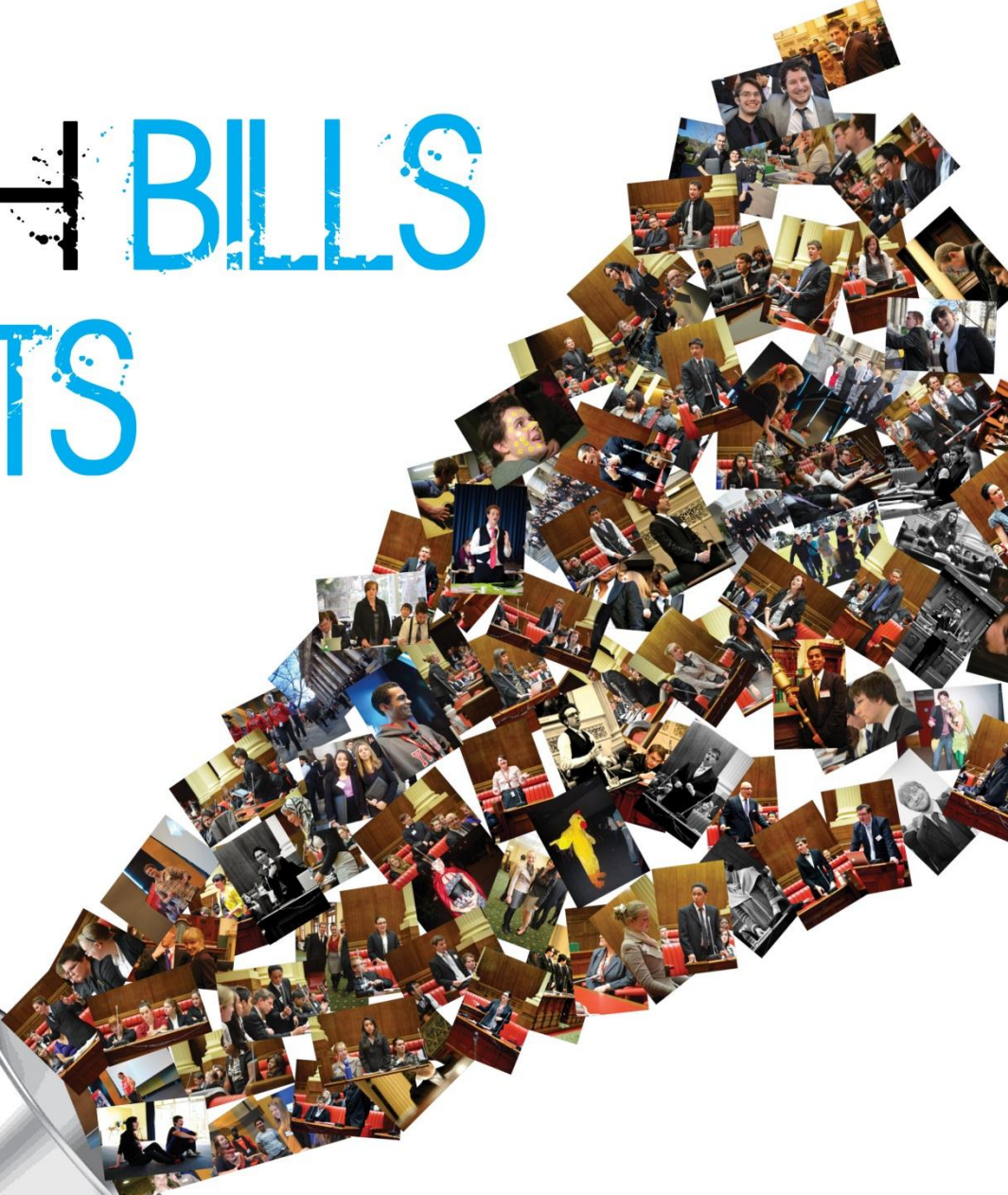


# YOUTH BILLS & ACTS



youth parliament **2014**

YMCA Of South Australia



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Welcome to the Book of Youth Bills & Acts of Youth Parliament 2014.

The 19th YMCA SA Youth Parliament presented sixteen Bills and two Motions of Public Importance. Both Motions of Public Importance passed plus 10 Bills, making 10 Youth Acts. Four Bills passed in one house only and two Bills failed in both houses.

The most strongly supported Bill was the *Youth Mental Health Accessibility Act 2014* which had a collective 90 Aye votes and 4 Nay votes across the two houses. Another special mention is the Universal Access Act 2014 which had a collective 86 Ayes to 9 Nays.

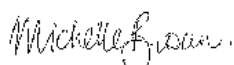
Special mentions should also be made to the Violence Prevention Act with 83 Ayes and 8 Nays.

Youth Parliamentarians have put in a commendable effort to bring these Bills to Parliament and wish for the voice of young people to be heard!

For further information or to provide feedback on any of the following Bills and Acts, please contact the YMCA Youth Programs Coordinator, Michelle Brown, on the details below.

On behalf of the Youth Parliament 2014 Taskforce and the YMCA of South Australia,

Kind regards



Michelle Brown

Youth Programs Coordinator

YMCA of South Australia



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Results of Youth Parliament 2014

<b>Bills &amp; Acts</b>	<b>Chamber</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstentions</b>	<b>Result</b>
Youth Governor MPI – Marriage Equality	Legislative Council	32	11	1	Pass
	House of Assembly	40	9	6	Pass
National MPI – Free Tertiary Education	House of Assembly	54	39	0	Pass
Therapeutic Sex Work Bill	Legislative Council	17	21	5	Fail
	House of Assembly	9	36	10	Fail
Life Skills Education Bill	Legislative Council	21	20	2	Pass
	House of Assembly	23	32	0	Fail
Graduate Entry Level Initiative Act	Legislative Council	26	18	0	Pass
	House of Assembly	30	25	1	Pass
Horse Jumps Racing Prohibition Act	Legislative Council	41	2	0	Pass
	House of Assembly	40	14	0	Pass
Solar Industry Development Act	Legislative Council	24	18	2	Pass
	House of Assembly	28	24	2	Pass
LGBTQI Adoption Rights Act	Legislative Council	34	2	6	Pass
	House of Assembly	34	4	13	Pass
Removal of Provocation Bill	Legislative Council	19	20	5	Fail
	House of Assembly	31	21	2	Pass
Youth Mental Health Accessibility Act	Legislative Council	41	2	0	Pass
	House of Assembly	49	2	3	Pass
Electoral (Voting Reform) Bill	Legislative Council	18	20	6	Fail
	House of Assembly	33	20	0	Pass

<b>Bills &amp; Acts</b>	<b>Chamber</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstentions</b>	<b>Result</b>
Reproductive Rights Licence Bill	Legislative Council	19	25	0	Fail
	House of Assembly	11	40	4	Fail
Early Drivers Licensing in Rural Areas Bill	Legislative Council	12	24	2	Fail
	House of Assembly	28	27	0	Pass
Multicultural Support Act	Legislative Council	30	9	4	Pass
	House of Assembly	37	16	1	Pass
Violence Prevention Act	Legislative Council	39	4	1	Pass
	House of Assembly	44	4	6	Pass
APY Lands Education Reform Act	Legislative Council	33	5	6	Pass
	House of Assembly	39	8	7	Pass
Cannabis Control and Legislation Act	Legislative Council	22	19	2	Pass
	House of Assembly	25	22	8	Pass
Universal Access Act	Legislative Council	36	8	0	Pass
	House of Assembly	50	1	3	Pass







***The Office of Her Excellency  
Youth Governor Malwinka Wyra***

**Declaration of the Youth Governor**

President  
Legislative Council  
Parliament of South Australia  
North Terrace

I desire the attendance of all honourable members of the House of Assembly and Legislative Council, on the date 7 July 2014 at 10:00am, at the building known as Parliament House, North Terrace, Adelaide, for the 19th Session of the South Australian Youth Parliament.

Signed

A handwritten signature in black ink, appearing to read 'Malwinka Wyra'.

Her Excellency Malwinka Wyra

# Youth Governor's Motion of Public Importance

Her Excellency, the Youth Governor Malwinka Wyra, directs and invites the Government of the Youth Parliament of South Australia to move and discuss;

## *'South Australia legalise marriage equality in Australia'*

### **Brief:**

This motion calls upon the Government to legislate that any couple can get married and have their marriage recognised under their law, regardless of their sexual orientation or gender identity.

### **Arguments FOR and AGAINST marriage equality:**

#### **For:**

- The subject of marriage equality has been a passionately debated topic for many years in Australia; yet the law maintains that marriage in Australia is only allowed between a man and a woman.
- Currently in 2014, 16 countries allow same-sex couples to marry nationwide: Argentina, Belgium, Brazil, Canada, Denmark, France, Iceland, Mexico, the Netherlands, New Zealand, Norway, Portugal, Spain, South Africa, Sweden, the UK and Uruguay. In addition, the US has legalised same-sex marriage in 20 states and eight tribes.
- It is a human rights issue, where people have the right to equality before the law.
- It should be a non-issue because it does not actually affect anybody but those in the relationship itself.
- In 2004, the *Marriage Act 1961* was amended to ensure that any foreign same-sex marriage is not recognised under Australian law.
- Tasmania is the first Australian state or territory to recognise same-sex marriages performed in other jurisdictions. The Tasmanian Parliament unanimously passed the legislation in September 2010.
- Equality for couples of any sexual orientation or gender identity, as love does not discriminate.

#### **Against:**

- It goes against traditional society's view on a union between a man and a woman.
- Some argue it is sacrilegious.
- It could negatively impact on the traditional family life and have negative effects on children with homosexual parents.
- Could cause conflict in the community as people are against it.
- With changing societal views and expectations of relationships, is marriage still relevant?
- The *Marriage Act 1961* defines marriage as the union between a man and a woman.
- Most people who have contracted HIV were exposed through male homosexual contact (ABS).
- This motion still does not provide equality for everyone, as people in polyamorous relationships are excluded.

# National Motion of Public Importance

**‘Australia should provide free education for all young people post high school including university, TAFE, VET, and other approved alternatives’**

## **Brief:**

During the early 1970s there was a push to make tertiary education in Australia more accessible. To achieve this, the Whitlam Government abolished university fees on the 1st of January 1974.

Tertiary education fees were reintroduced in 1989 under the Hawke Government when it set up the Higher Education Contribution Scheme (HECS).

Since the reintroduction of tertiary education fees, there has been an increase over the years in tertiary education costs as fees become increasingly deregulated, which places students under significant financial stress as the cost of living also rises. This motion aims to eliminate fees from tertiary education to make it more accessible and affordable to young Australians.

