



Drug and Alcohol Testing

Procedural Instruction

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1. Purpose

The Department has a zero tolerance for the possession, use, or trafficking of prohibited drugs and is an alcohol-free workplace, unless otherwise authorised or permitted by this Procedural Instruction. Part 5 of the *Australian Border Force Act 2015* (the ABF Act) provides the legislative basis for drug and alcohol testing in the Department, in particular, sections 34, 35 and 36. These provisions provide the legislative basis for directing Immigration & Border Protection workers (workers) to undergo alcohol screening tests, alcohol breath tests, or prohibited drug tests.

There is a risk that workers may be vulnerable to compromise, a risk that is increased for workers engaging in illicit drug taking. This applies not only to front line operational staff, but also to office-based staff with access to sensitive information. Drug and alcohol testing is an integrity measure designed to mitigate this risk.

The *Australian Border Force (Alcohol and Drug Tests) Rule 2015* (the Rule) specifies the manner in which testing is to be carried out. Drug and alcohol testing forms a component of the Integrity Framework and serves to ensure a safe working environment for all workers.

In carrying out the testing program, the Department will:

- act in accordance with legislative requirements;
- maintain confidentiality; and
- treat workers fairly and equitably.

Under the *Public Service Act 1999* (the PS Act), employees are required to display behaviours that are consistent with the Australian Public Service (APS) values, and comply with the APS code of conduct.

Contractors and consultants may be subject to similar obligations under the terms of their contract, and in accordance with the Secretary's Professional Standards Direction. If a contractor or consultant breaches these obligations, action may be taken under the terms of their contract, or under section 57 of the ABF Act.

2. Scope

This procedural instruction (PI) applies to all Immigration and Border Protection workers, it outlines

- the Department's position on drugs and alcohol in the workplace, specifically:
 - a zero tolerance approach to the possession, use and trafficking of prohibited drugs;
 - an alcohol-free workplace, unless otherwise authorised or permitted by this Procedural Instruction;
- sets out procedural requirements under the testing program

Out of scope for this instruction is detailed information outlining drug and alcohol testing processes.

3. Procedural Instruction

1.1. Overview

Workers may be required to undergo a prohibited drug test, an alcohol screening test, or an alcohol breath test in the workplace for the following reasons:

- as part of a random testing program; or
- in response to a certain incident as outlined in s 36 of the ABF Act; or
- as part of a targeted test on referral and as approved by the Assistant Secretary, Integrity and Professional Standards Branch (I&PS).

Testing will be conducted by an authorised external testing company or an authorised departmental officer.

Workers must not consume, or be impaired by alcohol while on duty, or on call. Workers must not consume illicit drugs at any time.

The Department's position on drugs and alcohol does not limit the handling and storage of prohibited drugs or alcohol as a part of a worker's core duties or during their participation in activities as part of departmental training.

1.1.1. Authorisation for drug and alcohol testing

Workers may be directed to undergo testing by a person who has been authorised for that purpose by the Secretary. Officers within the Drug and Alcohol Coordination Unit (DCU) and relevant SES officers are authorised persons for the purpose of issuing directions.

Other authorisations are made by the Secretary under the Rule to facilitate drug and alcohol testing and include the authorisation of companies or individuals as authorised testers to conduct an alcohol screening and alcohol breath test, as well as collect a body sample and conduct a screening for drugs or their metabolites. The Secretary also makes authorisations for devices used for alcohol or drug tests.

1.1.2. Direction to attend for testing

A written direction in accordance with the ABF Act is issued to each worker when they are required to undertake testing. The direction will specify the types of tests to be undertaken on that worker and will include a time and location for testing.

1.1.3. Failure to comply with a direction

Workers must comply with a direction given to them by an authorised person that requires them to undergo testing.

Failure to comply with a direction may constitute a breach of the APS Code of Conduct, and may result in a sanction, up to and including termination of employment, being imposed under subsection 15(1) of the Public Service Act 1999.

For IBP workers who are not APS employees, failure to comply may constitute a breach of a direction under section 55 of the Australian Border Force Act 2015, and may result in the termination of their engagement under section 57 of that Act. Non-compliance may also be addressed under the terms of the contract engaging the IBP worker.

Failure to present for testing, failure to complete relevant forms or to provide an appropriate sample for testing may amount to non-compliance with the policy, and will be referred to I&PS for consideration.

Workers are obliged to treat others with respect, and without harassment. Obstructive or otherwise discourteous behaviour during the testing process may be considered a failure to comply with the direction to undergo testing and may be referred for further assessment by I&PS.

Where a worker provides a medical reason for failing to give a sample, this will be referred to the Medical Review Officer (MRO) for further advice.

1.1.4. Impairment

The Department has a duty under the *Work Health and Safety Act 2011* (WHS Act) to ensure, so far as reasonably practicable, the health and safety of workers while at work. This duty extends to minimising the risk of accident, incident and injury in the workplace arising from the consumption of drugs and alcohol.

