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**NSW Police Force**

# **Student Drug & Alcohol Testing Guidelines**

**Professional Standards Command**

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# Student Drug & Alcohol Testing Guidelines

## Essential Summary

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These guidelines are provided with the distinct intention of informing all policing students participating in the Constable Education Program (**CEP**), about the expectations of the NSW Police Force in relation to the use of alcohol or prohibited drugs and the abuse of prescription medication.

Control over the misuse of alcohol or prescription drugs and the prohibition of illicit drug use is considered essential to the safety and well-being of CEP policing students and members of the NSW Police Force. It is also integral to the future suitability of students as policing professionals.

The NSW Police Force has a clear duty of care to CEP policing students in order to maintain a safe workplace and environment. This also assists in promoting effective education and training.

These guidelines provide a clear statement of acceptable behaviour of CEP policing students in regard to alcohol and other drug use. It should also serve as a basis for personal standards of conduct expected of policing students who aspire to become sworn members of the NSW Police Force. The guidelines set the foundation for ethical and professional behaviour both on and off duty required by sworn NSW police regarding substance use or abuse.

These guidelines articulate the procedures and implications of random, targeted and mandatory drug and alcohol testing of CEP policing students.

The key messages for police students are that:

- Illegal drug use by a NSW police officer is not acceptable at any time.
- Illegal drug use by a CEP policing student is not acceptable at any time.
- On duty alcohol testing and drug testing, both on and off duty, on a 24-hour 7-day basis is a condition of continued employment as a NSW police officer.
- There is no place in the NSW Police Force for any member who purchases, uses or sells illegal drugs, or abuses prescription medication or non-prescribed steroids.
- Improper associations with illicit drug users, renders CEP policing students liable to drug and alcohol testing and places your employment with the NSW Police Force in jeopardy.
- Drug and alcohol testing is intrinsically linked with our commitment to Work Health & Safety requirements, general health and fitness and the need for CEP policing students to exhibit a high standard of conduct and integrity.

## Document Control Sheet

### *Document Properties*

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Version #	Version approval date	Author/Position	Summary of changes
3	January 2014	Professional Standards Command	Command and control of the D&ATU moved from Safety Command to Professional Standards Command Discreet testing has been removed Urine screening collection protocols removed
4	February 2016	Professional Standards Command	Transfer to corporate template Update to <i>Police Regulation 2015</i> Apply protective marking
5	December 2017	Professional Standards Command	Update document classification under GIPA Act 2009 Update to Road Transport legislation
6	18 January 2021	Professional Standards Command	Update security classification Review guidelines, no other changes
7	September 2022	Professional Standards Command	<ul style="list-style-type: none"> <li>• Changed references from employees to members</li> <li>• Minor technical changes</li> <li>• Changed “Education &amp; Training Command” to “People &amp; Capability Command”</li> </ul>

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## 1. Scope

All CEP policing students are expected to comply with the NSW Police Force *Student Drug & Alcohol Policy and Guidelines*.

The *Work Health and Safety Act 2011 (WHS Act)* places an obligation on employers to ensure the health, safety and welfare of its employees, contractors and visitors. It also places an obligation on employees to take reasonable care of the health, safety and welfare of others and to cooperate with their employer in implementing the WHS Act.

The WHS Act requires:

- the NSW Police Force to do all that is reasonably practicable to ensure the health, safety and welfare of its workers and others, such as members of the public, that could be put at risk by work carried out as part of its business or undertaking.
- NSW Police Force workers to take reasonable care for their own health and safety and ensure that their acts or omissions do not adversely affect the health and safety of others. This requirement includes complying with NSW Police Force policies, procedures and reasonable instructions concerning health and safety.

A failure to ensure health and safety (as far as reasonably practicable) resulting in a breach of the WHS legislation, can lead to heavy penalties for the organisation and / or the individual.

Only an authorised testing officer of the NSW Police Force Drug & Alcohol Testing Unit (**D&ATU**) Professional Standards Command (**PSC**), is permitted to conduct drug testing in line with the *Australian / New Zealand Drug Testing Standard AS/NZS 4308*, the Society of Hair Testing guidelines for drug testing in hair or any other procedure approved by the Commissioner in that regard.

