

# **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](#).

### **Compliance**

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. 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).

## **2. Guideline authority**

This guideline was created by National Manager Human Resources using power under s. 37(1) of the *Australian Federal Police Act 1979* as delegated by the Commissioner under s. 69C of the Act.

## **3. Acronyms**

<b>BAC</b>	Blood Alcohol Concentration
<b>DPPO</b>	Drug Program Project Office
<b>MRO</b>	Medical Review Officer

## **4. Definitions**

**Appointee** - means, as defined in s. 4 of *Australian Federal Police Act 1979*, a:

- Deputy Commissioner
- AFP employee
- special member
- special protective service officer
- person engaged overseas under s. 69A to perform duties overseas as an employee of the AFP
- person engaged under s. 35 as a consultant, or independent contractor, to perform services for the AFP
- consultant, or independent contractor, determined by the Commissioner under s. 35(2) to be an AFP appointee
- person assisting the AFP to perform its functions under an agreement under s. 69D.

**Approved Breath Testing Equipment** - means equipment that is approved for the purpose of conducting a breath test under the law of the State or Territory in which the test is conducted. For a breath test conducted in an external Territory or a foreign country - under the law of a State or Territory.

**Mandatory Targeted Testing** - means a test for prohibited drugs, pharmaceutical products or alcohol whereby candidates are identified through a random selection process.

**Mandatory Investigation Testing** - means a test for prohibited drugs, pharmaceutical products or alcohol whereby candidates are tested as part of Professional Standards investigations or inquiries.

**Mandatory Certain Incident Testing** - means a test for prohibited drugs, pharmaceutical products or alcohol whereby candidates are tested as a result of the occurrence of specific incidents identified under s. 40N of the *Australian Federal Police Act 1979*.

**Mandatory Applicant Testing** - means a test for prohibited drugs, pharmaceuticals or alcohol conducted shortly before, as part of the selection process or immediately after, starting employment with the AFP as a condition of employment.

## **5. Introduction**

This National Guideline defines the formal position of the AFP in regard to the use of illicit drugs, the abuse of pharmaceutical products and the use of alcohol by AFP appointees. The National Guideline also identifies the requirements of appointees and the processes under which testing for the relevant use or abuse of drugs, pharmaceutical products or alcohol is undertaken.

## **6. Context**

The AFP is the Commonwealth Government's primary law enforcement agency, responsible for the investigation of offences against Commonwealth law of both national and international origins, community policing in the Australian Capital Territory, and the protective security of high public office holders and certain witnesses. It follows that the unquestionable reliability and accountability of the AFP and its employees are of paramount importance to the Commonwealth.

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The AFP's personnel are routinely called upon to make reasoned, impartial and frequently instantaneous judgements that affect, sometimes significantly and even irrevocably, the safety, rights and freedoms of their fellow citizens. The public and government therefore place considerable faith and trust in law enforcement, conditional always on officials exercising their authorities and powers rationally.

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

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

## **7. Prohibition and regulation**

An **absolute prohibition** exists on the use of illicit drugs by AFP appointees. 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 *Australian Federal Police Act 1979*.

Testing of AFP appointees for prohibited drugs, pharmaceutical products and alcohol is authorised under Division 8 of the *Australian Federal Police Act 1979* (Cth), underpinned by Part 2, Division 7 of the *Australian Federal Police Regulations 2018* (Cth).

## **8. Application**

This guideline addresses the use of prohibited drugs, pharmaceuticals and alcohol 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 or taking any drug, become unfit to perform his or her duties

or

- without the consent of the senior executive AFP employee under whose control, direction or supervision he or she performs duties, drink alcohol, or take any drug (other than for medical purposes) while on duty.

The AFP will undertake testing of appointees for use of prohibited drugs and abuse of pharmaceuticals and alcohol in accordance with the provisions of the relevant legislation, regulations and this guideline.

## **9. Prohibited drugs**

**Prohibited drug** means a narcotic substance or any drug specified in a Determination issued under s. 4A of the *Australian Federal Police Act 1979*.

**Narcotic substances** are defined in Schedule IV of the *Customs Act 1901*, as amended from time to time. For the purposes 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.

## **10. Use of prohibited drugs**

AFP appointees must not use Prohibited Drugs.

This guideline does not prohibit the lawful use of narcotic substances within controlled medical parameters. These parameters must be set by a registered medical authority and conform to accepted treatment regimes.

## **11. Pharmaceutical products**

Pharmaceutical products may be specified in a Determination issued by the AFP under s. 4A of the *Australian Federal Police Act 1979* as prohibited drugs. Pharmaceutical products may include:

- anabolic steroids
- benzodiazepines
- prescribed narcotic analgesics, Psychotropic agents and other central nervous system agents
- other dispensed medication.

## **12. Use of pharmaceutical products**

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

Inappropriate use of pharmaceutical products extends to that use which exceeds the norms of clinical and therapeutic activity, including usage 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 guidelines of the Pharmaceuticals Manufacturers published in MIMS Australia - a medical and pharmaceutical reference guide published by *Medimedia Australia Pty Ltd*. The Therapeutic Goods Authority also assesses the MIMS guidelines.

This guideline does not prohibit the lawful use of pharmaceutical products within normal medical parameters.

An AFP appointee must not carry out duties involving increased risk where they believe, or should reasonably believe, that pharmaceutical 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. Personnel 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 and discuss alternative work options with their supervisor.

### **13. Use of alcohol**

The Blood Alcohol Concentration of all AFP appointees on duty must not exceed 0.02.

This limitation is critical when alcohol use may have any 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 formally sanctioned by a member of the AFP senior executive.

