YMCA
South Australia

YOUTH
PARLIAMENT
2017

YOUTH BILLS & ACTS

of the 22nd sitting of Youth Parliament

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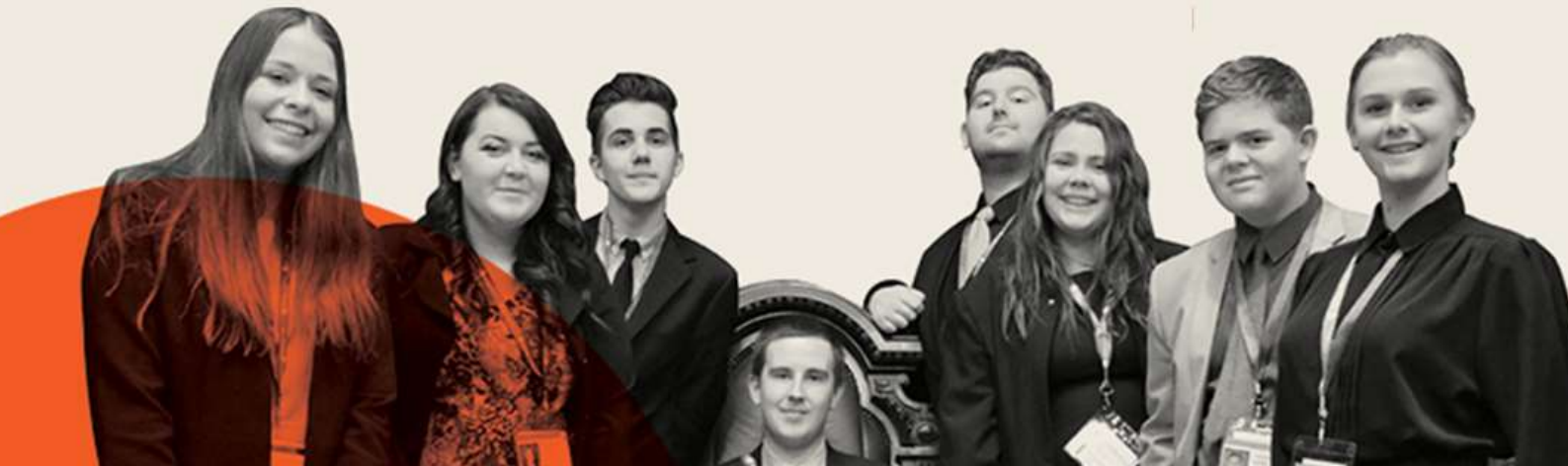

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The Office of Her Excellency

Youth Governor Appurva Raaj

President

Legislative Council

Parliament of South Australia

North Terrace

ADELAIDE SA 5000

I desire the attendance of all honourable members of the House of Assembly and Legislative Council, on the date Monday 10 July 2017 at 10:15am, at the building known as Parliament House, North Terrace, Adelaide, for the 22nd session of the South Australian Youth Parliament.

Signed,

அபூர்வா ராஜ்

Her Excellency, Appurva Raaj

Youth Governor of South Australia

Youth Governor's Motion of Public Importance

Her Excellency, the Youth Governor Appurva Raaj directs and invites the Government of the Youth Parliament of South Australia to move a motion that:

"South Australia reform the juvenile justice system by abolishing the incarceration of indigenous youth in South Australia and instead investing in community based, rehabilitative programs for indigenous juvenile delinquents."

Below is a list of arguments in favour of the motion and arguments against the motion. This list is not exhaustive but may be used as starting points for this debate.

For:

- A system can't be fair or just if the marginalised and vulnerable are the first to be affected by it. Indigenous youth are disproportionately represented in the juvenile justice system.
- There are entrenched systemic issues with the current juvenile justice system; more than half of detained indigenous youth are unsentenced, endure longer periods of incarceration, and enter the youth justice system younger than their non-indigenous counterparts.
- Rehabilitative schemes are widely researched and have yielded drastic positive results in many jurisdictions around the world including Belgium, the US and New Zealand.
- A community based rehabilitative model will give more opportunity than the current system does for indigenous communities and community elders to be active and voice their opinions in the way in which young indigenous youth can be deterred from delinquency.
- Focusing on growth and development is a better deterrent for crime than any punitive measure ever will be. Indigenous youth incarceration in South Australia is subjecting the current generation of indigenous youth to discrimination and ill-treatment.

Against:

- Solving juvenile delinquency is related to a whole range of other issues such as poverty, alcohol abuse, violence and dysfunctional relationships and family environments.
- The criminal justice system must be blind to race. It must treat people appropriately and equally, according to the rule of law.
- We cannot abandon all punitive measures as there will no longer be a deterrent for committing crime.
- Youth who have committed serious crimes deserve some level of punishment in the form of incarceration.
- A lack of good relations between the police force and indigenous communities is a contributor to high levels of crime and incarceration
- South Australia already has a family conference model serving as a community based semi-rehabilitative model which includes meetings and sessions with young offenders.
- This ignore the greater problem across the whole justice system of people of all races and backgrounds being incarcerated for minor offences due to mandatory sentencing laws.
- This is government paternalization of aboriginal communities; the solution lies in greater consultation with indigenous communities and greater representation of indigenous voices and contribution in these discussions.

National Motion of Public Importance

"The government should take more action, through its statutory authorities such as the CSIRO, to prevent climate change on both a domestic and international level."

Below is a list of arguments in favour of the motion and arguments against the motion. This list is not exhaustive but may be used as starting points for this debate.

For:

Without urgent action, dire impacts on the Australian environment will follow including a greater frequency of natural disasters, species loss, and environmental and habitat destruction.

Australian industries including winemaking, agriculture, fisheries, tourism, etc. are threatened by the impacts of climate change in turn risking jobs and Australia's economic wellbeing.

The impacts of climate change will further deepen the divide between first-world and developing countries.

We owe a duty to future generations to leave a liveable planet.

Failure to address climate change will only intensify the international refugee crisis as populations will flee from small island nations who will face the most immediate and harshest impacts of climate change.

Climate change poses significant risks to Australia's food security meaning we will be more dependent on other countries and subject to international prices and supply in order to feed our population.

Against:

We are likely already past the tipping point of irreversible climate change. We must accept our fate.

Australia is a small nation and the sacrifices we make are meaningless when larger countries like America are abandoning their climate change commitments including withdrawing from the 2015 Paris agreement.

The science on climate change is far from settled. If climate change is happening at all, its effects are overstated and beyond human control.

Fossil fuel and high-polluting industries provide significant employment which would be jeopardized, many of which form the primary economic basis for working class and rural areas.

Prevention is impossible. We should redirect our efforts towards adapting our cities and regions to the new environmental circumstances brought on by climate change.

Without corresponding action from other governments, this would just put Australia at an economic disadvantage for little to no ecological benefit.

South Australia

Caged Egg Prohibition Bill

2017 Brief

The Australian caged egg industry is responsible for the incarceration of over 12 million chickens, in cages no larger than 76 square inches. A standard A4 sheet of paper measures 94 square inches. Those who live within the confines of these cages are destined to a life of pain and suffering. They will be forced to endure untreated broken bones, mutilated beaks and the sharing of cages with their diseased counterparts. They will live this nightmare for their entire existence, a mere 18 months, at which point, they are deemed useless and without ever experiencing sunshine, are carted off to slaughter.