1.1.5. Support for workers

The Department will provide reasonable support to employees who voluntarily seek assistance with the problematic use of alcohol or drugs (including both prohibited drugs and legally available substances). Requests for assistance will be treated with confidentiality and in accordance with the *Privacy Act 1988* (Cth) (Privacy Act), but are subject to any mandatory reporting obligations in relation to possible misconduct.

The nature and extent of any assistance requested will be considered on a case by case basis, having regard to all the circumstances, and consistent with this instruction. Participation in formal rehabilitation processes, which will be at the worker's expense, may be required. Workers should seek advice from their General Practitioner (GP) regarding the most appropriate treatment for them.

Anyone seeking assistance with addiction should speak with their GP in the first instance, workers can also contact the Employee Assistance Program (EAP) by calling 1300 360 364 for confidential counselling. Additional information on the Department's response to requests for assistance can be sought by calling Case Management Services triage on 1300 793 883.

In consultation with Case Management Services and where appropriate, I&PS will not treat drug or alcohol use as a misconduct issue, where the employee has self-reported an addiction and is receiving support. However, in some circumstances, particularly involving the abuse of prohibited drugs, the Department will find it more difficult to justify not investigating the employee for a potential breach of the Code of Conduct or their employment suitability.

1.2. Alcohol

Workers must not:

- have a breath alcohol concentration (BrAC) of 0.02 or higher while on duty or performing services for the Department. A BrAC of under 0.02 recognises that individuals may occasionally consume products that contain alcohol (e.g. cough syrup);
- be impaired by alcohol while on duty or performing services, regardless of the type of duty or service being performed;
- consume alcohol while in any departmental workplace, or during working hours, regardless of whether they are on duty or off duty, or performing services, unless they do so in accordance with this instruction;
- consume alcohol in public while wearing a departmental uniform or other identifiable items (e.g. lanyard), unless they do so in accordance with this instruction;
- return to duty or perform services following attendance at an approved hospitality event, if they are not in compliance with the prescribed BrAC. Workers are advised not to consume alcohol during unpaid breaks that are between periods of duty, such as lunch or dinner breaks; and
- store alcohol in the workplace on a regular or ongoing basis.

Storage of alcohol in the workplace is permitted only where alcohol is:

- in limited quantities, is unopened and will only be stored for a short period of time (e.g. wine purchased for personal use, is unopened, and is taken home that evening)
- purchased for an official hospitality, approved social club event, Christmas party or authorised event, and is stored in a secure location.

1.2.1. Events and consumption of alcohol

Official Hospitality Events

Official hospitality includes events that a worker attends in an official capacity, or in connection with their departmental role, such as conferences, events hosted by other government agencies, foreign governments and at diplomatic posts. Alcohol may be consumed at an official hospitality event inside or outside a departmental workplace if the:

- event constitutes official hospitality in accordance with related policies on hospitality and entertainment and
- attendance at the event by workers is approved by the appropriate senior executive service (SES) officer or minister counsel. Only SES Officials can approve the purchase and use of alcohol at these events.

Social Club Events

Alcohol may be consumed at social club events inside or outside a departmental workplace. Social clubs are sponsored by an SES officer, or minister counsel, and the provision of alcohol at social club events must be approved by that SES officer, or minister counsel.

Christmas Parties and Authorised Events

For the purposes of this Procedural Instruction, an **authorised event** means:

- a Trivia Night, or
- social work drinks.

Christmas parties and authorised events are not deemed to be official hospitality events. The restriction on the consumption of alcohol in the workplace or during work hours does not apply to workers who consume alcohol at a Christmas party or authorised event - providing the worker has stopped performing their duties in order to attend the Christmas party or authorised event.

Workers should still note that for all Christmas parties and authorised events:

- Under the PS Act and the Secretary's Professional Standards Direction dated 1 July 2015, all IBP workers must behave in a way that upholds the integrity and good reputation of the Department, at all times (including both inside and outside the workplace).
- Where an event is not held on departmental premises then workers should not identify as or be identifiable as departmental workers unless it is an official hospitality event.
- Workers returning to their normal duties following an event must maintain a BrAC of below 0.02.

1.2.2. Travelling for work

Workers who are travelling for work must have a BrAC below 0.02 at all times where the worker is in the course of performing his or her duties as an Immigration and Border Protection worker. Under the PS Act and in accordance with the Secretary's Professional Standards Direction dated 1 July 2015, all IBP workers must behave in a way that upholds the integrity and good reputation of the Department, at all times (including both inside and outside the workplace).

1.2.3. Overseas Posting

Workers posted overseas must adhere to the same rules as when in Australia for both drugs and alcohol.

A drug that is lawful in another country (for example cannabis in parts of the United States of America) is still a prohibited drug if it falls within the definition of a prohibited drug as defined in the ABF Act.

If the law within the country you are posted to states that something is illegal, which contradicts the application of this procedural instruction then you should always adhere to the law of the country you are in.

Whilst posted overseas, a worker invited to an event where alcohol is being served, must have a BrAC below 0.02 at all times if they are in the course of performing their duties as an IBP worker.

