

***** EXPLANATORY MEMORANDUM *****

Wednesday 20 September 2023

Daylight Saving Bill 2023

Overview

The purpose of this bill is to implement Daylight Saving Time.

Daylight Saving Time is when the clocks move forward by one hour during the summer months.

Specifically, this bill will:

- Enable a referendum to take place on Daylight Saving Time;
- Require that that referendum take place at the next state election; and
- Implement Daylight Saving Time if and when the majority of electors at that referendum vote in favour of it.

Commentary

Clause 1 Short title

Clause 1 provides for the short title of the Act, which is the Daylight Saving Bill 2023.

Clause 2 Commencement

Sub-clause 2(1) provides for the commencement of the Act, which is – for sections 1 and 2 – on the day on which this Act receives the Royal Assent (“assent day”), and for the rest of the Act other than Section 5 – on the day after assent day.

Sub-clause 2(2) provides for the Electoral Commissioner to issue a statement regarding the outcome of the referendum.

Sub-clause 2(3) provides for the Governor cease the operation of the Act if there is a pending administrative or legal challenge regarding the validity of the referendum.

Clause 3 Act binds Crown

Clause 3 provides that the Act apply to Crown land.

Clause 4 Terms used

Clause 4 defines election as an election of members of the Legislative Assembly or of the Legislative Council except in the case of a casual vacancy.

Clause 4 defines standard time as the time declared by the *Standard Time Act 2005* to be standard time throughout the state.

Clause 4 defines summer time as the time when Daylight Saving Time is in effect.

Clause 5 Referendum

Sub-clause 5(1) provides that the referendum be put to voters on the same day as the next state election.

Sub-clause 5(2) provides that the question put to voters be as follows:

“Are you in favour of daylight saving being introduced in Western Australia by standard time in the State being advanced one hour from the first Sunday in October 2025 until the first Sunday in April 2026 and in similar fashion for each following year?”.

Sub-clause 5(3) provides that voters cast their votes by either writing the word ‘yes’ or ‘no’ on the ballot paper.

Clause 6 Summer time

Clause 6 defines summer time to be 1 hour ahead of standard time between 2 am on the first Sunday in October and 2 am on the first Sunday in April of the following year.

Clause 7 Construction of expressions

Sub-clause 7(1) provides that the period during which daylight saving is in effect to be referred to as summer time.

Sub-clause 7(2) provides that summer time is not in effect when daylight saving is not in effect.

Clause 8 Standard time

Sub-clauses (1)-(2) provide that, unless specifically mentioned in the Act, nothing else in the Act affects Standard Time.

Clause 9 Regulations relating to trading hours

Sub-clauses (1)-(4) provide that the Governor may make regulations regarding trading hours and hours of work during summer time.