In an effort to save millions of chickens from a life of misery and torture, this Bill endeavours to phase out the production and sale of caged eggs within South Australia. A commissioner for the prohibition of caged eggs, appointed by the Minister for Agriculture, will work towards the cessation of the production and sale of caged eggs by 2020.

South Australia

Caged Egg Prohibition Bill 2017

A BILL FOR

An Act to prohibit the sale and production of caged eggs; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Caged Egg Prohibition Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to prohibit the sale and production of caged eggs;

(b) to prescribe penalties for the sale and production of caged eggs; and

(c) To establish the office of the Commissioner for the Prohibition of Caged Eggs.

4—Interpretation

In this Act, unless the contrary appears—

cage means a structure no larger than 76 square inches in which chickens are confined; and

caged egg means eggs laid by chickens confined in a cage.

Part 2—Egg Production and Sale Regulations

5—Prohibition

The production or sale of caged eggs is illegal under this Act.

6— Commissioner

(1) The Minister will nominate, in writing, a Commissioner for the Prohibition of Caged Eggs.

(2) The Commissioner will facilitate the cessation of caged egg production via a system in which places of production are inspected for compliance.

7—Penalties

A person found guilty of—

(a) selling caged eggs will be subject to—

(i) loss of Australian Business Licence or Permit; and

(ii) a maximum fine of $500,000.

(b) manufacturing of caged eggs will be subject to—

(i) loss of licence to have poultry on their property/farm;

(ii) a fine not exceeding $1,000,000; and

(iii) up to 10 years imprisonment.

Part 3—Sunset Clause

8—Sunset Clause

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

South Australia

Legalisation of Cannabis Bill 2017

Brief

In accordance to state law, the production, distribution and consumption of cannabis is currently illegal and punishable by considerable fines and/or a jail sentence[1]. This Bill will reverse these state laws to legalise production, distribution and consumption of cannabis as well as the distribution and use of related paraphernalia.

The issue of the legalisation of cannabis is relevant in the state of South Australia due to the fact that 10% of all Australians have reported regular use of cannabis.[2] A current lack of maintenance and regulation regarding this matter by government has resulted in a large cannabis black market, sale of unregulated cannabis products and misdirection of law enforcement efforts away from major crimes to petty cannabis-related crimes. Cannabis consumption, production and distribution is legal in numerous countries including various states in the USA, the Netherlands, Cambodia and Czech Republic. The laws of different countries have been used as a basis in the development of this Bill to propose state laws for the legalisation of use, sale and production of cannabis and relevant paraphernalia.

In the logistics of this bill, the terms of use, growth and distribution are discussed as well as new laws which ensure safety of citizens and raise revenue for the South Australian Government. In addition, there are sections detailing the appropriate repercussions for transgression and misuse.

[1] Controlled Substances Act 1984 s33.

[2] Australian Institute of Health and Welfare (2013). National Drug Strategy Household Survey detailed report. [online] p.12. Available at: http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129549848 [Accessed 20 Jun. 2017].

South Australia

Legalisation of Cannabis Bill 2017

A BILL FOR

An Act to legalise the use of cannabis in all related paraphernalia and to establish regulations, restrictions and penalties for its production, sale and use; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as *the Legalisation of Cannabis Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to legalise cannabis and related paraphernalia;

(b) to establish regulations and restrictions for the production, sale and use of cannabis; and

(c) to establish penalties for transgression against the aforementioned regulations and restrictions.

4—Interpretation

In this Act, unless the contrary appears—

cannabis means the plant of the genus Cannabis Sativa;

cultivation means the germination of cannabis within a set of land;

distributor means the individual who dispatches the cannabis to recipients;

grower means an individual who is germinating cannabis within a set of land;

minor means a person under the age of eighteen;

paraphernalia means any equipment that is used to produce, conceal and consume illicit drugs; and

registry means the Cannabis Commercial Operations Registry as outlined in section 7.

Part 2—Legalisation

5—Cannabis and related Products

The possession, cultivation, sale and distribution of cannabis and use of cannabis and related paraphernalia on private property is legal under this act.

Part 3—Regulation and Restriction

6—Government Registry

The Cannabis Commercial Operations Registry will be established by the Department of Health to record and monitor businesses that cultivate, sell or distribute cannabis. The registry will be responsible for handling the—

(a) registration, data collection and processing of these businesses; and

(b) determining the conditions for the distribution of licenses to sell, cultivate, transport and distribute cannabis.

7—Sale and Distribution

Under this act, all commercial businesses and properties established for the purposes of the cultivation, sale and distribution of cannabis—

(a) must obtain a license and register with the database outlined in subsection 7; and

(b) must not be situated within 250-meter radius of a school.

8—Cultivation

(1) Citizens on private residential properties may cultivate up to five plants for personal use.

(2) Licensed growers may cultivate up to 50 plants for sale and distribution at a registered commercial business.

9—Purchase

(1) Cannabis may only be purchased from a registered commercial property.

(2) All cannabis and cannabis related products including, smoking equipment, hemp clothing/materials, cannabis oils etc. shall be subject to a tax of 10% the regular retail price.

10—Possession and Transport

(1) In a public place, an individual may only carry up to 30 grams of cannabis for personal use.

(2) A person who exceeds the limit specified in s10(2) that cannot prove the cannabis is being transported for sale and distribution at a registered commercial business is guilty of an offence.

(3) Cannabis may not be transported outside of state borders.

11—Age Restrictions

It is illegal under this Act for a minor to purchase, possess, or consume cannabis, unless—

(a) the minor has been given doctor's prescription from a registered GP; and

(b) the minor is accompanied by anyone who is aged eighteen or over upon purchase.

Part 4—Penalties

12—Penalties for Violation

(1) It is an offence under this Act to violate any of the rules or regulations detailed in sections 7, 8, 9, 10 or 11.

(2) Failure to register with The Cannabis Commercial Operations registry in accordance with section 6 will result in—

(a) a fine of up to $5000;

(b) the destruction or confiscation of cannabis; and

(c) closure of the commercial operation.

(3) Violation of section 7 will result in—

(a) a jail time of 5 years; and

(b) a fine of up to $5000.

(4) Violation of any of the clauses in section 8 will result in confiscation of contraband and—

(a) a maximum of one (1) year prison sentence; or

(b) a $5000 fine.

(5) Violation of section 10 will result in—

(a) a fine of up to $5000; and

(b) the destruction or confiscation of the cannabis.

(6) If any persons under the age of 18 purchases, possesses, supplies, cultivates or consumes cannabis illegally they will—

(a) incur a fine of $80; and

(b) have related contraband confiscated.

Part—Sunset Clause

13—Sunset Clause

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

South Australia

Senior Drivers Bill 2017

Brief

Many seniors are well experienced drivers who are capable of driving safely on our roads. However, aging can significantly impact senior drivers, physically and psychologically. These include "slower reaction times, loss of clarity in vision and hearing, loss of muscle strength and flexibility"[1], drowsiness due to intake of prescribed medication, and poor judgment of speed and distances.

Although senior drivers are involved in smaller number of crashes, research has shown that these crashes are more likely to be fatal or result in severe injury, "due to the frailty of these older users" [1] This can endanger the lives of many South Australians, especially older drivers themselves as research has shown that older drivers are more likely to be involved in fatal and serious injury crashes than other drivers, "probably because of the frailty of these older users".

