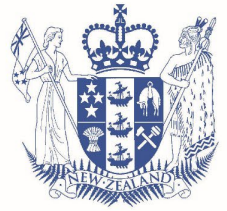


Hon Mark Mitchell

Minister of Police
Minister of Corrections
Minister for Emergency Management and Recovery
Minister for Ethnic Communities
Minister for Sport and Recreation
Associate Minister for National Security and Intelligence



OIA 26952

Nigel Gray
fyi-request-34806-8708d158@requests.fyi.org.nz

Dear Nigel

Thank you for your Official Information Act 1982 (OIA) request of 29 May 2026 in which you asked various questions regarding roadside oral fluid testing:

"I am requesting information relating to public statements made by you and by New Zealand Police concerning the safety of oral-fluid drug-testing devices, including the "20 years of safe use" claim and statements regarding the availability of Safety Data Sheets (SDS).

This request concerns the origin, justification, and internal communication surrounding those public statements.

1. Origin of the "20 years of safe use" claim Please provide:

all documents, briefings, talking points, emails, or advice provided to you or your office that refer to the phrase "20 years of safe use", or any similar wording

...

2. Basis for describing the devices as "safe"

Please provide:

all documents, advice, or internal communications relied upon when describing the DrugWipe or associated oral-fluid collection devices as "safe" or "used safely"

...

3. Contradiction regarding Safety Data Sheets (SDS) Police have publicly identified Quantisal as the oral-fluid collection device used. Quantisal has a published Safety Data Sheet.

Please provide:

all documents or communications explaining why Police stated in response to my earlier OIA that no Safety Data Sheet existed

...

4. Additional safety-related process questions

4.1 Internal safety decision-making

All documents or communications provided to you that discuss:

whether the devices posed any chemical hazard

...

4.3 Internal concerns

Any concerns raised within Police or your office about:

the accuracy of public statements

the absence of SDS

the safety narrative being presented publicly“

On 23 June 2026, question three of your request was transferred to the New Zealand Police for response.

In response to questions one, two and four, you will find copies of the documents you requested enclosed. Please refer to the table below for a list of OIA grounds used within each document.

Title of document	OIA grounds used within document
BR/24/146 <i>Oral Fluid Testing Regime Implementation Timeframes</i>	9(2)(a)
BR/25/115 <i>Approval of Gazette notices for new oral fluid drug testing regime</i>	9(2)(a)
AM/25/17 <i>Update on the Oral Fluid Testing regime</i>	9(2)(a)
AM/25/85 <i>Oral Fluid Testing implementation update</i>	9(2)(a)
AM/25/103 <i>Talking Points for Cabinet - Regulations to Support Implementation of Oral Fluid Testing of Drivers</i>	9(2)(a)

In addition, I refer you to Police's proactive release of papers relating to the implementation of roadside drug driving testing, available on their website:

<https://www.police.govt.nz/about-us/publication/proactive-release-papers-relating-implementation-roadside-drug-driving-testing>

These documents comprise information provided by my office in response to previous OIA requests in relation to roadside oral fluid testing. I am refusing the parts of your request regarding any further information not already contained in the enclosed documents or already publicly available under section 18(g) of the OIA, as the information requested is not held.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with my response to your request.

Yours sincerely



Hon Mark Mitchell
Minister of Police



BRIEFING FOR THE MINISTER OF POLICE

Priority	☐ Urgent ☐ Time-Sensitive ☒ Routine		
Title	Oral Fluid Testing Regime Implementation Timeframes		
Date	7/11/2024	Reference	BR/24/146

Purpose

1. This briefing informs you and the Minister of Transport of Police's implementation plan and schedule for the Oral Fluid Testing (OFT) regime and outlines the associated risks.

Key messages

- Police is committed to implementing the OFT regime in accordance with the Government's intent for the legislation and is targeting December 2025 for commencing OFT deployment.
- This timeline is based on key dates and deliverables being met to enable Police to appropriately operationalise OFT. There are risks and external dependencies beyond Police control and, should they eventuate, OFT delivery timeframes may be impacted.
- Ministerial support may be required to mitigate any emerging delivery risks. Police will advise you, as required.

Recommendations

Police recommends that the Minister of Police:

- a) **note** the OFT implementation timeframes outlined in this briefing, and associated risks
- b) **forward** this briefing to the Minister of Transport

Yes/No

Minister's comments and signature

..... / / 2024

Hon Mark Mitchell

Minister of Police

BRIEFING FOR THE MINISTER OF POLICE
Oral Fluid Testing Regime Implementation Timeframes

Background

2. The Land Transport (Drug Driving) Amendment Bill (2024) is expected to receive Royal assent in February 2025.
3. Police expects to operationalise the Act by December 2025, based on the plan outlined in this document.

OFT implementation planning

Initial Planning Assumptions

4. Whilst the legislative changes were being considered during 2022 and 2023, Police raised early indications with road safety partners that a minimum of 12 months would be required from the date of Royal assent, for Police to commence OFT deployment.
5. This timeframe was outlined in regard to:
 - a. OFT procurement complexity;
 - b. design and implementation requirements of the operating model (including technological system changes);
 - c. frontline staff training;
 - d. external dependencies, including laboratory capability establishment which involves a third-party procurement process; and
 - e. critical quality considerations, in order for Police to operationalise the new regime with adequate rigour.
6. In March 2024, the indicative business case for OFT was endorsed by a governance board consisting of road safety partners including Ministry of Transport, New Zealand Transport Agency, and Police. The indicative business case accounted for a 12-month implementation timeline from Royal assent, which was anticipated to take place in December 2024. Commencement of the OFT regime was accordingly anticipated by December 2025.

Planning Assumption Changes

7. The timeframe considered within the OFT indicative business case outlined planning assumptions, some of which have not eventuated.
8. The indicative business case anticipated Royal assent of the new legislation by December 2024. As of November 2024, Royal assent is now expected in February 2025.
9. The indicative business case also anticipated that the road safety partners would be able to confirm funding for Police OFT delivery by May 2024. On this basis, Police was expecting to establish the OFT delivery team by 1 July 2024.
10. The funding allocation decision occurred two months later than expected, in July 2024, subsequently impacting Police's timeframe in resourcing the delivery team.

BRIEFING FOR THE MINISTER OF POLICE

Current State

11. Regardless of these changes to key planning assumptions, which leaves Police with a tighter delivery window and increased delivery complexity, we are committed to working toward the December 2025 delivery date for the operationalisation of the OFT regime (noting that December 2025 targets initiation of the Pilot, on the basis of which tranching scaling will take place, building to national deployment).
12. Given the changes to the timeline, nine months is the current delivery timeframe for commencing the OFT regime following Royal assent. This timeline contains no contingency, and does not allow time for issue mitigation, should planning risks eventuate.

