

AUSTRALIAN CAPITAL TERRITORY

UTILITIES ACT 2000

UTILITIES (EMERGENCY PLANNING CODE) DETERMINATION 2003

Disallowable instrument DI2003—32

EXPLANATORY STATEMENT

Part 5 of the *Utilities Act 2000* (the Act) provides for the making and variation of technical codes as part of the requirements that licensed utilities must observe. Provisions for technical codes are set out as variations on the provisions of Part 4 of the Act for industry codes. Sections 61 and 65 of the Act provide for the variation of technical codes. Section 236 of the Act allowed the determination of first technical codes.

Under section 62 of the Act, a variation of a technical code is a disallowable instrument.

On 21 December 2000 the Minister for Urban Services determined first technical codes including a Dam Safety Code (“the Code”) in Instrument No 369 of 2000. Notification of the making of this determination was published in Gazette No S69 of 21 December 2000. The present instrument varies the Code in the following ways:

Requirement to Adopt and Maintain Procedures

- 1 Clause 3A has been inserted to require the adoption and maintenance of procedures which were previously required to be detailed within the Emergency Plan. This change is linked to the changed requirement for Emergency Plans detailed below.

Emergency Plans to Identify Relevant Procedures

- 2 Clauses 5.1(3), 5.1(4) and 5.8(2)(b) are changed to require emergency management procedures to be referenced within Emergency Plans rather than to be included. Including all the procedures in an Emergency Plan is neither necessary nor practical.

Emergency Plans to Identify Personnel by Their Position

- 3 Clause 5.5 is amended to require Utilities to nominate relevant personnel only by their position within the organisation. Previously personnel had to be nominated by name leading to a need for frequent revision of substantial parts of Emergency Plans. This change is linked to the requirement to update the contact list part of Emergency Plans as indicated below.

Emergency Event Training

- 4 Since clause 5 deals with the content of Emergency Plans and emergency event training is required only after the plans have been prepared and approved, the sections of that clause which deal with emergency event training, have been made into a separate clause 5B.

Distribution, Testing and Revision of Emergency Plans

- 5 Since clause 5 deals with the content of Emergency Plans and distribution, testing and revision of Emergency Plans is required only after the plans have been prepared and approved),, those sections of that clause which deal with the distribution, testing and revision of Emergency Plans have been deleted from clause 5 and inserted as a separate clause 5A.

Specific requirements for updating of contact lists have been included as part of clause 5A. These requirements are related to the relaxed requirement for nominating personnel within Emergency Plans as described in item 3 above.

Records

- 6 The heading of clause 6 is changed to reflect the content of the clause and a requirement relating to inspection, implied by the previous heading, is inserted as an explicit requirement.

Minor Editorial Changes

- 7 Minor editorial changes are made to a number of clauses.

Numbering

- 8 Clauses are renumbered to account for new clauses.

Copies of the code will be made available for public inspection at the offices of the Independent Competition and Regulatory Commission. These offices are currently located at Level 7, FAI House, 197 London Circuit, Civic ACT 2601. Under section 63 of the Act the Commission's office is a place where copies of industry codes made under Part 4 of the Act must be available for public inspection.