## **For:**

- Education is currently very expensive.
- Removal of fees for tertiary education would result in further study being more accessible for all people.
- It will encourage people to pursue further education.
- People want to avoid debt.
- Society will be better educated and create a more skilled workforce.
- Allows students to focus on their studies rather than worrying about how they will pay for them.
- Knowledge should not have a price tag.
- Education is a right not a privilege.
- Education is an investment, not an expense.

## **Against:**

- People won't appreciate/value tertiary education because it is free.
- Why just for young people?
- Why only free tertiary education?
- There is the risk of too many skilled graduates with not enough jobs for them.
- Many vocations do not require a degree.
- People could abuse the system by continually studying degree after degree instead of working.
- Students who must pay for their education have a greater incentive to do well.
- Having to pay for tertiary education and to manage their HECS debt helps teach students responsibility and introduces them to adult life.

South Australia

## Therapeutic Sex Work Bill 2014

### Brief

This Bill expands on the current legislation and treatment options for sexual health and aims to treat sexual health and intimacy issues with a more mature and practical understanding. It is of the belief that sex can not only be used in a professional way but in a healthy and productive way.

Some health organisations already utilise these avenues to help people with disabilities but are constantly burdened with legal concerns. If this Bill were to pass those avenues would be easily accessible to aid in a wide array of issues ranging from disability to intimacy in an open specialised environment.

The Bill aims to establish a safe and skilled sexual health industry in a legitimate and publicly acceptable forum. As a result of the Bill, it is hoped to achieve a society where social stigma attached to sex is combated and sexual issues can be addressed without indignity. Parents, carers, individuals and many professional organisations have been using alternative and unusual means to realise their physical, social, emotional and intellectual potential for some time but are endangered by unfair legal constraints.

South Australia

# Therapeutic Sex Work Bill 2014

A BILL FOR

An Act to establish a safe and legal therapeutic sex work industry and to protect the rights of sex workers within said industry; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Therapeutic Sex Work Act 2014*.

### 2—Commencement

This Act will come into operation on a date to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to establish a new patient treatment avenue for sexual based issues;
- (b) to establish the positions of Supervising Medical Officer (SMO) and Sexual Surrogates;
- (c) to establish a therapeutic sex industry that shall provide services as prescribed by the SMO; and
- (d) to create a safe and legal therapeutic sex work industry to protect the rights of sex workers within the industry.

### 4—Interpretation

In this Act, unless the contrary appears—

***characteristic sexual illness*** means a sexual dysfunction or intimacy issue;

***patient*** means a person receiving treatment from either a Sexual Surrogate or a SMO to improve their sexual health and wellbeing;

***referring Physician*** means a medical practitioner that provides a referral to a SMO;

***Senior Sex Industry Professional*** means an employee that has been working in the industry for no less than five (5) years;

***sexual surrogate*** means a legal sex worker in the health industry;

***Supervising Medical Officer (SMO)*** means a qualified medical professional who oversees the administration of treatment to the patient;

***treatment*** means the administration of therapies to the patient for the issue for which they are seeking help from the SMO.

## **Part 2—Establishment of the industry**

### **5—Establishment**

The therapeutic sex work industry will be established from the date of proclamation of this Act.

### **6—Components of the industry**

(1) Two specialised professions shall be established within this industry—

(a) The Supervising Medical Officer (SMO). It is the responsibility of the SMO to—

- (i) refer patients with a characteristic sexual illness to a Sexual Surrogate for treatment;
- (ii) provide patients with information on preparation for sexual surrogacy treatment; and
- (iii) provide post therapy consultation.

(b) The Sexual Surrogate. It is the responsibility of the Sexual Surrogate to—

- (i) administer treatment to the patient as advised by the SMO.

(2) The establishment of Sexual Health Clinics—

(a) Clinics shall be established to provide a location for treatment. Further—

- (i) the location of these clinics will be subject to the zoning requirements of a General Medical Practice.

## **Part 3—Workplace Health, Safety and Regulations**

### **7—Restrictions and safety**

(1) Supervising Medical Officer shall be required to—

- (a) be at least twenty-one (21) years of age;
- (b) have a Medical Doctorate; and
- (c) have completed an undergraduate degree in psychology or be specialised in a psychiatry equivalent.

- (2) Sexual surrogates shall be required to—
  - (a) be at least twenty-one (21) years of age;
  - (b) have completed a Diploma of Counselling;
  - (c) engaged in a year of work placement within the sexual health industry; and
  - (d) have the continuing consent of a patient.
- (3) An individual, who has placed their candidacy to become a Sexual Surrogate may be declined if—
  - (a) a police check reveals that they have been convicted of any major indictable offense; or
  - (b) they have screened positive for a/any Sexually Transmitted Infection/s or illicit substance.
- (4) It is a requirement that patients—
  - (a) must be of the age of consent;
  - (b) must use at least two (2) forms of contraceptives during treatment;
  - (c) understand that they will be denied treatment with Sexual Surrogates as stated in this Act if—
    - (i) a police check reveals that they have been convicted of any major indictable offense; or
    - (ii) they have screened positive for Sexually Transmitted Infections or illicit substance.

## **Part 4—Disciplinary Board**

### **8— Establishment of a Disciplinary Board**

- (1) A Disciplinary Board will be established from the day of proclamation.
- (2) The Disciplinary Board will consist of—
  - (a) the South Australian Minister for Health, or an authorised delegate appointed by the Minister, in writing;
  - (b) legal counsel for the therapeutic sex work industry;
  - (c) two (2) senior sex industry professionals;
  - (d) an SMO; and
  - (e) a general health practitioner.

- (3) The Disciplinary Board will construct a disciplinary framework that adheres to *The Criminal Law Consolidation Act 1935* concerning—
- (a) illegal acts of sex work;
  - (b) causing physical or mental harm;
  - (c) sexual offences; and
  - (d) malpractice.
- (4) Workers that fail to comply with the restrictions above will face penalties determined by the Disciplinary Board in relation to terms and conditions stipulated in their employment contracts required by the Fair Work Commission.

## **9— Sunset Clause**

Seven years after proclamation this Act shall be reviewed by the Minister for Health.



South Australia

## Life Skills Education Bill 2014

### Brief

The Life Skills Education Bill 2014 is a Bill to help high school students' better deal with their transition to after-school life by teaching them important life skills such as financial management, job-seeking, driver's education and basic political education.

Without access to education on these subjects, students can run into early financial problems, struggle with interviews and resumes, endanger themselves with poor car safety, or accidentally leave themselves out of the democratic process through ignorance of how our political system works.

The Life Skills Education Bill 2014 deals with these issues by providing a mandatory school course taught throughout Year 10 and Year 11, which will help a large number of students to be better prepared for life after school.

South Australia

# Life Skills Education Bill 2014

A BILL FOR

An Act to introduce a compulsory course that teaches Year 10 and Year 11 students essential life skills necessary for use in adult life.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Life Skills Education Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to establish a course for students to teach practical life skills to be used outside and after school life;
- (b) to make the transition to adulthood easier by making students more aware of the responsibilities they may encounter so as they are able to make informed decisions regarding their future; and
- (c) to better prepare students who drop out of high school by making sure they have the skills necessary for after school life.

### 4—Interpretation

In this Act, unless the contrary appears—

*(The) Life Skills Course* means the course that is being introduced in this Act;

*module* means a section of the Life Skills Course;

*passing grade* means satisfactory completion of the modules in the course;

*SACE Board* means South Australian Certificate of Education Board, which regulates the school curriculum; and

*SAPOL* means South Australian Police.

## Part 2—Delegation and implementation

### 5—Course content

- (1) A commission shall be established to outline the specifics of the course and will consist of the following members—

- (a) the South Australian Minister for Education;
  - (b) the South Australian Shadow Minister For Education;
  - (c) ten (10) appointed members of the SACE Board; and
  - (d) one (1) designated member of SAPOL.
- (2) One of the appointed members of the SACE Board will lead the commission into specifying how and what will be taught in *The Life Skills Course*, however they must include the following modules as specified in section 7—
- (a) Driver’s Education;
  - (b) Financial Education;
  - (c) Careers Education; and
  - (d) Basic Political Education.

## **6—Implementation into high schools**

The course will—

- (a) be implemented into the current high school curriculum in addition to existing subjects;
- (b) be mandatory for those in Year 10 and the first semester of Year 11 to complete. However if a student is fifteen (15) years old and is in another year level below Year 10 and has yet to undertake *The Life Skills Course*, it is required for them to complete *The Life Skills Course* regardless of which year level they are in. In order for a student to be deemed to have completed the course they must—
  - (i) attend each of the modules outlined in section 5; and
  - (ii) receive a passing grade in each module.
- (c) require a minimum of one hundred and eighty (180) minutes a month. How this time is allotted is determined by the school and subject to availability;
- (d) be mandatory for students to complete before they are allowed to drop out of high school. If the student wishes to leave school after Year 10, they will have to negotiate with their high school to complete the Year 11 component of *The Life Skills Course*; and
- (e) be adjusted as necessary by the commission as outlined in section 5 should changes be required due to clashes with other mandatory subjects.

## **Part 3—Required modules**

### **7—Modules required in The Life Skills Course**

The following four (4) modules and their subsections are mandatory and must be included in *The Life Skills Course*—

- (a) driver module to include several aspects of driving and car maintenance, including, but not limited to—
  - (i) classroom based driver safety lessons, with an emphasis on the dangers of incorrect driver procedure;
  - (ii) basic practical lessons on car maintenance, such as instructions on how to change tires, check oil, coolant levels and other such skills; and
  - (iii) information on correct response in a crash situation, such as reporting to police and taking insurance information.
- (b) financial management module to include aspects on practical applications of financial management information, including but not limited to—
  - (i) lessons of the dangers of debt, such as safe credit card usage;
  - (ii) information on superannuation management;
  - (iii) information on bank loans; and
  - (iv) dangers of bankruptcy.
- (c) education on the subject of career finding, including but not limited to—
  - (i) resume/cover letter writing;
  - (ii) career advice; and
  - (iii) advice for interviews and applications.
- (d) information about the Australian political system and how it functions, including but not limited to—
  - (i) the correct method of voting;
  - (ii) difference between state and federal government; and
  - (iii) how laws are made.

### **8—Sunset Clause**

The *Life Skills Education Act 2014* will be updated every four years, after an election of the House of Assembly of South Australia, by the commission as outlined in section 5.

South Australia

## Graduate Entry Level Initiative Act 2014

### Brief

This Act endeavours to reform industrial policy to reflect a growing inability for graduating university students to secure entry level employment positions, graduate positions and work experience positions on a national scale.

