

House of Representatives

Supplementary Order Paper

Tuesday, 23 November 2021

Land Transport (Drug Driving) Amendment Bill

Proposed amendments to SOP No 96

Hon Julie Anne Genter, in Committee, to move the following amendments:

Clause 39 and cross-heading above clause 39

Delete the amendment to *clause 39* and the cross-heading above *clause 39* (page 3).

Schedule 1

Replace the amendment to *Schedule 1* (page 3) with:

Replace *Schedule 1* (page 42, lines 1 to 34) with:

Schedule 1

New Part 4 inserted into Schedule 1

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Part 4	
Provision relating to Land Transport (Drug Driving) Amendment Act 2020	
20	Review of amendments made by Land Transport (Drug Driving) Amendment Act 2020
(1)	The Minister must appoint a reviewer to undertake a review of the amendments made by the Land Transport (Drug Driving) Amendment Act 2020 —
(a)	no earlier than 3 years after the commencement of that Act; and

- (b) no later than 4 years after the commencement of that Act.
- (2) The Minister must ensure that the reviewer appointed under **subclause (1)** is independent of the—
- (a) New Zealand Police; and
 - (b) Ministry of Transport.
- (3) The review undertaken under **subclause (1)** must, subject to **clause 21**, consider—
- (a) the impact of the amendments; and
 - (b) the reliability of oral fluid tests and blood tests in assessing a person's impairment; and
 - (c) whether appropriate thresholds and impairment levels have been set for different drugs; and
 - (d) whether the amendments have been appropriately implemented by the New Zealand Police and other relevant entities; and
 - (e) whether the amendments have had a disproportionate impact on Māori and Pasifika people; and
 - (f) the extent to which, if it can be assessed, the number of people driving while impaired by drugs has changed since the amendments came into force; and
 - (g) whether—
 - (i) further amendments should be considered;
 - (ii) any of the amendments should be repealed; and
 - (h) any other matter that the Minister requests the reviewer examine; and
 - (i) any other matter that the reviewer considers relevant.
- (4) The reviewer must provide the review to the Minister within 12 months of the date of the reviewer's appointment under **subclause (1)**.
- (5) The Minister must, within 60 working days of the day the review is provided to the Minister under **subclause (4)**, present to the House of Representatives—
- (a) the review; and
 - (b) a response to the review.
- 21 Order for review to not consider matters**
- (1) The Governor-General may, by Order in Council, on the advice of the Minister, require that the review undertaken under **clause 20** not consider 1 or more of the matters identified in **clause 20(3)**.

- (2) Before advising the Governor-General to make an Order in Council under **subclause (1)**, the Minister must present a paper to the House of Representatives explaining the reasons why, in the Minister's view, the review should not consider the matters identified in the Order in Council.
- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Explanatory note

This Supplementary Order Paper amends Supplementary Order Paper No 96 amending the Land Transport (Drug Driving) Amendment Bill to require the Minister of Transport to commission an independent review of the regime. The review would need to start between the 3-year anniversary and the 4-year anniversary of the law coming into force, and would need to be independent of the New Zealand Police and the Ministry of Transport. A Government response would be required.