While only an authorised testing officer of the D&ATU is permitted to conduct **random** alcohol testing, an authorised (police) officer may conduct a **targeted** alcohol test if there is a reasonable suspicion that a policing student is affected by alcohol while participating in the CEP and any associated training.

The NSW Police Force *Student Drug & Alcohol Policy and Guidelines* should be read in conjunction with the responsibilities contained within the NSW Police Force *Code of Conduct and Ethics* and the NSW Police Force *Drug & Alcohol Policy Statement and Testing Procedures*.

## **2. Procedures**

### **2.1 Drug & alcohol testing program**

Provisions for both random and targeted drug and alcohol testing for all NSW police officers lie within the *Police Act 1990*, Part 12, s211A and s211AA.

While it is recognised that policing students undertaking the CEP are not sworn members of the NSW Police Force, consensual drug and alcohol testing has been introduced to ensure that policing students, prior to attestation have demonstrated acceptable behaviour with regard to alcohol and prohibited drugs and that a safe working, training and education environment is maintained.

### **2.2 Business unit managers' responsibilities**

When an authorised person attends an education and / or training location for the purpose of random alcohol or drug testing, it is the responsibility of the authorised business unit manager in charge of that education or training facility (or their delegate) to assist in facilitating the testing process.

They will:

- notify the Commander of the Police Academy
- provide a current copy of the training timetable and student class rolls
- provide an appropriate room for the testing process
- ensure the CEP policing students' right to privacy
- account for all CEP policing students on the training schedule
- ensure that CEP policing students do not leave the education or training facility unless required to do so for exceptional reasons
- inform the authorised person, who will make a notation on the roster of any CEP policing student not available to be tested
- inform the Academy Commander of any positive test results.

### **2.3 Selected policing students' responsibilities**

- Remain at the work or training site unless required to leave for operational or exceptional reasons
- Comply with all reasonable directions given to them by an authorised person
- Supply a valid breath test and / or breath analysis sample
- Display courtesy and respect to the authorised person at all times.

### 3. Random alcohol testing

Random alcohol testing of CEP policing students will be undertaken with the authority of the Commander of the NSW Police Academy.

Any CEP policing student scheduled for police training on or off Academy premises during a training session in which testing is being carried out will be required to submit to random alcohol testing by way of breath test and or breath analysis, if directed to do so by an authorised person appointed under Part 5, Division 4, Clause 91 of the *Police Regulation 2015*, and acting on behalf of the D&ATU.

A CEP policing student must comply with all reasonable directions given to them by the authorised person until that person is satisfied that an accurate breath test and / or analysis reading has been obtained from that student.

In all cases where a breath test indicates the prescribed amount or more, the student indicating the positive result must then submit to a breath analysis.

The prescribed concentration of alcohol means a concentration of **0.02** or more of alcohol in 210 litres of breath or 100 millilitres of blood.

With written consent, a student may elect to provide a sample of their blood as obtained by a suitably qualified medical practitioner at their own expense in addition to a breath analysis for the purpose of indicating the concentration of alcohol in their blood.

### 4. Random drug testing

Any CEP policing student who is attending NSW Police Force related training on or off NSW Police Academy premises, in accordance with their training schedule, may be required to submit to random drug testing in accordance with the directions of an authorised person.

Only D&ATU personnel are authorised to conduct drug testing in accordance with this policy. A CEP policing student must comply with all reasonable directions given to them by the authorised person to provide a valid drug test sample.

Any policing student selected for random drug testing will be required to provide a sample of their urine in the privacy of a toilet cubicle for the purpose of testing for the presence of prohibited drugs.

Collection procedures for a urine sample are in accordance with *AS/NZS 4308*.

Examination of the On Site collection cup by the authorised person will reveal whether the urine specimen supplied is negative, or non-negative. If the sample has revealed a negative reading that is the end of the process.

