

To: Impaired Driving Governance Board

From: Roger Jordan: Programme Manager Impaired Driving; (NRPC)

Technical and Independent Quality Assurance

Date: 1 December 2022

Purpose

1. This memo is to provides the Board with two reports which have been undertaken as assurance activities on the delivery of the Oral Fluid Testing project as part of the broader Impaired Driving Programme.
2. The following are recommended to the Board:

a)	Note the contents of this memorandum	Noted
b)	Note the recommendations and remediation activities from the Technical Quality Assurance Report	Noted
c)	Endorse the recommendations and remediation activities from the Independent Quality Assurance Report in Appendix A	Endorsed / Not Endorsed

Background

3. The Land Transport (Drug Driving) Amendment Act 2022 will come into force on 11 March 2023, to deter drug driving following the passing of the legislation.
4. The new law amends the Land Transport Act 1998 (the Act) to include the new drug driving regime which will give Police the power to conduct random oral fluid testing (OFT) at the roadside to detect the most prevalent illicit and prescription drugs whilst also introducing a infringement based offence for drivers identified with a presence or threshold level of a qualifying drug within a sample, either oral fluid or blood.

Assurance Activities

5. The project has an approved assurance plan with the Governance Board, with one of the scheduled activities being the undertaking of an Independent Quality Assurance (IQA). The IQA was undertaken in November by Gemtech with a final report having been submitted to the Project Sponsor on the 28 November 2022
6. The Project Sponsor, based upon the outcome of the procurement process, requested a technical quality assurance (TQA) be undertaken in the form of a peer review of the Independent Expert advisor report. The peer review was organised with s9(2)(a) of Institute of Environmental Science and Research Limited (ESR) with s9(2)(a) report submitted on 25 November 2022. This report has been shared with the Independent Expert for transparency.

Independent Quality Assurance

7. The report has been summarised by the provider as follows:

Overall, we consider that NZ Police have done a good job and a significant amount of work has been undertaken to date, with more work required pre-deployment (March 2023).

Strong governance and programme management leadership and disciplines are evident and operating effectively. As the programme has a wide impact across NZ Police and externally, there is a need for organisational wide conversations. Cannel for such conversations exist, by the programme team and the business, and externally. The current IDGB membership also provides a conversation channel, which is a positive but the IDGB membership is large and could impact decision making. Should you as key IDGB members feel the size is getting in the way of decision making you may wish to reconsider the membership size or just voting membership. At the moment we do not see this as a major concern.

Good programme leadership and management disciplines and techniques are present, but there is a need to finalise, and utilise, an overarching programme schedule and supporting workstream schedules using a mature programme/project management tool such as MS Project. While I am comfortable the team know what to do, the absence of working schedules adds to the risk and impact should a team member leave unexpectedly. The importance of strong management and coordination of tasks, resources and task inter-dependencies will be of even more value over the coming months. On a positive, the team are working on these schedules already.

As you are fully aware, the market maturity of Oral Fluid Testing (OFT) devices is not at the level needed to meet legislative requirements. This is a significant threat to achieving the next milestone (deployment) as everything depends on when and what decision the Minister makes, but this is known and being managed by NZ Police. Given the uncertainty of when and what, it would be prudent to plan for a late decision, and a decision requiring NZ Police to deploy a device within a constrained 6-week timeframe between February and 12 March 2023. The programme team are conscious of this possibility and consequences.

We have identified some opportunities for improvement and made a few recommendations to assist going forward. There are no high priority recommendations as the Programme Manager and

IDGB are aware of and responding to the main issue above. Where opportunities exist for improvement, there are compensating controls and processes in place which reduce the severity of our findings.

Technical Quality Assurance

8. The Independent Expert advisor report on devices has been summarised by the peer reviewer as follows:

The document provided by s9(2)(a) collates the capabilities of the oral fluid testing devices currently available and evaluates these relative to the oral fluid standard AS/NZS 4760-2006.

The document is to a large extent focused on the ability of each device to detect a specific drug at the level recommended by the oral fluid standard. These findings are based on experimental results from a laboratory certified to carry out such testing. s9(2)(b)(ii)

[REDACTED]

[REDACTED]

All the devices are immunoassay-based technology and as such detect drug classes rather than a specific drug. A drug class may include a number of drugs with similar structure, all of which may produce a positive result. This does not mean that all drugs with similar activity will produce a positive result for that immunoassay class.

In section 13 of his report, s9(2)(a) clearly outlines the limitations of these devices:

- the devices do not identify a specific drug,*
- cross-reactivity means that the devices can give a positive result to a drug that is not the specific target*

As reported by s9(2)(a) (section 13 e) device manufacturers will test cross-reactivity within the drug class but cannot exclude the possibility of a positive reaction to some untested drug.

The results produced by these devices are preliminary and qualitative and any positive finding should be more correctly termed an 'unconfirmed' or 'not negative'. According to the oral fluid standard, and best forensic practice, to prove the use of a specific drug, laboratory confirmation is required.

s9(2)(a) s9(2)(b)(ii)

[REDACTED]

[REDACTED]

Appendix A: IQA Recommendations

AREA	RECOMMENDATION	PRIORITY	ACTION / COMMENT
Governance	Reduce the IDGB voting membership from up to 30 to 6 key members	Low	ACTION: Programme Manager to meet with Project Sponsor and Board Chair to discuss
Programme Management	Plan for a Ministerial decision late January, resourcing the IDP to deliver within a constrained 6 week timeframe between February and 12 March 2023	Medium	No action: All activities other than roadside testing as planned to be delivered for 12 March 2023. Once Ministerial direction agreed with NZ Police on roadside testing then a delivery plan will be developed
	Prioritise the completion and operationalisation of a programme level and supporting workstream level MS project schedules	Medium	ACTION: Underway, schedules have been prioritised in November to ensure do-ability of timeframe.
	Develop a SME resource plan that details what, when and who the IDP needs to secure for the input into, or delivery/co delivery of specific programme deliverables	Low	ACTION: Underway, being developed as part of the detailed schedules
	Define the quality management processes around key deliverables, particularly the quality acceptance of business policy, process, forms and other change material.	Low	ACTION: A specific quality management plan to be developed relating to handover from project to business as usual
	Rebrand to the IDP vs OFT as the Programme name in future and living documents	Low	ACTION: The Oral Fluid Testing (OFT) project is part of the Impaired Driving Programme (IDP). All future documents will ensure clarity whilst current documents will be reviewed to align.
Future Delivery Capability	Revisit the deployment strategy and plan for a modified approach based on reduced timeframes facing NZ Police	Medium	ACTION: Deployment Strategy to be reviewed in January as part of the approach is outcomes of Ministers discussions to move forward with a limited capability device



NEW ZEALAND
POLICE
Ngā Pirihimana o Aotearoa

**NATIONAL ROAD
POLICING CENTRE**

Appendices

Appendix A: IQA Report



ID Programme IQA
DRAFT Report v0.1.p

Appendix B: TQA Peer Review Report



Peer review of oral
fluid device report fi