Key Dependencies

13. A key dependency for OFT delivery is the Royal assent date of the new legislation. Police is initiating all planning activities that can take place before Royal assent; however, the following require the legislation to be enacted:
 - a. Police intends to initiate OFT procurement processes ahead of Royal assent; however, Police's ability to complete the procurement process and nominate the successful supplier of roadside drug screening devices is dependent on Royal assent.
 - b. Only after the successful supplier is nominated will Police and the appointed supplier/s be in a position to finalise delivery plans (including business requirements and processes required for delivery and implementation, technology change requirements, operational and inventory management requirements, resourcing requirements etc.), and finalise cost estimates. This is required to be known by March 2025, for Police to be able to finalise the detailed business case by May 2025, through which final delivery funding will be signed-off, and contracts with suppliers can be signed.
 - c. A minimum of seven months is required for implementation post contract sign-off.
14. Only after the successful supplier is nominated, will the forensic laboratory testing services provider be in a position to finalise implementation planning, determine the final type of equipment required to be procured for laboratory testing purposes and confirm the laboratory testing services' arrangements with Police. Based on this information, Police can then finalise legal and commercial processes with the laboratory partner. Once commercial arrangements are in place with the laboratory partner, the laboratory will run its own procurement process to secure the equipment for OFT testing and will hire and/or train their staff for provision of these services. The laboratory will require six months to complete this work.
15. Final legislation being in place is also necessary for Police to shape the gazette testing processes (gazette testing, secondary legislation drafting, and gazette sign off processes require four months, with a further 28 day period for the gazette to take effect).

BRIEFING FOR THE MINISTER OF POLICE

16. The current delivery plan anticipates Royal assent by February 2025. Should Royal assent take place later, the OFT implementation plan would need to be revisited and either re-validated or updated.
17. Further external dependencies and key risks observed:
- a. Police having confidence in the final form of the intended legislation by early December 2024 is critical to be able to initiate market engagement. Should any significant legislative changes occur later than December 2024, Police's implementation processes may need to be revisited.
 - b. OFT vendor timeframes and supply chain constraints are not known yet and may impose constraints on delivery timeframes.
 - c. Laboratory ability to procure technological capability and hire staff is a critical dependency for OFT regime commencement.
 - d. The OFT regime is being delivered in the context of public sector services' cost saving initiative implementation, which may impact partners' ability to engage with Police and allocate the required resources.
18. As the current implementation plan has no schedule contingency, Ministerial support may be required to mitigate any future risks or issues. Police will escalate such needs in due time, if and as required.



.....
Michael Pannett

Acting Deputy Commissioner Operational Services and Road Policing

First contact	Superintendent Stephen Greally, Director: Road Policing	s9(2)(a)
Second contact	Acting Deputy Commissioner Michael Pannett, Operational Services and Road Policing	s9(2)(a)

BRIEFING FOR THE MINISTER OF POLICE**Appendix 1: Key Milestones – Oral Fluid Testing Regime Implementation**

Legislation	Bill reported back from Select Committee	December 2024	
	Remaining legislative stages completed	February 2025	If Royal assent is delayed, OFT will be able to complete the procurement evaluation, but should any changes to the legislation occur this could be impacted and we would not be able to nominate the preferred supplier. This would have a direct impact on Police delivery timeframes.
Procurement	Initial engagement with the market	Commences November 2024	
	Request for proposal	January – February 2025	Dependent on Police having visibility of the final scope of legislative changes by December 2024.
	Following Royal assent, successful supplier nominated	March 2025	Critical dependency for further key implementation milestones.
	Commercial negotiations and contract secured (contract for the roadside devices' supply, and contract with the laboratory)	June 2025	Laboratory Services would then require at least six months to operationalise once the roadside device provider is nominated, and contract for laboratory forensic service delivery is signed.

BRIEFING FOR THE MINISTER OF POLICE

Business case development and funding	Detailed business case approved (includes the requirement of technological scope and cost estimates being finalised) – involves the full implementation funding approval (including ongoing operational funding requirement outline)	May 2025	Dependent on roadside device provider being nominated early March 2025 (which is dependent on legislation Royal assent).
	OFT Project Management Plan approved	June 2025	Should further changes to timescales occur, they may influence the implementation approach and have an impact on quality and early benefit realisation.
Regulations	Draft Cabinet paper and regulatory impact analysis completed ¹	August 2025	
	Targeted consultation with Privacy Commissioner and other interested parties	August – September 2025	Anticipates partners' ability to engage with urgency
	Cabinet policy approvals and drafting instructions issued; Gazette testing of roadside devices completed	September 2025	
	Regulations submitted to Cabinet Legislation Committee for approval; Gazette notice issued for roadside devices	November 2025	
	Regulations in force (28 days after notification in the NZ Gazette)	December 2025	
Operating model	OFT Operating model designed and approved within Police	April 2025	Has a dependency on roadside device provider being nominated in early March 2025, as the device specifics impact operating requirements

¹ As the regulations cover the procedures for taking, handling and disposing of oral fluid samples, these can't be finalised until the device and laboratory services have been procured.

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BRIEFING FOR THE MINISTER OF POLICE

	Development of Police Policy, operating procedures, and other implementation activities	March – September 2025	
Training and deployment	Training and Deployment Model approved	July 2025	Training and Deployment model is dependent on roadside device being nominated in early March 2025
	Training materials completed; training for Pilot implementation delivered	November 2025	
Operational	Pilot for OFT commences	December 2025	

IN-CONFIDENCE
BRIEFING FOR THE MINISTER OF POLICE

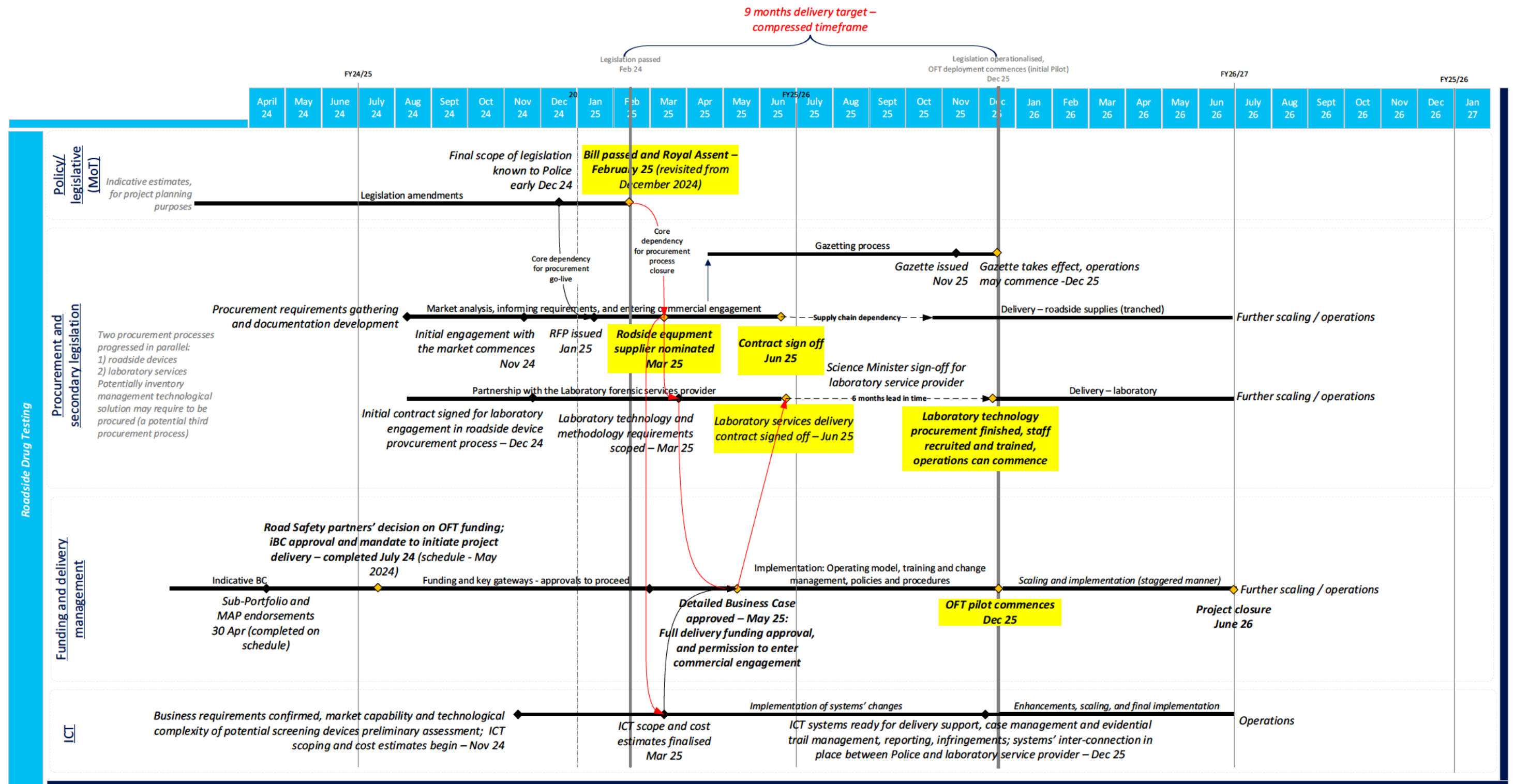
Appendix 2: OFT Plan On a Page (as at 6 November 2024)