The purpose of this Bill is to improve the safety of senior drivers and other South Australian road users on our roads by introducing new drivers' licences for South Australians above the age of 75. "As a driver ages they are more likely to be responsible for the crash they are involved in,"[2] and therefore obtaining these new licences requires them to undertake a number of assessments in order to ensure that they are up to date with current road rules, and are physically and mentally fit to drive. This Bill also aims to introduce "S-plates" for senior drivers to improve awareness of other road users and encourage them to be more understanding and patient towards these drivers.

[1] Transport Accident Commission n.d., *Older drivers*, Victorian Government, accessed 17 June 2017, <http://www.tac.vic.gov.au/road-safety/safe-driving/older-drivers>.

[1] *Older Road Users* 2014, Government of South Australia, Pdf, accessed 11 June 2017, <http://dpti.sa.gov.au/__data/assets/pdf_file/0010/112330/Older_Road_Users.pdf>.

[2] *Older Road Users* 2014, Government of South Australia, Pdf, accessed 11 June 2017, <http://dpti.sa.gov.au/__data/assets/pdf_file/0010/112330/Older_Road_Users.pdf>.

South Australia

Senior Drivers Bill 2017

A BILL FOR

An Act to improve the safety of South Australian elderly drivers and other road users; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Senior Drivers Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are to—

(a) introduce new drivers' licenses; and

(b) enforce the use of S plates for senior drivers.

4—Interpretation

In this Act, unless the contrary appears—

DPTI means Department of Planning, Transport and Infrastructure;

Local means within the 10 kilometre radius of place of residence in urban areas and a 100 kilometre radius in rural areas;

Medical practitioner means a physician appointed by DPTI or an approved authority by DPTI;

Qualified Authorised Examiner means a police officer appointed by the Commissioner of police to conduct practical driving test, or a person trained and qualified by DPTI or an authority approved by it; and

Senior means a person above the age of 75.

Part 2—Introducing New Licences for Senior Drivers

5—Driver Licences

Under this act, all senior drivers with the intention to continue driving after the age of 75, must apply for a(n)—

(a) Unrestricted Senior Drivers Licence; or

(b) Restricted Senior Drivers Licence.

6—Unrestricted Senior Drivers' Licence

(1) An Unrestricted Senior Drivers' Licence permits senior drivers to maintain their full drivers' license by, once per year, undertaking and passing—

(a) the currently mandated medical assessment; and

(b) a mandatory driving assessment.

(2) Senior citizens with the intention to obtain or keep an Unrestricted Senior Drivers' License must attend a mandatory driving assessment.

(3) The mandatory driving assessment must—

(a) be designed specifically by the DPTI and approved by the minister;

(b) include, but not be limited to—

(i) a knowledge of current road rules;

(ii) observation and attention to road signs;

(iii) decision making skills;

(iv) hazard recognition; and

(c) be carried out by a qualified authorised examiner familiar with the designed criteria.

(4) Senior drivers may fail the assessment up to 3 times. After the third time, they may choose to apply for Restricted Senior Drivers' License or forfeit their drivers' licence.

(5) Senior drivers may apply for either licence mentioned in this act up to six months before the driver turns 75.

7—Restricted Senior Drivers' Licence

(1) Restricted Senior Drivers' Licence allows senior drivers to drive in their local area who—

(a) specifically apply for this licence;

(b) have failed to pass the driving assessment 3 times and wish to continue driving; or

(c) have been advised by a medical practitioner.

(2) As part of this act, senior drivers—

(a) must pass a mandatory medical assessment by a qualified practitioner who has been authorised by the DPTI;

(b) are encouraged, but not required to undertake a hazard test and a driving assessment; and

(c) must hold a current driver's licence.

8— Application

(1) The application form for Part 2, section 5, subsections (a) and (b) will contain such information as the DPTI thinks necessary for the administration of this Act and will be in a form determined by the DPTI.

(2) Senior drivers may apply—

(a) online;

(b) by mail; or

(c) by handing the form to any authorised service centre.

(3) The cost of all stages of the application, including the assessments will be determined by the DPTI for all senior drivers.

(4) After considering the results of tests or evidence required in sections 6 and 7, applicants' licences may be issued or renewed by service centres.

Part 3—Display of S plates

9—S plates

(1) All senior drivers must display plates bearing the letter "S" (S plate) on the vehicle so as to be clearly visible from the front and rear of the vehicle.

(2) S plates must—

(a) measure no less than 14.5 centimetres by 14.5 centimetres;

(b) display the letter "S" in black on a fluorescent pink background;

(c) the letter "S" must be no less than 10.5 centimetres in height and 8 centimetres in width; and

(d) the width of every line of the letter "S" must be not less than 2 centimetres.

Part 4—Conditions

10—Restricted and Unrestricted Drivers' Licences

(1) The bearer of a Restricted or Unrestricted Drivers Licence must not drive a motor vehicle—

(a) while under the influence of—

(i) alcohol;

(ii) illicit drugs; or

(iii) some prescription medications (if so advised by the prescribing doctor).

(b) in any part of the State at a speed exceeding 80 kilometres per hour;

(c) unless two plates bearing the letter "S" are displayed in accordance with Part 3, section 9 of this act; or

(d) between midnight and 5am.

(2) The bearer of a Restricted Drivers' Licence must only drive in their local area.

(3) It is an offence under this Act to violate any of the clauses or subclauses listed in section 10, subsection 1 or to violate the limitations defined in subsection 2. An offence pertaining to—

(a) clauses a, b and d will be subject to a fine not exceeding $1250; and

(b) clause c will be subject to—

(i) a fine of $199 if one plate is displayed; or

(ii) a fine of $341 if no plates are displayed.

Part 5—Sunset Clause

8—Sunset Clause

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

South Australia

Cessation of Non-Biodegradable Packaging Bill 2017

Brief

Non-biodegradable food packaging, synthetic packaging that the water, air, soil, and light cannot break down, have long-lasting negative effects on the environment. Long-term exposure to air and water can cause synthetic materials like plastic to emit toxic pollutants. A 2007 study released by the Environmental Working Group showed that low doses of Bisphenol A, a chemical used in water bottles, food containers and hard plastics, leach into foods and water over time and are carcinogenic, cause insulin resistance and interfere with conception[1]. Non-biodegradable packaging in oceans can harm fish, birds and other marine life; animals that ingest the materials can be strangled or experience digestion problems.

In an effort to save the environment and prevent further pollution, this Bill aims to phase out the distribution and use of non-biodegradable packaging in fast food establishments within South Australian borders. The Commissioner for Police will assist the Minister for the Environment to make executive decisions to cease the distribution and use of non-biodegradable packaging in fast-food establishments by 2023.

[1] EWG. (2007, March 5). BISPHENOL A - TOXIC PLASTICS CHEMICAL IN CANNED FOOD. Retrieved from Environmental Working Group: http://www.ewg.org/research/bisphenol

South Australia

Cessation of Non-Biodegradable Packaging Bill 2017

A BILL FOR

An Act to cease the sale, use and availability of non-biodegradable food packaging in fast-food establishments; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Cessation of Non-Biodegradable Packaging Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to make the use of non-biodegradable packaging illegal in South Australian fast-food establishments;

(b) to provide access to education and resources for businesses to transition into using biodegradable packaging; and

(c) to prescribe penalties for the sale or use of non-biodegradable packaging in fast-food establishments.

