



BRIEFING FOR THE MINISTER OF POLICE


Priority	<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> Non-urgent		
Subject	AMENDMENT TO CERTIFICATE OF COMPLIANCE NOTICE FOR DRÄGER 7510NZ EVIDENTIAL BREATH TESTING DEVICE		
Date	24 June 2015	Ref	BR/15/121
First contact	Malcolm Burgess, Acting Deputy Commissioner: National Operations Direct line: 04 470 7058 After hours: 027 473 7182		
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 Police wish to amend the *Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Notice 2015*; Yes/No
- (b) **note** that the proposed amendment changes the maximum period between the date of calibration (when the certificate of compliance for each device is issued) and date of any EBT test undertaken using the device from 6 months to 12 months; Yes/No
- (c) **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 Yes/No
- (d) **sign** (after consultation) the signature copy of the attached notice if you are satisfied with its form and content. Yes/No

Minister's comments:



 Hon Michael Woodhouse
 Minister of Police

26/6 / 2015
 Date

**AMENDMENT TO CERTIFICATE OF COMPLIANCE NOTICE FOR 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 in order to amend the certificate of compliance notice for the new Dräger 7510NZ Evidential Breath Testing (EBT) device.

Background

2. Each EBT device operated by the Police is required to be calibrated regularly and then issued with a certificate of compliance.
3. The current certificate of compliance notice for the Dräger 7510NZ device states that the maximum period between the date of calibration (when the certificate of compliance is issued) and date of any EBT test undertaken using the device is 6 months.

Comment

4. However, after discussion with Dräger Safety Pacific Pty. Ltd, Police have determined that the current 6 monthly calibration period (as contained in the current notice attached) is too conservative.
5. Dräger Safety Pacific Pty. Ltd has confirmed that the Dräger 7510NZ device has a very high level of accuracy and reliability, and has confirmed the accuracy and reliability of EBT results obtained using the devices whether calibrated half yearly or yearly.
6. The proposed 12 monthly calibration period also allows Police to halve the costs associated with the calibration of devices.
7. Attached is a draft amended certificate of compliance notice for the Dräger 7510NZ. The amendment in the notice now refers to calibration taking place every 12 months (rather than every 6 months).

Consultation

8. 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).
9. 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.
10. Attached are letters for your signature to the Minister of Transport and the Minister of Justice. When the Minister of Transport and the Minister of Justice have indicated that they are satisfied with the content of the attached Amendment Notice, and you are also satisfied with its content, Police will arrange for a signature copy of the Amendment Notice to be provided to you.

Next steps

11. After consultation referred to above is complete, the Amendment Notice will be published in the *New Zealand Gazette* on 9 July 2015. It is intended for the Notice to come into force on 13 July 2015.

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Malcolm Burgess
Acting Deputy Commissioner: National Operations

24 / 6 / 2015

Attachments:

- *Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Notice 2015*
- *Draft Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Amendment Notice 2015*
- Draft letters to Minister of Transport and Minister of Justice

IN CONFIDENCE

Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Amendment Notice 2015

Pursuant to sections 2(2) and 75A(5) of the Land Transport Act 1998, the Minister of Police, after consultation with the Minister of Transport and the Minister of Justice, gives the following notice.

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Notice

- Title**
This notice is the Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Amendment Notice 2015.
- Commencement**
This notice comes into force on *[date]*.
- Principal notice**
This notice amends the Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Notice 2015 (the **principal notice**).
- Clause 6 amended (Maximum period permitted between date on which certificate issued and date by which test result obtained)**
In clause 6, replace “6” with “12”.

**Land Transport (Certificates of Compliance for
Evidential Breath-Testing Device (Dräger 7510NZ))
Amendment Notice 2015**

Explanatory note

Dated at Wellington this day of 2015.

Minister of Police.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on [date], is given under the Land Transport Act 1998. This notice amends the notice that specifies the matters that must be stated in a certificate of compliance for an evidential breath-testing device that is a Dräger 7510NZ. The amendment increases from 6 to 12 months the maximum period permitted between the date on which a certificate of compliance is issued and the date by which a test result must be obtained.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

This notice is administered by the New Zealand Police.



Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Notice 2015

Pursuant to sections 2(2) and 75A(5) of the Land Transport Act 1998, the Minister of Police, after consultation with the Minister of Transport and the Minister of Justice, gives the following notice.

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Notice

- 1 Title**
This notice is the Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7510NZ)) Notice 2015.
- 2 Commencement**
This notice comes into force on 16 February 2015.

3 Interpretation

In this notice, **Dräger 7510NZ** has the same meaning as in clause 3 of the Land Transport (Breath Tests) Notice 2015.

4 Matters required to be stated in certificate of compliance for Dräger 7510NZ

If an evidential breath-testing device is a Dräger 7510NZ, a certificate of compliance for the device—

- (a) must specify—
 - (i) the maximum period of service for the device, as set out in clause 5; and
 - (ii) the date on which that period began or begins; and
- (b) must specify—
 - (i) the maximum period permitted between the date on which a certificate of compliance is issued and the date by which a test result must be obtained, as set out in clause 6; and
 - (ii) the date on which the certificate of compliance was issued; and
- (c) must include a statement to the effect that the device is being maintained within the manufacturer's specifications.

5 Maximum period of service for device

The period referred to in clause 4(a)(i) is 15 years.

6 Maximum period permitted between date on which certificate issued and date by which test result obtained

The period referred to in clause 4(b)(i) is 6 months.

Dated at Wellington this 3rd day of February 2015.

Hon Michael Woodhouse,
Minister of Police.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 16 February 2015, is given under the Land Transport Act 1998. It specifies the matters that must be stated in a certificate of compliance for an evidential breath-testing device that is a Dräger 7510NZ.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 12 February 2015.
This notice is administered by the New Zealand Police.
