

# POLICY

<b>TITLE:</b>	Drug and Alcohol Policy		
<b>DIRECTORATE:</b>	Finance		
<b>ADOPTED BY:</b>	CEO:		
<b>DATE OF ADOPTION:</b>	29 November 2024	<b>DATE OF REVIEW:</b>	29 November 2026
<b>POLICY NUMBER:</b>	145		
<b>LEGISLATIVE REF:</b>	<i>Local Government Act 2019; Sections 172 – 173</i> <i>Work Health &amp; Safety (National Uniform Legislation) Act 2011</i> <i>Northern Territory Liquor Act 2019</i> <i>Northern Territory Traffic Regulations</i> <i>Northern Territory Tobacco Control Act 2002</i> <i>AS/NZS Standard 3547: Breath Alcohol Testing Devices</i> <i>AS/NZ Standard 4308: Urine Drug Testing in the Workplace</i> <i>AS/NZ Standard 4760: Procedures for Specimen, Collection, and the Detection and Quantitation of Drugs in Oral Fluid</i>		

## 1. INTRODUCTION

### 1.1. Purpose

The purpose of this Policy is to improve the safety of workers through reducing the risk created by the use of drugs and alcohol in the workplace in compliance with federal, state and community legislation and regulations.

### 1.2. Scope

This Policy applies to all workers when carrying out their duties in connection with Council which includes all persons who work at the direction of, or on behalf of Council (for example employees, contractors, volunteers, and work experience).

This Policy does not apply to Elected Members.

### 1.3. Definitions

Being **drug and alcohol free** while in the BRC workplace is defined as:

- For alcohol, a test reading of 0.00% blood alcohol concentration.
- For drugs, a test reading less than the cut off levels stipulated in the Standard.

**Illegal Drugs** include, but are not limited to, opiates (e.g. opium, codeine, morphine), amphetamine (e.g. cocaine, amphetamine, ice), cannabis (marijuana), cocaine or benzodiazepines.

**Impaired** includes experiencing the after-effects of consuming alcohol/drugs (e.g. being hung-over or experiencing withdrawal) which may impair a worker's physical and mental health and work performance.

**Medicinal Cannabis** is a legal form of cannabis product prescribed by an approved doctor and dispensed by an approved pharmacist. It is an offence to drive a vehicle or operate heavy machinery with THC in a person's system, even if it is prescribed by a doctor.

**Other Drugs** refers to prescription, pharmacy and over-the-counter drugs. For the purpose of this Policy, low aromatic fuel will be included in this definition.

#### 1.4. Responsibilities

Management is responsible for ensuring that this Policy and its procedures are implemented across all BRC workplaces.

The Chief Finance Officer (CFO) is responsible for the oversight of this Policy.

The Manager, WHS is responsible for the implementation of this Policy.

Workers must not attend work, work or resume work after having consumed alcohol or drugs.

If a worker has a drug or alcohol dependency issue, they are encouraged to seek professional counselling.

#### 1.5. Policy Objectives

The aim of this Policy is to eliminate the risks associated with the use of drugs and alcohol in the workplace:

- 1) Council values its workers and acknowledges that early intervention in regard to the misuse of drugs and/or alcohol can achieve a resolution before harm occurs to themselves or others.
- 2) Council recognises that impairment due to the consumption of drugs and/or alcohol, may affect the safety of the impaired workers or others.
- 3) BRC retains the right to test for drugs and alcohol in the workplace and will do so in accordance with this Policy, its Procedure and relevant Standards.
- 4) No worker shall work while they are under the influence of drugs or alcohol.
- 5) Any worker who is using prescription medication or over the counter medication (other drugs) that may cause a physical or cognitive impairment (i.e. drowsiness) is required to report this to their immediate Supervisor or Manager prior to commencing work.

### 2. POLICY STATEMENT

- 1) Workers must not present themselves for work or be impaired by the use of alcohol and illegal or other drugs or substances while at work, or when on duty and in connection with work.
- 2) Workers are not permitted to have or sell prohibited drugs or alcohol or, be in possession of any item or piece of equipment for the use or administration of a prohibited drug at any BRC worksite.
- 3) Council will not accept liability for any damage to vehicles, plant, equipment or property, an injury to another person or property caused by a worker's intoxication. The worker will be held personally liable in such circumstances.
- 4) If Council suspects that an individuals' fitness for work is/may be affected by alcohol or drugs, Council will address this in accordance with this Policy and its associated testing procedures.

### 3. PRINCIPLES

#### 3.1 Alcohol

- 1) The accepted Blood Alcohol Content (BAC) while in the workplace is 0.00 g/dl.
- 2) No worker shall be under the influence of alcohol, consume or provide to others, alcohol at any BRC work premises, whether on or off site.
- 3) The only exception to the above rule is that Council may allow the reasonable consumption of alcohol at an Council approved event. In such circumstances, anyone consuming alcohol is expected to do so in a safe and responsible manner that will not likely cause harm to another person, property or to Council's reputation.
- 4) When the consumption of alcohol occurs at an approved Council event, all relevant Council policies and procedures apply.

