

FIRST PRINT

**HUNTER WATER BOARD (CORPORATISATION)
AMENDMENT BILL 1992**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

Section 61 of the Hunter Water Board (Corporatisation) Act 1991 currently provides that no action for trespass to land, nuisance or other legal proceedings are sustainable against the Hunter Water Corporation Limited in relation to the deposit of waste products by the Corporation, in accordance with the section, in disused underground mine workings.

The object of this Bill is to amend section 61 so that it provides:

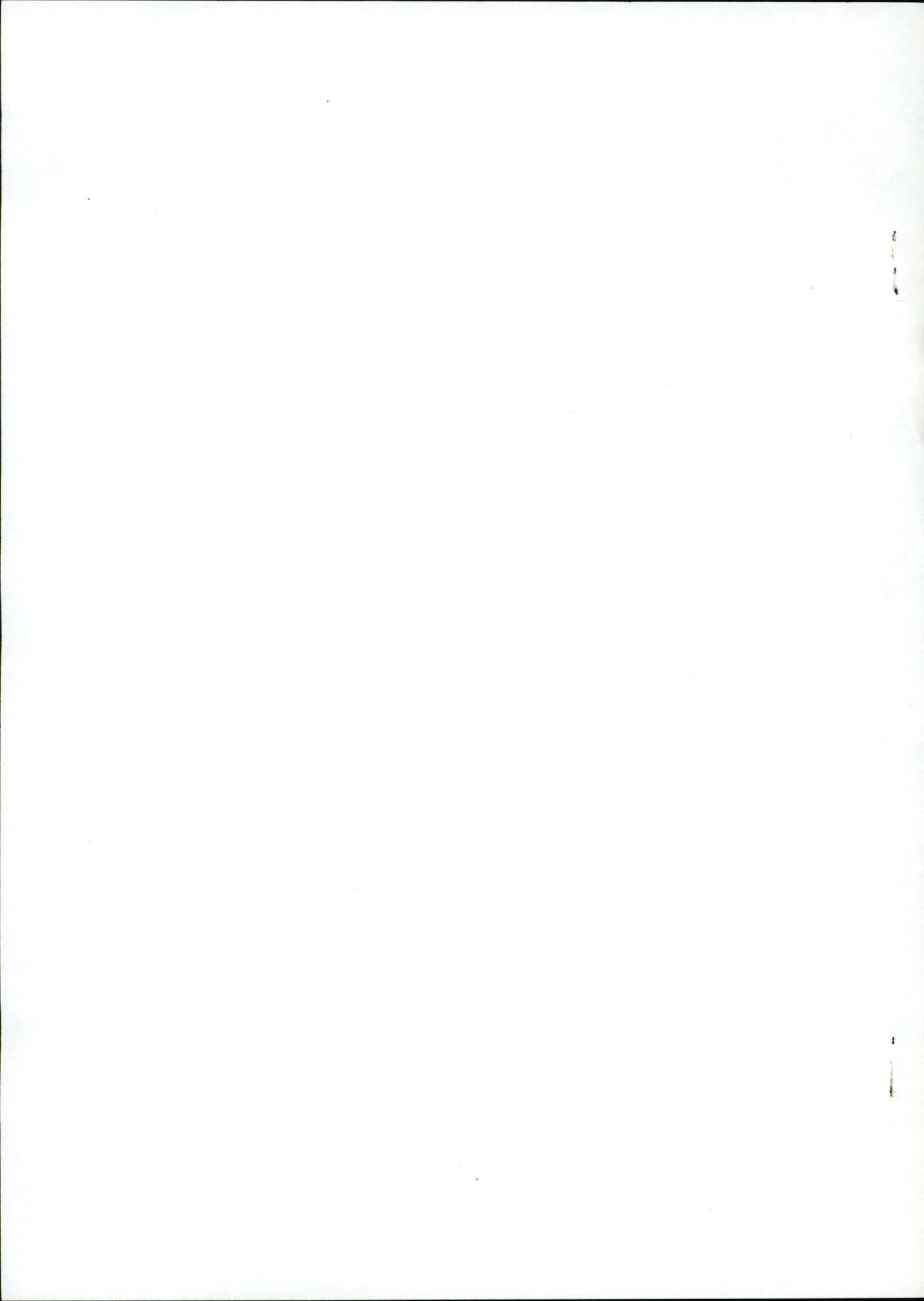
- (a) that any exercise by the Corporation of the powers conferred on it by section 61 does not constitute a trespass to land unless there has been substantial damage, manifest in some physical way at the surface of the land, sustained by the owner or occupier of the land as a consequence; and
- (b) that a person's legal rights and remedies are otherwise not affected by the conferring of that power on the Corporation.

