



**BUS & COACH  
ASSOCIATION  
NEW ZEALAND**



## Roadside drug testing



# Agenda

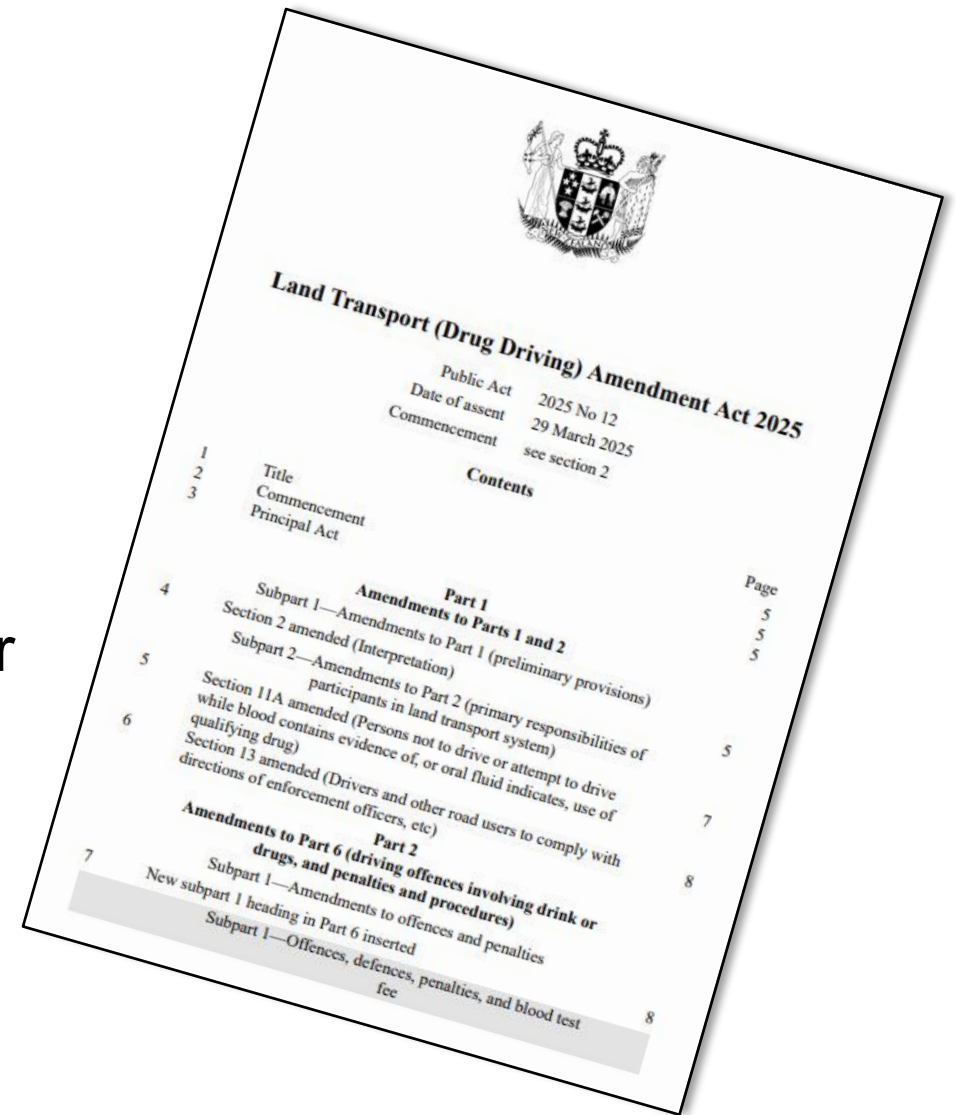
- Introduction
  - summary of the Land Transport (Drug Driving) Amendment Act
- Insp. Scott Richardson, Police Commercial Vehicle Safety Team
- Glenn Dobson CEO, The Drug Detection Agency
- Michael O'Flaherty, Senior Associate, Gibson Sheat Lawyers

# Introduction

- Mark Stockdale: [mark@transporting.nz](mailto:mark@transporting.nz)
- Rob Giller: [rob@bcanz.co.nz](mailto:rob@bcanz.co.nz)