*‘Higher education on a tertiary level contributes to Australia’s intellectual, economic, cultural and social development which all contribute to the long-term prosperity and future of Australia. Moving towards the future; the long term prosperity of Australia will solely be influenced by the future activities of higher education graduates from leading tertiary institutions.’<sup>1</sup>* However, in a struggling employment market, university graduates are finding it progressively more difficult to find employment in their area of study.

The Act aims to address this issue by implementing quotas on all levels of businesses as well as firms, that requires them to offer paid employment packages with work experience opportunities for university students and recent higher education graduates. Secondly, it would endeavour to provide subsidies for companies meeting or exceeding the required quotas to encourage a greater intake of students and graduates. Employment opportunities will encompass paid internships, mentoring programs, and graduate positions.

Youth unemployment is a serious issue within our community, and a vast number of our talented Australian graduates are experiencing increasing difficulty finding employment, particularly in an area related to their education and further studies. Targeting the employment prospects and conditions of our graduates provides a significant benefit to our society economically, socially and from a health perspective. Greater employment and participation in the workforce provides significant economic benefit, reduces pressure on social welfare programs, and positively impacts the health, particularly mental health, of the people participating in the employment market.

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<sup>1</sup> 1 ABS report- Hitting the Books

2 ABS report- Headspace Australia

3 ABS report- Brotherhood of St Laurence

4 SME in New Zealand- Structure and Dynamics

5 Australian Government Fair Work Ombudsmen: Work Experience & Internships

6 Australian Government Fair Work Ombudsmen: Minimum Wage

7 Adelaide University: What Is Mentoring (Anderson and Shannon) as cited in Colwell, 1998

South Australia

# Graduate Entry Level Initiative Act 2014

An Act to implement entry-level quotas to businesses within South Australia for graduates and university students; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Graduate Entry Level Initiative Act 2014*.

### **2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

### **3—Object of this Act**

The objects of this Act are—

- (a) to implement quotas on businesses to take on university students for paid work experience and internship programs;
- (b) to increase quotas on businesses to take on entry level graduate positions to students who are graduating from higher education programs; and
- (c) to provide and mediate subsidies to companies meeting and/or exceeding their quotas to encourage an increase in the number of available paid work experience opportunities, and appropriate graduate positions.

### **4—Interpretation**

In this Act, unless the contrary appears—

***big business*** means a business with two hundred and one (201) or more employees;

***entry level*** means a tertiary student who has graduated, within twenty-four (24) months of the completion date of their degree;

***graduate position*** means a position available to tertiary students that have graduated, within twenty-four (24) months of the completion date of their degree;

***medium business*** means a business with a minimum of sixteen (16), and maximum of two-hundred (200), employees;

***quota*** means a limited or fixed number of intake of graduate students for paid positions within a company/business.

***small business*** means a business with a minimum of two (2), and sixteen (16), employees; and

***unpaid internship*** means an internship where the intern is not a participant in a workplace contract;

## **Part 2—Implement quotas**

### **5—Quotas for paid work experience and internships**

- (1) The minimum intake of paid work experience for students, where they earn a set minimum wage per annum, at or above the award rate for small business, where an individual manages his/her own organisation, will be three (3) graduates.
- (2) The minimum intake of paid work experience for students per annum for a medium business will be five (5) graduates.
- (3) The minimum intake of paid work experience for graduates per annum for big businesses and companies will be ten (10) graduates.
- (4) The minimum intake of unpaid student internships for graduates per annum for small businesses will be two (2) graduates.
- (5) The minimum intake of unpaid student internships for graduates per annum for medium business will be five (5) graduates.
- (6) The minimum intake of unpaid student internships for graduates per annum for big business and companies will be twelve (12) graduates.
- (7) There will be a probation period of twenty-four (24) months for businesses to implement these quotas within their business employment structure.

### **6—Meeting or increasing quotas**

- (1) Annual meetings will take place between business and government bodies to review the effect of the current quotas in place, with the opportunity to expand or lower the current quotas dependent on results. This meeting is to be held at the end of each financial year.
- (2) Businesses meeting or exceeding their graduate intake quotas per annum will receive partial subsidies and assistance from existing government bodies to financially cope with additional paid employees.
- (3) Businesses will be required to provide bi-annual reports entailing the number of graduates employed within the company. This information will be used by existing government bodies to ensure that adequate graduates are being employed, and to investigate and review the effect of this initiative for future development.

### **7—Subsidies**

- (1) There will be subsidy packages available to businesses or companies that are meeting or exceeding their quotas (section 5). These partial subsidies will be dependent on companies meeting quotas and will increase in size if companies are exceeding their quotas. Subsidies are to be used to offset wages of graduate employees, work experience students and interns.

- (2) These subsidy payments will be made quarterly, totaling four (4) payments per financial year.

## **Part 3—Subsidies to businesses**

### **7—Mandatory requirements**

Applicable to business/companies and graduates—

- (a) To be eligible for a subsidy payment, businesses must adhere to the following guidelines—
  - (i) businesses must meet the minimum quotas, as outlined in section 5, to be eligible to receive subsidies;
  - (ii) businesses must employ graduates on a part-time or full-time basis, with contractual hours not less than twenty-five (25) hours per week, and not exceeding thirty-eight (38) hours per week;
  - (iii) businesses must submit their bi-annual report on or before the set deadline in order to continue to receive their subsidies; and
  - (iv) businesses will be responsible for adequately supporting graduates through providing mentoring and education. Graduates employed by the business must submit personal progress reports outlining their development in the workplace and support programs available to them. These reports must be attached to bi-annual progress reports from the business.



## South Australia

# Horse Jumps Racing Prohibition Act 2014

## Brief

South Australia prides itself on protecting its fauna and domesticated animals equally. However, one key area in which South Australia fails to adequately protect the welfare and interests of animals is in respect to horse jumps racing. This Act operates within an existing legislative framework consistent with the *Animal Welfare Act 1985*.<sup>2</sup> A Bill with a similar purpose was introduced into the South Australian Legislative Council,<sup>3</sup> however this Act aims to further clarify and define elements of which an offence may be committed beyond that which was provided for within the previous Bill.<sup>4</sup>

Public perception of horse jumps racing in South Australia is somewhat negative. This can be stated in the face of opinion polling conducted on behalf of the Royal Society for the Prevention of Cruelty to Animals (SA) Incorporated, which signaled (amongst other findings) within the 18-34 age demographic, that 74% of the sample group wanted horse jumps racing prohibited.<sup>5</sup> Those respondents have extremely justified reasons for wanting this practice banned- the sheer number of injuries and fatalities to horses that participate in jumps racing is markedly higher when compared to conventional horse racing.<sup>6</sup>

This Act expressly prohibits all forms of conduct involved with horse jumps racing; it also provides for mechanisms whereby the Minister responsible may acquire horses that have been previously involved in horse jumps racing and to allow for a court to make orders for the surrendering of horses involved in jumps racing if it were involved in an offence under this Act and preventing an offender from owning horses in the future.

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<sup>2</sup> *Animal Welfare Act 1985* (SA).

<sup>3</sup> Animal Welfare (Jumps Racing) Amendment Bill 2011 (SA).

<sup>4</sup> Ibid.

<sup>5</sup> Letter from the Royal Society for the Prevention of Cruelty to Animals (SA) Inc to Hon Tammy Franks MLC, 3 June 2011.

<sup>6</sup> L. A. Boden et al "Risk of fatality and causes of death of Thoroughbred horses associated with racing in Victoria, Australia: 1989-2004" (2006) 38 *Equine Veterinary Journal* 312.

South Australia

# Horse Jumps Racing Prohibition Act 2014

An Act to prohibit horse jumps racing to ensure the welfare of horses involved in horse jumps racing; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Horse Jumps Racing Prohibition Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to provide for offences that proscribe activities relating to horse jumps racing; and
- (b) to provide for the welfare of horses involved with horse jumps racing.

### 4—Interpretation

In this Act, unless the contrary appears—

***court*** means a judicial body, which has jurisdiction over South Australia;

***horse*** means an animal of the species *Equus ferus caballus* or *Equus africanus asinus*, or a hybrid of either of these species;

***horse jumps racing*** means a steeplechase or hurdle race involving the racing of horses;

***Minister*** means the Minister responsible for the administration of the *Animal Welfare Act 1985*;

***premises*** means any land, building or structure (including a moveable building or structure);

***prohibited conduct*** means horse jumps racing;

***takes part in*** means, without limitation—

- (a) to organise;
- (b) to promote;
- (c) to participate in;
- (d) to provide or arrange finance for;

- (e) to provide or permit the use of premises at which a horse jumps racing event is held;
- (f) to keep a horse for the purpose of horse jumps racing; or
- (g) to spectate at a horse jumps racing event.

***veterinary surgeon*** means a person who is registered as a veterinary surgeon under the *Veterinary Practice Act 2003*.

## **Part 2—Offences**

### **5—Prohibited conduct**

- (1) A person who takes part in prohibited conduct is guilty of an offence.

Maximum penalty:

- (a) if the offender is a body corporate—\$100 000; or
  - (b) if the offender is a natural person—\$20 000 and/or two (2) years imprisonment.
- (2) If a body corporate commits an offence against subsection (1), any director or manager of the body corporate is also guilty of an offence and liable to the same penalty as may be imposed for the principal offence when committed by a natural person unless it is proved that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the principal offence by the body corporate.
- (3) A person may be prosecuted and convicted of an offence under subsection (2) whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

### **6—Court orders on finding of guilt**

- (1) A court may, on finding a natural person and/or body corporate guilty of an offence against this Act may make one or more of the following orders—
- (a) an order directing that any horse owned by the person that has been surrendered or seized under this Act be forfeited;
  - (b) an order directing the person to surrender any other specified animal owned by the person to the Minister;
  - (c) an order forbidding the person to acquire, or have custody of, any other horse, either until further order, or for the period specified in the order;
- (2) A person and/or body corporate in relation to whom an order under subsection (1) is in force must comply with the order.

Maximum penalty: \$10 000.

- (3) The Minister may request the selling, destroying or otherwise disposal of an animal that has been forfeited to the Crown subject to any provision made under this Act.

## **7—Dealing with seized horses**

- (1) The Minister may sell, destroy or otherwise dispose of a horse or object that has been seized, forfeited or acquired under this Act.
- (2) The Minister shall only destroy a horse that has been seized, forfeited or acquired under this Act if the professional opinions of two veterinary surgeons have been obtained and they both conclude that the horse is in a poor state of health that would, in their joint professional opinions, warrant the horse be destroyed.