Under the PS Act and the Secretary's Professional Standards Direction dated 1 July 2015, all IBP workers must behave in a way that upholds the integrity and good reputation of the Department, at all times.

1.2.4. Rostered on-call

Where a worker receives an official allowance to be on-call, they must have a BrAC of below 0.02 at the commencement of, and during their on-call duty.

1.2.5. Recall to duty

If a worker is unexpectedly recalled to duty by a supervisor, the worker must inform the supervisor if they have been consuming alcohol. If the worker or supervisor reasonably believe that the workers BrAC is 0.02 or higher, then the worker must not be recalled to duty.

If the worker determines that they cannot meet their obligations in relation to their capability to perform their duties, their decision must be respected, and they must not be recalled to duty. Failure by a supervisor or manager to comply with this requirement may be investigated as a breach of the Code of Conduct, and should be referred to I&PS.

1.2.6. Cut-off levels

The prescribed cut-off level for the concentration of alcohol is:

- BrAC of 0.02 grams of alcohol per 210 litres of breath and above
- Blood alcohol concentration (BAC) of 0.02 grams of alcohol per 100 millilitres of blood and above.

1.2.7. Outcomes

If the alcohol screening test or alcohol breath test indicates a concentration of alcohol below the prescribed limit, the worker may return to their normal duties (unless they have been directed to undergo other tests).

Where a worker returns a result at or above the prescribed concentration following an alcohol screening test then they are subject to an alcohol breath test. If the alcohol breath test confirms a result at or above the prescribed concentration, the affected worker will be immediately relieved of duty and directed to leave the workplace. The worker will be paid for the remainder of their work period or shift. The matter will be referred to I&PS for assessment.

The worker will be subject to further alcohol testing at the commencement of the next work period or shift. If this further testing indicates a concentration of alcohol below the prescribed limit, the worker may return to their normal duties, further advice about the results will be provided to I&PS. If the worker returns a subsequent positive result then the worker will be immediately relieved of duty and directed to leave the workplace.

Where the alcohol breath test indicates the presence of alcohol at or above the prescribed limit, a worker may request a blood sample to be taken for the purposes of an alcohol blood test. The worker will be responsible for the cost of such a test. All reasonable steps will be taken to facilitate the alcohol blood test. Due to the absorption of the alcohol within the body, the presence of any amount of alcohol in the worker's system during alcohol blood testing will be deemed a positive result.

1.3. Drugs

Prohibited drugs include but are not limited to:

- cocaine
- heroin
- cannabis
- methamphetamines
- amphetamines
- methylenedioxymethamphetamine (MDMA – also known as ecstasy)

- border-controlled performance and image enhancing drugs (PIED's)

The Secretary or the ABF Commissioner may prescribe drugs within an instrument that fall within the definition of prohibited drug.

1.3.1. Drug testing

Drug testing is carried out in line with Australian and New Zealand Standards *AS/NZS4308:2008 procedures for specimen collection and detection and quantification of drugs abuse in urine* and Australian Standard *AS4760:2006 procedures for specimen collection and the detection and quantification of drugs in oral fluid*.

Collection is undertaken by people authorised to do so by the Secretary. This can include medical practitioners, registered or enrolled nurses, police officers, accredited collection companies or authorised departmental officers.

A worker may be directed to provide a body sample permitted under the ABF Act and the Rule for the purposes of a prohibited drug test.

Drug testing of the body sample can be undertaken by either of the following processes:

- **On-site drug screening** – urine or oral fluid screening conducted on the day with indicative results known on the day
- **Laboratory-based testing** – urine or oral fluid sample sent to an accredited laboratory for screening and confirmation, with results returned to the DCU within four working days.

The body processes some drug classes quickly, so screening and testing is designed to detect drug metabolites.

Workers must be afforded reasonable privacy while undergoing testing. Tests must not be conducted in the presence or view of persons whose presence is not a requirement of the process. The removal of outer clothing and visual inspection is confined to what is necessary for the testing process. Workers will be required to empty their pockets prior to testing, and may prefer to leave personal items at their workplace prior to attending for testing.

If a worker is requested to undergo urine screening and is unable to provide a sample on the first try, they will be given a reasonable amount of time to hydrate and retry. If they are still unable to provide a urine sample then the DCU officer will direct the worker to provide a saliva (oral fluid) sample.

1.3.2. Lawful use of prescribed medication and pharmaceutical products

The intent of testing under the program is not to:

- prevent or hinder a worker in the correct and lawful use of prescribed or over the counter medication and/or pharmaceutical products
- prohibit the lawful use of prohibited drugs within controlled medical parameters - these parameters must be set by a registered medical practitioner and conform to accepted treatment regimes.

Workers should use prescribed or over-the-counter medication and pharmaceutical products as directed. Inappropriate use extends to that use which exceeds the norms of clinical and therapeutic activity, including usage for non-prescribed purposes and misuse of prescribed dosages.

