

Question on Notice

No. 1224

Asked on 4 December 2020

MR M BERKMAN ASKED MINISTER FOR TRANSPORT AND MAIN ROADS (HON M BAILEY)—

QUESTION:

With reference to drug driving offences under the Transport Operations (Road Use Management) Act 1995 and a University of Sydney study published on 2 December 2020, that shows CBD does not impact driving ability and moderate THC intoxication lasts only a few hours—

Will the Minister advise if the government will move to reform Queensland's drug driving laws to treat medical cannabis the same as other prescription drugs, and allow people with a medical cannabis prescription to drive with the active components in their system at levels that do not impair driving ability?

ANSWER:

I thank the Member for Maiwar for the question.

Under section 79(2AA) of the *Transport Operations (Road Use Management) Act 1995* (TORUM), it is only necessary to show the presence of the relevant drug. Relevant drugs in this case are THC (Delta-9-tetrahydrocannabinol, the active ingredient in cannabis), methylamphetamine (also known as 'speed' and 'ice') and MDMA (the active ingredient in ecstasy).

It is important to note that drug driving is a serious road safety issue as impaired driving continues to show up in fatalities and serious injuries on Queensland roads.

Medicinal cannabis can be used in the treatment of palliative care, epilepsy, chemotherapy-induced nausea and vomiting, multiple sclerosis and chronic pain. Some medicinal cannabis products contain THC, which will be detected as a relevant drug within Queensland's drug driving laws. However, some medicinal cannabis products do not contain THC. Patients taking cannabidiol-only (CBD) medicinal cannabis can lawfully drive, as long as they are not impaired.

While some of the people eligible for medicinal cannabis will be ineligible to hold a Queensland driver's licence, due to their age or medical condition, there is potential for some patients to be licence holders who wish to continue to drive. It is an offence in Queensland for a person to drive with any amount of THC in their system, whether it was prescribed or taken illegally.

The Queensland Government will continue to take a zero-tolerance approach to drug driving. This is consistent with what is happening nationally. A National Drug Driving Working Group presented a report to the former Transport and Infrastructure Council in November 2018, which supported current practices in Australia—practices based on a zero-tolerance approach to prescribed illicit drugs (including cannabis) and roadside oral fluid testing.