

WESTERN AUSTRALIA

DAYLIGHT SAVING ACT 1991

ARRANGEMENT

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DAYLIGHT SAVING ACT 1991

No. 25 of 1991

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, to repeal the *Daylight Saving Act 1983* and for related purposes.

[Assented to 11 November 1991]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY**Short title**

1. This Act may be cited as the *Daylight Saving Act 1991*.

Commencement

2. (1) The provisions of this Act, other than section 6 and Part 3, shall come into operation on the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), section 6 and Part 3 shall come into operation on the day after the day on which the statement referred to in section 30 (3) of the *Referendums Act 1983* is published in the *Gazette* in relation to the referendum provided for by section 5 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”.

(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 Part VI of the *Referendums Act 1983* 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 and Part 3 shall on the day specified in the proclamation cease to be in operation.

Interpretation

3. In this Act unless the contrary intention appears —

“electors” means the electors qualified to vote for the election of members of the Legislative Assembly;

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

“standard time” means the time declared by *The Standard Time Act 1895* 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 Committee” means the Advisory Committee appointed under section 10;

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

PART 2 — SUMMER TIME**Trial period of daylight saving**

4. Notwithstanding *The Standard Time Act 1895*, from the hour of 2 a.m. on 17 November 1991 until the hour of 2 a.m. on 1 March 1992 summer time shall, throughout the State, be one hour in advance of standard time and shall be observed accordingly.

Referendum on daylight saving

5. (1) The prescribed question shall be submitted to the electors under and in accordance with the *Referendums Act 1983* on a date to be determined by the Governor being a date before 17 May 1992, but not 2 May 1992.

(2) The prescribed question is —

“ Are you in favour of standard time in the State being advanced one hour from the last Sunday in October 1992 until the first Sunday in March 1993 and in similar fashion for each year thereafter? ”.

(3) 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 first Sunday in the following March, the elector shall place the word “yes” in the space provided on the ballot paper; or
- (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 first Sunday in the following March, the elector shall place the word “no” in the space provided on the ballot paper.

**Summer time to be one hour in advance
every year**

6. Notwithstanding *The Standard Time Act 1895*, 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 first 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.

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

7. Notwithstanding anything contained in —

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

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 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.

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

8. (1) Except as otherwise expressly provided in this Act, *The Standard Time Act 1895* 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.

Repeal

9. The *Daylight Saving Act 1983* is repealed.

PART 3 — MODERATION OF EFFECT OF SUMMER TIME

Advisory Committee

10. (1) The Minister may, by notice published in the *Gazette*, appoint an Advisory Committee of not less than 5 nor more than 7 persons, which may include persons with knowledge or experience in —

- (a) trade unions or other industrial affairs;
- (b) commercial enterprise;
- (c) local government;
- (d) transport;
- (e) education in either or both the public or private school system;
- (f) public administration.

(2) The function of the Committee is to advise on moderation of the effect of summer time in any non metropolitan area or region of the State.

(3) Subject to subsection (4) the terms and conditions of appointment of members of the Committee are to be determined by the Minister.

(4) A member of the Committee is not to be appointed for a term of more than one year, but is eligible for re-appointment.

Representations to the Committee

11. (1) In this section —

“non-metropolitan municipality” means a municipality constituted under the *Local Government Act 1960* the whole of the district of

which is situated outside the Metropolitan Area as defined in the *Electoral Distribution Act 1947*.

(2) The council of any non-metropolitan municipality may make representations to the Committee seeking moderation of the effect of summer time within its district.

(3) Representations under subsection (2) are to be in writing and are to be accompanied by —

- (a) details of any consultations conducted by the council with any person, business or organization in relation to the effect of summer time and the results of those consultations; and
- (b) recommendations for any action to moderate the effect of summer time in relation to —
 - (i) hours of employment;
 - (ii) hours of trade for organizations or premises;
 - (iii) hours of schooling;
 - (iv) any other matter of concern,in any area or part of the district of the municipality.

Consideration by Committee

12. Upon receipt of representations from a council under section 11 the Committee shall consider the representations and the recommendations that accompany them and —

- (a) may conduct any investigations or hold any hearings as are in its opinion necessary or desirable; and

- (b) may provide such advice to the Minister as it considers necessary or desirable in relation to the representations and recommendations.

Guidelines to the Committee

13. The Minister may, by notice published in the Gazette, issue guidelines to the Committee as to —

- (a) the circumstances in which, and methods by which, the Committee is to conduct any investigation or hearing; and
- (b) any matter in relation to which the Minister considers guidelines are necessary or desirable.

Consideration by the Minister

14. Upon receipt of advice from the Committee recommending action to moderate the effect of summer time, the Minister may make such recommendations to the Governor as are, in the opinion of the Minister, appropriate or necessary.

Regulations as to trading hours, etc.

15. The Governor, on the recommendation of the Minister, may make regulations declaring —

- (a) the trading hours of any organization (however described) whose hours of trade are regulated under the *Retail Trading Hours Act 1987*;
- (b) the hours of work of any employee (however described) whose hours of work are regulated under the *Industrial Relations Act 1979*;
- (c) the trading hours of any person licensed under the *Liquor Licensing Act 1988*;

- (d) the hours of operation of any school regulated under the *Education Act 1928*; or
- (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 shall not —

- (a) increase or decrease those hours; or
- (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,

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

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