1.3.3. Declaration of prescribed and over the counter medication and pharmaceutical products

Some common medications can be detected through testing, and may return a non-negative result in onsite testing, and a positive result in laboratory-based testing. At the time of collection of a body sample, the worker is asked to declare all medications taken in the preceding two weeks. Declarations of any medications used are voluntary; workers are not required to provide details of medications they are taking, or

their health or medical conditions, but it may be in the best interest of the worker to do so to ensure a quick assessment of the result.

Workers are able to contact the contracted external collection provider with any questions regarding the potential reactions of specific prescribed and/or over-the-counter medications on test results. Contact details for the contracted collection provider are available on the Department's intranet, on the [drug and alcohol testing page](#).

Workers may be asked to provide evidence of legitimate and correct use of prescribed medications to a member of I&PS in order to corroborate declarations that are made during testing. The provision of any evidence is voluntary. Any information collected for this purpose will only be used by I&PS for the purpose of investigating possible breaches under the PS Act or the Secretary's Professional Standards Direction.

1.3.4. Medicinal Cannabis Use

Workers who disclose medicinal cannabis use to I&PS prior or subsequent to testing will be required to provide evidence of their prescription or participation in a clinical trial within five working days of the declaration. This must include the type of product prescribed, dosage and whether or not the dosage would have any impairing effects on the worker.

Where a worker has declared medicinal cannabis use, the result shall be an "explained non-negative" (see below) and the worker will remain in the workplace pending the confirmatory laboratory analysis.

1.3.5. Outcomes – on-site drug screening

There are three possible outcomes as a result of on-site drug testing:

1. **NEGATIVE** – If drugs or their metabolites are not detected, and the integrity of the sample is not in question, no further action is required. The worker will return to work. The worker can choose to receive via email a copy of the testing form stating a negative result.
2. **EXPLAINED NON-NEGATIVE** – If drugs or their metabolites are detected, the DCU Officer will verify the result in front of the worker and then compare any medications declared by the worker against the cross-reactivity chart (listing common prescription and over the counter medications). If the medication is listed on the cross-reactivity chart indicating that a cross-reaction could occur or this advice is given by the Senior Toxicologist employed by the service provider, then the result is an explained non-negative.

The body sample will be split into two containers, and the two samples (called test or A and referee or B samples) are labelled and sealed, following chain of custody procedures. Samples are transported to the laboratory for confirmatory testing/analysis. The referee sample is not tested, but stored by the laboratory. The DCU Officer will complete a management action form with the workers Responsible Manager (RM) advising that the worker can return to work.

3. **UNEXPLAINED NON-NEGATIVE** - If drugs or their metabolites are detected, the DCU Officer will verify the result in front of the worker and then compare any medications declared by the worker against the cross-reactivity chart. If the medication is **NOT** listed on the cross-reactivity chart indicating that a cross-reaction could occur, or the Senior Toxicologist advises that a cross reaction would not occur, then the result is an unexplained non-negative.

The body sample will then be split into two containers, and the two samples (called test or A, and referee or B samples) are labelled and sealed, following chain of custody procedures. Samples are transported to the laboratory for confirmatory testing and analysis. The referee sample is not tested, but stored by the laboratory. The DCU Officer will complete a management action form with the RM advising that the worker will be directed to leave the workplace and placed on paid administrative leave pending the outcome of the confirmatory testing by the laboratory, the matter will be referred to I&PS.

1.3.6. Laboratory-based testing

If the presence of drugs or their metabolites are detected during on-site screening, laboratory procedures are used for the unequivocal identification and quantification of drugs and/or their metabolites.

Laboratory testing is undertaken using mass spectrometry and gas or liquid chromatography. This provides results that measure the presence and concentration of prohibited drugs and/or their metabolites. This process can also determine if the results are consistent with declared medication. The referee or B sample is not tested, but is stored by the laboratory for six months. Note: There are no cut-off levels for performance and image-enhancing drugs (PIEDs); the presence of any amount of such a substance is deemed a positive result.

1.3.7. Outcomes – laboratory-based testing & confirmatory laboratory testing of onsite samples

When the results are returned from the laboratory (generally within four working days), the next action will depend on the result received. If laboratory testing identifies issues with the integrity of a body sample the laboratory may recommend re-testing. The worker will be advised if re-testing is required.

There are three possible outcomes as a result of laboratory-based testing & confirmatory laboratory testing of onsite samples:

1. **NEGATIVE** – For all confirmed negative results, that is where the presence of drugs or their metabolites are not detected at all or the level is below the confirmatory cut-off, the worker can resume normal duties immediately if they had been placed on leave with pay through a non-negative on-site screening, and a management action process.

A Cessation of Management Action Form (CMAF) will be completed by the DCU and forwarded to the worker with a copy of their laboratory certificate within 1 business day of receipt. The CMAF requires acknowledgement and signatures from the DCU officer, the RM and the worker. This finalises the process and no further action is necessary.