The amendments apply in such a manner that a right of action that would have accrued under section 61 if the amendments contained in this Bill had been in force at the commencement of that section is taken to have accrued when the amendments take effect.

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 repeals section 61 (3) and enacts new provisions to achieve the objects mentioned above.



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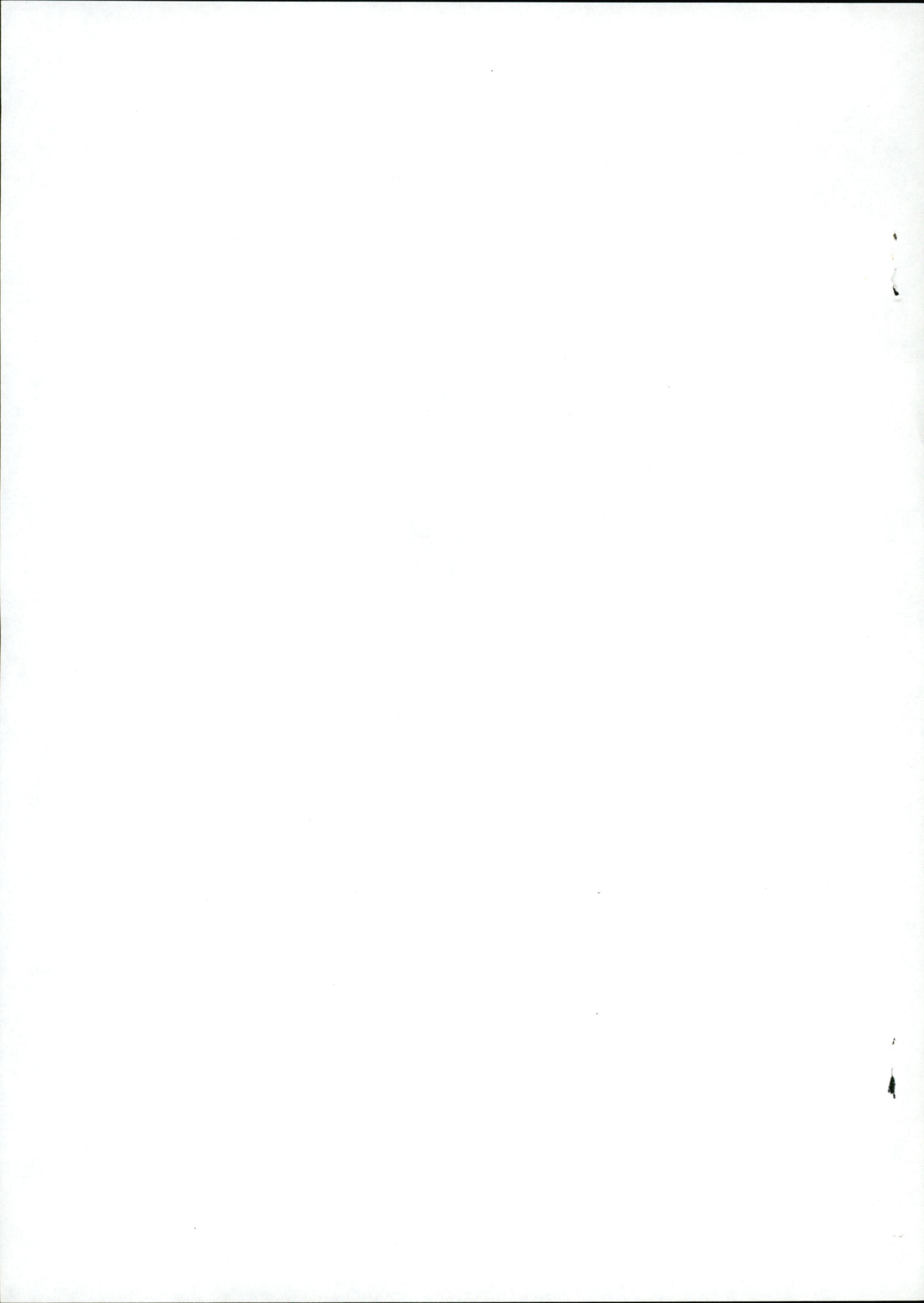
**HUNTER WATER BOARD (CORPORATISATION)
AMENDMENT BILL 1992**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Hunter Water Board (Corporatisation) Act 1991 No. 53, s. 61
(Disposal of waste products)
-



