

# Oral Fluid Testing (OFT)

## New Zealand Police Assurance Plan

### V2.0

### 13 July 2022

### Document approval

The assurance plan is endorsed by:

Inspector Dan Mattison	Business Owner Manager: Strategy and Relationships, National Road Policing Centre	Date	
---------------------------	--	------	--

Superintendent Steve Grealley	Board Deputy Chair Director: Road Policing, National Road Policing Centre	Date	
----------------------------------	---	------	--

I have reviewed the assurance plan and confirm that it is fit-for-purpose based on my understanding of the complexity and risk of the investment.

Assistance Commissioner Bruce O'Brien	Executive Board Chair Assistant Commissioner Deployment and Road Policing	Date	
---	--	------	--

### Revision History

Version	Issue Date	Author	Description of Changes
0.1	22 February 2022	Roger Jordan	Initial Draft
0.2	9 March 2022	Roger Jordan	Incorporation of feedback from IPO and Workstream Leads
0.3	17 March 2022	Roger Jordan	Incorporation of changes from OFT Governance Board
1.0	30 March 2022	Roger Jordan	Issued for signing
2.0	13 July 2022	Roger Jordan	Reviewed based on Programme progress and updated as required

### Key Contacts

Name	Title	Contact Details
------	-------	-----------------

<b>Roger Jordan</b>	Programme Manager Oral Fluid Testing, National Road Policing Centre	s9(2)(a)
<b>Felix Jalleh</b>	Enterprise Assurance Manager, Investment Portfolio Office	
<b>Brent Bainbridge</b>	Senior Assurance Manager, Audit, Risk and Resilience	
<b>Jenny Grabow</b>	Manager: Portfolio & Programmes, National Road Policing Centre	

## Table of Contents

### Contents

<b>1. CONTEXT</b>	<b>3</b>
1.1 Background	3
1.2 Key objectives and outcomes	3
1.3 Risk rating	3
1.4 Investment risks	3
1.5 Referenced Documents	4
<b>2. ASSURANCE PLAN OVERVIEW</b>	<b>5</b>
2.1 Purpose	5
2.2 Assurance Approach	5
2.3 Key Assurance Activities	5
2.4 Assurance Roles and Responsibilities	6
2.4.1 OFT Governance Board	6
2.4.2 High Level Assurance Roles and Responsibilities	6
2.5 Ongoing Delivery Assurance Activities	8
2.6 Independent Delivery Assurance Activities	8
2.7 Key Milestone Assurance Activities	9
2.8 Critical Dependencies	11

# 1. CONTEXT

## 1.1 Background

On 30th July 2020, the Land Transport (Drug Driving) Amendment bill was introduced to parliament by the New Zealand Government. The bill seeks to amend the Land Transport Act 1998 to address the risk that drug driving poses, and to help keep roads safe for all users. If enacted, this legislation will introduce a compulsory random roadside oral fluid (saliva) testing (OFT) regime.

The importance of testing drivers for drugs is highlighted by the prevalence of drugs detected in drivers' blood who have been involved in a fatal crash. In 2019, 352 people were killed on New Zealand roads and of those deaths, 103 were people killed in crashes where a driver was found to have drugs other than alcohol or a combination of both in their system.

Under the proposed legislation, Constables will be empowered to stop any driver of a motor vehicle and administer an OFT at the roadside without requiring good cause to suspect the driver has consumed a qualifying drug. This is consistent with the current approach to drink driving enforcement in New Zealand with infringement and criminal penalties proposed, mirroring those for drink driving.

It is proposed that OFT testing equipment will detect the presence of the most prevalent impairing illicit and prescription drugs above a specific cut-off threshold built into the device. These drugs will be outlined in the proposed Act. A driver who fails two consecutive OFT's would be liable for an infringement offence notice. If a driver is required to or elects to have a blood test and return a positive result, they could be liable for either an infringement penalty or criminal penalty. The penalty type depends on the level of drug(s) detected, and whether multiple drugs, or drugs in combination with alcohol, were detected.

