

ENERGY OPERATORS AND WATER AGENCIES (POWERS) AMENDMENT
BILL 2003
(No. E183)

EXPLANATORY MEMORANDUM

(Introduced by Mr J. Bradshaw MLA)

Under section 45(2) the *Energy Operators (Powers) Act 1979* and section 81(2) of the *Water Agencies (Powers) Act 1984*, energy operators (including Western Power Corporation), the Water and Rivers Commissioner and the Water Corporation are given a statutory immunity from claims arising by reason of loss of enjoyment or amenity, or by changes in the aesthetic environment, alleged to be occasioned by the placing of works on land by those statutory bodies.

It has been suggested that one of the effects of section 45(2) the *Energy Operators (Powers) Act 1979* and section 81(2) of the *Water Agencies (Powers) Act 1984* is to limit the amount of compensation payable under the *Land Administration Act 1997* where those bodies compulsorily acquire interests in land from land owners. This Bill clarifies the effect of those sections and makes clear that they do not affect compensation payable under the *Land Administration Act 1997*.

- Clause 1 relates to the Short Title
- Clause 2 provides for the enactment to commence operation on the day on which it receives the Royal Assent.
- Clause 3 amends the *Energy Operators (Powers) Act 1979* to provide that section 45(2) does not affect the amount of compensation payable in the case of a compulsory acquisition of an interest in land by an energy operator.
- Clause 4 amends the *Water Agencies (Powers) Act 1984* to provide that section 81(2) does not affect the amount of compensation payable in the case of a compulsory acquisition of an interest in land by the Water and Rivers Commissioner or the Water Corporation.
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