## **8—Vicarious liability of employers in certain circumstances**

If a person commits an offence against this Act in the course of employment by another, the employer is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is provided that the employer could not by the exercise of reasonable diligence have prevented the commission of that offence.

## **Part 3—Miscellaneous**

### **9—Review**

Three years from proclamation this Act shall be reviewed by the Legislative Review Committee.

## South Australia

# Solar Industry Development Act 2014

## Brief

The City of Playford has always had significantly high levels of unemployment, and as of December 2013, unemployment had reached 15.6% compared to a state average of 6.7%<sup>7</sup> This number is set to dramatically increase when General Motors Holden cease their Elizabeth manufacturing operations in 2017, occurring as a result of the cessation of government subsidies to the unprofitable business. It is estimated that up to 13,200 jobs and \$1.24 billion in gross state revenue for South Australia will be lost as a result of this closure.<sup>8</sup> It is evident that urgent action needs to be taken to reduce unemployment and boost the local economy.

The solar technology industry is one of the most rapidly growing industries in Australia and it is being driven by rising electricity costs and falling solar PV system costs. South Australians pay the highest electricity prices in the country with an average annual bill of \$2,335.<sup>9</sup> This has placed serious strain on the cost of living for many people.

This Act helps address these issues by assisting in the establishment of a solar panel manufacturing enterprise in the City of Playford, providing training to assist workers in transitioning to this new industry and stimulating demand for the product through a government-building installation scheme, incentives and low-interest loans. This will provide jobs and stimulate the local economy while producing a product that will assist in the reduction of electricity bills and South Australia's carbon emissions.

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<sup>7</sup> Economy.id, (2014). *Unemployment rate / City of Playford / economy.id*. [online] Available at: <http://economy.id.com.au/playford/unemployment> [Accessed 10 May 2014].

<sup>8</sup> Burgan, B. and Spoehr, J. (2014). *The Contribution of GMH Elizabeth Operations to the South Australian economy and the Potential Impacts of Closure*. [pdf] Adelaide: Australian Workplace Innovation and Social Research Centre (WISeR), pp.3, 15. Available at: <http://www.adelaide.edu.au/wiser/docs/GMHNov2013ReportFinal.pdf> [Accessed 10 May 2014].

<sup>9</sup> Annual Report on the Performance of the Retail Energy Market. (2014). [pdf] Melbourne: Australian Energy Regulator, p.51. Available at: [http://www.aer.gov.au/sites/default/files/AER%20Retail%20Performance%20Report%202012-13%20-%20updated%2011.02.2014\\_0.pdf](http://www.aer.gov.au/sites/default/files/AER%20Retail%20Performance%20Report%202012-13%20-%20updated%2011.02.2014_0.pdf) [Accessed 10 May 2014].

South Australia

# Solar Industry Development Act 2014

An Act to create jobs through the initiation of solar technology manufacturing activities in the City of Playford and to increase the number of households with solar PV installations across South Australia; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Solar Industry Development Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to establish the manufacturing of solar photo-voltaic electrical generators in the City of Playford;
- (b) to reduce unemployment within the City of Playford;
- (c) to stimulate the solar technology industry; and
- (d) to contribute to the reduction of South Australia's carbon emissions.

### 4—Interpretation

In this Act, unless the contrary appears—

**AMC** means Advanced Manufacturing Council;

**DSD** means the Department of State Development

**enterprise** means a successful applicant as determined by section 5 (4);

**expert** means a person who is nationally recognised as having extensive knowledge in the areas of manufacturing, industry and technology;

**feed-in tariff** means a premium rate paid to producers of renewable energy that is supplied to the grid;

**GBSIS** means Government Building Solar Installation Scheme (see section 8);

**Minister** means the Minister for Manufacturing and Innovation;

**request-for-tender** means a formal, structured invitation to suppliers, to bid, to supply products or services; and

*RFT* means request-for-tender.

## **Part 2—The manufacturing plant**

### **5—The proposal**

- (1) The State will offer, pursuant to subsection (2), a grant for the purpose of purchasing and refitting the Holden assembly plant or constructing a new manufacturing plant in the City of Playford for the purpose of producing solar photo-voltaic electrical generators for commercial sale.
- (2) The grant shall—
  - (a) be equal to 50% of the total cost; or
  - (b) be subject to a merit-based application process subject to the requirements of section 3.
- (3) Applicants must—
  - (a) be a non-tax exempt corporation that is incorporated in Australia under a law of the Commonwealth or of a state or territory;
  - (b) demonstrate a competitive business model; and
  - (c) be able to fund the costs of the project that will not be covered by the grant.
- (4) The successful applicant will be selected by a panel comprising the Minister or a delegate of the Minister, a delegate from the AMC and two experts to be determined by the DSD.

### **6—The contract**

- (1) A contract shall be written by a subcommittee within the DSD in conjunction with the enterprise.
- (2) The contract must contain provisions that give rise to the following objectives—
  - (a) that, where practicable, at least 80% of employees shall be residents of the City of Playford;
  - (b) that, where practicable, a minimum of ten apprentices shall be employed at any time; and
  - (c) that its primary function is the manufacturing of solar photo-voltaic electrical generators.
- (3) The enterprise must fulfill all terms of the contract. If any terms of the contract are breached, the contract will be terminated and the enterprise must repay the State the net total of money issued to them by the grant.

## **Part 3—Stimulating demand**

## **7—Financial incentives**

- (1) The following financial incentives will be implemented by the State to stimulate domestic residential and commercial demand—
  - (a) feed-in tariffs with a minimum rate (to be determined by the DSD);
  - (b) installation rebates; and
  - (c) low-interest loans for up to 70% the value for commercial scale solar projects.
- (2) A review of these incentives will be conducted every five (5) years from the day of proclamation of this Act.

## **8—Government Building Solar Installation Scheme**

- (1) The State government will commission the production of solar photo-voltaic electrical generators to be installed on government buildings.
- (2) A request-for-tender will be drafted—
  - (a) the DSD shall establish a subcommittee for the purpose of determining, pursuant to subsection 2, the specific details of, and drafting the RFT.
  - (b) the RFT should include—
    - (i) the conditions for participation;
    - (ii) project scope;
    - (iii) the project sites; and
    - (iv) application requirements.
  - (c) tenders must be from South Australian companies.
- (3) The successful tender(s) will be selected by the subcommittee.

## **Part 4—Workforce transition scheme**

### **9—TAFE education**

- (1) Subject to section 9 (2), government subsidies will be provided for studying Certificate III and Diploma TAFE courses in the areas of 'Management and Administration', 'Electrical and Renewable Energy' and 'Manufacturing/Engineering'.
- (2) Preference will be given to TAFE applicants who are;
  - (a) unemployed;
  - (b) residents of the City of Playford; and
  - (c) directly affected by the closure of the Holden Assembly Plant.



- (3) An Industry Liaison Officer will be hired at TAFE SA Elizabeth Campus for the purpose of assisting students transition from their study into employment with the enterprise and other related enterprises.

## **Part 5—Miscellaneous**

### **10—Sunset clause**

Six years after proclamation this Act shall be reviewed by the Legislative Review Committee.

South Australia

## LGBTQI Adoption Rights Act 2014

### Brief

This Act is to enable LGBTQI couples, in a de-facto relationship, or bound by marriage to adopt a child and/or attempt to conceive through means of IVF or Surrogacy.

This is a genuine problem for all people who are not heterosexual and are unable to adopt a child due to their sexuality.

This Act will implement and enable LGBTQI couples to adopt a child under the same rights and restrictions that apply to heterosexual couples.

South Australia

# LGBTQI Adoption Rights Act 2014

An Act to implement and enable same-sex couples to adopt a child, and/or attempt to conceive a child through means of IVF or surrogacy, or through the means of an accredited agency; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as *The LGBTQI Adoption Rights Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to allow all people living in South Australia, that are either in a de facto relationship, or are married, the equal opportunity to raise a child;
- (b) to recognise all individuals as couples, therefore allowing people in a same-sex relationship the invariable rights and privileges, in regards to raising a child, as heterosexual couples; thus recognising all parental relationships headed by same-sex OR heterosexual couples;
- (c) to acknowledge that same-sex couples have the same rights to IVF and surrogacy, and should not be discriminated against or denied this right due to their sexuality.

### 4—Interpretation

In this Act, unless the contrary appears—

**adult** means a person of or over the age of 18;

**accredited agency** means an agency that has been accredited by The South Australian Government, or equivalent, for the purpose of adoption, IVF, and/or Surrogacy options for couples that seek to attempt to conceive or adopt a child;

**Commissioner** means the Commissioner for Equal Opportunity established under the *Equal Opportunity Act 1984*;

***couple*** means two adults in a de-facto relationship, either a heterosexual or same-sex relationship;

***de facto relationship*** means two people in a relationship, who are not married or engaged and have been living with each other for a period of no less than two (2) years;

***determining the authenticity of a relationship*** means determining the authenticity of a relationship that may include but not be limited to—

- (a) the duration of the relationship;
- (b) the existence of a sexual relationship;
- (c) residing in the same residence; and
- (d) the degree of financial dependence and/or independence or any arrangement of financial support;

***discriminate/discrimination*** means to treat an individual with less favour than another, hypothetical person, because of some distinction between them and includes situations where the treatment is explicitly discriminatory but clearly has a discriminative result;

***LGBTQI*** means ‘Lesbian’, ‘Gay’, ‘Bisexual’, ‘Transsexual’, ‘Queer’, ‘Intersex’;

***IVF*** means *in-vitro fertilisation*, the act where an egg is fertilised by a sperm cell outside of the body; a trained medical professional does this procedure; the fertilised egg is then transferred to the woman’s uterus in order for it to mature;

***sexual orientation/sexuality*** the inclination of one’s sexual interest towards people of the same sex, opposite sex or both sexes;

***surrogacy*** the act of surrogacy is when after the IVF treatment the egg is transferred into another female, other than the egg donor for incubation/maturation due to medical reasons; and

***tribunal*** means the Equal Opportunity Tribunal established under the *Equal Opportunity Act 1984*.

## **Part 2—Adoption**

### **5—Individuals seeking adoption**

- (1) Any couple that is in a de facto relationship, as well as fulfilling the criteria that is set out in current South Australian law regarding individuals that seek to adopt a child, or conceive through means of IVF or surrogacy, through accredited agencies will be able to under this Act.
- (2) It is an offence under this act for agencies to discriminate against an individual on grounds of their sexual orientation.

## **6—Couples seeking adoption**

- (1) Any couple either in a de facto relationship or married who satisfy all criteria, including that of potential adoptive parents under South Australian law, may apply for adoption, IVF or surrogacy regardless of their sexual preference.