## 1.2 Key objectives and outcomes

Included in the Road Safety Partnership Programmes (RSPP) 2021/24 Change Initiative Investment Portfolio is the establishment of an OFT project, which, once implemented, will support the delivery of positive road safety outcomes, firstly through detecting drug drivers and secondly, as a result of the general deterrence effect of Police enforcement. This would also enable compliance with the legislative requirement for an OFT regime under the Land Transport (Drug Driving) Amendment Bill.

The key objective for this project is therefore to contribute to the reduction of **death and injury on New Zealand roads by enabling Police to effectively implement Oral Fluid Testing in accordance with the Land Transport (Drug Driving) Amendment Bill.**

The investment outcomes are that:

- Benefit 1 – Increased detection activity for the presence of drugs in drivers.
- Benefit 2 – Improve public perception of drug driving enforcement.
- Benefit 3 – Meet legislative requirements under the Land Transport Act 1998 or give effect to the Land Transport (Drug Driving) Amendment Bill.

## 1.3 Risk rating

The self-assessed Risk Profile Assessment (RPA) rating was undertaken in February 2022. The RPA was identified as 'medium'. This rating has been discussed and reviewed with key stakeholders and subject matter experts and the Investment Portfolio Office (IPO). If required, IPO are the authorised party to submit the approved RPA (on behalf of the SRO) and engage with Treasury.

As of July 2022, based on progress to date it is not determined that this rating needs to be changed.

## 1.4 Investment risks

During the start-up and initiation phase, the main risks relate to delivery. During the delivery phase, risks tend to become more complex to manage, because they relate to ensuring the achievement of the investment outcomes. The key risks will be identified in the Indicative Business Case, a high-level summary of risks is described in the following table.

Risk type	Main risks	Where the risks are addressed in the
-----------	------------	--------------------------------------

		Initiation Business Case
Solution	The potential solution is not well-matched to the desired outcomes or cannot be delivered by the market.	Economic case
Commercial	Commercial structures are unwieldy and difficult to manage. Commercial structures do not deliver contractual arrangements that allow provide access to cost-effective new technology as it evolves.	Commercial case
Financial	The project is inadequately resourced or, due to scope, the cost increases.	Financial case
Project delivery	The project is poorly planned, there are unrealistic deadlines, the scope changes, and there are inadequate resources (capacity & capability) and poor governance.	Management case
Governance	Engagement of the organisation in the project, for example the solution or new ways of working aren't universally adopted. The main causes of this risk are that key stakeholders are not correctly identified or engaged with appropriately; their needs or interests are not addressed; and they don't understand their roles.	Management case

## 1.5 Referenced Documents

Document Name	Version Number
Impaired Driving Governance Board (ID GB) Terms of Reference	
OFT Project Management Plan	
OFT Risk Profile Assessment	
OFT Delivery and Change Impact Assessment	
RSPP Change Initiatives Investment Plan	
Land Transport (Drug Driving) Amendment Bill	

## 2. ASSURANCE PLAN OVERVIEW

### 2.1 Purpose

The purpose of the Assurance Plan is to provide an overview of the approach, high level activities, roles and responsibilities, that the OFT initiative's outcomes are achievable and that the risks are appropriately managed.

### 2.2 Assurance Approach

The OFT assurance approach is to align with the Police Assurance Framework and focuses on the current phase of the project. The Plan will be continuously reviewed and update through the delivery timeline. This will ensure that OFT can adapt the Assurance Plan as appropriately required.

The objective of the assurance activity is to provide confidence to stakeholders at key investment decision points that the project outcomes are achievable and that risks are being managed appropriately.

The approach will be a combination of 'real-time' ongoing assurance activities and status review by the Governance Board through formal project reporting.

This Assurance Plan provides the assurance activities required to reach the point of delivery of the Implementation Business Case. A delivery assurance plan will be developed for the next implementation stage upon completion of the selection of a preferred OFT device is completed.

