Western Australia

Highways (Liability for Straying Animals) Amendment Act 2016

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Highways (Liability for Straying Animals) Amendment Act 2016

No. 30 of 2016

An Act to amend the *Highways (Liability for Straying Animals) Act 1983*.

[Assented to 3 October 2016]

The Parliament of Western Australia enacts as follows:

##### 1. Short title

This is the *Highways (Liability for Straying Animals) Amendment Act 2016*.

##### 2. Commencement

This Act comes into operation as follows —

(a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

##### 3. Act amended

This Act amends the *Highways (Liability for Straying Animals) Act 1983*.

##### 4. Section 3 amended

Delete section 3(5).

##### 5. Sections 4 and 5 inserted

After section 3 insert:

4. Maximum damages recoverable for damage caused by animals straying on to highways

(1) The damages awarded in respect of any one cause of action in tort for negligence arising out of damage caused by animals straying on to a highway must not exceed the maximum damages amount prescribed by the regulations for the financial year in which the damages are assessed.

(2) Regulations made for the purposes of subsection (1) may specify or provide for a method of calculating the maximum damages amount for a financial year.

(3) On or before each 1 July, the Minister must publish a notice in the *Gazette* specifying the amount that is the maximum damages amount for the purposes of subsection (1) for the financial year that begins on that 1 July.

(4) The notice under subsection (3) is for public information only and a failure to publish or a delay or error in publication does not affect the maximum damages amount for the financial year concerned.

(5) For the purposes of the application of this section to the financial year that includes the day (commencement day) on which the *Highways (Liability for Straying Animals) Amendment Act 2016* section 5 comes into operation —

(a) a reference in subsections (1) to (4) to a financial year is to be read as a reference to the period that begins on commencement day and ends on the next 30 June; and

(b) a reference in subsection (3) to 1 July is to be read as a reference to commencement day.

5. Regulations

The Governor may make regulations prescribing matters —

(a) required or permitted to be prescribed by this Act; or

(b) necessary or convenient to be prescribed for giving effect to this Act.

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