

**Submission
No 76**

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

Name: Mr Steve Bolt
Date Received: 1 May 2022



Bolt Findlay
SOLICITORS & MEDIATORS

9 May 2022

NSW Legislative Council
Parliament House
Macquarie Steet
Sydney

Dear Sir/Madam

**Submission to Standing Committee of Law and Justice
Inquiry into the *Road Transport Amendment (Medicinal Cannabis-Exemptions
from Offences) Bill 2021***

Please see attached our brief submission to the Standing Committee's Inquiry into the *Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021*.

Yours faithfully

Steve Bolt
Solicitor

Liability limited by a scheme approved under Professional Standards Legislation

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Submission
Inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021

I have practised as a solicitor in the Northern Rivers region of NSW for 25 years. Because of ongoing policy and resource decisions by NSW Police over that time, the region continues to see a disproportionate number of prosecutions for drug offences, primarily involving cannabis.

Over the last decade, that has extended to prosecutions for offences under s111 of the *Road Transport Act 2013* for driving with the presence of THC (and occasionally methamphetamine or MDMA).

I have appeared in the Local Court for dozens, perhaps hundreds, of people charged with driving with the presence of THC. That includes a significant number who instruct me (and therefore the Court) that their use of cannabis is motivated by medical need. That in turn includes a small but growing number of people who are charged with the offence despite having lawful prescriptions for medicinal cannabis.

I support the proposed Bill to provide exemption from s111 for medicinal users of cannabis.

By way of disclosure, my view is that the operation of s111 penalising drivers for driving with the mere detectable **presence** of THC (or any drug) is harsh, unfair and unrelated to any legitimate road safety objective. I would support the whole of s111 being repealed.

But the law is even harsher and more unfair when applied to punish people who have legal prescriptions to use cannabis, use by definition supported by their treating doctors. Although some offenders are dealt with without conviction, they still face the stress and expense of court appearance. Those who are **not** dealt with without conviction (including those charged within the 5 year limiting period for the application of s10 dismissal), face the loss of their drivers licence as well. People should not have to choose between using appropriate lawful medication and being able to drive.

The proposed amendment would remove an unjust and illogical element of the road safety laws.

Steve Bolt
Solicitor
1 May 2022