

Insurance Council of New Zealand

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Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Email: ti@parliament.govt.nz

Dear Committee Members,

Insurance Council of New Zealand submission on the Land Transport (Drug Driving) Amendment Bill (Government Bill 317-1)

Thank you for the opportunity to submit on the Land Transport (Drug Driving) Amendment Bill that was introduced into Parliament in July 2020.

The Insurance Council of New Zealand (ICNZ) represents general insurers that insure about 95 percent of the New Zealand general insurance market, including about a trillion dollars' worth of New Zealand property and liabilities. ICNZ members provide insurance products ranging from those usually purchased by individuals (such as private motor vehicle insurance, home and contents insurance & travel insurance,) to those purchased by small to large businesses (such as commercial motor insurance, product and public liability insurance, professional indemnity insurance, commercial property, and directors and officers insurance).

The Insurance Council of New Zealand has reviewed the Land Transport (Drug Driving) Amendment Bill.

We support the intent of the Amendment Bill; however, the Amendment Bill could be undermined as it currently stands due to the following two factors.

We believe that the Bill is flawed by virtue of "schedule 5" (the list of drug substances and cut-off thresholds linked to the impairment levels of those drug substances) not being included in the Amendment Bill, and The Amendment Bill should still require Police to carry out impairment test if they suspect the driver is impaired. We understand that the Oral Fluid Test may not be foolproof for every drug, medication and masking agent available now and into the future.

We are concerned about that the proposed Oral Fluid Test that Police can randomly undertake, appears to take precedent over the existing impairment test.

The Amendment Bill does not have the "schedule 5" list of drug substances and the cut-off thresholds linked to the impairment levels of those drug substances. Some of those substances may be prescription medications that are commonly used by many New Zealanders.

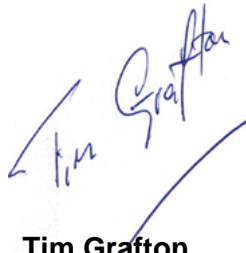
We understand that “schedule 5” will be gazetted later however not having “schedule 5” included with the Amendment Bill is an oversight as knowing the list of drug substances and the cut-off thresholds linked to impairment will be important to those commenting and supporting the Amendment Bill.

We are concerned that we may see Police use the instant fines where the Oral Fluid Test provides evidence of use without establishing whether or not there is any impairment if the present impairment test takes more time and effort. Conversely our concerns remain if the driver passes the impairment test but is still impaired due to the nature of the drug, medications and or any masking agents.

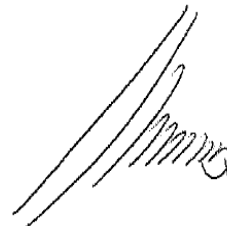
The Insurance Council and its members support a zero tolerance to impaired driving; however, this Amendment Bill is flawed to our way of thinking. Without the detail on the drug substances that would be in “schedule 5” and a requirement that the impairment test is used, then it is difficult for us to fully support the Amendment Bill in its present form.

We wish to appear before the Committee to speak to our submission.

Yours sincerely,

A handwritten signature in blue ink that reads "Tim Grafton". The signature is written in a cursive style with a long horizontal stroke at the end.

Tim Grafton
Chief Executive

A handwritten signature in black ink that reads "John Lucas". The signature is written in a cursive style with a long horizontal stroke at the end.

John Lucas
Insurance Manager