



Transport (Breath Tests) Amendment Notice 2006

Pursuant to sections 2 and 218 of the Land Transport Act 1998, the Minister of Police gives the following notice.

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Notice

- 1 **Title**
This notice is the Transport (Breath Tests) Amendment Notice 2006.

- 2 **Commencement**
This notice comes into force on 1 October 2006.

- 3 **Principal notice amended**
This notice amends the Transport (Breath Tests) Notice (No 2) 1989.

4 Interpretation

Clause 2 is amended by inserting the following definition in its appropriate alphabetical order:

“**Dräger 6510** means a Dräger Alcotest 6510; and includes any device having the trade name ‘Dräger’, ‘Drager’, or ‘Draeger’, and associated with the number 6510 or the expression ‘6510NZ’.”

5 Approval of passive breath-testing device

Clause 2A is revoked and the following clause substituted:

“2A Approval of passive breath-testing devices

The following devices are approved as kinds of passive breath-testing devices:

“(a) Alcotest AR 1005:

“(b) Dräger 6510.”

6 Approval of breath screening devices

Clause 3 is amended by adding the following paragraph:

“(e) Dräger 6510.”

7 New clause 6B inserted

The following clause is inserted after clause 6A:

“6B Manner of carrying out breath screening tests by means of Dräger 6510

Breath screening tests carried out by means of a Dräger 6510 device must be carried out in the following manner:

“(a) *step 1* (preliminary action)—

“(i) the enforcement officer must observe the display panel showing ‘READY’. If the display panel does not show ‘READY’, the officer must depress the ‘OK’ button briefly and repeat this step 1(i):

“(ii) the enforcement officer must, before or after step 1(i), attach a mouthpiece to the breath inlet port of the device:

“(b) *step 2* (breath screening test)—

“(i) the person being tested must blow through the mouthpiece at a pressure and for a period to provide a specimen of breath sufficient for analysis, when instructed by the enforcement officer:

- “(ii) after the person being tested stops blowing, the enforcement officer must observe the display panel of the device:
 - “(iii) if the display panel shows ‘Insufficient Volume’, it means that no specimen of breath sufficient for analysis has been provided. In that case, the enforcement officer may depress the ‘OK’ button on the device, and repeat step 1(i) and this step 2, unless the officer believes the person being tested has failed or refused and will continue to fail or refuse to undergo the test without delay:
 - “(iv) if the display panel shows ‘NO ALCOHOL’ or ‘ALCOHOL’, during or after the purported breath screening test, it means the ‘OK’ button has been depressed during the test. In that case the enforcement officer must depress the ‘OK’ button on the device, and repeat step 1(i) and this step 2:
- “(c) *step 3 (results of test)*—
- “(i) if the display panel shows ‘PASS’, the result indicates that the test is negative. As a confirmation, the indicator light will be a steady green for a short time (approximately 20 seconds or such shorter time as the officer may permit):
 - “(ii) if the display panel shows ‘FAIL YTH’, the result indicates that the proportion of alcohol in the person’s breath exceeds 150 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady amber or red for a short time (approximately 20 seconds or such shorter time as the officer may permit):
 - “(iii) if the display panel shows ‘FAIL GEN’, the result indicates that the proportion of alcohol in the person’s breath exceeds 400 micrograms of alcohol per litre of breath. As a confirmation, the indicator light will be a steady red for a short time (approximately 20 seconds or such shorter time as the officer may permit).”

Dated at Wellington this 25th day of September 2006.

Annette King,
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 1 October 2006, amends the Transport (Breath Tests) Notice (No 2) 1989 to—

- approve the Dräger Alcotest 6510 as a kind of passive breath-testing device; and
- approve the Dräger Alcotest 6510 as a kind of breath screening device; and
- prescribe the manner in which breath screening tests are to be carried out using the Dräger Alcotest 6510.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 28 September 2006.

This notice is administered by the New Zealand Police.
