

Medicinal cannabis and the NSW coal mining industry

What is medicinal cannabis?

Medicinal cannabis includes a group of prescribed medications which may be used to treat a number of medical conditions; however, there is limited information on its effectiveness and safety.

The Therapeutic Goods Administration (TGA) states medicinal cannabis should only be prescribed when all other approved treatments have been tried and have failed to manage conditions and symptoms.

In Australia, medical practitioners and other registered healthcare professionals (such as dentists and Registered Nurses) can legally prescribe medicinal cannabis — provided they obtain authorisation from the TGA.

While the TGA regulates access, most medicinal cannabis products are considered to be unapproved medicines. The TGA does not vouch for the quality, safety, and effectiveness of unapproved products.

Legal implications

Using medicinal cannabis that has been prescribed by a medical practitioner or other health care professional is legal in NSW.

However, many of these products are known to impair the ability to drive and/or safely operate other machinery.

It is an offence in NSW for drivers to operate a vehicle with any level of Tetrahydrocannabinol (THC) in their system, regardless if it has been prescribed.

This means if a driver is taking medicinal cannabis and tests positive to a drug test, they could lose their license. There may also be insurance implications for drivers convicted of these offences.

Fitness for work in the NSW coal industry

The prescription and use of medicinal cannabis can have implications for fitness for work, shift patterns, and role requirements in mining, particularly for safety-critical roles.

Like any other medicine that may affect decision-making and safety, coal mine workers who are prescribed medicinal cannabis should not drive or perform hazardous tasks with any THC in their system.

It is the responsibility of coal mine workers to understand their workplace policy regarding the use of medicinal cannabis. They should also discuss any prescribed medicinal cannabis use with their employer.

When assessing a coal mine worker, an Order 43 approved medical practitioner needs to consider the condition being treated, the position of the coal mine worker, and whether the medication may impair or impact the coal mine worker's decision-making and/or safety.

- Prescribed medicines containing THC (i.e. medicinal cannabis) are incompatible with safety-critical work. Even "pure" cannabinoid (CBD) preparations can contain up to 2% THC, which may reach detectable levels during use.
- Fitness for work is determined with respect to the underlying condition, response, and side effects of any prescribed medication including medicinal cannabis.
- If a coal mine worker is taking prescribed medicinal cannabis, they should discuss this with their prescribing medical practitioner or health care professional to explore alternative treatments that will not impact fitness to drive and their ability to perform hazardous tasks.
- Any Order 43 medical assessment certificate/s will include a comment that medical cannabis use has been declared.