

DRUG AND ALCOHOL PROCEDURE (COUNCILLORS)

1 Scope:

This Procedure applies to all Councillors.

2 Purpose:

This procedure supports Rockhampton Regional Council's commitment to maintaining a safe and efficient working environment.

3 Related Documents:

Primary

Drug and Alcohol Policy

Secondary

Anti-Discrimination Act 1991

Australian Human Rights Commission Act 1986 (Cwlth)

Local Government Act 2009

Local Government Regulation 2012

Relevant Australian Standards

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Workplace Health and Safety Policy

4 Definitions:

To assist in interpretation, the following definitions shall apply:

CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
Council	Rockhampton Regional Council
Councillor	The Mayor and/or a Councillor/s of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee Assistance Program (EAP)	A confidential, professional counselling service available to Council employees and Councillors.
Fitness for Work	A state (physically, mentally and emotionally) to perform assigned tasks competently and in a manner which does not compromise or threaten the health, wellbeing and safety of themselves or other persons.

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Impairment	A symptom of reduced quality, strength or effectiveness of a worker due to the affects of drugs and / or alcohol consumption whilst performing their usual duties.
NATA	National Association of Testing Authorities.
Negative (Drug Test Result)	The result from the first test of a sample that indicates no presence of a substance being tested for.
Non-Negative (Drug Test Result)	The result from the first test of a sample that may indicate the presence of a substance being tested for.
Over the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a blood alcohol concentration BAC in excess of the limit.
Positive (Drug Test Result)	The result from a laboratory confirmation that the presence of a substance being tested for exceeds the limit specified in the relevant Australian Standard.
Random	Having no specific pattern, purpose, or objective.
Testing Provider	Council's preferred testing provider as selected by the tender process, in accordance with the requirements of the Drug and Alcohol Policy and this procedure.
Under the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a blood alcohol concentration (BAC) less than the limit.
Work Hours	Any time where a Councillor is at the workplace
Workplace	A place excluding a Councillor's home or home office where a reasonable person would consider that the Councillor is at work.

5 Responsibilities

5.1 Councillors

All Councillors have the responsibility to:

- Adhere to and maintain knowledge of this procedure at all times;
- Present for duty in a fit state;
- Attend training and education sessions as required; and
- Be available and participate in testing procedures.

5.2 Workforce and Strategy have the additional responsibility to:

- Assist in the coordination of this procedure;
- Assist with training and education programs for this procedure;
- Review requests for post-incident and/or reasonable suspicion testing;
- Ensure all testing personnel are trained and competent;
- Ensure testing procedures are followed according to the relevant Australian Standards; and
- Ensure that all information collected is maintained and treated with the strictest confidentiality.

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Adopted/Approved: Adopted, 13 August 2013
Version: 1
Reviewed Date: 10 November 2017

Department: Corporate Services
Section: Workforce & Strategy
Page No.: Page 2 of 7

6 Awareness and Training

Councillors will be provided with drug and alcohol awareness and training. In addition, a range of information on drug and alcohol consumption will be made available to Councillors including the different types of drugs and the risks they pose to people's health.

Drug and alcohol awareness and training for Councillors will cover, but not be limited to, the points below:

- 6.1 The importance of being able to perform their duty;
- 6.2 The effects of the consumption of drugs and/or alcohol on health, safety and performance in the workplace;
- 6.3 What constitutes unacceptable drug or alcohol consumption;
- 6.4 Basic knowledge and understanding of the different types of drugs and their effects;
- 6.5 Ways of dealing with the consumption of alcohol and other drugs, Counselling, treatment and rehabilitation services available to Councillors to enable those who have problems or concerns to seek effective solutions and suitable treatment of their choosing; and
- 6.5 Council's Drug and Alcohol Policy and Procedure.

7 Drug and Alcohol Testing Triggers

7.1 Random Testing

Random drug and alcohol testing may be conducted for Councillors.

7.2 Reasonable Suspicion

In the case where there is reasonable suspicion that a Councillor is under the influence of drugs and/or alcohol while at the workplace it will be referred to the Mayor to determine if a test will be completed or not. In the case of the Mayor being suspected it will be for the Deputy Mayor to make the determination.

In addition someone raising reasonable suspicion about a Councillor will be making a complaint about a Councillor and it will be dealt with in accordance of the provisions of the Local Government Act 2009.

