

21 December 2023

Drug Driving Review Team
Department of Transport and Main Roads
PO Box 673
FORTITUDE VALLEY QLD 4006
via roadsafety@tmr.qld.gov.au

RE: Cannabis and driving in Queensland consultation paper

Dear Drug Driving Review Team,

The RACQ, on behalf of our almost 1.8 million members, appreciates the invitation to make a written submission on the Department of Transport and Main Roads (DTMR) *Cannabis and driving in Queensland consultation paper* (the 'consultation paper').

Our submission is based on RACQ's long held support for and prioritisation of road safety. RACQ is concerned that the data shows 20.5% of road crash fatalities in 2022 involved a drug driver, and that 83.6% of drug drivers involved in a fatal crash in 2022 tested positive for delta-9 tetrahydrocannabinol (THC). Queensland does not have this level of detail for serious injuries (hospitalisations) so the real impact of the problem is likely far greater.

RACQ was briefed when roadside drug testing was introduced in Queensland, and we have been involved in the DTMR's previous working group on drug driving. We are fully aware of the current legislation which means that drivers commit an offence if they drive with *any* measurable amount of THC in their system.

This is a straightforward requirement to communicate to road users, and RACQ has received very little negative feedback in relation to the law.

As mentioned in the consultation paper (p8):

"There is an extensive body of research literature that describes the increased crash risk associated with THC (the active ingredient of cannabis). Driving related impacts that may occur include slower reaction time, increased lane deviations, decreased car handling performance, impaired time and distance estimation, inability to maintain distance between vehicles and impaired sustained vigilance (Couper and Logan 2014). Studies on crash risk in medicinal cannabis patients are less common and have less clear results (for example, Bosker et al, 2012)."

We understand that with the commencement of medical professionals prescribing medicinal cannabis products (some containing just THC, some containing only cannabidiol/CBD and some containing a mix of both THC and CBD), it has introduced a situation where:

- At present some Queenslanders can legally use cannabis and have THC in their system.



- At present no Queenslanders can legally drive with any THC in their system.
- Any person who drives under the influence of liquor or another drug (including but not limited to cannabis – prescription or illicit) commits a more serious offence and faces higher penalties.

The RACQ's 2023 *Annual Road Safety Survey* found that 8.2% of Queensland drivers 18 years or older admitted to driving while under the influence of prescription or non-prescription drugs in the last 12 months (6.5% male, 9.9% female). 4.6% of drivers admitted to driving while under the influence of illicit and/or recreational drugs over the same timeframe (4.9% male, 4.3% female). Older cohorts (aged 45+) were far less likely to report this than the younger cohorts (18-44 years).

Interestingly (as shown in Table 1), when asked what motoring and mobility topics are most important to them, 18-24 year-old Queensland drivers rank drink and drug driving in second place (behind 'safety'), which is significantly higher than all other age groups and could highlight a perceived lack of current attention on this topic in these other age groups.

Table1:

MOTORING AND MOBILITY TOPICS THAT ARE IMPORTANT

	Total	18-24	25-34	35-44	45-54	55-64	65+
Safety	15.4%	12.8%	19.4%	18.1%	16.3%	14.9%	12.1%
Speed	9.1%	5.8%	10.2%	7.9%	6.7%	9.1%	12.7%
E-scooters, E-mobility	8.0%	2.3%	4.1%	5.5%	7.4%	11.6%	12.7%
Road rage, poor behaviour	5.9%	3.5%	4.1%	4.7%	3.0%	5.0%	12.1%
Road rules	5.5%	0.0%	5.1%	2.4%	6.7%	9.9%	6.9%
Cyclists: rules, enforcement etc	5.0%	8.1%	4.1%	3.1%	4.4%	7.4%	4.0%
Young drivers	4.9%	1.2%	4.1%	5.5%	2.2%	7.4%	6.9%
Drink driving or drugs	4.6%	11.6%	4.1%	2.4%	3.0%	5.0%	4.0%
Road conditions	4.5%	2.3%	4.1%	3.1%	3.7%	5.8%	6.4%
Traffic, congestion	4.1%			6.3%	8.1%	5.0%	2.9%
Mobile phones while driving	3.8%	3.5%	2.0%	4.7%	5.2%	6.6%	1.2%
Cost of license	3.5%	2.3%	5.1%	4.7%	3.7%	3.3%	2.3%
Older drivers	3.0%	2.3%	2.0%	1.6%	3.0%	4.1%	4.0%
Cost of fuel	2.4%	1.2%	4.1%	4.7%	2.2%	0.8%	1.7%
Disability needs, permit, parking	1.6%	1.2%			2.2%	1.7%	3.5%
EV: cost, infrastructure, charging	1.5%	1.2%	1.0%	1.6%	0.7%	0.8%	2.9%
Defensive driving courses	1.4%	1.2%	1.0%	2.4%	1.5%		1.7%
Extra testing	1.4%	1.2%	1.0%		0.7%	1.7%	2.9%
Motorcycle safety	1.2%	2.3%	1.0%	0.8%	1.5%	1.7%	0.6%
Stolen vehicles	1.1%		1.0%		0.7%	1.7%	2.3%
Driving tired	0.9%	2.3%	2.0%		2.2%		
Cost of cars	0.8%	2.3%	1.0%		1.5%	0.8%	
Distraction, inattentive	0.7%		1.0%	1.6%		0.8%	0.6%
Trucks	0.7%			1.6%	2.2%		
Emissions, sustainability	0.5%	1.2%			1.5%		0.6%
Public transport	0.5%		1.0%	0.8%	0.7%	0.8%	