**HUNTER WATER BOARD (CORPORATISATION)
AMENDMENT BILL 1992**

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Hunter Water Board (Corporatisation) Act 1991 with respect to the disposal of waste by the Hunter Water Corporation Limited.

Hunter Water Board (Corporatisation) Amendment 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Hunter Water Board (Corporatisation) Amendment Act 1992.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Hunter Water Board (Corporatisation) Act 1991 No. 53, s. 61 (Disposal of waste products)

10 3. Section 61 of the Hunter Water Board (Corporatisation) Act 1991 is amended by omitting subsection (3) and by inserting instead the following subsections:

(3) The exercise by the Corporation of a power conferred on it by this section does not constitute a trespass to land unless it results in damage to the owner or occupier of the land:

- 15 (a) of a substantial (that is, more than nominal) character; and
(b) that manifests itself in some physical way at the surface of the land.

20 (4) A person's legal rights and remedies are not affected by any power conferred on the Corporation by this section, except as provided by subsection (3).

25 (5) An action that was disallowed by the operation of subsection (3) (as in force before the commencement of the Hunter Water Board (Corporatisation) Amendment Act 1992) is allowed after the commencement of that Act. Proceedings for such an action may be taken as if the relevant cause of action accrued on the commencement of the Act.

**HUNTER WATER BOARD (CORPORATISATION)
AMENDMENT ACT 1992 No. 77**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Hunter Water Board (Corporatisation) Act 1991 No. 53, s. 61
(Disposal of waste products)
-

**HUNTER WATER BOARD (CORPORATISATION)
AMENDMENT ACT 1992 No. 77**

NEW SOUTH WALES



Act No. 77, 1992

An Act to amend the Hunter Water Board (Corporatisation) Act 1991 with respect to the disposal of waste by the Hunter Water Corporation Limited. [Assented to 23 November 1992]

Hunter Water Board (Corporatisation) Amendment Act 1992 No. 77

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Hunter Water Board (Corporatisation) Amendment Act 1992.

Commencement

2. This Act commences on the date of assent.

Amendment of Hunter Water Board (Corporatisation) Act 1991 No. 53, s. 61 (Disposal of waste products)