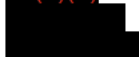
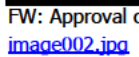
12 months are required from the Royal Assent date to operationalise the new legislation.

This compressed schedule targets delivery within 9 months from Royal Assent. It represents the best case scenario, and does not account for any schedule contingencies. It involves risks and external dependencies.

This plan relies on Police having visibility of the final scope of legislation by early December 2024, which is required for Police to be able to initiate Request for Proposal and engage the market. If further legislation changes occur, it may impact ICT scope, leading to Solution Design development requiring more time, and in turn delaying the ability to inform DBC cost estimates.

Royal Assent date is a critical dependency directly impacting Police's ability to nominate the successful supplier, which key delivery milestones depend upon. Should the Royal Assent occur later than anticipated, OFT delivery plan would need to be reviewed and either re-validated, or updated.



From: s9(2)(a)
To: 
Cc: 
Subject: FW: Approval of Oral Fluid Test Screening Device and Concentration Level of Listed Qualifying Drugs
Attachments: [image002.jpg](#)
[BR25115Di Signed letter to Minister of Science Innovation and Technology.pdf](#)
[BR25115 \(Signed\) Approval of Gazette notices for new oral fluid testing regime \(2\).pdf](#)
[BR25115a Appendix A - Draft Land Transport \(Approved Oral Fluid Screening Device\) Notice 2025.pdf](#)
[BR25115b Appendix B - Draft Land Transport \(Concentration Level of Listed Qualifying Drugs\) Notice 2025.pdf](#)
[BR25115Dii Suggested draft letter Approval of Oral Fluid Screening Device Minister of Science Innovation and Technology.docx](#)
[BR25115Diii Suggested draft letter Approval of Land Transport Notice 2025 Minister of Science Innovation and Technology.docx](#)

Kia ora s9(2)(a)

As you may be aware the Minister of Police is seeking to approve by notice in the *Gazette* the following:

- 1) Land Transport (Approved Oral Fluid Screening Device) Notice 2025
- 2) Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025.

As part of the approval process, the Minister is required to consult with both the Minister of Transport and the Minister of Science, Innovation and Technology.

Accordingly, please see the attached letter to the Minister of Science, Innovation and Technology inviting his consideration/approval of these notices.

Attachments also included:

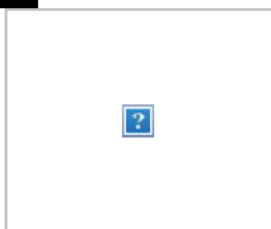
- The notices
- A copy of the Police briefing BR/25/115, and
- Draft letters of reply (if helpful)

The Minister's approval is sought by 10 November 2025.

Please let me know if you require any further information (or if this needs to go to someone else!)

Ngā mihi,

s9(2)(a)



s9(2)(a)

ce of Hon Mark Mitchell

Minister of Corrections
 Minister for Emergency Management and Recovery
 Minister for Ethnic Communities
 Minister of Police
 Minister for Sport and Recreation
 MP for Whangaparāoa
 Phone: s9(2)(a)
 Email: s9(2)(a)@parliament.govt.nz Website: www.Beehive.govt.nz
 Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Hon Mark Mitchell

Minister of Corrections
Minister for Emergency Management and Recovery
Minister for Ethnic Communities
Minister of Police
Minister for Sport and Recreation



4 November 2025

Hon Dr Shane Reti
Minister of Science, Innovation and Technology
Parliament Buildings
WELLINGTON

Dear Minister

Re: Consultation on the Land Transport (Approved Oral Fluid Screening Device) Notice 2025 and Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025

Under the new roadside oral fluid testing regime, Police officers will be able to screen any driver at the roadside using an approved oral fluid screening device to detect recent use of specified qualifying drugs. Following a positive roadside screening, a driver's oral fluid will be tested by an approved laboratory analyst for recent use of listed qualifying drugs. If the concentration level of the drug is at or above that required for a positive test result, then an infringement notice will be issued.

The new regime is scheduled to commence on 15 December 2025. Police has worked closely with operational staff to ensure this deadline is met.

I am required by sections 71G and 71GA of the Land Transport Act 1998 (the Act) to approve by notice in the *Gazette*;

- 1) oral fluid screening devices; and
- 2) listed qualifying drugs and concentration levels to be tested for by an approved laboratory analyst.

The required notices have been drafted, and I enclose copies for your information (the Notices).

Sections 71G and 71GA of the Act also requires that I consult with Minister of Science, Innovation and Technology and the Minister of Transport before making these notices. Police has worked closely with the Ministry of Transport and consulted with the Ministry of Business, Innovation and Employment. Both Ministries support making the Notices.

I am satisfied the requirements for making notices under s 71G and 71GA have been met as outlined below.

Land Transport (Approved Oral Fluid Screening Device) Notice 2025

I intend to approve the Securetec Drugwipe® 3 S code S304G.91 drug device (the Device) as the approved oral fluid screening device for oral fluid drug testing. The Device will enable

Police officers to screen drivers' oral fluid at the roadside for recent use of four specified qualifying drugs.

To make a notice under section 71G of the Act I must consider the accuracy of the Device and the extent to which a positive result indicates recent use of a specified qualifying drug.

The Device was selected having undergone a rigorous procurement process. The Device was one of a limited number available and was considered to best meet the stringent technical requirements and operational considerations (e.g time taken to take the test and generate a test result, cost, accuracy and level of invasiveness).

The Device has been tested and meets the requirements of the Australia/New Zealand Standard AS/NZS 4760:2019 - Procedure for specimen collection and the detection and quantification of drugs in oral fluid. Based on these test results, I consider the Device is accurate and a positive result on the Device indicates recent use of specified qualifying drugs. If you would like to see a review of the test results, this can be provided to you.

Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025

Police is also seeking to specify listed qualifying drugs and concentration levels to be tested for by an approved laboratory analyst. The Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025 (the Drugs Notice) specifies all 25 drugs listed in Schedule 5 of the Act.

To make a notice under section 71GA of the Act I must be satisfied that the concentration level required for a positive test result indicates recent use of a listed qualifying drug. The concentration cut-off levels set out in the Drugs Notice were recommended by an independent forensic toxicologist and are based on international standards and / or current scientific studies. The recommendations underwent a rigorous review process which concluded the proposed concentration cut-off levels for each listed qualifying drug will, if reached, establish recent use of each listed qualifying drug. If you would like to see the recommendations and review, these documents can be provided to you.

