



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLC:JvdPrg290422

29 April 2022

Ms Merrin Thompson
Director
Standing Committee on Law and Justice
Parliament House
Macquarie Street
Sydney NSW 2000

By email: law@parliament.nsw.gov.au

Dear Ms Thompson,

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

Thank you for inviting the Law Society to make a submission to the inquiry into the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021 (the Bill).

The object of the Bill is to amend s111 of the *Road Transport Act 2013* (the Act), 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.

We note that the Government has provided a medical defence to those who legitimately use morphine for their pain, and we consider it appropriate to provide the same defence for those who legally use medicinal cannabis.

The Law Society supports the Bill, but we suggest it requires further amendment for clarity.

In the Second Reading Speech, Ms Cate Faehrmann MLC states that:

The person must have consumed a legally prescribed medicinal cannabis product and, importantly, they had to have consumed the product according to the guidance of their doctor. That guidance will include how to use the product in such a way as to avoid driving while impaired, as is the case for other prescription drugs like opioids.

However, it does not appear that consumption in accordance with the guidance of a doctor is required under the Bill.

We suggest that proposed s111(1A) be amended to include a reverse-onus defence similar to that provided for morphine in s111(5) of the Act, using the definition of "consumption for medical purposes" contained in 111(6)(a) of the Act.

Thank you for the opportunity to comment.

Yours sincerely,

Joanne van der Plaats
President

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