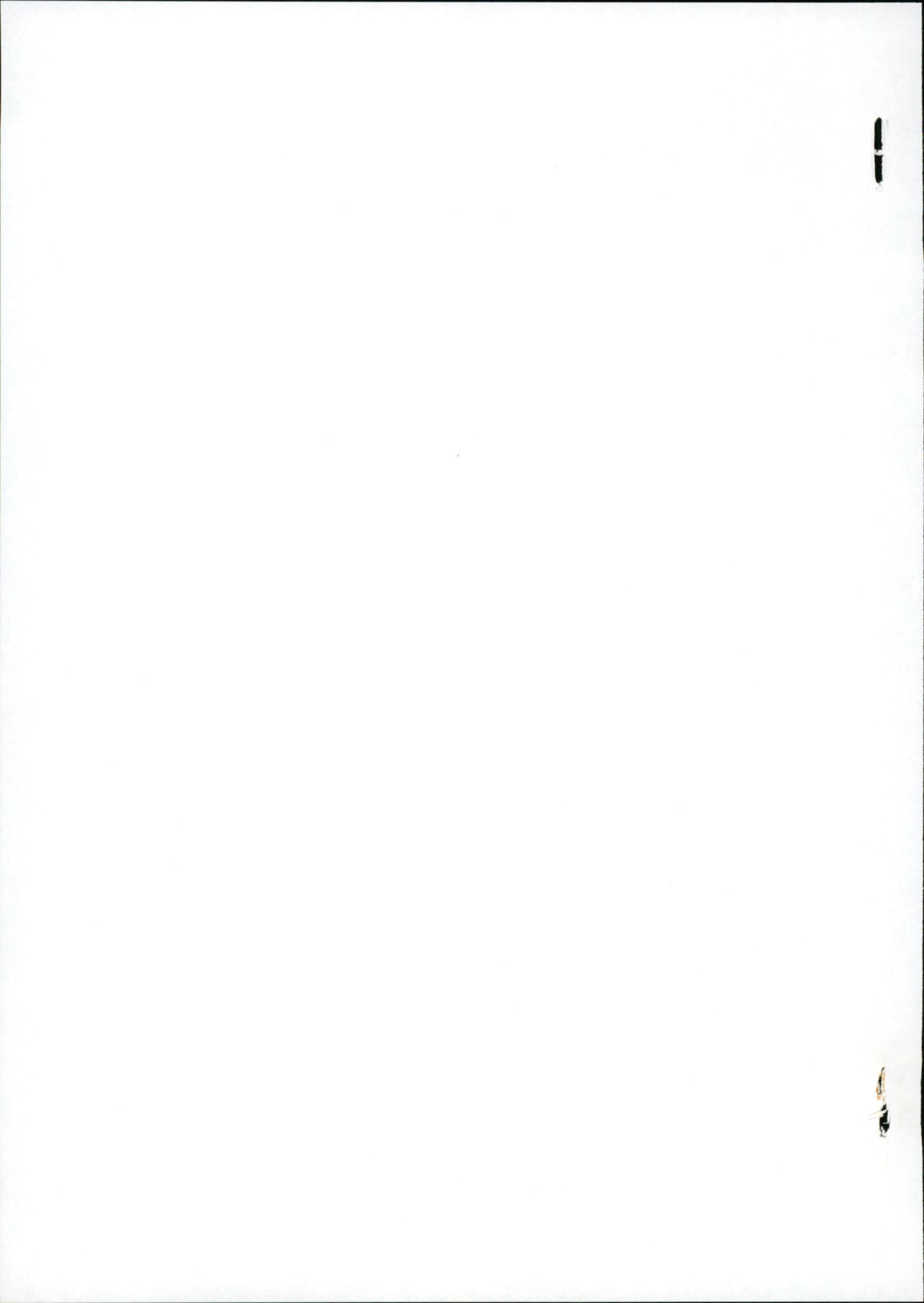
3. Section 61 of the Hunter Water Board (Corporatisation) Act 1991 is amended by omitting subsection (3) and by inserting instead the following subsections:

(3) The exercise by the Corporation of a power conferred on it by this section does not constitute a trespass to land unless it results in loss or damage to the owner or occupier of the land that manifests itself in some physical way.

(4) A person's legal rights and remedies are not affected by any power conferred on the Corporation by this section, except as provided by subsection (3).

