

Western Australia

Highways (Liability for Straying Animals) Amendment Bill 2016

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Western Australia

LEGISLATIVE COUNCIL

**Highways (Liability for Straying Animals)
Amendment Bill 2016**

A Bill for

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

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

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

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
- 8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Act amended**

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

13 **4. Section 3 amended**

14 Delete section 3(5).

15 **5. Sections 4 and 5 inserted**

16 After section 3 insert:

17

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

- 20 (1) The damages awarded in respect of any one cause of
21 action in tort for negligence arising out of damage
22 caused by animals straying on to a highway must not
23 exceed the maximum damages amount prescribed by
24 the regulations for the financial year in which the
25 damages are assessed.
- 26 (2) Regulations made for the purposes of subsection (1)
27 may specify or provide for a method of calculating the
28 maximum damages amount for a financial year.

- 1 (3) On or before each 1 July, the Minister must publish a
2 notice in the *Gazette* specifying the amount that is the
3 maximum damages amount for the purposes of
4 subsection (1) for the financial year that begins on that
5 1 July.
- 6 (4) The notice under subsection (3) is for public
7 information only and a failure to publish or a delay or
8 error in publication does not affect the maximum
9 damages amount for the financial year concerned.
- 10 (5) For the purposes of the application of this section to the
11 financial year that includes the day (***commencement***
12 ***day***) on which the *Highways (Liability for Straying*
13 *Animals) Amendment Act 2016* section 5 comes into
14 operation —
- 15 (a) a reference in subsections (1) to (4) to a
16 financial year is to be read as a reference to the
17 period that begins on commencement day and
18 ends on the next 30 June; and
- 19 (b) a reference in subsection (3) to 1 July is to be
20 read as a reference to commencement day.

21 **5. Regulations**

22 The Governor may make regulations prescribing
23 matters —

- 24 (a) required or permitted to be prescribed by this
25 Act; or
- 26 (b) necessary or convenient to be prescribed for
27 giving effect to this Act.
- 28

29