4—Interpretation

In this Act, unless the contrary appears—

Biodegradable means a type of plastic which degrades over time, given an expiry date;

Commissioner means the Commissioner for Police;

Fast Food means mass-produced food sold in a restaurant or store with preheated or precooked ingredients, and served to the customer in a packaged form for take-out/take-away;

Franchise means an individually or co-owned fast-food store, using a firm's business model and brand for a prescribed period of time to distribute goods;

Minister means the Minister for the Environment;

Packaging means the materials used to contain food; and

Plastics means non-biodegradable food packaging used by fast-food establishments.

Part 2—Non-Biodegradable Packaging Regulations

5—Prohibition of Non-Biodegradable Packaging

It is a crime under this act to—

(a) be in possession or solicit the purchase of non-biodegradable food packaging for use in fast-food establishments; or

(b) sell non-biodegradable packaging for use in fast-food establishments.

6—The Commissioner for Police

The Commissioner, under the direction of the Minister for the Environment, will—

(a) conduct audits into the stock allocations of establishments to ensure they are complying with the Act; and

(b) be responsible for the organisation of disposal and allocation of resources as prescribed under the Act.

Part 3—Penalties

7—The Commissioner for Police

(1) A person or fast-food franchise or chain found guilty under Part 2, Section 5, Clause (a) of this act will be subject to a penalty at the discretion of a judge—

(a) for a first offence—

(i) a fine up to $6000; or

(ii) up to one year in prison for the owner of a franchised fast-food restaurant or stand-alone fast-food store.

(b) for a second offence—

(i) a fine up to $60,000; or

(ii) up to four years in prison for the owner of a franchised fast-food restaurant or stand-alone fast-food store.

(c) for a third offence or higher—

(i) a fine up to $250,000; or

(ii) up to six years in prison, for the owner of a franchised fast-food restaurant or stand-alone fast-food store.

(2) A person or fast-food franchise or chain found guilty under Part 2, Section 5, Clause a) of this act will be subject to a penalty at the discretion of a judge—

(a) for a first offence—

(i) a fine up to $1000; or

(ii) up to one year in prison.

(b) for a second offence or higher—

(i) a fine up to $6,500; or

(ii) up to four years in prison.

Part 4—Sunset Clause

8—Sunset Clause

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

South Australia

Nuclear Power Development Bill

2017 Brief

This Act aims to establish a nuclear power plant as a sustainable power source made from nuclear materials in South Australia. Currently, South Australia's main source of energy is wind and solar resources[1], and energy from Victoria via the Heywood Interconnector (predominantly generated from brown coal[2]). Dependence on other states can disadvantage South Australia during times of high energy demand.

South Australia needs to have its own power plant to supply reliable base power to be used in conjunction with other renewable energy systems, such as wind and solar power, to allow for the state to have a maintainable power source, and ultimately be a more sustainable and independent state.

By introducing a nuclear power plant, South Australia will benefit in many ways. For one, nuclear power plants have no carbon emissions, instead they emit steam through heating water to spin large turbines. Thus, South Australia will be reducing its carbon footprint, bringing the nation closer to achieving Australia's 2013 Climate Change Target[3] and South Australia's 2050 Target Zero[4].

The production of nuclear power produces waste will require storage. Hence, a Nuclear Waste Management Facility will be constructed. Additionally, the production of energy in a nuclear power plant requires fresh water. To supply this fresh water, a desalination plant will be constructed to prevent regional water stress. These supporting facilities will provide employment opportunities for citizens in South Australia, boosting the economy.

To prevent thermal pollution and local increased salinity within the marine environment, facilities will be situated in the western region of the Eyre Peninsula. Here, the by-products of the Nuclear Power Plant and Desalination Plant can be safely released into the open ocean. Thus, local aquaculture and marine tourism will be unaffected.

[1] Australian Energy Market Operator. *South Australian Advisory Functions*. Australian Energy Market Operator, 2016. Web. 19 June 2017. South Australian Electricity Report.

[2] "Sa.Gov.Au - SA's Electricity Supply And Market". Sa.gov.au. N.p., 2017. Web. 19 June 2017.

[3] "Australia's 2030 Climate Change Target". Australian Government Department of Environment and Energy. N.p., 2017. Web. 19 June 2017.

[4] "Target Zero - Climate Change In South Australia". *Climatechange.sa.gov.au*. N.p., 2015. Web. 19 June 2017.

South Australia

Nuclear Power Development Bill 2017

A BILL FOR

An Act to establish a nuclear power alternative for the State of South Australia; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Nuclear Power Development Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to create the Commission for Nuclear Energy;

(b) to establish a Nuclear power facility within the western region of the Eyre Peninsula within South Australia;

(c) to establish a new desalination plant within the power facility; and

(d) to establish a storage and treatment site for waste material.

4—Interpretation

In this Act, unless the contrary appears—

Environmental impact means possible adverse effects to the environment caused by the development and use of these facilities;

Facility means a place or piece of equipment for production of nuclear

power; ***Indigenous Australians*** means Aboriginal and Torres Strait Islander

people; ***Knowledgeable professional*** means a person educated in relevant

fields; ***Local*** means from within South Australia;

Minister means the Minister for Mineral Resources and Energy;

Nuclear power means electric or motive power generated by a nuclear reactor;

Relevant authorities means people, businesses and establishments considered applicable and necessary to the development and continuation of the facilities;

Relevant field means an area of expertise considered applicable and necessary to the development of the facilities;

Timely means within a short, favourable time; and

Trained employee means workers who have received accreditation of skills desired to run a nuclear facility.

Part 2—Establishment of the Commission for Nuclear Energy

5—Members of Commission

Members of the Commission for Nuclear Energy, hereafter referred to as the Commission, will be allocated based of their expertise in relevant fields by the Minister for Mineral Resources and Energy.

6—Responsibilities of the Minister

The Minister for Mineral Resources and Energy will be responsible for—

(a) hiring staff to form the Commission;

(b) overseeing that the Commission fulfils their duties;

(c) overseeing regular safety checks to the plant; and

(d) monitoring progress and regulatory reporting to the relevant authorities.

7—Responsibilities of the Commission

The Commission will be responsible for, but are not limited to—

(a) employing knowledgeable professionals, with preference given to South Australians, to design and construct the nuclear power facility including—

(i) contracts to procure materials for construction;

(ii) employing trained employees to operate the facility;

(iii) a means of timely access to the site;

(iv) a secure site protected from exterior damage;

(v) accommodation near the site of the facility for employees;

(vi) a means of safely transporting resources for use at said facility;

(b) liaising with the Federal Government of the Commonwealth of Australia to procure raw uranium; and

(c) liaising with community groups and local Indigenous Australians.

8—Safety of Workers

The Commission will establish safety standards and regulations compliant with current international standards, which shall include, but is not limited to—

(a) buildings and facilities built to international standards;

(b) a risk management and emergency response plan;

(c) planning safe transfer of waste products from the facility;

(d) regular reviews of residents, employees, property and livestock to monitor the radiation risk;

(e) free and accessible medical care to employees; and

(f) fair monetary compensation amounting to the extent of damage upon their person, property or family in the event harm or related illnesses.

Part 3—Establishing the Nuclear Power Facilities

9—Location Sites

(1) The Commission will be responsible for establishing three sites for—

(a) a nuclear power facility;

(b) a nuclear waste treatment and storage site; and

(c) a desalination facility.

(2) The sites will be located within the western region of the Eyre Peninsula and will consider—

(a) environmental impact and sustainability;

(b) an appropriate exclusion zone surrounding the plant facilities;

(c) the present population and predicted growth in the region; and

(d) the ease of accessibility both for employees and emergency services.