2. **POSITIVE (consistent with medication)** - If the laboratory confirms the presence of prohibited drugs or their metabolites, which is consistent with declared medication, and which does not suggest inappropriate use of pharmaceutical products, the worker can resume normal duties immediately if they had been placed on leave with pay through a non-negative on-site screening and management action process.

A CMAF will be completed by the DCU and forwarded to the worker with a copy of their laboratory certificate within 1 business day of receipt. The CMAF requires acknowledgement and signatures from the DCU officer, the RM and the worker. This finalises the process and no further action is necessary.

3. **POSITIVE** - results indicating the presence of prohibited drugs or their metabolites over the cut-off levels or which are **not** consistent with prescribed medication and/or over-the-counter pharmaceutical products are a positive result. When a positive result is received, it will be referred to:
 - I&PS for appropriate further action; and
 - the MRO for verification and advice.

The RM will be advised that the matter has now moved to the next stage and that they can inform the worker that the matter will be referred to the Medical Review Officer for independent advice. Hair testing

Hair testing can be undertaken as part of a targeted test. It is undertaken in accordance with the *Society of Hair Testing Guidelines for Drug Testing in hair*. The collector will take two sections of hair of approximately 60 – 100 strands each (a single sample is around the thickness of a pencil) from the back of the crown, in a way that is least noticeable when the hair is worn as normal.

Hair testing must also be conducted in accordance with the Rule, which requires that the authorised person collecting the sample:

- must use the least painful technique known and available to the authorised person to collect the sample; and
- must only collect the amount of hair necessary for the conduct of the test; and
- may collect the sample from any part of the employee's body, other than the genital or anal area, or the buttocks.

1.3.8. Notification of laboratory results

Once the laboratory has analysed the samples, a report of the test results (a certificate) will be sent to the authorised officer within the DCU. For all negative results and all positive - consistent with declared medication results the certificate will be forwarded to the worker by email. Confirmed positive results will be referred to I&PS who will advise the worker of the outcome in due course.

1.3.9. Role of the Medical Review Officer (MRO)

The MRO is a specialised medical practitioner with qualifications and experience in toxicology, and drug and alcohol forensic medicine. The MRO is contracted to provide expert and independent advice. The role of the MRO is to support the testing program by advising on positive results. The advice from the MRO provides recommendations based on review of all available information, including any medications declared, or claims made by the worker. A worker is not identified by name during this process instead being referred to by their personnel number (AGS or Contractor number)..

1.4. Additional information

1.4.1. Disputed results

A worker may challenge the laboratory analysis results. They are able to request that the referee sample be made available for independent testing by another accredited laboratory, at their own expense. All records of the original test must be made available to the selected laboratory for the re-analysis. Procedures, including chain of custody and testing of the referee sample must align with the standard AS/NZS4308:2008.

Due to the possible degradation of the referee sample over time, retesting using mass spectrometry need only detect the presence of the drug or its metabolite. Accordingly, no confirmatory test cut-offs apply. The laboratory will need to provide results from testing to the DCU at damp@homeaffairs.gov.au.

The DCU may again refer the matter to the MRO for verification of the results, and advice. A report from the MRO will be made available to the worker.

1.4.2. Protecting the integrity of the testing

The Department and the contracted collection and analysis providers comply with the highest standards to ensure the integrity of the testing process.

Certificates of authorisation for the external collection and analysis providers, authorised officers, testing equipment and training are available on request from damp@homeaffairs.gov.au.

Containers with samples being sent to the laboratory for confirmatory testing are labelled with two unique identifiers and sealed with tamper-evident seals.

The chain of custody processes, as outlined in the standards *AS/NZS4308:2008 procedures for specimen collection and detection and quantification of drugs abuse in urine* and Australian Standard *AS4760:2006 procedures for specimen collection and the detection and quantification of drugs in oral fluid*, ensure a particular sample taken from a worker can be verified as the same sample tested in the laboratory.

1.4.3. Security and destruction of body samples

For on-site screening of body samples, if there is no detection of prohibited drugs or their metabolites in the sample, then the sample is immediately disposed of in an appropriate manner.

For body samples that indicate the presence of prohibited drugs, destruction of samples is undertaken by the laboratory in accordance with the relevant Australian Standard.

All other testing materials are disposed of by the collector according to biohazard procedures.

1.4.4. Voluntary disclosures and admissions

- **Voluntary disclosure:** occurs when a worker reports that they use prohibited substances or misuse alcohol, prescribed or over the counter medications and/or pharmaceutical products to their manager or to I&PS before they receive a written direction to attend for drug and alcohol testing. Mandatory reporting protocols apply.
- **Admission:** occurs when a worker admits that they use prohibited substances or misuse alcohol, prescribed or over the counter medications and/or pharmaceutical products after receiving a direction to attend for drug and alcohol testing. An admission will be reported to I&PS immediately.

Any worker who is suffering from substance dependence is encouraged to discuss the matter with their manager before being directed to present for workplace testing.

Admissions of illicit drug use will be subject to mandatory reporting where both the worker and their supervisor have responsibilities to act.

