**Legislative Council**

**ROADS AND ROAD SAFETY LEGISLATION AMENDMENT BILL 2024**

(Amendments and New Clauses to be proposed in Committee by DAVID ETTERSHANK)

1. Clause 1, page 2, after line 14 insert—

 "(va) to provide for discretion for a court in cancelling or disqualifying the licence or learner permit of a person who commits an offence against section 49(1)(bb), (h) or (i) of the **Road Safety Act 1986** if it relates to the use of a prescription drug which is a legal medicinal cannabis product;".

1. Clause 2, line 6, omit "subsection (3)" and insert "subsections (2A) and (3)".
2. Clause 2, after line 8 insert—

 "(2A) If Division 6 of Part 2 does not come into operation before 1 March 2025, it comes into operation on that day.".

1. Clause 2, line 9, after "this Act" insert "(other than Division 6 of Part 2)".

NEW CLAUSES

1. Insert the following New Division to follow clause 42—

'Division 6—Use of a prescription drug which is a legal medicinal cannabis product

 42A Definitions

In section 3(1) of the **Road Safety Act 1986**, in the definition of ***drug-driving infringement***, after "(1E)" **insert** "or (1F)".

 42B Provisions about cancellation and disqualification

 (1) In section 50(1E) of the **Road Safety Act 1986**, for "On convicting" **substitute** "Subject to subsection (1F), on convicting".

 (2) After section 50(1E) of the **Road Safety Act 1986 insert**—

 "(1F) If an offence under section 49(1)(bb), (h) or (i) is in relation to the use of a prescription drug that is a legal medicinal cannabis product by a person in accordance with a prescription or other authority, on convicting the person, or finding the person guilty of an offence under section 49(1)(bb), (h) or (i)—

 (a) subsection (1E) does not apply; and

 (b) the court may, if the offender holds a driver licence or learner permit, cancel that licence or permit and, whether or not the offender holds a driver licence or learner permit, disqualify the offender from obtaining one for—

 (i) in the case of a first offence, a period not less than 6 months; and

 (ii) in the case of a subsequent offence, a period not less than 12 months.".

 42C Previous convictions

In section 50AA of the **Road Safety Act 1986** in item 4 of the Table, for "and (1E)" **substitute** ", (1E) and (1F)".

 42D New section 58BA inserted

After section 58B of the **Road Safety Act 1986** **insert**—

 "58BA Review of amendments made by Division 6 of Part 2 of the Roads and Roads Safety Legislation Amendment Act 2024

 (1) The Minister must cause a review to be conducted of the operation of the amendments made to this Act by Division 6 of Part 2 of the **Roads and Roads Safety Legislation Amendment Act 2024**.

 (2) The review must be commenced after the second anniversary of the commencement of Division 6 of Part 2 of the **Roads and Roads Safety Legislation Amendment Act 2024**.

 (3) The Minister must cause a copy of the review to be laid before each House of the Parliament no later than 3 years after the commencement of Division 6 of Part 2 of the **Roads and Roads Safety Legislation Amendment Act 2024**.".'.