

**From:** s9(2)(a)  
**To:** Robertson, Kathleen  
**Cc:** s9(2)(a) Johnston, Anna; Crooke, David; @.; s9(2)(a)  
**Subject:** RE: NZBORA advice on the Land Transport (Drug Driving) Amendment Bill  
**Date:** Friday, 26 July 2024 13:32:35

Thanks Kathleen! This is exactly what I was after

Cheers,  
s9(2)(a)



s9(2)(a)

**Private Secretary – Justice | Office of Hon Paul Goldsmith**  
 Minister for Arts Culture and Heritage | Minister of Justice | Minister for Media and Communications  
 Minister for State Owned Enterprises | Minister for Treaty of Waitangi Negotiations

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Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

**From:** Robertson, Kathleen <xxxxxxx.xxxxxxxx@xxxxxxx.xxxx.xx>  
**Sent:** Friday, July 26, 2024 1:31 PM  
**To:** s9(2)(a) @parliament.govt.nz  
**Cc:** s9(2)(a) @parliament.govt.nz; Johnston, Anna <xxx.xxxxxxxx@xxxxxxx.xxxx.xx>;  
 Crooke, David <xxxx.xxxxx@xxxxxxx.xxxx.xx>; xxxxxx@xxxxxxx.xxxx.xx; s9(2)(a)

**Subject:** NZBORA advice on the Land Transport (Drug Driving) Amendment Bill

Kia ora s9(2)(a)

I understand that the Minister has requested an update on our NZBORA advice on the Land Transport (Drug Driving) Amendment Bill.

Please find an overview of our advice below, and note it contains information that is legally privileged.

Ngā mihi,

Kathleen

**New Zealand Bill of Rights Act (NZBORA) advice on the Land Transport (Drug Driving) Amendment Bill**  
**(legally privileged)**

1. The Bill amends the Land Transport Act 1998 to resolve issues with the current oral fluid testing regime for drug-impaired driving. Police have not been able to meet the current statutory requirements as there are no commercially available testing devices that are sufficiently accurate.
2. The Bill introduces new device approval criteria that accounts for a low proportion of false positive or false negative results, as well as the detection of families of drugs. Given these limitations on device accuracy, the devices will be used at the roadside for screening only, which will be followed by evidential testing of an oral fluid sample in a laboratory to confirm the readings. Confirmation by the lab is required before infringement notices are issued for driving while drug impaired. However, a driver who fails two roadside screening tests is prohibited from driving for 12 hours, to mitigate any immediate road safety risk.

s9(2)(h)

s9(2)(h)



**Kathleen Robertson** (she/her)

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