Generally, if an individual provides information including documents or answers to questions during the testing process or any investigation undertaken by I&PS, in regards to a positive drug and alcohol test result that is self-incriminating, it will not be admissible in evidence against the worker in a court of law, except in the following proceedings:

- in relation to a decision of the Secretary to terminate the employment or engagement of a worker
- under the *Safety Rehabilitation and Compensation Act 1988* (SRC Act)
- in tort (a civil wrong resulting in an injury to another person, e.g. negligence) against the Commonwealth that is instituted by the worker.

1.4.5. Provision of information and records management

The Department will comply with obligations under the ABF Act and Privacy Act in relation to the collection, storage, use and disclosure of personal information. Records created as a result of this instruction must be managed and saved in accordance with departmental Records Management policy and procedures. For any result other than negative, information may be referred to other areas within I&PS, People Division (e.g. where there are fitness for continued duties issues) and the worker's managers.

Paperwork that leaves the Department including copies of any drug testing forms created by the contracted collector will only contain the worker's unique ID, for example AGS or contractor number. A worker's name is not given in any referrals to the MRO.

Information revealed by the test will meet the definition of sensitive information that is personal information for the purposes of the Privacy Act.

Where the information is IBP information under the ABF Act then any record or disclosure of the information must comply with Part 6 of that Act.

Personal information (that is not IBP information) can only be used or disclosed in accordance with the Privacy Act. For example:

- the worker consents to the use or disclosure of information
- the worker would reasonably expect the Department to use or disclose the information for the secondary purpose, and the secondary purpose is directly related to the primary purpose.

- the disclosure is reasonably necessary for an enforcement related activity of an enforcement body (including the Department), for example;
 - the prevention, detection, investigation or prosecution of a criminal offence or offences;
 - the prevention, detection, investigation or remedying of misconduct of a serious nature;
- it is required or authorised by or under Australian law, for example; conduct issues with respect to the PS Act and the Secretary’s Professional Standards Direction
- a permitted general situation exists (see s16A of the Privacy Act), for example;
 - disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of the worker and it is unreasonable or impracticable to obtain the worker’s consent to disclose; or the Department has reason to suspect that unlawful activity or misconduct of a serious nature that relates to the Department’s functions or activities is being or may be engaged in and the Department reasonably believes that the disclosure is necessary for the Department to take appropriate action.

1.4.6. Complaints

Workers who want to raise complaints with their own testing experience are advised to raise the matter with the DCU officer on-site at the time of testing or to call the Assistant Director, DCU or email damp@homeaffairs.gov.au. All complaints will be handled sensitively.

4. Accountability and Responsibility

Role	Description
Worker	<p>If a worker reasonably believes that they are under the influence of drugs or alcohol, they must not report for duty.</p> <p>If a worker reasonably believes that they have a problem with drugs and/ or alcohol, they must report this to their manager or supervisor and make a declaration through <u>Declarable Circumstances</u>.</p> <p>If a worker reasonably believes another worker is under the influence of drugs or alcohol, they must report it to the worker’s manager or supervisor as soon as possible.</p> <p>If a worker reasonably believes that another worker has a problem with drugs and/ or alcohol, they must report this to the worker’s manager or supervisor as soon as possible.</p>
Supervisor or manager	<p>If a supervisor or manager has reason to suspect one of their workers is under the influence of or has a problem with drugs or alcohol or is informed about one of the above scenarios, then they have a responsibility to take action.</p> <p>They must ensure the risk to the Department, the worker and any other worker is managed.</p> <p>They should exercise discretion when initiating action with the worker such as:</p> <ul style="list-style-type: none"> ○ assessing whether or not it is necessary to speak with the worker in private, and consider whether or not the presence of another manager or supervisor is necessary. ○ stating concerns about the worker’s behaviour, and allowing the worker to respond.

Role	Description
	<ul style="list-style-type: none"> ○ referring the matter to I&PS under mandatory reporting requirements. ○ subsequent to a positive alcohol test, and if required, escorting the worker from departmental premises, and arranging for their safe return home (e.g. arrange a taxi to take them home. Note: this will be at the expense of the worker). ○ discussing the behaviour, and any breach with the individual on their return to work, with emphasis on the information in this document, and the drug & alcohol testing supporting material published on the intranet. All recurring behaviour must be reported to I&PS. <p>Where an injury is sustained by the worker, another worker, clients or a member of the public, the incident must be reported through the relevant HR system.</p>
DCU officer	This officer will facilitate drug and alcohol testing of workers, including the issuing of directions to present and undergo testing.
I&PS	Relevant sections within I&PS branch may investigate the circumstances surrounding positive drug or alcohol test results.
Assistant Secretary, I&PS	The AS I&PS may direct the DCU to undertake a targeted test.
Secretary	The Secretary may authorise people, companies, devices and training for the purpose of drug and alcohol testing.

Statement of Expectation

The APS Code of Conduct states that ‘an APS employee must comply with any lawful and reasonable direction given by someone in the employee’s Agency who has authority to give the direction’ (subsection 13(5) of the Public Service Act 1999).