Base: Total 2023 n=740.
Q12.2. In just a few words, please specify any motoring or mobility topic that is important to you.
Source: Annual Road Safety Survey 2023

The same survey found 87.4% of Queensland drivers aged 18 years or over believe there should be an increased on-road police patrol presence in Queensland. This is a statistically significant increase on the 81.9% who agreed in 2022.

RACQ Group comprises The Royal Automobile Club of Queensland Limited ABN 72 009 660 575, RACQ Insurance Limited ABN 50 009 704 152, The Road Ahead Publishing Co. Pty Ltd ABN 72 009 716 465, RACQ Investments Pty Ltd ABN 80 009 693 896, RACQ Investments No.2 Pty Ltd ABN 59 060 316 216 and RACQ Community Fund Pty Ltd ACN 097 992 106 as trustee for RACQ Charitable Trust Fund ABN 65 370 893 161



Far more drivers (29.5%) would prefer to see increased enforcement over increased fines and penalties (5.7%) alone as an effort to reduce unsafe driving of all kinds, with 53.5% agreeing that both are equal.

RACQ believes that the current penalties for drug driving offences in Queensland – both “Driving while a relevant drug is present in saliva or blood” and “Driving under the influence of alcohol or another drug” are significant, and high enough (financially and in terms of other penalties) to have both an effective deterrent and punitive effect. Like many unsafe road user behaviours in Queensland, improved enforcement efforts to deter and detect offences are needed, to provide the surety of the penalty being applied, matching the high severity of the existing penalties. This is the preferred approach compared to further increasing the penalty and is supported by our research as it will deliver the equity in countermeasures expected by the Queensland motoring public.

RACQ believes that the Queensland Government should investigate compulsory drug saliva testing at the roadside following a crash. With such a significant number of fatalities resulting from crashes involving drug drivers – and with so many drivers having tested positive for THC at the roadside as reported in the consultation paper (p7) – it is important that Queensland increases the amount of roadside drug tests undertaken, and that we can more accurately measure the involvement of the drug in crashes of severities other than fatalities.

Maintaining the current zero tolerance approach to THC presence is seen as the best course of action while the Queensland Government undertakes more research into THC impairment levels, and improved enforcement options. We note from the discussion paper (p9) that:

“Currently, there is no scientific consensus on what blood THC impairment level is [... and] No jurisdictions have set thresholds in saliva, and there is no clear link between levels of THC in saliva and degrees of impairment.”

Adopting a medical defence provision for those who take cannabis containing THC in accordance with a valid prescription, in a similar way to in Tasmania, could be introduced while further research on the impairment issues is conducted. This defence, if considered further, should only apply provided that the driver is using the prescribed medicine/s, only using it/them as directed, and with regard to the evidence of whether they were driving impaired or driving unsafely. RACQ agrees that this defence, if considered, should only apply to the presence-based offence, and that even with a prescription, a driver who is tested positive and is adversely affected by cannabis containing THC and/or where there is evidence of impairment or unsafe driving should be charged with driving under the influence of the drug.

We understand that the consultation paper has been released as part of a broader review of drug driving in Queensland, and we look forward to being involved throughout this process. With the *Queensland Road Safety Action Plan 2022-2024* stating that a package of drug driving reforms will be developed, RACQ will seek to play a role in communicating both the outcomes and the research behind them to Queensland’s road users.



We trust that this submission is of assistance to the Department of Transport and Main Roads. Should you wish to discuss this matter further, please contact Mr Joel Tucker, RACQ's Manager Road Safety and Technical at Joel.Tucker@racq.com.au

Yours sincerely,

Dr Michael Kane
Acting General Manager Advocacy