

## IMPAIRED DRIVING GOVERNANCE BOARD: MINUTES

Date:	29 September 2022		Location:	Webex / L7 Room 7.02
Time:	2:00 – 3:30			
Board Member/ Delegated Member Attendees:	AC Bruce O’Brien	Assistant Commissioner: Deployment & Road Policing	Voting Member	
	Supt. Steve Greally	Director: National Road Policing Centre	Voting Member	
	Insp. Paula Holt	Director: Police Prosecutions & Resolutions	Voting Member	
	Dr. Jennifer Grabow	Manager: Portfolio & Programmes, NRPC	Voting Member	
	Insp. Jared Pirret	District Commander (Senior User)	Voting Member	
	Ms. Bronwyn Donaldson	Manager: Health & Transport Policy - <b>representing Gillian Ferguson</b>	Delegated Voting Member	
	Insp. Dan Mattison	Manager: Strategy and Relationships, NRPC	Voting Member	
	Mr. Peter Best	Snr. Analyst: Finance - <b>representing Sharon Hart/Sarah Halpin</b>	Delegated Voting Member	
	Mr. Paul Halford	Manager: Marketing & Brand, Communications	Voting Member	
	Insp. Mark Rowbottom	Manager: National Tasking & Coordination	Voting Member	
	Mr. Blair Mills	Manager: Procurement & Contracts Management (Senior Supplier)	Voting Member	
Non Member Attendees:	Mr. Roger Jordan	Programme Manager: Oral Fluid Testing, NRPC		
	Snr. Sgt Simon Mooney	Programme Lead: Impaired Driving		
	Insp. Blair MacDonald	Manager: National Drug and Intelligence Bureau– <b>representing Dan Wildy</b>		
	Ms. Carolyn Read	Senior Policy Advisor II		
Apologies:	Ms. Sharon Hart/ Ms. Sarah Halpin	Executive Director: Finance - <b>represented</b>	Voting member	
	Ms. Gillian Ferguson	Director: Policy & Partnerships- <b>represented</b>	Voting member	

	Mr. Daniel Wildy	Director: National Intelligence - <b>represented</b>	
	Snr. Sgt. Mark Donaldson	Deputy Director: Mobility & Digital	
	Mathew Arnold-Kelly	Workstream Lead: ReFrame Delivery	
	Supt. Greg Williams	Director: National Organised Crime Group	
	Insp. Tony Wakelin	Manager: Road Policing	
	Mike Brooklands	Manager: Commercial Vehicle Safety Team	
	Insp. Warwick Morehu	General Manager: Training (Super Supplier) – <b>no delegate</b>	Voting Member
	Supt. Brian Moyle	Director: Mobility & Digital Group – <b>no delegate available</b>	Voting Member
	Representative to be confirmed	Iwi and Communities (MPES)	Voting Member
	Supt. Melanie Aitken	Director: Safer People – <b>available on request</b>	
	Mr. Bill Peoples	Director: Legal Services - <b>available on request</b>	Voting Member
	Andrew Fabish	Director: Deployment	
	Insp. Craig Hamilton	Manager: Asset Recovery Unit	
	Mr. Simon Williams	Director: Evidence Based Policing	

AP #	Open Action Points	Owner	Date Assigned	Date Due	Discussion/Progress	Open/ Close/ Carried
53	Communications Strategy: The Communication Strategy's audiences, engagements and risks need to be updated.	PH	19/07/22	<del>20/09/22</del> C/F 25/10/22	17/8 Partially complete. Engaged with all stakeholders recently. Unsure if Paul has reviewed as yet. 29/9 Carry forward. PH to provide update.	Carried
57	Schedule a discussion on how to potentially have electronic mobility prioritised from a collective perspective. RJ/BO/SG	RJ	17/08/22	29/09/22	Meeting arranged 12 October	Close
58	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	s9(2)(g)(i) [REDACTED]	Close
59	Victoria Police visit Report completed and available	SM	17/08/22	29/09/22	Report in final draft. When final review complete can be socialized further. Close	Close

