

LEGISLATIVE COUNCIL

ROADS AND ROAD SAFETY LEGISLATION AMENDMENT BILL 2024

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

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;"
2. Clause 2, line 6, omit "subsection (3)" and insert "subsections (2A) and (3)".
3. 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."
4. Clause 2, line 9, after "this Act" insert "(other than Division 6 of Part 2)".

NEW CLAUSES

5. 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**."