# Introduction

- The Land Transport (Drug Driving) Amendment Act
  - in force from 15 December 2025
  - new roadside oral fluid testing regime for drug impairment
  - same powers as alcohol breath testing



The image shows the cover of the Land Transport (Drug Driving) Amendment Act 2025. It features the New Zealand coat of arms at the top. Below the title, it states 'Public Act', 'Date of assent 2025 No 12', and 'Commencement 29 March 2025'. A 'Contents' section follows, listing the title, commencement, and principal act. The main body of the document is divided into two parts: 'Part 1 Amendments to Parts 1 and 2' and 'Part 2 Amendments to Part 6 (driving offences involving drink or drugs, and penalties and procedures)'. The table of contents lists the following sections and their corresponding page numbers:

	Page
1 Title	5
2 Commencement	5
3 Principal Act	5
4 Subpart 1—Amendments to Part 1 (preliminary provisions)	5
Section 2 amended (Interpretation)	5
5 Subpart 2—Amendments to Part 2 (primary responsibilities of participants in land transport system)	5
Section 11A amended (Persons not to drive or attempt to drive while blood contains evidence of, or oral fluid indicates, use of qualifying drug)	7
6 Section 13 amended (Drivers and other road users to comply with directions of enforcement officers, etc)	8
7 Part 2 Amendments to Part 6 (driving offences involving drink or drugs, and penalties and procedures)	8
Subpart 1—Amendments to offences and penalties	8
New subpart 1 heading in Part 6 inserted	8
Subpart 1—Offences, defences, penalties, and blood test fee	8

# Inspector Scott Richardson, Police Commercial Vehicle Safety Team

- When is oral drug testing being rolled out?
- What is the process to undergo a roadside test(s), and what drugs are tested for?
- What about drivers taking prescription medications?
- How is impairment measured?
- What are the penalties and test fees?



***Drug driving is on the rise. About 30% of all road deaths involve the consumption of an impairing drug – almost equal to alcohol.***

Crash Analysis System, 2023

Safety is a core Police goal and ultimately, we want to make our roads safer for everyone. Everyone deserves to get to their destination safely.

# *Police will test drivers for specified drugs at the roadside from December 2025*

The Land Transport (Drug Driving) Amendment Act 2025 updates the Land Transport Act 1998 to enable NZ Police to rollout roadside drug driving testing.

## **This will help:**

- ▶ Deter drug driving
- ▶ Stop those who drive with drugs that impair their ability to drive safely
- ▶ Reduce the number of serious injuries and death caused by drug drivers on our roads.



# *What is roadside drug driving testing?*

- ▶ The roadside drug test screens a driver's oral fluid (saliva) for the presence of drugs.
- ▶ Drivers may be tested for drugs at checkpoints or other roadside stops.
- ▶ It is officially called **Oral Fluid Testing (OFT)**, but is generally referred to as roadside drug driving testing.
- ▶ Outcomes for offences are primarily infringement-based.
- ▶ Police do not require good cause to suspect impairment or consumption of drugs to do a test.

## Police tools to detect drugs, alcohol and impairment:

NEW



### Oral Fluid Testing

Presence/concentration of drugs in saliva



### Compulsory Impairment Test

Behaviour assessment for impairment



### Drug-Blood Testing

Concentration of drugs in blood



### Alcohol Breath Testing

Presence of alcohol in breath



# Drugs to be tested

AT OR ABOVE A  
SPECIFIED DRUG  
THRESHOLD



AT ROADSIDE (WITH DRIVER)

**THC** (cannabis)

**MDMA** (ecstasy)

**Methamphetamine**  
(meth)

**Cocaine**



IN LABORATORY

Test for all **25 listed**  
qualifying drugs

**12%** of first roadside drug screening tests expected to  
return a positive result and move to lab testing

# Roadside capability

Police



## 1. Oral fluid screening test

Screens oral fluid (saliva) for the presence of drugs at the roadside.

Produces a positive or negative result against the drugs it screens for.