Part 4—Sunset Clause

10 years from proclamation this Act will undergo a Process Review. 30 years from proclamation this Act will be reviewed by the Legislative Review Committee.

South Australia

Self-Development Bill 2017

Brief

A 2017 joint report from Mission Australia and the Black Dog Institute found that nearly one in four Australian teenagers meet the criteria for a probable serious mental illness[1]. Mental illness in adolescents has long-lasting implications, with mental and substance use disorders being the third most prevalent burden of disease in Australia[2]. These alarming numbers present an urgent need to change the way in which mental health services are delivered to young people.

Currently in South Australia, school-based counsellors are teachers with "additional skills"[3]. However, this presents a conflict of interest; unless a school employs an independent counsellor, the only in-school counselling services are directly related to students' education. In addition to this, a 2015 survey conducted by the Australian Government reported that only 11.5% of young people accessed school services for emotional and behavioral problems in the twelve months prior, despite the high prevalence of stress and mental health issues amongst young people[4].

The intention of this Act is to introduce compulsory counselling – referred to as self-development sessions – for students in grades 7-10. Students will be required to, at a minimum, meet with a qualified school counsellor once a term in a private, one-on-one setting. The powers of this Act will be afforded to the Minister for Youth who will appoint a State Director of Self-Development.

[1] Catherine Yeomans, 2017, The Five-Year Youth Mental Health Report has launched <http://www.missionaustralia.com.au/news-blog/blog/the-five-year-youth-mental-health-report-has-launched#lzRZTQoCTOtpBuz1.97>

[2] AIHW, 2016, Australian Burden of Disease Study: impact and causes of illness and death in Australia 2011. Australian Burden of Disease Study series no. 3. Cat. no. BOD 4. Canberra: AIHW.

[3] Department for Education and Child Development, 2016, School Based Counselling Service <https://www.decd.sa.gov.au/sites/g/files/net691/f/schoolbasedcounsellingserv.pdf?v=1476855446>

[4] Australian Government, 2015, The Mental Health of Children and Adolescents <https://www.health.gov.au/internet/main/publishing.nsf/Content/9DA8CA21306FE6EDCA257E2700016945/$File/child2.pdf>

South Australia

Self-Development Bill 2017

A BILL FOR

An Act to establish compulsory self-development sessions for young people; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Self-Development Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to improve to improve the mental health and wellbeing of young people;

(b) to establish compulsory self-development sessions for students; and

(c) to afford the powers of this Act to the Minister of Youth and the State Director of Self-Development.

4—Interpretation

In this Act, unless the contrary appears—

client-centered means a counselling approach that requires the client to take an active role in their sessions with the counsellor being non-directive but supportive;

counsellor means a person who has a minimum qualification of a Diploma of Counselling or equivalent;

Director refers to the State Director of Self-Development;

session is given meaning by s5(2) and s5(3);

school means private and public secondary schools; and

student means a mainstream student in grades seven to ten.

Part 2—Self-Development Sessions

5—Implementing Compulsory Self-Development Sessions

(1) Each student will be required to attend a minimum of one session per school term.

(2) Sessions will be—

(a) facilitated by a counsellor that has not, is not currently nor is expecting to teach a subject at that school;

(b) in a one-on-one, private setting with the student; and

(c) between forty-five minutes and one-hour long.

(3) Sessions will be client-centered and consist of, but not be limited to—

(a) mental health support and awareness;

(b) career development and goal setting;

(c) interpersonal skills and healthy relationships education; and

(d) managing stress and developing healthy coping mechanisms.

6—The Director

(1) The Office for the State Director of Self-Development will be established.

(2) The Minister of Youth will appoint, in writing, a Director.

(3) The onus of responsibility lies with the Director to—

(a) define organizational guidelines, procedures and practices;

(b) hire employees and monitor staff performance;

(c) review service and funding proposals for approval;

(d) ensure collaboration between schools and counsellors; and

(e) enforce regulations stated within Part 3.

(4) Two years from proclamation, the Director will be required to report on the progress and merit of the program to a parliamentary committee.

Part 3—Incentives and penalties

7—Incentives for Compliance

(1) Attendance rate of students will be calculated by collaboration between schools and counsellors.

(2) Each school that reaches a minimum 90% annual attendance rate of these sessions will receive—

(a) a $1000 incentive payment; and

(b) an additional $1000 incentive payment for each 2% increment above the minimum 90% annual attendance rate.

8—Penalties for Non-Compliance

Each school that does not reach an 80% annual attendance rate of these Sessions will be penalized $6000 for each year of non-compliance.

Part 4—Sunset Clause

9—Sunset Clause

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

South Australia

Correctional Services Custodial Operations Bill

2017 Brief

During the developmental stage of childhood, from birth to age five, it is important that children are given every opportunity to receive the nourishment, knowledge and love that only a parent can give. Currently, the children of parents who are imprisoned are deprived of these essential things as they are placed into foster care or end up under the care of Families SA. These children face unstable care arrangements, an increased likelihood of contact with the justice system, and adverse outcomes for their physical and emotional development[1]. The separation of parents from their children also increases the likelihood of the parent reoffending upon their release. It must be noted that Article 9(1) of the United Nation Convention on the Rights of the Child states that all children have a right not to be separated from their parents except where it has been determined that such separation would be necessary for the best interests of that child[2]. If a custodial parent has been incarcerated for a minor offence, it is not necessary for their children to be removed from the parents care and placed into foster care or the state system where their development and future life chances are jeopardised. Furthermore, given the importance of protecting the rights of the child, currently a parent may be let off with a suspended or reduced sentence as imprisoning the parent would negatively impact on the child. Implementing this policy would also enable the judicial system to appropriately sentence those who break the law.

This Bill aims to address this issue through providing residential facilities within the correctional institutions located at the Northfield Prison Complex so as to enable custodial opportunities for parents imprisoned on minor offences with children up to five years of age upon approval by the Chief Officer of the Department of Correctional Services. The prisoner will be responsible for the care of their child with the oversight of the Department of Correctional Services and parental education will be provided to prisoners. At all times, the safety and wellbeing of the child will be the utmost priority.

1 McIntyre, Juliette. Mother-And-Infant Facilities At Adelaide Women'S Prison: A Cost Effective Measure In The Best Interests Of The Child. Adelaide, South Australia: University of South Australia, 2017. p.4, available at http://search.ror.unisa.edu.au/media/researcharchive/open/9916119902101831/53142519590001831

2 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: http://www.refworld.org/docid/3ae6b38f0.html

South Australia

Correctional Services Custodial Operations Bill 2017

A BILL FOR

An Act to allow young children to reside with their incarcerated parents in prison; 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 *Correctional Services Custodial Operations Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to permit the incarceration of the custodial parent where the law demands it without causing hardship to their child or children;

(b) to protect the rights of children of prisoners and their physical and emotional development and wellbeing; and

(c) to reduce the rate of re-offending prisoners who are parents and reduce the prevalence of intergenerational criminality.

4—Interpretation

In this Act, unless the contrary appears—

Chief Officer means the person holding or acting in the position of chief executive of the Department responsible for the administration of the Correctional Services Act 1982;

parent means a person who would have day to day care and control of the child and with whom the child would ordinarily be resident if the person were not in prison; and

prisoner means a person committed to a correctional institution pursuant to an order of a court or a warrant of commitment.

