

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Alcohol and other drugs – Workplace Testing

Context

Victoria Police is committed to providing a safe workplace for its employees and delivering a professional, ethical, high performing service to the community. In support of this, Victoria Police promotes safe work practices and requires employees to be fit and ready for duty in the workplace.

Further, as stated in **VPM Alcohol and other drugs – Workplace responsibilities** and **VPM Professional and ethical standards**, employees have an obligation to themselves, their colleagues and the public to be unaffected by alcohol or other drugs (AOD) when performing their duties.

This policy provides guidance on critical incident, targeted, random, designated work unit and designated work function testing processes in accordance with the *Victoria Police Act 2013* and the *Victoria Police Regulations 2024* (the Regulations).

The use, possession and trafficking of illicit drugs by employees at any time is incompatible with the law enforcement role of Victoria Police. It is a criminal offence and will not be tolerated.

Policy at a glance

This policy includes information on:

- your obligation to comply with a testing direction to undergo workplace testing for alcohol and other drugs in accordance with legislative requirements in the *Victoria Police Act*
- your rights regarding privacy and reputation from drug and alcohol collectors employed by Victoria Police, along with your supervisor/work unit manager and the processes to minimise any associated risks
- the notification process to Professional Standards Command where a preliminary breath test indicates the presence of alcohol and/or a preliminary on-site urine screening test indicates the presence of a drug of dependence
- employee obligations to comply with an oral or written testing direction including awareness that failure to comply is a breach of discipline under s.125, *Victoria Police Act* for police officers and PSOs and a breach of their 'Offer of Appointment' for recruits. For PCOs and VPS employees failure to comply constitutes misconduct under the VPS Agreement
- your obligations to maintain confidentiality, except where disclosure is legislated, around the identity of people given a testing direction and any testing results.

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Definitions

The following definitions apply to this policy:

Authorised Officer (AO) – in accordance with Instrument of Delegation DAT 1 and for the purposes of workplace testing for alcohol or a drug of dependence an AO is:

- a person holding the rank or position of Inspector/VPSG-6 or above
- for the purposes of random testing, a VPSG-4 or above attached to the Drug and Alcohol Testing Unit (DATU) or the Medical Advisory Unit (MAU).

Collector – a person authorised by Part 5, *Victoria Police Regulations 2024* to take a sample of breath, urine, hair or blood for the purposes of drug and alcohol testing. Depending on the type of sample being taken, this can include a registered practitioner, an approved health professional, a police officer (breath only) or a registered nurse.

Critical incident (CI) – s.82, *Victoria Police Act* defines a CI as:

- an incident involving the discharge of a firearm by a member of Victoria Police personnel while that member is on duty; or
- an incident involving a member of Victoria Police personnel while the member is on duty which results in the death, or serious injury to, a person; and involves any one or more of the following:
 - the use of force by the member
 - the use of a motor vehicle by the member (including as a passenger) in the course of the member’s duties
 - the death of, or serious injury to, a person while that person is in the custody of the member.

Designated Work Unit (DWU)/Designated Work Function (DWF) – the Chief Commissioner or a Deputy Commissioner, by written instrument, may determine that a work unit or work function within Victoria Police is a ‘designated work unit’ or ‘designated work function’ for the purposes of alcohol and drug testing due to the increased risk associated with that unit/role (further detail

provided at section 6).

Drug of dependence – has the same meaning as in the *Drugs, Poisons and Controlled Substances Act 1981*.

Employee – All Victoria Police personnel, including police members, Reservists, Protective Services Officers, recruits and VPS employees.

Illicit drug – means any drug defined and specified as prohibited or illegal under Commonwealth or Victorian legislation. For the purpose of this policy, this also includes the non-prescribed use of prescription medication (including the use of another person's prescription medication).

Licit drug – means any drug that is prescribed for an employee and used by that employee in accordance with the prescribed dose or purchased as over-the-counter medication and used in accordance with the recommended dose.

Medical Review Officer (MRO) – a Senior Police Medical Officer (SPMO) or Police Medical Officer (PMO) accredited by the Australian Medical Review Officers Association.

Personnel – has the same meaning as employee in the **VPM Dictionary** and is used in this policy when directly referencing the legislation.

Police Custody Officer (PCO) – a person employed under Part 4, *Victorian Public Service Enterprise Agreement 2024* (VPS Agreement) and acting under s.200D or s.200AC, *Victoria Police Act*.

Rostered on/off – as defined by s.84, *Victoria Police Act*, personnel are:

- 'rostered on' when they have reported, or are required to report, for work in accordance with a roster, or are working a period of overtime in accordance with an industrial instrument
- 'rostered off' at all other times.

Serious injury – as defined by s.82, *Victoria Police Act* includes an injury that:

- is life threatening, or
- is likely to result in permanent impairment, or
- is likely to require long term rehabilitation, or
- is in the opinion of the Chief Commissioner, of such a nature, or occurred in such circumstances that the infliction of it is likely to bring Victoria Police into disrepute or diminish public confidence in Victoria Police.

Victorian Public Service (VPS) employee – means a person employed in Victoria Police under Part 3, *Public Administration Act 2004*. For the purposes of this policy, police custody officers (PCOs) are not included in this definition.

For further definitions, refer to the **VPM Dictionary**.

Scope and application

This policy applies to all employees.

Responsibilities and procedures

1. Overview of testing regimes

1.1 General

Victoria Police may test personnel for the presence of alcohol or a drug of dependence

as per the *Drugs, Poisons and Controlled Substances Act 1981*, in accordance with Part 5, *Victoria Police Act* and Part 5, the Regulations as outlined following:

Testing category	Subjects tested	Authorised to give testing direction	VPM section	Form
Critical incident ss.85 & 86, <i>Victoria Police Act</i>	All personnel who are rostered on or off and were involved in the critical incident (whether or not physically present at the place the critical incident occurred)	Inspector/VPSG-6 or above	3	Form 1336
Targeted testing ss.88, 89, 89A & 90, <i>Victoria Police Act</i>	- Police members and PSOs who are rostered on or off ** - PCOs who are rostered on - VPS employees who work in a DWU/DWF and who are rostered on	Inspector/VPSG-6 or above	4	Form 1337
Random testing ss.94 & 95, <i>Victoria Police Act</i>	- Police members and PSOs who are rostered on - PCOs who are rostered on	- Inspector/VPSG-6 or above - VPSG-4 or above attached to DATU or MAU	5	Form 1338
DWU/DWF testing ss.91, 92 & 93, <i>Victoria Police Act</i>	- All personnel who work in a DWU/DWF and who are rostered on - Randomly selected personnel who work in the same DWU/DWF and who are rostered on	Inspector/VPSG-6 or above	6	Form 1339

** Members who are rostered off but required to report to work as per s.89 of the *Victoria Police Act* are considered to be rostered on.

1.2 Coordination and management

- The DATU manages the Victoria Police workplace drug and alcohol testing program on behalf of the Chief Commissioner.

1.3 Preparing the workplace for drug and alcohol testing

- To protect the right to privacy and reputation of employees giving samples, department heads or work unit managers must assess the suitability of their premises, in anticipation of testing, to ensure compliance with s.13, *Charter of Human Rights and Responsibilities Act 2006*.
- The drug and alcohol testing (DAT) Human Rights/OH&S Risk Assessment tool (see **Alcohol and other drugs – Workplace testing Practice Guide**) must be completed by department heads or work unit managers, and issues addressed, so

that the assessment can be provided to the Authorised Officer (AO) in the event of testing taking place. On the day of testing, the DAT Team Leader will work with the work unit manager to minimise risks to privacy and reputation.

