

AFP National Guideline on prohibited drugs, pharmaceutical products and alcohol

1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the *Australian Federal Police Act 1979* (Cth) (the Act).

2. Guideline authority

This National Guideline was issued by the Chief of Staff using power under section 37(1) of [the Act](#), as delegated by the Commissioner under section 69C of [the Act](#).

3. Introduction

This National Guideline outlines the formal policy position of the AFP on the use of prohibited drugs, alcohol and pharmaceutical products by AFP appointees.

The National Guideline also identifies the requirements of AFP appointees and the processes under which testing for drugs, alcohol or pharmaceutical products is undertaken.

The professional standards of the AFP are the responsibility of **all AFP appointees**.

4. Policy

The AFP recognises the serious effects that drugs, alcohol and pharmaceutical abuse can have on modern society and the importance of all law enforcement appointees being committed to the highest standards of personal integrity and professionalism.

The AFP additionally recognises and upholds the fundamental duty of care it owes to AFP appointees, who have a right to be safe from the risks of personal threat or compromise posed by the illicit drug trade and from AFP appointees affected by drugs and/or alcohol.

5. Prohibition and regulation

AFP appointees must not use prohibited drugs with the exception of illicit drugs which may be used within controlled medical parameters. Abuse of pharmaceutical products is also prohibited and the consumption of alcohol is regulated.

The Commissioner has authority to determine drugs to be prohibited drugs under sections 4 and 4A of [the Act](#).

Testing of AFP appointees for prohibited drugs, pharmaceutical products and alcohol is authorised under Division 8 of [the Act](#), underpinned by Part 2, Division 7 of the [Australian Federal Police Regulations 2018](#) (Cth).

6. Application

This National Guideline addresses the use of prohibited drugs, alcohol and pharmaceutical products by AFP appointees and the relevant AFP testing regimes. It applies to all AFP appointees and volunteers.

There is a specific prohibition on the use of prohibited drugs by AFP appointees and, additionally, an AFP appointee must not:

- by drinking alcohol and/or taking any drug or substance, become unfit to perform their duties

or

- while on duty, drink alcohol and/or take any drug (other than for medical purposes) without the consent of a member of the AFP senior executive under whose control, direction or supervision they perform their duties.

The AFP undertakes testing of AFP appointees for use of prohibited drugs, alcohol and pharmaceutical misuse in accordance with the provisions of the relevant legislation, regulations and this guideline.

7. Use of prohibited drugs

AFP appointees can use prohibited drugs only within controlled medical parameters. These parameters must be set by a registered medical authority and conform to accepted treatment regimes.

8. Use of selective androgen receptor modulators (SARMs)

AFP appointees must not use SARMs except within lawful controlled medical parameters. These parameters must be set by a registered medical authority and conform to accepted treatment regimes.

SARMs can only be legally obtained with a prescription from a doctor; possession of SARMs without a prescription is illegal.

9. Use of medicinal cannabis

AFP appointees must disclose medicinal cannabis use to Organisational Health prior to consumption and/or participation in a clinical trial. At the time of disclosure, AFP appointees must provide evidence of their prescription or participation in a clinical trial. This evidence must include the type of product prescribed, dosage and whether or not the dosage would have any impairing effects.

Where an AFP appointee has disclosed medicinal cannabis use and has undergone mandatory drug testing, the result may be deemed as a non-negative after confirmatory laboratory analysis and review by the AFP's Medical Review Officer (MRO), who may empanel a Medical/Science Review Panel.

10. Use of cannabinoid oil

AFP appointees must not use cannabinoid oil except with approval by the AFP's MRO. AFP appointees must engage with MRO prior to any consumption of cannabinoid oil.

Where an AFP appointee has disclosed cannabinoid oil use and has undergone mandatory drug testing, the result may be deemed as a non-negative after confirmatory laboratory analysis and review by the AFP's MRO, who may empanel a Medical/Science Review Panel.

11. Use of pharmaceutical products

Pharmaceutical products may be specified in a determination issued by the AFP under section 4A of [the Act](#) as prohibited drugs. Pharmaceutical products include, but are not limited to:

- anabolic steroids
- benzodiazepines
- prescribed narcotic analgesics, psychotropic agents and other central nervous system agents
- other dispensed medication, e.g. codeine.

AFP appointees must not abuse or otherwise inappropriately use pharmaceutical products.