Failure by an APS employee to comply with any direction contained in a PPCF document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions up to and including termination of employment, as set out in subsection 15(1) of the Public Service Act 1999.

The Secretary’s Professional Standards Direction, issued under subsection 55(1) of the Australian Border Force Act 2015, requires all IBP workers who are not APS employees (such as contractors or consultants) to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

Failure by an IBP worker who is not an APS employee to comply with a direction contained in a PPCF document may be treated as a breach of the Professional Standards Direction, which may result in the termination of their engagement under section 57 of the Australian Border Force Act 2015. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1	15 December 2016	I&PS	Simplification of language and update of template
1	6 November 2017	I&PS	Consultation and incorporation of feedback

Version number	Date of issue	Author(s)	Brief description of change
1.1	25 September 2018	I&PS	Review
1.2	14/11/2018	I&PS	Incorporation of feedback and update of template
1.3	01/02/2019	I&PS	Incorporation of feedback and final review
1.4	18/10/2019	I&PS	Clarification that reference to Christmas parties and other events includes approved social work drinks

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Accepted treatment regime		Any treatment regime that is developed and implemented by a registered medical practitioner.
Alcohol blood test		A test of a person's blood to determine the amount of alcohol (if any) which is present. It may be requested by a worker, at their own expense, who has undergone mandatory testing and returned a positive result for alcohol.
Alcohol breath test		A test of a person's breath to determine the amount of alcohol (if any) in the person's blood; usually conducted when an alcohol screening test shows that alcohol is present in the person's breath.
Alcohol screening test		A test of a person's breath to determine whether alcohol is present in the person's breath; an initial screening test.
Alcohol free workplace		A workplace in which: <ul style="list-style-type: none"> • staff are not impaired by alcohol • alcohol is not consumed on the premises (except where authorised) • alcohol is not consumed during work hours (except where authorised).
Australian Border Force	ABF	The ABF is an operational law enforcement workforce trained and equipped to undertake functions across the border continuum.
Authorised person		An Immigration and Border Protection worker authorised by the Secretary or the ABF Commissioner who may require an Immigration and Border Protection worker to undergo an alcohol screening, breath or prohibited drug test.
Body sample		body sample means any of the following: <ol style="list-style-type: none"> any human biological fluid; any human biological tissue (whether alive or otherwise); any human breath.
Breath alcohol concentration	BrAC	A measure of alcohol concentration in expired breath measured in grams of alcohol per 210 litres of breath.
Certain Incident		For the purposes of the Drug and Alcohol Management Program an incident includes (see subsection 36(2) ABF Act): <ol style="list-style-type: none"> 1. a person is killed or seriously injured as a result of an accident involving a motor vehicle or vessel; 2. an incident occurs in which a person is killed or seriously injured while the person is held in custody in relation to an arrest under the <i>Customs Act 1901</i>, the <i>Migration Act 1958</i> or the <i>Maritime Powers Act 2013</i> or otherwise detained under any of those Acts; <p>an incident occurs in which a person is killed or seriously injured while the person is an unauthorised maritime arrival and is being taken to a regional processing country under section 198AD of the <i>Migration Act 1958</i>.</p>
Code of Conduct		Contained within section 13 of the <i>Public Service Act 1999</i> . Sets out the standard of behavior expected of agency heads and APS employees.

Term	Acronym (if applicable)	Definition
Confirmatory test		A test conducted by an accredited pathology laboratory on a body sample taken during testing, to confirm the presence or absence of specific drugs and their metabolites from an on-site screening test.
Cut-off level		When prohibited drug testing is conducted, a result below the cut-off level for that drug is a negative result. Cut off levels for drug tests are in accordance with the relevant Australian/New Zealand standards. 'Cut-off level' is also used to describe the prescribed concentration of alcohol which workers must remain below.
Drug & Alcohol Testing Coordination Unit	DCU	The team which facilitates the testing of workers
The Department		The Department of Home Affairs, including the Australian Border Force (ABF).
Departmental assets		Information and resources including, but not limited to, information and technology systems (ICT systems), information, plant and equipment, vessels, aircraft and/or premises which are owned, managed, controlled, leased, contracted by or operated by the Department.
Departmental workplace		Has the meaning given in section 8 of the <i>Work Health and Safety Act 2011</i> (Cth): <ol style="list-style-type: none"> 1. A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. 2. In this section, place includes: <ol style="list-style-type: none"> a. a vehicle, vessel, aircraft or other mobile structure b. any waters and any installation on land, on the bed of any waters or floating on any waters.
Drug and Alcohol Management Program	DAMP	The program of work that facilitates the alcohol and drug testing of workers. The Drug and Alcohol Management Program helps to assure departmental workers that they are part of a safe and high-integrity workplace, through the drug and alcohol testing of its workforce.
Employee Assistance Program	EAP	A free counselling service, provided to all employees and their families.
Immigration & Border Protection (IBP) Worker (Worker)		Defined under section 4 of the ABF Act. This includes, but is not limited to: <ul style="list-style-type: none"> • an APS employee in the Department • secondees whose services are made available to the Department (including an officer or employee of the APS, a Commonwealth, State or Territory agency or authority, or a foreign government or authority, or a public international organisation) • contractors or consultants working 'in-house' under a contract for services, other than locally-engaged staff at overseas posts (internal contractors/consultants) all other contractors and consultants working for the Department who require non-public access to departmental assets (external contractors/consultants).
Integrity and Professional Standards Branch	I&PS	Administers the <i>Professional Standards and Integrity Framework</i> , which sets out the standards of integrity and

