

# Incident Notification Protocol

Between Victorian Water Corporations and the Department of Energy, Environment and Climate Action (DEECA)

## Purpose

The purpose of this protocol is to provide:

- i. Direction to Water Corporations regarding their obligation to notify the Department of Energy, Environment and Climate Action's (DEECA's) State Duty Officer - Water (SDO - Water) of a real or emerging incident.
- ii. A summary of the SDO – Water's duties and support role to Water Corporations during incidents.

This protocol is not intended to discourage or restrict broader communication between Water Corporations and DEECA during incidents or at any other time; nor does it hinder communications where a perceived credible threat or reputational issue may be worth communicating between the Water Corporations and DEECA.

## Scope – Authorising Environment

The [State Emergency Management Plan \(SEMP\)](#) is authorised through the *Emergency Management Act 2013* (EM Act 2013). It contains provisions providing for the mitigation of, response to and recovery from emergencies; and specifies the roles and responsibilities of agencies in relation to emergency management (EM).

DEECA is the **control agency** for the following water emergencies:

- Water and wastewater service disruption
- Blue green algae
- Dam safety
- Non-hazardous pollution of inland waterways

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 for Water 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. The section *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.

## Out of scope

This notification protocol does not apply to incidents relating to Water Corporations' governance or financial arrangements, unless they have potential to have significant impact on the Water Corporation, or Government, reputation. 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 SEMF.

## 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
- v. External factors, including weather, which may adversely impact response
- vi. Consequence or potential consequence including:
  - risk to public health or safety
  - critical customers impacted including hospitals and industry
  - number of households impacted
  - predicted duration of the incident
  - impact on assets, infrastructure or the environment
  - impact to corporate / enterprise services

Table 1 at the end of the document details the timeframe and methods of communication required for notifying the SDO – Water of an incident. This is determined by incident level which is summarised in table 1 and can be found in greater detail in the relevant emergency response plan.

## Assets designated as vital under Part 7A of the Emergency Management (EM) Act 2013

If the incident / emergency has, or has potential to, impact any asset(s) designated as vital under the EM Act, you must advise the State Duty Officer – Water of the criticality designation of the asset(s) during the initial briefing, including the actual or potential impacts on service continuity. Information shared with DEECA regarding the criticality rating of the Critical Infrastructure must be marked as PROTECTED.

## Cyber Security Incidents and Data Breaches

In the event of a cyber **emergency** or **significant cyber incident** you must notify the Victorian Government Cyber Incident Response Service (CIRS) on 1300 278 842 **immediately** or email [cybersecurity@dpc.vic.gov.au](mailto:cybersecurity@dpc.vic.gov.au), before contacting the SDO – Water. For all incidents under this threshold, CIRS is available to provide assistance to water corporations in classification of the incident and supporting response activities, if required. Information on classification of cyber incidents against Business Impact Levels (BIL) can be found in Department of Government Service's Cyber Incident Management Plan (CIMP) (<https://www.vic.gov.au/cyber-incident-management-plan>).

A potential or realised data breach can be a type of cyber incident or emergency, depending on the severity of the breach or sensitivity of the information involved. For information on classification of the sensitivity/severity of the information, please refer to the Victorian Protective Data Security Framework Business Impact Levels: <https://ovic.vic.gov.au/wp-content/uploads/2019/11/VPDSF-BIL-Table-V2.1-November-2019.pdf>. If your business is impacted by a data breach, notification pathways to CIRS and DEECA must be followed, depending on the assessed BIL of the breach, per the CIMP.

The *Security of Critical Infrastructure Act 2018* (the SOCI Act) provides mandatory cyber incident reporting for critical infrastructure assets. Water Corporations with assets specified in section 5 of the Application Rules are required to [submit a report online](#) to the Australian Cyber Security Centre or if unable to, call on 1300 292 371. When submitting the report to ACSC please indicate that you have 'notified the Victorian Government Cyber Incident Response Service'.

