

## DAYLIGHT SAVING BILL (NO. 2) 2006

### EXPLANATORY MEMORANDUM

(Introduced by Mr Birney MLA)

This bill provides for a trial period of daylight saving in Western Australia of three years, for the summers of 2006-07, 2007-08 and 2008-09, with a referendum to be held thereafter on the question of daylight saving on a permanent basis. If the majority of electors indicate approval of daylight saving in the referendum by voting 'yes' then daylight saving will be introduced thereafter by operation of the provisions in this bill.

**Clause 1.** This is a formal clause providing that the proposed Act is to be cited as the *Daylight Savings Act (No. 2) Act*.

**Clause 2.** This clause provides the commencement dates for the proposed Act.

Clause 2(a) provides that the provisions of the Act, other than clause 6, commence on the day on which the Act receives the Royal Assent.

Clause 2(b) provides the commencement date for clause 6. Clause 6 provides for daylight saving to be introduced on a permanent basis if the majority of electors at the referendum indicate their approval. Clause 2(b) provides that clause 6 will commence on the date that the statement of the result of the referendum is published in the Gazette under the *Referendums Act 1983* if that statement evidences that the number of 'yes' votes exceeds the number of 'no' votes. If the number of 'no' votes at the referendum exceeds the number of 'yes' votes then section 6 will not commence.

Clause 2(c) provides for the situation where there is a 'yes' vote at the referendum but the referendum is declared invalid by the Supreme Court. Under the *Referendums Act 1983* the Legislative Assembly or Legislative Council may pass a resolution referring a referendum to the Supreme Court. Clause 2(c) provides that if there is a 'yes' vote at the referendum (so that, by operation of clause 6, daylight saving will be introduced on a permanent basis), but the Supreme Court subsequently declares the referendum invalid, then the Governor may by proclamation provide that clause 6 will cease to operate.

**Clause 3.** This clause defines terms used in the proposed Act.

The expression 'summer time' is defined in the proposed Act to refer to time to be observed during the trial period of daylight saving and thereafter if there is a 'yes' vote in the referendum.

**Clause 4.** This clause provides for a trial period of daylight saving for the summers of 2006-07, 2007-08 and 2008-09. The trial for 2006-07 will commence on the first Sunday in December 2006. Otherwise, the clause provides for daylight saving during the trial period to commence on the last Sunday in October, and to end on the last Sunday in March, in each year consistently with the current dates on which daylight saving starts and ends in most states and territories.

**Clause 5.** This clause provides for the referendum on daylight saving.

Clause 5(a) provides for the timing of the referendum.

Clause 5(b) sets out the question to be submitted to electors at the referendum.

Clause 5(c) sets out the manner of voting at the referendum.

**Clause 6.** This clause provides for daylight saving to be introduced in Western Australia. This clause will commence, by operation of clause 2, if the majority of electors vote 'yes' at the referendum. If the majority of electors vote 'no' at the referendum, clause 6 will not commence.

**Clause 7.** This clause provides for expressions of time in enactments, contracts or agreements, or any deed or other instrument of any kind, to be construed by reference to summer time, unless the contrary is stated.

**Clause 8.** Clause 8(a) provides that except as expressly provided in the proposed Act the provisions of the *Standard Time Act 2005* is not affected.

Clause 8(b) provides that nothing in the proposed Act affects the use of standard time under the *Standard Time Act 2005* for astronomical, meteorological or navigational purposes.

**Clause 9.** This clause provides for the Governor, on the recommendation of the Minister, to make regulations necessary to moderate the effect of summer time.