



New South Wales

Constitution Amendment (Sydney Water and Hunter Water) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Constitution Act 1902* to ensure the continued public ownership of the Sydney Water Corporation and the Hunter Water Corporation and their main undertakings.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 inserts proposed Part 10 (Public ownership of Sydney Water Corporation and Hunter Water Corporation) into the *Constitution Act 1902*.

The part provides that Sydney Water Corporation, Hunter Water Corporation and their subsidiaries, and the main undertakings of those corporations, must not be sold or otherwise disposed of unless authorised by an Act of Parliament.

The proposed prohibition does not prevent a sale or disposal that is in the ordinary course of the business of a water corporation and results in the main undertakings of the water corporation remaining in public ownership.



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Constitution Amendment (Sydney Water and Hunter Water) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Constitution Act 1902* to ensure the continued public ownership of the Sydney Water Corporation and the Hunter Water Corporation and their main undertakings.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Constitution Amendment (Sydney Water and Hunter Water) Act 2023</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of Constitution Act 1902 No 32	1
Part 10		2
Insert after Part 9—		3
Part 10	Public ownership of Sydney Water Corporation and Hunter Water Corporation	4
		5
57	Sydney Water Corporation and Hunter Water Corporation to remain in public ownership	6
		7
(1)	The following must not be sold or otherwise disposed of unless authorised by an Act of Parliament—	8
		9
(a)	a water corporation,	10
(b)	a main undertaking of a water corporation.	11
(2)	Nothing in this section prevents a sale or disposal that—	12
		13
(a)	is in the ordinary course of the business of a water corporation, and	13
(b)	results in the main undertakings of the water corporation remaining in public ownership.	14
		15
(3)	To avoid doubt, the sale or disposal of an asset of a water corporation, being an asset that is necessary to enable the water corporation to carry out its principal functions under an Act, is taken to be a sale or disposal of a main undertaking of the water corporation.	16
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		19
(4)	This section prevails over the <i>State Owned Corporations Act 1989</i> to the extent of an inconsistency.	20
		21
(5)	A word or expression used in this section has the same meaning as in the <i>State Owned Corporations Act 1989</i> , unless otherwise defined in this section.	22
		23
(6)	In this section—	24
	main undertaking , of a water corporation, includes a business activity necessary to enable the water corporation to carry out any of the following—	25
		26
(a)	the storage or supply of water,	27
(b)	the provision of sewerage services,	28
(c)	the provision of stormwater drainage systems,	29
(d)	the disposal of waste water.	30
	water corporation means the following or a subsidiary of the following—	31
(a)	the Sydney Water Corporation,	32
(b)	the Hunter Water Corporation.	33