- If you become aware that a **critical cyber security incident** has occurred, or is occurring, AND the incident has had, or is having, a **significant impact on the availability of your asset**, you must notify ACSC **within 12 hours** after you become aware of the incident.
- If you become aware that a **cyber security incident** has occurred, or is occurring, AND the incident has had, is having, or is likely to have, a **relevant impact on your asset** you must notify the ACSC **within 72 hours** after you become aware of the incident.

Table 1. Notification requirements and SDO – Water actions

Control and agency incidents	Incident type and level				Roles, notification obligations and actions	
<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 DH and EPA	Public safety and OH&S	Reputational	Water Corporation obligations to notify the DEECA SDO - Water	DEECA SDO - Water summary of duties
<p><b>Level 1</b> <i>Refer to response plans for triggers</i></p>	No threat to assets, operations or service delivery. Impacts are localised.	No other agencies notified.	No public safety or OH&S risks	No risk to reputation.	Business as Usual: no notification required to DEECA e.g. minor leaks and bursts	No action
	Incident is escalating. A response team or critical incident team is formed, or additional resources may be required.  Potential for a cyber event identified.	Drinking or environmental water contamination is confirmed <b>AND/OR</b> other agencies are notified (excluding VicPol for traffic management).	There is a risk to public safety at the local level <b>OR</b> an OH&S risk to staff.	Incident is attracting public interest and/or the Water Corporation has prepared a media release.	Notify the SDO - Water about the incident. If after 10pm, notify by email or notify the SDO - Water by 8am the following day.	SDO - Water will notify relevant DEECA management and Executives, which may include the Secretary, Minister's Office, FFMVic State Agency Commander (SAC) and DEECA Communications Division.
<p><b>Level 2</b> <i>Refer to response plans for triggers</i></p>	<p>Credible external threat or impact with potential regional consequence on the corporation including:</p> <ul style="list-style-type: none"> <li>• cyber-attacks / incidents (including data breaches)</li> <li>• malicious acts</li> <li>• terrorism</li> <li>• fire</li> <li>• flood/storm</li> <li>• continuity of services</li> <li>• waste discharge to the environment</li> <li>• dam safety</li> <li>• security risks</li> <li>• water quality issues</li> </ul>	<p>There are broadscale/ regional impacts.</p> <p>There are regional impacts and other agencies (eg DH, CFA/FRV, EPA, WorkSafe etc) are involved with response.</p>	Uncontrolled public safety risk.	Operational incidents of any level with the potential to have significant impact on the Water Corporation's or Victorian Government's reputation.	<ul style="list-style-type: none"> <li>• Notify SDO - Water by phone of any incident within 30 minutes.</li> <li>• Email the SDO - Water to confirm details ASAP, preferably with a situation report.</li> <li>• Provide ongoing sitreps for significant updates. Additional reporting may be required if requested by DEECA Executive.</li> <li>• Immediately notify the SDO - Water if the incident is escalating to a Level 3 or has the potential to.</li> </ul>	<p>In addition to the above:</p> <ul style="list-style-type: none"> <li>• Notify the FFMVic State Agency Commander (SAC)* of the incident and any requests for response resources, such as a Water Service Specialist (WSS). The FFMVic SAC will communicate to FFMVic (DEECA) regions via the Regional Agency Commander (RAC).</li> <li>• For a cyber event, liaise with the Cyber Incident Response Service (CIRS) to maintain an awareness of any potential or actual water sector services impacts arising which could cause water state response plans to be triggered.</li> <li>• Respond to information requests from the SAC, DEECA executive and Minister's Office.</li> </ul>
<p><b>Level 3</b> <i>Refer to response plans for triggers</i></p>	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	<ul style="list-style-type: none"> <li>• Notify SDO - Water by phone <u>immediately</u>.</li> <li>• Email confirming details to be sent ASAP.</li> <li>• Provide ongoing sitreps at a frequency requested by SDO - Water.</li> </ul>	<p>In addition to the above:</p> <ul style="list-style-type: none"> <li>• Notify the FFMVic SAC immediately and pass on requests for response resources from Water Corporations to the FFMVic SAC</li> <li>• Notify DEECA's executive contact by phone immediately.</li> </ul>