

Submission email – Evan Smith – 16th February 2026

I am writing following the lodging of the proposed drug-driving legislation.

I want to be clear that the objective of improving road safety is entirely legitimate and supported. Impaired driving, whether caused by alcohol, illicit drugs, or prescribed medicines, should be addressed robustly.

My concern is not with enforcement itself, but with the mechanism used to establish criminal liability. As drafted, the proposition criminalises detectable THC rather than impaired driving, despite the **absence of reliable scientific equivalence between THC concentration and impairment**. This risks capturing individuals who are not impaired, including patients lawfully prescribed medicines and consumers of lawful CBD products.

The issue, therefore, is not whether enforcement powers should exist, but whether the law distinguishes adequately between impaired driving and the mere presence of a substance.

A relatively modest amendment could address this without weakening the legislation's intent, by clarifying that numerical thresholds operate alongside **impairment evidence** and by introducing a limited **statutory medical defence**, similar to the safeguard adopted in the UK. This would allow enforcement to remain robust while ensuring that law-abiding individuals who are not impaired are not unintentionally exposed to criminal liability.

I have attached a summary setting out the reasoning and suggested approach, which I hope may be helpful in ensuring that the legislation achieves its intended objectives while avoiding unintended or disproportionate outcomes.