

DRUG AND ALCOHOL PROCEDURE (COUNCILLORS)



1 Scope

This procedure applies to all Rockhampton Regional Council Councillors.

2 Purpose

The purpose of this procedure is to support Rockhampton Regional Council's commitment to maintaining a safe and efficient working environment.

3 Related Documents

3.1 Primary

Drug and Alcohol Policy

3.2 Secondary

Anti-Discrimination Act 1991

Australian Human Rights Commission Act 1986 (Cwlth)

Human Rights Act 2019

Local Government Act 2009

Local Government Regulation 2012

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Breath Alcohol Testing Devices (AS/NZS 3547:2019) Australian/New Zealand Standard

Code of Conduct for Councillors in Queensland

Procedure for Specimen Collection and the Detection and Quantitation of Drug in Oral Fluid (AS/NZS 4760:2019) Australian/New Zealand Standard

Procedure for Specimen Collection and the Detection and Quantitation of Drug of Abuse in Urine (AS/NZS 4308:2008) Australian/New Zealand Standard

Relevant Australian Standards

Workplace Health and Safety Policy

4 Definitions

To assist in interpretation, the following definitions apply:

BAC	Blood alcohol concentration
Confirmatory Test	An analytical procedure conducted by a NATA accredited laboratory that unequivocally determines the presence of a specific drug and/or metabolite.
Council	Rockhampton Regional Council

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Councillor	The Mayor and Councillor/s of Council, within the meaning of the <i>Local Government Act 2009</i> .
DAMP	Rockhampton Airport Drug and Alcohol Management Plan.
EAP	Employee Assistance Program A confidential, professional counselling service available to Council employees and Councillors.
Under the Limit (Alcohol Test Result)	The result from the test of a breath sample which indicates a BAC less than the limit.
Fit 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 others in the workplace.
Impairment	A symptom of reduced quality, strength or effectiveness of a worker due to the effects of drugs 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 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.
Reasonable Suspicion	An objectively justifiable suspicion based on specific facts or circumstances that justifies a request for testing at the time. The facts or circumstances are not necessarily medically based and are consistent with the published potential effects of being under the influence of drugs and/or alcohol.
Reasonable Suspicion Testing	Testing undertaken following a report of reasonable suspicion.
Testing Provider	Council's preferred testing provider as selected by a tender process.
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.

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5 Procedure

5.1 Responsibilities

5.1.1 Councillors

All Councillors have the responsibility to:

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

5.1.2 Workforce and Governance

Workforce and Governance have responsibility to:

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

5.2 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:

- (a) The importance of being able to perform their duty;
- (b) The effects of the consumption of drugs and/or alcohol on health, safety and performance in the workplace;
- (c) What constitutes unacceptable drug or alcohol consumption;
- (d) Basic knowledge and understanding of the different types of drugs and their effects;
- (e) 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
- (f) Council's Drug and Alcohol Policy and Procedures.

5.3 Drug and Alcohol Testing Triggers

The following are the types of testing triggers.

5.3.1 Random Testing

Random drug and alcohol testing may be conducted for Councillors.

5.3.2 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.

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A person who raises reasonable suspicion about a Councillor being under the influence of drugs or alcohol while at the workplace is deemed to have made a complaint about the Councillor in accordance of the provisions of the *Local Government Act 2009*.

5.3.3 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:

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

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

5.4 Testing Methods

Councillors will be offered the choice of either urine or saliva testing. Where the testing provider deems that any testing equipment has malfunctioned during collection, 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 4760-2019.

Alcohol testing will be conducted in accordance with Australian Standard 3547-2019 and current random breath testing procedures in Queensland.

5.5 Authorised Drug and Alcohol Testing

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

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

5.6 Drug and Alcohol Testing

A Councillor is 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 drug at or above the limits or the presence of alcohol above the limit outlined below.

5.6.1 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

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Saliva testing shall screen for the following drugs:

According to AS4760-2019:

Amphetamine - type substances	50ng/ml
Cannabinoids	15ng/ml
Cocaine and metabolites	50ng/ml
Opiates	50ng/ml
Oxycodone	40ng/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.

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.

5.6.2 Alcohol

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

5.7 Drug Testing Results

5.7.1 Confidentiality

All drug testing results are treated with the strictest confidentiality.

5.7.2 Negative Test Result

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

5.7.3 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 must 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 must 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 must be treated as a positive result.

5.7.4 Non-Negative Test Result

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

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

5.7.5 Positive Test Result

If a Councillor returns a positive test to drugs, the Councillor is not be permitted to return to the workplace until such time a negative sample is provided.

A positive test result will be deemed a breach of Council's Drug and Alcohol Policy, and will be dealt with in accordance of the provisions of the *Local Government Act 2009*.

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

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5.7.6 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 are reimbursed by Council.

5.8 Alcohol Testing Results

5.8.1 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.

5.8.2 Over the Limit

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.

The Councillor will remain in the testing facility until a second test is undertaken. A second test must be conducted after a cooling off period of 20 minutes. This is in accordance with current random breath testing procedures in Queensland.

5.8.3 If the Councillor refuses 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*.

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

5.9 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 the Councillor:

- (a) 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;
- (b) Does not misuse or abuse prescription and pharmacy medications;
- (c) Is aware of the effects (including potential effects) of consumption of alcohol while taking prescription and pharmacy medications;
- (d) 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 their 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 their work. A Councillor is not required to disclose details of the condition/s being treated; and
- (e) 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.

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5.10 Inability to Produce a Sample for Drug and Alcohol Testing

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

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

5.11 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*.

5.12 Drugs and Alcohol – Councillors

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

6 Review Timelines

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Chief Executive Officer.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Manager Workforce and Governance
Policy Quality Control	Legal and Governance



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