

Passed by both Houses



New South Wales

Constitution Amendment (Sydney Water and Hunter Water) Bill 2023

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2023



New South Wales

Constitution Amendment (Sydney Water and Hunter Water) Bill 2023

Act No _____, 2023

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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.