Inappropriate use of pharmaceutical products extends to use which exceeds the norms of clinical and therapeutic activity, including use for non-prescribed purposes and misuse of prescribed dosages.

The boundaries for, and advice on, the use of any pharmaceutical product can be determined by reference to the [Therapeutic Goods Authority](#) or within the [Poisons Standard February 2021](#) and the [Therapeutic Goods Act 1989](#) (Cth). This guideline does not prohibit the lawful use of pharmaceutical products within normal medical parameters.

These parameters must be set by a registered medical practitioner and conform to accepted treatment regimes. AFP appointees should use prescribed and over-the-counter medication only as directed.

An AFP appointee must not carry out duties involving increased risk where they believe, or should reasonably believe, that pharmaceutical product use may impair their operational capabilities. Such operational capabilities include, but are not limited to, driving, making decisions and using firearms or other accoutrements for the application of force. AFP appointees who are taking pharmaceutical products and have any doubt about their ability to perform any or all of their normal duties should consult their medical practitioner or Organisational Health and discuss alternative work options with their supervisor.

12. Use of alcohol

The alcohol concentration of all AFP appointees on duty (or returning to duty) must not exceed 0.02 grams of alcohol in 210 litres of breath or 100 millilitres of blood. This limitation is critical when alcohol use may have an adverse impact on the capacity of an individual to carry out their normal duties or on the reputation of the AFP.

Consumption of alcohol whilst on duty is prohibited except in the following circumstances:

- official hospitality in accordance with relevant National Guideline(s)
- special occasions and operational activity formally sanctioned by a member of the AFP senior executive.

13. AFP drug and alcohol testing programs

Testing of AFP appointees is provided for in [the Act](#), the [Australian Federal Police Regulations 2018](#) (Cth) and the [AFP Commissioner's Order on professional standards](#) (CO2).

The [Australian Federal Police \(Approval of Screening Devices\) Instrument 2021](#) specifies approved breath-screening devices.

14. General conduct of the testing program

General administration of the drug and alcohol testing program is carried out by the DPPO. Testing is conducted in accordance with the [Australian Federal Police Regulations 2018](#) (Cth).

AFP appointees must comply with a direction given to them by an authorised person to provide a body sample for a drug or alcohol test. An AFP appointee commits a serious breach of AFP professional standards (Category 3 conduct issue) if they disobey or fail to carry out a direction to undergo a drug or alcohol test.

When providing a body sample, no person may engage in conduct which alters or affects, or intends to alter or affect, that sample. In the case of drug testing, direct observation of an individual providing a body sample is permissible in circumstances involving a reasonable suspicion that a particular individual may attempt to alter or substitute a sample.

AFP appointees may be selected for testing in any of the following circumstances:

- mandatory targeted testing
- mandatory random testing
- mandatory investigation testing
- mandatory certain incident testing
- mandatory applicant testing.

Any AFP appointee selected for drug testing must provide details of any drug, pharmaceutical product and/or substance they have recently consumed.

In the case of body samples provided being other than urine samples, the drug test must be carried out in accordance with the relevant Australian Standard or with equivalent standards for sample collection and analysis, as reasonable within the particular circumstances. At the time of publishing of this guideline, human hair testing is undertaken in accordance with the [Society of Hair Testing guidelines](#); however, if a relevant Australian Standard is implemented, drug tests using samples of hair will conform to that standard.

15. Results of drug testing

Wherever practicable, test results are provided electronically and in a timely manner.

15.1 Non-negative results for prohibited illicit drugs

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Non-negative drug tests that relate to prohibited illicit drugs will be immediately assessed for further action and/or consideration by the Commander Professional Standards/the Professional Standards Operations Committee in accordance with the AFP [National Guideline on complaint management](#).

The non-negative results for prohibited illicit drugs will be provided to MRO for positive confirmation or otherwise.

15.2 Non-negative results for all other prohibited drugs and pharmaceutical products

Non-negative test results for prohibited drugs and pharmaceutical products are independently reviewed by the AFP MRO, who may empanel a Medical/Science Review Panel.

The Medical/Science Review Panel is coordinated by the MRO and consists of those suitably qualified people whom the MRO considers appropriate to review the circumstances affecting the person who provided the sample. This review process considers all non-negative results, taking into account information provided by the subject, and determine whether a non-negative result is a 'verified positive result'.

MRO may request that an appointee provide their prescription/ medical evidence for a non-negative result. Failure to provide this information may result in the result being verified as positive by MRO.