#	Agenda item	Key discussion and actions
1.	<b>Welcome/Apologies/Quorum</b>	<ul style="list-style-type: none"> <li>AC Bruce O'Brien opened the meeting, noting attendees, apologies, and representatives</li> </ul>
2.	<b>Previous Minutes</b>	<ul style="list-style-type: none"> <li>Minutes accepted</li> </ul>

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3.	Open Actions review	<ul style="list-style-type: none"> <li>As per table above</li> </ul>
4.	<b>Project Update</b> August 2022 Sentient Report	<p>The August monthly report was reviewed at a high level with the group, noting a lot of info has been superseded as we are now at end of Sept.</p> <p>Key points discussed:</p> <ul style="list-style-type: none"> <li>The programme remains at Amber, due to concerns relating to the availability of a device to meet the legislation. Potential to shift to RED in Sept once the outcome of device testing is completed.</li> <li>Initial shortlisted OFT devices completed independent laboratory testing, with no device meeting the verification criteria as set out in the Standard.</li> <li>Subsequent testing of longlisted devices identified two that do meet verification criteria. These are now progressing to 1 day operational trial scenario on 13 Oct. Two of the initial devices that failed verification testing are being re-tested and will also take part in the trial if they successfully pass the laboratory re-testing.</li> <li>Options were developed, in parallel to testing, based on an outcome of not having a device with the technological capability that meets the legislation and provided as part of Board pack.</li> <li>It has been confirmed that based on current device capability and the NZ specific legislation that devices will only be able to test for THC and Cocaine at the roadside. Other drugs which are desirable to be tested for, cannot currently be tested for with surety, due in part to drug 'families' and resulting unclear identification. Cocaine (in NZ) is currently only represented in a very small percentage of incidents, whereas THC does factor in a much higher percentage. However, THC could be difficult to prosecute for with reliability, which is further complicated with medicinal THC prescriptions becoming more common. This leaves more prevalent high impairment/impact drugs (in NZ) unable to be currently tested for at the roadside. Current market devices also only detect presence not levels. Lack of device capability in the market therefore limits Police's ability to implement the intention of the legislation.</li> <li>Based on now confirmed facts, <b>Meeting attendees agreed the need to engage with our immediate partner agencies (Waka Kotahi and MoT) as soon as possible to advise situation.</b> Next steps AP60 RJ:               <ul style="list-style-type: none"> <li>Request review time in DCE: Insights and Deployment calendar</li> <li>Prepare paper for partner agencies, outlining findings and options</li> <li>Engage with Policy Advisor</li> <li>Seek/incorporate feedback from ID GB on paper</li> <li>DCE to present paper to ELT</li> <li>Engage in partner agencies conversations.</li> </ul> </li> <li>Options are identified more fully in Minutes section below and in the Memo supplied as part of Board pack.</li> <li>s9(2)(g)(i) [REDACTED]</li> <li>Require Ministerial confirmation of preferred option to deliver.</li> <li>While Community Consultation approach and collateral was endorsed in Aug, actual initial 6 week consultation has not commenced, impacted by device delay. <b>Meeting attendees agreed Community Consultation should not commence until final device testing and report are complete.</b> Advisory comms to be drafted and distributed AP61 PH. Following initial community consultation, wider consultation will continue throughout 2023.</li> <li>Overall status in August Status report was incorrect in one area. Will be corrected going forward.</li> <li>Risks have changed to Amber due to delays with confirming an OFT device selection.</li> <li>Risks mainly relate to the device selection. Independent expert analysis of the devices is ongoing Aug/Sept with results report to follow</li> </ul>

