

Utilities (Emergency Planning Code) Determination 2011

Disallowable instrument DI2011–274

made under the

Utilities Act 2000, section 59 (Determined codes), section 63 (Public access) and section 65 (Application of industry code provisions)

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 making technical codes apply provisions of Part 4 of the Act for industry codes, with relevant variations. Section 65 of the Act provides for the determination of technical codes.

Under s62 of the Act, a technical code is a disallowable instrument.

On 21 December 2000, the Minister for Urban Services determined first technical codes including an Emergency Planning 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. In March 2003, the Code was varied by disallowable instrument 2003-32. Under s46 of the *Legislation Act 2001*, a power given under an Act to make a statutory instrument includes power to amend or repeal the instrument.

In 2003, the Environment and Sustainable Development Directorate (ESDD) and affected utilities reviewed the Emergency Planning Code and identified improvements. The Emergency Planning Code was varied by disallowable instrument 2010-170 to apply to gas services as well as electricity and water. The code now provides uniform obligations for utilities across sectors.

The ESDD has further reviewed the code and has identified a number of minor drafting errors in the Emergency Planning Code 2010 that may affect its interpretation. The purpose of this instrument is to correct these drafting errors.

Copies of the Emergency Planning Code 2011 will be made available for public inspection at the offices of the Independent Competition and Regulatory Commission. Under s63 of the Act, the Independent Competition and Regulatory Commission's office is a place where copies of industry codes made under Part 4 must be available for public inspection.