- Any time testing takes place, work unit managers should review how the testing worked and update the assessment if required.

1.4 *Authorising and giving the testing direction*

- A 'testing direction' is an oral or written direction given to an employee to do one or more of the following for the purpose of testing for the presence of alcohol or a drug of dependence (r.32, the Regulations):
 - give a sample of breath
 - give a sample of urine
 - give a sample of hair
 - give a sample of blood.
- For the applicable testing VP Form, refer to the table in section 1.1 of this policy
- Before testing starts, the AO must:
 - give a lawful direction to all employees rostered on that they must not leave the workplace without the AO's permission until testing is completed
 - hand out the relevant Employee Information sheets (available via the DATU intranet) and/or provide the subject employee with an overview of the testing process, including methods of testing and samples to be taken.
- If an oral testing direction is given, the direction must be:
 - in line with the wording on the applicable testing VP Form (see section 1.1)
 - confirmed in writing on the applicable testing VP Form and a signed copy given to the employee who is the subject of the direction as soon as practicable (r.32.2, 32.3, the Regulations).
- The AO must, before the end of their shift, ensure that:
 - a written testing direction (VP Form) is completed and signed
 - a copy of the applicable testing VP Form is handed to the employee who is the subject of the direction
 - a copy of the applicable testing VP Form is forwarded to DRUGALCOHOLTESTINGUNIT-MGR
- When giving the testing direction the AO must advise the subject employee/s that failing to comply with a testing direction is:
 - a breach of discipline under s.125, *Victoria Police Act* for police officers and PSOs
 - a breach of their 'Offer of Appointment' for recruits
 - will highly likely result in a misconduct investigation by Business Partnering & Workplace Relations Division (BPWRD) for PCOs and VPS employees.

1.5 *Professional Standards Command notification and action*

- The Professional Standards Command (PSC) Availability Investigation Team must be contacted:
 - dependant on circumstances, in the event of a critical incident by the Police Commander/Duty Officer or AO (see sections 3.2 and 4.6 respectively of this policy)

- prior to targeted testing by the AO (see section 4.6 of this policy)
- by the AO, where a preliminary breath test (PBT) indicates the presence of alcohol
- by the AO, where a preliminary on-site (POS) urine screening test indicates the presence of a drug of dependence that cannot be medically explained prior to giving a follow up targeted testing direction
- refer to appendices 2 and 3 of this policy for process flowcharts on responses to positive PBTs and indicative POS urine screening tests.
- Once notified, PSC will take the following action:
 - for members, determine whether to conduct a discipline interview (use of coercive powers under s.171, *Victoria Police Act*) prior to the targeted test
 - for recruits, notify the Assistant Commissioner, People Development Command
 - search PSC intelligence holdings and provide advice regarding privacy, procedural information and any other considerations including management interventions (see **VPM Alcohol and other drugs – Workplace responsibilities** and **Alcohol and other drugs – Responsibilities and interventions Practice Guide**)
 - for PCOs and VPS employees, consult the Director, BPWRD or their representative and:
 - investigate the matter if it is deemed to involve a criminal offence
 - if the matter is not a criminal offence, refer the matter to the Director, BPWRD for initial assessment in accordance with cl.25, *Victorian Public Service Enterprise Agreement 2024* (VPS Agreement), and investigate as required
 - BPWRD will contact local management to consider the subject employee's and any other impacted parties' wellbeing, other management interventions or Interim Action (IA) (see the random testing and management interventions AO Guidelines available on the DATU Random testing intranet page for processes).

1.6 *Persons authorised to take samples*

- In accordance with the Regulations, persons authorised to take samples of breath (r.33), urine (r.34) and hair (r.34), and authorised to conduct POS urine screening (r.35) include:
 - a registered medical practitioner
 - an approved health professional
 - a member of Victoria Police personnel who has successfully completed a course of instruction for sample collection and on-site screening, handling, storage and dispatch of samples
 - a police officer (breath samples only, r.33(d))
 - a person who has knowledge and expertise in standards and practices related to the taking and storage of samples and is employed by a laboratory or drug testing service.
- Breath, urine and hair samples are currently collected by occupational health nurses/practitioners attached to DATU or MAU or the contracted service provider.
- Breath samples can be collected by members as follows:
 - to administer a PBT for the purposes of Part 5, Victoria Police Act (r.33(d), the Regulations)

- in accordance with, s.53, *Road Safety Act*, to request any person to undergo a PBT under certain conditions (see section 3.3 of this policy – CI testing breath samples).
- Blood samples for CI testing can be collected by a registered medical practitioner or registered nurse only where the employee is unconscious or unable to give consent (s.86(2), *Victoria Police Act*).

1.7 **Taking of samples**

- The taking of a sample must be conducted in a respectful manner in circumstances affording reasonable privacy to the employee giving the sample (r.36(1)), considering, where possible, any issues identified by the employee, e.g. gender of collector, modesty or cultural concerns.
- More than one type of sample may be required, depending on the testing regime and circumstances.
- Breath samples are via a PBT. Results indicating the presence of alcohol are at the time of testing.
- In accordance with Part 5, *Victoria Police Act* and the Regulations, an employee who has already provided a sample of breath for a PBT is not required to provide another sample of breath for the purposes of undergoing an evidentiary breath test via a Breath Analysis Instrument (BAI).
- If a sample of breath is taken from an employee by a police officer in accordance with Part 5 of the *Road Safety Act*, and the test indicates that the employee's breath contains alcohol, the employee may be required to furnish another sample of breath for analysis by a BAI in accordance with the *Road Safety Act*.
- For CI and targeted testing, urine samples are via a urine drug screen, sent direct to the laboratory for analysis and confirmatory testing. The results are reviewed by an MRO and provided as soon as practicable.
- For random and DWU/DWF testing, urine samples are via a POS urine screening test. Results indicating the presence of a drug of dependence are at the time of testing.
- The method/s used for the taking of urine samples for DWU/DWF testing is at the discretion of the department head (POS urine screening test or urine drug screen). As such, the testing result time frames will vary.
- If a POS urine screening test result indicates the presence of a drug of dependence, the sample is sent direct to the laboratory for analysis and confirmatory testing. The results are reviewed by an MRO and provided as soon as practicable.
- Where there is no medical explanation for a drug of dependence detected from a POS urine screening test, a hair sample will be taken via a targeted test (sent direct to the laboratory for analysis and confirmatory testing, results are reviewed by an MRO and provided as soon as practicable). Hair samples can only be taken as part of targeted testing.
- Blood samples can only be taken for CI testing, sent direct to the laboratory for analysis and confirmatory testing. The results are reviewed by an MRO and provided as soon as practicable.
- Samples will be collected, handled and stored in accordance with the Regulations and the relevant Australian and New Zealand Standards (AS/NZS).

- Collectors will wear gloves before handling specimen containers and will change gloves between tests.
- Following an indicative result, the right to privacy and protection of reputation of the employee giving the sample must be considered in accordance with s.13, *Charter of Human Rights and Responsibilities Act*.
- The person taking a urine (r.43(1)), hair (r.44(1)) or blood (r.46(1)) sample must ensure that the sample to be sent to the laboratory is placed in at least two dry collection units:
 - Sample A (Victoria Police sample)
 - Sample B (Employee's personal sample, stored with service provider for 12 months).

1.8 *Refuses or fails to comply with a testing direction*

- Employees must comply with a testing direction (s.99, *Victoria Police Act*).
- For members it is a breach of discipline under s.125(1)(d), *Victoria Police Act* to fail to comply with a testing direction.
- For PCO and VPS employees, failure to comply with a testing direction constitutes misconduct (VPS Agreement).
- If the employee refuses to consent, they are not able to change their decision or be given another opportunity to undergo a test at a later time. Once an employee refuses or fails to comply with a testing direction, the breach of discipline is complete. See **Alcohol and other drugs – Workplace testing Practice Guide** for instruction on discipline/management responses.

