

TASMANIA

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**WATER AND SEWERAGE INDUSTRY  
EXEMPTION ORDER 2020  
STATUTORY RULES 2020, No. 86**

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## **WATER AND SEWERAGE INDUSTRY EXEMPTION ORDER 2020**

I make the following order under section 10 of the *Water and Sewerage Industry Act 2008*.

Dated 13 December 2020.

GUY BARNETT  
Minister for Primary Industries and Water

### **1. Short title**

This order may be cited as the *Water and Sewerage Industry Exemption Order 2020*.

### **2. Commencement**

This order takes effect on the day on which its making is notified in the *Gazette*.

### **3. Interpretation**

In this order –

*Act* means the *Water and Sewerage Industry Act 2008*;

*relevant infrastructure* means water infrastructure or sewerage infrastructure;

*relevant service* means a water service or sewerage service;

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***retail premises*** means premises that are used primarily for either or both of the following:

- (a) the sale of goods;
- (b) the provision of services;

***shopping centre*** means premises in which 2 or more retail premises are situated.

#### **4. Renewal of exemptions**

This order renews the exemptions granted by the *Water and Sewerage Industry Exemption Order 2011* made on 21 March 2011.

#### **5. Exempt persons**

- (1) A person is exempt from section 30(a) of the Act in respect of a relevant service if the person –
  - (a) owns or operates relevant infrastructure used for the provision of the relevant service to another person; and
  - (b) is a body corporate, or an unincorporated body of persons, that is not primarily a provider of the relevant service.
- (2) A person is exempt from section 30(b) of the Act in respect of a relevant service if the person –
  - (a) provides the relevant service to another person by means of, or in connection

- with the use of, relevant infrastructure;  
and
  - (b) is a body corporate, or an unincorporated body of persons, that is not primarily a provider of the relevant service.
- (3) For the purposes of subclauses (1) and (2), a body corporate, or an unincorporated body of persons, is not primarily a provider of a relevant service if the relevant body was formed primarily for purposes other than –
- (a) the provision, by means of a reticulated system, of drinking water for sale; or
  - (b) the provision of a reticulated sewerage service.
- (4) The following persons are exempt from section 30(a) and section 30(b) of the Act in the following circumstances:
- (a) Hydro Tasmania (ABN 48 072 377 158), in relation to the provision to another person of water from the Trevallyn Dam or the canal at Poatina known as Poatina Canal;
  - (b) MMG Limited (ABN 31 150 889 151), in relation to the provision to another person of water at Rosebery.

## **6. Exempt activities**

- (1) A person who owns, or operates, relevant infrastructure by means of which, or in

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connection with which, an activity referred to in subclause (2) occurs, is exempt from sections 30(a) and (b) of the Act.

(2) The following activities are exempt from sections 30(a) and (b) of the Act:

- (a) providing a relevant service to another person free of charge;
- (b) providing a relevant service in Tasmania to not more than 250 customers of the service at any one time;
- (c) providing a relevant service, while owning or managing a caravan park, to a person occupying a site within the caravan park;
- (d) providing a relevant service, while owning or leasing a building, to a person who occupies the building;
- (e) providing a relevant service, while owning or managing a shopping centre, to occupants of that centre.

**7. Term of exemption**

This order remains in force until 1 January 2031.

**8. Legislation revoked**

The legislation specified in Schedule 1 is revoked.

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**SCHEDULE 1 – LEGISLATION REVOKED**

Clause 8

*Water and Sewerage Industry Exemption Order 2011* (No. 25  
of 2011)

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 23 December 2020.

This order is administered in the Department of Primary Industries, Parks, Water and Environment.

**EXPLANATORY NOTE**

*(This note is not part of the order)*

This order renews the exemptions granted by the *Water and Sewerage Industry Exemption Order 2011* in respect of certain persons and certain activities from the requirement to hold a licence under section 30 of the *Water and Sewerage Industry Act 2008*.