

South Australia

**Water Industry (Compensation for Loss or
Damage) Amendment Bill 2016**

A BILL FOR

An Act to amend the *Water Industry Act 2012*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Water Industry Act 2012*

- 4 Insertion of section 68A
68A Compensation for loss or damage
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Water Industry (Compensation for Loss or Damage) Amendment Act 2016*.

2—Commencement

This Act comes into operation on the day on which it is made.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Water Industry Act 2012*

4—Insertion of section 68A

After section 68 insert:

68A—Compensation for loss or damage

- 15 (1) If a person suffers loss or damage to property by a leakage from, or a bursting of, any infrastructure used by a water industry entity in the water industry or any equipment connected to, or any equipment, products or materials used in connection with, any infrastructure used by the entity in the water industry, the water industry entity must as soon as reasonably practicable—
- 20 (a) make good the loss or damage; or
- (b) pay compensation to the owner of the property for the loss or damage.

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- (2) In addition, if a person suffers loss or damage to residential premises such that the person is unable to reasonably reside at those premises, the water industry entity must provide immediate financial assistance to the person to—
- (a) cover reasonable incidental expenses arising as a result of the loss or damage (including, without limitation, with respect to transport, food and clothing); and
- 10 (b) secure alternative temporary accommodation for the period in which the premises are not reasonably able to be occupied by the person.
- (3) In the event of a claim on an insurance policy held by the person, any action of, or payment by, the water industry entity under this section is liable to be brought into account in respect of money payable under the policy to the extent that the action or payment is relevant to
- 15 loss or damage covered by the terms and conditions of the policy.
- (4) However, any excess payable by the person or any shortfall resulting from under insurance in respect of the claim must be met by the water industry entity.
- (5) In this section—
- 20 ***property*** includes vehicles, vessels, land, residential and commercial premises and other buildings and structures, fixtures and fittings and any personal chattels or other contents that may be on or in any vehicle, vessel, land, premises, building or structure.