1.9 *Interfere or tamper with a sample*

- It is a criminal offence to interfere or tamper with a sample (s.100, *Victoria Police Act*).
- In accordance with s.100, *Victoria Police Act*, a person must not, without reasonable excuse do any of the following to a sample obtained in accordance with a testing direction made under Part 5, *Victoria Police Act*:
 - interfere or tamper, or attempt to interfere or tamper, with that sample
 - substitute, or attempt to substitute, another sample for that sample
 - pass off, or attempt to pass off, another sample for that sample.
- Interfering and tampering with a sample also includes either:
 - improperly processing a sample for the purpose of falsifying test results
 - diluting or adulterating a sample.
- If a sample is tampered with the AO must, before the end of their shift, ensure that the same procedure as if the employee refuses or fails to comply with a testing direction is followed.

2. Confidentiality of test results

2.1 *Overview*

- It is an offence under s.232, *Victoria Police Act* to disclose to any other person the identity of a person to whom a testing direction is given under Part 5 of that Act, or the results of any test taken as a result of a testing direction.

- A person must not disclose to any other person any information revealed by the testing of a sample under Part 5 (r.52(2), the Regulations), unless any one of the following applies:
 - that information is already publicly known
 - disclosure of that information is necessary or authorised under Part 5
 - disclosure of that information is necessary for the investigation of any offence
 - the employee consents
 - disclosure of that information is to employees solely for the purposes of any of the following:
 - research and development of the health of Victoria Police as a workplace
 - the management, supervision and support of the employee in the workplace
 - the disclosure of the information is solely for the purposes of compiling reports and statistics and that information does not include information that may be used to identify the employee who gave the sample.
- The right to privacy and protection of reputation of the employee giving the sample must be considered in accordance with s.13, *Charter of Human Rights and Responsibilities Act*.
- Wellbeing Services and external welfare service providers will maintain client confidentiality. Information may be disclosed in certain circumstances, in accordance with professional Codes of Ethics under the Australian Health Practitioner's Regulation Agency (AHPRA) or other professional oversight bodies, *Health Privacy Principle 2, Health Records Act 2001*, and/or the *Privacy Act 1988* (Cth). See **VPM Alcohol and other drugs – Workplace responsibilities** and **Alcohol and other drugs – Responsibilities and interventions Practice Guide** for more information.

2.2 *Admissibility of test results as evidence*

- Except in limited prescribed circumstances, provided in s.97(2), *Victoria Police Act*, evidence derived from a sample obtained in accordance with a testing direction is inadmissible in any proceedings in a court, tribunal or before a person or body authorised to hear and receive evidence (s.97(1), *Victoria Police Act*). This includes in a coronial inquest or inquiry.
- Section 97(2), *Victoria Police Act* provides circumstances where evidence derived from a sample may be admissible. This includes the following:
 - in a proceeding arising from an inquiry or investigation of an employee's ill health retirement, incapacity for duty or discipline/complaints hearing
 - in an investigation by the Independent Broad-based Anti-corruption Commission
 - in a proceeding arising out of, or connected with, a CI (including a police tort claim).

3. Critical incident testing

3.1 *Overview*

- In accordance with s.85, *Victoria Police Act*, employees may be given a CI testing direction whether they are rostered on or rostered off (see the definitions section of

this policy). If an employee is to be recalled to duty to undergo CI testing, they can be tested for alcohol or a drug of dependence.

- In accordance with s.86(1), *Victoria Police Act*, an employee may be given a CI testing direction (other than a direction to give a sample of hair), if it is reasonably believed that the employee was involved in a CI (whether or not the person was present at the place where the CI occurred). See the definitions section of this policy for CI and serious injury as per s.82, *Victoria Police Act*.
- A testing direction following a CI may only be given if the following timeframes can be met:
 - where a CI involves the use of a motor vehicle by the employee (including as a passenger) in the course of their duties; within three hours after the CI occurred
 - for any other CI, within a reasonable time after the CI occurred (s.86)
 - for taking of breath samples under the *Road Safety Act* see section 3.3 of this policy.
- A sample of blood may be collected where the employee is unconscious or unable to give consent (s.86(2), *Victoria Police Act*).

3.2 *Initial action and notification*

- The Police Commander for an incident must determine if the incident is a CI and which employees should be tested for drugs and alcohol.
- If the incident involves the discharge of a firearm (police issued or other), the incident does not have to result in death or serious injury to be determined a CI.
- If an incident involves the discharge of a firearm by an employee under the following circumstances, it will still need to be determined if the incident is a CI under s.82:
 - for the lawful destruction of an animal
 - in accordance with authorised OSTT training, demonstration of practices and procedures and firearms maintenance practices. See **VPM Operational safety and tactics training qualifications** and **VPM Management of Victoria Police issue firearms** for more information.
- If the incident involves the use of a motor vehicle (police issued or other) by an employee (including as a passenger) in the course of their duties, the three-hour time restrictions of taking a breath sample in section 53, *Road Safety Act* and the giving of a CI testing direction (s.86(3)(b)(i), *Victoria Police Act*) must be complied with.
- If the incident involves death or serious injury/illness (DSII) involving police, the incident must be managed in accordance with **VPM Death or serious injury/illness incidents involving police** and **VPMG Oversight of death or serious injury/illness incidents involving police**.
- Dependent upon the circumstances of the DSII or CI, the Police Commander and/or the Duty Officer (150) must notify the following:
 - the PSC Availability Investigation Team via the Police Shift Manager on 1300 385 885 to determine the next course of action and follow the same reporting procedure as for a targeted test (see section 4.6 of this policy)
 - PSC for oversight and to ensure the integrity of the investigation of an incident and compliance with the directions of the State Coroner. See **VPMG Oversight**

- of death or serious injury/illness incidents involving police for more information
 - the relevant investigating specialist unit for the incident.
 - Refer to the DATU intranet page for Critical Incident testing for the Critical Incident Testing flowchart for further guidance.

3.3 *Collecting critical incident breath samples under the Victoria Police Act and Road Safety Act*

- For a sample of breath to be used for the purposes of the *Victoria Police Act* or the *Road Safety Act*, it must be taken in accordance with the relevant Act.
- If the CI involves the use of a motor vehicle, the provisions of s.53, *Road Safety Act* for requesting a PBT must also be considered. See **VPM Road policing – enforcement** for more information.
- The Police Commander must determine whether the taking of a breath sample is to be requested under Part 5, *Victoria Police Act* or Part 5, *Road Safety Act*.
- The main consideration in determining which Act is applicable to request a breath sample for a CI is whether it is anticipated that the employee is likely to be the subject of discipline or criminal proceedings inclusive of summary and/or indictable offences, and the admissibility of test results as evidence (see section 2.2 of this policy).
- In circumstances where both Acts apply, or there is doubt to which Act applies:
 - an employee may be tested in accordance with both Acts
 - an employee tested in accordance with both Acts should be advised that the test is for purposes of both the *Victoria Police Act* and the *Road Safety Act*.
- Evidence derived from a sample obtained under a CI testing direction may only be used in circumstances set out in the *Victoria Police Act*.
- For further guidance in determining when to request a sample of breath for a CI in accordance with the *Victoria Police Act* or the *Road Safety Act* see the table in appendix 1 of this policy.

