

Incident Notification Protocol

Between Victorian Water Corporations and the Department of Environment, Land, Water and Planning (DELWP)

Purpose

The purpose of this protocol is to provide:

- i. direction to water corporations regarding their obligation to notify DELWP's Water Duty Officer (WDO) of an incident;
- ii. a summary of the WDO's duties and support role to water corporations during incidents, including:
 - Acting as a communication conduit to the DELWP State Agency Commander, DELWP's Water and Catchment's executive and the Minister for Water's office when appropriate; and
 - Preparing situation reports to the DELWP's State Agency Commander (SAC) to ensure that the SAC can establish: (a) appropriate command and control arrangements in the event that incidents escalate; and (b) adequate resources to respond to the scale of the incident.

This protocol is not intended to discourage nor restrict broader communication between water corporations and DELWP during incidents or at any other time.

Scope - authorising environment

The *Emergency Management Act (1986 and 2013)* provide the legislative basis for the management of emergencies in Victoria. The State Emergency Response Plan (SERP) is prepared under Section 53 of the *Emergency Management Act 2013*. The roles of agencies in emergency response are part of the SERP and are listed in the Emergency Management Manual Victoria (EMMV) Part 7.

Roles assigned to DELWP include control agency (primary responsibility for response) for these emergencies:

- water and wastewater service disruption;
- dam safety;
- blue-green algae; and
- non-hazardous pollution of inland waters.

A response plan for each of these emergencies is available on EM-COP Library > EM Arrangements > Emergency Management Plans. Each response plan outlines the arrangements to manage these types of incidents including the role of water corporations.

The *Water Act 1989* applies to water in Victoria and includes powers and obligations on the Minister and water corporations. Section 41 of the *Water Industry Act 1994* provides the Minister with the power to issue a Statement of Obligations specifying water corporations' obligations,

including in relation to managing emergencies. Under this Act, a *Statement of Obligations* (SoO) is issued by the Minister for all Victorian water corporations. *Part 5 Risk Management* of the SoO sets out the water corporations' responsibilities for managing incidents and emergencies that include managing: continuity of services; waste discharges into the environment; dam safety; information and communications technology (ICT)/cyber incidents; security risks; and water quality.

In the case of a cyber event, the water corporation must notify the Victorian Government Cyber Incident Response Service on 1300 278 842 immediately or email cybersecurity@dpc.vic.gov.au, before contacting the Water Duty Officer.

Out of scope

This notification protocol does not apply to incidents relating to water corporations' governance or financial arrangements. Other reporting procedures are in place for these types of incidents.

This protocol does not replace or amend any reporting or notification requirements to other government departments or regulators which may be required to fulfill legislative obligations and/or establish appropriate emergency management controls in accordance with the EMMV.

Notification – what information is required?

Notification of an incident by phone or email will include the following:

- i. type and location of the incident;
- ii. an estimate of the time to resolution if known;
- iii. likelihood of escalation;
- iv. incident management arrangements in place; and
- v. consequence or potential consequence including:
 - number of households impacted;
 - predicted duration of the incident;
 - critical customers impacted including hospitals and industry;
 - risk to public health or safety; and
 - impact on assets, infrastructure or the environment.

**When must a water corporation notify the DELWP WDO of an incident?
 What are the subsequent actions to be taken by the WDO and the water corporation?**

Incident type and level		Roles, notification obligations and actions				
Control and agency incidents	Other incidents				Water Corporation obligations to notify the DELWP WDO	DELWP Water Duty Officer (WDO) summary of duties
<i>Refer to response plans that define Level 1, 2 and 3 triggers.</i>	External threats to the corporation's assets or operations	Notification to other agencies including DHHS and EPA	Public safety and OH&S	Reputational		
Level 1	No threat to assets or operations	No other agencies notified	No public safety or OH&S risks	No risk to reputation.	- Business As Usual: no notification required to DELWP e.g. minor leaks and bursts	- No action
Escalated level 1	Incident is escalating. A response team or critical incident team is formed. Potential for a cyber event identified.	Water contamination is confirmed and other agencies are notified. There are impacts at the local level.	There is a risk to public safety at the local level or an OH&S risk to staff.	Incident is attracting public interest and/or the water corporation has prepared a media release.	- Notify the WDO about the incident. If after 10pm, notify by email or notify the WDO by 8am the following day.	- WDO will notify the State Agency Commander (SAC), Senior Manager Sector Resilience and the Executive Director, Partnerships and Sector Performance and the ED Statewide Infrastructure and Rural Strategy about the incident.
Level 2 <i>Refer to response plans for triggers</i>	Credible external threat or impact with potential regional consequence on the corporation including: - cyber attacks - malicious acts - terrorism - fire - flood - continuity of services; - waste discharge to the environment; - dam safety; - ICT/cyber incidents; - security risks; - water quality issues.	There are broadscale/ regional impacts. There are regional impacts and EPA/DHHS are assisting with response.	Uncontrolled public safety risk.	Operational incidents of any level with the potential to have significant impact on the water corporation's reputation.	- Notify WDO by phone of any incident (including an anticipated escalation from elevated Level 1) <u>within 30 minutes</u> . - Email the WDO to confirm details ASAP, preferably with a situation report. - Provide ongoing sitreps to the WDO once to twice daily. - Immediately notify the WDO if the incident is escalating to a level 3	- Maintain state-wide situational awareness of external threats including: ICT attacks, fires and floods. - Monitor water corporation incidents. - Determine the frequency of corporation Situation Reports. - Notify the SAC* of any incident reported by a water corporation and requests for response resources. - Notify the key DELWP executive contact by phone if the incident is likely to escalate. - Email DELWP executive to Deputy Secretary level with situation updates. - For a cyber event, follow instructions from the Cyber Incident Response Service that may include passing on information/actions to water corporation ICT contacts. - Respond to information requests from the SAC, DELWP executive and Minister's Office.
Level 3 <i>Refer to response plans for triggers</i>	Actual or imminent impact with potential state-wide consequence on the corporation.	Any notification to another agency triggering a state-wide response.	Serious injury, permanent disability or death of public or staff.	As above	- Notify WDO by phone <u>immediately</u> . - Email confirming details to be sent ASAP. - Provide ongoing sitreps at a frequency requested by WDO.	- Notify the SAC immediately and pass on requests for response resources from water corporations to the SAC - Notify DELWP's executive contact by phone immediately - Email DELWP executive, Communications Division and the Minister's Office. - Provide ongoing update

*Note: The DELWP State Agency Commander will communicate to FFMVic (DELWP) regions via the Regional Agency Commander.