If you are satisfied with the approval of the Land Transport (Approved Oral Fluid Screening Device) Notice 2025 and Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025 please sign the bottom of this letter in the spaces indicated. Your signature is required by **10 November 2025**.

If you have any comments or queries, please ask your officials to contact John White, Policy Manager, New Zealand Police or , or by email: John.White@police.govt.nz.

Officials can arrange for a demonstration of the roadside testing process and the Device should you like to see how the Device works.

Yours sincerely,



Hon Mark Mitchell
Minister of Police



BRIEFING FOR THE MINISTER OF POLICE

Priority	☐ Urgent ☒ Time-Sensitive ☐ Routine		
Title	Approval of Gazette notices for new oral fluid drug testing regime		
Date	3 November 2025	Reference	BR/25/115

Purpose

- This paper seeks your approval to gazette:
 - the Securetec DrugWipe® 3 S code S304G.91 drug device (the Device) as the approved roadside oral fluid screening device (OFSD).
 - the listed qualifying drugs and concentration levels of oral fluid, that may be tested for by an approved laboratory analyst.
- Attached to this briefing is documentation to formally record your approvals (Appendices A-E), including draft notices for your consideration.

Key messages

- The new roadside oral fluid drug testing regime will commence on 15 December 2025.
- Working to this deadline Police has developed and put in place the necessary policies, procedures and equipment in parallel with seeking the necessary legislative and ministerial approvals.
- We now recommend you provide the approvals required by law to enable implementation.
- We are seeking your formal approval of the Device, which has undergone an exhaustive procurement process and we are confident this Device satisfies all the necessary approval criteria.
- In order to meet the delivery deadline Police has procured the Device ahead of formal ministerial approval.
- Police worked closely with the Ministry of Transport and consulted with the Ministry of Business, Innovation and Employment. Police has also worked closely with forensic toxicologists who have provided information to support your approvals.

Recommendations

Police recommends that the Minister of Police:

- a) Notice one: Land Transport (Approved Oral Fluid Screening Device) Notice 2025 (Appendix A)
- i. **note** your consideration of the accuracy of the Securetec DrugWipe® 3 S code S304G.91 drug device (the Device) in light of the requirements for screening oral fluid under the Land Transport Act 1998 **Yes/No**
- ii. **note** your consideration of the extent to which the positive screening threshold used by the Device for specified qualifying drugs indicates recent use of those drugs having regard to the relevant standard **Yes/No**
- iii. **note** your consideration of the desirability of detecting and deterring recent use of qualifying drugs by a driver of a motor vehicle **Yes/No**
- b) Notice two: Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025 (Appendix B)
- i. **note** your satisfaction that a positive laboratory test result will indicate recent use of a listed qualifying drug **Yes/No**
- c) **agree and sign** the above notices for publishing in the *Gazette* once the Parliamentary Counsel Office have provided you with the signature copy of the two notices **Yes/No**
- d) **sign and forward** the attached letters (Appendices C and D), and this briefing to the Minister of Transport and Minister of Science, Innovation and Technology **Yes/No**

Minister's comments and signature

 1 / 1 / 2025

Hon Mark Mitchell

Minister of Police

Satisfaction

Please select your level of satisfaction with this briefing

☐ Outstanding

☐ Good

☐ Acceptable

☐ Poor

☐ Unacceptable

Approval of Gazette notices for new oral fluid drug testing regime

Background

3. The Land Transport (Drug Driving) Amendment Act 2025 (the Amendment Act) was passed in March 2025. The Amendment Act introduces a new roadside oral fluid testing regime which is scheduled to commence on 15 December 2025.
4. Police officers will be able to screen any driver at the roadside using an oral fluid screening device (OFSD) to detect recent use of specified qualifying drugs. A positive result will trigger a requirement for a separate oral fluid sample to be collected and sent for analysis in an approved laboratory.¹ Following a positive laboratory test result, an infringement notice will be issued.
5. Police is required to implement the new regime by 15 December. To ensure the deadline is met, Police has developed and put in place the necessary policies, procedures and equipment in parallel with seeking the necessary legislative and ministerial approvals.
6. An OFSD has been selected having undergone an exhaustive procurement process. The Securetec DrugWipe® 3 S code S304G.91 (the Device) was one of a limited number available and was considered to best meet the stringent technical requirements and operational considerations (e.g time taken to take the test and generate a test result, cost, accuracy and level of invasiveness). Police tested the Device in the field and found it quick, easy and not very invasive to use. The cost of the Device is within the allocated funding.

Land Transport Act Requirements

7. Under new sections 71G and 71GA of the Land Transport Act 1998 (the Act) the Minister of Police may by notice approve an OFSD (Notice one), listed qualifying drugs (the Drugs) and concentration levels to be tested for by an approved laboratory analyst (Notice two). Draft notices (the Notices) are attached for your consideration (Appendices A and B).
8. Sections 71G and 71GA of the Act require you to consult with the Minister of Transport and Minister of Science, Innovation and Technology (the Ministers)² before making notices under these sections. Letters to the Ministers (Appendices C and D) are attached for your signature.
9. Police has worked closely with the Ministry of Transport and consulted with the Ministry of Business, Innovation and Employment who support making the Notices.

¹ We understand MBIE are undertaking work to ensure Public Health and Forensic Science are approved to analyse oral fluid samples.

² The Amendment Act refers to the Minister of Science, Innovation and Technology as the Science Minister.

Notice one: Approving an OFSD

10. Section 71G(4) of the Act requires you to consider the following matters before approving an OFSD:
 - a. The accuracy of the OFSD in light of the requirements for screening oral fluid under the Act;³ and
 - b. The extent to which the positive screening threshold used by the device for specified qualifying drugs indicates recent use of those drugs having regard to the Australia/New Zealand Standard AS/NZS 4760:2019 - Procedure for specimen collection and the detection and quantification of drugs in oral fluid (the Standard).
11. Section 71G(5) requires you, in considering the matters outlined in section 71G(4), to consider the overall desirability of detecting and deterring recent use of qualifying drugs by a driver of a motor vehicle.

The Device is accurate and indicates recent use of specified qualifying drugs

12. The Device was tested by a fully accredited laboratory⁴ in accordance with the Standard and Manufacturer's instructions. Dr Michael Robertson⁵ an independent Forensic Toxicologist, has reviewed the test results and confirms that the Device meets the requirements of the Standard. The test results are available on request.
13. Police considers the testing process was satisfactorily completed. We recommend that you approve, by gazetting the attached notice (Appendix A), the Device as the approved OFSD to detect recent use of specified qualifying drugs.

The Device is important in detecting and deterring recent drug use by drivers

14. The specified drugs are known to impair driving skills and have been detected in New Zealand drivers involved in fatal and injury crashes. The Device will detect and deter recent use of these drugs by drivers and in doing so improve road safety.

Notice two: Approving the Drugs and concentration levels to be tested by an approved analyst

15. Section 71GA of the Act requires that you be satisfied that a positive laboratory test result will indicate recent use of a listed qualifying drug. This requirement is satisfied if the specified concentration level required for a positive test result aligns with that of the Standard. If this is not the case, then you may rely on other relevant information to be so satisfied.

³ See sections 71A to 71DG of the Act.

⁴ The Device was tested by HASTA laboratories in Flemington Victoria which is one of the most experienced laboratories currently testing oral fluid devices within New Zealand and Australia.

