
National Electricity Market Emergency Protocol

Date:

THE STATE OF NEW SOUTH WALES (“NSW”)
THE STATE OF VICTORIA (“Victoria”)
THE STATE OF QUEENSLAND (“Queensland”)
THE STATE OF SOUTH AUSTRALIA (“South Australia”)
THE AUSTRALIAN CAPITAL TERRITORY (“ACT”)
**NATIONAL ELECTRICITY MARKET MANAGEMENT
 COMPANY LIMITED (“NEMMCO”)**

Recitals:

- A. This is the protocol jointly developed and agreed under clause 3.6 of the Memorandum of Understanding.

Operative provisions:

1 Interpretation

- 1.1 In this protocol, words in italics have the meanings given to them in the National Electricity Code unless the contrary intention appears.
- 1.2 The following words have these meanings in this protocol unless the contrary intention appears.

Code Participant has the same meaning as in the Memorandum of Understanding.

Designated Officer has the same meaning as in the Memorandum of Understanding.

Electricity Supply Shortage has the same meaning as in the Memorandum of Understanding.

Emergency Management Organisations in respect of a Jurisdiction means the organisations, agencies and departments responsible for responding to and alleviating emergencies in the Jurisdiction.

Emergency Power has the same meaning as in the Memorandum of Understanding.

Jurisdictions has the same meaning as in the Memorandum of Understanding.

Market Commencement has the same meaning as in the Memorandum of Understanding.

Media Statement means press or other announcement or release relating to this protocol or the exercise of an Emergency Power.

Memorandum of Understanding means the memorandum executed by NSW, Victoria, Queensland, South Australia, ACT and NEMMCO relating to the use of Emergency Powers.

National Electricity Code has the same meaning as in the Memorandum of Understanding.

National Grid has the same meaning as in the Memorandum of Understanding.

National Electricity Law has the same meaning as in the Memorandum of Understanding.

National Electricity Market has the same meaning as in the Memorandum of Understanding.

party means a party to the Memorandum of Understanding.

Relevant Official has the same meaning as in the Memorandum of Understanding.

Responsible Officer has the same meaning as in the Memorandum of Understanding.

State of Emergency in respect of a Jurisdiction means a state of emergency or state of disaster proclaimed by a Relevant Official in a Jurisdiction.

- 1.3 In this protocol unless the contrary intention appears:
- (a) a reference to this protocol or another instrument includes any variation or replacement of either of them;
 - (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
 - (c) the singular includes the plural and vice versa;
 - (d) the word person includes a firm, a body corporate, an unincorporated association, an authority or a State or Territory of Australia;
 - (e) if a word or phrase is specifically defined in this protocol, then other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- 1.4 Headings are inserted for convenience and do not affect the interpretation of this protocol.

2 Status of Protocol

- 2.1 This protocol is not legally binding.
- 2.2 This protocol commences on the later of:
- (a) Market Commencement; or
 - (b) the date on which this protocol is last agreed upon by a Jurisdiction.
- 2.3 If a provision of this protocol is inconsistent with a provision of the Memorandum of Understanding, then the provision of the Memorandum of Understanding prevails to the extent of that inconsistency.
- 2.4 The parties acknowledge that, for the purposes of clause 4.8.8(d) of the National Electricity Code, this protocol and the Memorandum of

Understanding together constitute the basis and processes on which NEMMCO will liaise with the Jurisdictions if the management of an extensive disruption requires the use of emergency services powers.

3 Representatives

Responsible Officers

- 3.1 Under the Memorandum of Understanding each party must, by notice to each other party, appoint a person as its Responsible Officer.
- 3.2 The initial Responsible Officer for each party is as set out in item 1 of schedule 1.

4 Jurisdiction invoking Emergency Power

Jurisdiction initiating use of Emergency Power

- 4.1 Each Jurisdiction must use best endeavours to ensure that if a Relevant Official of the Jurisdiction proposes to exercise an Emergency Power, then the provisions of this clause 4 are complied with.

Notices

- 4.2 If a Relevant Official of a Jurisdiction proposes to exercise an Emergency Power, then the Jurisdiction must use best endeavours to ensure that the Responsible Officer of the Jurisdiction notifies the Responsible Officer of NEMMCO and the other Jurisdictions of the proposal prior to the exercise of the Emergency Power and provides the following information to the Responsible Officer of NEMMCO and the other Jurisdictions:
 - (a) the nature of the situation giving rise to the proposed use of the Emergency Power;
 - (b) the particular Emergency Power(s) which is proposed to be used; and
 - (c) any orders, proclamations, declarations, directions, regulations or public notices which are proposed to be made under an Emergency Power including, without limitation, details of the level of any electricity consumption restrictions or rationing measures to apply.
- 4.3 Each Responsible Officer must keep all notices received under clause 4.2 confidential, and must not disclose or permit disclosure of such notices except on a need-to-know basis as contemplated by this protocol.
- 4.4 If NEMMCO's Responsible Officer receives a notice under clause 4.2, then NEMMCO must use best endeavours to ensure that NEMMCO's Responsible Officer provides advice as soon as practicable to the Responsible Officers of the Jurisdictions on the following matters:
 - (a) whether action could be taken by NEMMCO to manage the emergency, either in accordance with NEMMCO's powers

under the National Electricity Code or the National Electricity Law, or by the Jurisdiction authorising NEMMCO to exercise an Emergency Power of the Jurisdiction; and

- (b) the likely impacts of the exercise of the Emergency Power on the National Electricity Market, the National Grid and the electricity industry generally.

