

OFFICIAL



NSW Police Force

NSW Police Force

DAMP

Drug and Alcohol Management Plan

Professional Standards Command

OFFICIAL

Drug and Alcohol Management Plan

The NSWPF Drug and Alcohol protocols are conducted in conjunction with the NSWPF Drug and Alcohol Policy Statement and the NSWPF Drug & Alcohol Testing procedures in compliance with Part 99 of the Civil Aviation *Safety Regulations 1998 (CASRs)*, covering persons who perform, or are available to perform, a safety-sensitive aviation activity (SSAA).

The aim of a DAMP is to minimise the risk of accident, incident or injury in the workplace due to the consumption of alcohol and other drugs (**AOD**). This document sets out how the NSW Police Force implements its DAMP. It is an important document that all employees should be familiar with.

Note: SSAA is defined in section 33(1) of the Civil Aviation Act 1988 as ‘activities that impact directly or indirectly on the safety of civil air operations in Australian territory; or the operation of Australian aircraft outside Australian territory’.

Essential Summary

This DAMP (Drug and Alcohol Management Plan) applies to:

- Personnel who perform or are available to perform safety sensitive aviation activities (SSAA).

NSW Police Force Drug & Alcohol Testing Procedures apply to:

- All sworn NSW police officers
- NSW Police Force special constables and
- Personnel who perform or are available to perform safety sensitive aviation activities (SSAA).

The following principles underpin the DAMP:

- there is no place in the NSW Police Force for any officer who purchases, uses or sells illegal drugs, or abuses prescription medication or non-prescribed steroids
- disciplinary action including section 181D removal may apply for a NSWPF employee or persons who perform Safety Sensitive Aviation Activities who chooses not to comply with the NSWPF Drug and Alcohol Policy and the Drug and Alcohol Testing procedures
- associations with illicit drug users render NSW police officers, special constables and personnel who perform or are available to perform SSAA liable to drug testing, and places continued employment with the NSW Police Force in jeopardy
- on duty alcohol testing on a 24-hour 7-day basis and,
- random, targeted and recall to duty drug testing (at any workplace defined under the *Work Health & Safety Act 2011*) on a 24 hour 7-day basis, are conditions of employment as a NSW police officer.

This document contains:

- legislative requirements
- drug and alcohol testing policy
- drug and alcohol testing procedures
- welfare and support information

Document Properties

Title	DAMP – Drug and Alcohol Management Plan
Subject	Compliance with Part 99 of the Civil Aviation Safety Regulations 1998 (CASRs), covering persons who perform, or are available to perform, a safety-sensitive aviation activity (SSAA).
Command responsible	Professional Standards Command in consultation with Aviation Command
Authorisation	Commissioner of Police
Security Classification	Official
Publication date	12 Oct 2020
Current version number	9
Review date	September 2022
Document number	
Aviation Command Document Number	QS-003
Copyright statement	Copyright of this document is vested in the Commissioner of Police. © 2018

- Intentionally Blank -

Modification History

Version	Version approval date	Author/Position	Summary of changes
1	2009	Safety Command	Original version
2	Sept 2015	Regulations	New Police Regulation 2015
3	August 2016	Manager, DATU, PSC	Review and update to 2015 CASA document template
4	January 2017	Manager, DATU, PSC	Inclusion of details relating to the Law Enforcement Conduct Commission Act 2016 Update to NSWPF corporate template
5	May 2017	Manager, DATU, PSC	Significant review and re-write
6	January 2018	Manager, DATU, PSC	Update to Road Transport legislation and security classification
7	August 2018	Manager, DATU, PSC	Update DAMP contacts – remove individuals named and replace with position only
8	April 2020	Manager, DATU, PSC	Various Refs – Updated to reflect Command name change to Aviation Command (formerly Aviation Support Branch) 6.5 Removed DATU Address (due not current) 7.1 Updated DAMP contact officer phone contact details 7.2 Added Operations Coordinator to DAMP Supervisors list. Updated Chief Pilot email address and removed phone number duplication 7.3 Updated DAMP Medical Review Officer contact details 12 Updated details of CASA exemption re reporting and record keeping 19.3 Added updated DATU address to 'Contacts'

9	Oct 2020	Manager, DATU, PSC	7 – updated Aviation Command address / contact details 12 - Updated to reflect CASA update of Instrument relating to Reporting to CASA - CASA EX 135/20
	January 2021	PSC	Document updated with new security classification

Table of Contents

1.	Commissioner’s Message	8
2.	Glossary of Terms	9
3.	Introduction	13
3.1	Applicability – Who is covered by this DAMP	13
3.2	Content of this DAMP.....	14
3.3	Responsibilities.....	14
3.4	NSW Police Force	14
3.5	SSAA Employees	15
3.6	DAMP Contact Officer	15
3.7	DAMP Supervisor.....	16
4.	NSW Police Force Drug & Alcohol Testing Procedures	17
4.1	Substances included in the testing process	17
4.2	Tests conducted under the DAMP	17
4.3	Supervisors responsibilities in relation to testing.....	17
4.4	SSAA Employee’s responsibility in relation to testing.....	18
4.5	Accidental exposure to drugs.....	18
4.6	Prescription and over the counter medications	19
4.7	When testing will be conducted.....	20
4.8	Drug test results	21
4.9	Refuse alcohol test.....	21
4.10	Refuse drug test.....	21
4.11	Who will conduct the testing?	22
4.12	CASR Division 99C.....	22
5.	Drug and Alcohol response program	22
5.1	Employees ceasing SSAA	23
5.2	Returning to Safety Sensitive Aviation Activities	24
6.	Disciplinary action following a positive result	25
6.1	Positive test results - Alcohol	25
6.2	Positive test results – Drugs	26
6.3	Contractors.....	26
6.4	Commanders responsibilities	26
6.5	Procedural reviews.....	27
7.	Key contacts	28
7.1	DAMP Contact Officer	28
7.2	DAMP Supervisor.....	28
7.3	DAMP Medical Review Officer	29
8.	Drug and Alcohol Education Program	30

8.1	Overview.....	30
8.2	Mandatory components of the education program	30
8.3	The NSW Police Force drug and alcohol education program	30
9.	DAMP Medical Review Officer	32
9.1	Requirements relating to DAMP medical review officer	32
10.	Privacy.....	32
11.	DAMP review, audit and compliance	32
12.	DAMP reporting and record keeping	33
12.1	Record keeping.....	33
13.	Welfare.....	34
14.	Variations	34
15.	Memorandum of understanding with other organisations	35
16.	Misconduct Resistance.....	35
17.	NSW Police Force testing standards	36
17.1	Testing levels	36
17.2	Hair testing	37
17.3	Urine samples.....	37
17.4	Disputed results.....	37
18.	Legislation.....	38
18.1	Civil Aviation Safety Regulation 1998.....	38
18.2	Police Act 1990	38
18.3	Police Regulation 2015	38
18.4	Drug Misuse and Trafficking Act 1985	39
18.5	Crimes Act 1900	39
18.6	Privacy and Personal Information Protection Act 1998 No 133	39
19.	Contact details.....	41
19.1	Aviation Command.....	41
19.2	Professional Standards Command	41
19.3	Drug and Alcohol testing unit.....	41
	Appendix 1 –CASR definitions	42

1. Commissioner's Message

Our first *Drug and Alcohol Policy* was introduced following the 1997 Royal Commission into the then NSW Police Service. The policy was further refined as a result of the NSW Police Integrity Commission's Operation Abelia (an investigation into the use of illegal drugs by some police officers), and appropriate amendments were made to the *Police Act* and *Police Regulation*.

There are two key issues relating to the use of drugs and alcohol by NSW Police Force employees: fitness for duty and integrity.

The community and other members of the Force rightly expect that all officers will always present themselves fit for duty. This includes not being impaired by alcohol or any form of drug.

It has been made clear to every NSW Police Force employee that the use of illicit drugs, including illegally obtained prescription medications or steroids, and the abuse of alcohol, is entirely unacceptable.

Concerning integrity, any member of this organisation who possesses or uses illicit drugs or illegally obtained prescription only medications or steroids commits a criminal offence, and in obtaining the drug, has become involved with criminal elements.

There is considerable evidence to establish that the supply of illicit drugs, including illegally supplied prescription only medicines and steroids, is being undertaken by organised crime gangs.

For any police officer to have an involvement or association with such criminals is entirely improper and will not be tolerated.

I take this opportunity to remind you that there is no place in this organisation for people who use or supply illicit or illegally obtained drugs, steroids or medications, or who abuse alcohol.

This policy provides a clear statement of the NSW Police Force's expectations and the implications for employees who choose not to comply with this employment requirement.

