



BRIEFING FOR THE MINISTER OF POLICE

Priority	<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> Non-urgent		
	Police wish to have these notices gazetted by 29 January 2015 (for enactment 16 February 2015).		
Subject	APPROVAL OF NEW DRÄGER 7510NZ EVIDENTIAL BREATH TESTING DEVICE		
Date	17 December 2014	Ref	BR/14/60MW
First contact	Mike Clement, Deputy Commissioner: National Operations Direct line: 04 474 9510 After hours: 027 446 8326		
Second contact	Dave Cliff, Assistant Commissioner: Road Policing Direct line: 04 470 4894 After hours: 027 249 0325		

Recommendations:

The recommendations are that the Minister of Police:

- (a) note that the Dräger 7510NZ was the successful device in a tender for a new Evidential Breath Testing device (EBT device); part of NZ Police's ongoing EBT device replacement programme; Yes/No
- (b) note that the Dräger 7510NZ may be used to carry out passive, breath screening, and evidential breath testing of drivers; Yes/No
- (c) note that Police wish to deploy the new Dräger 7510NZ device early in 2015. In order to deploy by 16 February 2015, it is necessary to gazette the new device, as well as gazette a number of ancillary notices (by 29 January 2015); Yes/No
- (d) note that Parliamentary Counsel Office (PCO) has drafted a new Land Transport (Breath Tests) Notice to replace the existing Land Transport (Breath Tests) Notice 2009; Yes/No
- (e) note that PCO has drafted a Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Notice 2015 for the new Dräger 7510NZ device; Yes/No
- (f) note that the new notices will authorise Police to use the Dräger 7510NZ device as an EBT device; Yes/No
- (g) note that PCO has drafted a consequential amendment to the Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 9510NZ)) Notice 2009 to ensure that that notice correctly references the new 2015 Land Transport (Breath Tests) Notice; Yes/No
- (h) note that PCO has drafted notices revoking approval of the Seres and Intoxilyzer (devices that are no longer in use by Police); Yes/No

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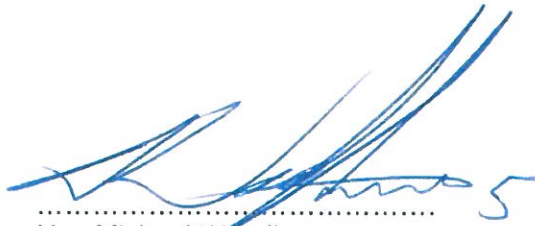
- (i) **agree to consult with the Ministers of Transport and Justice over the matters to be contained in a certificate of compliance for the Dräger 7510NZ device as required by section 75A of the Land Transport Act 1998, and in respect of gazetted notices to revoke approval of the Seres and Intoxilyzer devices;**
- (j) **agree to consult with the Minister of Science and Innovation over the Instrument of Authorisation for issuing of certificates of compliance for the Dräger 7510NZ device, and request the return of a signed copy of the Instrument of Authorisation;**
- (k) **sign (after consultation) signature copies of the attached notices if you are satisfied with their form and content.**

Yes/No
0/1

Yes/No
0

Yes/No
0/1

Minister's comments:



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Hon Michael Woodhouse
Minister of Police

5 / / 2015
Date

APPROVAL OF NEW DRÄGER 7510NZ EVIDENTIAL BREATH TESTING DEVICE

Purpose

1. The purpose of this briefing is to advise you about the steps to be taken by the Minister of Police as required under the Land Transport Act 1998 to formally introduce the new Dräger 7510NZ Evidential Breath Testing (EBT) device for use by Police from 16 February 2015.

Background

2. Alcohol related fatalities represent approximately 25% of all road deaths, and combating drink-driving is a priority for Police. Since the 1990s, the Compulsory Breath Testing Programme has contributed to significant reductions in the number of alcohol related fatalities.
3. Central to compulsory breath testing is the use of both passive and evidential breath alcohol testing devices. Passive devices detect consumption of alcohol, and if a passive test yields a positive result an EBT device is used to accurately measure the proportion of alcohol in a driver's breath by analysing breath blown into the device. The EBT device prints out the result that is evidence in an ensuing prosecution.
4. Police plan to introduce a new EBT device as part of its ongoing technology replacement programme, noting that the current breath screening device (Dräger 6510) is nearing the end of its lifespan. This upgraded technology presents an opportunity to improve the efficiency of drink drive law enforcement. The Dräger 7510NZ device conducts passive, screening and evidential breath tests. Furthermore, use of the device at the roadside means that most drivers undergoing an EBT will not be required to be transported to a second location such as a police station or booze bus. These improvements will enhance Police's general deterrence enforcement model by means of prompt, decisive and routine enforcement.
5. A request for tenders for new breath alcohol testing equipment closed on 29 August 2014, with the Dräger 7510NZ device winning the tender. The Dräger 7510NZ device was subjected to a rigorous testing regime (see attached letter advising of technical testing completed and Appendix 1 Laboratory Testing Report on the Dräger 7510NZ).

