

Submission
No 113

INQUIRY INTO IMPACT OF THE REGULATORY FRAMEWORK FOR CANNABIS IN NEW SOUTH WALES

Organisation: Transport Workers' Union of New South Wales

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Submission

Inquiry into the impact of the regulatory framework for Cannabis in New South Wales

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Transport Workers' Union of New South Wales



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1. Summary of Recommendations

1.1 The relationship between medicinal cannabis, impairment and driving ability is a complicated subject, which demands that road safety remains at the forefront of the discussion.

1.2 Detail is available within this submission, though, for the sake of clarity, the inquiry should consider the following;

- Investment into further medicinal-cannabis specific studies to determine the true effects on driving capability – the TWU supports the undertaking of further research into the matter;
- Exclusion of heavy vehicles in any (hypothetical) early-stage practical trials, given the lack of collective medicinal-specific studies and reviews – heavy vehicles, such as trucks, are large, unique machines with differing on-road and broader contextual factors to consider, meaning that safety outcomes associated with standard passenger vehicles are not necessarily applicable to heavy vehicles;
- Given the general distaste for invasive driver monitoring technology on the part of heavy vehicle drivers themselves, said technologies should not be considered for heavy vehicles in the event any progress is made in realising a legal, medical only, cannabis driving model; and
- Further consultation with the Transport Workers' Union of New South Wales (TWU), should there be any progress, or further developments, in the medicinal cannabis space in relation to driving laws.

2. About the TWU

2.1 The TWU represents tens of thousands of people in Australia's road transport, aviation, oil, waste management, gas, passenger vehicle and freight logistics industries.

2.2 With over one hundred years' experience representing the workers who conduct Australia's crucial passenger and freight transport tasks, the TWU has been proactive in advocating for the establishment and improvement of industry standards which advance the lives and safety of transport workers, their families and the community at large.

3. Introduction

3.1 The TWU welcomes the opportunity to contribute to the *'Inquiry into the impact of the regulatory framework for Cannabis in New South Wales'*. Considering the relationship between physical and cognitive impairment with road safety, the TWU is positioned to provide a perspective relevant for the transport and logistics industry.

3.2 Noting that medicinal, prescribed cannabis is a legal substance, the TWU's key interest lies in the maintaining road safety. The TWU is of the view that nobody should be behind the wheel of a vehicle if they are impaired in any manner, and aims to provide its perspective on this matter based on available medical research.



4. Cannabis and Road Safety

- 4.1 When picturing the idea of medicinal cannabis in a transport context, road safety is at the forefront of the discussion. What makes the discourse complex are the challenges in determining levels of impairment a driver may suffer, and by extension, the effects of said impairment on their driving ability.
- 4.2 Following the federal legislation of medicinal cannabis in 2016, the product has seen significant uptake. Currently, driving a vehicle under the influence of cannabis, medicinal or not, carries a zero-tolerance offence. This proves to be a difficult scenario to deal with on the part of transport workers, and heavy vehicle drivers specifically, as this law completely disincentivises their use of medicinal cannabis for the treatment of their health conditions, where applicable.
- 4.3 As many others would, transport workers then resort to the use of opioids in the management of whatever health and pain complications they may face, as even medicinal cannabis would not be a realistic option due to the illegality surrounding driving laws. Notably, the use of opioids, particularly in conjunction with other psychoactive medicines, and especially in individuals without a history of opioid use, is associated with impairment of driving capability and other key functions in operating a vehicle¹.
- 4.4 The TWU raises this, because as it currently stands, the discourse surrounding the impairment effects of medicinal cannabis remains to be a more contentious topic, whereas greater information and consistency in research is available regarding the impeding effects of opioids on driving ability.
- 4.5 Various studies have been conducted over the years in pursuit of analysing the complicated relationship between driving and cannabis, and generally speaking, have produced equivocal results. Said studies have employed the use of both driving simulators, and actual on-road driving. It should be noted, however, that the overwhelming majority of cannabis and driving related studies have measured the effects of non-medicinal cannabis specifically, involving young and otherwise healthy individuals who are given THC doses².
- 4.6 Currently, there is an observed lack of medicinal-specific studies, and this absence of research has been noted in academic literature and reviews³. Put simply, the effects of medicinal cannabis on driving ability cannot be identified in a concrete manner. Therefore, the TWU believes it is necessary to invest in further practical studies if the relationship between medicinal cannabis and driving impairment can be properly assessed, especially if the development of policy is concerned.
- 4.7 Interestingly, there are existing reviews that, despite not being focused on medicinal cannabis specifically, still provide valuable findings that may similarly be reflected should the

¹ Cameron-Burr, K.T., Conicella, A. and Neavyn, M.J. (2021). Opioid Use and Driving Performance. *Journal of Medical Toxicology*, 17(3), pp.289-308.

² Arkell, T.R., McCartney, D. and McGregor, I.S. (2021). Medical cannabis and driving. *Australian journal of general practice*, 50(6), pp.357-362.

³ Brands, B., Di Ciano, P. and Mann, R.E. (2021). Cannabis, Impaired Driving, and Road Safety: An Overview of Key Questions and Issues. *Frontiers in Psychiatry*, 12.



appropriate studies be conducted in the future.