3.4 *Process for authorising critical incident testing*

- The Police Commander for the CI must consider the need to test employees involved in the incident for alcohol or a drug of dependence and determine which employees should be tested. The Police Commander should also consider testing the employees whose actions or decision making/tactics or use of specialist equipment were directly involved in the CI, whether or not they were present at the place where the CI occurred.
- Testing should be authorised as soon as possible after the CI occurred to prevent unnecessary delays and ensure compliance with the three-hour time restrictions for the taking of breath samples in ss.53 and 55, *Road Safety Act* and the giving of a CI testing direction s.86(3)(b)(1), *Victoria Police Act*.
- Where exceptional circumstances exist and it is not practicable for an Inspector/VPSG-6 or above who authorised the testing direction to personally give the testing direction to the subject employee/s, they can direct another employee (nominated employee – Inspector/VPSG-6 or above) to give the testing direction on their behalf. The Inspector/VPSG-6 (AO) must record their decision making in their official diary, patrol duty return or other approved police record.

- Where possible, the nominated employee giving the testing direction on behalf of the Inspector/VPSG-6 or above who authorised the testing direction, should be senior in rank to the employee/s who is the subject of the direction.
- The Police Commander must refer to the Authorised Officer guidelines – CI testing Police Commander considerations, available on the DATU Critical Incident testing intranet page for processes.

3.5 Giving the critical incident testing direction

- The AO must give an oral and/or written testing direction as per the wording on the Alcohol and Drugs of Dependence Workplace Testing - Critical Incident Testing Form [Form 1336] and must follow the instructions on the form.

3.6 Completion and forwarding of Form 1336

- The Police Commander and/or AO who authorised the critical incident testing must ensure that Form 1336 is completed, signed and a copy is given to the employee who was tested as soon as practicable (r.32(3), the Regulations).
- Submit Form 1336 to DRUGALCOHOLTESTINGUNIT-MGR and if deemed necessary by PSC, submit a Complaint/Incident Form [Form 918] (together with copies of any statements or relevant documents) to PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS.

3.7 Use of critical incident blood samples

- If a sample of blood is taken from an employee, when they regain consciousness or otherwise become able to comply with the CI testing direction, the AO must advise the employee that a sample has been taken and they may refuse to consent to the use of evidence derived from the sample (s.87, *Victoria Police Act*).
- Refusal to consent to the use of evidence derived from a blood sample is for:
 - members – a breach of discipline under s.125(1)(e), *Victoria Police Act*
 - recruits – in breach of their 'Offer of Appointment'
 - PCO and VPS employees – taken into account in a determination of unsatisfactory performance or misconduct.
- If an employee refuses to consent to the use of evidence derived from a blood sample the same procedure for when an employee refuses or fails to comply with a testing direction must be followed (see section 1.8 of this policy).
- If an employee refuses to consent to the use of evidence derived from a blood sample the sample must be destroyed (s.87(2), *Victoria Police Act*).

3.8 Flexible rostering following critical incident testing

- A member who attends a CI and is required to provide a breath, urine or blood sample may have access to a flexible rostering arrangement for two shifts immediately following that rostered shift (see cl.129 Critical Incidents, *Victoria Police (Police Officers, PSOs, Police Reservists and Police Recruits) Enterprise Agreement 2025*).

3.9 *Additional considerations*

- Refer to **VPM Death or serious injury/illness incidents involving police** for the investigation, oversight and review framework. This framework details the roles, responsibilities and functions regarding DSII incidents involving police.
- For additional considerations and guidance for Police Commanders see the Authorised Officer guidelines – CI testing Police Commander considerations and Critical Incident Testing flowchart available on the DATU Critical Incident testing intranet page.

4. Targeted testing

4.1 *Overview*

- Sections 88, 89, 89A and 90, *Victoria Police Act* provide specific grounds as to when a targeted testing direction can be given to employees, including:
 - for the good order and discipline of Victoria Police
 - if it is reasonably believed that the employee appears to be unfit for work because they have consumed alcohol or a drug of dependence.
- Circumstances where targeted testing may be used when the legislative grounds are met include:
 - to assist a work unit manager with the management of an employee who may have issues with the use, dependence on, abuse and/or misuse of alcohol or a drug of dependence
 - if the employee is involved in an incident that is being dealt with in line with **VPM Complaints**
 - as part of an investigation of an incident or complaint, whether the matter is being investigated by PSC, BPWRD, a Region, Command or Department
 - where the PMO believes it is necessary to determine the member's fitness for duty.
- A targeted testing direction may also be sought following a POS urine screening test taken as part of random or DWU/DWF testing that indicates the presence of a drug of dependence that cannot be medically explained.
- Contact PSC prior to arranging any targeted test (see section 4.6 of this policy).

4.2 *Targeted testing of Victorian Public Service employees*

- VPS employees who work in a DWU/DWF and who are rostered on may be given a targeted testing direction if it is reasonably believed that they appear to be unfit for work because they have consumed alcohol or a drug of dependence (s.90, *Victoria Police Act*).

4.3 *Rostered off*

- A member who is not rostered on is rostered off, for the purposes of Part 5 of the *Victoria Police Act*.
- Rostered off includes members who are either:
 - on a rest day
 - on any type of leave including leave without pay, personal leave, parental leave or long service leave

- suspended with pay pending outcome of a discipline hearing.
- A member can be ordered by a member senior in rank to temporarily return to work for the purposes of receiving a testing direction (applies to a targeted test only).

4.4 Reporting for work to comply with a targeted testing direction

- Members who are rostered off and directed to report for work for the purpose of being given a targeted testing direction in accordance with s.88(2)(a)(b), *Victoria Police Act*, are taken to be rostered on (s.89(2), *Victoria Police Act*).
- Members who have been required to report for work for the purposes of undergoing a targeted testing direction can only be tested for the presence of a drug of dependence (s.88(4), *Victoria Police Act*).
- Members, who have been required to report to work:
 - must be accompanied by a police officer to the place where the person will undergo testing for the presence of a drug of dependence (s.89(3), *Victoria Police Act*)
 - must not refuse or fail to accompany the police officer to the place where the person will undergo testing for the presence of a drug of dependence without reasonable excuse (s.89(4) *Victoria Police Act*).
- If a member refuses or fails to accompany the police officer to the place where they will undergo testing because they are ill, the member must:
 - arrange for the Capacity to undergo drug testing [Form 1516] to be completed by a registered medical practitioner
 - return the completed Form 1516 to the requesting police officer within 72 hours of the time when the request to accompany was made.
- PCO and VPS employees cannot be recalled to duty for the purpose of undergoing targeted testing (s.89(1), *Victoria Police Act*).

4.5 Process for authorising targeted testing

- The Inspector/VPSG-6 or above determining which employee is to be targeted tested can initiate and/or approve the targeted testing direction as detailed in this policy (section 1.4).
- The Inspector/VPSG-6 or above is to assess the targeted testing request and record their decision in their Official Diary, Patrol Duty Return or other police record (such as Interpose).
- If the employee to be tested is a member and:
 - has ceased duty and is directed to attend at a location to be tested, they will be considered recalled to duty (s.89(2), *Victoria Police Act*)
 - is required to remain at or attend a location so that a test can take place beyond their shift, the employee will be entitled to payment of overtime.

4.6 Notification of Professional Standards Command before giving the targeted testing direction

- Prior to arranging a targeted test the Inspector/VPSG-6 or above who authorised the testing direction must ensure that the PSC Availability Investigation Team is contacted via the PSM, Police Communications on 1300 385 885 or a request over

the police radio channel (see section 1.5 of this policy for PSC action once notified) to confirm if a Form 918 should be submitted.