4.5 A Jurisdiction must use best endeavours to ensure that:

- (a) a Relevant Official has due regard to all advice provided by NEMMCO under clause 4.4; and
- (b) if relevant, the Responsible Officer of the Jurisdiction notifies the Responsible Officer of NEMMCO as soon as practicable as to whether:
 - (i) NEMMCO is to be authorised to exercise an Emergency Power of the Jurisdiction; or
 - (ii) the Jurisdiction considers that NEMMCO should manage the situation using NEMMCO's powers under the National Electricity Code or the National Electricity Law.

5 Request by NEMMCO

NEMMCO requesting use of Emergency Power

- 5.1 If NEMMCO forms the opinion that the management of a situation in the National Electricity Market or the National Grid (including an Electricity Supply Shortage) requires the exercise of an Emergency Power in one or more Jurisdictions, then the provisions of this clause 5 apply.

Notices

- 5.2 NEMMCO must use best endeavours to ensure that the Responsible Officer of NEMMCO notifies the Responsible Officer of each Jurisdiction of:
 - (a) the Jurisdictions that NEMMCO requests to exercise an Emergency Power;
 - (b) the nature of the situation giving rise to the request to use the Emergency Power;
 - (c) the extent of the National Grid affected;
 - (d) the nature of the Emergency Power to be exercised and, if relevant, the Emergency Powers that NEMMCO considers it should be authorised to exercise;
 - (e) if applicable, the level and extent of any *load* reductions required, if any;

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- (f) if applicable, the level and extent of actions required to reinstate *supply* capability;
 - (g) if applicable, the level of any minimum *generation* requirements to maintain a *secure operating state*;
 - (h) if applicable, the level and extent of electricity consumption restrictions or rationing measures considered necessary; and
 - (i) if applicable, the measures NEMMCO has already implemented or proposes to implement under the National Electricity Law or the National Electricity Code, such as *load shedding*, interruptions to *sensitive loads* and advice provided to Code Participants.

5.3 Each Jurisdiction must use best endeavours to ensure that if the Jurisdiction receives a notice under clause 5.2 requesting the Jurisdiction to exercise an Emergency Power, then:

- (a) the Relevant Officials of the Jurisdiction have due regard to NEMMCO's request; and
- (b) the Responsible Officer of the Jurisdiction notifies the Responsible Officer of NEMMCO as soon as practicable as to whether NEMMCO is to be authorised to exercise an Emergency Power of the Jurisdiction.

6 Authorising NEMMCO to exercise Emergency Powers

6.1 If :

- (a) following advice from NEMMCO under clause 4.4;
- (b) following a notice from NEMMCO under clause 5.2; or
- (c) in any other circumstances,

a Jurisdiction wishes NEMMCO to exercise an Emergency Power, then the Jurisdiction must use best endeavours to ensure that the Responsible Officer of that Jurisdiction notifies the Responsible Officer of NEMMCO of such request and provide to the Responsible Officer of NEMMCO a copy of the appropriate authorisation and any conditions attached to that authorisation.

6.2 If NEMMCO exercises any Emergency Power, then NEMMCO must use best endeavours to ensure that the Responsible Officer of NEMMCO provides to the Responsible Officer of the Jurisdiction any advice, information or other matter as specified in the conditions to the authorisation.

6.3 If:

- (a) NEMMCO is authorised by a Jurisdiction to exercise any Emergency Power in circumstances where NEMMCO may decide not to exercise an Emergency Power; and

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- (b) NEMMCO decides that it will not exercise that Emergency Power,

then NEMMCO must use best endeavours to ensure that its Responsible Officer notifies the Responsible Officer of the Jurisdiction as soon as practicable after NEMMCO has decided that NEMMCO does not wish to exercise the Emergency Power.

