

Simon Corbell  
Minister for the Environment and Sustainable Development

21 September 2011

# **Emergency Planning Code 2011**



AUSTRALIAN  
CAPITAL TERRITORY

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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## **1. THE CODE**

### **1.1 Name of Code**

This code is the *Emergency Planning Code 2011*, a technical code made by the Minister under part 5 of the Act.

### **1.2 Application**

- (1) This code applies to each utility providing a transmission or distribution service under the Act.
- (2) Nothing in this code affects the exercise of any power under the Act, or a utility's obligation to comply with any direction or requirement under the *Emergencies Act 2004*, or the AEMO Memorandum of Understanding on the Use of Emergency Powers.

### **1.3 Purpose**

The purpose of this code is to ensure a utility has in place appropriate procedures, structures and arrangements for preventing, anticipating and responding to emergency events and potential emergency events by requiring utilities to:

- (1) develop, maintain and implement emergency management procedures;
- (2) develop and annually review emergency plans;
- (3) report to the chief executive on compliance with this code and with emergency plans; and
- (4) develop cooperative arrangements with other utilities or agencies.

## **2. DICTIONARY**

### **2.1 Dictionary Attached**

The dictionary at the end of this code is part of this code.

## **3. PROCEDURES**

### **3.1 Utility to adopt emergency management procedures**

A utility must, within six (6) months of the grant of its utility services licence or other authorisation to operate in the Territory, adopt and implement procedures for emergency preparedness, response and recovery including:

- (1) identification of potential emergency events;
- (2) prompt detection of emergency events; and

- (3) responding to emergency events with actions that include:
  - (a) notifying customers, groups of customers and other members of the public most likely to be affected by the occurrence of an emergency event or any impending threat from such an event. The procedures must require the utility to inform the affected person of:
    - (i) the actions that the utility will take to respond to the event;
    - (ii) information on the estimated duration of the event;
    - (iii) the nature of any restrictions;
    - (iv) procedures for making applications for exemptions from restrictions; and
    - (v) any appropriate action or precaution the person should take in the circumstances.
  - (b) minimising the impact, or likely impact, of the event on persons and property; and
  - (c) maintaining or resuming the provision of the relevant utility service.

### **3.2 Utility to maintain procedures**

A utility must keep the emergency management procedures up-to-date and undertake annual audits of:

- (1) the relevance of the procedures;
- (2) the effectiveness of the procedures as demonstrated in the utility's response to any emergency event that may have occurred during the previous year or during the previous annual testing of the emergency plan; and
- (3) the compliance of utility staff with the procedures during the testing or any emergency event.

## **4. EMERGENCY PLANS**

### **4.1 Objective of emergency plans**

The objective of an emergency plan is to define aspects of emergency preparedness, response and recovery to ensure:

- (1) identification of an emergency event;
- (2) all affected persons receive:
  - (a) timely warnings of potential emergency events;
  - (b) timely advice of the status of emergency events;
  - (c) advice on action they may take in relation to an emergency event.

- (3) minimisation of public disruption and damage to property; and
- (4) harmonisation of utility actions with other agencies and with the processes specified in the *Emergencies Act 2004*.

#### **4.2 Preparation of emergency plans**

A utility must, within six (6) months of the grant of its utility services licence or other authorisation to operate in the Territory, and thereafter by 30 April of each year:

- (1) prepare a draft emergency plan having regard to experience of any emergency events and exercises during the previous year;
- (2) submit the draft emergency plan to the chief executive for approval;
  - (a) in the case of a gas utility, a draft emergency plan submitted to the chief executive for approval may be part of a gas safety and operating plan as required by the Gas Safety and Operating Plan Code; and
  - (b) a draft emergency plan submitted by a gas utility to the chief executive for approval and which is part of a gas safety and operating plan must comply with the requirements of this code.

#### **4.3 Approval of emergency plans**

After the utility submits the draft emergency plan to the chief executive for approval, the chief executive must:

- (1) consult with the utility, the ACT emergency services agencies and any other relevant parties; and
- (2) as soon as practicable either:
  - (a) approve the draft emergency plan as complying with this code; or
  - (b) require the utility to amend the draft emergency plan.