Part 2— Accommodation of a child with an incarcerated parent

5—Criteria for approval

(1) At the request of a parent prisoner, the Chief Officer may permit that parent prisoner's child to live with the prisoner in the prison from the age of zero to five years, age five inclusive, if the Chief Officer is satisfied that—

(a) it is in the best interests of the child to live with their parent in the prison;

(b) the management, good order or security of the prison will not be threatened by the child living in the prison; and

(c) the prisoner has the physical and mental capacity to maintain responsibility for the safety and care of their child while the child lives in the prison.

(2) Requests may only be considered if the prisoner is classified as minimum security.

6—Regulations

(1) Prisoners caring for a child or pregnant with a child who will remain under the prisoner's care once born must undertake parental education to be facilitated by the prison.

(2) Any prison which has children living in it must provide facilities for the parent to prepare food for the child, breastfeed, and maintain hygiene and cleanliness of the child.

(3) If the Chief Officer considers that the child's behaviour is threatening the security or good order of the prison or the child's safety is threatened, the Chief Officer may action the child's removal from the prison.

(4) A child accommodated in a prison pursuant to s5 of this Act may leave the prison on weekends, public holidays, and special days as nominated by the parent and approved by the Chief Officer, provided the Chief Officer is satisfied that the safety and wellbeing of the child is maintained.

(5) Prior to a child accommodated in a prison pursuant to s5 of this Act reaching the age of five, arrangements must be made to provide guardianship of the child outside of the prison.

Part 4—Sunset Clause

8—Sunset Clause

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

South Australia

#Adulting Bill 2017

Brief

#Adulting is a Bill to enact a “life skills” subject in high schools from years 8-11. The subject will have a major focus on finance, work, education, health/nutrition, politics, housing, parenting/relationships and self-confidence. These programs will not only allow a student to learn about the challenges that they may face in the future but also knowledge on how to overcome them. These skills are beneficial as they connect youth with resources and support while also preparing them for adulthood.

This program will be run by a committee which will be responsible for effectively and efficiently running the subject. The committee will also be responsible for analysing the effectiveness through data that will be collected after a legislated period of time to see if the program is successful and/or needs any adjustments. Schools who fail to comply with the program will be fined.

South Australia

#Adulting Bill 2017

A Bill for an Act to provide youth with essential life skills for adulthood; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *#Adulting Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to establish a course for students implemented into the school curriculum for years 8 to 11;

(b) to establish an easier transition to adulthood by teaching relevant life skills to students; and

(c) to establish a committee to maintain and develop the course to adequately prepare students for adulthood.

4—Interpretation

In this Act, unless the contrary appears—

Medical Professionals means development psychiatrist or early childhood psychologist;

School Curriculum means The Australian Curriculum, Assessment and Reporting Authority;

Sex Education (Sex Ed) means the current sex education course provided within schools; and

TAFE means Technical and Further Education.

Part 2—Establishment of a Committee

5—Establishment of a Committee

(1) A Committee shall be established to implement the course, maintain and oversee its development and will consist of—

(a) The South Australian Minister for Education;

(b) The South Australian Minister for Youth;

(c) Medical Professional; and

(d) An elected Youth representative council.

(2) The Committee may elect additional Committee Members by majority vote.

6—Powers of the Committee

(1) The Committee will be responsible for implementing the course comprised of the subjects outlined in section 7.

(2) The Committee will maintain and oversee the development of this course by creating new or terminating subjects from the course content if a subject or subjects are no longer in line with this Act's objectives. These changes may only occur by majority vote.

Part 3—Implementation

7—Powers of the Committee

This course must—

(a) be implemented into the current high school curriculum by schools in replacement of existing Health or Sex Ed subjects at the discretion of the school;

(b) be mandatory for students in years 8-11 to complete;

(c) require a minimum of one lesson per week; and

(d) require a pass in each module by each student with failure to pass the subject requiring that student to repeat failed modules.

8—Teachers

(1) Teachers will be required to obtain a TAFE Certificate III in Adulting in order to be qualified to teach this course.

(2) Teachers will have the ability to choose to take the course either full-time, part-time as an online or offline course, designed by experts within each field.

(a) Schools will require teachers to be trained in this course to meet staffing requirements to teach the course;

(b) The Certificate will be fully subsidised for 2 years after commencement before becoming the full cost of $4,000;

(c) Schools will implement the course 12 months after the commencement of the Act; and

(d) TAFE will appoint a teacher to teach Certificate III in Adulting at the discretion of TAFE.

Part 4—Course Content

9—Powers of the Committee

The course shall include—

(a) financial education including topics such as, but not limited to—

(i) taxation and tax returns;

(ii) superannuation;

(iii) loans, saving and budgeting; and

(iv) salary sacrifice.

(b) work education including topics such as, but not limited to—

(i) worker's rights;

(ii) minimum wage;

(iii) unions; and

(iv) resume & cover letters workshops.

(c) healthy lifestyles which shall include—

(i) check-ups;

(ii) Medicare;

(iii) private health insurance;

(iv) general health, mental health and sex education; and

(v) cooking.

(d) politics which shall include—

(i) Local Government Activities;

(ii) equal human rights;

(iii) understanding voting procedure; and

(iv) interacting with police.

(e) housing which shall include—

(i) emergency housing;

(ii) boarding; and

(iii) rental properties and tenant obligations.

(f) parenting which shall include—

(i) routines;

(ii) discipline;

(iii) bonding; and

(iv) emotional and mental adaptation to parenthood.

Part 5—Penalties

10—Penalties for Non-compliance

Schools failing to comply with implementation requirements as set out in Part 3, two years from proclamation, will be fined a minimum of $8,000 up to a maximum of $100,000; at the discretion of Department of Education.

Part 6—Sunset Clause

11—Sunset Clause

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

South Australia

Criminal Law Consolidation (Provocation) Amendment Bill 2017

Brief

The Criminal Consolidation Act Amendment Bill 2017 proposes a statutory provision that prevents conduct of a sexual nature by a person towards another constituting provocation merely because the two people involved were of differing sexual orientations. In effect, the amendment proposed by this Bill *will* abolish the 'gay panic' or 'homosexual advance' defence, while simultaneously upholding the basis of provocation defence for use by victims of domestic, and family violence.

Provocation stems from the proposition that someone who kills in response to provocative conduct by the victim is less culpable than someone who kills deliberately in cold blood, but still deserves to face serious stigma and penalty. Whilst an amicable part of Australian common law, provocation defence has been distorted in the form of 'gay panic' defence - stemming from a misinterpretation of the precedent outlined by *Green v R* (1997) 191 CLR 334 that has pervaded the Australian court system over the past 20 years. In response, the 'gay panic' defence has been effectively abolished in all states with the exception of South Australia.

This Bill would address the issue of 'gay' or 'homosexual' provocation by making an amendment to Part 3; Division 1 of the Criminal Consolidation Act 1935. Under this Section, noted as Offences against the person in relation to Homicide, a clause would be added to clarify what a provocation defence cannot be used for. This clause will clearly state that a provocation defence is unwarranted purely on the basis that the victim is of differing sexual orientation to the defendant.

South Australia

Criminal Law Consolidation (Provocation) Amendment Bill 2017

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Criminal Law Consolidation (Provocation) Amendment Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to make an amendment to Section 11 under Part 3 Division 1 of the *Criminal Law Consolidation Act 1935*;

(b) to abolish the use of ‘gay panic’ and ‘homosexual advance’ provocation as a defence for a criminal homicide charge; and

(c) to absolve the discriminatory sexual orientation, gender identity, and gender aspects of the provocation defence.