At 5 mins officer observes the device for the result



## 2. Oral fluid collection kit

Collects an oral fluid (saliva) sample to be sent to the laboratory for confirmatory testing.

*Only required if oral fluid screening test is positive for one or more specified drugs*

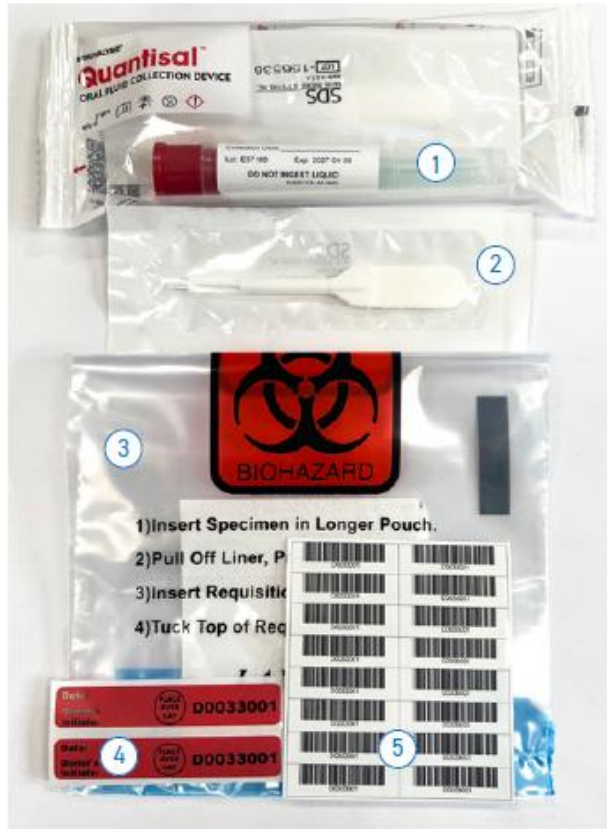


May take 2-10 mins for the collection time

# *DrugWipe 3 S*



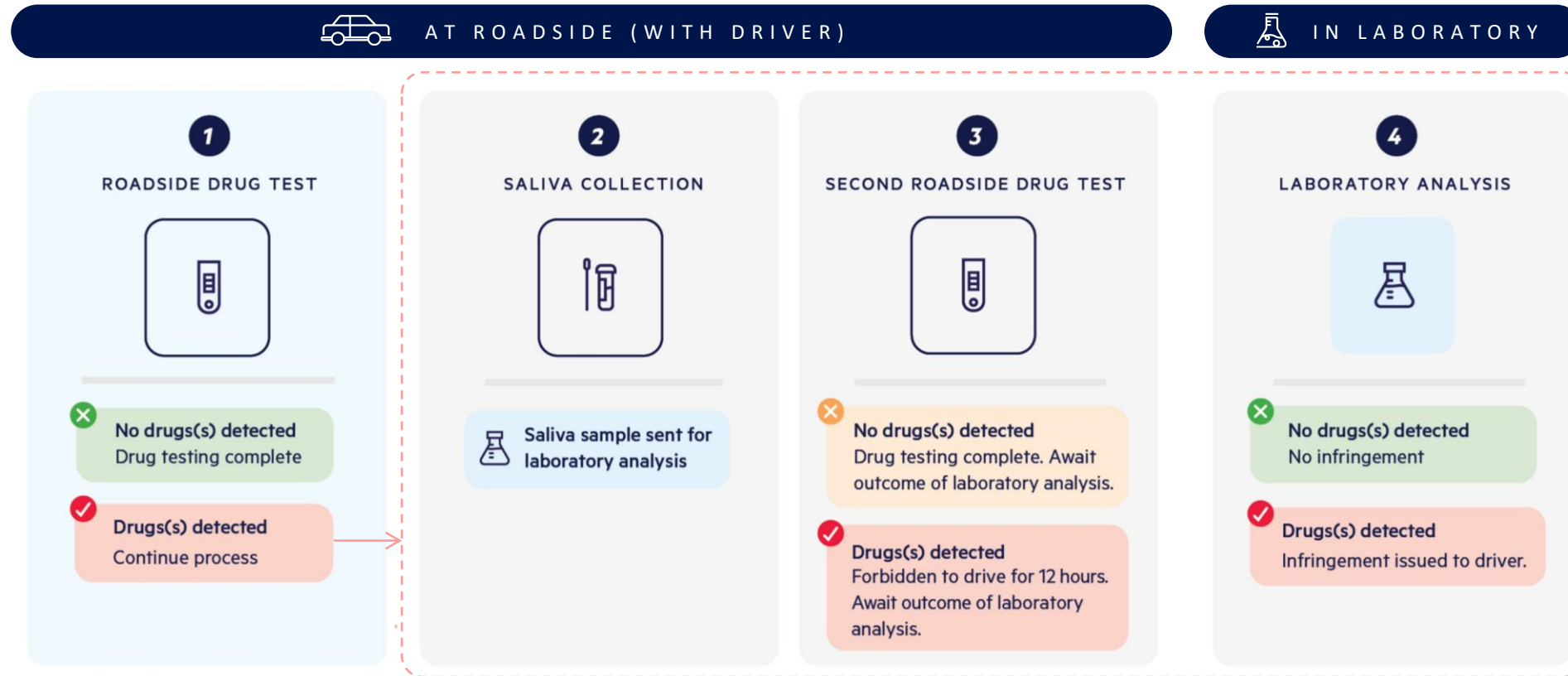
# Pathtech Oral Fluid Collection Kit



1. 1 x Quantisal Oral Fluid Collection Device
2. 1 x SDS Saliva Collector
3. 1 x Transport Bag
4. 2 x Red Tamper Evident Labels
5. 1 x Sheet (16) Barcode Identification Labels

# How will the process work?

Oral fluid testing will be added to Police's existing toolkit for detecting alcohol, drugs and impairment.



# Infringements & Outcomes

POSITIVE DRUG PRESENCE:	FINE	LICENCE DEMERIT	DRIVING BAN
2x positive roadside drug screening tests	-	-	Prohibited from driving for 12 hours
One drug present in laboratory testing	\$200	50	-
Two or more drugs present in laboratory testing	\$400	75	-

REFUSAL OR FAILURE TO:	FINE	LICENCE DEMERIT	DRIVING BAN
Remain or accompany an officer	\$400	75	Prohibited from driving for 12 hours
Undertake a test without delay			

- ▶ Same infringement applies for repeat offences.
- ▶ If a driver has a drug-blood test, this could lead to infringement or criminal charge (depending on the concentration level).
- ▶ There are different penalties for combination offences that include alcohol and drugs.





# ***When will testing begin?***

Police will be ready to introduce this new enforcement tool and start roadside drug driving testing from December 2025

