

Emergency Planning Code

March 2003



AUSTRALIAN
CAPITAL TERRITORY

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1. PURPOSE OF THIS CODE

1.1 Application

This Code applies to **Electricity Distributors** and **Water Utilities** (“**Utilities**”).

1.2 Purpose

The purpose of this Code is to ensure **Utilities** have 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 and periodically review **Emergency Plans**;
- (2) report to the **Chief Executive** on compliance with this Code and with **Emergency Plans**; and
- (3) develop cooperative arrangements with other **Utilities**.

2. DICTIONARY

2.1 Dictionary Attached

The dictionary at the end of this **Emergency Planning Code** is part of this Code.

3. EFFECT OF CODE

3.1 Exercise of Emergency Powers under other Legislation

Nothing in this Code affects the exercise of any power, or a **Utility’s** obligation to comply with any direction or requirements under the *Emergency Management Act 1999*, the **NEMMCO** Memorandum of Understanding on the Use of Emergency Powers, and the Utilities Act.

4. REQUIREMENT TO ADOPT AND MAINTAIN PROCEDURES

4.1 Utility to Adopt Procedures

A **Utility** must, within 6 months of the grant of its **Utility Services Licence**, adopt and implement procedures for

- (1) identification of potential **Emergency Events**,
- (2) prompt detection of **Emergency Events**; and
- (3) management of **Emergency Events**, including actions that a **Utility** will take in response to an **Emergency Event** to:
 - (a) notify **Customers**, groups of **Customers** and other members of the public most likely to be affected by the occurrence of an **Emergency Event** of that **Event**. The procedures must require the Utility to inform the affected persons 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 those persons should take in the circumstances.
- (b) minimise the impact, or likely impact, of the **Event** on persons and property; and
 - (c) maintain or resume the provision of the relevant **Utility Service**.

4.2 Utility to Maintain Procedures

The **Utility** must keep the procedures up-to-date and audit them annually.

5. REQUIREMENT TO DEVELOP EMERGENCY PLANS

5.1 Preparation of Emergency Plans

Each **Utility** must, within 6 months of the grant of its **Utility Services Licence**, and annually thereafter:

- (1) prepare a draft **Emergency Plan**; and
- (2) submit the **Emergency Plan** to the **Chief Executive** for approval.

5.2 Approval of Emergency Plans

As soon as practicable after the **Utility** submits the **Emergency Plan** to the **Chief Executive** for approval, the **Chief Executive** must:

- (1) consult with interested parties including, but not limited to, the ACT Emergency Services Bureau; and
- (2) either:
 - (a) approve the **Emergency Plan**; or
 - (b) require the **Utility** to amend the **Emergency Plan**.

5.3 Amendments to Emergency Plans

The **Chief Executive** may direct a **Utility** to amend a proposed **Emergency Plan** only if, in the **Chief Executive's** reasonable opinion, the proposed plan does not adequately address any one or more of the matters referred to in clause 6.1.

5.4 Utility to Make Proposed Amendments

If the **Chief Executive** directs a **Utility** to amend its proposed **Emergency Plan** under clause 5.3, the **Utility** must in good faith and within 14 days of receipt of the **Chief Executive's** direction prepare and submit a revised plan to the **Chief Executive** for approval.

5.5 Chief Executive Submission of Emergency Plans

As soon as practicable after approving an **Emergency Plan**, the **Chief Executive** must submit the plan to interested parties including, but not limited to, the ACT Emergency Services Bureau.

6. CONTENT OF AN EMERGENCY PLAN

6.1 Emergency Events

- (1) In developing an **Emergency Plan**, **Utilities** must address the following:
 - (a) the various levels of response required according to the seriousness of the **Emergency Event** and the level of resources and expertise needed to deal with the different levels of emergency;
 - (b) the likely or real impact an **Emergency Event** will have on the community; and
 - (c) possible cross-industry issues.
- (2) Accordingly, each **Emergency Plan** must, at a minimum:
 - (a) identify:
 - (i) emergency situations;
 - (ii) system failure situations; and
 - (iii) unusual occurrences (for example, industrial action, malicious damage)that, if they occurred:
 - (i) are likely to threaten or adversely affect the provision of a **Utility Service** to a substantial number of **Customers** (ie greater than 10% of **Customers**) or to more than one localised area; or
 - (i) may lead to the declaration of an emergency under the Emergency Management Act;
 - (b) identify the **Utility's** procedures referred to in clause 4.1; and
 - (c) detail the **Utility's** procedures for the **Emergency Events** identified under subclause 6.1(2)(a).

6.2 Emergency Plan not to be Inconsistent

Emergency Plans must take into account the requirements of, and not be inconsistent with:

- (1) any emergency plans developed under the Emergency Management Act; and
- (2) **NEMMCO's** Power System Emergency Management Plan (if applicable).

6.3 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**.

6.4 Key Personnel

With respect to each action specified under clause 4.1, an **Emergency Plan** must identify:

- (1) the position of the employee or officer of the **Utility** responsible for ensuring that the action is undertaken;
- (2) the position of the key employee or officer responsible for managing and co-ordinating the **Utility's** overall response to each **Emergency Event**; and
- (3) roles and attendance procedures to be employed by employees and officers during an **Emergency Event**.

6.5 Notification

An **Emergency Plan** must:

- (1) establish guidelines for when the **Minister** is notified 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 have in place a process for contacting those organisations as necessary.