4—Interpretation

In this Act, unless the contrary appears—

Conduct of a sexual nature means any words or actions that are sexual by nature;

Defence of provocation means the partial murder defence which by excuse or exculpation alleges a sudden or temporary loss of control as a response to another’s provocative conduct;

Provocation means the committing of murder under provocation by words or actions from the deceased towards the accused;

Same sex means individuals of the same gender; and

Sexual orientation means an inherent or immutable enduring emotional, romantic or sexual preference of an individual.

5—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

6—Insertion of section 11A

The following section, referred to "section 11A" will be added to the *South Australian Criminal Law Consolidation Act 1935* following section 11.

11A—Limitation on defence provocation

In proceedings in which the defence of provocation may be used, conduct of a sexual nature occurring or intended to occur by a person does not constitute provocation merely because the person was the same sex as the defendant or of differing sexual orientation as the defendant.

Part 4—Sunset Clause

7—Sunset Clause

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

South Australia

Cyclists Bill 2017

Brief

This act seeks to regulate and facilitate the actions of all types of cyclists on the road. Cyclists currently have no means of being held accountable for their actions on the road, which this Bill seeks to correct. In accordance with this Bill, cyclists will be required to be over the age of 14 and pass a test to be able to use the road. Cyclists will hold a licence and be required to register their vehicle. Cyclists must bear a registration plate and hold a cycling license at all times whilst using the road. Penalties will apply if any of the standards of road use for cyclists, as outlined in this Bill, are broken. This Bill seeks to introduce a fairer standard of accountability for all users, reduce road accidents and casualties as a result of negligence and introduce a means of regulation for law enforcement to utilise and ensure reckless cyclists are kept off the roads. Adherence to this Bill will reduce unnecessary casualties and injuries, ensure all users of the roads are aware of the rules and make South Australia's roads safer. Through the implementation of this Bill, needless conflict, injuries and fatalities will be dutifully avoided.

South Australia

Cyclists Bill 2017

A BILL FOR

An Act to facilitate and regulate the actions of cyclists on the road; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Cyclists Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are to—

(a) ensure safer roads for cyclists and motor vehicle operators;

(b) create mandatory registration for cyclists;

(c) hold cyclists accountable for their actions where necessary; and

(d) create a knowledge based test on current South Australian road rules before one can commence riding on the road.

4—Interpretation

In this Act, unless the contrary appears—

Bicycle means any cycle propelled locomotion fuelled by the action of a person's legs;

Cyclist means any person riding a bicycle;

Eligible person means any cyclist above the age of 14;

Licence means a licence issued by SA motors after the successful completion of the bicycle registration test allowing cyclists to ride on the road; and

Registration means the payment of a fee to provide an identification plate with evidence of qualification.

Part 2—Bicycle Registration Test

5—Eligibility and Testing

(1) All eligible persons are required to complete the bicycle registration test before being awarded their bicycle registration and license.

(2) The test will be developed by Motor Vehicle SA. The computerised test will test an eligible person's ability to comprehend the road rules relevant to cyclists.

(3) The bicycle registration test will involve—

(a) A computerised test; and

(b) A onetime fee of $10 to complete.

Part 3—Penalties

6—Penalties for Eligible Persons

(1) It is an offence under this act for a cyclist age 14 and above to not bear or carry their cyclist's license and registration when riding on public roads.

(2) An offence under this act is punishable under the Road Traffic Act 1961, wherein a cyclist may be treated as a motorist and punished for the same infractions, with the further stipulation that when the cyclist has accrued 10 or more demerit points—

(a) cyclists between ages 14 and 16 will incur a maximum licence suspension of up to six months, followed by a probationary period in which they must wear a hot pink shirt at all times when riding with "yeah I can ride" on the front, and "spoke too soon" on the back; and

(b) cyclists above the age of 16, will suffer a licence suspension of a minimum of two months. Once the suspension period is over they are required to pass the cyclist test before licence reinstatement.

Part 4—Exemptions

7—Below the Age of Eligibility

Cyclists under the age of 14 are not required to hold a current licence or registered bicycle, and must ride on the footpath.

Part 5—Sunset Clause

8—Sunset Clause

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

South Australia

Antidepressant Regulations Bill 2017

Brief

Each year, approximately one in five Australians will experience a mental illness, including depression. Mental illnesses are the third leading cause of disability burden in Australia, with many Australians not seeking appropriate help[1]. The most recent national mental health and wellbeing survey, conducted in 2007, demonstrates only 35% have used a health service, and 29% of people consulted a general practitioner within 12 months before the survey; many of which wish to begin antidepressants[2]. Antidepressants are used for severe depression, and have been demonstrated to affect the brain's chemical transmitters, which relay messages between brain cells, and can lead to dependence[3].

In an effort to prevent individuals with mild and moderate depression from relying solely upon prescription medication when seeking depression relief, this Bill aims to restrict the use of antidepressant medication and encourage psychological treatment at the first stage.

[1] http://www.mindframe-media.info/for-mental-health-and-suicide-prevention/talking-to-media-about-mental-illness/facts-and-stats

[2] http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/6AE6DA447F985FC2CA2574EA00122BD6/$File/43260_2007.pdf

[3] https://www.beyondblue.org.au/the-facts/depression/treatments-for-depression/medical-treatments-for-depression

South Australia

Antidepressant Regulations Bill 2017

A BILL FOR

An Act to regulate the distribution of antidepressants and to encourage professional therapy before medication; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Antidepressant Regulations Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to restrict general practitioners from prescribing antidepressants;

(b) to encourage professional therapy; and

(c) to reduce dependency on antidepressants.

4—Interpretation

In this Act, unless the contrary appears—

Antidepressant means a substance that is used in the treatment of mood disorders, as characterized by various manic or depressive affects;

General Practitioner means a health professional registered in South Australia to the Royal Australian College of General Practitioners (RCGP) and have been in practice for three years or more;

Kessler Psychological Distress Scale (K10) means a simple measure of psychological distress involving 10 questions about emotional states each with a five-level response scale;

Mental health means an individual's condition with regard to their psychological and emotional wellbeing;

Mindfulness means the psychological process of bringing one's attention to the internal and external experiences occurring in the present moment, which can be developed through the practice of meditation and other training; and

Psychiatric assessment means a psychiatric test used to quantify mental aptness.

Part 2—General Practitioners

5—Antidepressants

Under this act a general practitioner will only be qualified to prescribe antidepressants if—

(a) the patient is requesting a repeat of a prescription; and

(b) is under the care of a qualified psychiatrist.

6—Kessler Psychological Distress Scale

(1) Under this Act, patients displaying signs of mental illness will be requested to take the K10 test.

(2) Patients that receive a score—

(a) between 15 and 24 will be treated using—

(i) a mental health care plan; and

(ii) mindfulness activities.

(b) between 25 and 34 will be treated using—

(i) a mental health care plan; and

(ii) mindfulness activities; or

(iii) an emergency psychiatric assessment at the judgement of the general practitioner.

(c) between 35 and 50 will receive an emergency psychiatric assessment.

Part 3—Emergency Assessment

7—Emergency Care Facilities

Patients needing emergency psychiatric assessment will be referred immediately to the most convenient emergency psychiatric care facility.