7.3 Post Incident

A drug and alcohol test may be conducted in accordance with this procedure for any Councillor who is involved in or may have contributed to:

- An incident which involves or has the potential to cause death, serious injury or significant damage to property; or
- Any incident which causes serious damage to a motor vehicle.

The Councillor's health and safety shall take precedence over a drug and alcohol test following an incident.

8 Testing Methods

All drug testing undertaken will comprise of an initial urine or saliva test. Depending on the results, a secondary test may be required.

Urine testing will be conducted in accordance with Australian Standard 4308:2008. Saliva testing will be conducted in accordance with Australian Standard 4760-2006.

Alcohol testing will be conducted in accordance with Australian Standard 3547-2007 and current random breath testing procedures in Queensland.

Corporate Improvement & Strategy use only

Adopted/Approved: Adopted, 13 August 2013
Version: 1
Reviewed Date: 10 November 2017

Department: Corporate Services
Section: Workforce & Strategy
Page No.: Page 3 of 7

8.1 Authorised Drug and Alcohol Testing

Testing shall only be carried out with site approved drug and alcohol testing equipment, which shall be regularly tested and calibrated to the standards specified by the manufacturer.

The testing provider shall arrange for non-negative drug test samples to be forwarded to an approved laboratory for independent analysis in accordance with NATA requirements.

9 Drug and Alcohol Testing

Any Councillor shall be considered in breach of the Drug and Alcohol Policy if a sample collected and analysed in accordance with the guidelines set out in this procedure indicates the presence of a substance at or above the limits outlined below. It should be noted that these limits, as specified in the relevant Australian Standard, may change from time to time and as such the limits relevant at the time of testing will always apply.

9.1 Drugs

Initial screening for drugs shall comprise of a urine test for the following drug levels:

According to AS/NZS 4308:2008:

Amphetamine type substances	300µg/l
Cannabis metabolites (THC)	50µg/l
Cocaine metabolites	300µg/l
Opiates (heroin)	300µg/l
Benzodiazepines	200 µg/l

µg/l = micrograms per litre

Screening for THC as part of the urine test is an indicator of the presence of cannabis metabolites only and does not necessarily indicate impairment.

Saliva testing shall screen for the following drugs:

According to AS4760-2006:

Tetrahydrocannabinol (THC)	25ng/ml
Amphetamine related compounds	50ng/ml

ng/ml = nanograms per millilitre

Drugs that may return a non-negative result for the urine test include (but are not limited to) heroin, cocaine, amyl nitrates (rush), PCP (angel dust), crack, ecstasy, LSD, speed, magic mushrooms and ice.

Drugs that may return a non-negative result for the saliva test include marijuana and other products containing THC and amphetamine related compounds.

9.2 Alcohol

All Councillors must provide, if tested, a blood alcohol concentration (BAC) of less than 0.05g/100ml (0.05%).

10 Drug Testing Results

10.1 Confidentiality

All drug testing results shall be treated with the strictest confidentiality.

Corporate Improvement & Strategy use only

Adopted/Approved: Adopted, 13 August 2013
Version: 1
Reviewed Date: 10 November 2017

Department: Corporate Services
Section: Workforce & Strategy
Page No.: Page 4 of 7

10.2 Negative test result

If the sample records a negative result, no further action is required pursuant to this procedure.

10.3 Non-negative test result from declared prescription or pharmacy medication

If a Councillor declares the use of prescription or pharmacy medications prior to presenting for testing and tests non-negative for a substance known to be in that medication, the Councillor shall be allowed to continue normal duties if the actual medication does not cause any impairment, risk of impairment, or place them outside the legal limits for operating motor vehicles. The Councillor's sample shall be sent to the approved testing facility to confirm declaration.

Should a laboratory result contradict the prescription or pharmacy medication declared by the Councillor, this shall be treated as a positive result.

10.4 Non-negative test result

If a Councillor tests non-negative following a drug test, the Councillor shall be transported home.

The Councillor shall not be permitted to return to the workplace until the results of the sample are returned and a negative result achieved.

10.5 Positive test result

If a Councillor returns a positive test to drugs, they will be advised of their situation and shall not be permitted to return to the workplace until such time a negative sample is provided.

In addition a positive test result will be deemed a breach of Council's Drug and Alcohol Policy. If a complaint is made as a consequence of a positive test, it will be dealt with in accordance of the provisions of the Local Government Act 2009.

Any Councillor that tests positive to drugs shall be advised of the EAP process.