## **Part 3—IVF**

### **7—In-vitro fertilisation and surrogacy.**

- (1) It is an offence under this Act for regulations and practices relevant to IVF to discriminate against couples and/or individuals on a basis of their sexual orientation.
- (2) IVF procedures must be made equally available to surrogates of any sexuality and/or gender.

## **Part 4—Enforcement**

### **8—Complaints**

- (1) If a person believes they have been discriminated against, they may forward a complaint to the Commissioner—
  - (a) All complaints forwarded to the Commissioner;
    - (i) Must be in writing; and
    - (ii) Must be lodged within a maximum of five (5) months after the discriminatory event occurred.
- (2) The Commissioner may, at their own discretion, extend the period of time of which a complaint must be lodged if the Commissioner is satisfied that there are circumstances that warrant this extension—
  - (a) These circumstances may include, but are not limited to—
    - (iii) duration of the IVF process; and
    - (iv) term of pregnancy for surrogates.
- (3) Authority is afforded to the Commissioner to bring charges against the offender(s) under the *Equal Rights Act 1984*.

### **9—Sunset clause**

Four years after proclamation this Act shall be reviewed by the Legislative Review Committee.

South Australia

## Removal of Provocation Bill 2014

### Brief

Provocation was developed in the English Courts during the 16<sup>th</sup> and 17<sup>th</sup> centuries. At that time, it was mandatory for those convicted with murder to be sentenced to death for their crime. During this era, it was also considered virtuous for a man to respond to offensive behaviour with violence<sup>10</sup> and as such, the partial defence of provocation was introduced. Frequently, a man would seek this defence after committing homicide as a result of discovering the infidelity of his wife. Doing so would reduce his murder charge to manslaughter.<sup>11</sup> However, in today's society, an ordinary person's self-control should be much higher than this.

Currently, provocation has been heavily constricted in its availability in England, and many Australian states due to the recognition of its flaws. The successful utilisation of provocation as a defence does not necessarily reduce an individual's sentence, however it does downgrade the charge for murder to manslaughter, which generally has less stigma attached to it. Therefore, in the case of one person killing another, successfully arguing provocation may result in an unfair representation of a person's crime.

Removal of provocation does not remove a person's ability to claim other defences. The most widely used defence for murder is self-defence,<sup>12</sup> which may be utilised if an individual genuinely believes that they acted in an appropriate manner to protect themselves, others, or their property from harm. Alternatively, mental impairment may be used as a defence<sup>13</sup> if a person suffers from a mental condition which prevents them from understanding the consequences of their actions. Similarly, automatism is a defence in common law that may be used in a temporary, singular, mental incident that causes a person to "black out". As such, provocation becomes an unnecessary defence and its removal would raise our society's expectation of self-control.

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<sup>10</sup> See Lenny Roth, Lynsey Blayden, "*Provocation and Self-Defence in intimate partner and sexual advance homicides*" (2012), Briefing Paper 5

<[http://www.parliament.nsw.gov.au/Prod/parlment/publications/nsf/0/F2B1BFEED2D87EECA257A4800001BD7/\\$File/briefing%20paper.Provocation%20and%self-defence.pdf](http://www.parliament.nsw.gov.au/Prod/parlment/publications/nsf/0/F2B1BFEED2D87EECA257A4800001BD7/$File/briefing%20paper.Provocation%20and%self-defence.pdf)>

<sup>11</sup> See Thomas Crofts, Arlie Loughnan, "*Provocation: The Good, the Bad and the Ugly*" (2011) 37(1) (23), Criminal Law Journal <[https://www.academia.edu/3539674/Provocation\\_The\\_Good\\_the\\_Bad\\_and\\_the\\_Ugly](https://www.academia.edu/3539674/Provocation_The_Good_the_Bad_and_the_Ugly)>

<sup>12</sup> See *Criminal Law Consolidation Act 1935(SA)* 3(2(15))

<sup>13</sup> See *Criminal Law Consolidation Act 1935(SA)* 8A

South Australia

# Removal of Provocation Bill 2014

A BILL FOR

An Act to remove provocation as a partial legal defence; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Removal of Provocation Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The object of this Act is to remove provocation as a partial legal defence.

### 4—Interpretation

In this Act, unless the contrary appears—

***partial legal defence*** means a type of defence that mitigates (but does not erase) the amount of liability or damages assigned to the defendant;

***provocation*** means the loss of self-control that was induced by any act or omission of the deceased. Such acts of omission include words of disagreement, abuse or incitement, non-violent sexual advance, and/or assault as defined in section 20 (1) of the *Criminal Law Consolidation Act 1935 (SA)*.

## Part 2— Legal reform

### 5—Removal of provocation defence

- (a) It is not a defence to a charge of murder or attempted murder that the accused was provoked. If found guilty of murder, the accused is to be convicted in accordance with *section 11* of the *Criminal Consolidation Act 1935 (SA)*.
- (b) This does not preclude the accused from claiming any other available defences.

## Part 3—Sunset Clause

### 6—Sunset Clause

Two years from proclamation this Act shall be reviewed by the Legislative Review Committee of South Australia.

South Australia

# Youth Mental Health Accessibility Act 2014

## Brief

The Act aims to address the lack of funding and access that young adolescent high school students have to mental health facilities.

This is an ongoing problem due to the lack of support in the current school education system for youth who are suffering from mental health issues. This can be seen in the ongoing issues that many students face due to their mental health problems. A survey conducted by the Department of Health<sup>14</sup> in 2000 show that there is a high percentage of young people who have attempted or contemplated suicide. This shows that there should be considerations made to prevent the loss of life especially in young people. Young people are the future and if a loss of life can be prevented, then we should do everything within our power to do so. When a young person commits suicide, it does not just affect them but it also affects their friends, family and the community around them. One life lost is one too many.

This Act addresses this issue by increasing funding to go towards further education for teachers so they can identify these issues more readily and help a young person to gain access to the vast array of mental health services available.

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<sup>14</sup> Sawyer, M., Arney, F., Baghurst, P., Clark, J., Graetz, B., Kosky, R., Nurcombe, B., Patton, G., Prior, M., Raphael, B. et al, 2001. The mental health of young people in Australia: key findings from the child and adolescent component of the national survey of mental health and well-being. *Australian and New Zealand Journal of Psychiatry*, 35(6), pp.806--814.



South Australia

# Youth Mental Health Accessibility Act 2014

An Act to increase funding and accessibility to mental health services for youth; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Youth Mental Health Accessibility Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to increase funding to mental health services inside schools;
- (b) to increase funding to mental health services, outside schools, that are specifically for youth (SHine SA, *beyondblue*, headspace, etc.); and
- (c) to provide for compulsory training for teachers, to deal with mental health issues in young people.

### 4—Interpretation

In this Act, unless the contrary appears—

***community organisations*** means non-government and not for profit organisations devoted to assisting people with mental health issues;

***counsellor*** means a mental health professional, with at least bachelor's level qualification in mental health or other similar degree;

***Department*** means the Department for Education and Child Development;

***mental health*** means a person's condition with regard to their psychological and emotional well-being;

***schools*** means primary and secondary government and private schools; and

***young people*** means people between the ages of 5-18.

## **Part 2—Schools**

### **5—Counsellors**

- (1) For schools with less than five hundred (500) students, the Department will ensure that there is at least one full time equivalent counsellor(s).
- (2) For schools with more than five hundred (500) students, the Department will ensure that there is at least one full time equivalent counsellor(s) per five hundred (500) students in proportion to their needs.

### **6—Training opportunities in schools**

- (1) The Department will be responsible for ensuring that there are workshops available for students and teachers which shall include, but are not limited to:
  - (a) issues affecting the mental health of young people;
  - (b) issues affecting students of diverse gender and/or sexuality;
  - (c) issues affecting racially diverse students; and
  - (d) issues affecting students with disability.
- (2) Students cannot be compelled to attend a workshop.
- (3) At the discretion of school principals, teachers may be compelled to attend workshops, based on the needs of young people attending their schools.

## **Part 3—Community organisations**

### **7—Community organisations**

- (1) Teachers may refer students to community organisations, when they feel that an issue affecting the student is better handled outside a school environment.
- (2) Students cannot be compelled to follow the teacher's referral to community organisations.
- (3) The Department will ensure that there is an increase in funding to community organisations, to ensure that they can cover the extra workload as well as meet their existing operational needs.
- (4) Community organisations will ensure they remain transparent when applying for funding from the Department by compiling a report to the Department of their operational costs.

### **8—Sunset Clause**

Two years after proclamation this Act shall be reviewed by the Legislative Review Committee.

South Australia

## Electoral (Voting Reform) Bill 2014

### Brief

The voting age must be reduced to ensure that 16 year olds have an opportunity to express their views and to vote for policies that concern their welfare. Although 16 year olds are currently considered as "not sufficiently matured to vote," by educating these youths regarding the politics of the state, they would be better prepared to handle the challenges of life ahead.

Considering that 16 year olds are given the responsibility to drive and manage their personal Medicare, they should also be allowed to take responsibility for ensuring that the laws of South Australia support all South Australians. In addition, individuals over 70 years should not be persecuted for not being concerned about policies that will not affect them for long. If a certain aspect of the law adversely impacts them, for instance their pension, then they should be given the opportunity to vote for these issues and anything they are conscious of.

To implement this, an awareness campaign committee must be created. This body would be responsible of educating youths regarding the practices of voting and the electoral system as well as communicating to the elderly their options regarding the new voting amendments.

South Australia

# Electoral (Voting Reform) Bill 2014

A BILL FOR

An Act to amend the age a person is eligible to enroll as an elector, to amend compulsory voting requirements of prescribed electors; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Electoral (Voting Reform) Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to lower the age whereby an eligible person may enroll to be on the roll; and
- (b) to abolish the requirement of compulsory voting for designated electors.

### 4—Interpretation

In this Act, unless the contrary appears—

*elector* means a person whose name appears on the roll as an elector (not being provisionally enrolled) pursuant to the *Electoral Act 1985*; and

*roll* means an electoral roll kept under the *Electoral Act 1985*;

## Part 2—Enrolment

### 5—Entitlement to enrolment

A person is entitled to be put on the roll for a district if—

- (a) the person is of age sixteen (16) years or older; and
- (b) has satisfied all other requirements prescribed by the *Electoral Act 1985*.

### 6—Provisional enrolment

A person is entitled to provisional enrolment for a district if—

- (a) the person is of age fourteen (14) years or older; and
- (b) would, if he were of age sixteen (16) years, have been entitled to be enrolled on the roll pursuant to section 7 of this Act.