⁵ Dr Robertson is a Pharmacologist and Forensic Toxicologist at Independent Forensic Consulting.

The proposed concentration levels required for a positive laboratory test result will indicate recent use of a listed qualifying drugs

16. The Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025 (Appendix B) (the Drugs Notice) specifies all 25 qualifying drugs listed in Schedule 5 of the Act. These drugs have been selected because they are known to impair driving skills and have an impact on road safety.
17. The majority of cut-off concentration levels specified in the Drugs notice are based on those recommended in the Standard and / or the European Guidelines for Workplace Drug Testing in Oral Fluid 2022-10 Version 3.0 (the European Standard). These documents were developed by experts with the principle that these concentration levels represent a donor's 'recent drug use'.⁶ Eight of the Drugs are included in the Standard and the proposed concentration levels specified for these drugs align exactly with that of the Standard.⁷ The concentration levels specified for the remaining 17 drugs are based on other relevant information, particularly the European Standard.
18. Police has worked closely with Dr Helen Poulson⁸ and Dr Robertson on evidence to support making the Drugs Notice. Dr Poulson recommended cut-off concentration levels for the remaining 17 drugs not included in the Standard. Her recommendations were based on the cut-off concentration levels used by other jurisdictions, particularly the European Standard, and on information available from current scientific literature. Dr Poulson's recommendations have undergone a rigorous review process. In Dr Robertson's and Dr Poulson's expert opinion, the recommended cut-off concentration levels specified in the Drugs Notice are calibrated such that a positive test result is indicative of recent use.⁹ The scientific report is attached for your consideration (Appendix E).
19. As the review process has been satisfactorily completed, Police recommends that you approve, by gazetting the Drugs Notice attached (Appendix B), the Drugs and concentration levels specified in the Drugs Notice.

⁶ The drugs not included in these standards include fentanyl, zopiclone and GHB. The cut-off concentration levels for these drugs are based on scientific studies that have been carried out on these drugs.

⁷ These drugs are Amphetamine, Cocaine, Codeine, MDMA, Methamphetamine, Morphine, Oxycodone, and THC.

⁸ Dr Poulson is an independent Forensic Toxicologist at the New Zealand Institute for Public Health and Forensic Science.

⁹ Dr Robertson's review considered available literature, existing Guidelines, the drug chemistry, and therapeutic serum / plasma concentrations.

Next steps

20. We attach draft letters to the Ministers for their review and signature (Appendices C and D) subject to their agreement. The Parliamentary Counsel Office (PCO) will provide your office with the signature copy of the Notices for your approval.
21. Once the signature copies of the Notices are signed by you, PCO will then publish the Notices in the New Zealand Gazette in November. It is intended for the Notices to come into force on 15 December 2025 at the latest.
22. Police would be happy to provide you and your Ministerial colleagues with a demonstration of the roadside process and testing device at your request.



.....

Superintendent Stephen Greally
Director: Road Policing

First contact	Superintendent Stephen Greally, Director: Road Policing	s9(2)(a) [REDACTED]
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Hon Mark Mitchell
Minister of Police
Parliament Buildings
WELLINGTON

Dear Minister

Re: Approval of the Land Transport (Approved Oral Fluid Screening Device) Notice 2025

I acknowledge and support the introduction of the Securetec Drugwipe® 3 S code S304G.91 drug device as an approved oral fluid screening device, as set out in the attached draft of the Land Transport (Approved Oral Fluid Screening Device) Notice 2025.

Yours sincerely,

/ / 2025

Hon Dr Shane Reti
Minister of Science, Innovation and Technology

Hon Mark Mitchell
Minister of Police
Parliament Buildings
WELLINGTON

Dear Minister

**Re: Approval of the Land Transport (Concentration Level of Listed Qualifying Drugs)
Notice 2025**

I acknowledge and support the approval of the listed qualifying drugs and concentration levels set out in the attached draft of the Land Transport (Concentration Level of Listed Qualifying Drugs) Notice 2025.

Yours sincerely,

/ / 2025

Hon Dr Shane Reti
Minister of Science, Innovation and Technology



Seen by Minister (date): Date

AIDE-MÉMOIRE FOR THE MINISTER OF POLICE

Title	Update on the Oral Fluid Testing regime		
Date	20 February 2025	Reference	AM/25/17

Purpose

1. This paper updates you on recent progress on the Land Transport (Drug Driving) Amendment Bill (the Bill), that is expected to be considered by the Committee of the House on 11 March 2025.

Key messages

- The Bill resolves the workability of roadside drug testing legislation by loosening the approval criteria for you to approve oral fluid testing devices. The Government's 2025 Q1 Action Plan includes passing legislation to introduce roadside drug testing. Police is expected to implement the legislation by December 2025, and complete 50,000 tests per annum.
- The Select Committee recommended including a "blanket" independent testing regime and the collection of a sufficient sample for testing. This was agreed to by the Government and inserted into the Bill.
- The Minister of Transport has since agreed to an "opt-in" rather than a "blanket" approach, and is proposing an Amendment Paper for the Committee of the Whole House stage. This addresses Police's operational concerns (prolonged detention on the roadside for drivers and frontline police).

Background

2. The Bill amends the Land Transport Act 1998 to enable Police to conduct 'anytime, anywhere' roadside oral fluid tests on drivers to detect the presence of at least one qualifying drug.
3. The Bill resolves an issue that made the current legislation unworkable by loosening approval criteria for you to approve a device to achieve this.

4. We previously provided information and advice to you on this and other proposed changes to the Bill [AM/24/166 refers].

The Minister of Transport outlined expectations to deliver oral fluid testing

5. The Government's 2025 Q1 Action Plan includes an action to pass legislation to introduce roadside drug testing. We understand the current Minister of Transport has retained his predecessor's expectations that Police initiate oral fluid testing by December 2025, and complete 50,000 oral fluid tests per annum from the time when oral fluid testing roll out is completed.

The Select Committee recommended an independent testing pathway for all drivers...

6. The Transport and Infrastructure Select Committee (the Committee) recommended that in every case where the first oral fluid screening test returns a positive result, a sample is then obtained from the driver and made available for independent laboratory analysis (referred to as the "blanket" approach). The Committee considered this approach aligns with the blood testing regime for alcohol. The Government accepted this recommendation, and inserted it into the Bill.
7. The driver has up to 28 working days after they have been served with the infringement notice to apply to the Commissioner of Police to have the oral fluid sample analysed by an independent analyst. Police must ensure there is sufficient oral fluid sample available for both laboratory analysis and independent analysis.
8. The independent analyst (referred to as a private analyst in the Bill) must handle, retain, transfer, or dispose of the oral fluid sample in accordance with the applicable procedure that will be prescribed in regulations. The cost of this will sit with the driver. We expect less than one percent of eligible applicants will apply for this (in line with the experience of some Australian jurisdictions).

...however, the Minister of Transport agreed to an alternative and more workable approach

9. Operational delivery analysis by Police officials identified a mandatory independent testing regime may impact Police's ability to implement the oral fluid testing regime under the "blanket" approach.
 - Providing sufficient saliva for each of the ESR test and an independent test may take considerable time at the roadside. The quantity of saliva required can be quite challenging to gather in a short space of time.
 - Drivers who return a first positive screening test will be detained on the roadside for longer to provide a sample that is sufficient for independent testing.