#### **4.4 Utility to make amendments**

If the chief executive requires a utility to amend its draft emergency plan under clause 4.3, the utility must within 14 days of receipt of the chief executive's notification prepare and submit a revised draft plan to the chief executive for approval.

#### **4.5 Distribution of emergency plans**

As soon as practicable after the emergency plan is approved:

- (1) a utility must distribute printed copies of the emergency plan to each party included in the distribution list for the approved plan; a utility may also supply an additional electronic copy; and
- (2) a utility must distribute the emergency plan to all on-call utility duty officers-in-charge; and

#### **4.6 Utility to comply with plan**

A utility must comply with its emergency plan during an emergency event.

## **5. CONTENT OF EMERGENCY PLANS**

### **5.1 Emergency events**

- (1) In developing an emergency plan, a utility must address the following:
  - (a) the various levels of response, including the level of resources, expertise and cooperative arrangements with other organisations such as interstate utilities required to deal with the different levels of emergency events according to their seriousness;
  - (b) the circumstances under which escalations of response will be triggered;
  - (c) the real or likely impact an emergency event will have on the community; and
  - (d) possible cross-industry issues.
- (2) Each emergency plan must, at a minimum:
  - (a) identify situations likely to lead to an emergency event;
  - (b) identify the utility's procedures referred to in clause 3.1;
  - (c) detail the utility's procedures used to identify the emergency events; and
  - (d) the emergency plan shall include a distribution list made up of the contact list specified in clause 6, the chief executive and each organisation, agency or individual having responsibilities under the emergency plan.

### **5.2 Emergency plan to be consistent**

An emergency plan must take into account the requirements of, and be consistent with:

- (1) reporting requirements under the *Public Health (Drinking Water) Code of Practice 2007* (if applicable);
- (2) any emergency plans developed under the *Emergencies Act 2004*; and
- (3) AEMO's Power System Emergency Management Plan (if applicable).

### **5.3 Requirement to ration, cut-off or otherwise affect the provision of a utility service**

An emergency plan must detail the manner in which utility services are to be cut-off, rationed or otherwise regulated in response to an emergency event.

### **5.4 Key personnel**

With respect to each action specified under clause 3.1, an emergency plan must identify:

- (1) the position of the employee or officer of a utility responsible for ensuring that the action is undertaken;
- (2) the position of the key employee or officer responsible for managing and co-ordinating a utility's overall response to each emergency event; and
- (3) roles of employees and officers during an emergency event together with the attendance requirements.

## **5.5 Notification**

An emergency plan must:

- (1) specify when the chief executive or Minister is to be notified by a utility about an emergency event or a potential emergency event; and
- (2) identify the emergency service organisations that the utility is to contact when an emergency event occurs; and
- (3) specify the process for contacting those organisations as necessary.

## **5.6 Communication**

- (1) An emergency plan must specify communication procedures to respond to emergency events.
- (2) The communication procedures must:
  - (a) detail the customers, groups of customers and other members of the public likely to be most affected by the occurrence of an emergency event;
  - (b) be consistent with the procedures referred to in subclause 3.1(3); and
  - (c) deal with media liaison.
- (3) The emergency plan must include provisions requiring the establishment of a 24 hour, 7 day a week, emergency telephone number with operators capable of providing the information referred to in subclause 3.1(3).

## **5.7 Expression**

An emergency plan must be clearly written in plain English.

## **6. CONTACT LIST**

A utility must provide a list of the positions and contact details for key personnel under clause 5.4 and:

- (1) update this list at intervals not exceeding six months; and
- (2) provide a printed copy of the list or updated list to the chief executive and to each organisation, agency or individual having responsibilities under the emergency plan.



**7. EMERGENCY EVENT TRAINING**

A utility must ensure that its employees and officers:

- (1) are familiar with the contents of the emergency plan and the associated procedures; and
- (2) understand their duties and authorisations during an emergency event.

