



Cabinet Economic Development Committee

Minute of Decision

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An Enhanced Drug Driver Testing Regime

Portfolios **Police / Acting Associate Transport (Hon James Shaw)**

On 12 September 2018, the Cabinet Economic Development Committee (DEV):

Background

- 1 **noted** that:
 - 1.1 the number of road deaths in New Zealand has been rising since 2013;
 - 1.2 to reverse this trend, the government has put safety at the forefront of decision-making on land transport in the Government Policy Statement on Land Transport 2018 and is developing a new road safety strategy;

Drugs that impair driving are being used by drivers in New Zealand

- 2 **noted** that, although there are some limitations in the data available, research demonstrates there are number of recreational and prescriptions drugs and other substances that have the potential to impair driving ability and increase crash risk;
- 3 **noted** that a significantly large number of New Zealanders are using impairing drugs and driving;

New Zealand's current drug driver testing regime has limitations

- 4 **noted** that:
 - 4.1 New Zealand's current drug driving detection and enforcement regime is based on a behavioural test that is effective for identifying drug drivers, but is resource intensive;
 - 4.2 the New Zealand Police is not able to undertake enough tests to provide effective general deterrence of drug driving;

Legislation

- 5 **noted** that a Member's Bill, the Land Transport (Random Oral Fluid Testing) Amendment Bill (the Member's Bill), which commenced its first reading on 5 September 2018, seeks to introduce oral fluid testing as an enhancement to the current compulsory impairment testing regime;

- 6 **noted** that the Member's Bill raises issues that are fundamental to the design of an enhanced drug driver testing regime that need to be considered more fully, including that the Bill's provisions limit rights and freedoms affirmed under the New Zealand Bill of Rights Act 1990;
- 7 **agreed in principle**, subject to paragraphs 10-12 below, to develop a government Bill to progress legislation for an enhanced drug driver testing regime;

Objectives of a drug driver detection and enforcement regime

- 8 **agreed** that the framework for a drug driver detection and enforcement regime be based on the following objectives:
- 8.1 deter people from driving under the influence of drugs;
 - 8.2 remove impaired drivers from the road;
 - 8.3 sanction impaired drivers in a way that is proportionate with risk;
 - 8.4 be consistent with the National Drug Policy 2015-2020;
 - 8.5 not unjustifiably limit rights affirmed by the New Zealand Bill of Rights Act 1990;
- 9 **agreed** that the current behavioural test for drug driving be retained as part of any enhanced drug driver detection and enforcement regime;

Public consultation

- 10 **agreed** to undertake public consultation to inform the development of policy options for enhancements to the current drug driver testing regime, including:
- 10.1 methods of testing for the presence of drugs or levels of drugs, for example oral fluid testing;
 - 10.2 the types of drugs that may be tested for, and the process for prescribing them;
 - 10.3 the circumstances in which drivers may be tested for drug driving, for example randomly, following an incident, or when there is 'good cause to suspect';
 - 10.4 the evidence that would be required to establish that an offence has been committed;
 - 10.5 the sanctions that might apply to offences of drug driving, for example criminal or infringement penalties;
- 11 **invited** the Minister of Police and the Acting Associate Minister of Transport (Hon James Shaw) to report back to DEV in October 2018 with a draft public discussion document, to enable public consultation to take place before the end of 2018;
- 12 **noted** that the consultation will be undertaken over a period of four weeks before the end of 2018, with policy options being submitted to DEV for approval by the end of March 2019;

Publicity

- 13 **noted** that, following Cabinet's consideration of the paper under DEV-18-SUB-0193, the Minister of Police and the Acting Associate Minister of Transport (Hon James Shaw) will announce that public consultation will be undertaken on options to enhance New Zealand's drug driving testing regime before the end of 2018, to inform the development of new legislation in 2019.

Janine Harvey
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Grant Robertson (Chair)
Hon Phil Twyford
Hon Dr Megan Woods
Hon David Parker
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Shane Jones
Hon Willie Jackson
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

Hard-copy distribution:

Minister of Police
Acting Associate Minister of Transport (Hon James Shaw)

