

## ROADS AND ROAD SAFETY LEGISLATION AMENDMENT BILL 2024

### (Amendments made by the Legislative Council)

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 Clause to follow clause 9—

#### **'9A New section 99D inserted**

After section 99C of the **Road Safety Act 1986** insert—

#### **"99D Reporting incidence of camera detected no-truck zone offences**

- (1) As soon as practicable after the end of each calendar year elapsing during the reporting period, the Minister must cause to be published on the Department's Internet site the following information in respect of that year—
  - (a) the number of heavy vehicles detected in a no-truck zone by a prescribed no-truck zone camera; and
  - (b) the number of alleged camera detected no-truck zone offences for which an official warning was served; and

- (c) the number of alleged camera detected no-truck zone offences for which an infringement notice was served; and
- (d) of the alleged camera detected no-truck zone offences for which a proceeding was commenced in a court, the number within each of the following classes—
  - (i) a penalty was imposed;
  - (ii) a community correction order was imposed;
  - (iii) any other sentence was imposed;
  - (iv) the accused in the proceeding was found not guilty of an offence against section 65BA(1);
  - (v) the proceeding was withdrawn or dismissed for any reason; and
- (e) the number of alleged camera detected no-truck zone offences to which an exception under section 65BA(2) applied; and
- (f) the prescribed matters (if any).

(2) In this section—

***camera detected no-truck zone offence*** means an offence against section 65BA(1) detected by a prescribed no-truck zone camera;

***community correction order*** has the same meaning as in section 3(1) of the **Sentencing Act 1991**;

***official warning*** has the same meaning as in section 3(1) of the **Infringements Act 2006**;

***reporting period*** means the period of five calendar years commencing on 1 January following the day on which this section comes into operation.

(3) This section is **repealed** on the seventh anniversary of the day on which it comes into operation.".'.

6. 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.**"'. .

Certified –

Clerk of the Legislative Council