7 Notice of Emergency Power

- 7.1 If an Emergency Power of a Jurisdiction is exercised, then the Jurisdiction must use best endeavours to ensure that the Responsible Officer of that Jurisdiction:
- (a) notifies the Responsible Officer of NEMMCO and the other Jurisdictions of that fact as soon as practicable after the Emergency Power has been exercised;
 - (b) provides to the Responsible Officer of NEMMCO and the other Jurisdictions any orders, proclamations, declarations, directions, regulations or public notices which have been made under an Emergency Power including, without limitation, details of the level of any electricity consumption restrictions or rationing measures; and
 - (c) notifies the Responsible Officers of NEMMCO and the other Jurisdictions that the Emergency Power has been revoked or otherwise ceases to apply, as soon as practicable after the Emergency Power has been revoked or otherwise ceases to apply.
- 7.2 If an Emergency Power of a Jurisdiction is exercised, then the Jurisdiction and NEMMCO must use best endeavours to ensure that the Responsible Officer of that Jurisdiction and the Responsible Officer of NEMMCO continually liaise and communicate to keep each other abreast of any changing circumstances in relation to that exercise of the Emergency Power.
- 7.3 Each Jurisdiction must use best endeavours to ensure that all communications from the Emergency Management Organisations of that Jurisdiction to NEMMCO are channelled through the Responsible Officer of that Jurisdiction.
- 7.4 If a State of Emergency is declared in a Jurisdiction, then the Jurisdiction must use best endeavours to ensure that its Responsible Officer advises the Responsible Officer of NEMMCO of the likely effect that the State of Emergency or the circumstances relating to the State of Emergency will have on the *generation, transmission, distribution, sale and/or consumption* of electricity.
- 7.5 Each Responsible Officer must keep all notices received under this clause confidential, and must not disclose or permit disclosure of such notices except on a need-to-know basis as contemplated by this protocol.

8 Amendments

Amendment by consent

- 8.1 This protocol may not be amended except with the agreement in writing of each Designated Officer.

Procedures for Amendment

- 8.2 Any Designated Officer may by notice to each other Designated Officer, propose amendments to this protocol.
- 8.3 If a Designated Officer proposes an amendment to this protocol under clause 8.1, the Designated Officers must, within a reasonable time of notification of the proposal:
- (a) consider the proposed amendments;
 - (b) consult with their respective Responsible Officers;
 - (c) liaise with each other Designated Officer; and
 - (d) if necessary, meet with the other Designated Officers to discuss the proposed amendment.
- 8.4 If this protocol is amended, then NEMMCO must publish and provide to each Jurisdiction an updated version of this protocol incorporating the amendments.

Review of Operation of Protocol

- 8.5 If an Emergency Power is exercised, then each Responsible Officer, together with the other Responsible Officers, within four weeks after the exercise of that Emergency Power, must consider and review the exercise of the Emergency Power and prepare a joint report to the Designated Officers in relation to the operation of the Memorandum of Understanding and this protocol. This report must contain an assessment of the efficiency and effectiveness of the Memorandum of Understanding and this protocol and recommendations as to any amendments to the Memorandum of Understanding or the protocol that are thought to be necessary.

9 Publicity

- 9.1 If the Responsible Officer of a Jurisdiction gives a notice under clause 4.2, 6.1 or 7.1, then NEMMCO is responsible for issuing Media Statements in relation to *power system security* and the effect or likely effect of the subject matter of the notice on *power system security*.
- 9.2 Each Jurisdiction must use best endeavours to liaise with NEMMCO prior to releasing any Media Statement dealing with the exercise of an Emergency Power.
- 9.3 If NEMMCO propose to issue a Media Release that relates to the exercise of an Emergency Power of a Jurisdiction, then NEMMCO must use best endeavours to liaise with that Jurisdiction prior to releasing the Media Statement.

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- 9.4 Each Media Statement by or on behalf of a party must be provided to the Responsible Officer of each other party as soon as practicable after the Media Statement is released (whether released under embargo or otherwise).

10 Notices

- 10.1 A notice under clause 3.1, 4.2, 6.1, 7.1(b) or 8.2 of this protocol:
- (a) must be in writing; and
 - (b) must be left at the address of the addressee, or sent by prepaid ordinary post to the address of the addressee or sent by facsimile to the facsimile number of the addressee which is specified in Item 1 or Item 2 of Schedule 1 or if the addressee notifies another address or facsimile number then to that address or facsimile number.
- 10.2 A notice, advice or other communication in connection with this protocol, other than a notice referred to in clause 10.1, may be given verbally or in writing. If a notice is given verbally and the recipient requests that the notice be confirmed in writing, then the party giving the verbal notice must provide confirmation in writing of that notice as soon as practicable thereafter.
- 10.3 A notice in writing or a confirmation under clause 10.2 must be given in accordance with clause 10.1.

Schedule 1 Responsible Officers

Item 1: Responsible Officers

SIGNED for and on behalf of the **STATE**)
OF SOUTH AUSTRALIA)
in the presence of:)

.....)
Witness signature (PRINT))

.....)
Witness name)

.....
Designated Officer signature

.....
Designated Officer name (PRINT)

SIGNED for and on behalf of **THE**)
AUSTRALIAN CAPITAL)
TERRITORY)
in the presence of:)

.....)
Witness signature)

.....)
Witness name (PRINT))

.....
Designated Officer signature

.....
Designated Officer name (PRINT)

SIGNED for and on behalf of)
NATIONAL ELECTRICITY)
MARKET MANAGEMENT)
COMPANY LTD)
in the presence of:)

.....)
Witness signature)

.....)
Witness name (PRINT))

.....
Designated Officer signature

.....
Designated Officer name (PRINT)

Dated

**National Electricity Market
Emergency Protocol**

**The State of New South Wales
("NSW")**

**The State of Victoria
("Victoria")**

**The State of Queensland
("Queensland")**

**The State of South Australia
("South Australia")**

**The Australian Capital Territory
("ACT")**

**National Electricity Market
Management Company Limited
("NEMMCO")**

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