IN-CONFIDENCE

- The procedure to obtain a second sample with sufficient quantity for independent testing would be unnecessarily time consuming for frontline staff, and overall of little benefit.
 - If Police needed to split all roadside samples into two, this introduces a high risk of legal challenge in the courts around sample contamination.
10. The Minister of Transport has agreed that the Ministry of Transport will work with the Parliamentary Counsel Office (PCO) to draft an Amendment Paper (AP) responding to our concerns. Police will support this process to help ensure the legislation is pragmatic and deliverable.
 11. The AP will remove the “blanket” approach and replace it with a process where a driver who returns a positive reading from their first oral fluid screening test will elect whether they would like an additional sample obtained for independent analysis. This significantly mitigates the risks we have raised above, noting the expected uptake of applications will be very low.
 12. The attached slide pack illustrates the current OFT process from beginning to end to assist you in understanding the process frontline police will administer on the roadside.

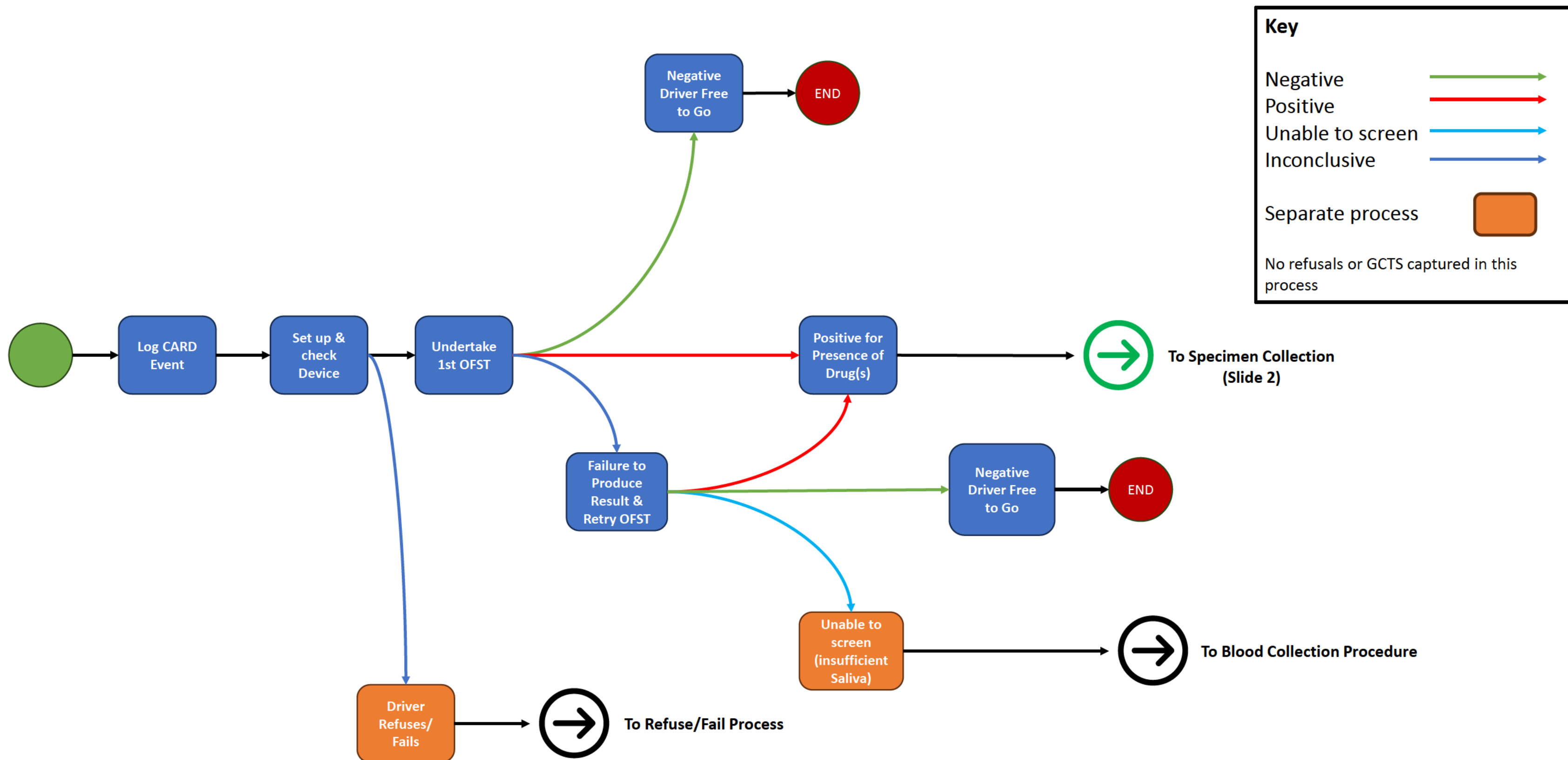
Next steps

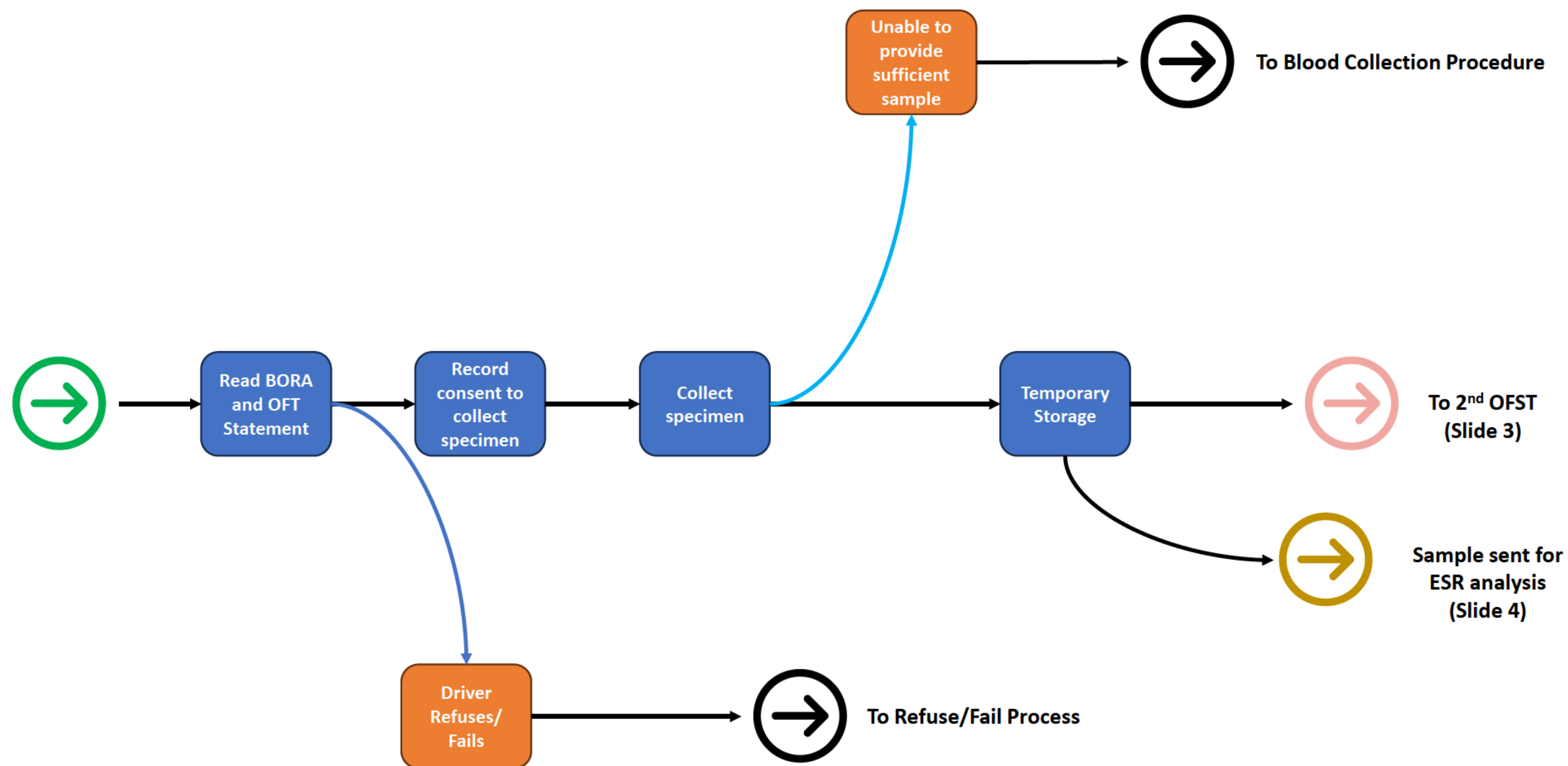
13. The Committee of the Whole House stage has been scheduled for Tuesday 11 March 2025. We are working closely with Ministry of Transport and PCO officials who are drafting the AP. As soon as possible, Police will undertake the procurement process required to select a preferred supplier for oral fluid testing devices.
14. The Bill is scheduled to be passed by the end of March meaning it will continue to be delivered within the timeline set in the Government’s quarterly delivery plan.

