

DAYLIGHT SAVING.

No. 13 of 1974.

AN ACT to promote the earlier use of daylight in a certain period; to repeal the Daylight Saving Act, 1946; to provide for a referendum of the question whether standard time within the State should be altered to promote the earlier use of daylight for certain further periods on a permanent basis; to provide, if a majority of the electors answers the question in the affirmative, that standard time throughout the State should be so altered during those certain further periods; and for incidental and other purposes.

[Assented to 27th September, 1974.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Daylight Saving Act, 1974.* Short title.

Commence-
ment.

2. (1) The provisions of this Act, other than section 17, shall come into operation on the day on which this Act receives the Royal Assent.

(2) Section 17 shall come into operation on the day on which a statement referred to in section 12 is published in the *Government Gazette*, if that statement evidences the number of votes recorded in favour of the question set out in the ballot paper exceeded the number of votes recorded against that question, but shall not otherwise come into operation.

Arrange-
ment.

3. This Act is divided into Parts as follows—

PART I.—PRELIMINARY, ss. 1-4.

PART II.—THE REFERENDUM, ss. 5-14.

PART III.—DAYLIGHT SAVING, ss. 15-19.

SCHEDULE.

Interpreta-
tion.

4. (1) In this Act unless the contrary intention appears—

“Clerk of the Writs” means the person for the time being appointed or acting in the capacity of Clerk of the Writs under and for the purposes of the Electoral Act, 1907;

“election” means a general election within the meaning of the Electoral Act, 1907;

“prescribed question” means the question set forth in section 7;

“referendum” means the submission to the electors of a referendum of the prescribed question;

“Schedule” means the Schedule to this Act;

“section” means section of this Act;

“standard time” means the time deemed and declared by The Standard Time Act, 1895, to be standard time throughout the State;

“Western Australian clock time” means the time to be observed throughout the State as prescribed by this Act.

(2) Except where this Act otherwise provides or where the contrary intention appears, expressions in this Act have the same interpretations as are respectively given thereto by the Electoral Act, 1907.

PART II.—THE REFERENDUM.

5. (1) The Chief Electoral Officer shall be charged with the administration of the provisions of this Act other than Part III.

Administra-
tion.

(2) The Returning Officers and Assistant Returning Officers for the time being appointed under the Electoral Act, 1907 are, subject to this Act, hereby authorized to act as Returning Officers and Assistant Returning Officers respectively under and for the purposes of this Act.

6. (1) The Governor may by warrant under his hand direct the Clerk of the Writs to issue a writ for the referendum.

Issue of
writ for
referendum.

(2) The writ issued by the Clerk of the Writs for the referendum shall—

- (a) be in accordance with Form A in the Schedule; and
- (b) appoint the days for the taking of the votes of the electors on the prescribed question and for the return of the writ.

(3) It shall be the duty of every elector to record his vote at the taking of the referendum.

(4) The provisions of section 156 of the Electoral Act, 1907, apply to and in relation to the referendum conducted pursuant to this Act and for that purpose references in that section to an election shall be read as a reference to the referendum.

Question
to be
submitted
to electors.

7. The prescribed question shall be—

“Are you 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 March next following?”

Action on
issue of
writ.

8. The original writ issued under this Act shall be forwarded to the Chief Electoral Officer who shall forthwith after the receipt thereof—

- (a) forward a copy of it to each Returning Officer;
- (b) insert in the *Government Gazette* a notification of the receipt and particulars of the writ; and

- (c) cause notice of the prescribed question and the referendum in accordance with Form B in the Schedule to be published in a newspaper circulating throughout the State,

and the Chief Electoral Officer may cause notice of the prescribed question and the referendum to be further published in such manner as he thinks necessary to cause such notice to be brought to the attention of all the electors.

9. (1) After the receipt of a copy of the writ each Returning Officer shall, subject to this Act and to the directions of the Chief Electoral Officer, take all such steps as are necessary to be taken on his part to carry the writ into effect.