If an AFP appointee challenges the results of a drug test, they may have the unanalysed sample (sample B) tested independently. The AFP will meet the average cost of testing sample B but this does not include expenses if the person wants to be present to witness the testing of sample B. All records of the original drug test are made available for re-examination.

MRO will refer verified positive test results to the DPPO to assess for further action and/or consideration by the Commander Professional Standards and the Professional Standards Operations Committee in accordance with the AFP [National Guideline on complaint management](#).

AFP appointees who depart from the provisions of this instrument may be in breach of AFP professional standards and subject to a Professional Standards investigation, resulting in the consideration of continued employment. Where action pursuant to this guideline reveals complicity in a criminal offence, each case is dealt with on its merits and consistent with the applicable criminal code.

16. Results of alcohol testing

The result from alcohol testing is immediate. When the result indicates that an AFP appointee is over the prescribed alcohol concentration of 0.02 grams of alcohol in

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210 litres of breath or 100 millilitres of blood, the person authorised to test for alcohol must deliver the results to the DPPO.

The DPPO must refer the results to the AFP appointee's supervisor / local command to assess and manage, with support from Organisational Health, where necessary.

When the result indicates that an AFP appointee is on or over an alcohol concentration level of 0.05 grams of alcohol in 210 litres of breath or 100 millilitres of blood, in addition to referrals to the AFP appointee's supervisor and Organisational Health, the DPPO refers the results to the Professional Standards Operations Committee to assess any associated integrity risk or Code of Conduct breach.

When an AFP appointee has tested over the prescribed alcohol concentration of 0.02 grams of alcohol in 210 litres of breath or 100 millilitres of blood, they must take leave for the remainder of the day / rostered shift.

The supervisor must notify Professional Standards in circumstances where the AFP appointee:

- doesn't consent to being tested
- doesn't cooperate during testing
- doesn't consent to taking leave
- has been involved in any incident that results in injury or poses a risk of injury
- has been identified in an alleged breach of the [AFP Commissioner's Order on professional standards](#) (CO2)
- has been identified in a suspected breach of law.

17. Voluntary disclosure

The AFP urges any AFP appointee who is suffering from substance dependence or misuse, including alcohol, whether or not an illicit drug is involved, to come forward to their supervisor, Organisational Health or Professional Standards.

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The AFP will medically assist and support individuals to the full extent that it appropriately can. Where there is information disclosed impacting on the AFP appointee's integrity, i.e. illicit drug use, the AFP may also conduct a risk assessment and, if appropriate, a Professional Standards investigation into the circumstances; possible culpability and other factors will be assessed, including impact on security clearance.

The AFP will endeavour to maintain the continued employment of the AFP appointee; however, in some circumstances that may not be possible.

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18. Rehabilitation and assistance

There is a range of support services available for AFP appointees experiencing drug and alcohol problems, including Organisational Health, the Employee Assistance Program, Welfare Officer Network, counselling and other external health service providers.

The AFP will provide reasonable support to AFP appointees who voluntarily seek assistance with drug and substance use and alcohol misuse.

Requests for assistance will be treated with confidentiality in accordance with relevant legislation and AFP reporting obligations.

The types and extent of any assistance provided is considered by Organisational Health on a case-by-case basis, having regard to all the circumstances and consistent with this guideline. Assistance may include formal rehabilitation processes. AFP appointees receiving assistance may be subject to ongoing risk-based testing.

19. Records and information management

19.1 Records

Records must be maintained by the DPPO in accordance with legislative requirements. The DPPO compiles non-identifying information beyond the statutory destruction limit for statistical and reporting purposes.

The DPPO maintains a register of authorised persons for the purpose of conducting prohibited drug and alcohol tests and the authorisation instruments.

19.2 Privacy and confidentiality

The AFP recognises that sensitive personal information may be disclosed about an AFP appointee's use of alcohol, drugs and substance or test results. The AFP maintains confidentiality of this information in accordance with the [Australian Privacy Principles](#) and the [AFP National Guideline on privacy](#), subject to AFP mandatory requirements such as professional standards or security. Where specific circumstances require, an AFP delegate may authorise disclosure of information on a case-by-case basis in accordance with section 60A of the [AFP Act](#) and/or regulation 36 of the [Australian Federal Police Regulations 2018 \(Cth\)](#). This may include disclosure to Commonwealth, state and territory agencies or state and territory police forces, particularly in relation to AFP special members and secondees to the AFP. This may also include disclosure of information to Comcare.