First contact	John White, Policy Manager	s9(2)(a)
Second contact	Jeremy Wood, Executive Director Policy & Government Relations	s9(2)(a)

Attachments

Appendix 1: Oral Fluid Testing Process Map (current state)





Key

Negative



Positive



Unable to screen

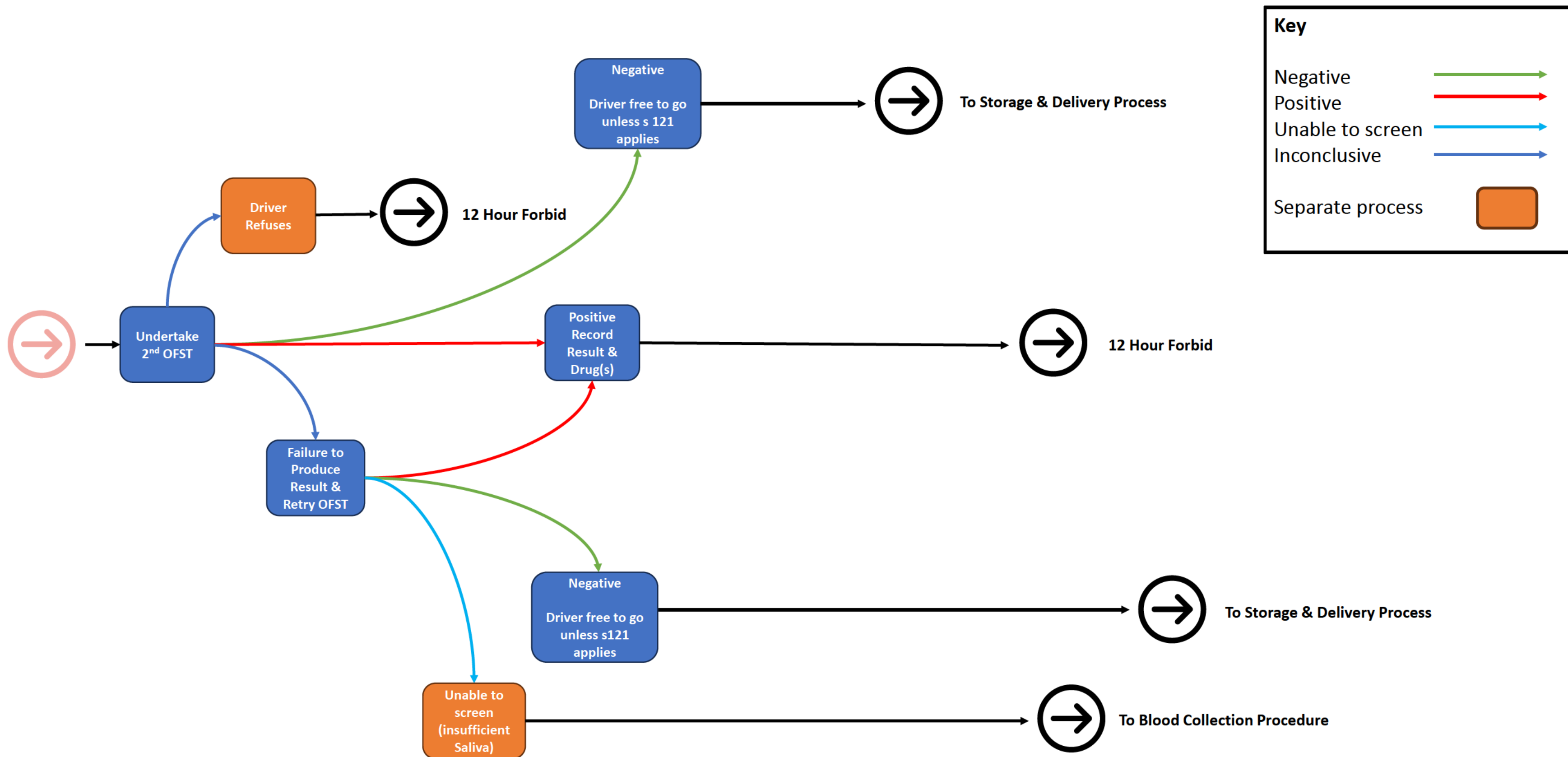


Inconclusive



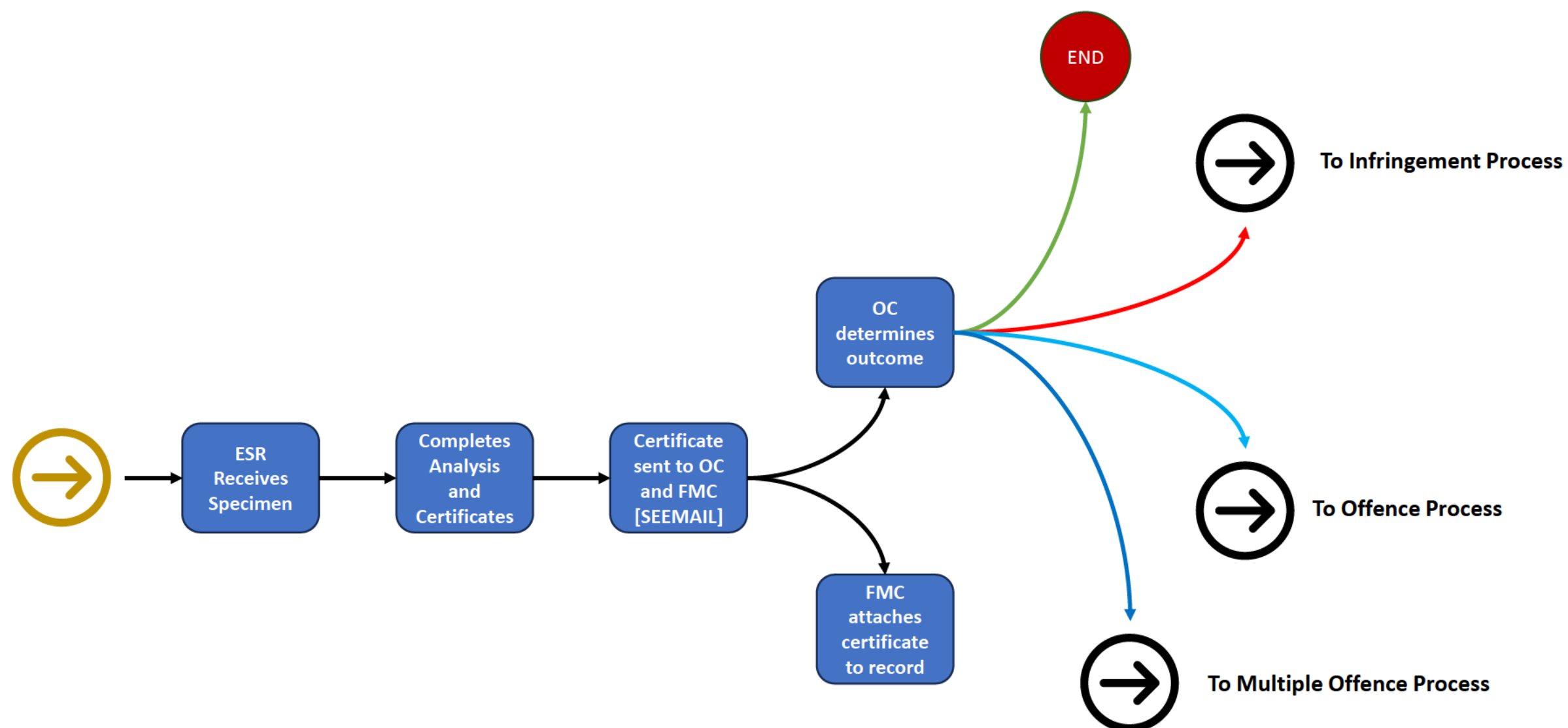
Separate process





Key

- Negative 
- Positive (OFT) 
- Positive (Blood) 
- Positive (combo) 





Purpose

Seen by Minister (date): Date

AIDE-MÉMOIRE FOR THE MINISTER OF POLICE

Title	Oral Fluid Testing implementation update		
Date	21 July 2025	Reference	AM/25/85

1. This aide-mémoire updates you on the Oral Fluid Testing (OFT) procurement and implementation progress.

Key Messages

- Police is on track to start OFT in December 2025.
- The preferred procurement provider has been selected. Roadside technology is in line with New Zealand legislative requirements.
- The New Zealand Institute for Public Health and Forensic Science (PHF Science)¹ is on track with laboratory capability establishment.
- The initial go-live in December 2025 will be paper-based and limited to Wellington District. Police will begin scaling up from March 2026 onwards, once the end-to-end digital solution (which includes the digitalisation of frontline operations with full business and systems integration) has been developed.
- Police expects OFT to be at national capacity, with frontline staff using the digital solution, by June/July 2026.

Background

2. The Land Transport (Drug Driving) Amendment Bill was passed on 29 March 2025 and comes into force no later than 1 April 2026 (sooner if possible). The changes enable Police to implement roadside drug driving testing.

¹ Until 30 June 2025 PHF Science was known as The Institute of Environmental Science and Research (ESR)

3. As part of New Zealand's Road Safety Objectives, the Government set its expectation for Police to operationalise the roadside drug testing by December 2025².
4. Police established an OFT implementation team approximately 12 months prior to the Land Transport (Drug Driving) Amendment Bill Royal assent (29 March 2025), to enable a December 2025 go-live.

OFT Implementation Status

4. Police initiated procurement of the OFT roadside equipment in February 2025 (ahead of the legislation Royal assent). The preferred supplier has been nominated and we are currently completing due diligence prior to the appointment of the successful supplier and the finalisation of the contract.
5. PHF Science is on track with laboratory capability establishment. This includes hiring of the team, and testing equipment, processes, and capability.
6. Police continues to work towards the December 2025 go-live date. Due to complexity of the technical capability required to meet operational needs, the initial operations in December will be paper based and limited to Wellington district. Testing will be undertaken by the Impairment Prevention Team, who undertake alcohol testing, followed by the Commercial Vehicle Safety Team, who will focus on commercial vehicles.
7. The digital components will be ready by March 2026, which is when national frontline operational scaling will commence.
8. At least four months will be required to reach national capacity. Police expects OFT to be nationally operational by June/July 2026.

First contact	Superintendent Steve Greally, Director, Road Policing	s.9(2)(a) OIA
Second contact	Michael Johnson, Assistant Commissioner Road Policing and District Support	s.9(2)(a) OIA