M.J. Fuller APM
Commissioner of Police

2. Glossary of Terms

Accident: includes an occurrence that arises out of a person performing or being available to perform an SSAA if:

- the occurrence results in the death of, or serious harm to a person; and/or
- the occurrence results in serious damage to an aircraft or property.

Anabolic Androgenic Steroid (AAS): includes an anabolic or androgenic steroid (AAS) included in *Schedule Four (4), Poisons List, Poisons & Therapeutic Goods Act 1966*, or an anabolic or androgenic steroid (AAS) included in *Schedule 1, Drug Misuse and Trafficking Act 1985*.

AOD: in the context of this policy refers to Alcohol and Other Drugs.

AOD eLearning: is a package to help deliver SSAA education that consists of two modules including Alcohol and Other Drugs – Managing the risk (for SSAA employees) and Alcohol and Other Drugs - DAMP supervisors (for SSAA employees).

Appropriately qualified alcohol and other drug professional: is a person who:

- materially works as a provider of clinical drug and alcohol treatment services and
- holds a bachelor's degree, or postgraduate degree in at least one of the following fields:
 - a) health sciences
 - b) medical science
 - c) social sciences
 - d) behavioural sciences

Approved Tester: includes a person who is authorised under the CASRs to:

- take body samples for CASA drug or alcohol tests; and/or
- conduct initial drug tests and alcohol tests for CASA

AS/NZS 4308: the Australian/New Zealand Standard AS 4308:2008 procedures for the collection, detection, and quantification of drugs of abuse in urine, published by Standards Australia.

Authorised Person: a person appointed under *Part 5, Division 4, clause 91* of the *Police Regulation 2015* for the purposes of drug and alcohol testing under *section 211A* and *211AA* of the *Police Act 1990* which authorises the collection of urine or hair samples for analysis. An authorised person acts on behalf of the NSW Police Force Drug & Alcohol Testing Unit (D&ATU) or the Commander of the NSW Police Academy. An authorised person may also be referred to as an authorised testing officer.

Authorised testing (police) officer: a sworn officer who is appointed under *Part 5, Division 4, clause 91* of the *Police Regulation* as an authorised person, only for the purpose of conducting a breath test or a breath analysis on a sworn officer under

suspicion of having recently consumed alcohol. An authorised (police) officer may **not** test on a random basis.

Breath analysis: a test carried out by a breath analysis instrument for the purpose of ascertaining, by analysis of a person's breath, the concentration of alcohol present in that person's blood.

Breath analysis instrument: includes any instrument of a type approved by the Governor by order under the *Road Transport Act 2013* as such an instrument, that is, as an instrument designed to ascertain, by analysis of a person's breath, the concentration of alcohol present in that persons' blood.

Breath test: includes a test that is:

- designed to indicate the concentration of alcohol present in a person's blood, and
- is carried out on the person's breath by means of a device (not being a breath analysis instrument) of a type approved by the Governor for the conduct of breath tests under the *Road Transport Act 2013*.

CASA: in this document refers to the Civil Aviation Safety Authority.

CASR: in this document refers to the *Civil Aviation Safety Regulations 1998*.

CMT: refers to a complaint management team at a command that comprises the Professional Standards Duty Officer (PSDO) or Professional Standards Manager (PSM) and senior management staff attached to that location.

Contractor: includes a non-sworn person who attends (other than a passenger) or provides a service in support of the NSW Police Force Aviation Command, tested for alcohol and illicit drugs by the NSW Police Force under the authority of the NSW Police Force Drug & Alcohol Management Plan (DAMP).

DAMP: the Drug & Alcohol Management Plan.

D&ATU: the Drug & Alcohol Testing Unit attached to the Professional Standards Command (PSC).

DAMP Contact Officer: includes a person nominated to CASA by the NSWPF and charged with overall responsibility for liaison with CASA about NSW Police Force drug and alcohol testing responsibilities.

DAMP medical review officer (MRO): a person who:

- is a registered medical practitioner
- has competence in the field of interpreting drug and alcohol test results
- has knowledge of substance use disorders
- has knowledge of the contents of relevant provisions of the CASRs.

DAMP Supervisor: a supervisor of SSAA employees of NSWPF, who has received training on how to form an opinion as to whether a person may be adversely affected by a testable drug or under the influence of alcohol. It is the DAMP supervisor to whom employees are to report any concerns they may have about the potential work-related effects of any medication that they are taking or alcohol they have consumed. A DAMP supervisor has access to the DAMP Medical Review Officer (MRO) for advice and clarification as required.

Drug or Alcohol Intervention Program: may consist of:

- assessment
- treatment, including:
 - a) education
 - b) counselling
 - c) consultation with health care professionals
 - d) pharmacotherapy
 - e) residential or non-residential treatment programs
 - f) monitoring and follow up action.

Mandatory testing incident: includes an incident where a person is killed or seriously injured:

- as a result of a discharge of a firearm by a police officer, or
- as a result of the application of physical force by a police officer, or
- as a result of being detained, or while in police custody, or
- involving a police aircraft, motor vehicle or vessel.

NSWPF: refers to the New South Wales Police Force.

Non-sworn testing officer: a NSWPF employee who is not a police officer and who is authorised and appointed under *Part 5, Division 4, clause 91 of the Police Regulation*.

Permitted Level:

- for alcohol - a concentration of less than 0.02 grams of alcohol in 210 litres of breath
- for a testable drug - the detection and quantitation of drugs of abuse in urine as specified in the Australian Standard 4308 or approved by the Commissioner.

Positive Result:

- for an initial drug test - a test result above the permitted level
- for a confirmatory drug test - a test result above the permitted level, verified by a Medical Review Officer (MRO) as a verified positive result
- for an initial alcohol test - a test result above the permitted level
- for a confirmatory alcohol test - a test result above the permitted level.

Prescribed concentration of alcohol: a concentration of 0.02 grams or more of alcohol in 210 litres of breath or 100 ml of blood.

Safety Sensitive Aviation Activities (SSAA): SSAA means a safety-sensitive aviation activity (per definition provided in CASR Part 99).

Safety Sensitive Aviation Activities includes any actions taken by a person in an aerodrome testing area (including the person's presence in the area other than as a passenger, or any of the following activities, wherever they occur:

- calculation of the position of freight, baggage, passengers and fuel on aircraft
- the maintenance, certification of maintenance or manufacture of aircraft, aeronautical products, ground based navigation aids or radar
- the fuelling and maintenance of vehicles that will be used to fuel aircraft on aerodrome testing areas
- activities undertaken by an airport security guard or screening person in the course of their duties as a guard or person
- activities undertaken by a member of the operating crew of an aircraft in the course of that persons duties as a crew member
- the loading and unloading of trolleys containing baggage for loading onto aircraft or unloading from aircraft and the driving of such trolleys
- activities undertaken by an air traffic controller in the course of the controller's duties as a controller, or the supervisor of such a person
- providing flight information and search and rescue alert services:
 - a) to a pilot or operator of an aircraft immediately before the flight of the aircraft; or
 - b) to a pilot or operator of an aircraft, during the flight of the aircraft; or
 - c) as an intermediary for communications between a pilot or operator of the aircraft and an air traffic controller; and
 - d) the provision of aviation firefighting services.

SSAA employee, in relation to a DAMP organisation, means an employee of the DAMP organisation who performs or is available to perform an applicable SSAA.

Serious incident: an occurrence that arises out of a person performing or being available to perform SSAA if:

- the occurrence of gives rise to danger of death or serious harm to a person; and/or
- the occurrence gives rise to danger of serious damage to aircraft or property.

Suspension Event: an event where this program requires any SSAA employee to cease performing or being available to perform SSAA.

Testable Drug: means any of the following:

- Morphine
- Codeine
- 6-Acetyl morphine
- Amphetamine
- Methyl amphetamine
- Methylenedioxyamphetamine
- Cocaine
- delta 9- tetrahydrocannabinol
- Benzoylecgonine
- Ecgonine methyl ester

3. Introduction

The NSW Police Force is required by Part 99B of the *Civil Aviation Safety Regulations 1998 (CASR)* to develop a Drug and Alcohol Management Plan (**DAMP**), covering employees who perform, or are available to perform, a 'safety-sensitive aviation activity' (**SSAA**).

In addition to meeting its statutory obligations, NSW Police Force seeks to achieve the following additional aims through this program:

- facilitate the health, safety and welfare of NSW Police Force SSAA employees, contractors and subcontractors, and employees of organisations covered under NSW Police Force MOUs
- outline expectations of SSAA employees, contractors and subcontractors to ensure they present operationally fit for the commencement of any rostered duty and remain so, free of impairment by alcohol, drug or any other form of medication
- articulate the procedures and implications of drug and alcohol testing of all personnel that perform, or are available to perform any SSAA, while rostered on duty
- promote personal responsibility in relation to the consumption of alcohol and pharmaceuticals
- prohibit the use of illicit drugs by all employees, whether on or off duty.