Gazette Notice

6. The Dräger 7510NZ now needs to be gazetted so Police can commence using it for breath screening and evidential breath testing.
7. Pursuant to section 2 of the Land Transport Act 1998 you are authorised to approve EBT devices by notice in the *Gazette*.
8. The current *Land Transport (Breath Tests) Notice 2009* must be amended to add the new EBT device. The approach taken by Police is to revoke the *Land Transport (Breath Tests) Notice 2009* and replace it with the *Land Transport (Breath Tests) Notice 2015*. The 2015 notice will approve the use of three Dräger devices as follows: the 6510 (passive and breath screening device only), the new 7510NZ (passive, breath screening, and evidential breath testing), and the 9510NZ (evidential breath testing only). It is proposed to remove devices previously approved and referred to in the 2009 notice; these devices are no longer used by Police (Intoxilyzer, Seres 679T and Seres 679ENZ).

Certificates of Compliance

9. A second related matter is the issuing of certificates of compliance for EBT devices. Each EBT device operated by the Police is required to be calibrated regularly and issued with a certificate of compliance.

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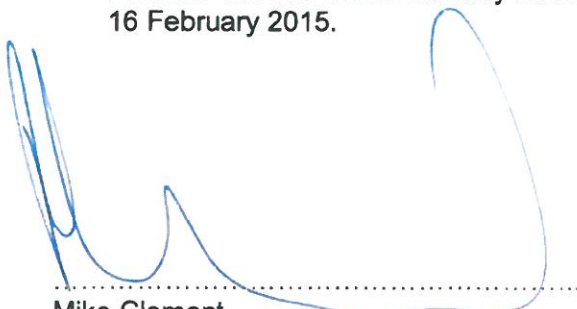
10. The matters to be specified in a certificate of compliance are determined by the Minister of Police after consultation with the Ministers of Transport and Justice (pursuant to section 75A(5) of the LTA). Once decided upon, these matters are specified in the gazette notice. We recommend that the 9510NZ continue to be calibrated annually, however we recommend that the new 7510NZ be calibrated twice yearly. The reason for the difference is that the smaller portable 7510NZ device will be subjected to greater use and more wear and tear than the 9510NZ (as the latter is generally housed in Police stations and booze buses).
11. There are currently certificate of compliance notices for three devices no longer in use by Police (one for the two Seres devices, and one for the Intoxilyzer device). The notices for the Seres and Intoxilyzer 5000 devices need to be revoked as these devices are no longer in use.
12. Attached is a draft certificate of compliance notice for the new Dräger 7510NZ, as well as a draft amended certificate of compliance notice for the Dräger 9510NZ (this notice has been amended only to refer to the new breath tests notice). An example of an actual certificate of compliance is also attached for your information.
13. Additionally, attached is an Instrument of Authorisation for issuing of certificates of compliance specific to the Dräger 7510NZ. This authorises technicians named in the Schedule to issue certificates of compliance for the device under section 75A of the Land Transport Act 1998. The Instrument of Authorisation must be signed by the Minister of Science and Innovation. A letter to the Minister of Science and Innovation concerning the Instrument of Authorisation is attached.

Consultation

14. Section 75A(5) of the Land Transport Act 1998 requires you to consult with the Ministers of Justice and Transport on the matters required to be stated in certificates of compliance. The Ministers of Transport and Justice are also to be consulted in respect of the revocation notices regarding the Seres and Intoxilyzer devices.
15. Attached are letters for your signature to the Minister of Transport and the Minister of Justice.
16. When the Minister of Transport and the Minister of Justice have indicated that they are satisfied with the content of the attached *Gazette* notices, and you are also satisfied with their content, Police will arrange for signature copies to be provided to you.
17. When the Minister of Science and Innovation has signed the Instrument of Authorisation to issue certificates of compliance for the Dräger 7510NZ and Dräger 9510NZ, and on receipt of the devices, they will be calibrated, and issued certificates of compliance readying them for use in early 2015.

Next steps

18. After consultation referred to above is complete, the Notices will be published in the *New Zealand Gazette* on 29 January 2015. It is intended for the Notices to come into force on 16 February 2015.



Mike Clement
Deputy Commissioner: National Operations

19 12 / 2014