

DAYLIGHT SAVING.

No. 11 of 1983.

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 and to repeal the Daylight Saving Act 1974.

[Assented to 28 October 1983.]

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 1983*. Short title.

Commence-
ment.

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

(2) Subject to subsection (3), section 6 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" exceeded 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 shall on the day specified in the proclamation cease to be in operation.

Interpreta-
tion.

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);

"section" means section of this Act;

"standard time" means the time declared by The Standard Time Act 1895 to be standard time throughout the State;

"Western Australian summer time" means the time to be observed throughout the State as provided by sections 4 and 6.

4. (1) Notwithstanding The Standard Time Act 1895, from the hour of 2 o'clock in the morning of 30 October 1983 until the hour of 2 o'clock in the morning of 4 March 1984, Western Australian summer time shall, throughout the State, be 1 hour in advance of standard time and shall be observed accordingly.

Trial period
of daylight
saving.

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

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.

Referendum
on daylight
saving.

(2) The prescribed question is—

" Are you in favour of standard time in the State being advanced 1 hour from the last Sunday in October in each year until the first Sunday in the following March? ".

(3) At the referendum each elector shall mark his vote on the ballot paper in the following manner—

- (a) if he is in favour of standard time in the State being advanced 1 hour from the last Sunday in October in each year until the first Sunday in the following March, he shall place the word "Yes" in the space provided on the ballot paper; or
- (b) if he is not in favour of standard time in the State being advanced 1 hour from the last Sunday in October in each year until the first Sunday in the following March, he shall place the word "No" in the space provided on the ballot paper.

6. (1) Notwithstanding The Standard Time Act 1895, from the hour of 2 o'clock in the morning of the last Sunday in October in each year until the

Western
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summer
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advance
every year.

hour of 2 o'clock in the morning of the first Sunday in the following March, Western Australian summer time shall, throughout the State, be 1 hour in advance of standard time and shall be observed accordingly.

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

Construction
of expression
of time in
enactments,
etc.

7. Notwithstanding anything contained in—

- (a) any enactment, regulation, rule, by-law, proclamation, order in council, order or notice; or
- (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 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, Western Australian summer 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
purposes.

8. (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.

9. The Daylight Saving Act 1974 is repealed.

Repeal.