Action by
officers to
carry writ
into effect,
etc.

(2) For the purpose of this Act the Chief Electoral Officer, and every Returning Officer, Assistant Returning Officer, presiding officer and other officer acting in an official capacity in connection with the referendum shall, subject to this Act, have the same powers, authorities, and duties respectively so far as may be necessary as they would have at an election.

(3) Except where this Act otherwise provides or the contrary intention appears—

- (a) the provisions of the Electoral Act, 1907 and the regulations made thereunder relating to an election shall be applied and observed in relation to the referendum under this Act so far as those provisions are applicable and can be observed; and

- (b) where the Chief Electoral Officer is of the opinion that any of the other provisions of the Electoral Act, 1907 and the regulations made thereunder relating to elections can, with reasonable modifications or variations, be applied and observed in relation to the referendum, such provisions shall, with such modifications or variations, be so applied and observed,

and where the use of forms is necessary, and forms have been prescribed under the Electoral Act, 1907 or regulations made thereunder, such forms, with such modifications and amendments thereof as may be necessary, may be used for any purpose in connection with the referendum.

(4) Where any regulation made under the Electoral Act, 1907 provides for payment of fees by way of remuneration for services rendered, such regulation shall not be applied or observed in relation to the referendum under this Act without the approval in writing of the Minister administering the Electoral Act, 1907 and subject to such variation or modification as that Minister determines.

Voting day,
and pro-
visions for
postal voting,
absent
voting, etc.

10. (1) The votes of the electors on the prescribed question shall be taken as soon as practicable after the second day of March, 1975, but shall not be taken on the day of any election within the meaning of the Electoral Act, 1907.

(2) The provisions of the Electoral Act, 1907 relating to postal voting, absent voting and voting pursuant to section 122A of that Act apply with such modifications as are necessary to voting on the prescribed question.

11. (1) The ballot paper to be used for taking the vote on the prescribed question at the referendum shall be in accordance with Form C in the Schedule.

Ballot papers, method of voting, etc.

(2) Each elector shall mark his vote on the ballot paper in the following manner:—

If he 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 March next following, he shall place the word Yes in the space provided.

If he 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 March next following, he shall place the word No in the space provided.

(3) A ballot paper shall be informal if—

- (a) it would be informal under paragraph (a) of section 139 of the Electoral Act, 1907;
- (b) it is marked in any manner other than that prescribed in subsection (2) of this section; or
- (c) it has upon it any mark or writing not authorized by this Act which in the opinion of the Returning Officer will enable any person to identify the elector.

12. (1) As soon as the Returning Officer for a district has ascertained the total votes cast for and against the prescribed question by electors enrolled for that district (including postal and absent votes and votes cast by such electors under section 122A

Ascertainment of result of referendum.

of the Electoral Act, 1907, which have been counted by Assistant Returning Officers under section 142A of that Act and transmitted to him), the Returning Officer shall endorse and sign on the back of the copy writ received by him a statement showing the number of votes cast in the affirmative, the number of votes cast in the negative, and the number of informal ballot papers, and return the copy writ so endorsed and signed forthwith to the Chief Electoral Officer.

(2) Upon the receipt by him of all the copies of the writ so endorsed and signed, the Chief Electoral Officer shall ascertain from the endorsements the total number of votes which have been cast in the affirmative, the total number of votes which have been cast in the negative, and the total number of informal ballot papers, so as to ascertain the final result of the referendum.

(3) Upon ascertaining the final result in accordance with subsection (2) of this section, the Chief Electoral Officer shall endorse on the back of the original writ and sign a statement showing that final result, publish a copy of the statement in the *Government Gazette*, and return the original writ so endorsed and signed to the Governor.

(4) The statement of the result of the referendum published in the *Government Gazette* as required by subsection (3) of this section shall be conclusive evidence of the result of the referendum.

Regulations.

