



New South Wales

# Constitution Amendment (Sydney Water and Hunter Water) Act 2023 No 5

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New South Wales

# Constitution Amendment (Sydney Water and Hunter Water) Act 2023 No 5

Act No 5, 2023

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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.  
[Assented to 8 June 2023]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Constitution Amendment (Sydney Water and Hunter Water) Act 2023*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of Constitution Act 1902 No 32

### Part 10

Insert after Part 9—

## Part 10 Public ownership of Sydney Water Corporation and Hunter Water Corporation

### 57 Sydney Water Corporation and Hunter Water Corporation to remain in public ownership

- (1) The following must not be sold or otherwise disposed of unless authorised by an Act of Parliament—
  - (a) a water corporation,
  - (b) a main undertaking of a water corporation.
- (2) Nothing in this section prevents a sale or disposal that—
  - (a) is in the ordinary course of the business of a water corporation, and
  - (b) results in the main undertakings of the water corporation remaining in public ownership.
- (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.
- (4) This section prevails over the *State Owned Corporations Act 1989* to the extent of an inconsistency.
- (5) A word or expression used in this section has the same meaning as in the *State Owned Corporations Act 1989*, unless otherwise defined in this section.
- (6) In this section—

**main undertaking**, of a water corporation, includes a business activity necessary to enable the water corporation to carry out any of the following—

  - (a) the storage or supply of water,
  - (b) the provision of sewerage services,
  - (c) the provision of stormwater drainage systems,
  - (d) the disposal of waste water.

**water corporation** means the following or a subsidiary of the following—

  - (a) the Sydney Water Corporation,
  - (b) the Hunter Water Corporation.

[Second reading speech made in—

Legislative Assembly on 10 May 2023

Legislative Council on 30 May 2023]