



SOUTH AUSTRALIA POLICE
SAFER COMMUNITIES



OFFICIAL: Sensitive

Our Ref: 23-2029
Telephone: 7322 3347
Facsimile: 7322 4180



Email: [Redacted]

Dear [Redacted]

Re: Freedom of Information Act application

SAPOL received the following application as a result of a partial transfer from the Office of the Minister for Police, Emergency Services and Correctional Services in which access was sought to:

"Dear Sir/Madam I am writing to request access to information under the Freedom of Information Act 1991. I am seeking information relating to changes made to the South Australian Road Traffic Act 1961 (Part 3, div 5), specifically those sections related to the presence of Tetrahydrocannabinol (hereinafter referred to as "THC"). These significant changes came into effect on the 13th of February, 2023. I am concerned with the immediate loss of license resulting from any trace of THC found in the driver's system, regardless of whether it is legally prescribed or having any influence on the driver whatsoever. It is my understanding that a driver can lose their license even if they have not consumed the legally prescribed product for many days or weeks prior to driving. This has significant implications for patients who rely on medical cannabis to manage their symptoms and who may be unfairly punished under the new law. Therefore, I request the following information: 1. All data relied upon to justify changes to the Act. This should include studies and statistical data. 4. The data relied upon by the government to back the claim: "On average, over the past five years (2017 - 2021), 20% of drivers/riders killed on South Australian roads tested positive for a prescribed drug". 5. All South Australian statistics since 2017 related to drivers killed and injured as a result of any kind of drug, including where possible, a percentage breakdown stratified by individual drug. 6. Data/statistics relating to the total number of road accidents which resulted in death and injury since 2017, stratified by the reason for the accident where available. 7. Any data related to the number of accidents/deaths caused by drivers who were prescribed medical cannabis. 8. Data which shows the total number of roadside deaths since 2017 which have been a result of a driver who had THC alone in their system. The reason for this request is due to the absurdity of grouping a medical cannabis user with someone who is taking a concoction of drugs. Eg. To suggest someone whose BAC was .25 and had THC in their system (possibly from weeks ago) is a "drug driver" is clearly nonsensical, unless the "drug" is alcohol. 11. All documentation related to the specific equipment used to test for THC, including studies relied upon when taking into consideration the sensitivity, specificity and accuracy of the testing equipment. This should include data which details the false positive/negative rate, as well as detection timeframes depending on the consumption method. For example, data/studies relating to the detection periods of oral consumption of THC oil. Thank you for your time and consideration."



**Government of
South Australia**

Service Integrity Leadership Collaboration Courage Respect

South Australia Police, GPO Box 1539, Adelaide SA 5001 ABN 93 799 021 552 www.police.sa.gov.au



In relation to this part of your request:

“1. All data relied upon to justify changes to the Act. This should include studies and statistical data.”

I confirm we have searched SAPOL systems for records relating to your above request and no records were located. In addition, enquiries made with Traffic Services Branch and the Commissioner’s Support Branch further confirmed that no records were located in relation to this part of your request.

In relation to this part of your request:

“4. The data relied upon by the government to back the claim: "On average, over the past five years (2017 - 2021), 20% of drivers/riders killed on South Australian roads tested positive for a prescribed drug.”

The data used to support the above statement was extracted from SAPOL’s Shield Record Management System for the period of 1 January 2017 to 31 December 2021 and was specific to lives lost in a vehicle collision related to drug driving where there was a driver and/or motorcyclist who tested positive to a prescribed drug, i.e. Methylamphetamine, THC, or MDMA.

During these five years, there were 486 lives lost, 100 of which were related to drug driving. This equates to 20.6% of all lives lost.

During these five years, there were 327 driver and motorcyclist lives lost, 72 of which were related to drug driving. This equates to approximately 22.0% of driver and motorcyclist lives lost.