### 2.3 Key Assurance Activities

The table below outlines the key internal and external assurance activities for the project;

Assurance Activity	Purpose	Audience
Risk Register Review	Regular review and update of risks, mitigations and issues. All high rated risks to be reported to the Oral Fluid Test Governance Board (OFTGB)  <b>July 2022</b> – The risk register is review by the Programme team on a monthly basis, with the key issues and risks presented in the month governance report.  On a quarterly basis a deeper review of the risk register is undertaken by the governance board.	ID GB
Consultation Workshops.	Ensure that stakeholders have opportunity to propose and review business and technical requirements.  <b>July 2022</b> – Workshop are held with subject matter experts as required, post legislation workshop was held in April and a full end to end workshop is schedule for early August. A full community consultation of both internal and external stakeholders is being developed currently	Police Operational Teams
Impaired Driving Governance Board (ID GB)	Review project status and provide direction. Endorse artefacts.	Sponsor, Business Owner, Programme Manager and other stakeholders.
Individual Assurance Reviews as required	Independent assurance reviews around specific items that cause concern and more generally the health of the project	ID GB
Procurement Process Assurance	Procurement process assurance to ensure process adherences to Police principles.	ID GB



	<b>July 2022</b> – Independent probity assurance has been in place for the procurement process.	
Independent Quality Assurance	Independent Quality Assurance may include (amongst other things) project health assurance, benefits planning and realisation framework assurance, project assurance, change management and business readiness assurance, and areas of concern identified by the Board and senior stakeholders.	ID GB
Milestone Assurance	Assurance activities required at specific key milestone points to provide decision makes the necessary level of assurance and due diligence has been undertaken prior as part of the decision-making process	Business Owner, ID GB, IPO, other committee and Governance stakeholders
Benefits Realisation	The ability to measure the delivery of the benefits as set out within the investment logics matrix	Benefit Owner, IPO, other committee and Governance stakeholders

## 2.4 Assurance Roles and Responsibilities

### 2.4.1 ID Governance Board

Membership of the ID GB, and reporting lines both internally within Police and into the wider Drug Driving programme and role definitions are defined and maintained in the Terms of Reference (ToR) for the ID Governance Board. The ToR is review by the Board on a quarterly basis.

### 2.4.2 High Level Assurance Roles and Responsibilities

The following table describes the assurance roles and responsibilities for the core governance roles and functions.

Function	Assurance Role and Responsibility
Investment Portfolio Office	Provides assurance oversight as follows: <ul style="list-style-type: none"> <li>Reviewing and approving project and programme progression through the investment stage gates</li> <li>Ensure project, programme and portfolio management represent good practice and are appropriately scaled and adapted to Police circumstances and context.</li> <li>Ensure investment decisions align with and support Police's organisational outcomes, strategic priorities, financial plans, managing risks, realising benefits and applying change management practices.</li> </ul>
ID GB	Provides assurance oversight as follows: <ul style="list-style-type: none"> <li>Endorses the assurance plan and subsequent amendments.</li> <li>Reviews progress against the assurance plan on a quarterly basis.</li> </ul>
Sponsor	The Sponsor is responsible for: <ul style="list-style-type: none"> <li>Reviewing the assurance plan to ensure it remains appropriate throughout the project and ensure their specific agency needs are met.</li> <li>Ensure appropriate funding (as part of the budget, if possible, or perhaps via 'management reserve') is made available for the necessary level of assurance reviews, as may be required.</li> <li>Reviewing progress reports against the assurance plan to the ID GB</li> <li>Ensuring any recommendations from the assurance reviews are responded with appropriate management actions, and progress updates towards completion/resolution</li> </ul>

Business Owner	<p>The Business Owner is responsible for:</p> <ul style="list-style-type: none"> <li>Supporting the Sponsor in reviewing the assurance plan to ensure it remains appropriate throughout the project and ensure their specific agency needs are met.</li> </ul>
Programme Manager	<p>The Programme Manager(s) is responsible for:</p> <ul style="list-style-type: none"> <li>Development, maintenance and execution of the assurance plan.</li> <li>Progress reports against the assurance plan to the ID GB.</li> </ul>

## 2.5 Ongoing Delivery Assurance Activities

Outlined below are assurance and oversight activities that will occur at regular intervals over the project risks:

Assurance Activity / Purpose	Key Risks and Issues	Assurance Provider	Frequency
<u>Project Risk Register Review</u> Review and update register. High rated risks to be reported to the ID GB and Executive Governance Board as appropriate.	All risks and Issues	Programme Manager, Work-stream leads and Business Owner	Monthly and prior to key decision points
<u>ID GB Meetings</u> Review Project Status and provide direction	All HIGH risks and Issues and specific risk/issue which the Project requires the Board to be aware of.	ID GB	Monthly and prior to key decision points

## 2.6 Independent Delivery Assurance Activities

Outlined below are independent assurance activities that will occur over the project risks:

Milestone / decision / construct	Assurance Activity / Purpose	Assurance Provider	Audience	Indicative timing
Business Case	<u>IQA Project and current state assessment</u> IQA will include consideration of the project and project management arrangements that will be included in the management case in the business case.	TBC	ID GB and IPO	TBC, proposed as part of the Implementation Business Case preparation



## 2.7 Key Milestone Assurance Activities

Outlined below are assurance and oversight activities that will occur to facilitate decision making at key milestone points.:

Major Milestone	Supporting Milestone	Indicative timing	Assurance Activity / Purpose Provide assurance that...	Assurance artefact	Author	Assurance Provider	Audience
Royal Assent	Independent Bill Change Impact Assessment	March 2022	Independent review of the Land Transport (Drug Driving) Amendment Bill to provide assurance that all areas of change outlined in the bill have been identified and interpreted correctly	<b>Independent Change Impact Assessment</b>	Policy Legal Prosecution Operational Support	TBC	ID GB
	Approval of Indicative Business Case	March 2022	The proposed investment is needed, represents public value for money, can be delivered by the market, can be managed through to implementation, can be funded, and is affordable long-term.	<b>Business Case</b> - five-case better business case model. To include financial case addressing transition and ongoing costs and change from the current state. <b>Project Management Plan</b>	Programme	IPO	ID GB (excluding Financial) Road Policing Sub-Portfolio Group (RPSPG) (Financial)

OFT Device Procurement	Evaluation of devices	May 2022	Road-side evaluation of preferred device	<b>RFP Evaluation Outcomes Memo</b>	Equipment Procurement Work-stream	Procurement	ID GB
	Approval of outcome of RFP Evaluation	May 2022	The preferred solution is fit for purpose				
	Endorsement of Procurement Plan	May 2022		<b>Procurement Plan</b>	Equipment Procurement Work-stream	Procurement	Business Owner
Approve OFT Device contract for signing	Approval of Implementation Business Case.	October 2022	The proposed PSN investment is needed, represents public value for money, can be delivered by the market, can be managed through to implementation, can be funded, and is affordable long-term.	<b>Business Case</b> - five-case better business case model. To include financial case addressing transition and ongoing costs and change from the current state. <b>Implementation Plan</b>	Programme	IPO	ID GB (excluding Financial) RPSPG (Financial)
	Approval of OFT Device by Minister of Police	November 2022	The proposed device is fit for purpose	<b>Memo to Minister of Police</b>	Equipment Procurement Work-stream	Business Owner Minister of Transport Science Minister	Minister for Police
	Endorsement of contract		Commercial structures are appropriate and	<b>Assessment of alignment needs.</b>	Equipment Procurement Work-stream	Legal Procurement	Business Owner

			commercial risk will be well managed.				
--	--	--	---------------------------------------	--	--	--	--

## 2.8 Critical Dependencies

Outlined below are critical dependencies (external to the project / programme) and associated assurance activities:

Dependency	Detail of dependency
Availability of suitable OFT device	Availability from the market of a device that is fit for purpose to meet the needs as outlined within the legislation. If a device is not available at this time, then engagement with the Minister for Police will be required
Funding	Funding for the Project comes from the Road Safety Partnership Programme and will be made available as outlined within the developed business case
Other change activities	Change activities outside of OFT but with Impaired Driving processes, Compulsory Impairment Test and Excess Breath Alcohol, are delivered in parallel.