3.1 Applicability – Who is covered by this DAMP

This DAMP applies to all NSW Police Force employees who perform, or are available to perform, a SSAA.

These employees include:

- individuals employed directly by the NSW Police Force in sworn or unsworn positions
- contractors engaged by the NSW Police Force
- subcontractors engaged by contractors of the NSW Police Force
- individuals employed by those contractors and subcontractor
- volunteers of the NSW Police Force.

In this DAMP, the individuals listed above are all referred to as 'SSAA employees' even though they may not be directly employed by the NSW Police Force.

The NSW Police Force employees to whom this DAMP applies will generally be engaged in the following employment categories:

- activities undertaken by a member of the crew of an aircraft in the course of the person's duties as a crew member
- providing flight information and search and rescue alert services;
- providing fuelling and maintenance of NSW Police Aircraft.

3.2 Content of this DAMP

The three key elements of the DAMP comprise:

- a drug and alcohol education program
- a drug and alcohol testing program
- a drug and alcohol response program.

3.3 Responsibilities

The NSW Police Force is legally required to strictly comply with its obligations under the CASRs in relation to its DAMP. It is expected that all SSAA employees will comply with their obligations under this Plan and be aware that failure to do so may result in:

- the commission of an offence against the CASRs, for which prosecution or infringement action is being taken by the CASA or the Commonwealth Director of Public Prosecutions; and/or
- the NSWPF taking disciplinary action against its employees, or contractual action against contractors or sub-contractors or organisations working under a MOU with the NSW Police Force.

3.4 NSW Police Force

The NSW Police Force will:

Make this program available to each new SSAA employee before that person begins to perform, or becomes available to perform, any SSAA.

Make this program available to each current SSAA employee by the end of the working day on which the employee next performs or is available to perform SSAA.

Not allow SSAA employees to perform or be available to perform any SSAA if:

- a) a DAMP Supervisor suspects the employee's faculties may be impaired due to the person being adversely affected by a testable drug or under the influence of alcohol
- b) an accident or serious incident has occurred which involved the employee while he or she is or was performing or available to perform SSAA, **and** either:
 - for the period that suitable test conditions exist for conducting a drug or alcohol test on the employee, a test has not been conducted, or
 - tests have been conducted, but the NSW Police Force has not been notified of the test results;
- c) any SSAA employee has been required to cease performing, or being available to perform SSAA duty because of an incident related to alcohol or drugs
- d) the SSAA employee has not met all mandatory pre-conditions

And provide periodic reports to CASA about its administration of this DAMP or its dealings with its SSAA employees who have been subject to alcohol or drug testing by CASA.

3.5 SSAA Employees

A definition for “SSAA employee” is provided in section Part 99 of the Civil Aviation Safety Regulation (CASR) as follows: SSAA employee, in relation to a DAMP organisation, means an employee of the DAMP organisation who performs or is available to perform an applicable SSAA. Further information is provided in section 2 – Glossary of Terms.

- Are encouraged to disclose to the NSWPF if they have consumed a level of alcohol, or taken any drug, that may affect his or her ability to carry out SSAA.
- Must not perform or be available to perform any SSAA if aware that he or she is or may be adversely affected by a testable drug or under the influence of alcohol until he or she is no longer affected.
- Are to submit to drug and alcohol testing under this Plan while performing, or being available to perform, SSAA for the NSW Police Force.
- Will be required to provide a sample if they are to be tested for drugs and/or alcohol by the NSWPF for the purposes of conducting such tests.

Must cease performing or being available to perform SSAA if they:

- a. return a positive result for an alcohol test
- b. return a non-negative drug screening test
- c. return a positive confirmative drug test
- d. fail to comply with a request by an authorised officer to provide a sample for CASA drug and alcohol testing
- e. fail to comply with a request to provide a sample for NSWPF drug and alcohol testing under this Plan, or
- f. interfere with a sample required from them for drug or alcohol testing by CASA or an authorised officer of the NSWPF

and must not again perform SSAA duty if required to cease performing, or being available to perform, SSAA duty because of an incident related to alcohol or drugs, until all mandatory pre-conditions have been met.

3.6 DAMP Contact Officer

The NSWPF has appointed a DAMP contact officer. The role of the DAMP contact officer is to liaise with CASA in relation to NSWPF responsibilities in connection with this DAMP.

For DAMP Contact Officer details, refer to reference 7 of this Plan.

3.7 DAMP Supervisor

The NSWPF appoints key personnel as DAMP Supervisor(s). DAMP Supervisors have been trained to form an opinion as to whether an employee may be adversely affected by a testable drug or under the influence of alcohol. They are authorised by the NSWPF to form such an opinion in appropriate cases.

When a DAMP Supervisor forms that opinion about any SSAA employee, they must require the employee to cease performing, or being available to perform SSAA. SSAA employees must comply with these directions of a DAMP Supervisor.

The code of behaviour, as outlined in the NSW Police Force Drug and Alcohol Policy and at clause 79 of the Police Regulation, also applies.

- End of Section -

4. NSW Police Force Drug & Alcohol Testing Procedures

Drug and alcohol testing conducted by or on behalf of NSW Police Force under this Plan will be in conjunction with the NSW Police Force Drug and Alcohol Policy Statement and Testing Procedures.

4.1 Substances included in the testing process

The NSWPF will test for the following substances under this program:

- alcohol – 0.02 or above
- all prohibited drugs and steroids, as listed in schedule 1 of the *Drug Misuse and Trafficking Act 1985*, including: Opiates, THC, Cocaine, Amphetamines and Methamphetamine.

4.2 Tests conducted under the DAMP

Any drug and alcohol testing under this program will be conducted as follows:

- For breath testing for alcohol - using a device that meets either:
 - a) AS 3547, Breath alcohol testing devices for personal use; or
 - b) NMI R 126, Pattern Approval Specifications for Evidential Breath Analysers.
- For urine testing for drugs - in accordance with AS/NZS 4308, Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.
- For hair testing for prohibited drugs - in accordance with the procedure approved by the Commissioner of Police.

Any devices used in drug or alcohol testing under this DAMP will be used in a way that is consistent with current NSWPF protocols and the instructions of the manufacturer of those devices.

4.3 Supervisors responsibilities in relation to testing

When an authorised person attends a work location for the purpose of random testing, it is the responsibility of the supervisor in charge of the work site or their delegate to:

- assist in facilitating the testing process
- notify a duty officer or commander

- provide a current copy of the roster
- provide an appropriate room for the testing process
- ensure the protection of each officer's privacy
- account for all officers on the roster
- ensure officers do not leave the work site unless required to do so for operational or (reasonable) personal reasons
- inform the authorised officer, who will make a notation on the roster of any officer not available to be tested
- inform the commander or duty officer of any positive test results.

4.4 SSAA Employee's responsibility in relation to testing

- Remain at the work site unless required to leave for operational or personal reasons.
- Comply with all reasonable directions of your supervisor or manager.
- Comply with all reasonable directions given to them by an authorised person (sworn) or an authorised person (non-sworn).
- Supply a valid breath test and / or breath analysis sample.
- Supply a valid urine/hair sample.
- Display courtesy and respect to the authorised person at all times.

4.5 Accidental exposure to drugs

An SSAA employee who believes they may have been unintentionally exposed to prohibited drugs or non-prescribed anabolic and / or androgenic steroids, whether on or off duty, must voluntarily disclose this information to their supervisor as soon as reasonably practicable, and in any event, less than **24 hours** after the exposure.

A disclosure of accidental exposure will require an officer to undergo a drug test as soon as practicable. The sample will be collected in the same manner as outlined within section 4.2 of these procedures and must be administered by an authorised person (non-sworn) from the D&ATU. The purpose of this testing will be to ensure the health and welfare of the individual concerned and to provide appropriate medical and welfare assistance or referral where necessary.

An SSAA employee, who may be potentially affected by illegal drugs from an accidental exposure, **must not** perform operational duties until a drug test has been conducted and the results have been confirmed by a member of the D&ATU.

A positive result will require the SSAA employee to be placed on restricted duties and referred for further medical assessment and treatment as directed by the Police Medical Officer. This may include further drug testing to establish elimination of the substance from the SSAA employee's system. Record all incidents on the command Exposure Register.