## **Part 3—Voting**

### **7—Compulsory voting**

An elector has a valid and sufficient reason for failing to vote at an election if—

- (a) the elector was, at polling day, the age of eighteen (18) years or younger; or
- (b) the elector was, at polling day, the age of seventy (70) years or older.

## **Part 4—Miscellaneous**

### **8—Review**

This Act shall be reviewed by the Legislative Review Committee six months from the date which a general election of members of the House of Assembly is held.

South Australia

## Reproductive Rights License Bill 2014

### Brief

For too long, children have been born into bad homes and to unfit parents. This Bill seeks to end that by imposing a license system to ensure only capable and willing parents are legally able to have children.

South Australia

# Reproductive Rights License Bill 2014

A BILL FOR

An Act to ensure that new parents are financially and emotionally stable enough to raise a child; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Reproductive Rights License Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) establishment of a licensing system to determine whether a parent is capable of, and willing to, raise a child;
- (b) establishment of a set of guidelines that indicate a parent is capable of, and willing to, raise a child; and
- (a) establish what constitutes an offence under this act and to prescribe punishments for commission of such an offence.

### 4—Interpretation

In this Act, unless the contrary appears—

***Parental License*** means a formal, government document that confers the inscribed bearer the right to reproduce;

***Parental License Candidate*** means an individual who has applied for, and is undergoing the process of acquiring a Parental License;

***parental partnership*** means a union of two people, both of whom hold a Parental License;

***police check*** means an official document issued by police or government agency of a country to enumerate any criminal records that the applicant may have.

***psychiatric assessment*** means a psychiatric test used to quantify mental aptness; and

*viable* means a foetus which has reached the stage of biological development enabling it to live outside the uterus (24 weeks).

## **Part 2—Tests**

### **5—Financial**

A Parental License Candidate must demonstrate that they receive a minimum income sufficient to raise a child—

- (a) The minimum income threshold required to be met by a Parental Candidate for the first born child shall be—
  - (i) AUD\$40,000; and
  - (ii) AUD\$25,000 for each subsequent child;
  - (iii) these values will be indexed each year according to the Consumer Price Index (CPI).

### **6—Household examination**

- (1) Every Parental License Candidate is required to have their home inspected by an authorised person to determine whether the premise is safe for children. If the premise is deemed unsafe, the candidate will not be granted a Parental License.
- (2) If a Parental License Candidate is refused a Parenting License as a result of failing the household examination provided for in this section, they will be barred from reapplying for a period of no less than one (1) year.

### **7—Police check**

Every Parental License Candidate is required to pass a police check in order to obtain a Parental License. Any Parental License Candidate who—

- (a) is shown to have committed any criminal offences which are of a major indictable nature will not be granted a Parental License;
- (b) believes that their application for a Parental License has been unfairly denied on the basis that their crime was not as severe as documented, may have their decision reviewed by the courts.

### **8—Psychiatric assessment**

Every Parental License Candidate is required to pass a psychiatric assessment—

- (a) The psychiatric assessment will be comprised of—
  - (i) a psychiatric assessment to be conducted by a trained professional who holds a licence to practise in a South Australia as a Psychiatrist; and



- (ii) a series of questions selected from a uniform list of questions.
- (b) If a Parental License Candidate is refused a Parenting License as a result of failing the psychiatric assessment provided for in this section, they will be barred from reapplying for a period of no less than one (1) year.

## **9—Parenting classes**

- (1) Every Parental License Candidate is required to attend and pass a parenting course, held by any registered parenting association.
- (2) If a Parental License Candidate is refused a Parenting License as a result of failing the parenting course provided for in this section, they will be barred from reapplying for a period of no less than one (1) year.

## **Part 3—Eligibility**

### **10—Eligibility**

- (1) If a Parental License Candidate has fulfilled all of the Part 2 tests, they may be granted a Parental License—
  - (a) If they are seventeen (17) years or older; and
  - (b) If they pass the tests prescribed in Part 2, sections 5, 6, 7, 8 and 9.
- (2) This license gives the holder the right to reproduce with another person who holds a Parental License.
- (3) A Parental License will expire three (3) years from the date of issue.

## **Part 4—Offences and defences**

### **11—Offences**

Conceiving a viable child without bearing a Parental License is punishable under this Act—

- (a) Determinations will be made by an administrative body and the administrative body may, at their discretion, impose a punishment as prescribed by this Act. Punishments may include—
  - (i) a fine up to, but not exceeding, AUD\$25,000;
  - (ii) a jail term of nine (9) months;
  - (iii) chemical sterilisation for a period of one (1) year; or
  - (iv) the offender may choose to submit an application to join the army reserves or serve one hundred and fifty (150) hours of community service. If the application to join the reserves is denied, the offender

will be required to serve one hundred and fifty (150) hours of community service.

## **12—Defences**

It is a defence to an offence under this Act if—

- (a) The offender is able to establish beyond reasonable doubt that the foetus was conceived as the result of—
  - (i) rape; or
  - (ii) sexual assault.
  - (i) in vitro fertilisation, carried out for the purpose of surrogating a child for an individual bearing a Parental License.

## **Part 5—Sunset Clause**

### **13—Sunset Clause**

Seven years from proclamation this Act will be reviewed by the Legislative Review Committee.

South Australia

## Early Drivers Licensing in Rural Areas Bill 2014

### Brief

This Bill seeks to reduce the age at which young people can apply for learner or provisional driver's licences in rural areas of South Australia. The constrained mobility of young people in rural areas as a result of a rigid age limit for licensing is a needless burden on the opportunities of young people, and reduces the productivity of the rural economy at large by forcing transport obligations onto parents and reducing their hours worked.

This Bill works to resolve this issue by lowering the age at which people can apply for learner driver's licences to 14 and provisional licences to 15 in areas defined as rural by the Australian Bureau of Statistics.<sup>15</sup> The age of 14 will be trialled based on this existing limit in some states of the USA as well as some of the provinces of Canada, where population densities are lower than average. Understanding that early licensees may be less prepared for the responsibility involved, a number of precautionary safeguards are required of the new drivers. These will include measures such as a verified letter of recommendation from a trusted member of the community, to ensure that learner drivers are mature and committed to road safety, as well as restrictions placed on these drivers above and beyond those applying to current learner and provisional licensees.

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<sup>15</sup> Australian Bureau of Statistics, *2011 Census Dictionary: Glossary* (23 May 2011) chapter 23102011, Section of State < <http://abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0chapter23102011> >

South Australia

# Early Drivers Licensing in Rural Areas Bill 2014

A BILL FOR

An Act to establish a lower age for driver licensing in rural areas of South Australia and to regulate the conditions on the new licences with associated regulatory framework; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Early Drivers Licensing in Rural Areas Act 2014*.

### **2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

### **3—Object of this Act**

The objects of this Act are—

- (a) to introduce a new licensing arrangement for youth in rural areas of South Australia who are not currently permitted to make licensing applications due to their age; and
- (b) to establish a regulatory framework to govern the implementation and administration of the conditional early licences permitted by this Act.

### **4—Interpretation**

In this Act, unless the contrary appears—

**ABS** means the Australian Bureau of Statistics;

**early learner licence** means a learner's permit issued under this Act which complies with conditions for existing learner's licences but is additionally subject to those given in sections 8 and 9 of this Act;

**early provisional licence** means a provisional permit issued under this Act which complies with conditions for existing P1 licences but is additionally subject to those given in sections 8 and 9 of this Act;

**rural** means a region defined by Australian Bureau of Statistics as either Bounded Locality (200-999 inhabitants) or Rural Balance (remainder of state/territory below aforementioned population designation);

***learner's license*** means the existing permit for learners as issued in the *Motor Vehicles Act 1959* and subject to conditions given in section 75A(10) of said Act;

***P1 provisional license*** means a license subject to P1 licensing conditions given in section 81A(3) of the *Motor Vehicles Act 1959*;

***P2 provisional licence*** means a licence subject to P2 licence conditions given in section 81A(6) of the *Motor Vehicles Act 1959* (and not subject to any other provisional licence conditions);

***youth*** means a person aged between fourteen (14) and sixteen (16) years of age.

## **Part 2—Conditions of licence application**

### **5—Applicant must live in a rural area**

The permit may only be issued to rural residents within South Australia as defined by the ABS.

### **6—Aged between 14 and 16**

- (1) An applicant must be between fourteen (14) and sixteen (16) years old to apply for an early learner's permit.
- (2) After completing seventy-five (75) hours of supervised driving (fifteen (15) of which must be night driving) and having the licence for a minimum of twelve (12) months, the driver may apply for their early provisional licence.

### **7—Letter of recommendation**

A letter of recommendation from a trusted member of the community must be supplied when applying for an early learner's permit to confirm licensee's adequate responsibility. The letter may not be written by a parent/caregiver or family member. An Act-approved source may be a local doctor, pharmacist, police officer, teacher, etc.

## **Part 3—Regulation of early licensing**

### **8—Licensing restrictions**

Licensees will be limited to existing restrictions imposed on Learner and Provisional Drivers by the *Motor Vehicles Act 1959*, and the *Road Traffic Act 1999*—

- (a) Licensees will additionally be restricted to—
  - (i) class C vehicles only;
  - (ii) maximum speed of ninety (90) kilometres per hour (km/h); and
  - (iii) driving within the borders of South Australia.
- (b) Early provisional licensees are restricted to driving to and from school and work.

- (c) Early provisional licensees must display special plates, which must:
  - (i) be clearly visible from the front and rear of the car; and
  - (ii) have a bright purple background with a white letter P.

## **9—Revocation of licence**

If in contravention of any of the restrictions imposed on provisional drivers by the *Motor Vehicles Act 1959*, the *Road Traffic Act 1999*, or this *Act* —

- (a) the Licence will be revoked immediately; and
- (b) the Licensee may reapply for the existing learner driver's licence upon reaching sixteen (16) years of age.

## **10 - Transitioning of licence**

Upon reaching seventeen (17) years of age, a licensee may—

- (a) apply for a P1 licence; or
- (b) if eligible, apply for a P2 licence.

South Australia

## Multicultural Support Act 2014

### Brief

This Act aims to ease the transition between home and school environments for multicultural students, by providing Halal options in school canteens and establishing a support system through the schools in the form of a support worker.

Due to Australia's multiculturalism, Halal food, like other dietary requirements such as gluten free, vegetarian, vegan and lactose free, is becoming increasingly common. While some schools have begun to provide Halal options, not all schools have. It is time schools start catering for all students and stop segregating some individuals, for cultural purposes, when Halal is essentially like any other dietary requirement.

By introducing a support worker for multicultural students, it will provide them with a smoother transition into the Australian education system. This role will aim to lessen translations issues within the classroom and will be available for consultations on school work and managing cultural home life with Australian education.

