

Daylight Saving Bill 2023

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Defined terms

Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon Mr Wilson Tucker, MLC)

Daylight Saving Bill 2023

A Bill for

An Act to provide for a referendum on the question of daylight saving throughout the State, to alter standard time accordingly if the majority of electors indicates approval of daylight saving in the referendum, and for related purposes.

The Parliament of Western Australia enacts as follows:

1 **1. Short title**

2 This is the *Daylight Saving Act 2023*.

3 **2. Commencement**

4 (1) This Act comes into operation as follows —

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

7 (b) the rest of the Act other than section 5 — on the day
8 after assent day.

9 (2) Subject to subsection (3), section 5 comes into operation on the
10 day after the day on which the statement referred to in the
11 *Referendums Act 1983* section 30(3) is published in the *Gazette*
12 in relation to the referendum, if that statement evidences that, as
13 regards the whole of the State, the number of votes marked
14 “yes” exceeds the number of votes marked “no”.

15 (3) The Governor may by proclamation provide that section 5
16 ceases to be in operation on the day specified in the
17 proclamation if —

18 (a) any question respecting the validity of the referendum or
19 of any return or statement showing the voting on the
20 referendum is referred to the Supreme Court by
21 resolution of the Legislative Council or of the
22 Legislative Assembly under the *Referendums Act 1983*
23 Part VI; and

24 (b) under that Part, the Supreme Court subsequently avoids
25 the referendum or such a return or statement.

26 **3. Act binds Crown**

27 This Act binds the Crown in right of Western Australia and, so
28 far as the legislative power of the Parliament permits, the Crown
29 in all its other capacities.

1 **4. Terms used**

2 In this Act —

3 *election* has the meaning given in the *Referendums Act 1983*
4 section 2(1);

5 *electors* has the meaning given in the *Referendums Act 1983*
6 section 2(1);

7 *legal instrument* means —

8 (a) any enactment; or

9 (b) any contract or agreement, whether made orally or in
10 writing; or

11 (c) any deed or other instrument of any kind;

12 *prescribed question* means the question set out in section 5(2);

13 *referendum* means the referendum required by section 5(1);

14 *standard time* means the time declared by the *Standard Time*
15 *Act 2005* to be standard time throughout the State;

16 *summer time* means the time to be observed throughout the
17 State as provided by section 6;

18 *the hour of 2 am* means that hour as determined by standard
19 time.

20 **5. Referendum on daylight saving to take place on same day as**
21 **election**

22 (1) The prescribed question must be submitted to the electors under
23 and in accordance with the *Referendums Act 1983* on the same
24 day as the day on which the next election is held after the day
25 referred to in section 2(1)(a).

26 (2) The prescribed question is —

27 “Are you in favour of daylight saving being introduced in
28 Western Australia by standard time in the State being advanced
29 one hour from the first Sunday in October 2025 until the first

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1 Sunday in April 2026 and in similar fashion for each following
2 year?”.

3 (3) When an elector is voting at the referendum —

4 (a) if the elector is in favour of standard time in the State
5 being advanced one hour from the first Sunday in
6 October in each year until the first Sunday in the
7 following April — the elector must place the word “yes”
8 in the space provided on the ballot paper; or

9 (b) if the elector is not in favour of standard time in the
10 State being advanced one hour from the first Sunday in
11 October in each year until the first Sunday in the
12 following April — the elector must place the word “no”
13 in the space provided on the ballot paper.

14 **6. Summer time declared to be 1 hour in advance every year**

15 Despite the *Standard Time Act 2005*, from the hour of 2 am on
16 the first Sunday in October in each year until the hour of 2 am
17 on the first Sunday in April of the following year, summer time
18 is, throughout the State, declared to be 1 hour in advance of
19 standard time and must be observed accordingly.

20 **7. Construction of expressions of time in legal instruments**

21 (1) Despite anything contained in any legal instrument in which any
22 time or period of time is prescribed, specified or stipulated as
23 the time at which, or the period of time for which or during
24 which, or any part of which, the doing of any act, matter or
25 thing is required, permitted or forbidden, that time, period of
26 time or part of a period of time, as the case may be, must, with
27 respect to any period during which summer time is declared by
28 this Act to be in advance of standard time, be held to be, and
29 must be determined by reference to, summer time.

30 (2) Subsection (1) has effect unless the contrary is expressed,
31 provided or stipulated in the relevant legal instrument.

1 **8. Act not to affect use of standard time for certain purposes**

2 (1) Except as otherwise expressly provided in this Act, the
3 *Standard Time Act 2005* is not affected by this Act.

4 (2) Nothing in this Act affects —

5 (a) the use of standard time for the purposes of astronomy,
6 meteorology or navigation; or

7 (b) the construction of any document mentioning or
8 referring to a point of time in connection with any of
9 those purposes.

10 **9. Regulations relating to trading hours, hours of work and**
11 **other matters**

12 (1) The Governor may make regulations declaring —

13 (a) the trading hours of any organisation (however
14 described) whose hours of trade are regulated under the
15 *Retail Trading Hours Act 1987*; or

16 (b) the hours of work of any employee (however described)
17 whose hours of work are regulated under the *Industrial*
18 *Relations Act 1979*; or

19 (c) the trading hours of any person licensed under the
20 *Liquor Control Act 1988*; or

21 (d) the hours of operation of any school regulated under the
22 *School Education Act 1999*; or

23 (e) any other matters that are, in the opinion of the
24 Governor, necessary to be declared to moderate the
25 effect of summer time.

26 (2) Regulations made under subsection (1) in relation to trading
27 hours, hours of work or hours of operation must not —

28 (a) increase or decrease those hours; or

29 (b) declare those hours to commence or terminate more than
30 1 hour after the time of commencement or termination
31 prescribed under the relevant written law.

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- 1 (3) Regulations made under subsection (1) have effect in any region
2 or area, and during any period, that is specified in the
3 regulations but have no effect outside summer time.
- 4 (4) Regulations made under subsection (1) have effect according to
5 their tenor despite any written law or other law, or any award or
6 agreement, or any order or ruling of any court, tribunal,
7 commission or body.

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Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
election.....	4
electors.....	4
legal instrument.....	4
prescribed question.....	4
referendum.....	4
standard time.....	4
summer time.....	4
the hour of 2 am.....	4