If an officer fails to disclose accidental exposure and then claims accidental exposure at the time of or shortly before drug testing, the circumstances will not absolve the officer from submitting to random, target or mandatory drug testing at that time, or the consequences of any subsequent positive test result.

An SSAA employee's commander has the discretion to accept or decline any delayed reporting of accidental exposure, and must maintain appropriate records of all decisions.

Where an SSAA employee claims accidental exposure on consecutive occasions they may be the subject of a formal investigation by their commander in order to determine the validity of any such claim and / or any adverse conduct issues which place the SSAA employee at greater risk of accidental exposure than other police.

4.6 Prescription and over the counter medications

SSAA employee's must advise their supervisor, prior to commencing duty or undertaking any NSW Police Force related activity, where their use of prescription drugs or general over the counter (OTC) medications indicate that they may cause anatomic, physiologic, or psychological abnormalities.

All SSAA employees should make themselves aware of any manufacturer's warnings or recommendations printed on the package or contained within the product information sheet relating to prescribed or OTC medications prior to consumption.

Warnings may include but not be limited to:

- May cause drowsiness.
- Restrictions on driving a motor vehicle.
- Restrictions on operating machinery etc.

Where a SSAA employee is in doubt about their ability to perform any or all of their duties, the officer should seek advice from a suitably qualified and certified medical practitioner and notify their immediate supervisor or manager if their medication carries a warning or has the potential to cause impairment to normal functioning. A SSAA employee returning to the workplace after illness or injury, or who is on a *Recover at Work Plan* will be subject to assessment and management by the relevant Region Injury Management Advisor.

SSAA employee should also consult a suitably qualified and certified medical practitioner prior to ceasing prescribed medication to determine risk adverse health effects. A SSAA employee should notify their supervisor where ceasing prescribed medication may impair normal function. Where impairment may occur as a result of ceasing prescribed medication the officer and supervisor may need to assess alternate work arrangements during any transition period.

The privacy of a SSAA employee's health records and information will be maintained at all times under the *Health Records and Privacy and Personal Information Protection Act 1998*.

An SSAA employee who consumes medication prescribed to another person or abuses general medications, prescription drugs, over the counter medications or uses any prohibited substance needs to understand the potential for adverse health outcomes and the real potential for management or disciplinary action for a breach of compliance with the NSW Police Force *Drug & Alcohol Policy Statement and Testing Procedures*.

4.7 When testing will be conducted

Drug and alcohol testing of all SSAA employees under the DAMP will be conducted in the following circumstances:

- a) Prior to commencement in a role performing SSAA:
SSAA employees will be tested for alcohol and testable drugs when they first join NSW Police Force, if the person will be working as a regular SSAA employee, or when the role of an existing employee is to change to that of a regular SSAA employee, unless the person has been drug and alcohol tested less than 90 days before the person is required to begin performing or being available to perform any SSAA; and the test results were not positive results.
- b) Post accident or serious incident
SSAA employees will be tested for alcohol and testable drugs after an accident or serious incident (as defined in the definitions section of this plan) involving a SSAA employee that occurs whilst he or she is performing, or available to perform, an SSAA, provided that suitable test conditions exist. Suitable test conditions exist where, after an accident or serious incident, testing can be conducted:
 - a. where practicable within 24 hours, but no longer than 32 hours of the accident or incident for drug testing
 - b. where practicable within 2 hours, but no longer than 8 hours of the accident or incident for alcohol testing
 - c. where it is practicable to conduct a test.

The NSW Police Force Drug and Alcohol Policy 'mandatory testing incident' guidelines may also apply.

- c) On reasonable suspicion
SSAA employees can be tested if a DAMP Supervisor has reasonable grounds to believe that a SSAA employee may be adversely affected by a testable drug or under the influence of alcohol while performing, or available to perform, an SSAA.

The NSW Police Force Drug and Alcohol Policy target testing guidelines also apply.

- d) On return to SSAA work

SSAA employees will be tested for alcohol and testable drugs if a SSAA employee is returning to work after a period during which the employee was not permitted under the CASRs to perform or be available to perform any SSAA because of alcohol or testable drug use or a related incident.

e) Random Testing

SSAA employees will be subject to random alcohol and testable drug testing at any time without notice. Random testing may be conducted at any location on a 24-hour, 7 day a week basis.

4.8 Drug test results

If a non-negative presumptive screening test result is obtained from a sample obtained from any SSAA employee, they will immediately be stood aside from SSAA duty and a DAMP Supervisor will be informed. The sample will be conveyed to an accredited laboratory for the purpose of confirmatory analysis.

The results of the analysis will be forwarded to a DAMP medical review officer (MRO) to determine if either the presence and/or level of a substance detected by the screening or confirmatory test could be the result of legitimate therapeutic treatment or some other innocuous source.

The employee will be informed and arrangements made for a consultation with the MRO who will make an assessment and provide a certificate authorising a return to SSAA duty.

4.9 Refuse alcohol test

Any police officer of the NSW Police Force who refuses to submit to a breath test or breath analysis when requested to do so by an Authorised Officer will be subject to managerial action as determined by their commander or branch manager.

Administrative officers, temporary employees, or special constables who refuse a breath test or breath analysis when requested to do so by an Authorised Officer will be subject to management action as determined by their commander or manager.

4.10 Refuse drug test

Any police officer of the NSWPF who refuses to submit to a test for prohibited drugs and/or non-prescribed steroids in accordance with the requirements of the Plan may be subject to the making of an order pursuant to section 181D of the *Police Act 1990*, unless the officer is otherwise exempt.

Any administrative officer, temporary employee, or special constable of the NSW Police Force who refuses to submit to a test for prohibited drugs in accordance with the requirements of the Plan may be subject to management action and liable to dismissal, unless otherwise exempt.

4.11 Who will conduct the testing?

Only an authorised testing officer of the NSW Police Force D&ATU Professional Standards Command, is permitted to conduct drug testing in line with the Australian/New Zealand Drug Testing Standards AS/NZS 4308, the Society of Hair Testing guidelines for drug testing in hair, or any other procedure approved by the Commissioner. Only an authorised testing officer from the D&ATU can conduct random alcohol tests. These testing officers can be contacted on 99358366. An authorised person can conduct a target alcohol test as outlined in the Drug & Alcohol Testing Procedures.

4.12 CASR Division 99C

In addition to drug and alcohol testing conducted by or on behalf of NSW Police Force under the Plan in conjunction with the NSW Police Force Drug and Alcohol Policy and testing procedures, SSAA employees (including all persons who perform duties in an aerodrome testing area) may also be subject to random drug and alcohol testing by CASA in accordance with CASR Division 99C.

- End of Section -

5. Drug and Alcohol response program

5.1 Employees ceasing SSAA

NSW Police Force will not permit any SSAA employee to perform, or be available to perform, any SSAA in any circumstances:

1. where the NSWPF is aware that a non-negative result for an initial drug test has been recorded and a confirmatory drug result has not been received to indicate otherwise
2. where NSW Police Force is aware that a positive result for an initial alcohol test has been recorded and no breath analysis indicates otherwise.
3. where NSW Police Force is aware that:
 - a) a positive result for a confirmatory drug test has been recorded for the employee; and
 - b) a DAMP medical review officer has not determined that the result recorded could be because of legitimate therapeutic treatment or some other innocuous source; and
 - c) mandatory preconditions for return to work have not been met (see below).
4. where NSW Police Force is aware that:
 - a) a positive result for a confirmatory alcohol test has been recorded for the employee, and
 - b) mandatory preconditions for return to work have not been met (see below).
5. where NSW Police Force is aware that a SSAA employee who has been required to take a drug or alcohol test has:
 - a) refused to take the test, or
 - b) interfered with the integrity of the test.
6. where a DAMP supervisor suspects the employee's faculties may be impaired due to the person being adversely affected by a testable drug or under the influence of alcohol
7. where an accident or serious incident has occurred involving the employee while he or she is performing or available to perform an SSAA and either:
 - a) for the period that suitable conditions exist for conducting drug or alcohol tests on the employee – a test has not been conducted; or
 - b) if tests have been conducted under suitable test conditions – NSWPF has not been notified of the test results.

Note: If a confirmatory test indicates a positive result due to therapeutic use of legal over-the-counter or prescription medication and the MRO agrees with this finding, the result will be considered negative and the employee will be able to return to SSAA.