**December 2025**

**End January –  
Early February 2025**

**From April 2026**

1

**Wellington**

2

**Lower North Island\***

Commercial Vehicle Safety Centre

3

**National**

We intend to start rolling out nationally

Police will start testing at roadside checkpoints





# Key takeaways

- Drivers will usually be tested for alcohol first before drug testing.
- If the first roadside drug test is positive for drugs, the driver will need to provide a saliva sample (for laboratory analysis), then do a second roadside drug test.
- Two positive roadside drug tests means the driver is forbidden to drive for 12-hours.
- Infringement only issued if saliva sample is positive in lab analysis.
- Failure or refusal to remain, accompany an officer, or undertake a test receive the maximum infringement (\$400, 75 demerits + 12-hour forbid to drive).
- The Compulsory Impairment Test (CIT) remains the test for 'impairment' and should be used when an officer has good cause to suspect impaired driving.



# Implementation approach

Police will be ready to introduce this new enforcement tool and start drug driving testing from December 2025

*Phase 1*  
*December 2025 – March 2026*

## **SMALL MANAGED ROLLOUT**

- ▶ Testing to start at checkpoints.
- ▶ Number of drug screening tests will be based on training completion and number of shifts where testing is conducted.

### **Operational teams:**

- ▶ Wellington Impairment Prevention (IPT).
- ▶ Selected Wellington Road Policing team members.
- ▶ Some of Lower North Island Commercial Vehicle Safety Team (CVST) will join late Jan or early Feb.