- 5) Workers are strictly prohibited from operating plant, equipment or vehicles owned, leased or operated by Council, if they are above the BAC of 0.00 g/dl.
- 6) Workers are responsible for informing themselves of the impact of consumption of alcohol on prescription drugs and ensuring they limit consumption accordingly.

### 3.2 Illegal and Other Drugs

- 1) No worker shall be under the influence of illegal drugs at any BRC work premises, whether on or off site, or during the performance of their duties for Council.
- 2) Workers must not have illegal drugs in their possession at work. Workers must not sell (or make arrangements to do so whilst at work), consume or dispense illegal drugs at work.
- 3) Workers must take other drugs (as defined) according to the instructions of the medical practitioner, pharmacist or as labelled, ensuring they do not become intoxicated by these.
- 4) It is each person's responsibility when taking other drugs to check with their medical practitioner and/or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and safely perform their normal work duties.
- 5) It is the worker's responsibility to immediately notify their Supervisor or Manager if they suspect that their performance may be affected, in any way, by the use of other drugs. Failure to notify Council may result in disciplinary action which may lead to dismissal.
- 6) If a worker knowingly misuses other drugs, this will be treated the same as for illegal drugs, and will be deemed to be serious misconduct, subject to summary dismissal.

### 3.3 Medical Cannabis

- 1) It is illegal to drive in NT and other states with Tetrahydrocannabinol (THC) in a person's system, as it has the potential to cause cognitive impairment which affects the safety of driving, and which may affect the safe operation of vehicles, plant and machinery.
- 2) CBD-isolate products may be appropriate for medicinal cannabis patients who must drive. These products have the lowest chance of containing traces of THC.
- 3) Any medicinal cannabis products in possession of any worker at work must be in their original packaging and have their original pharmacy labelling.
- 4) Any worker considering taking medical cannabis must declare this to the WHS or HR Manager, so that any potential safety risks associated with the usage of medication, particularly in regard to driving vehicles or plant, or carrying out high risk work can be risk assessed.
- 5) Testing positive for THC could result in serious misconduct, even if it comes from a legally prescribed source.

### 3.4 Smoking

- 1) BRC and its associated work sites, vehicles and plant are smoke free work environments. This relates to cigarettes, cigars, vapes and e-cigarettes and other tobacco devices.
- 2) Please refer to the *Smoke Free Policy* for further information.

## 4. DRUG AND ALCOHOL TESTING

- 1) Drug and alcohol testing may be used to ensure that BRC continues to monitor, manage and evaluate work health and safety risks. Testing options conducted can include:
  - Random testing, where employees are selected at random to undergo drug and alcohol testing.
  - Blanket testing, where all employees within a section are tested in one single event.
  - Targeted testing, where there is reasonable suspicion that a worker is under the influence.
  - Pre-employment testing, where a worker is subject to tests before commencing work.
  - Post-accident/incident testing, where a worker is tested after an accident occurs in the workplace

- 2) BRC will ensure that any testers are appropriately trained and compliant with the relevant drug and alcohol testing standards and guidelines.
- 3) Refusing a test will constitute a refusal to comply with a reasonable and lawful work direction, and will be treated as serious misconduct, subject to summary dismissal.

## 5. DRY COMMUNITIES

BRC respects and acknowledges the requirements pertaining to dry communities. Workers are cautioned that any act of possessing and/or consuming alcohol in a dry or protected area will be deemed to be serious misconduct, subject to summary dismissal. In the above instance and as a duty of care to the community, the Council will also consider providing the information to the local law enforcement agency as a breach of the NT Liquor Act.

## 6. EDUCATION AND COUNSELLING

Council will carry out induction and information sessions for workers relating to the following:

- This Policy, including but not limited to the consequences of breaching this policy;
- The effects of alcohol and drug use (including prescription and pharmacy drugs);
- The risks to health and safety by the use of alcohol and drugs in the workplace; and
- Provision of details of referral sources for counselling, treatment or rehabilitation.

## 7. BREACH OF THIS POLICY

Any breaches to this Policy or any unsatisfactory conduct arising out of the use of alcohol or drugs will constitute serious misconduct, which is subject to summary dismissal. Where actions constitute a criminal offence, Council may notify the police or other appropriate authority.

## 8. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Drug and Alcohol Procedure
- 2) Work Health & Safety Policy
- 3) Risk Management Policy
- 4) Codes of Conduct
- 5) Motor Vehicle Use Policy
- 6) Risk Management Policy

## 9. IMPLEMENTATION AND REVIEW

### 9.1. Implementation

All workers will be made aware of this Policy. There is no requirement under the Act to publish this policy on the Barkly Regional Council website.

### 9.2. Review

This policy will be reviewed on or before 29 November 2026.

## 10. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

## 11. APPROVAL

This policy is approved.

Chris Kelly  
Chief Executive Officer

  
Signature

29 Nov 2024  
Dated

**END**