



**Road Transport Forum NZ Submission
to the:
Transport and Infrastructure Select
Committee
on the
Land Transport (Drug Driving)
Amendment Bill**

Road Transport Forum NZ
PO Box 1778
Wellington
Ph: (04) 472 3877
Contact: Nick Leggett CE

February 2021

Road Transport Forum (RTF) submission on the Land Transport (Drug Driving) Amendment Bill

1. Representation

- 1.1 Road Transport Forum New Zealand (RTF) is made up of several regional trucking associations for which the RTF provides unified national representation. RTF members include Road Transport Association NZ, National Road Carriers, and NZ Trucking Association. The affiliated representation of the RTF is some 3,000 individual road transport companies which in turn operate 16-18,000 trucks involved in commercial road freight transport, as well as companies that provide services allied to road freight transport.
- 1.2 The RTF is the peak body and authoritative voice of New Zealand's road freight transport industry which employs 32,868 people (2.0% of the workforce), and has a gross annual turnover in the order of \$6 billion.
- 1.3 RTF members are predominately involved in the operation of commercial freight transport services both urban and inter-regional. These services are entirely based on the deployment of trucks both as single units for urban delivery and as multi-unit combinations that may have one or more trailers supporting rural or inter-regional transport.
- 1.4 According to Ministry of Transport research (National Freight Demands Study 2018) road freight transport accounts for 93% of the total tonnes of freight moved in New Zealand.

2. Introduction

- 2.1 The RTF welcomes the opportunity to comment and submit on the Land Transport (Drug Driving) Amendment Bill. We have not commented on criminal limits or qualifying drugs as we believe these areas are best left to experts.
- 2.2 RTF is a committed advocate for comprehensive road side testing for drug impairment, whether the impairment is the result of recreational drug use, or the use of prescription pharmaceuticals.
- 2.3 Data from Waka Kotahi NZ Transport Agency's Crash Analysis System shows that the number of fatalities from crashes where a driver has found to have used drugs before driving has increased to the point where they are now more than the number of fatalities involving drivers who have exceeded drink driving limits. This data is likely to under represent the truth as drivers are not always drug tested. Adequate drug testing will allow for more accurate data.

- 2.4 For commercial drivers, including truck drivers, New Zealand's public roads are their workplaces. They share these roads with members of the public who may not have the driving hours, skills, or drug-testing regimes that professional drivers have. Drug impaired drivers on public roads present significant risk to commercial drivers, as well as all others on the road. While businesses can mitigate their own health and safety risks, they cannot mitigate the randomness of drugged drivers on public roads.
- 2.5 Commercial truck drivers are drug tested pre-employment, randomly during their employment, and post any kind of incident during their work time.
- 2.6 The RTF believes other drivers should also have this scrutiny to ensure better road safety in New Zealand and meet the goals of the Government's *Road to Zero* strategy and action plan.

3. Comments on the General policy statement

- 3.1 The RTF supports the establishment of a new random roadside oral fluid testing regime to sit alongside the current compulsory impairment test (CIT) approach to drug driving. We agree that addressing drug driving is necessary to reduce road trauma and make our roads safer.
- 3.2 We question the Bill's proposal that drivers would submit to two consecutive oral fluid tests before there would be any infringement penalties and suggest this should be one test, consistent with the drink driving testing regime. If there are to be two consecutive oral fluid tests, the reasons need to be explicit.

3.3 The CIT process

- 3.3.1 This seems overly confusing for both the driver and the police officer who has stopped them. We believe the police officer should have all the tools at their disposal to test for drugs and not be restricted to a process that excludes CIT or oral testing if one is done before the other. Police officers would have to be well educated on the processes and the loopholes this proposed process allows.

3.4 Injured drivers and drivers involved in a crash

- 3.4.1 To provide adequate statistical analysis around the harm caused by drugs on New Zealand roads, the RTF believes drivers involved in crashes should always be tested for drugs, whether they are injured or not, and if they are deceased as part of the autopsy process. This is an area of data gathering that is currently not robust because if the presence of alcohol is obvious, the drivers are not

then necessarily tested for drugs.

3.5 Offences and penalties

- 3.5.1 The RTF believes there should be provision for drugged drivers who cause the death of a person to have a higher penalty than those who cause injury. Driving while or after using drugs is a deliberate act.

3.6 Harm minimisation approach to drug driving

- 3.6.1 The RTF supports a harm minimisation approach to drug driving. We would want to see adequate funds diverted to this to cover drug education and rehabilitation programmes. However, we would not want to see the harm minimisation approach minimise the seriousness of offending.

4. Concluding comments

- 4.1 The RTF would like to see the Land Transport (Drug Driving) Amendment Bill enacted as soon as possible. New Zealand's road toll is an embarrassment and must be taken seriously. Statistics show that drivers impaired by drugs are causing harm and deaths on our roads. We believe too much emphasis can be placed on the drugged drivers' rights at the expense of the rights of those they maim and kill. Police must have access to tools to drug test drivers on the road side to meet the Government's imperatives in its *Road to Zero* strategy and action plan.
- 4.2 While the RTF supports a harm minimisation approach to drug driving, this should not be at the expense of taking the offence of drug driving seriously. Driving under the influence of drugs is a deliberate act and should be treated accordingly in law. Harm minimisation will require adequate funds to cover drug education and rehabilitation programmes and we have yet to see evidence of this in New Zealand. In fact, drug rehabilitation is woefully under-funded.

5. Appearing before select committee

- 5.1 The Road Transport Forum would like the opportunity to appear before Select Committee to discuss our submission.

Nick Leggett
Chief Executive
Road Transport Forum