In relation to this part of your request:

“5. All South Australian statistics since 2017 related to drivers killed and injured as a result of any kind of drug, including where possible, a percentage breakdown stratified by individual drug.”

From 2017 to 2021, there were 72 driver/motorcyclist lives lost and 442 driver/motorcyclist seriously injured related to drug driving.

The drugs tested positive for per driver/motorcyclist fatality/serious injury, included:

Drug combination per Driver/Motorcyclist fatality and serious injury:	Fatal	Serious Injury	TOTAL
THC	34	197	231
METH	26	166	192
METH, THC	9	59	68
MDMA	2	11	13
THC, MDMA	0	6	6
METH, MDMA	1	2	3
METH, THC, MDMA	0	1	1
TOTAL	72	442	514

In relation to this part of your request:

“6. Data/statistics relating to the total number of road accidents which resulted in death and injury since 2017, stratified by the reason for the accident where available.”

From 2017 to 2021, there were 457 fatal crashes, and 3322 serious injury crashes on South Australian roads.

A Fatal Five factor (Distraction, Drink &/or Drug Driving, Speeding, Dangerous Road Users and Seatbelts) was attributed to approximately 70% of lives lost and 50% of serious injuries.

The Fatal Five factors are not mutually exclusive and more than one category may be attributed to any one crash. Over one third of fatal crashes have two or more Fatal Five factors listed as a contributory factor.

FATAL 5 category related to Fatal and Serious Injury Crashes	Fatal Crash	Serious Injury Crash
DANGEROUS ROAD USERS	123	499
DISTRACTION	204	1057
DRINK DRIVING	74	277
DRUG DRIVING	94	433
SPEEDING	82	312
SEATBELTS	81	146

In relation to this part of your request:

“7. Any data related to the number of accidents/deaths caused by drivers who were prescribed medical cannabis.”

Forensic analysis is unable to determine prescribed medicinal cannabis from the illicit substance of cannabis, as the test is searching for the chemical compound name of Delta-9-tetrahydrocannabinol (THC). Also, SAPOL does not keep records of people who claim medicinal cannabis use. Subsequently, I confirm we have no records relating to this part of your request.

In relation to this part of your request:

“8. Data which shows the total number of roadside deaths since 2017 which have been a result of a driver who had THC alone in their system. The reason for this request is due to the absurdity of grouping a medical cannabis user with someone who is taking a concoction of drugs. Eg. To suggest someone whose BAC was .25 and had THC in their system (possibly from weeks ago) is a "drug driver" is clearly nonsensical, unless the "drug" is alcohol.”

Of the 100 lives lost on South Australian roads between 2017 and 2021 related to drug driving, 45 were related to a driver/motorcyclist who returned a positive drug test for THC only (no other drug tested positive). Fifteen of the 45 were also related to drink driving (where a driver/motorcyclist returned a Blood Alcohol Concentration (BAC) > 0.05). Therefore, 30 lives lost were related to THC drug driving only.

In relation to this part of your request:

“11. All documentation related to the specific equipment used to test for THC, including studies relied upon when taking into consideration the sensitivity, specificity and accuracy of the testing equipment. This should include data which details the false positive/negative rate, as well as detection timeframes depending on the consumption method. For example, data/studies relating to the detection periods of oral consumption of THC oil.”

SAPOL use the DrugWipe II Twin as an apparatus for a drug screening test. This equipment is manufactured by Securetec in Germany. It is suggested you contact the manufacturer for the information you seek. The contact details for Securetec are available via their website including information related to the DrugWipe apparatus which may be of assistance to you. The website address is: <https://www.securetec.net/en/products/saliva-drug-test-drugwipe/>.

Disclosure Log

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at https://www.dpc.sa.gov.au/_data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf. If you disagree with publication, please advise the undersigned in writing by 13 June 2023.

Yours sincerely



Senior Sergeant Kelly Johnson
Freedom of Information Unit
(Accredited Freedom of Information Officer)

12 May 2023