- Refer to appendices 2 and 3 of this policy for process flowcharts on responses to positive PBTs and indicative POS urine screening tests.

4.7 Giving the targeted testing direction

- The AO must give an oral and/or written testing direction as per the wording on the Alcohol and Drugs of Dependence Workplace Testing – Targeted Testing Form [Form 1337] and must follow the instructions on the form.

4.8 Completion and forwarding of Form 1337

- The AO who authorised the targeted testing must ensure that Form 1337 is completed, signed and a copy is given to the employee who was tested as soon as practicable (r.32(3), the Regulations).
- Submit Form 1337 to DRUGALCOHOLTESTINGUNIT-MGR and if deemed necessary by PSC, submit Form 918 (together with copies of any statements or relevant documents) to PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS.

5. Random testing

5.1 Overview

- In accordance with s.82, *Victoria Police Act*, random selection means the selection of an employee from a pool of employees entirely by chance so that each employee in the pool has the same probability of being chosen as any other employee in the pool.
- Random testing applies to police officers, PSOs and PCOs who are rostered on (ss.94 and 95, *Victoria Police Act*).
- VPS employees cannot be randomly tested.
- For the purposes of random testing the DAT Team Leader (VPSG-4 attached to DATU or MAU) is delegated the Chief Commissioner's power (Instrument of Delegation DAT 1) to approve and give an oral and/or written random testing direction, performing the AO role.
- If the DAT Team Leader is unavailable, an Inspector/VPSG-6 or above must perform the AO role. When an Inspector/VPSG-6 or above is the AO, they will not be included in the random testing selection process and will be assisted by the DAT collectors.

5.2 The random testing process

- DATU is responsible for managing, coordinating and selecting the work places/work units and employees for random testing on behalf of the Chief Commissioner. As such, random testing cannot be requested by a supervisor or work unit manager. Refer to targeted testing (section 4 of this policy) and testing of designated work units/functions (section 6 of this policy) for alternative processes.
- DATU will select the time, date and workplace/work unit/s for random testing based on geographical area and staffing, strategic, operational and environmental considerations.

- Once the work location is chosen, a DAT Team consisting of a DAT Team Leader and DAT collectors will attend and use a random number generator (RNG) to select employees who are subject to ss.94 and 95, *Victoria Police Act* for random testing.
- Random selection is the selection of a person from a pool of persons entirely by chance so that each person in the pool has the same probability of being chosen as any other person in the pool. The 'pool' for the purpose of random testing is the group of persons rostered on within a workplace/work unit or number of workplaces/work units.
- The DAT Team will work with the local work unit manager or, in their absence the most senior employee present, to minimise disruption to service delivery.
- To protect the right to privacy and reputation of employees giving samples, department heads or work unit managers must assess the suitability of proposed testing sites to ensure compliance with s.13, Charter of Human Rights and Responsibilities. Refer to the DAT Human Rights/OH&S Risk Assessment tool in the **Alcohol and other drugs – Workplace testing Practice Guide**.

5.3 *Role of the Authorised Officer*

- On the day of random testing, the AO must:
 - not communicate the workplace/work unit/s to be randomly tested to any other employee (with the exception of DATU and the DAT Team)
 - liaise with DATU to confirm, then attend the work location to be randomly tested
 - be available to assist DATU and the DAT Team for the duration of the testing process unless exceptional circumstances exist.
- If the AO is an Inspector/VPSG-6 or above, see the random testing AO Guidelines available on the DATU Random testing intranet page for what actions to take in the absence of the DAT Team Leader.
- The DAT Team Leader or VPSG-4 attached to DATU/MAU cannot perform the AO role in the following circumstances and must ensure an Inspector/VPSG-6 or above takes charge as AO:
 - the employee leaves the workplace to avoid testing
 - the employee fails to comply with a testing direction
 - the employee interferes or tampers with a sample
 - the result of a PBT indicates the presence of alcohol
 - a targeted test (hair sample to be taken) requires approval as a result of a POS urine screening test indicating the presence of a drug of a dependence that cannot be medically explained (cocaine, methamphetamine, Tetrahydrocannabinol (THC))
 - overtime for employees who are unable to provide a sample during their rostered-on shift requires approval
 - any other unresolved issues.
- Once testing starts, the AO must:
 - ensure that the employees to be tested are readily available to be tested in a timely manner
 - ensure that when an employee is unable to produce Victoria Police photographic identification, the employee (should be senior in rank or level to the employee being tested) who confirmed the subject employee's identity is

- recorded on Part 'B' of Form 1338 - Alcohol and Drugs of Dependence Workplace Testing – Random Testing
- for employees who have been randomly selected to be tested and then become unavailable for testing (for example responding to an unexpected CI), record the reason in Part 'B' of Form 1338
- consider any OH&S requirements of the DAT Team if a targeted test is required.
- In the event a PBT indicates the presence of alcohol, or a POS urine screening test indicates the presence of a drug of dependence that cannot be medically explained, the Inspector/VPSG-6 or above who authorised the follow up targeted test must, before the end of their shift, ensure the subject employee's wellbeing has been considered and appropriate management interventions have been taken (see section 7 of this policy).
- Refer to appendices 2 and 3 of this policy for process flowcharts on responses to positive PBTs and indicative POS urine screening tests.

5.4 Giving the random testing direction

- The AO must give an oral and/or written testing direction as per the wording on the random testing direction [Form 1338] and must follow the instructions on the form.

5.5 Completion and forwarding of Form 1338

- The AO who authorised the random testing must ensure that Form 1338 is completed, signed and a copy is given to the employee who was tested as soon as practicable (r.32(3), the Regulations).
- If a targeted test was approved as a result of random testing (result indicating the presence of cocaine, methylamphetamine, THC) the Inspector/VPSG-6 or above who authorised the targeted test must ensure that a Form 1337 and Form 918 (together with copies of any statements or relevant documents) are completed and submitted to PSC.
- Submit Forms 1337 and 1338 to DRUGALCOHOLTESTINGUNIT-MGR and Form 918 to PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS.

6. Designated work unit and work function testing

6.1 Overview

- All employees who are rostered on at a DWU or rostered on to carry out a DWF may be subject to DWU or DWF testing (ss.91-93, *Victoria Police Act*).
- DATU is responsible for managing, planning and coordinating DWU and DWF testing.
- In consultation with DATU, department heads of a DWU or who manage a DWF (or their representative – Inspector/VPSG-6 or above) can initiate and/or approve the DWU/DWF testing direction as detailed in this policy (section 1.4).
- VPS employees who are rostered on and who work in a DWU or carry out a DWF may also be given a targeted testing direction (see section 4.2 of this policy).