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[Minister's second reading speech made in—
Legislative Assembly on 14 October 1992
Legislative Council on 17 November 1992]



**HUNTER WATER BOARD (CORPORATISATION)
AMENDMENT ACT 1992 No. 77**

NEW SOUTH WALES



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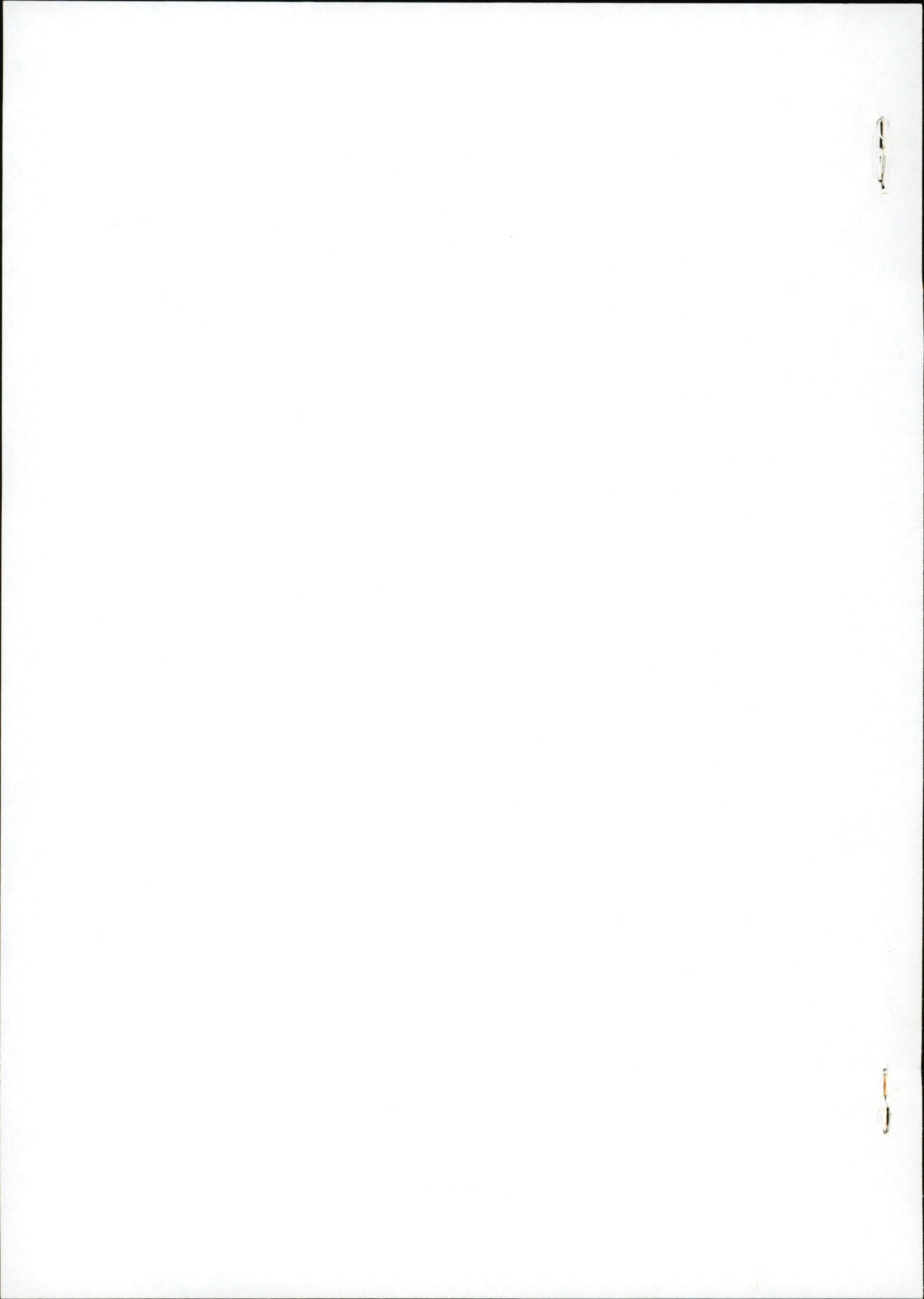
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*[Minister's second reading speech made in—
Legislative Assembly on 14 October 1992
Legislative Council on 17 November 1992]*