8—Psychiatric Assessment

Patients needing an emergency psychiatric assessment will be subjected to—

(a) a psychiatric assessment that will be—

(i) conducted by a trained professional who holds a license to practise in a South Australia as a psychiatrist; and

(ii) comprised of series of questions selected from a uniform list of questions.

(b) further treatment will be at the discretion of the trained professional who conducted the assessment.

Part 4—Punishment

9—Penalties

(1) It is an offence under this Act to—

(a) prescribe antidepressants without correct qualifications; or

(b) adjust antidepressant doses without correct qualifications.

(2) Individuals found guilty under this Act will be subject to a penalty. For a—

(a) first time offence, the guilty party will be subject to a—

(i) fine of up to $1,000; or

(ii) one month suspension of medical license.

(b) second time offence, the guilty party will be subject to—

(i) a fine of up to $20,000; or

(ii) up to six months suspension of medical license.

(c) third time offence, the guilty party will be subject to—

(i) revocation of their medical license; and either

(ii) a fine of up to $100,000; or

(iii) up to 3 months imprisonment.

Part 5—Sunset Clause

10—Sunset Clause

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

South Australia

Reversal of Firearms Restrictions Bill

2017 Brief

The link between weapons and murders has been explored very heavily for a number of years. Mass murders throughout the world have brought the role that weapons play in the lives of private citizens into question – events like the Columbine High School Massacre, the Sandy Hook Massacre and the Pulse Nightclub Shootings all bring gruesome, vile pictures to mind which, many argue, would never have come to pass were it not for the availability of weaponry to the public.

The argument that weapons should be more heavily restricted and "who on earth needs a [high powered] rifle for any other reason than murdering other human beings?" have all been explored time and time again by commissions from several governments. The correlation between weapons availability and shootings has been especially pertinent to the United States, where a person is injured or killed almost hourly by weapons which are accidentally found or improperly stored by children.

However, the reality is that weapons are not responsible for murder; people are. The vast majority treat their weapons with the appropriate amount of respect and responsibility and would never think to use it outside the realms of the law. In South Australia, there is no evidence to believe that current restrictions do anything to prevent violent deaths in the state (most reports find connections to drugs and mental illness moreso than the actual weapons with which such murders are committed, the majority of which are household items like knives, etc).

It is time that the South Australian Government entrusted arms to its citizens; it is time that these unjust and meddlesome restrictions be removed to allow the public to access these pieces of equipment as the tools for progress that they are.

Firearms can contribute to the security of individuals who would otherwise be left at potential risk, especially in country areas where police presence is minimal. Firearms are already part of many lifestyles in rural South Australia, and those under this demographic suffer because of the stringent and over-complicated regulations that were mostly placed in response to incidents that happened in excess of a decade ago; the principles of safety are similarly relevant to people living in metropolitan areas. Weapons are not the vile grim reapers South Australians have been misled to believe.

South Australia

Reversal of Firearm Restriction Bill 2017

A BILL FOR

An Act to offer accessibility to and education on, high powered firearms; and for related purposes.

The Youth Parliament of South Australia enacts as follow:

Part 1—Preliminary

1—Short Title

This Act may be cited as the *Reversal of Firearm Restriction Act 2017*.

2—Commencement

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

3—Object of the Act

The objects of this act are—

(a) to repeal the *South Australia Firearms Act 1977*;

(b) to make weapons more readily available to members of the public who need them; and

(c) to create new restrictions to ensure that arms accessibility isn't exploited.

4—Interpretation

In this Act, unless the contrary appears—

active member means a member of a club who is active for a 12 month period in—

(a) relation to a collectors' club - a member who has attended five or more meetings of the club during a 12 month period; or

(b) relation to a shooting club - a member of the club who has participated in shooting club organised competitive shooting matches for class 3 firearms on at least six occasions during the 12 months.

BAF means Bureau for Administration of Firearms;

firearms classes means stand as those set out in the South Australian Firearms Act 1977; and

medical examination means an examination of the mental or physical wellbeing of an individual by a trained health professional, including, but not limited to, psychologists, neurologists, etc. provided they have a degree from a recognized tertiary education provider.

Part 2—The Bureau for Administration of Firearms (BAF)

5—Revocation of the Registrar

This Act will suspend the status of the Commissioner for Police as Registrar of Firearms.

6—Creation of the Bureau for Administration of Firearms

(1) The creation of a new Government department that works autonomously, with discretionary and executive powers, called the Bureau for Administration of Firearms.

(2) The BAF will be responsible for creating—

(a) the Department of Criminal Investigations;

(b) the Department of the Firearms Registry, the role of which is to—

(i) keep record of what firearms are in circulation in South Australia including—

a. who owns them;

b. their intended use; and

c. where, or from whom, they were acquired, in accordance with Part 4.

(ii) keep record of weapons points of sale;

(iii) ensure they meet regulations established by the BAF in order for these firearms to be stored and sold safely;

(iv) provide security to Points of Sale, in cooperation with the Commissioner of Police;

(v) account for confiscated firearms and ensure the destruction of such firearms in accordance to BAF policy; and

(vi) strictly supervise the import and export of weapons of any class into and out of the State.

(c) the Office for Education, the role of which is to—

(i) contract certified educators to provide education on how to operate firearms, including familiarizing young children with weapons how to minimize the likelihood of accidental firearm-related death and injury; and

(ii) provide summer camps where young children can engage in the use of low-power firearms in a safe environment overseen by trained personnel, with the same ends as outlined above.

(4) The Police Ombudsmen's Office will be responsible for oversight of the BAF, to ensure transparency and law-abiding behaviour.

Part 4— Firearms Registration & Licensing

7—License to Acquire a Firearm

(1) A private citizen of South Australia may be entitled to the ownership of weaponry if they—

(a) engage in hunting, or are part of a gun-owners' club;

(b) offer a service of protection, either of person or property;

(c) have reason to believe that additional protection is required for their own personal safety; or

(d) have reason to believe that their liberty may be compromised, in which case Section 7A applies.

(2) In addition to weapons being available to the public for acquisition as per the *Firearms Act 1977*, weapons covered by the *Kasler v. Lockyer Assault Weapon List* will also become available to the public.

7A—Protection of Liberty

(1) Private citizens of South Australia have the right to form groups under this Subsection with the intent of protecting themselves and their peers from State coercion, which shall be called an Independent Arms-Bearing Group.

(2) Before a private citizen can form or join an Independent Arms-Bearing Group, the BAF must provide a medical examination by certified medical professionals working for the Office of Human Resources.

(3) Medical examination for IABGs cannot be given by a medical professional who isn't employed by the BAF.

(4) IABGs are subject to have their status brought under review by the BAF without notice, which may include revocation and dissolution.

(5) South Australian citizens with status of Political Refugees have the right to bear weapons whilst being exempt of criminal history checks.

8—Application for a Permit

(1) To own a firearm a Permit to Acquire must be filled out, which can only be distributed by BAF Department of Registry personnel.

(2) In the Permit to Acquire, the type of weapon and its intended purpose must be filled out. Permits to Acquire are issued by the BAF and details are therefore subject to their opinion.

(3) If this Permit to Acquire is approved, then the prospective firearm owner must be subject to a medical examination and a criminal history check.

(4) Any prospective owner of a firearm must undergo medical examinations on initial application.

9—Penalties for Illegal Firearms Possession

Those found to be in illegal possession of firearms will be subject to a criminal investigation, at the discretion of the BAF.

Part 4—Sunset Clause

10—Sunset Clause

One year from proclamation this Act will be reviewed by the Legislative Review Committee.