

## STATEMENT OF EVIDENCE

### ERIC KAY DAVY

1. My full name is Eric Kay Davy. Up until 25<sup>th</sup> November 2011 I was the Officer in Charge of the Local Road Policing Staff Division. What that division does is fully encapsulated in its name – it is responsible for policing in the Tasman Police District which runs from the top of Haast in the south, to the top of the Orara Hill, south of Kaikoura. The division has a total of 32 on-road staff. I was an adviser to the Strategic Traffic Unit for the Tasman Police district which is charged with all road policing matters in relation to territorial local authorities in the area. My PID (Police Identification Number) is EDE148. I spent 42 years experience, of which 32 years has been as a Road Policing Specialist.
  
2. From my experience:
  - (a) The potential concentration of the activities proposed on site enable control of the persons accessing the site and participating in the activity. The Motueka Valley Highway is State Highway 61 and although it has reverted back to local authority road status, it is of a design and construction that enables safe traffic movement.
  - (b) All persons accessing the site are under the direct control of the organiser in that they are required to be licensed by them to access the site. The issue of responsibility for attendees accordingly is very clear and because of the location easy for New Zealand Police to monitor and enforce the law.
  - (c) There is only “*one way in and one way out*” - this makes policing easy with both checkpoint (for alcohol) and for licence and vehicle fitness checks to be undertaken. A good example of the benefit of “*one way in and one way out*” can be best be seen by way of the Brightwater Wine Festival and even the Montana Festival at Blenheim which is three to four times bigger. A Police presence

can be clearly advertised, simply by parking a car or two at the entrance as people go into the function, it is drawn to their attention that entry and egress are policed and we have found that that lifts the behaviour of attendees to a higher level. Attendees see the Police cars going in they know that they will see a “*booze bus*” and pursuit cars going out.

Numbers of excessive breath alcohol recorded on the same day (2012) as the special events mentioned above are:

Brightwater Wine and Food – Nil

Blues, Brew & Barbeque - 4

Marlborough Wine & Food Festival – 5

Despite the fact that those are large events – indicating that drivers are aware that such activities and functions will be targeted and are.

- (d) Motorsport is not generally in my experience a generator of a drinking culture – because many of the people attended are themselves driving or associated with the drivers they are there to watch and enjoy the motorsport not to swan around the bar. I have attended the Melbourne Grand Prix and also the Super V8s at Feilding and I paid particular attention because of my job as to just how the culture presented. What I found was something vastly different to what I would have expected – the culture seemed to be that that attendees were there to enjoy the racing and if there was to be a party that came after the event and not on race track site. Whilst alcohol was available my personal observation was that there was not crowds around the bar, but the occasional buyer.

3. In 2007 I was sent by the New Zealand Police to spend a week with the Victorian State Police as part of ongoing education to ascertain whether there was anything the Victorian State Police were doing which could aid the Police here in Tasman. As part of that I went to the Caulfield Races and attended at the check point on Caulfield Road and followed through with the people who were stopped and breathalysed. I came to the rapid conclusion that the processes adopted by Police in New Zealand are:
  - (i) More thorough (Breathalysed followed by blood test)
  - (ii) More interventionist (Removal of keys and prohibition on driving)
  - (iii) And those approaching remove the hazard from the road as distinct from the Australian process (in my experience) where the offender is left to offend again.
4. I understand that there may have been a sentiment expressed that a motorsport park such as that proposed will simply lead to problems in administration, management and enforcement by the New Zealand Police. In fact, In my view its potential outcomes have been considered and there is simply no argument on the part of Police that there will be any difficulty in either administration or enforcement, that is with what the Police are charged.
5. Indeed, the location of the motorsport park is ideal, I believe, for its isolation (less complaints as to noise one would expect), and its ability for the reasons I have set out above to exercise control. Police resources will not be wasted by having to be in many places potentially, they can be focused on one place and used efficiently.
6. As to the matter of alcohol generally, this can be managed by the Major Events Management Act which enables conditions to be imposed upon a

Liquor Licensee by the Liquor Licensing Authority in consultation with the Police governing:

- The type of liquor container;
- The number of containers per person which may be supplied at point of sale;
- Whether containers are opened at point of sale;
- Control of Managers at point of sale;
- The sort of things observed by attendees at the World Cup games.

7. I have read the conditions proposed by the Reporting Officers. Condition 24 reads:

*“24. The Consent Holder shall ensure that when liquor is sold within the motorsport park all drivers of vehicles leaving the motorsport park are given a breathalyser test. The breathalyser test shall be administered within the subject property.”*

There is no provision in law for *“private breath testing”* like this on private land. A condition like this lands solely at the door of the Police – this would have the effect of potentially giving a false reading particularly if the operator of the breathalyser had not calibrated them properly in the first place. Breathalysers which are able to be commercially purchased are not reliable in my experience, they may underread and may very well provide false or inaccurate readings. I venture that if somebody is breathalysed in this rather unprofessional way within the site, and finds that they are *“under the limit”*, they may take that as a licence to go and have another couple of beers when it is the inappropriate thing to do so. The responsibility for breathalysing and enforcement lies with the New Zealand Police – the Commissioners can rest assured that if there are functions held on this site, it is not a matter of if the Police monitor, it is a

question of when they monitor – they will. The other point that I would make is that the driver of the car could be breathalysed within the site, and 200 metres down the road have a change of driver – the condition is pointless. I would prefer that the condition read:

*“24. The consent holder shall ensure that whenever liquor is sold within the motorsport park, spectator and visitor management is in strict accordance with the approved Traffic Management Plan and Event & Noise Management Plan.”*

8. I am happy to answer any questions.