6.2 *Assigning Designated Work Unit and Designated Work Function*

- In accordance with s.83(1), *Victoria Police Act* only the Chief Commissioner or a Deputy Commissioner, by instrument, may approve a work unit or work function become a DWU or DWF.
- Where a department, command or region head believes that a work unit or work function in their department, command or region should be subject to drug and alcohol testing, they or their representative (Inspector/VPSG-6 or above) are to submit a report via chain of command:
 - if they report to a Deputy Commissioner, to their Deputy Commissioner for approval
 - if they report to a Deputy Secretary, to their Deputy Secretary for endorsement and submission to the Chief Commissioner for approval.
- If the work unit or work function reports to a Deputy Secretary, the Deputy Secretary is to submit the report to the Chief Commissioner for approval.
- If the work unit or work function is part of the Office of a Deputy Commissioner, the report is to be submitted to the Chief Commissioner for approval.
- The department, command or region head or their representative (Inspector/VPSG-6 or above) must refer to Alcohol and other drugs – Workplace testing Practice Guide or DATU DWU/DWF testing intranet page for guidance on preparing the report.
- The Office of the Chief Commissioner or Deputy Commissioner will assess the application. If the application is approved, the Office of the Chief Commissioner or Deputy Commissioner must:
 - notify DATU in writing (including the force file number) to update the DWU and DWF Register and DATU intranet via DRUGALCOHOLTESTINGUNIT-MGR
 - notify the department, command or region head in writing.
- The department, command or region head must:
 - communicate the DWU or DWF approval to the affected employees in writing via the email template available on the DATU intranet
 - attach a copy of the sent email to the force file.
- Once the affected employees have been advised in writing the department, command or region head or their representative (Inspector/VPSG-6 or above) may arrange testing in consultation with DATU as per section 6.3 of this policy.
- If the work unit or work function changes its name, the department, command or region head must submit a new DWU/DWF application detailing the name change. Requests for name changes to multiple DWUs or for additional work units to be designated as DWUs/DWFs can be submitted in one application, listing the respective divisions/Police Service Area and/or work units.

6.3 *Process for authorising Designated Work Unit and Designated Work Function testing*

- DATU is responsible for managing, planning and coordinating DWU and DWF testing.
- To arrange DWU and DWF testing the department, command or region head or their representative (Inspector/VPSG-6 or above) is to:

- obtain advice from DATU in the first instance
- determine the method/s of testing and samples to be taken (see section 1.7 of this policy):
 - breath via PBT
 - urine via a POS urine screening test
 - urine drug screen sent direct to the laboratory
 - urine drug screen for steroids sent direct to the laboratory
 - hair (via a targeted test as per section 4 of this policy) where there is no medical explanation for a detected drug of dependence (cocaine, methylamphetamine, THC) as a result of a POS urine screening test
- in accordance with s.92 and s.93, *Victoria Police Act*, determine the testing process to be conducted, either:
 - every employee inclusive of all ranks who is rostered on and who works in the DWU or performs a DWF; or
 - two or more employees chosen for testing by random selection from the pool of employees who are rostered on and work in the DWU or perform a DWF (see section 5.2 of this policy for the meaning of random selection)
- appoint an Inspector/VPSG-6 or above to:
 - give a lawful direction to all employees rostered on that they must not leave the workplace without the AO's permission until testing is completed
 - give an oral and/or written Alcohol and Drugs of Dependence Workplace Testing – Designated Work Unit/Function Testing Form [Form 1339] to the employees to be tested
- as the department, command or region head, complete sections 1 and 2 Part 'A' of Form 1339 in consultation with DATU.
- To protect the right to privacy and reputation of employees giving samples, department, command or region heads or work unit managers must assess the suitability of proposed testing sites to ensure compliance with s.13, *Charter of Human Rights and Responsibilities*. Refer to the DAT Human Rights/OH&S Risk Assessment tool in the **Alcohol and other drugs – Workplace testing Practice Guide**.

6.4 *Role of the Authorised Officer*

- For the purposes of DWU/DWF testing, the AO is an Inspector/VPSG-6 or above, nominated by the department, command or region head.
- With the exception of the department, command or region head or equivalent, DATU and the DAT Team Leader, the AO must not communicate the work location to be DWU/DWF tested to any other employee.
- Prior to the day of DWU/DWF testing, the AO must:
 - assist DATU and the DAT Team Leader with pre-planning for the DWU/DWF testing
 - understand the responsibilities of the AO role as per the guidelines on the DATU intranet and seek advice from DATU if unsure.
- For authorising and giving the testing direction see sections 6.3 and 6.5 of this policy.
- Once testing starts, the AO must:

- ensure that the employees to be tested are readily available to be tested in a timely manner
- ensure that when an employee is unable to produce Victoria Police photographic identification, the employee (should be senior in rank or level to the employee being tested) who confirmed the subject employee's identity is recorded on Part 'B' of Form 1339
- for employees who have been selected to be tested and then become unavailable for testing (for example responding to an unexpected CI), record the reason in Part 'B' of Form 1339
- consider any OH&S requirements of the DAT Team if a targeted test is required.
- In the event a PBT indicates the presence of alcohol, or a POS urine screening test indicates the presence of a drug of dependence that cannot be medically explained, the Inspector/VPSG-6 or above who authorised the follow up targeted test must, before the end of their shift, ensure the subject employee's wellbeing has been considered and appropriate management interventions have been taken (see section 7 of this policy).
- Refer to appendices 2 and 3 of this policy for process flowcharts on responses to positive PBTs and indicative POS urine screening tests.

6.5 Giving the DWU and DWF testing direction

- The AO must give an oral and/or written testing direction as per the wording on the DWU/DWF testing direction [Form 1339] and must follow the instructions on the form.

6.6 Completion and forwarding of Form 1339

- The AO who authorised the DWU/DWF testing must ensure that Form 1339 is completed, signed and a copy is given to the employee who was tested as soon as practicable (r.32(3), the Regulations).
- If a targeted test was approved as a result of DWU/DWF testing (result indicating the presence of cocaine, methylamphetamine, THC), the Inspector/VPSG-6 or above who authorised the targeted test must ensure that a Form 1337 and Form 918 (together with copies of any statements or relevant documents) are completed and submitted to PSC.
- Submit Forms 1337 and 1339 to DRUGALCOHOLTESTINGUNIT-MGR and Form 918 to PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS.

7. Action between testing and test results

7.1 Privacy and protection of reputation

- Following an indicative result, the right to privacy and protection of reputation of the employee giving the sample must be considered in accordance with s.13, *Charter of Human Rights and Responsibilities Act*.
- Disclosure of the identity of a person to whom a testing direction has been given is an offence under s.232, *Victoria Police Act*, unless disclosure meets the exemption criteria stated in r.52(2), the Regulations.

7.2 *Welfare and management interventions*

- The subject employee's supervisor/manager needs to consider management interventions between testing and the receipt of test results. The health, safety and wellbeing of employees, their colleagues and the public is paramount.
- For wellbeing support inclusive of developing a Wellbeing Management Plan (WBMP) and for determining appropriate management intervention see **VPM Alcohol and other drugs – Workplace responsibilities** and **Alcohol and other drugs – Responsibilities and interventions Practice Guide**.

8. Test analysis and test results

8.1 *Analysis of tests*

- After taking a breath sample from an employee via a PBT in accordance with Part 5, Victoria Police Act, the collector will complete and provide a copy of the breath results form to the subject employee (r.47, the Regulations).
- External service providers will analyse urine, hair and blood samples and complete certificates of analysis (r.50 and r.51, the Regulations), which will indicate a negative, positive or invalid test result.
- All certificates of analysis will be forwarded to DATU for review by an MRO (see section 8.3 of this policy).
- Samples analysed by a service provider indicating a positive test result will be stored by the service provider for a period of 12 months (urine, r.43(4), hair, r.44(3), blood, r.46(3)).

8.2 *Action taken on test results*

- Results from a breath sample via a PBT are known at the time of testing. No further action will be taken for a negative PBT.
- Results from a urine sample via a POS urine screening test are known at the time of testing. No further action will be taken for a negative POS urine screening test.
- For a POS urine screening test indicating the presence of a drug of dependence that can be medically explained the sample will be sent to the laboratory for further analysis. The matter should not be reported to PSC or to the subject employee's manager.
- For a POS urine screening test indicating the presence of a drug of dependence that cannot be medically explained (cocaine, methylamphetamine, THC) the sample will be sent to the laboratory for further analysis. Prior to arranging a follow up targeted test, the Inspector/VPSG-6 or above must contact the PSC Availability Investigation Team as per section 4.6 of this policy.
- All other test samples (urine drug screen, hair, blood) are sent to the laboratory for analysis. Laboratory certificates of analysis are reviewed by an MRO, who will determine if the result is negative, positive or invalid.
- After review by an MRO, test results confirming the presence of a drug of dependence that cannot be medically explained will be deemed positive.
- Where employees return an indicative test result for a drug of dependence for a legitimately prescribed or over the counter medication, the MRO will analyse the

result, which may involve requesting further details from the employee and/or, if the employee consents, their treating health practitioner.