Term	Acronym (if applicable)	Definition
		ethical behaviour required by all employees of the Department.
Laboratory Based Drug testing		Following collection, the body sample undergoes immunoassay screening and confirmatory testing in an authorised and accredited laboratory
Medical Review Officer	MRO	A medical practitioner with qualifications and experience in toxicology, drugs and alcohol and forensic medicine contracted to provide expert and independent advice.
Non-negative result		Refers to an indicative result of an initial screening test in a prohibited drug test that is not negative, and which may indicate the presence of prohibited drugs.
Non-public access		Ongoing or unrestricted access to Departmental assets which are not available to members of the public.
On-site screening		A body sample is screened for the presence of drugs by the authorised collector using an authorised immunoassay device, at the place of collection.
Prohibited drug		A narcotic substance (within the meaning of the <i>Customs Act 1901</i>) or any drug specified in a legislative instrument under section 4(3) of the ABF Act.
Prohibited drug test		A test of a body sample of a person to determine the presence (if any) of a prohibited drug in the sample. This can include urine, oral fluid and hair testing.
Registered medical practitioner		A registered medical practitioner is defined as a person who has and maintains current registration with the Medical Board of Australia. The National Register of Practitioners is managed by the Australian Health Practitioner Regulation Agency (AHPRA).
Responsible Manager	RM	The EL2 directly responsible for the worker being tested, if an EL2 is being tested then the RM is at the SES 1 level and so on up the chain.
Senior Executive Service	SES	Senior managers, including branch and division heads, the Secretary and his deputies, and ABF Commissioner.
Trafficking		<p>Defined in section 302.1 of the <i>Criminal Code Act 1995</i>, as:</p> <p>3. a person traffics in a substance if:</p> <ol style="list-style-type: none"> a. the person sells the substance, or b. the person prepares the substance for supply with the intention of selling any of it or believing that another person intends to sell any of it, or c. the person transports the substance with the intention of selling any of it or believing that another person intends to sell any of it, or d. the person guards or conceals the substance with the intention of selling any of it or assisting another person to sell any of it, or e. the person possesses the substance with the intention of selling any of it. <p>For the purposes of paragraph b, preparing a substance for supply includes packaging the substance or separating the substance into discrete units.</p>

Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Australian Border Force Act 2015	s34	An authorised person may require an Immigration and Border Protection worker to undergo an alcohol screening test.	Yes	DA8 of 2018 (ADD2018/45 78724)
Australian Border Force Act 2015	s35	An authorised person may give an Immigration and Border Protection worker who is in the course of performing his or her duties as an Immigration and Border Protection worker a written direction requiring the worker to do one or more of the following: (a) undergo an alcohol screening test; (b) undergo an alcohol breath test; (c) provide a body sample of a kind specified in the direction for a prohibited drug test.	Yes	DA8 of 2018 (ADD2018/45 78724)
Australian Border Force Act 2015	s36	An authorised person may give an Immigration and Border Protection worker a written direction requiring the worker to do one or more of the following if subsection (2) or (3) applies: (a) undergo an alcohol screening test; (b) undergo an alcohol breath test; (c) provide a body sample of a kind specified in the direction for a prohibited drug test.	Yes	DA8 of 2018 (ADD2018/45 78724)
Australian Border Force (Alcohol and Drug Tests) Rule 2015	Part 2	Authorisation of alcohol or drug testing and analysis		DA1 of 2018 DA5 of 2018 DA6 of 2018 DA7 of 2018

1.2 Controls and Assurance

Related Policy	Under Development 30/06/2019
Procedures / Supporting Materials	SM-6178 – Standard Operating Procedure – Drug and Alcohol Testing
Training/Certification or Accreditation	n/a
Other required job role requirements	n/a
Other support mechanisms (eg who can provide further assistance in relation to any aspects of this instruction)	damp@homeaffairs.gov.au
Escalation arrangements	EL1 or EL2 Integrity Strategy and Policy
Recordkeeping (eg system based facilities to record decisions)	TRIM DAMP Database
Control Frameworks (please refer to a specific document outlining QA or QC arrangements)	Under Development 30/06/2019
Job Vocational Framework Role	All

Attachment C – Consultation

1.1. Internal Consultation

- Integrity, Security and Assurance Division
- Records Management Section
- Legal Division
- People Division
- All staff through department-wide consultation

1.2. External Consultation

- Staff representatives through the National Staff Consultative Forum (NSCF)
- Community and Public Sector Union (CPSU)