

c2023-033
OPP--Opposition

LEGISLATIVE COUNCIL

Constitution Amendment (Sydney Water and Hunter Water) Bill 2023

First print

Proposed amendments

- No. 1 **Water Utilities**
Page 2, clause 1, line 3. Omit "*Sydney Water and Hunter Water*". Insert instead "*Water Utilities*".
- No. 2 **Water Utilities**
Page 3, Schedule 1, proposed Part 10, lines 4–7. Omit all words on those lines. Insert instead—

Part 10 Public ownership of water utilities and undertakings

57 Water utilities and undertakings to remain in public ownership

- No. 3 **Water Utilities**
Page 3, Schedule 1, proposed section 57(3), line 18. Insert "as a water corporation" after "under an Act".
- No. 4 **Expanded meaning of sale or disposal**
Page 3, Schedule 1, proposed section 57. Insert after line 19—
(3A) To avoid doubt, a partial acquisition by a water corporation of an asset being an asset necessary to enable the water corporation to carry out its principal functions under an Act as a water corporation, where the remainder is owned by an entity that is not a public entity, is also taken to be a sale or disposal of a main undertaking of the water corporation.
- No. 5 **Expanded meaning of sale or disposal**
Page 3, Schedule 1, proposed section 57(6). Insert after line 30—
public entity includes the following—
(a) the Crown in the right of the State,
(b) a Minister,
(c) a State owned corporation within the meaning of the *State Owned Corporations Act 1989*,
(d) a public or local authority,
(e) a water corporation,

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- (f) a subsidiary of an entity referred to in paragraphs (a)–(e).

No. 6 **Water Utilities**

Page 3, Schedule 1, proposed section 57(6), definition of *water corporation*, lines 31–33. Omit all words on those lines. Insert instead—

water functions means 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 a public or local body that exercises water functions or holds assets in connection the exercise of water functions, and includes the following—

- (a) the Sydney Water Corporation,
- (b) the Hunter Water Corporation,
- (c) Water NSW,
- (d) a water supply authority within the meaning of the *Water Management Act 2000*,
- (e) a local council or county council exercising water supply functions under the *Local Government Act 1993*, Chapter 6, Part 3, Division 2, but only in relation to the exercise of water functions.

No. 7 **Critical assets to be owned by water corporations**

Page 3, Schedule 1. Insert after line 33—

58 Water Corporations not to lease or use private critical assets

- (1) A water corporation must not, unless authorised by an Act of Parliament—
 - (a) lease a critical asset from an entity that is not a public entity, or
 - (b) enter into an agreement or arrangement with an entity that is not a public entity for the use of a critical asset owned by the entity.
- (2) Subsection (1) does not apply to a renewal of a lease, agreement or arrangement that was in effect at the commencement of this section.
- (3) In this section—

critical asset means any real property, plant or equipment necessary to enable a water corporation to carry out its principal functions under an Act as a water corporation.

public entity has the same meaning as in section 57.

water corporation has the same meaning as in section 57.

No. 8 **Water Utilities**

Long title. Omit “the Sydney Water Corporation and the Hunter Water Corporation”. Insert instead “certain water utilities”.