5.2 Returning to Safety Sensitive Aviation Activities

Where the NSWPF has not permitted a SSAA employee to perform, or be available to perform SSAA as a result of a positive drug or alcohol test, the employee will only be permitted to again be available to perform a SSAA, if:

- the employee has undergone an assessment for drug or alcohol use
- the assessment recommended the employee commence an intervention program and the employee has commenced participation in a nominated program
- the employee is considered fit to resume performing, or being available to perform an SSAA by:
 - a) a DAMP medical review officer; and
 - b) the employee's treating clinician (if any)
- at the time the employee was considered fit to resume SSAA, that employee receives a confirmatory drug test that:
 - a) was a negative result; and
 - b) a DAMP medical review officer is satisfied the result indicates the absence of a prohibited drug.
- the NSWPF will grant an SSAA employee time to attend a nominated intervention program:
 - a) if a DAMP medical review officer has advised the NSWPF that the employee should attend the program
 - b) if the employee is returning to work after a period during which the employee was not permitted to perform (or be available to perform) an SSAA because of a positive test result for alcohol use or a testable drug (where the test indicated accidental exposure to prohibited substance or the substance was confirmed as a pharmaceutical or legal medication).

Note: If a confirmatory drug test indicates a positive result consistent with the use of legal medication/s and this is confirmed by the MRO, this test result will be considered negative. Nothing in this part shall affect Division 3 of Police Regulation 2015.

- End of Section -

6. Disciplinary action following a positive result

Failure to adhere to the NSW Police Force DAMP is considered a breach of the NSW Police Force Drug and Alcohol Policy, the Drug and Alcohol Testing Procedures, the NSW Police Force Code of Conduct and Ethics and the Code of Behaviour.

Consequences of a positive drug or alcohol test as outlined in the NSW Police Force Drug and Alcohol Policy or the Drug and Alcohol Testing Procedures apply concurrently with the DAMP.

6.1 Positive test results - Alcohol

Where a breath analysis indicates the prescribed concentration of alcohol in a police officer's blood while that officer is rostered on duty, the consequences of a positive alcohol test, as outlined in the NSW Police Force Drug and Alcohol Testing Procedures will apply:

- The officer will be immediately relieved of duty and is not to carry out any further duty for the duration of that rostered shift.
- The officer may not be entitled to be paid (whether in wages or salary, paid sick leave or any other type of payment) for that period of the officer's relevant shift not work.

Where a breath analysis indicates the prescribed concentration of alcohol in an administrative officer, temporary employee or special constable's blood while the employee is rostered on duty the following will apply:

- The individual will be immediately relieved of duty as sick leave or other/special leave and is not to carry out any further duty for the duration of that rostered shift.
- A positive alcohol test on the first occasion will not normally result in disciplinary action providing that the alcohol was consumed while off duty, not on police premises and that individual is not in their probationary period.
- Any individual who tests positive to alcohol will be required to see an approved counsellor for assessment.
- Managerial action can be taken against an individual if, having been referred to a counsellor, they:
 - a) choose not to undergo counselling; or
 - b) without reasonable excuse fail to attend an interview or counselling session after choosing to do so; or
 - c) without reasonable excuse fail to participate in a rehabilitation program after choosing to do so.

Any individual who tests positive to alcohol will be subject to unscheduled testing during the course of the following three years.

6.2 Positive test results – Drugs

Any police officer or SSAA employee who tests positive to the presence of a prohibited drug is liable to dismissal. The Commissioner can apply the provisions of an Order pursuant to section 181D with respect to a police officer or for employees subject to testing who are **not** police officers, under sections 47(1)(h) and 69(4) of the Government Sector Employment Act 2013.

6.3 Contractors

Employees of contractors or subcontractors or employees working under an MOU who breach the NSW Police Force DAMP will be subject to review, which may result in termination of any agreement or contract made with NSW Police Force.

Employment disciplinary action for employees of contractors, subcontractors or employees working under an MOU who test positive under NSW Police Force DAMP drug and alcohol testing will be determined by that employee's employer.

6.4 Commanders responsibilities

Any positive alcohol test results that the Commissioner chooses to deal with remedially (e.g. by rehabilitation) will be recorded in the complaint management system under the Drug / Alcohol issue group as an LMI Issue – *Positive Alcohol Test (first occasion)* for a police officer. In the instance of a special constable who is authorised to exercise the functions of a police officer; and all personnel that perform, or are available to perform, safety sensitive aviation activities (SSAA) a record will be made in the complaint management system as a *Positive Alcohol Test (first occasion)*.

Alternately, a positive alcohol test which results in management action will be recorded in the complaint management system under the Drug / Alcohol issue group as a *Positive Alcohol Test* for a police officer or special constable who is authorised to exercise the functions of a police officer; and all personnel that perform, or are available to perform, safety sensitive aviation activities (SSAA).

If an officer has another positive alcohol test within the subsequent 3 year period, the matter should be recorded on the complaint management system under the Drug / Alcohol issue group as a *Positive Alcohol Test (second or subsequent occasion)* after which management action may be taken in respect to the officer.

Any positive alcohol test outside of the 3-year period which the Commissioner chooses to deal with remedially (i.e. rehabilitation etc) should be recorded under the Drug / Alcohol issue group of – *Positive Alcohol Test (first occasion)*.

Every consideration should be given to immediate welfare and support options available for any officer who tests positive – refer to Welfare section 13.

6.5 Procedural reviews

Any SSAA employees testing positive to a drug or alcohol test will be subject of an internal police investigation – evidence based. During this investigation process the SSAA employees (sworn officers) will be offered the opportunity to participate in a directed interview. At the completion of this investigation the SSAA employee with a sustained finding will be served with an evidenced based investigators report. The SSAA employee has 21 days to reply in writing about anything within the report.

Investigations relating to non-sworn employees will be as per NSW Police Force policy under the Government Sector Employment Act 2016.

In the event of results being challenged, the referee specimen (B sample) will be made available for testing only with the consent of the officer. Testing will be carried out by an independent NATA accredited laboratory in compliance with the Australian Standard guidelines AS/NZS 4308 for urine. Testing of the referee specimen for hair will be conducted according to the procedure approved by the Commissioner.

A formal request from the officer for further analysis of a sample must be received at the D&ATU, in writing no later than three months from the date of testing. All costs associated with the analysis will be borne by the requesting officer.

- End of Section -

7. Key contacts

7.1 DAMP Contact Officer

The NSW Police Force has appointed the following DAMP contact officer. He will be the primary liaison point for CASA in relation to the responsibilities of the NSW Police Force under CASR Part 99B:

Safety Manager - Aviation Command
30 Drover Rd, Bankstown Airport 2200
Phone: 9727 1612, eagle net 71612
A/H Phone: 0438 621 981
Email: #polair@police.nsw.gov.au

After Hours request: Contact the Duty Operations Inspector VKG, 54408

7.2 DAMP Supervisor

The NSW Police Force has appointed the following key personnel as DAMP supervisor(s). DAMP supervisor(s) have had relevant training to form an opinion as to whether a person may be adversely affected by a testable drug or under the influence of alcohol.

Operations

Operations Manager - Aviation Command
email #polair@police.nsw.gov.au
phone 9727 1602, eagle net 71602

Operations Coordinator - Aviation Command
email #polair@police.nsw.gov.au
phone 9727 1603, eagle net 71603

Chief Pilot - Aviation Command
email #polair@police.nsw.gov.au
phone 9727 1609, eagle net 71609

Duty Supervisor – Aviation Command
email: #polair@police.nsw.gov.au
phone 9727 1604, eagle net 71604

Operations DAMP Supervisors can also be contacted at:

Aviation Command
30 Drover Rd, Bankstown Airport 2220

Engineering

Mr Khan Groube
Engineering Manager - Aviation Command
email: grou1kha@police.nsw.gov.au
phone 9727 1601, eagle net 71601

Mr Brett Starling
Chief Engineer - Aviation Command
email: star2bre@police.nsw.gov.au
phone 97271615, eagle net 71615

Engineering DAMP Supervisors can also be contacted at:

30 Drover Rd, Bankstown Airport 2220

7.3 DAMP Medical Review Officer

The Police Medical Officer
Sydney Police Centre
L6, 151-241 Goulburn St Surry Hills 2010
Phone 9265 4532, eagle net 54532
#pmoreferrals@police.nsw.gov.au

Note: Authority has been given by the NSWPF PMO for staff to obtain an urgent review by an authorised 'independent' MRO provided all records are forwarded to the Workplace Safety Command (PMO), DAMP Contact Officer and the D&ATU.

- End of Section -

8. Drug and Alcohol Education Program

8.1 Overview

The NSW Police Force will ensure that:

- all SSAA employees complete the NSW Police Force's drug and alcohol education program when they first join the organisation and before they perform, or are available to perform, a SSAA
- all DAMP supervisors complete DAMP supervisor training before performing this duty.

The NSW Police Force will also provide refresher drug and alcohol education to all SSAA employees and DAMP supervisors at an interval of no longer than 30 months since completion of the prior drug and alcohol education program.

