



Western Australia

Highways (Liability for Straying Animals) Amendment Act 2016

As at 03 Oct 2016

No. 30 of 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:

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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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