

Daylight Saving Bill (No. 2) 2006

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr Birney, MLA)

Daylight Saving Bill (No. 2) 2006

A Bill for

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

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Daylight Saving Act (No. 2) 2006*.

2. Commencement

- 5
- (1) This Act other than section 6 comes into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), section 6 comes into operation on the day after the day on which the statement referred to in the *Referendums Act 1983* section 30(3) is published in the *Gazette* in relation to the referendum if that statement evidences that, as regards the whole of the State, the number of votes marked “yes” exceeds the number of votes marked “no”.
- 10
- (3) If any question respecting the validity of the referendum or of any return or statement showing the voting on the referendum is referred to the Supreme Court by resolution of the Legislative Council or of the Legislative Assembly under the *Referendums Act 1983* Part VI and, under that Part, the Supreme Court subsequently avoids the referendum or such a return or statement, the Governor may by proclamation provide that section 6 ceases to be in operation on the day specified in the proclamation.
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3. Terms used in this Act

In this Act unless the contrary intention appears —

“**electors**” has the meaning given to that term in the *Referendums Act 1983* section 2(1);

25 “**prescribed question**” means the question set out in section 5(2);

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

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

“**summer time**” means the time to be observed throughout the State as provided by sections 4 and 6;

“**the hour of 2 a.m.**” means that hour as determined by standard time.

5 **4. Trial period of daylight saving**

Despite the *Standard Time Act 2005*, from —

- (a) the hour of 2 a.m. on 3 December 2006 until the hour of 2 a.m. on 25 March 2007; and
- 10 (b) the hour of 2 a.m. on 28 October 2007 until the hour of 2 a.m. on 30 March 2008; and
- (c) the hour of 2 a.m. on 26 October 2008 until the hour of 2 a.m. on 29 March 2009,

summer time shall, throughout the State, be one hour in advance of standard time and shall be observed accordingly.

15 **5. Referendum on daylight saving**

(1) The prescribed question is to be submitted to the electors under and in accordance with the *Referendums Act 1983* on a day not earlier than 10 May 2009 or later than 13 September 2009.

(2) The prescribed question is —

20 “Are you in favour of daylight saving being introduced in Western Australia by standard time in the State being advanced one hour from the last Sunday in October 2009 until the last Sunday in March 2010 and in similar fashion for each following year?”.

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

- (a) if the elector is in favour of standard time in the State being advanced one hour from the last Sunday in October in each year until the last Sunday in the following March, the elector is to place the word “yes”
30 in the space provided on the ballot paper; or

- 5 (b) if the elector is not in favour of standard time in the State being advanced one hour from the last Sunday in October in each year until the last Sunday in the following March, the elector is to place the word “no” in the space provided on the ballot paper.

6. Summer time to be one hour in advance every year

10 Despite the *Standard Time Act 2005*, from the hour of 2 a.m. on the last Sunday in October in each year until the hour of 2 a.m. on the last Sunday in March of the following year, summer time shall, throughout the State, be one hour in advance of standard time and shall be observed accordingly.

7. Construction of expression of time in enactments, etc.

Despite anything contained in —

- 15 (a) any enactment; or
(b) any contract or agreement, whether made orally or in writing; or
(c) any deed or other instrument of any kind,

20 in which any time or period of time is prescribed, specified, or stipulated as the time at which, or the period of time for which or during which, or any part of which the doing of any act, matter, or thing is required, permitted or forbidden, that time, period of time, or part of a period of time, as the case may be, shall, with respect to any period during which summer time is declared by this Act to be in advance of standard time, be held
25 to be, and shall be determined by reference to, summer time unless the contrary is expressed, provided, or stipulated in that enactment, contract, agreement, deed or instrument.

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

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

- (2) Nothing in this Act affects the use of standard time for the purposes of astronomy, meteorology, or navigation, or the construction of any document mentioning or referring to a point of time in connection with any of those purposes.

5 **9. Regulations as to trading hours, etc.**

- (1) The Governor, on the recommendation of the Minister, may make regulations declaring —

- 10 (a) the trading hours of any organization (however described) whose hours of trade are regulated under the *Retail Trading Hours Act 1987*; or
- (b) the hours of work of any employee (however described) whose hours of work are regulated under the *Industrial Relations Act 1979*; or
- 15 (c) the trading hours of any person licensed under the *Liquor Licensing Act 1988*; or
- (d) the hours of operation of any school regulated under the *School Education Act 1999*; or
- 20 (e) such other matters as are, in the opinion of the Governor, necessary to be declared to moderate the effect of summer time.

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

- (a) increase or decrease those hours; or
- 25 (b) declare those hours to commence or terminate more than one hour after the time of commencement or termination prescribed under the relevant written law.

- (3) Regulations made under subsection (1) have effect —

- (a) in such region or area; and
- (b) during such period,
- 30 as is specified in the regulations, but have no effect outside the period from the hour of 2 a.m. on the last Sunday in October in

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a year to the hour of 2 a.m. on the last Sunday in March of the following year.

- 5 (4) Regulations made under subsection (1) have effect according to their tenor despite any written law or other law, or any award or agreement, or any order or ruling of any court, tribunal, commission or body.

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