6.6 Communication Strategy

- (1) An **Emergency Plan** must develop a communication strategy to respond to **Emergency Events**.
- (2) The communication strategy must:
 - (a) detail the **Customers**, groups of **Customers** and other members of the public most likely to be affected by the occurrence of an **Emergency Event**;
 - (b) be consistent with the procedures referred to in subclause 4.1(3); and
 - (c) detail a strategy for liaising with the media.
- (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 4.1(3).

6.7 Effective Emergency Plans

Emergency Plans are to be in writing which is simply expressed.

7. CONTACT LIST

The **Utility** must provide a list of the names and contact details for each employee and officer in a position having responsibility under subclause 6.4. The **Utility** must:

- (1) update this list at intervals not exceeding six months; and

- (2) provide a copy of the list or updated list to the **Chief Executive** and to each organisation, agency or individual having responsibilities under the plan.

8. EMERGENCY EVENT TRAINING

A Utility must ensure that its employees and officers understand and have had training on their duties and authorisations during an **Emergency Event**.

9. DISTRIBUTION, TESTING AND REVISION OF EMERGENCY PLANS

A Utility must properly disseminate, test and revise its **Emergency Plan**. The testing must be conducted at least annually.

10. EMERGENCY EVENT REPORTING

10.1 Notification at Time of Emergency Event

Utilities must immediately notify the **Chief Executive** of an **Emergency Event**. The **Chief Executive** must be advised of:

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

10.2 Emergency Event Report to Chief Executive

A **Utility** must send a written **Emergency Event Report** to the **Chief Executive** not later than:

- (1) five **Business Days** after the occurrence of an **Emergency Event**; and/or
- (2) five **Business Days** after receiving a request from the **Chief Executive**.

10.3 Content of Emergency Event Report

An **Emergency Event Report** must be in the form required from time to time by the **Chief Executive** and, in the case of an **Emergency Event Report** submitted under clause 10.2(2), 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 requested by the **Chief Executive**.

10.4 Emergency Events Reports submitted under the Dam Safety Code

An **Emergency Event Report** prepared and submitted 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.

10.5 Chief Executive May Give Direction to Utility

If, on the basis of an **Emergency Event Report**, the **Chief Executive** is not satisfied with a **Utility's** adherence to its **Emergency Plan** following an **Emergency Event**, the **Chief Executive** may give a direction to the **Utility**.

11. RECORDS

11.1 Each Utility to Keep Records

Each **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 reasonably required by the **Chief Executive**.

The records must be made available for inspection as requested by the **Chief Executive**.

12. DUTY OFFICERS

After hours duty officers must be provided with a copy of the **Utility's Emergency Plan** and have received sufficient training to become familiar with the contents of the **Emergency Plan** and the associated procedures.

13. COMPLIANCE WITH AN EMERGENCY PLAN

13.1 Utility to Comply with Emergency Plan

During an **Emergency Event** a **Utility** must comply with its **Emergency Plan**.

14. CO-OPERATION WITH OTHER UTILITIES

14.1 Utilities may make arrangements for cooperation

A **Utility** may make an arrangement with another **Utility** (including an interstate **Utility**) to facilitate co-operation in the management of an **Emergency Event**. Such an arrangement might include, for example, arrangements for sharing resources during an event should its management exceed the **Utility's** normal operational capabilities.

DICTIONARY

- (1) “**Act**” means the *Utilities Act 2000*;
- (2) “**Business Day**” means a day, other than a Saturday, Sunday or public holiday in the **Territory**;
- (3) “**Chief Executive**” has the same meaning and functions as defined under the **Act**;
- (4) “**Customer**” has the same meaning as defined under the **Act**;
- (5) “**Dam Safety Code**” means the **Dam Safety Code** approved as a technical code by the **Minister** under Part 5 of the **Act**;
- (6) “**Electricity Distributor**” means a **Person** who holds a **Utility Services Licence** for the distribution of electricity;
- (7) “**Emergency Event**” means an incident that threatens, or affects, the supply of **Utility Services** to a significant number of **Customers** and that may lead to the declaration of an emergency under the *Emergency Management Act 1999*;
- (8) “**Emergency Event Report**” means a report prepared in accordance with the **Emergency Planning Code**;
- (9) “**Emergency Plan**” means a plan required under, and developed in accordance with, the **Emergency Planning Code**;
- (10) “**Emergency Planning Code**” means the **Emergency Planning Code** approved by the **Minister** as a **Technical Code** under Part 5 of the **Act**;
- (11) “**Emergency Services Organisations**” include, but are not limited to, the ACT Emergency Services Bureau and the ACT Police;
- (12) “**ICRC**” means the Independent Competition and Regulatory Commission established under section 5 of the *Independent Competition and Regulatory Commission Act 1987 (ACT)*;
- (13) “**Minister**” means the **Minister** responsible for administering Part 5 of the **Act**;
- (14) “**NEMMCO**” means the National Electricity Market Management Company Limited ACN 072 010 327;
- (15) “**Person**” includes a natural person, a firm, an unincorporated association or body corporate;
- (16) “**Technical Code**” means a code approved or determined by the **Minister** under Part 5 of the **Act**;
- (17) “**Territory**” means the Australian Capital Territory;
- (18) “**Utility**” means a **Person** who holds a **Utility Services Licence**;

- (19) **"Utility Services Licence"** means a licence granted to a **Utility** by **ICRC** under Part 3 of the **Act**;
- (20) **"Utility Service"** has the same meaning as defined under the **Act**;
- (21) **"Water Services"** means those services as defined in the **Act**;
- (22) **"Water Utility"** is a **Utility** licensed under the **Act**, to provide **Water Services**.