South Australia

# Multicultural Support Act 2014

An Act to introduce Halal options in canteens and establish a multicultural support worker in primary and secondary schools; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Multicultural Support Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to introduce Halal options in school canteens; and
- (b) to establish a multicultural support worker within primary and secondary schools.

### 4—Interpretation

In this Act, unless the contrary appears—

**DECD** means the Department for Education and Child Development;

**Halal** means of an animal or its meat, slaughtered or prepared in the manner prescribed by Islamic Law;

**multicultural** means representing several different cultures, ethnic groups or cultural diversity within society that is not of an Australian heritage;

**support worker** means providing support for their clients, they can help people deal with current problematic situations by aiding solutions, as well as help them regain confidence and self-esteem; and

**youth work** means helping young people under the age of twenty-five (25) to develop themselves and others through various social, challenging, and learning experiences.

## Part 2—Halal options

### 5—School participation

It will be compulsory for all public and private primary and secondary schools to provide Halal options in their canteens as administrated by DECD.

### 6—Implementation



- (1) Halal options will be in addition to current menus in school canteens.
- (2) Schools will receive additional funding once a year to help with the cost of providing compulsory halal options—
  - a) schools already providing Halal options will also receive financial aid annually to cover costs; and
  - b) the annual funding will be calculated by cost of product to the ratio of students.
- (3) DECD will provide a list of Halal suppliers according to locations of schools.

## **Part 3—Multicultural Support Worker**

### **7—Multicultural support worker role**

All public and private primary and secondary schools which have one hundred (100) or more students, with a percentage of multicultural students equal to or greater than 5% will be required to have a multicultural support worker—

- (a) Qualifications for being a multicultural support worker may include but are not limited to a—
  - (i) Certificate IV in Youth Work;
  - (ii) Mandatory Certificate IV in Education; and
  - (iii) Bachelor degree or equivalent certificate in Cultural Studies;
  - (iv) not all qualifications are mandatory but it will be at the discretion of the principal to determine what other qualifications, apart from the mandatory Certificate 4 in Education, are suitable for the needs of the school.
- (b) The multicultural—
  - (i) the job is to be a part time salary position with annual leave and sick pay;
  - (ii) the support worker will be office based to allow for meetings and offer a non-threatening environment for students to seek guidance;
  - (iii) the support worker is, when required, to help students with a homework plan;
  - (iv) provide assistance with language barriers related to school work and peer situations; and
  - (v) be available to support/council students on home issues affecting their performance both, mentally and academically, at school.

South Australia

## Violence Prevention Act 2014

### Brief

Being in a relationship, any relationships, arguments are hard to avoid. Some arguments may lead to violence, which will hurt the individuals involved and the people around them. For the purpose of this Act, we would be focusing on romantic relationships either between heterosexual or homosexual couples.

This Act aims to prevent the harm caused on children due to relationship violence. This is a significant issue in society as the violence leaves a negative impact on them physically, mentally and emotionally. This affects their performance in school, relationships with their friends and family and they may turn to drugs and alcohol which in turn may lead them to become depressed and unhappy.

This Act will address the issue by incorporating an educational program into schools from primary to high school and a program training for adults, soon-to-be parents and parents who already have children.

South Australia

# Violence Prevention Act 2014

An Act to establish a program to educate children and adults and create awareness to reduce the negative effects of relationship violence on children; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Violence Prevention Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to establish a compulsory education institute for individuals in a relationship to reduce the negative effects of violence on children before the child is born; and
- (b) to incorporate a program for children from primary to high school into the current education systems to create awareness of parental violence that could be affecting them.

### 4—Interpretation

In this Act, unless the contrary appears—

**adult** means a person who is eighteen (18) years of age and above;

**child** means a person under seventeen (17) years of age;

**DECD** means the Department for Education and Child Development;

**program** means a course created and specifically tailored to be age-specific covering violence, awareness and help available;

**relationship** means a romantic connection between two people not based on gender or marital status, thus including but not limited to, husband and wife, partner or same-sex marriage;

**school** means a place of education, whether it is public, private or home schooling at all levels including kindergarten, primary and secondary school; and

*violence* means behavior involving physical, sexual, verbal force intended to hurt, kill or damage someone or something.

## **Part 2—Educational program**

### **5—Compulsory school-based education and adult program modules**

- (1) Compulsory education modules will be introduced and taught on a yearly basis to all year levels in all primary and high schools in South Australia.
- (2) Adult programs will be free and mandatory for all soon-to-be parents and current parents to attend to.
- (3) These education modules will include but not be limited to—
  - (a) educating adults and children on violence within relationships, the definition of violence and the types of violence;
  - (b) spreading and raising awareness of the negative effects of violence causes among parents, children, friends and families; and
  - (c) different services or organisations that are available to help.
- (4) The duration, format and appropriate content for each respective age group will be determined by a Committee created for this purpose (the Committee for Violence Prevention).

### **6—Establishment of the Committee for Violence Prevention**

The Committee for Violence Prevention will consist of—

- (a) the Minister for Education and Child Development or an authorised delegate of the Minister;
- (b) two (2) experts in the field of South Australian education; and
- (c) two (2) trained psychologists.

## **Part 3—Staff**

### **6—Training**

Mandatory training—

- (a) All teachers will be required to undertake government-accredited training on violence prevention before educating, adults or children on this topic; and
- (b) All teachers will be required to repeat the training referred to in subsection (a) every three (3) years to be kept up-to-date.

### **7—Administration**

DECD will be responsible for;

- (a) organising the training course referred to in subsection (1)(a);
- (b) the administration and hiring of staff;
- (c) organising curriculum and program suitability; and
- (d) educating staff.

## **Part 4—Incentives and penalties**

### **8—Incentives and penalties**

- (1) incentives will be given to soon-to-be parents and current parents, such as allowance money;
- (2) in such cases where the parents do not receive any money from the government, DECD would discuss the incentives available depending on the family's annual income; and
- (3) failure of attendance by adults/parents without a valid reason may result in them doing community work.

South Australia

## APY Lands Education Reform Act 2014

### Brief

Educational malaise is one of the biggest barriers facing children in the APY Lands as they attempt to succeed academically. Having been all but failed by the current system, academic achievement is at an all-time low.<sup>16</sup> Due in part to distrust aimed towards a system that has attempted in the past to separate these people from their traditions and culture under the guise of educating them; something must be done to help re-invigorate these communities' attitudes toward education.

This Act aims to achieve this, firstly by establishing a flexible curriculum for the APY Lands which will be a hybrid of our current model, encompassing both the current program, and then a traditions portion, tailored in conjunction with the Elders and Leaders of the communities, to pass on the heritage and culture of the APY Lands and its people. Another facet of this Act is a public awareness campaign tailored to dispel the apathy and mistrust aimed at the current schooling models, by displaying not only the relevancy and importance of this education for the wider community, but also that it is not any more important than the traditions teaching being tailored to the community. Finally, in conjunction with currently operating NAPLAN assessments, additional counselling should be afforded to students based upon the areas (if any) they may be struggling with, ensuring that they are able to remain up to speed with not only the curriculum but also their peers. This Act will also work with the Remote School Attendance Strategy, which has enjoyed less than stellar success since its inception in late 2013.

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<sup>16</sup> <http://www.nap.edu.au/results-and-reports/national-reports.html>

South Australia

# APY Lands Education Reform Act 2014

An Act to revitalise interest in education in the APY Lands by working with the Elders and community leaders to integrate traditional and cultural curriculum on an area by area basis into current programs; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *APY Lands Education Reform Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to improve how primary and high school education is perceived in the APY Lands;
- (b) to overhaul the current curriculum of the APY Lands to integrate First Nations cultures into to the program; and
- (c) to provide comprehensive support to the students falling behind in literacy and numeracy.

### 4—Interpretation

In this Act, unless the contrary appears—

***APY Lands*** means Anangu Pitjantjatjara Yankunytjatjara Lands;

***Australian First Nations Peoples*** means the various Aboriginal and Torres Strait Islander tribes across Australia, recognised as the first peoples in Australia;

***culture*** means the collective customs, arts, history and way of life of the Aboriginal and Torres Strait islander peoples;

***Elders and community leaders*** means leaders or senior figures in a tribe or other group;

***NAPLAN Test*** means an annual assessment for students in Years 3, 5, 7 and 9, encompassing tests on reading, writing, language conventions and numeracy;

*traditions* means the handing down of statements, beliefs, legends, customs, information, etc., from generation to generation, especially by word of mouth or by practice'; and

*required resources* means what the ten (10) representatives deem necessary to carry out their task, after consulting teachers, community leaders and Elders, and parents in the APY Lands.

## **Part 2—Education and community approach revitalisation**

### **5—Establishing a rapport**

Ten (10) representatives will be dispatched by the Department for Education and Child Development, with all required resources available to them. The representatives will—

- (a) meet with community leaders and Elders;
- (b) collect information on what knowledge and traditions the Elders believe important to pass on; and
- (c) establish a hybrid curriculum consisting of the current program and the traditional education and history the Elders and community leaders wish to include.

### **6—Educating the community**

One of the members of the Department for Education and Child Development will explicitly communicate the new changes to the community.

## **Part 3—Counselling**

### **7—NAPLAN Analysis**

The NAPLAN results for the APY Lands will be collated and analysed to recognise areas where students may be failing.

### **8—Applying Analysis**

Teachers will receive feedback from the analysis referred to in section 7 about individual students who require assistance. In this way, teachers will be able to assess the needs of students on a case-by-case basis and address specific areas where individuals may be struggling.

## **Part 4—Sunset Clause**

### **9—Sunset Clause**

Two years from proclamation this Act shall be reviewed by the Legislative Review Committee.



South Australia

## Cannabis Control and Legalisation Act 2014 Brief

The issue to be reformed is the legalisation of marijuana. Marijuana is, as of current times, decriminalised but not legalised. Within this current state, marijuana is a problem; this is because it is a source of criminal activity. As marijuana is a less potent and safer drug, compared with other illegal drugs, legalising it can also provide for a society more free to make adult choices about their health and recreation.

Currently, marijuana is controlled by penalties with current laws, but it is costing the government a large amount of tax money to penalise these criminals. This clogs up the already struggling jail system. Legalising and regulating marijuana will help to stop marijuana ending up in the wrong hands, such as those of minors. Furthermore, using marijuana will stop people from overusing illicit party drugs, which can do a lot more short-term and long-term, damage.