20. Review

As new, more efficient and effective methods of addressing drug and alcohol use become available, the AFP may seek to introduce appropriate changes to the current structure, including testing methodologies.

21. Further advice

Queries about the content of this guideline should be referred to the [DPPO](#).

22. References

Legislation

- *Australian Federal Police Act 1979 (Cth)*
- [Australian Federal Police Regulations 2018 \(Cth\)](#)
- *Customs Act 1901 (Cth)*
- *Poisons Standard February 2021*
- *Road Transport (Alcohol and Drugs) Act 1977 (ACT)*
- *Therapeutic Goods Act 1989 (Cth)*

AFP governance instruments

- [AFP Commissioner's Order on professional standards \(CO2\)](#)
- [AFP National Guideline on complaint management](#)
- [AFP National Guideline on privacy](#)

Other sources

- [AFP DUI Matrix](#)
- [Australian Federal Police \(Approval of Screening Devices\) Instrument 2021](#)
- [Australian Privacy Principles](#)
- [Society of Hair Testing guidelines](#)
- [Sport Integrity Australia](#)
- [Therapeutic Goods Authority](#)

23. Shortened forms

ACT	Australian Capital Territory
AFP	Australian Federal Police
DPPO	Drug Program Project Office
DUI	driving under the influence
MRO	Medical Review Officer

24. Definitions

AFP appointee means a deputy commissioner, AFP employee, special member or special protective service officer and includes a person:

- engaged under section 35 of [the Act](#) as a consultant or contractor to perform services for the AFP and determined under section 35(2) of [the Act](#) to be an AFP appointee
- engaged overseas under section 69A of [the Act](#)
- seconded to the AFP under section 69D of [the Act](#).

(See section 4 of the Act.)

Alcohol test means a test of a body sample of a person to determine the concentration of alcohol present in a person's breath or blood. Alcohol tests are conducted using approved breath screening devices.

Body sample means biological fluid, biological tissue and human breath including:

- saliva
- urine
- hair
- breath
- blood.

Drug test means a test of a body sample of a person to determine the presence of a prohibited drug or pharmaceutical product in the sample.

Mandatory applicant testing means a test for prohibited drugs, pharmaceutical products or alcohol conducted shortly before, as part of the selection process, or immediately after starting employment with the AFP as a condition of meeting employment suitability gateways.

Mandatory certain incident testing means a test for prohibited drugs, pharmaceutical products or alcohol whereby AFP appointees are tested as a result of the occurrence of specific incidents as prescribed in section 40N of [the AFP Act](#).

Mandatory investigation testing means a test of AFP appointees for prohibited drugs, pharmaceutical products or alcohol as part of a Professional Standards investigation or inquiry.

Mandatory random testing means a test of AFP appointees for prohibited drugs, pharmaceutical products or alcohol through a random selection process.

Mandatory targeted testing means a test of AFP appointees for prohibited drugs, pharmaceutical products or alcohol through a risk-based selection process.

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Medical review officer means a qualified doctor with additional training in workplace drug protocols.

Narcotic substance, as defined in the *Customs Act 1901* (Cth), as amended from time to time, means a border controlled-drug or a border-controlled plant. For the purpose of this guideline, narcotic substances are illicit drugs. Categories of illicit drugs may include:

- opiates
- sympathomimetic amines (amphetamines and the like)
- cannabis metabolites
- cocaine metabolites.

Non-negative test result means a result of a body sample indicating that drugs, pharmaceutical products and/or their metabolites have been located in the sample but it has not yet been confirmed as a 'verified positive result' or a "verified negative result" by the MRO.

Person authorised to test for alcohol means an AFP appointee or contracted service provider who is certified to use the approved breath-testing equipment under the law of the relevant state or territory. In the ACT this would include any member of ACT Policing who is authorised under the *Road Transport (Alcohol and Drugs) Act 1977* (ACT) to conduct a breath analysis.

Prohibited drug means a substance or any drug specified in a determination issued under section 4A of [the](#) AFP Act.

Selective androgen receptor modulators (SARMs) means experimental medicines which claim to build muscle mass and bone density.

Verified positive result means a confirmed non-negative drug test result that has been reviewed by the MRO or a Medical/Science Review Panel and has been found to have no justifiable reason for containing, or containing the quantity of, one or more of the prohibited drugs or pharmaceutical products.

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