8.2 Mandatory components of the education program

The NSW Police Force's drug and alcohol education program contains the following components:

- for SSAA employees — awareness of:
 - a. the organisation's policy on AOD use
 - b. AOD testing in the workplace
 - c. support and assistance services for people who engage in problematic AOD use
 - d. information about the potential risks to aviation safety from problematic AOD use
- additionally for DAMP supervisors – education and training to identify and manage employees who engage in problematic AOD use.

8.3 The NSW Police Force drug and alcohol education program

All SSAA employees and DAMP Supervisors of NSW Police Force are required to complete a drug and alcohol education program. The NSW Police Force must ensure that all SSAA employees and DAMP Supervisors have access to a drug and alcohol education program, and that SSAA employees do so at induction and prior to the employee performing or being available to perform an SSAA. NSW Police Force is to provide refresher education to all SSAA employees at an interval of no longer than 30 months.

The components of the NSW Police Force drug and alcohol education program are:

1. For SSAA employees – awareness of:
 - NSW Police Force policy on drug and alcohol use;
 - drug and alcohol testing in the workplace;

- support and assistance services available for people who engage in the problematic use of alcohol or other pharmaceuticals or medications;
- information about the potential risks to aviation safety from problematic use of drugs and alcohol; and
- reinforcing the NSW Police Force Drug and Alcohol Policy message that illegal drug use, supply or possession will not be tolerated, on or off duty

2. For DAMP Supervisors, education and training to manage people who engage in problematic use of drugs or alcohol.

- End of Section -

9. DAMP Medical Review Officer

9.1 Requirements relating to DAMP medical review officer

NSWPF will consult a DAMP Medical Review Officer:

- if a drug test conducted under the program returns a confirmatory drug test result for a SSAA employee of NSW Police Force that is a positive result – to determine if the presence and level of a testable drug detected by the test could be the result of legitimate therapeutic treatment or some other innocuous source
- to review medical information concerning a person's failure to give a body sample for drug or alcohol testing because of a claimed medical condition
- to determine, in consultation with the employee's treating clinician (if any) if the employee is fit to resume performing or being available to perform a SSAA after being required to cease performing or being available to perform SSAA for a drug or alcohol testing related incident.

CASA stated that the NSW Police Medical Officer (PMO) can provide the same services as an MRO provided they can demonstrate:

- competence in the field of interpreting drug and alcohol test results
- knowledge of substance use disorders
- knowledge of the contents of Part 99 CASR

Details of the PMO can be found on the Workplace Safety Intranet site.

10. Privacy

The *Privacy Act 1988* may apply to information gathered under this program and information held in relation to the outcomes of drug and alcohol testing, whether conducted by the NSW Police Force or by CASA.

The DAMP is consistent with the requirements of the *Privacy Act 1988* and NSWPF will comply with any obligations it may have under that Act in relation to the handling of personal information collected under the Plan.

11. DAMP review, audit and compliance

The NSW Police Force will review this DAMP at regular intervals of at least once every 5 years, or as directed by CASA, in order to ensure its continued compliance with the requirements of CASR Part 99B.

To ensure the appropriate development, implementation and enforcement of the NSW Police Force's DAMP, CASA may audit of the NSW Police Force and require it to provide relevant documentation.

12. DAMP reporting and record keeping

Under CASA exemption [CASA EX 135/20](#), (released in September 2020), DAMP organisations are exempt from the requirement to report information to CASA twice a year. This exemption is subject to meeting record keeping requirements – see below.

However, the NSW Police Force will notify CASA of changes regarding the details of the DAMP contact officer.

Additionally, where requested to do so the NSW Police Force will supply information about the identity of a SSAA employee to a CASA approved tester within one hour of such a request being made.

12.1 Record keeping

The NSW Police Force is required to keep the records of the information detailed in 99.100 as if it had provided the information to CASA. The information to be recorded relates to:

- drug and alcohol testing
- drug and alcohol education
- drug and alcohol response
- the number and type of SSAA employees engaged

The NSW Police Force will keep all records pertaining to this DAMP for a period of 5 years and this information will be kept in a secure location.

13. Welfare

The NSWPF *Drug & Alcohol Policy Statement* and the NSWPF *Drug & Alcohol Testing Procedures*, underpin the commitment of NSW Police Force and the D&ATU to the ongoing health, safety and integrity of all NSW Police Force employees.

SSAA employee's seeking information, assistance, or guidance on the health and welfare impact of drug and alcohol use or abuse on an individual and the effect on family, friends and colleagues should consult a qualified / certified medical practitioner, the NSWPF Employee Assistance Program (EAP) or access the D&ATU intranet site *Support Package* for additional information and referral to *independent* support agencies. The NSWPF is not liable for any information obtained from external sources.

All SSAA employees are reminded that professional counselling can be obtained by using the services of EAP, 24 hours a day by telephoning **1300 667 197**. This service is available for up to six months after concluding employment.

Further information and assistance in relation to specific welfare and support services can be obtained by referring to the NSW Police Force HR intranet site (Safety Health and Wellbeing menu).

Medical and personal records are protected under Commonwealth and State legislation. (Health Records and the P&PIP Act 1998).

14. Variations

CASA may require the NSW Police Force to make specific changes to this DAMP, or to prepare a new DAMP at any time to ensure ongoing compliance with CASR Part 99B.

The NSW Police Force may implement variations or amendments to this DAMP from time to time and, where relevant, will provide written notice to its employees setting out these changes.

The NSW Police Force may implement variations or amendments to this DAMP at any time. If these changes have not been directed by CASA, 3 month's written notice will be given to employees to that effect.

Unless otherwise determined, such variations or amendments shall have the same force and effect as if included in this DAMP, from the time at which the 3 months' notice expires.

15. Memorandum of understanding with other organisations

Where the NSWPF has a memorandum of understanding (MOU) with another organisation, that organisation is responsible for ensuring that its employees working in SSAA adhere to the NSWPF DAMP requirements.

Testing types for employees working under an MOU include:

- prior to commencement in a role performing SSAA
- post-accident or serious incident
- on reasonable suspicion
- on return to SSAA work

Employees working under an MOU with the NSWPF will be required to complete a consent form, agreeing to comply with the NSWPF DAMP, including allowing the provision of the MOU to that employee's employer with information regarding any positive test results.

The NSWPF will record test results for employees within any MOU and report any positive test results to the employee's organisation/s encompassed by that MOU.

16. Misconduct Resistance

The review and preparation of the Drug & Alcohol Management Plan is based on the previous DAMP and takes into consideration the corporate, legislative and scientific changes and developments in the field of drug and alcohol testing of employees and contractors who perform SSAA.

- The review has been conducted on the basis that the D&ATU provides a legislated operational testing service for CASA in support of the NSWPF prohibition of the use of prohibited drugs and the abuse of prescription medications.
- The DAMP, supported by legislation, clearly sets out the responsibilities of SSAA employees and officers of the NSWPF about expectations of behaviour both on and off duty, and the selection and testing procedures are clearly articulated.
- The provision of drug and alcohol testing services adheres strictly to legislative requirements that ensure integrity of the process based on a random testing program (by authorised non-sworn officers from PSC) that promotes and identifies the risk and potential outcome to employees who perform SSAA and police officers who disregard the NSWPF Drug & Alcohol Policy.
- The NSWPF Testing Procedures clearly articulate the processes and procedures that identify the responsibilities of all SSAA employees and contractors and NSWPF officers and provides a deterrent to inappropriate behaviour as a result of the use of prohibited drugs, steroids or the abuse of prescription medications.
- The review of previous DAMP is based on a consultative process within the Aviation Command, PSC, the Misconduct Prevention Unit, internal NSW Police Force corporate and operational commands, as well as external stakeholders to ensure a comprehensive and robust drug and alcohol testing service that

promotes ethical behaviour of officers of the NSW Police Force and SSAA employees.

- The DAMP will be reviewed and amended on a needs basis with regard to legislative changes and accepted testing practices.
- The Drug & Alcohol Policy Statement and the Drug & Alcohol Testing Procedures have a review date of January 2020.

17. NSW Police Force testing standards

17.1 Testing levels

Random drug test screening of the onsite testing cup will be conducted at 'cut-off' levels contained within the *Australian Standard AS/NZS 4308* (see table below).

In the event of an allegation of illegal drug use by an officer, and any subsequent testing procedures, the Commissioner authorises drug analysis at a lower level than contained within the AS/NZS 4308 under clause 96 of the *Police Regulation 2015* in an effort to:

- dissipate any doubt as to the presence or influence of a prohibited drug or steroid on employees operating in a 'safety critical industry' workplace environment
- provide absolute and transparent determinations of any allegation against an officer
- meet corporate and community expectations of a drug free police force
- maintain the highest level of ethical conduct by NSW Police officers
- identify and eliminate any inherent workplace risks associated with the use of illicit drugs, steroids or the abuse of prescription and OTC medications.