Off-duty consumption of alcohol that results in impairment of normal operational functions upon subsequent return to duties is prohibited.

### **14. AFP drug and alcohol testing programs**

Testing of AFP personnel is provided for in the *Australian Federal Police Act 1979*, *Australian Federal Police Regulations 2018* and *Commissioners Orders*.

Drug and alcohol testing is mandatory.

### **15. Prohibited drugs and pharmaceutical testing**

A test for prohibited drugs means a test of a body sample of a person to determine the presence (if any) of a prohibited drug in the sample.

A test for pharmaceutical products means a test of a body sample of a person to determine the presence (if any) and quantity of a pharmaceutical product in the sample.

In the case of body samples provided being urine samples, the drug test will be carried out in accordance with Australian Standards as in force from time to time.

In the case of body samples provided being other than urine samples, the drug test will 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. There are currently no Australian Standards applicable to human hair testing. Should a relevant formal Australian Standard be implemented, drug tests utilising samples of hair will conform to that Standard.

## **16. Alcohol testing**

A test for alcohol means a test of a body sample of a person to determine the BAC, if any, in the sample. In the case of body samples provided being breath samples, the breath test will be carried out by an Authorised Person, using approved breath testing equipment.

## **17. General conduct of the testing program**

General administration of the drug and alcohol testing program will be carried out by the Drug Program Project Office (DPPO). Testing shall be conducted in a reasonable manner, in accordance with Part 2, Division 7 of the [Australian Federal Police Regulations 2018](#).

AFP personnel must comply with a direction given to them by an Authorised Person to provide a body sample for a prohibited drug test or an alcohol test. An AFP appointee commits a serious breach of the AFP Professional Standards - Code of Conduct (Category 3) if they disobey or fail to carry out a direction to undergo a prohibited drug test or an alcohol test.

In providing a sample for a prohibited drug test or an alcohol test, no person may engage in conduct by which he/she alters or affects, or intends to alter or affect that sample. In the case of prohibited drug testing, direct observation of an individual providing a sample of urine is permissible under circumstances involving a reasonable suspicion that a particular individual may attempt to alter or substitute a sample.

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

- mandatory targeted testing
- mandatory investigation testing
- mandatory certain incident testing

Applicants for the AFP will also be tested as part of the selection process or immediately after starting employment as a condition of employment - Mandatory Applicant Testing.

Any personnel selected for testing will be asked to provide details of any drug and/or substance that have been recently consumed.

## **18. Results of urine testing**

Wherever practicable, personnel will be notified of test results electronically and in a timely manner.

Positive test results will be independently reviewed by the AFP Medical Review Officer (MRO) who may empanel a Medical/Science Review Panel. All test results that have been confirmed as Positive will be provided to the Manager Professional Standards.

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 will consider all confirmed positive results, taking into account information provided by the subject and determine whether a positive result is verified.

A '**verified positive result**' is a confirmed positive test result that has been subject to review 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 nominated drugs.

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

## **19. Consequences of a 'verified' positive test**

The Medical Review Officer will refer verified positive test results to the Professional Standards Operations Monitoring Centre for an assessment of further action and options to be considered by the Manager Professional Standards in consultation with the National Manager People, Safety & Security and the Chief of Staff.

AFP personnel who are adversely brought to notice under this guideline will have their suitability for continued employment or work with the AFP assessed.

Where action pursuant to this guideline reveals complicity in a criminal offence, each case will be dealt with on its merits and consistent with public policy.

## **20. Rehabilitation and assistance**

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There are a range of support services available for AFP employees experiencing drug and alcohol related problems including the Employee Assistance Program, Welfare Officers, counselling and other external health service providers.

The AFP will provide reasonable support to AFP appointees who voluntarily seek assistance with problems associated with alcohol use or abuse.

The AFP will endeavour to support AFP employees who, prior to being tested, voluntarily seek assistance to cease the use of illicit substances or abuse of alcohol.

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

The types and extent of any assistance will be considered by the National Manager People, Safety & Security on a case by case basis, having regard to all the circumstances and consistent with this guideline. Assistance may include formal rehabilitation processes. Employees in rehabilitation will be subjected to special follow-up testing.

## 21. Voluntary disclosure

The Australian Federal Police urge any employee who is suffering from a drug addiction, including alcohol, whether or not an illicit drug is involved, to come forward to their supervisor, Health and Wellbeing Services or Professional Standards.

The AFP will medically assist and support any such individual to the full extent that it appropriately can. The AFP may also conduct a risk assessment and, if appropriate, a Professional Standards investigation into the circumstances, possible culpability and other factors of the drug use if an illicit drug is involved.

Where appropriate the AFP will maintain the continuity of employment of any illicit drug effected employee, however, in some circumstances that may not be possible.

## 22. Records

Records will be maintained by the Drug Program Project Officer (DPPO) in accordance with legislative requirements. The DPPO will compile non-identifying information beyond the statutory destruction limit for statistical and reporting purposes.

The DPPO will maintain a register of Authorised Persons for the purpose of conducting prohibited drug tests and the authorisation instruments.

## 23. Review

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

## 24. Further advice

Any questions relevant to the content of this National Guideline should be referred to the Manager Professional Standards.

## 25. References

This National Guideline should be read within the context of:

- *Australian Federal Police Act 1979*
- *Customs Act 1901* (Schedule IV)
- *Australian Federal Police Regulations 2018*
- *Australian Federal Police Commissioners Order on Professional Standards (CO2)*
- *Testing Procedures Manuals*
- *AFP DUI Matrix.*

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