13. In so far as the regulations made under the Electoral Act, 1907, cannot be applied or made applicable, or are not sufficient for the purposes of this Act, the Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

14. Any act or omission by any officer, elector, or other person in relation to the taking of the vote at the referendum under this Act which would be and constitute an offence against the Electoral Act, 1907, if such act or omission had occurred in relation to an election shall be an offence against this Act, and the officer, elector, or other person may be prosecuted for such offence under this Act, and upon conviction for such offence shall be liable to the penalty prescribed for the same offence under the Electoral Act, 1907.

Offences.

PART III.—DAYLIGHT SAVING.

15. The Daylight Saving Act, 1946, is hereby repealed.

Repeal.

16. (1) Notwithstanding anything contained in The Standard Time Act, 1895, from the hour of two o'clock in the morning of the twenty-seventh day of October, 1974, until the hour of two o'clock in the morning of the second day of March, 1975, Western Australian clock time shall, throughout the State, be one hour in advance of standard time and shall be observed accordingly.

Western Australian clock time to be in advance of standard time during certain period.

(2) In this section the expression "the hour of two o'clock in the morning" means that hour as determined by standard time.

17. (1) Notwithstanding anything contained in The Standard Time Act, 1895, from the hour of two o'clock in the morning of the last Sunday in October in each year until the hour of two o'clock in the morning of the first Sunday in March next following, Western Australian clock time shall, throughout the State, be one hour in advance of standard time, and shall be observed accordingly.

Western Australian clock time to be in advance of standard time during certain further periods in each year.

(2) In this section the expression "the hour of two o'clock in the morning" means that hour as determined by standard time.

Construction
of expression
of time in
enactments,
etc.

18. Notwithstanding anything contained in—

- (a) any enactment, regulation, rule, by-law, proclamation, order in council, order or notice;
- (b) any contract or agreement, whether made orally or in writing, or in any deed or other instrument whether of the same kind as, or a different kind from, the foregoing,

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 Western Australian clock time is declared by this Act to be in advance of standard time, be held to be, and shall be determined by reference to, Western Australian clock time unless the contrary is expressed, provided, or stipulated in that enactment, regulation, rule, by-law, proclamation, order in council, order, notice, contract, agreement, deed or instrument.

Act not to
affect use of
standard
time for
certain
purpose.

19. (1) Except as otherwise expressly provided in this Act the provisions of The Standard Time Act, 1895, are 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.

THE SCHEDULE.

Form A.

Western Australia.

Daylight Saving Act, 1974.

WRIT

To the Chief Electoral Officer of the State of Western Australia, and to all others whom it may concern:

By virtue of the provisions of the Daylight Saving Act, 1974, I hereby authorize and require you that you cause the following question namely—

Are you 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 March next following?

to be submitted, according to law, to the electors; and I appoint the following dates for the purposes of the said submission:—

1. For taking the votes of the electors,.....
..... the..... day
of..... 197.....

2. For the return of the writ, on or before.....
..... the..... day
of..... 197.....

Dated the..... day of..... 197.....

.....,
Clerk of the Writs.

Form B.

Western Australia.

Daylight Saving Act, 1974.

NOTICE is hereby given that, in accordance with the provisions of the Daylight Saving Act, 1974, a vote by ballot of the electors will be taken throughout the State of Western Australia on..... the..... day of..... 197....., on the following question:—

Are you 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 March next following?

Any person shall be entitled to vote on the question who at the time when he votes on the question is a person enrolled under the provisions of the Electoral Act, 1907, and entitled to vote at an election of a member of the Legislative Assembly for the district in which he is so enrolled. Voting is compulsory.

.....,
Chief Electoral Officer.

Form C.

Western Australia.

Daylight Saving Act, 1974.

Ballot Paper.

Directions for Voting.

The voter shall mark his ballot paper as follows—

If he is in favour of the question set forth hereunder, he shall write the word "Yes" in the space provided.

If he is not in favour of the question set forth hereunder, he shall write the word "No" in the space provided.

Question: Are you 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 March next following?