10.6 Option to challenge test result

A Councillor may, at their own expense, request a practitioner of their own choice to arrange an additional analysis of the sample provided by the Councillor at the time of testing by an approved laboratory that meets the Australian Standard. If this sample returns a negative result, the costs incurred by the Councillor for testing purposes shall be reimbursed by Council.

11 Alcohol Testing Results

11.1 Under the Limit

If the sample returns a result which indicates a blood alcohol concentration (BAC) is under the limit, no further action is required pursuant to this procedure.

11.2 Over the Limit

11.2.1 A Councillor is considered to be in breach of Council's Drug and Alcohol Policy when they are breath tested and return a blood alcohol concentration (BAC) of 0.05mg/100ml or greater.

11.2.2 The Councillor remains in the testing facility until a second test is undertaken. A second test shall be conducted after a cooling off period of twenty (20) minutes. This is in accordance with current random breath testing procedures in Queensland.

Corporate Improvement & Strategy use only

Adopted/Approved: Adopted, 13 August 2013
Version: 1
Reviewed Date: 10 November 2017

Department: Corporate Services
Section: Workforce & Strategy
Page No.: Page 5 of 7

11.2.3 If the Councillor chooses not to have a second test or the second test returns a BAC of 0.05mg/100ml or greater, the Councillor shall not be permitted to remain at the workplace and shall be transported home as soon as reasonably practicable. In addition, if a complaint is made as a consequence of a Councillor recording a BAC of 0.05mg/100ml or greater, it will be dealt with in accordance of the provisions of the Local Government Act 2009.

11.2.4 The Councillor may return to the workplace on the next ordinary working day and undertake a breath test. The Councillor shall only be permitted to remain in the workplace following a result that returns a BAC under the required limit.

12 Prescription and Pharmacy Medications

Where a Councillor is taking prescription or pharmacy medications for a legitimate medical purpose, the Councillor will not breach this procedure by attending work, if:

12.1 the Councillor takes the prescription and pharmacy medications in accordance with the instructions from their medical practitioner or pharmacist and normal directions applying to the use of those medications;

12.2 the Councillor does not misuse or abuse prescription and pharmacy medications;

12.3 the Councillor is aware of the effects (including potential effects) of consumption of alcohol while taking prescription and pharmacy medications;

12.4 the Councillor checks with their medical practitioner or pharmacist about the effect of the medication on their ability to drive vehicles, operate machinery and generally perform their duties in a safe manner. If a Councillor's ability to perform his/her duties safely could be impaired by prescription and pharmacy medications, the Councillor must notify the Mayor (or in the case of the Mayor, the Deputy Mayor) before undertaking his/her work. A Councillor is not required to disclose details of the condition/s being treated; and

12.5 the Councillor advises the testing provider of any prescription or pharmacy medication that may impact upon the result, prior to the test being undertaken.

If Council suspects that a Councillor's ability to safely perform their duties is impaired (or likely to be impaired) due to prescription or pharmacy medications, Council may take steps to address the issue in accordance with this procedure.

13 Inability to produce a sample for Drug and Alcohol testing

13.1 If a Councillor cannot produce a sample for drug and alcohol testing within a 2 hour period from an event triggering a test, the Councillor shall be transported home as soon as practicable.

13.2 The Councillor shall return to the workplace on their next ordinary working day and undertake a drug and alcohol test.

14 Refusal to Undertake or Tampering with Drug and Alcohol Samples

Any Councillor who refuses or has been found, after investigation, to have tampered with a sample will be in breach of this procedure. If a complaint is made as a consequence of such a breach, it will be dealt with in accordance of the provisions of the Local Government Act 2009.

Corporate Improvement & Strategy use only

Adopted/Approved: Adopted, 13 August 2013
Version: 1
Reviewed Date: 10 November 2017

Department: Corporate Services
Section: Workforce & Strategy
Page No.: Page 6 of 7

15 Drugs and Alcohol – Councillors

Breaches of this procedure will be addressed in accordance with the Local Government Act 2009.

16 Review Timelines:

This procedure will be reviewed when any of the following occur:

16.1 The related information is amended or replaced; or

16.2 Other circumstances as determined.

17 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Document Owner	Manager Workforce and Strategy
Document Quality Control	Corporate Improvement and Strategy

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

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Adopted/Approved: Adopted, 13 August 2013
Version: 1
Reviewed Date: 10 November 2017

Department: Corporate Services
Section: Workforce & Strategy
Page No.: Page 7 of 7