Media 'go live' event with Ministers in December

*Phase 2*  
*April 2026 – onwards*

## **PROGRESSIVE NATIONAL ROLLOUT**

- ▶ Starting from April 2026 to coincide with the release of the full digital solution.
- ▶ 50,000 tests per annum target commences FY26/27.

### **Operational teams:**

- ▶ IPT, road policing, and CVST teams trained and deployed incrementally across each district.

# Questions?

(see last slide)



# Glenn Dobson

## The Drug Detection Agency

- The TDDA and what it does
- TDDA data on drug testing in the workplace and trends
- How TDDA can help operators combat impaired drivers



# The ideal process

From start to finish:

- Policy – legally required; annual reviews
- Training/Education – from toolboxes to formal training
- Testing – reasons; methods; pros & cons

TDDA Group Limited © 2022  
Restricted Document – not to be released without Head Office  
approval



# Testing Methodology Landscape



TDDA Group Limited © 2022  
Restricted Document – not to be release without Head Office approval

# What Are We Seeing? TDDA stats

- TDDA completes circa 250,000 drug tests per annum
- In New Zealand the screening non-negative rate is 3.75%
- In Australia the the screening non-negative rate is 3.4%
- Quest Drug Test Index (US based) = 4.4% positive rate

TDDA Group Limited © 2022  
Restricted Document – not to be release without Head Office  
approval



# What Are We Seeing? TDDA stats

Of the non-negative (positive) results in NZ:

- 69.8% indicated THC (prescribed or illicit?)
- 28.5% indicated ATS (we love our meth)
- 16% indicated Opioids (this is the growth area)

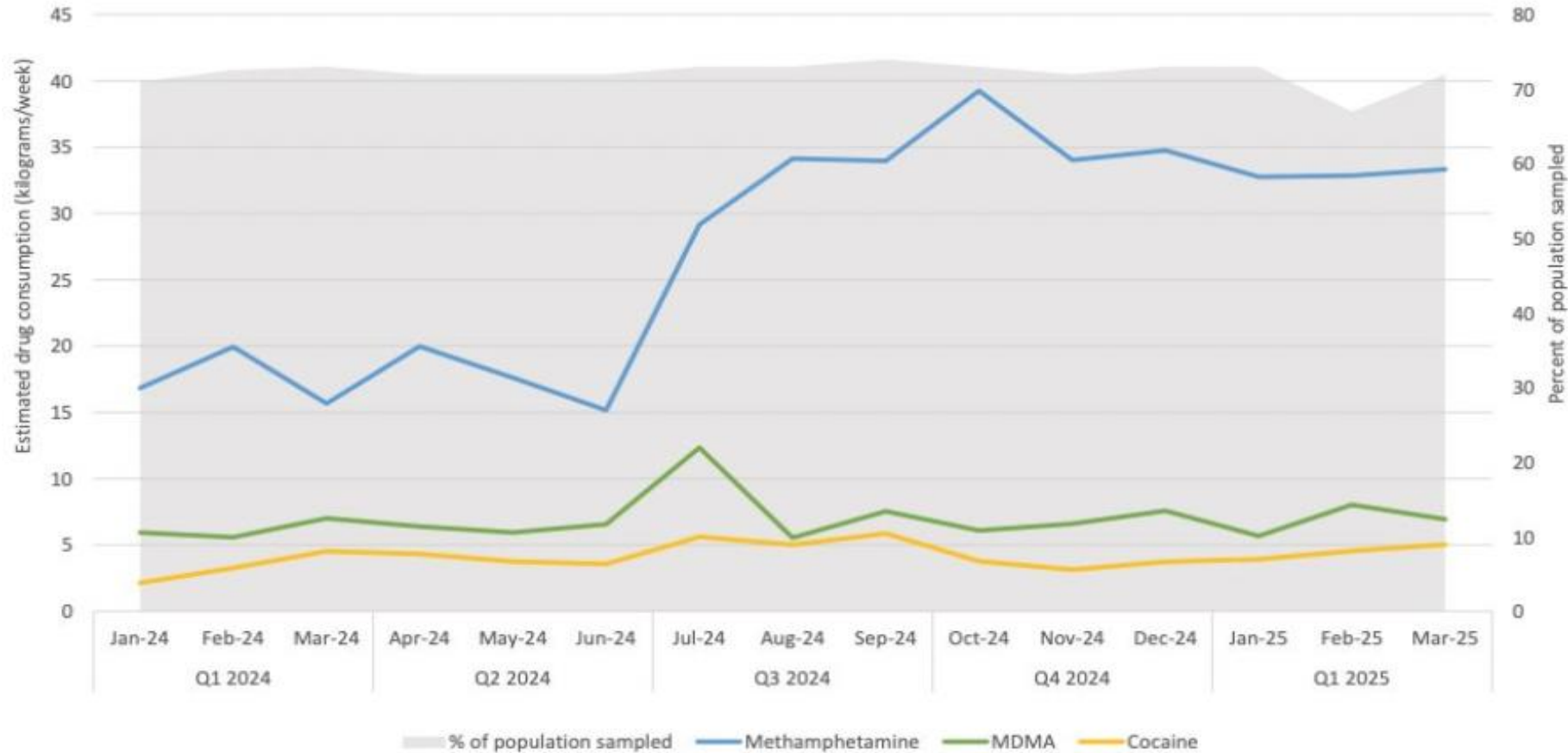
Of the non-neg results in NZ for the Transport industry:

- 57.8% indicated THC
- 26.1% indicated ATS
- 26.1% indicated Opioids (higher than the national average – why?)
- Benzo's are also higher (5.72% vs 3.98%)

TDDA Group Limited © 2022  
Restricted Document – not to be release without Head Office  
approval

# Waste Water Testing - NZ

ESTIMATED WEEKLY DRUG USE ACROSS ALL SITES



TDDA Group Limited © 2022  
Restricted Document – not to be release without Head Office approval

# How it may evolve



# How it may evolve



nitazines





# Questions?

(see last slide)



# Michael O'Flaherty

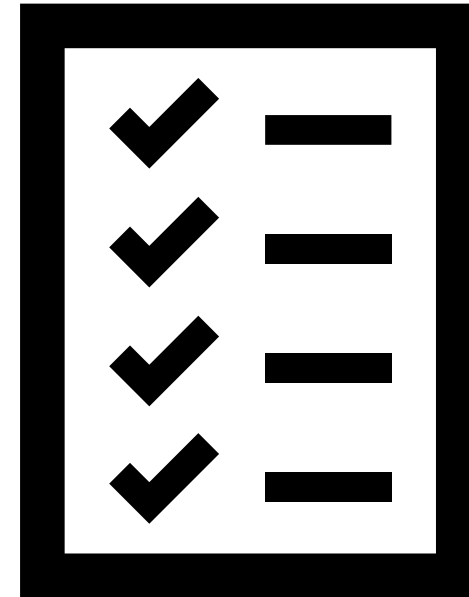
## Gibson Sheat Lawyers

- Obligations on employers and other PCBUs
- Employer testing rights and responsibilities
- What to put in your contracts/agreements
- What to do when things go wrong



# Today's Agenda

1. Obligations on Employers and other PCBUs
2. Employer Testing Rights and Responsibilities
3. What to put in your contracts / agreements
4. What to do when things go wrong - Scenario





# Obligations on Employers and other PCBUs

**PCBUs** – Must ensure so far as reasonably practicable the health and safety of workers while at work / activities for the PCBU (Section 36)