- 4.8 One such review determined that while THC administration can impair aspects of driving performance, regular cannabis users experience less THC-induced impairment in comparison to occasional users⁴, which suggests that individuals who are prescribed medicinal cannabis, and use it accordingly, may not suffer the magnitude of consequences typically thought to be associated with THC.
- 4.9 The same review found that most driving-related skills are predicted to recover within 5 hours of inhaling 20 mg of THC, and almost all skills would recover within 7 hours. That, however, is specific to inhalation, and the review notes that oral THC-induced impairment may take longer to wear off.
- 4.10 The aforementioned review into THC impairment reads within its concluding discussion;
- 'There appears to be no universal answer to the question of "how long to wait before driving?" following cannabis use: consideration of multiple factors is therefore required to determine appropriate delays between (THC) use and the performance of safety-sensitive tasks.'*⁵
- 4.11 Nevertheless, findings of this nature provide intriguing policy implications; in that it may be worth considering the timeframe in which medicinal cannabis users would need to consume their prescribed product before getting behind the wheel of a vehicle. Additionally, there may need to be consideration towards the manner in which medicinal cannabis would need to be consumed if driving is in the picture, given the distinction between inhalation and oral-consumption.
- 4.12 Even with that in mind, the few meaningful medicinal-specific studies do provide results suggesting that driving may be practiced with minimal issue, providing it is done under a "medical only" process. A specific study notes that crash risk for prescribed medicinal cannabis is likely to be "substantially lower". It then notes that said conclusion is supported by international epidemiological data, in which it has been reflected that there is a "null road safety impact in jurisdictions introducing 'medical only' models", meaning systems where driving would be legal providing the cannabis is prescribed by a health professional⁶.
- 4.13 Again, the varied and uncertain conclusions amongst a variety of reviews, combined with the lack of actual medicinal-specific studies, suggest that more research must be undertaken. Whether this means practical, on-road trials, further theoretical research, or both, the TWU is of the view that heavy vehicles should be excluded from said trials, at least in the early stages.
- 4.14 This is because heavy vehicles, such as trucks, are different to standard passenger vehicles. Trucks are much larger, and possess a significant number of working differences, as well as factors that must be considered from the broader perspective of the truck driving occupation itself. To summarise, there are safety risks involved that are not applicable to cars, and that

⁴ McCartney, D. et al. (2021). Determining the magnitude of acute Δ 9-tetrahydrocannabinol (Δ 9-THC)-induced driving and cognitive impairment: A systematic and meta-analytic review. *Neuroscience & Biobehavioral Reviews*.

⁵ Ibid.

⁶ Perkins, D. et al. (2021). Medicinal cannabis and driving: the intersection of health and road safety policy. *International Journal of Drug Policy*, 97, p.103307.



haven't been accounted for in research.

- 4.15 Moreover, what studies are available in regards to cannabis, driving impairment, and the complicated relationship between all relevant elements, are overwhelmingly focused on standard passenger vehicles, and not trucks. However, given the lack of conclusive results, any practical, (hypothetical) on-road tests of heavy vehicles should not be considered in the short-term. Before testing cannabis impairment in the heavy vehicle context, the general consensus on road safety and medicinal cannabis use should be absent of uncertainty, and the results of research should be consistent in its findings.
- 4.16 The TWU notes that there has been discussion of utilising driver monitoring technology in any potential trials for measuring driver impairment⁷. Though the TWU is of the view that heavy vehicles should not be included in impairment-related trials, particularly in the early-stages, it is worth noting that invasive driver monitoring technology, such as face and eye trackers, are generally met with disdain by heavy vehicle drivers.
- 4.17 Historically, there have been concerns over privacy regarding advanced driver monitoring systems. In road transport, operators have tried implementing these technologies into their vehicles, which often leaves drivers feeling uneasy, and has even fostered a culture of distrust between drivers and their workplace. In some cases, driver monitoring technology, or similar, has led to the targeted, unjust harassment of drivers by management.
- 4.18 Therefore, the TWU would recommend to refrain from including driver monitoring technologies in the identification of impairment; if not across the board, then in heavy vehicles specifically.
- 4.19 Moving forward, the TWU would recommend consultation between itself and relevant parties on any matters relating to the topics of this submission.

5. **Conclusion + Recommendations**

- 5.1 The TWU would like to thank Portfolio Committee No. 1 – Premier and Finance for the opportunity to contribute to the *Inquiry into the impact of the regulatory framework for Cannabis in New South Wales*.
- 5.2 Below is a summary of recommendations for the inquiry to consider, which is also present at the beginning of this submission;
- Investment into further medicinal-cannabis specific studies to determine the true effects on driving capability - the TWU supports the undertaking of further research into the matter;
 - Exclusion of heavy vehicles in any (hypothetical) early-stage practical trials, given the lack of collective medicinal-specific studies and reviews – heavy vehicles, such as trucks, are large, unique machines with differing on-road and broader contextual factors to consider, meaning that safety outcomes associated with standard

⁷ Schultz, A. (2023). *NSW looks at driver monitoring tech for medicinal cannabis users*. [online] The Sydney Morning Herald. Available at: <https://www.smh.com.au/national/nsw/nsw-looks-at-driver-monitoring-tech-for-medicinal-cannabis-users-20230331-p5cx4v.html>.



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passenger vehicles are not necessarily applicable to heavy vehicles;

- Given the general distaste for invasive driver monitoring technology on the part of heavy vehicle drivers themselves, said technologies should not be considered for heavy vehicles in the event any progress is made in realising a legal, medical only, cannabis driving model; and
- Further consultation with the TWU, should there be any progress, or further developments, in the medicinal cannabis space in relation to driving laws.