

EXPLANATORY STATEMENT

Minute No. 47 of 2006 - Minister for Local Government, Territories and Roads

Subject - *Cocos (Keeling) Islands Act 1955*

Standard Time and Daylight Saving Time Ordinance 2006

Interpretation Amendment Ordinance 2006 (No. 1)

Subsection 12(1) of the *Cocos (Keeling) Island Act 1955* (the CKI Act) provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory of the Cocos (Keeling) Islands (the Territory).

Section 8A of the CKI Act provides that Western Australian laws are in force in the Territory, but will be of no effect where they are inconsistent with an Ordinance or another Commonwealth law. An identical provision is contained in the *Christmas Island Act 1958* to apply WA laws to Christmas Island.

The *Daylight Saving Act 2006 (WA)* (the Act) has been passed by the Western Australian Parliament. The Act will establish a trial of daylight saving time in Western Australia during summer months for the next three years. It is preferable that the Act does not apply in the Territory as it would set the standard time one and a half hours ahead of that currently observed. It would also enforce a period of daylight saving which has not been discussed with the local community and is unlikely to be popular.

The *Standard Time and Daylight Saving Time Ordinance 1980* for Christmas Island sets standard time on Christmas Island and allows the Minister for Territories to declare a period of daylight saving. As the Act is inconsistent with this Ordinance, it has no effect on Christmas Island.

Cocos time is observed as 6.5 hours ahead of Coordinated Universal Time (UTC). The *Standard Time and Daylight Saving Time Ordinance 2006* officially establishes a standard time for the Territory. Standard time would be set at 6.5 hours ahead of UTC. The terms of the Ordinance are inconsistent with those of the Act and have the effect of excluding the Act from operation in the Territory.

The *Standard Time and Daylight Saving Time Ordinance 2006* also grants the Minister for Territories the power to set a period of daylight saving time for the Territory, which would be one hour in advance of standard time. The terms of the Ordinance are the same, in all relevant respects, as those of the *Standard Time and Daylight Saving Time Ordinance 1980* for Christmas Island.

The Administrator of Christmas Island and the Cocos (Keeling) Islands is conducting consultation on the possibility of running a similar trial of daylight saving time in either or both of the territories. The Minister for Territories will consider the

outcome of this consultation before making a decision on the trial. Consultation was not undertaken specifically for the Ordinances as they simply maintain the status quo.

The *Interpretation Amendment Ordinance 2006 (No. 1)* repealed section 12 of the *Interpretation Ordinance 1955*. Section 12 allowed for laws of the Territory to refer to Cocos (Keeling) Islands time. It is not required under the new regime and has been repealed to avoid possible confusion. The equivalent provision for Christmas Island was repealed in a similar manner in 1980.

The Ordinances are legislative instruments for the purposes of the *Legislative Instruments Act 2003*. The Ordinances commenced on the day after they were registered on the Federal Register of Legislative Instruments.

Authority: Subsection 12(1) of the *Cocos (Keeling) Islands Act 1955*