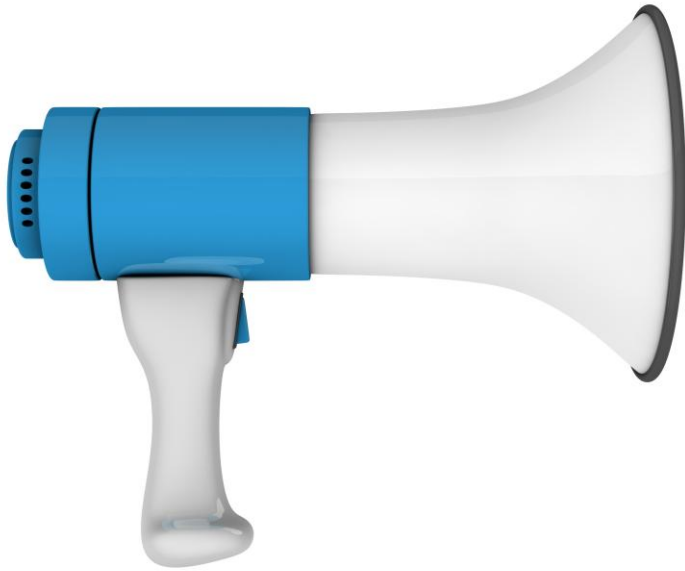
**Officers** – an officer of the PCBU must exercise due diligence to ensure that the PCBU complies with the duties or obligations under the Act (Section 44)

**Workers** – take reasonable care for own health and safety and not adversely affect the health and safety of other persons, as well as comply with instructions and any policies and procedures (Section 45)

**Consider: Adopt a Drug Driving Specific Policy**



# Obligations on Employers and other PCBUs



Relevant duties:

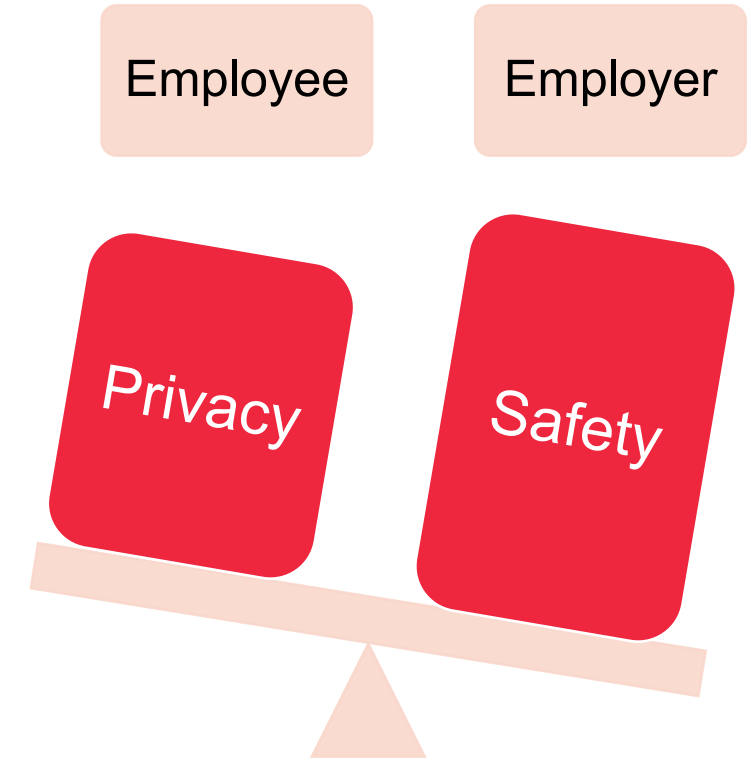
- Eliminate risks to health and safety, or minimise where not reasonably practicable to eliminate
- Provide information, training, instruction, or supervision that is necessary to protect all persons from risks
- to acquire, and keep up to date, knowledge of work health and safety matters

Consider providing a pamphlet on Roadside Drug Testing

# Employer Testing Rights and Responsibilities

- No Statutory entitlement for employers to test.
- Ensure this is included in employment documentation:
  - Employment Agreement – Excellent
  - Policy – still fine but take steps
- Duty to provide a safe workplace justified a policy of random drug-testing
- The employer has a duty to identify potential causes and sources of harm in the workplace, and a duty to monitor employees' exposure to hazards.
- The greater the health and safety risk the lower the privacy intrusion.