SECOND PRINT

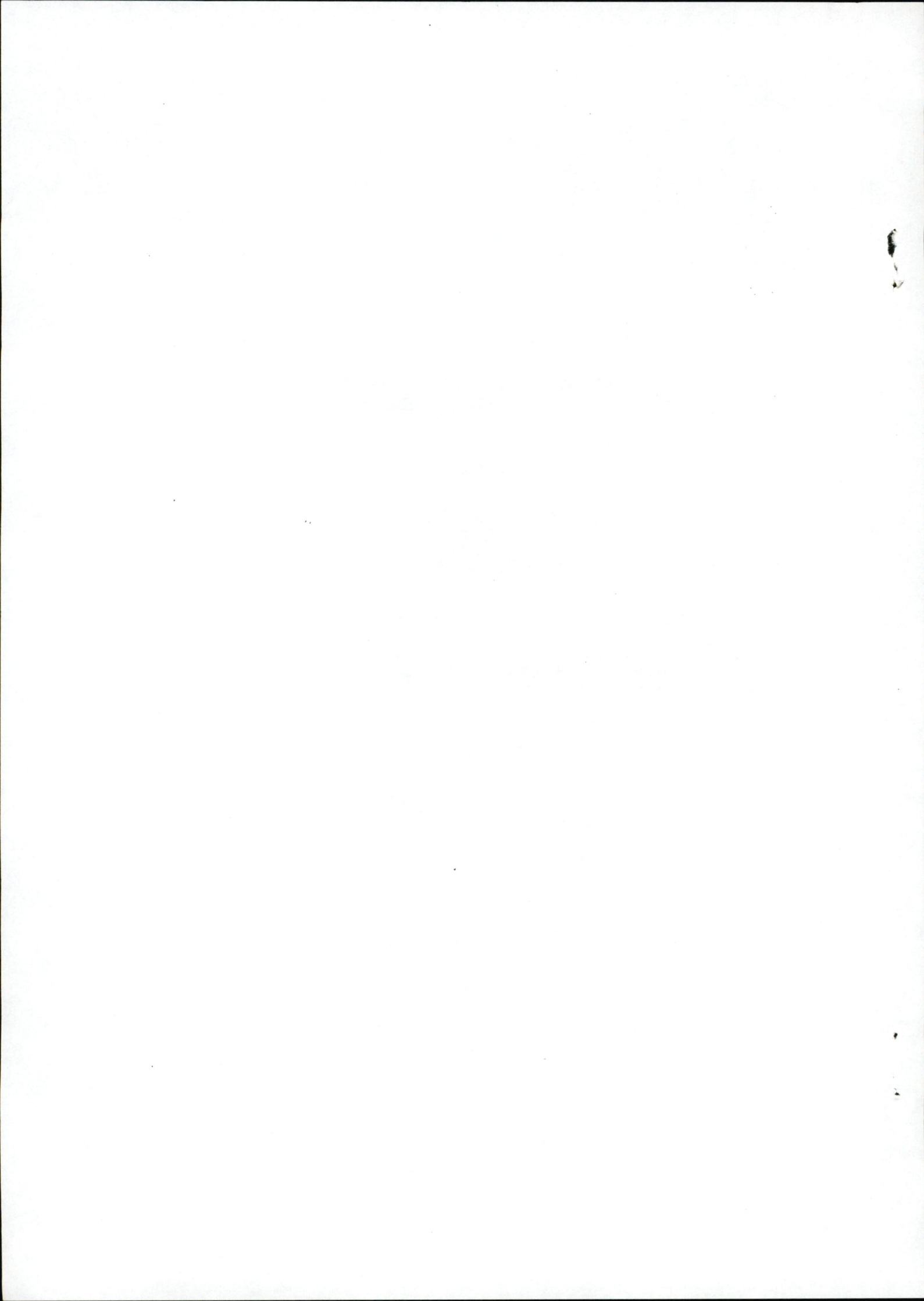
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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly.

NEW SOUTH WALES



Act No. , 1992

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