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		<p>Key points from Aug report to note, not discussed due to time constraints:</p> <ul style="list-style-type: none"><li>• The business case continues to be drafted that will support device selection.</li><li>• s9(2)(g)(i)</li><li>• Operations Workstream Project Manager and Scheduler/Coordinator onboarded 1 Aug</li><li>• The high-level delivery plan is underpinned by continued development/refinement of detailed schedules</li><li>• Business architecture continues to be developed and a process map end-to-end workshop occurred 8 Aug to further inform this</li><li>• Change Request #947 confirming funding for FY/22/23 was approved by ID GB 17 Aug with subsequent approval from Policing Sub Portfolio Board 30 Aug, noting that the request for funding to point of completion of the Implementation Business Case</li><li>• Interagency engagement - Agencies requested to provide their reporting requirements by 30 Sept for consideration</li><li>• Key risks and issues continue to be monitored which include timelines, resources unwell etc.</li></ul>										
5.	<b>Governance Board Procurement Update</b> _For Noting	<p>Due diligence underway of potential OFT devices has identified that only THC and Cocaine are able to be tested for roadside with current market devices available. The impact of the device technology only allowing for the testing of THC (the psycho-active ingredient in cannabis) and cocaine falls short of detection of the most prevalent drugs and has the ability to undermine the intent of the Act in reducing the number of deaths on the road whilst also impacting on the level of trust and confidence in NZP.</p> <p>It is recognised due diligence is required, s9(2)(h) validating the accuracy of the device to enable both public and other stakeholders and to build trust and confidence in both the device and process.</p> <p>The Board Noted the following points A-E:</p> <table><tr><td>Note the contents of Procurement Update memorandum.</td></tr><tr><td>Note based on current understanding that current device technology doesn't allow for operationalisation of a random roadside drug test as the amended Act intended.</td></tr><tr><td>Note based on current understanding that the limitation of which drugs can be effectively tested for at the roadside using available technology, is limited to THC and cocaine.</td></tr><tr><td>Note that though the technology is capable of testing for THC, there are difficulties when presented with a positive result for presence of THC due to prescription medication and in relation to 'recent use'.</td></tr><tr><td>Note that the project will develop a detail options analysis of the identified options for presentation to the Board.</td></tr></table> <p>Five Options below are available at this point:</p> <table><tr><td>s9(2)(j)</td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table>	Note the contents of Procurement Update memorandum.	Note based on current understanding that current device technology doesn't allow for operationalisation of a random roadside drug test as the amended Act intended.	Note based on current understanding that the limitation of which drugs can be effectively tested for at the roadside using available technology, is limited to THC and cocaine.	Note that though the technology is capable of testing for THC, there are difficulties when presented with a positive result for presence of THC due to prescription medication and in relation to 'recent use'.	Note that the project will develop a detail options analysis of the identified options for presentation to the Board.	s9(2)(j)				
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		<p>s9(2)(j)</p> <p><b>Noted</b></p>
6.	<b>Indicative Impact on Non-OFT Blood Fees</b> – For Noting	<p>Update provided on ESR testing fee schedule costs and contract variation for Schedule 5. Costs will be substantially more to include different testing scenarios, upwards of \$1550. Based on current test numbers this represents a potentially significant BAU costs increase, which were not part of/included in OFT budget. Contract variation is being submitted to Safe Roads Control Action Group (SRCAG) in October. Fee increases/additions will be a variation to the current ESR contract, with both existing contract and new part to be renewed together as current ESR contract was also coming up for renewal.</p> <p><b>Noted</b></p>
7.	<b>Gender and Ethnicity_For Approval</b>	<p>It is currently voluntary and not a legal requirement, for ethnicity and/or gender information to be provided to NZP. As such, it is recommendation that NZP do not attempt to capture ethnicity or gender at this point in time. <b>Meeting attendees agreed with recommended approach.</b> Decision # 2107 s9(2)(j)</p> <p>While this presents some challenges on providing accurate info on these areas, including within judicial reviews, Dashboard and test locations should be able to partially mitigate. s9(2)(g)(i)</p> <p><b>Approved</b></p>
8.	<b>Any other business</b>	<p>Next Board mtg- Members agreed move from 18 Oct to 25 Oct to enable device trial and subsequent Evaluation Report completion for the Board.</p> <p>Terms of Reference and meeting delegates review/update – include item in October Agenda</p>
9.	<b>Meeting Close</b>	The meeting closed at 3:30
The next meeting is scheduled for <b><u>25 Oct 2022, 12:30-2:00</u></b>		

#	New Action Points Opened	Who	Date Assigned
60	Paper completed and our partner agencies (Waka Kotahi and MoT) advised of current device situation	RJ	29/09/22
61	Advisory comms to be drafted and distributed on Community Consultation delay	PH	29/09/22