Sample analysis for targeted and subsequent 'special follow up' drug testing remains unchanged since testing of NSW Police Force officers commenced, and is conducted at the NSWPF service standard, clause 96 of the *Police Regulation 2015* (see table below).

Testing methods conform to Australian Standard AS/NZS 4308 and are scientifically validated by a NATA accredited laboratory.

DRUG TYPE	Australian Standard 4308	NSWPF Standard
THC (cannabis)	15 ug/L	5 ug/L
Opiate	300 ug/L	50 ug/L
Amphetamine	150 ug/L	50 ug/L
Methylamphet amine	150 ug/L	50 ug/L
Cocaine metabolite	150 ug/L	50 ug/L

17.2 Hair testing

The collection process is conducted to international standards and is consistent with clause 95 of the Police Regulation. Analysis and reporting for prohibited drugs by Forensic Science South Australia (FSSA) is authorised by the Commissioner and will be conducted in accordance with clause 96 of the Police Regulation.

The minimum level at which prohibited drugs located in a hair sample are reported to the NSWPF by the testing laboratory (FSSA) is at the laboratory’s level of reporting (LOR). This level is set by the FSSA laboratory.

Assessment of a positive analytical report from FSSA will be conducted by PSC Investigation & Field Services and D&ATU in consultation with qualified expert analysts and toxicologists.

17.3 Urine samples

Collection processes and procedures for a urine sample are in accordance with the guidelines set out in the *Australian / New Zealand Standard (AS/NZS 4308)*.

17.4 Disputed results

Urine - In line with Australian Standard AS/NZS 4308, re-testing of the disputed result using mass spectrometry need only detect the presence of the drug or metabolite, and accordingly no confirmatory test cut-off level applies.

Australian Standard AS/NZS 4308 section 5.13(b) to (j) applies.

Hair – If a hair test result is challenged, the referee sample (if available) will be made available for testing upon written request by the tested officer and will be conducted by a National Association of Testing Authorities, Australia accredited laboratory and will only be required to detect the presence of the drug or metabolite.

18. Legislation

18.1 Civil Aviation Safety Regulation 1998

Part 99 defines the requirement by the Civil Aviation Safety Authority (CASA) for the NSW Police Force to develop and implement a drug and alcohol management plan (DAMP) and subsequent testing requirements.

18.2 Police Act 1990

Section 211A allows for the testing of police officers for alcohol and prohibited drugs. The same section defines prohibited drug as having the same meaning as in schedule 1 of the *Drug Misuse and Trafficking Act 1985*.

Section 211AA allows for the testing of police officers for steroids. The same section defines steroids as anabolic and androgenic steroidal (AAS) agents included in Schedule Four of the Poisons List within the *Poisons & Therapeutic Goods Act 1966* and the *Drug Misuse and Trafficking Act 1985* (see Definitions section 2).

Section 211A(4E) provides the legislative basis for police officers of the NSW Police Force to be recalled to duty for the purpose of submitting to a drug test for the presence of a prohibited drugs only.

Section 81(G)(4) provides for the testing of NSW Police Force special constables for alcohol, prohibited drugs or steroids.

18.3 Police Regulation 2015

Clause 77 Definitions set out the definitions relating to drug and alcohol testing and includes – *Prohibited Drug and Steroid*

Clause 79 (Code of Behaviour) prescribes the requirements of NSW Police Force employees in relation to alcohol, prohibited drugs and steroid use.

Clause 80(1) sets out limited exemptions for the consumption of alcohol on duty by a police officer.

The code of behaviour does not apply so as to prevent a member of the NSW Police from consuming alcohol:

- (a) in the performance of a police task, or
- (b) in an official capacity, or
- (c) in any other circumstances

If the member is authorised by the Commissioner to do so

Clause 80(3) states an officer may be exempt from submitting to a breath test or breath analysis, or to provide a sample for the purpose of other testing, if the officer is unable to do so, on **medical grounds**.

Clause 81(2) states an officer may not be entitled to be paid (whether in wages or salary, paid sick leave or any other type of payment) for that period of the shift that the officer was relieved of duty/stood down.

Clause 82 sets out the commander's responsibilities to a positive alcohol test on the first occasion.

Clause 83 states where a subsequent breach within the three-year period occurs, the Commissioner may make a section 173 or section 181D Order with respect to the officer.

Clause 85 defines the consequences for an officer who provides a positive test (other than a non-negative initial screening test) for prohibited drugs.

Clause 88 (1)(c)(d) breach of the Code of Behaviour by refusing or failing to undertake a breath test or provide a sample of urine or hair.

Clause 89(4)(a)(b). Provides that an officer will be subject to unscheduled special follow-up testing at least one a year during the course of the following 3 years for a positive alcohol test and 5 years for a positive prohibited drug or steroid test

Clause 96(3) sets out the requirements for an analysis of a sample of urine, hair or blood and a report on that analysis provided in accordance with the procedures set out in AS 4308 or any other procedure approved by the Commissioner in that regard

Clause 97 creates an offence for any officer who interferes with, alters, removes or replaces, or provides a false test sample.

18.4 [Drug Misuse and Trafficking Act 1985](#)

Schedule 1 of the Act provides a list of prohibited drugs and steroids.

18.5 [Crimes Act 1900](#)

Section 38(A) creates an offence of causing another person to be given or consume drink or food, containing an intoxicating substance.

18.6 [Privacy and Personal Information Protection Act 1998 No 133](#)

In this Act, **personal information** means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

- End of Section -

19. Contact details

19.1 Aviation Command

Operations Room: 9727 1604 EN: 71604

After hours: Contact the DOI – VKG: 54408.

Address 30 Drover Rd,
Bankstown Airport 2200

19.2 Professional Standards Command

Phone: (02) 9355 8299

Fax: (02) 9355 8211

Eaglenet: 48299

Eaglefax: 48211

19.3 Drug and Alcohol testing unit

Phone: (02) 9355 8367

Fax: (02) 9355 8397

Eaglenet: 48367

Eaglefax: 48397

Address: Level 6, 2 Dawn Fraser Avenue,
Sydney Olympic Park, 2127

- End of Section -

20. Appendix 1 –CASR definitions

- Part 99 of the *Civil Aviation Safety Regulations 1998* sets out legal definitions for various terms used in that Part ([see reg. 99.010](#)). The definitions of key terms relevant to in this DAMP are reproduced below.
- **"accident"** means an occurrence that arises out of a person performing or being available to perform an applicable SSAA if either or both of the following applies:
 - (a) the occurrence results in the death of, or serious harm to, a person;
 - (b) the occurrence results in serious damage to an aircraft or property.
- "aerodrome testing area" means:
 - (a) any surface in a certified aerodrome or a registered aerodrome over which an aircraft is able to be moved while in contact with the surface of the aerodrome, including any parking areas; and
 - (b) any part of the surface of a certified aerodrome or registered aerodrome:
 - (i) that is not covered by paragraph (a); and
 - (ii) that does not have a building on it; and
 - (iii) from which access to a surface mentioned in paragraph(a) may be had; and
 - (c) a building located on a certified aerodrome or registered aerodrome that is used:
 - (i) for maintenance of an aircraft or an aeronautical product; or
 - (ii) for the manufacture of aircraft or aeronautical products; or
 - (iii) by an air traffic service provider to control air traffic; or
 - (iv) by the holder of an AOC for flying training; and
 - (d) any part of an aircraft, aerobridge or other moveable structure in a certified aerodrome or a registered aerodrome.
- "appropriately qualified alcohol and other drug professional" means a person who:
 - (a) materially works as a provider of clinical drug and alcohol treatment services; and
 - (b) holds a bachelor degree, or postgraduate degree, in at least 1 of the following fields:
 - (i) health sciences
 - (ii) medical science
 - (iii) social sciences
 - (iv) behavioural sciences.

- **"approved breathalyser"** means a breathalyser approved by CASA under paragraph 99.130(a) of *CAS regulations 1998* for alcohol testing. Note: definition is related to Part 99 Subpart C only.
- **"approved drug testing device"** means a device approved by CASA under paragraph 99.130 (b) for testing for testable drugs. Note: definition is related to Part 99 Subpart C only.
- **"approved laboratory"** means a person authorised under sub regulation 99.450 (3) to conduct confirmatory drug tests for Subpart 99C. Note: definition is related to Part 99 Subpart C only.
- **"approved person"**, in relation to an approved laboratory, means a person who is authorised under the laboratory's National Association of Testing Authorities accreditation to declare the results of drug tests conducted by that laboratory. Note: definition is related to Part 99 Subpart C only.
- **"approved tester"** means a person who is authorised to:
 - (a) take body samples for drug or alcohol tests under sub regulation 99.450(1); and
 - (b) conduct initial drug tests or alcohol tests under sub regulation 99.450(2)

Note: definition is related to Part 99 Subpart C only.

