

Submission  
No 50

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

**Organisation:** Australasian College of Road Safety

**Date Received:** 26 April 2022

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Standing Committee on Law and Justice  
NSW Parliament  
[law@parliament.nsw.gov.au](mailto:law@parliament.nsw.gov.au)

**ACRS submission to inquiry into the Road Transport Amendment  
(Medicinal Cannabis-Exemptions from Offences) Bill 2021**

**About the College**

The Australasian College of Road Safety is the region's peak membership association for road safety with a vision of eliminating death and serious injury on the road. Our members include experts from all areas of road safety including policy makers, health and transport professionals, academics, community organisations, researchers, federal, state and local government agencies, private companies and members of the public. The purpose of the College is to support our members in their efforts to eliminate serious road trauma through knowledge sharing, professional development, networking and advocacy. Our objectives include the promotion of road safety as a critical organisational objective within government, business and the community; the promotion and advocacy of policies and practices that support harm elimination; the improvement of relative safety outcomes for vulnerable demographic and user groups within the community; the promotion of post-crash policies and practices; and the promotion of a collegiate climate amongst all those with responsibilities for and working in road safety.

**Our response to the Bill**

In this submission ACRS-NSW:  
Recommends the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021 be clarified so the exemption applies only to holders of a current Australian driver licence.

The Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021 aims "to exclude users of medicinal cannabis from the application of the offences relating to driving while a prescribed illicit drug is present in a person's oral fluid, blood or urine". The Bill amends the Road Transport Act 2013 such that the offences do not apply if the only drug present is delta-9-tetrahydrocannabinol (THC) that the person obtained and administered for medicinal purposes.

ACRS notes that *Assessing Fitness to Drive*<sup>1</sup>, a joint Austroads-National Transport Commission document, contains the medical standards for driver licensing and clinical management guidelines used by medical practitioners in New South Wales. These standards are approved by all Australian transport ministers.

*While many factors contribute to safety on the road, driver health and fitness to drive is an important consideration. Drivers must meet standards to ensure their health status does not unduly increase their crash risk.*

Assessing Fitness to Drive, Foreword, Page ix

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<sup>1</sup> [https://austrroads.com.au/data/assets/pdf\\_file/0022/104197/AP-G56-17\\_Assessing\\_fitness\\_to\\_drive\\_2016\\_amended\\_Aug2017.pdf](https://austrroads.com.au/data/assets/pdf_file/0022/104197/AP-G56-17_Assessing_fitness_to_drive_2016_amended_Aug2017.pdf)

These guidelines form part of the Safe Road Users pillar of the Safe System of Road Safety.

It is noted the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences Bill 2021 (3) (1) (1A) refers to “the person”<sup>2</sup>.

This wording appears to include disqualified, suspended, and unlicensed drivers. Unauthorised drivers operate outside of the safe system.

In order to best ensure the on-going health and wellbeing of all road users, ACRS-NSW recommends the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill 2021 be clarified so the exemption contained in the Bill relates only to holders of an Australian driver licence.

Only the holders of an Australian driver licence are required to attain medical fitness-to-drive clearance.

ACRS-NSW notes that there could be issues such as to how the exemption will be applied (i.e. at the roadside or at Court), the application of Section 148G of the Road Transport Act 2013 going forward, and how the impacts of legislation will be monitored, and recommends that these issues are addressed by the relevant agencies.

We are grateful for the opportunity to comment on this Bill, and to Michael Timms, ACRS-NSW Executive Committee member for the preparation of this submission.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

Dr Ingrid Johnston  
CEO  
Australasian College of Road Safety

Duncan McRae  
Chair  
ACRS-NSW Chapter

22 April 2022

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<sup>2</sup> <https://www.parliament.nsw.gov.au/bill/files/3921/First%20Print.pdf>