

Submission  
No 47

**INQUIRY INTO ROAD TRANSPORT AMENDMENT  
(MEDICINAL CANNABIS-EXEMPTIONS FROM  
OFFENCES) BILL 2021**

**Organisation:** Drive Change

**Date Received:** 25 April 2022

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Submission To: Standing Committee on Law and Justice  
Submission Regarding: Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021

Submission From: Cannabis Law Reform Alliance -

David Heilpern, LLB LLM, Barrister and Solicitor of the High Court of Australia, Adjunct and Practice Professor, Southern Cross University Law School. Local Court Magistrate from 1999 to 2020.

We unequivocally support the Bill.

David Heilpern, our campaign lead, would welcome the opportunity to give oral evidence to the Committee. He has 21 years of experience as a Magistrate in NSW and one of the reasons for his resignation was the unfairness of these laws.

Our views are expressed in the attached blogs from [drivechangemc.org.au](http://drivechangemc.org.au) –

- A. The Truth: Roadside Drug Testing Doesn't Reduce Road Trauma
  - 1. <https://www.drivechangemc.org.au/the-truth-roadside-drug-testing-does-not-impact-road-trauma/>
- B. How to argue with those who support drug driving testing
  - 1. <https://www.drivechangemc.org.au/why-drug-driving-testing-is-wrong/>
- C. Scientific Research: Cannabis Vs Other Drugs & Driving
  - 1. <https://www.drivechangemc.org.au/cannabis-vs-other-drugs-driving-research/>
- D. How Other Countries Successfully Updated Drug Driving Laws for Medicinal Cannabis Patients (and How Australia Can Catch Up)
  - 1. <https://www.drivechangemc.org.au/drug-driving-law-reform-abroad/>

We urge the committee to conclude:

- 1. There is no evidence that the Bill would increase road trauma
- 2. There is evidence to suggest those using other prescription drugs as an alternative to medicinal cannabis are at a greater risk to road safety.

3. The current laws are discriminatory against prescription medicinal cannabis users
  
4. The Tasmanian model and other international examples exemplify that the Bill's proposed amendments are tried and tested.

#### Insurance.

People who are currently driving with prescribed medicinal cannabis are not aware that in many cases their insurance is voided as a result. This is because the legal limit for THC is zero.

For example the current QBE PDS for comprehensive car insurance at page 20 states:

There is no cover if the driver of *your car* at the time of the *incident* was...driving when exceeding the legal limit for alcohol and/or a drug (including medication);

A further example is that the current AAMI comprehensive car insurance PDS, at page 18 states:

You are not covered under any section of this policy for damage, loss, cost or legal liability that is caused by or arises from or involves...an incident occurring when your car is being driven by, or is in the charge of, anyone who...had more than the legal limit for alcohol or drugs in their breath, blood, saliva or urine as shown by analysis.

See also Allianz PDS at page 23.

There are exceptions however the insured bears the onus of proving these. This also has implications for third parties who may not be able to recover against medicinal cannabis patients.