

# Utilities (Emergency Planning Code) Determination 2010

## Disallowable instrument DI2010–170

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 2010*.

### 2 Commencement

This instrument commences on the day after it is notified.

### 3 Repeal of code

I repeal the Emergency Planning Code December 2000 which formed part of the *Determination of Technical Codes*, Instrument No. 369 of 2000, made under the Utilities Act 2000 which was notified in the ACT Special Gazette No. S69 dated 21 December 2000 on page 4.

### 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.

Andrew Barr  
Minister for Planning

12 July 2010

# **Emergency Planning Code 2010**



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 2010**, 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 requirements 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 Emergency Planning Code is part of this Code.

## 3. PROCEDURES

### 3.1 Utility to Adopt Emergency Management Procedures

A **Utility** must, within 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) 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** or any impending threat from such an **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**.

### 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 **Emergency Events**
- (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**; and
- (3) Minimisation of public disruption and damage to property

- (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 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;
- (3) 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
- (4) 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 agency and 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.
- (2) a **Utility** must also distribute the **Emergency Plan** to all on-call utility Duty Officers-in-charge.
- (3) The draft **Emergency Plan** shall include a **distribution list made up of the contact list specified in Section 6**, the **Chief Executive** and each

organisation, agency or individual having responsibilities under the **Emergency Plan**.

#### 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 likely or real impact an **Emergency Event** will have on the community; and
  - (d) possible cross-industry issues.
- (2) Accordingly, 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; and
  - (c) detail the **Utility's** procedures used to identify the **Emergency Events**.

#### 5.2 Emergency Plan to be Consistent

An **Emergency Plan** must take into account the requirements of, and be inconsistent 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 subclause 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;
- (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
  - (iii) may lead to the declaration of an emergency under the *Emergencies Act 2004*.
- (8) **Emergency Services Organisations** include, but are not limited to, the ACT Emergency Services Agency and the ACT Police;

- (9) **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**.
- (10) **Gas Safety and Operating Plan** means a **Gas Safety and Operating Plan** submitted under the **Gas Safety and Operating Plan Code**.
- (11) **Gas Utility** means a Utility providing a gas service in relation to transmission or distribution under Part 2, Division 2.2, of the **Act**.
- (12) **ICRC** means the Independent Competition and Regulatory Commission established under section 5 of the *Independent Competition and Regulatory Commission Act 1997*.
- (13) **Minister** means the **Minister** responsible for administering Part 5 of the **Act** in accordance with the *Australian Capital Territory (Self-Government) Act 1988*.
- (14) **Person** has the same meaning as defined under the *Legislation Act*.
- (15) **Territory** means the Australian Capital Territory.
- (16) **Utility** has the same meaning as defined under the **Act**.
- (17) **Utility Services Licence** means a licence granted under Part 3 of the **Act**.
- (18) **Utility Service** has the same meaning as defined under the **Act**.