**8. TESTING AND REVISION OF EMERGENCY PLANS**

A utility must test and revise its emergency plan. The testing must be conducted at least annually. The chief executive or their nominee may observe the testing and the utility must give the chief executive at least 20 business days notice of the testing.

**9. EMERGENCY EVENT REPORTING****9.1 Notification at time of emergency event**

A utility must immediately notify the chief executive of an emergency event. The chief executive must be advised of:

- (1) a description of the event;
- (2) the likely impact of the event; and
- (3) steps being taken to address the event.

**9.2 Utility to report on emergency events to chief executive**

- (1) A utility must provide a written report on the emergency event to the chief executive not later than five business days after the emergency event ceases.
- (2) A written report on the emergency event must:
  - (a) provide details on the cause of the event;
  - (b) provide details on the time and date at which the event took place;
  - (c) list the requirements contained in the relevant emergency plan;
  - (d) detail the utility's actions under each of those requirements;
  - (e) provide notification details;
  - (f) detail the current status of the event, including the capacity of the utility to provide utility services following the occurrence of the emergency event;

- (g) detail maintenance and other remedial actions to be undertaken by the utility to prevent another such occurrence (if applicable) and to ensure the ongoing capacity of the utility to deliver the relevant utility service; and
- (h) provide any other details required by the chief executive.

### **9.3 Emergency events reports submitted by utility under the *Dam Safety Code***

A report on an emergency event prepared and submitted by a utility to the chief executive under the *Dam Safety Code* following a dam safety emergency is taken to satisfy the emergency event reporting requirements under this code provided the report contains the information required by clauses 9.1 and 9.2 above.

## **10. RECORDS**

### **10.1 Utility to keep records**

A utility must keep, or cause to be kept, comprehensive and accurate records of:

- (1) compliance with the requirements of this code; and
- (2) any other matters required by the chief executive.

The records must be made available for inspection as required by the chief executive.

## DICTIONARY

- (1) **Act** means the *Utilities Act 2000*.
- (2) **AEMO** means the Australian Energy Market Operator Limited ACN 072 010 327.
- (3) **business day** has the same meaning as defined under the *Legislation Act 2001*.
- (4) **chief executive** means the chief executive in control of the administrative unit allocated responsibility for part 5 of the Act through administrative arrangements made under the *Public Sector Management Act 1994*;
- (5) **customer** has the same meaning as defined under the Act.
- (6) **Dam Safety Code** means the *Dam Safety Code* approved as a technical code by the Minister under part 5 of the Act.
- (7) **emergency event** means an incident that:
  - (i) threatens, or adversely affects, the provision of a distribution utility service to a substantial number of customers (ie greater than 10% of customers) or to more than one localised area; or
  - (ii) threatens, or adversely affects, the provision of a transmission utility service to a receiving station or sub-station; or
- (8) may lead to the declaration of an emergency under the *Emergencies Act 2004*.
- (9) **emergency service organisations** include, but are not limited to, the ACT Emergency Services Agency and the ACT Police;
- (10) **Gas Safety and Operating Plan Code** means the *Gas Safety and Operating Plan Code 2000* approved as a technical code by the Minister under part 5 of the Act.
- (11) **gas safety and operating plan** means a gas safety and operating plan submitted under the *Gas Safety and Operating Plan Code 2000*.
- (12) **gas utility** means a utility providing a gas service in relation to transmission or distribution under part 2, division 2.2, of the Act.
- (13) **ICRC** means the Independent Competition and Regulatory Commission established under section 5 of the *Independent Competition and Regulatory Commission Act 1997*.
- (14) **Minister** means the Minister responsible for administering Part 5 of the Act in accordance with the *Australian Capital Territory (Self-Government) Act 1988*.
- (15) **person** has the same meaning as defined under the *Legislation Act*.
- (16) **Territory** means the Australian Capital Territory.

- (17) **utility** has the same meaning as defined under the Act.
- (18) **utility services licence** means a licence granted under part 3 of the Act.
- (19) **utility service** has the same meaning as defined under the Act.