- Employees who refuse or fail to comply with an MRO's request for information without reasonable excuse will be deemed to have a positive result.
- Employees who have taken a prescription medication that has not been legitimately prescribed to them will be deemed to have a positive result. A Drug and Alcohol Assessment Panel (DAAP) will be convened (see section 9 of this policy).
- Results deemed positive by the MRO will be reported to PSC (Form 918 must be submitted by the subject employee's local management).
- For a PBT indicating the presence of alcohol, the test is deemed to be positive.
- For positive test results involving licit drugs or alcohol, a DAAP will be convened.
- An invalid test result is a sample that is not suitable for analysis as it has failed the validity tests. A DAAP may be convened.
- For dispute resolution processes regarding positive test samples see section 10 of this policy.
- Confidentiality of test results must be maintained (see section 2 of this policy).

8.3 Formal notification of test results

- DATU will prepare a test result notice following laboratory analysis for all test results, whether negative, positive or invalid.
- DATU will provide a copy of the test result notice including the certificate/s of analysis to the employee who provided the sample as soon as practicable in accordance with r.51(3), the Regulations.
- A copy of the test result notice will also be given to the AO who approved the testing direction. The copy of the test result notice must be kept confidential unless the disclosure of the information is in accordance with r.52(2), the Regulations (see section 2 of this policy).

9. Drug and Alcohol Assessment Panel

9.1 Purpose and membership

- The purpose of the DAAP is to assess invalid or positive drug or alcohol testing results.
- Matters will be referred to the DAAP for assessment to determine what action may be required in the following positive test results:
 - alcohol
 - employees who use, have a dependence on, abuse and/or misuse legitimately prescribed or over the counter medication
 - employees who refuse or fail to comply with a request from the MRO for information.
- At the request of the MRO, a DAAP may be convened for an invalid test result.
- The DAAP should be formed and meet as soon as possible after a test result or notification of failure to comply with a request for further information by the MRO.
- The DAAP membership may consist of:

- Superintendent, Conduct and Professional Standards Division, PSC
 - SPMO
 - MRO
 - a representative from BPWRD (Portfolio Manager, VPSG-6 or equivalent) who is not directly involved in the investigation (for PCO and VPS employees):
 - if a conflict of interest exists, the Director, BPWRD will nominate another VPSG-6 or equivalent representative
 - divisional senior manager (or equivalent) of the subject employee:
 - if a conflict of interest exists and/or the divisional senior manager (or equivalent) is the subject employee's nominated welfare officer, the Chair (Superintendent or equivalent) of the subject employee's Local Professional Standards Committee (LPSC)
 - an independent member (Superintendent or VPS equivalent) not from the employee's command, region or department.
- The Superintendent, Conduct and Professional Standards Division will chair the DAAP except in the event of a conflict of interest. Where this is a conflict of interest the SPMO will chair the DAAP.
 - The DAAP Chair may invite the assigned investigator, the AO who approved the testing direction or the employee who requested the test, to provide the DAAP with the context of why the test was requested and/or any other information deemed necessary to inform the DAAP.
 - If there is a conflict of interest between the subject employee and a DAAP member, the Chair will nominate another representative at the equivalent rank/level to replace the DAAP member.
 - DATU will perform the secretariat role and convene a DAAP when deemed necessary by the Chair.

9.2 *Recommendations*

- The DAAP is not a discipline tribunal and will not determine outcomes of misconduct.
- The DAAP will assess each case, considering the circumstances that initiated the test and relevant technical advice from experts such as the MRO.
- In determining how the matter will be managed, the DAAP will assess the risks in terms of the employee's and any other police witnesses' health, safety and wellbeing, as well as the public interest.
- The DAAP will recommend appropriate action, which may include, but is not limited to:
 - wellbeing support
 - management intervention/s
 - discipline/misconduct investigation
 - no further action
 - a combination of the above.
- A DAAP may meet as many times as deemed necessary by the Chair to determine any required actions.

9.3 *Referral and case management*

- Following assessment by the DAAP, the matter will be referred to the appropriate work unit and/or local manager to action and case manage accordingly.
- If a wellbeing and/or management response is recommended, local management will oversee the matter in consultation with the LPSC and any other support services as required.
- If a discipline or misconduct investigation is recommended, the matter will be referred to PSC via the Police Conduct Unit in the first instance who will triage the matter (Form 918 must be submitted by local management). PSC will either retain the investigation file or forward it to the applicable Region, Command or Department for investigation and/or consideration of other management interventions, including IA.
- For PCO and VPS employees, PSC will consult the Director, BPWRD or their representative:
 - if the matter is deemed to involve a criminal offence, PSC will investigate the matter
 - if the matter is not a criminal offence, PSC will refer the matter to the Director, BPWRD for initial assessment in accordance with cl.21, VPS Agreement, for investigation and/or consideration of other management interventions, including IA, as required. See **Alcohol and other drugs - Responsibilities and interventions practice guide** and the PSC intranet IA pages for more information
 - BPWRD will contact the subject employee's local management as required.
- Confidentiality of test results must be maintained (see section 2 of this policy).

10. Dispute resolution

10.1 *Disputed positive test results*

- If the result of a positive test is disputed, the employee from whom the sample was taken may, within 12 months after the taking of the sample, apply to the service provider to have their stored sample (Sample B) sent for analysis to a registered medical practitioner, approved health professional or laboratory nominated by the subject employee.
- All costs associated with the analysis of Sample B is at the employee's expense (r. 43(5), 44(4), the Regulations).
- All positive samples are stored by the service provider for a period of not less than 12 months (r. 43(4), 44(3), 46(3), the Regulations).
- The result of the analysis of Sample B may be forwarded to the SPMO for review via DRUGALCOHOLTESTINGUNIT-MGR.
- If the analysis of Sample B is forwarded to the SPMO, the SPMO will:
 - make a determination on the result of the analysis of Sample B
 - consult with the:
 - PSC (for members)
 - Director, BPWRD (for PCO and VPS employees)
 - Assistant Commissioner People Development Command (for recruits)
 - Discipline Advisory Unit (DAU) and/or

- Executive Director, Legal Services Department, as required.
- notify the employee from whom Sample B was taken in writing of the outcome of the review as soon as practicable.

10.2 Grievances

- Resolution of grievances arising from application of this policy will be in accordance with the processes outlined **VPM Review of actions (grievance)**.
- Employees should refer to **VPM Workplace behaviours** for issues including bullying and discrimination.

Related documents

- VPM Alcohol and other drugs – Workplace responsibilities
- VPM Professional and ethical standards
- *Charter of Human Rights and Responsibilities Act 2006*
- *Drugs, Poisons and Controlled Substances Act 1981*
- *Health Records Act 2001*
- *Road Safety Act 1986*
- *Victoria Police Act 2013*
- *Victoria Police Regulations 2024*
- Australian/New Zealand Standard AS/NZS 4308:2008 and AS/NZS 4308:2023
- Australian Standard AS 3547 – 2019
- Victoria Public Service Enterprise Agreement 2024
- Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2025

Further advice and information

For further advice and assistance in dealing with alcohol and other drug issues, contact Wellbeing Services via the employee support line on 1300 090 995 (24 hours) and/or directly access the support services listed in the **Alcohol and other drugs – Responsibilities and interventions practice guide**.