- **"CASA medical review officer"** means a medical practitioner who for drug and alcohol testing under Subpart 99.C and for Subparts 99.E and 99.H has:
 - (a) been appointed by CASA under sub regulation 99.390 (1) for the purposes of Subpart 99.C; and
 - (b) training and competence in the field of interpreting drug and alcohol test results; and
 - (c) knowledge of substance use disorders; and
 - (d) knowledge of the contents of this Part.
- **"comprehensive assessment"**, in relation to a person's drug or alcohol use, means an examination of the person's physiological and psychosocial indicators carried out:
 - (a) by a psychiatrist; or

- (b) by a medical practitioner who is a Fellow of the Australasian Chapter of Addiction Medicine; or
- (c) jointly by:
 - (i) a person entitled to practice as a medical practitioner under a law of a State or Territory; and
 - (ii) an appropriately qualified drug and alcohol professional.

- **"confirmatory alcohol test"** means an alcohol test given in respect of an initial alcohol test to determine the presence and level of alcohol in a body sample

Note: See paragraph (b) of the definition of drug or alcohol test in subsection 33 (1) of the *Civil Aviation Act 1988*.

- **"confirmatory drug test"** means a drug test given in respect of an initial drug test to determine the presence and level of a testable drug in a body sample

Note: See paragraph (b) of the definition of drug or alcohol test in subsection 33 (1) of the Act.

- **"DAMP or drug and alcohol management plan"** means a drug and alcohol management plan that complies, or purports to comply, with the requirements of regulation 99.045.
- **"DAMP contractor"** means a person, or the employee of a person, who is:
 - (a) a party to an ongoing written or ongoing oral contract with a DAMP organisation; or
 - (b) a DAMP subcontractor to an ongoing written or ongoing oral contract with a DAMP organisation.
- **"DAMP medical review officer"** means a medical practitioner who for drug or alcohol testing under a DAMP has:
 - (a) competence in the field of interpreting drug and alcohol test results; and
 - (b) knowledge of substance use disorders; and
 - (c) knowledge of the contents of this Part.
- **"DAMP organisation"** means a person that is required to have a DAMP under sub regulation 99.030(1).

- **"DAMP reporting period,"** for a DAMP organisation, means the period of 6 months immediately before each:
 - (c) 1 March; and
 - (d) 1 September.

- **"DAMP subcontractor"**, means a person who is a party to:
 - (a) an ongoing written or oral contract with a DAMP contractor within the meaning of paragraph (a) of the definition of **DAMP contractor** ;
or
 - (b) an ongoing written or oral contract with another DAMP subcontractor (under a previous application of this definition).

- **"DAMP supervisor"**, in relation to a DAMP organisation, means a person who:
 - (a) has had relevant training to form an opinion as to whether a person may be adversely affected by a testable drug or under the influence of alcohol; and
 - (b) is authorised by the organisation to do so for the purposes of paragraph 99.050(2)(c).

- **"donor"** means a person who is asked to give, or has given, a body sample to an approved tester.

- **"drug and alcohol education program"**, for a DAMP organisation, means a program that includes the following components:
 - (a) for SSAA employees--awareness of:
 - (i) the organisation's policy on drug and alcohol use; and
 - (ii) drug and alcohol testing in the workplace; and
 - (iii) support and assistance services for people who engage in problematic use of drugs and alcohol;
and
 - (iv) information about the potential risks to aviation safety from problematic use of drugs and alcohol;
 - (b) for DAMP supervisors--education and training to manage people who engage in problematic use of drugs or alcohol.

- **"drug or alcohol intervention program"**, in relation to a person who has a drug or alcohol problem, means a program that includes any of the following measures for that problem:

- (a) assessment;
 - (b) treatment, including any of the following:
 - (i) education
 - (ii) counselling
 - (iii) consultation with health care professionals
 - (iv) pharmacotherapy
 - (v) residential or non-residential treatment programs
 - (c) monitoring and follow-up action.
-
- **"employee"**, in relation to a DAMP organisation, includes a DAMP contractor of the DAMP organisation

 - "foreign operator" means:
 - (a) the holder of a foreign aircraft AOC; or
 - (b) the operator of an aircraft operating in Australia in accordance with a permission granted by CASA under section 26 of the Act; or
 - (c) the operator of an aircraft operating under a permission granted under section 27A of the Act; or
 - (d) the holder of a New Zealand AOC with ANZA privileges; or
 - (e) the operator of an aircraft that is operating in Australia in accordance with section 14 of the *Air Navigation Act 1920*.

 - **"initial alcohol test"** means an alcohol test to determine the presence of alcohol in a body sample.

Note: See paragraph (a) of the definition of drug or alcohol test in subsection 33 (1) of the *Civil Aviation Act 1988*.

- **"initial drug test"** means a drug test to determine the presence of a testable drug in a body sample.

Note: See paragraph (a) of the definition of drug or alcohol test in subsection 33(1) of the *Civil Aviation Act 1988*.

- **"nominated drug or alcohol intervention program"**, in relation to a person who has undergone a comprehensive assessment, means a drug or alcohol intervention program considered suitable for the person by:
 - (a) if the person is an employee of a DAMP organisation--a DAMP medical review officer; or
 - (b) in any other case--a CASA medical review officer.

- **"passenger,"** in relation to an aircraft, means a person:
 - (a) Who:
 - (i) intends to travel on a particular flight on the aircraft that has not as yet boarded; or
 - (ii) is on board the aircraft for a flight; or
 - (iii) has disembarked from the aircraft following a flight; and
 - (b) who is not a member of the crew of the aircraft.

- **"passport"** means an Australian passport within the meaning of the *Australian Passports Act 2005*, or a passport issued by the Government of a country other than Australia.

- "permitted level" means:
 - (a) for a testable drug - a level of the drug specified in sub regulation (2A) for the purposes of this paragraph; and
 - (b) for alcohol - a level of alcohol of less than 0.02 grams of alcohol in 210 litres of breath.

- **"positive result"** means the following:
 - (a) for an initial drug test - a test result within the meaning of paragraph (a) of the definition of positive test result in subsection 33(1) of the Act;
 - (b) for a confirmatory drug test - a test result within the meaning of paragraph (b) of the definition of positive test result in subsection 33(1) of the Act;
 - (c) for an initial alcohol test - a test result within the meaning of paragraph (a) of the definition of positive test result in subsection 33(1) of the Act;
 - (d) for a confirmatory alcohol test - a test result within the meaning of paragraph (b) of the definition of positive test result in subsection 33(1) of the Act.

- **"regular SSAA employee"** means a SSAA employee who is reasonably likely to perform an applicable SSAA at least 2 or more times every 90 days.

- "relevant Standard" means:
 - (a) AS 3547, Breath alcohol testing devices for personal use ; and
 - (b) NMI R 126, Pattern Approval Specifications for Evidential Breath Analysers ; and
 - (c) AS 4760, Procedures for specimen collection and the detection and quantitation of drugs in oral fluid; and
 - (d) AS/NZS 4308, Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

 - "**sample identifier**" means a number allocated to a body sample using the method specified in a legislative instrument made by CASA under regulation 99.150.

 - "**screening officer**" has the meaning given in the Aviation Transport Security Act 2004.

 - "**serious incident**" means an occurrence that arises out of a person performing or being available to perform an applicable SSAA if either or both of the following applies:
 - (a) the occurrence gives rise to a danger of death or serious harm to a person;
 - (b) the occurrence gives rise to a danger of serious damage to an aircraft or property.

 - "**SSAA**" means a safety-sensitive aviation activity.

 - "**SSAA employee**", in relation to a DAMP organisation, means an employee of the DAMP organisation who performs or is available to perform an applicable SSAA.

 - "**substantial compliance**", in relation to a drug or alcohol test, has the meaning given in sub regulation 99.020(2).

 - "**suitable test conditions**" has the meaning given by sub regulation (3).
- (3) **Suitable test conditions** means conditions that exist after an accident or serious incident if:
- (a) testing can be conducted within:
 - (i) for drug testing - 32 hours after the accident or incident occurred; and
 - (ii) for alcohol testing - 8 hours after the accident or incident occurred; and

(b) it is practicable to conduct a test.