

c2020-187B  
GRNS--The Greens

LEGISLATIVE COUNCIL.

Road Transport Legislation Amendment Bill 2020

First print

Proposed amendments

No. 1 **Defence of medicinal use**

Page 4, Schedule 1. Insert after line 41—

**[16A] Section 111 Presence of certain drugs (other than alcohol) in oral fluid, blood or urine**

Insert after section 111(2)—

**(2A) Defence for offence relating to presence of delta-9-tetrahydrocannabinol in person's oral fluid, blood or urine**

It is a defence to a prosecution for an offence against subsection (1) if the defendant proves to the court's satisfaction that, at the time the defendant engaged in the conduct that is alleged to have contravened the subsection, the presence in the defendant's oral fluid, blood or urine of delta-9-tetrahydrocannabinol was caused by the consumption of a substance for medicinal purposes.

**Note.** Section 111(2A) is not a defence to a prosecution for an offence against section 112(1).

No. 2 **Statutory declaration**

Page 5, Schedule 1. Insert after line 27—

**[25A] Section 188(1A)**

Insert after section 188(1)—

**(1A) For the purposes of subsection (1), if a person is a corporation, the person must—**

- (a)** nominate an officer of the corporation to undertake to ascertain the nomination details of the person who was in charge of the vehicle at the time the offence occurred, and
- (b)** require the nominated officer to complete a statutory declaration as to the efforts undertaken to ascertain the nomination details, and
- (b)** provide the authorised officer or court, as the case may be, with the statutory declaration of the nominated officer.

---

No. 3

**Statutory declaration**

Page 5, Schedule 1. Insert after line 30—

**[26A] Section 190 Use of statutory declarations as evidence**

Insert “or (1A)” after “188(1)” in section 190(3).