South Australia

# Cannabis Control and Legalisation Act 2014

An Act to legalise and control the personal use and distribution of cannabis; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Cannabis Control and Legalisation Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to legalise marijuana and marijuana paraphernalia;
- (b) to control the personal use of marijuana;
- (c) to control the distribution and manufacture of marijuana; and
- (d) to prosecute the unauthorised use or distribution of marijuana.

### 4—Interpretation

In this Act, unless the contrary appears—

**adult** means a natural person of or above the age of eighteen (18);

**cannabis plant** means a plant of the species *Cannabis sativa*, *Cannabis indica* or *Cannabis ruderalis*, or any hybrid of the three;

**hash** means a product composed of compressed or purified preparations of stalked resin glands (trichomes) of the cannabis plant;

**licence** means the cannabis licence administered by the Minister;

**marijuana** means the plant matter of the cannabis plant;

**Minister** means the Minister for Manufacturing and Innovation;

**minor** means any person of or under the age of seventeen (17);

**public** means any place that is not a private residence; and

**person** means a natural, adult human being as distinguished from an animal, or thing.

## **Part 2—Marijuana and marijuana paraphernalia legalisation**

### **5—Legalisation**

- (1) All adults shall henceforth be able to consume marijuana and hash without being thereby guilty of an offence.
- (2) All adults shall henceforth be able to purchase and use marijuana paraphernalia without being thereby guilty of an offence.

### **6—Control of personal use of marijuana**

- (1) A person may carry—
  - (a) up to two hundred (200) grams of marijuana; and
  - (b) up to forty (40) grams of hash.
- (2) A person may possess:
  - (a) up to three (3) mature cannabis plants; and
  - (b) up to three (3) juvenile plants.

### **7— Control of sale and distribution of cannabis**

- (1) Businesses will be given their licence by the committee established in section (9) subsection (1) Clause (a).
- (2) Only licenced businesses may sell marijuana.
- (3) Customers are limited to a net purchase of two hundred (200) grams per week.
- (4) A business may, at any one time, store up to:
  - (a) thirty-three (33) kilograms of marijuana;
  - (b) seven and a half (7.5) kilograms of hash; and
  - (c) forty-two (42) juvenile plants.

### **8— Control and manufacture of marijuana and hash**

- (1) The committee established in section (9) subsection (1) Clause (a) will select and oversee one manufacturer who is to grow, harvest, and distribute; juvenile plants, marijuana, and hash to all licenced businesses in the state.
- (2) Transport of products must be in secure armoured vehicles—
  - (a) it is a defence to the offences listed under section 10 (1) if the person transporting the products can be shown to have been, beyond reasonable doubt, making a delivery from the manufacturer to a licensed business when the offence occurred.

- (3) All cannabis crops must be well secured so that only authorised personnel may have access to them.

## **Part 3—Licencing**

### **9— Establishment of licensing system**

- (1) A committee shall be established for the purposes of—
  - (a) granting licenses when the conditions in section 7 (c) of this Act are met;
  - (b) revoking licences when appropriate;
  - (c) providing educated recommendations in court cases;
  - (d) selecting a manufacturer of marijuana, hash, and juvenile plants; and
  - (e) providing oversight of the manufacturer.
- (2) The committee shall consist of the following people, to be selected by the Minister—
  - (a) A representative of the Minister’s portfolio;
  - (b) Two (2) accredited researchers of cannabis, its effects, and its by-products; and
  - (c) An ordinary member of the community.
- (3) The committee will only grant licences if the following criteria are met—
  - (a) the applicant has a degree in business management, or a history of successful business management;
  - (b) the applicant has a business place with enough space to be feasibly able to store and sell product; and
  - (c) the applicant sufficiently convinces the committee that appropriate security measures will be taken, including, but not limited to, having security guards and surveillance cameras.

## **Part 4—Punishment**

### **10—Punishment will be as follows under judicial discretion**

- (1) It shall be an offence under this Act—
  - (a) for a licensed vendor to sell marijuana to a minor;
  - (b) for a licensed vendor to sell marijuana paraphernalia to a minor;
  - (c) for a licensed vendor to sell more than two hundred (200) grams of marijuana to any one person in one (1) week;

- (d) for a licensed vendor to sell more than forty (40) grams of hash to any one person in one week;
  - (e) for a person to carry more than two hundred (200) grams of marijuana at any one time;
  - (f) for a person to carry more than forty (40) grams of hash at any one time;
  - (g) for any person or business without a licence to sell either marijuana, hash or both;
  - (h) for a person to consume marijuana or hash in public;
  - (i) for a minor to use marijuana or hash; or
  - (j) for a person to own more plants than are allowed in section 6 (b) of this Act.
- (2) Offences committed by a business shall, at the discretion of a judicial officer, be punishable by—
- (a) a fine no less than \$20,000 and no more than \$200,000; and
  - (b) loss of licence.
- (3) Offences committed by a person shall, at the discretion of a judicial officer, be punishable by;
- (a) a fine no more than \$10,000; and
  - (b) a jail sentence of no more than five (5) years.

## **11—Sunset clause**

Four years from proclamation this Act shall be reviewed by the Legislative Review Committee.

South Australia

# Universal Access Act 2014

## Brief

A signatory to the Convention on the Rights of People with Disabilities, Australia claims to provide equal opportunity and support for people of all circumstances. However, despite advances in the social acceptance of people with disabilities, they are still disadvantaged by many public and private institutions within our State.

The unjust treatment of people with disabilities within South Australia is a disgrace to our state as both a signatory to the Convention on the Rights of Persons with Disabilities and a participant in the International Justice Community. The mediocre concessions awarded to disability access are sub-par at best, providing little integration regarding recreational activities and understanding.

Upon proclamation, this Act will allow the Government to begin the rectification of these discriminatory issues. Through the facilitation of community programs and access specific institutions such as all access parks and sporting facilities, the Government will be able to assist in creating a community that is more accessible to all of its members. Implementation of the Disability Communication Certification and the infrastructural upgrade provided by incentives to comply with federal building standards will provide the vital framework for equal access for the disabled within South Australia.

South Australia

# Universal Access Act 2014

An Act to regulate and provide equitable access to public and private spaces and services; and for related purposes.

**The Youth Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Universal Access Act 2014*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Object of this Act

The objects of this Act are—

- (a) to foster understanding regarding disabilities through compulsory Disability Communication Certificate for professional environments;
- (b) to provide incentives to existing buildings to comply to the *Disability (Access to Premises - Buildings) Standards 2010* through funding support;
- (c) to give authority to the Access Upgrade Grant Assessment Board to assess and approve funding allocations under this Act; and
- (d) to ensure sports and recreational activities are accessible to people with disabilities.

### 4—Interpretation

In this Act, unless the contrary appears—

**AUGAB** means the Access Upgrade Accessibility Board, which will be established by this Act to oversee the funding of disability infrastructure;

**DCC** means the Disability Communication Certificate, created as part of this Act;

**existing business** means any corporation or organisation, public or private, that offers a public service and was established prior to the proclamation of this Act;

**first aid training** means the completion of a suitable, government regulated, first aid certification;

***financial subsidies*** means a one-off payment provided by the State Government to the signatory or to the property deed, who will be required by law to pay for the upgrade;

***handicap accessible*** means accessible to those with a physical or mental disability;

***maintenance*** means the preservation of the condition of infrastructure to the same standard as that of the surrounding infrastructure;

***professional environment*** means any corporation or organisation, public or private, that offers a service to members of the public;

***RUDE*** means the Register of Underdeveloped Disability Environments;

***school(s)*** means all South Australian schools, both public and private, primary and secondary, and any government funded care, education, or preschool establishment; and

***upgrade cost*** means the specific cost of the upgrade to include disability access features as set out by the *Disability (Access to Premises - Buildings) Standards 2010* under the *Disability Discrimination Act 1992*.

## **Part 2—Increasing Recreational Access**

### **5— Monetary incentives to comply to building standards**

In order to encourage existing businesses to comply with the *Disability (Access to Premises - Buildings) Standards 2010* under the *Disability Discrimination Act 1992* the Government will—

- (a) offer financial subsidies of up to 70% of the upgrade cost;
- (b) establish a joint board of assessment to be called the Access Upgrade Grant Assessment Board (AUGAB);
- (c) the board will consist of—
  - (i) the Minister for Disabilities or authorised delegate;
  - (ii) an architect from the Department of Planning, Transport and Infrastructure;
  - (iii) a building inspector from the Department of Planning, Transport and Infrastructure;
  - (iv) a disability worker from the Department for Communities and Social Inclusion; and
  - (v) an expert in disability from the Department for Education and Child Development.
- (d) defer the assessment and allotment of the incentive subsidy to the AUGAB.



## **6— Register of Underdeveloped Disability Environments**

An online register of non-compliant schools and councils will be established, to be called the Register of Underdeveloped Disability Environments (RUDE).

## **7— Disabled youth**

- (1) Funding will be provided to local councils at the discretion of the AUGAB—
  - (a) the onus of responsibility lies with local councils to ensure that playgrounds that fall within their authority—
    - (i) are handicap accessible;
    - (ii) have no less than two (2) handicapped accessible bathrooms;
    - (iii) contain handicap accessible playground equipment; and
    - (iv) are well maintained.
- (2) Funding will be provided to schools at the discretion of the AUGAB—
  - (b) the onus of responsibility lies with schools to ensure that—
    - (i) all schools are handicap accessible;
    - (ii) schoolyard playgrounds are handicap accessible; and
    - (iii) primary school playgrounds contain handicap accessible equipment.
- (3) Schools and councils who do not meet the requirements will be recorded on the RUDE register at the discretion of the AUGAB.

## **8— Community activities**

Funding will be provided to local councils at the discretion of the AUGAB—

- (a) The onus of responsibility lies with local councils to ensure that in their council area, an Access Recreational Community Centre is built within a period no less than two (2) years from proclamation. This facility must—
  - (i) be handicap accessible;
  - (ii) be accessible for persons with disabilities during opening hours; and
  - (iii) run recreational and sports activities that are accessible to people with a disability at least once a week.

## **Part 3—Equalising services**

### **9— Compulsory certificate in disability training**

Implementation of the new Disability Communication Certificate—

- (a) the certificate will be created and include—
  - (i) a compulsory component on communication with disabled people in a professional environment; and
  - (ii) a compulsory component on helping disabled persons in evacuation and other emergency situations.
- (b) completion of the certificate will be required on the same basis as first aid training;
- (c) the South Australian Small Passenger Vehicle Accreditation requirements will be expanded to include the completion of a first aid certification and the DCC; and
- (d) the cost of completion of this course will be subsidised fully for a five (5) year implementation period and up to 50% following the end of that period.

### **10- Sunset Clause**

This Act will be reviewed by the Legislative Review Committee five years after proclamation.