Consider reviewing your employment documentation



# What to put in your contracts / agreements



## ***Suggested Policy Wording: Defining the circumstances (only for Work Safety-Related Purposes)***

- A. Safety sensitive positions: unannounced random alcohol and drug testing.
- B. Safety sensitive position, a medical examination by a medical practitioner appointed by the employer including testing for alcohol and drugs, which will be a prerequisite to consideration for appointment to the position.
- C. All employees, testing for alcohol and drugs:
  - after a significant work accident or near miss;
  - where reasonable cause exists to suspect alcohol or drug use.
- D. An employee is absent from work in circumstances that give the employer reasonable cause to suspect that the absence is due to misuse of alcohol or drugs, the employer may require as a condition of returning to work that the employee undergo testing under this clause.

Refer: General Testing Procedure: the Australian/New Zealand Standard AS/NZS 4308:2008

# What to put in your contracts / agreements

- Disclosure of failed tests – positive obligation to report these (probably falls under H + S duties)
- Disclosure of lab test results

Consider:

- Suspension provision?
- EAP clause – offer help?
- Medication disclosure?





# What to do when things go wrong - Scenario

## Scenario:

- Worker transporting perishable cargo in Mackenzie District
- Directed to undertake Roadside Drug Test
- Fails both tests – mandatory stand-down for 12 hours. Blood test

## What do you do?

### Immediate considerations

- That worker cannot drive – they may be arrested.
- Ensure worker immediately contacts employer to advise of issue.
- Options:
  - Wait out the 12 hour period – still a risk of impairment
  - Provide a replacement driver – is that realistic?
  - Is there another company that can assist and provide a driver?



# What to do when things go wrong - Scenario

## Mid-term

- Employment processes? Suspension?
- Remind staff of importance of not driving impaired
- Limited Licence requirements?
- Testing of staff?
- Consider offering EAP

## Long-term

- Review Policies and Employment Documentation
- Send out regular reminders to staff about testing
- Keep statistics and reporting



# Thanks, Let's Connect

**Michael O'Flaherty**

*Senior Associate, Commercial*

[Michael.oflaherty@gibsonsheat.com](mailto:Michael.oflaherty@gibsonsheat.com)

Ph: 04 916 7494



[www.gibsonsheat.com](http://www.gibsonsheat.com)

Business.  
Litigation.  
Property.  
Rural.  
Personal.

# Post Webinar follow-up and Questions/Answers

Mark Stockdale: [mark@transporting.nz](mailto:mark@transporting.nz)

Rob Giller: [rob@bcanz.co.nz](mailto:rob@bcanz.co.nz)

The Q&A below cover all questions asked, whether answered live or subsequently in this document.

Posted Question	Answer
Are there any pamphlets available we could provide our drivers?	In the next two weeks, Associations will be distributing material that can be provided to drivers.
Can this information be recorded in the TORO database - Drug test results?	This has not been included as part of implementation. Associations will follow-up with NZTA/NZ Police on whether this is possible.
So to test for impairment, you are better to do oral testing?	Currently drug tests (urine/oral fluid/hair tests etc) do not test for impairment. They test for the risk of impairment. All testing methods have their pros & cons and it is best to review these to confirm which testing method is best for your circumstances.
Will the operator have disclosure of what kind of a drug the driver has tested positive for?	No, NZ Police will not be disclosing this information to operators.

# Further Questions/Answers

Posted Question	Answer
Will the testing roll-out be focused on checkpoint areas such as CVSC weighbridges (i.e. Ohakea) or will it be a scattergun approach nation-wide?	Yes, for the launch it makes sense to use the CVSC's as a base, as they provide safe controlled environment, but over time OFT could be done anywhere, anytime, just like Alcohol Breath Testing.
With the saliva tests will DNA records be held on file?	No
If a driver is found to be impaired, does the infringements increase and if so to what?	Slide 14 in this Webinar slide pack lists the consequences of testing positive along with the consequences of delaying testing/ not following officer instructions.
If the driver tests positive for amphetamines & has prescription can they drive away?	No – failing two oral fluid screening tests will result in being prohibited from driving for 12 hours. An officer has not discretion given how the Act is currently drafted.
If the second tongue test comes back negative, is the first tongue test disregarded, or will you still send the saliva to the lab?	Yes, the Saliva Test is still sent to a lab if there is a positive followed by a negative screening test.