² **New Zealand Road Safety Objectives. Ministry of Transport.**

https://www.transport.govt.nz/assets/24-EX-087-Road-Safety-Objectives-document_v2.4.pdf



Seen by Minister (date): Date

AIDE-MÉMOIRE FOR THE MINISTER OF POLICE

Title	Talking Points for Cabinet: Regulations to Support Implementation of Oral Fluid Testing of Drivers		
Date	24 July 2025	Reference	AM/25/103

Purpose

1. This aide-mémoire provides talking points to support your discussion when Cabinet considers the Minister of Transport's Cabinet paper – Regulations to support implementation of oral fluid testing of drivers
2. Cabinet will meet on Monday 28 July 2025, 11.00am-1.00pm.

Key messages

- The Minister of Transport is seeking Cabinet's agreement to policy proposals for regulations to support the implementation of a new roadside oral fluid (saliva) drug testing regime.
- Police has worked closely with the Ministry of Transport in the development of the regulations.
- Suggested talking points are provided.

Talking Points

Regulations

- These regulations will provide guidance for Police and the public on how roadside drug testing regime will collect, handle, store, and undertake independent testing.

Rollout

- Police will begin to implement roadside drug testing by December this year.
- The testing will initially be undertaken within Wellington District by Wellington District Impairment Prevention Team, and Ohakea Commercial Vehicle Safety Team.
- Nation-wide testing will be rolled out by mid-2026 as staff across the country have undertaken the necessary training.
- The testing process will initially be paper-based and will move to a digital solution in March 2026.

Detaining people on the roadside

- Police can detain a person on the roadside for as long as necessary to complete the process set out in legislation.
- Police is aware of the importance of minimising the time a driver is detained on the roadside for, and it is in their interest to undertake this efficiently.
- Police anticipates this process may take approximately 5 minutes for most drivers, and may take 20 minutes or longer in cases where the screening indicates impairment.

- People may be detained for longer due to other relevant factors, including:
 - the time a person takes to produce a sufficient amount of saliva for the test (for example, when a person experiences a dry mouth)
 - the cooperation of the driver
 - the result of the first oral fluid screening test, as a positive result will require Police to collect a laboratory sample(s), and conduct a second oral fluid test to determine whether the person is prohibited from driving for 12 hours.
- Data from Australian roadside testing showed up to 13 percent of drivers would return a positive result.

Types of drugs being tested

- An expert scientific panel is providing advice on the types of drugs being tested in the laboratory.
- It is likely that four illicit drugs will be included in the roadside testing regime. These are: THC (cannabis), MDMA (ecstasy), methamphetamine, and cocaine. This is similar to approach taken in Australia.

Prescription medication

- Police tell me the device used at the roadside will not react to ADHD medication.
- Prescription cannabis which includes THC causes impairment therefore a person will return a positive test if the threshold of THC in their saliva is exceeded. This positive result indicates they may be impaired and it is unsafe for them to drive.

First contact	John White, Manager People and Communities Policy	s 9(2)(a) OIA
Second contact	Tanya Roth, Director Policy	s 9(2)(a) OIA