For more information about drug and alcohol testing refer to the DATU intranet resources or contact the Drug and Alcohol Testing Unit on 0458 393 259 (during business hours Monday to Friday, 8am to 4pm) or email DRUGALCOHOLTESTINGUNIT-MGR@police.vic.gov.au

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
15/02/2024	This document is the result of a review of the alcohol and drug testing policies which resulted in VPM Alcohol and other drugs being separated into VPM Alcohol and other drugs – Workplace testing and VPM Alcohol and other	FF - 206530

	drugs – Workplace responsibilities.	
14/05/2024	Minor administrative amendments to correct references.	N/A
08/04/2025	Minor administrative amendments to correct references	FF-269136
24/04/2025	Minor administrative amendments to correct references	FF-272083

Appendix 1: Legislative basis for critical incident breath samples

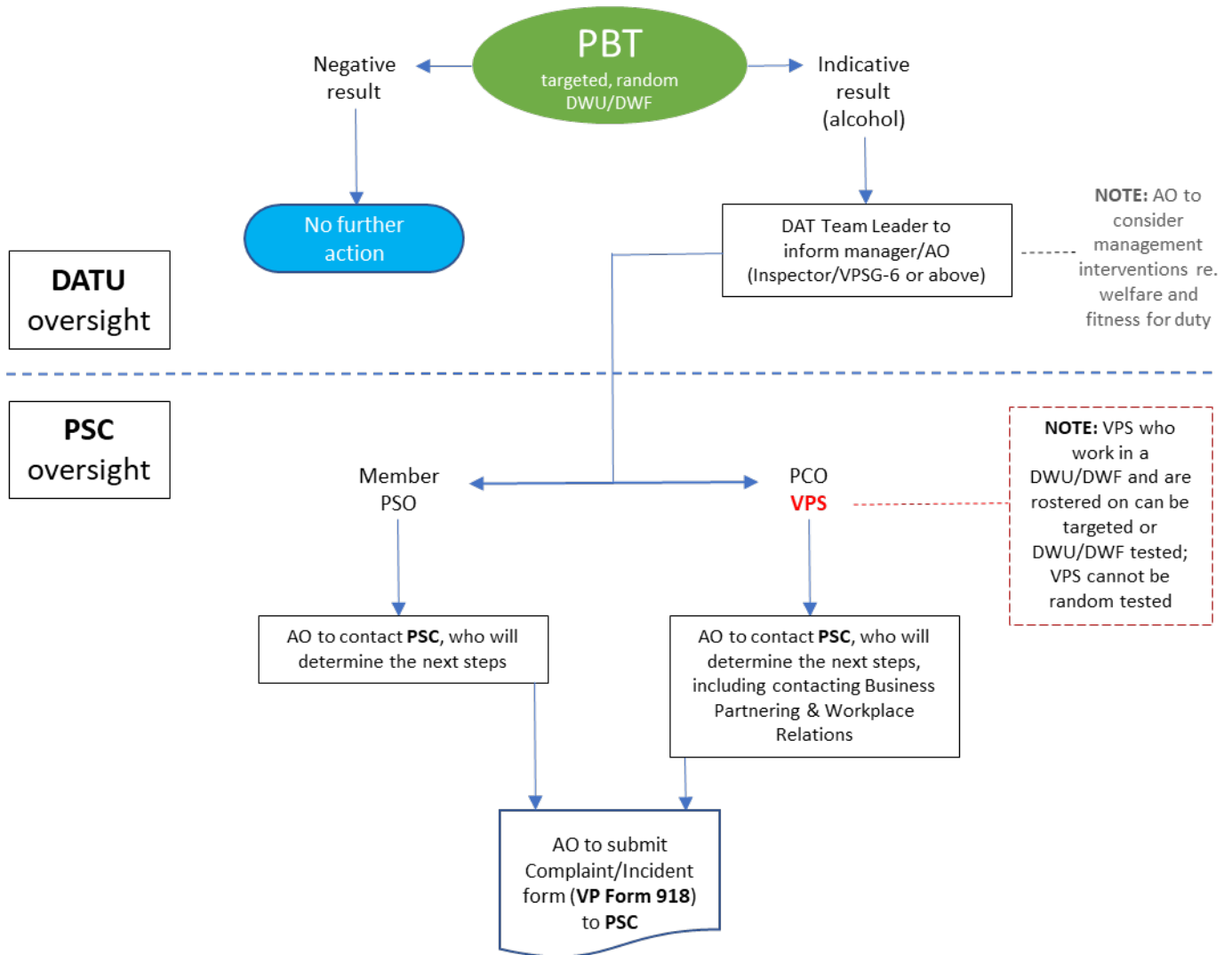
Use this table to help determine when to request a sample of breath for a critical incident in accordance with the *Victoria Police Act* or the *Road Safety Act*.

Part 5 Drug and Alcohol Testing, <i>Victoria Police Act</i>				
Incident	Applies to	Authoriser	Action and Initial Notifications	Form
Not involving the use of a motor vehicle Definitions: <i>Victoria Police Act Part 5, Division 1 (s.82)</i> <i>Victoria Police Regulations 2024 Part 5, Division 2, (r.33)</i>	All VP personnel whether they are on- or off-duty <i>Victoria Police Act Part 5, Division 2 (ss.85, 86 & 87)</i>	Inspector/ VPSG-6 or above authorises the testing direction All police officers are authorised to conduct a PBT (r.33(d))	- Inspector and/or their nominated employee gives the testing direction orally; must be confirmed in writing - Request drug and alcohol testing via Police Communications Initial Notifications: - PSC - PSC to notify Homicide Squad if required - DATU via Form 1336 to PBEA	- Form 1336
DATU notification via DRUGALCOHOLTESTINGUNIT-MGR				

Part 5 Offences Involving Alcohol or Other Drugs, <i>Road Safety Act</i>				
Incident	Applies to	Authoriser	Action and Initial Notifications	Form
Involving the use of a motor vehicle <i>Road Safety Act Part 5 Offences Involving Alcohol or Other Drugs</i> VPM Road policing – Enforcement	All VP personnel	All police officers are authorised to conduct a PBT (s.53 Road Safety Act) Other samples may only be taken by persons authorised under the <i>Road Safety Act</i>	Establish the identity of the driver of a motor vehicle then undertake one or more of the following: - PBT (s.53) - EBT (s.55) - Drug Impairment Assessment (DIA) process (s.55A) - Blood and urine (s.55B) - (if required as part of DIA process) - Blood (s.55BA) - Preliminary Oral Fluid Test (POFT) (s.55D) - Oral Fluid Test (OFT) (s.55E) Initial Notifications: If a fatal or serious injury collision notify: - Major Collision Investigation Unit (MCIU) - PSC (when blood samples taken under s. 55A, s.55B and s.55BA <i>Road Safety Act</i>) - MCIU or PSC to notify - Homicide Squad and the Assistant Commissioner Road Policing Command (RPC) if required	- Form 918 - Incident Fact Sheet (IFS) - Incident briefing note as per local instructions
Road Policing Drug & Alcohol Section (RPDAS) notification via RPDAS-SUPPORT-SERVICES-OIC				

Appendix 2: Flowchart – Preliminary Breath Test results and Professional Standards Command notification

Refer to Appendix 1 for critical incident breath samples.



Appendix 3: Flowchart – Preliminary On-Site urine screening test results and Professional Standards Command notification