In circumstances where the sample has indicated a non-negative result, the specimen will be separated and conveyed to an accredited laboratory for analysis in accordance with *AS/NZS 4308*. These specimens will undergo analysis for prohibited drugs, as

listed in the *Drug Misuse and Trafficking Act 1985*. Results for any urine sample forwarded for analysis will normally be received in 3 - 4 days.

## **5. Targeted alcohol testing**

The Commander of the NSW Police Academy, Assistant Commissioner, People & Capability Command, or any person acting on behalf of the Commander may direct that a CEP policing student be breath tested and / or submit to a breath analysis as directed by an authorised person or authorised officer, if they have reasonable cause to believe that the policing student, while scheduled for training on or off NSW Police Academy premises, may be under the influence of alcohol.

Any policing student considered high risk as defined in this policy may be subjected to target alcohol testing at any time during scheduled training.

A policing student must comply with all other requirements as stated in the random alcohol procedures of this policy.

## **6. Targeted drug testing**

Target drug testing protocols for sworn police are available through the PSC site of the NSW Police Force intranet. These protocols should serve as a guide to the People & Capability Command when considering a targeted drug test for a policing student.

When the Commander of the NSW Police Academy or their equivalent receives information concerning the possible use of prohibited drugs or non-prescribed anabolic steroids by a CEP policing student, arrangements should be made for an authorised person from the D&ATU to conduct a target test at the first available opportunity.

Any student selected for a targeted drug test will be required to provide a sample of their urine or hair (or both) for the purpose of testing for the presence of prohibited drugs / anabolic steroids.

Collection procedures for target testing of policing students is the same as with the random drug testing procedures in this policy and comply with *AS/NZS 4308*.

## **7. Mandatory testing**

### **7.1 Drug and alcohol testing – critical incidents**

Section 211A of the Police Act defines situations where mandatory drug and alcohol testing is required. In the event of a CEP policing student identified by any NSW commissioned police officer as being directly involved in one of these categories, then such policing student will be subjected to both drug and alcohol testing in accordance with the guidelines set out in this policy for random and target testing.

Where a policing student is required to undergo mandatory testing, both alcohol and drug testing procedures will follow those stated in the random testing section of this policy and should be conducted as soon as reasonably practicable after the incident.



Where a policing student has been hospitalised as a result of the critical incident and a blood sample has been taken in compliance with any legislation, then written consent may be obtained from the policing student to use any such blood sample to comply with the testing requirements of this policy.

## **8. Sample collection and administration**

In circumstances where there is a non-negative screening result, the specimen will be separated into two containers in the presence of the CEP policing student (or three if the student wishes to retain a specimen for themselves) and forwarded to an accredited laboratory for analysis in accordance with *AS/NZS 4308*.

Results outlining the analysis of a urine sample will normally be received in three to four days. Results for a hair sample will normally be received within 28 days after receipt at the laboratory. The Commander of the Police Academy may exclude the CEP policing student from the Police Academy and from continuing in the training program until such time as the analysis results have been obtained from PSC.

A record of the collection process will be completed by the authorised testing officer in the Permanent Record Chain of Custody book.

Collection procedures for a urine sample are in accordance with *AS/NZS 4308* and collection procedures for the taking of a hair sample are in accordance with the international Society of Hair Testing guidelines for drug testing in hair and the NSW Police Force *Hair Sample Collection Procedures*.

## **9. Positive alcohol test results**

### **9.1 First occasion**

Any CEP policing student who records the prescribed concentration of alcohol in their blood on the first occasion when detected in accordance with the testing requirements of this policy will be immediately removed from training for that day. An immediate review of the student's professional suitability will be undertaken in consultation with the Student Management Unit NSW Police Academy.

Any policing student who continues in the CEP having recorded a positive alcohol test will be regarded as a high risk student as defined in this document.

### **9.2 Second occasion**

Any CEP policing student who records the prescribed concentration of alcohol in their blood on a subsequent occasion whether detected by random, target or mandatory alcohol testing, will be immediately removed from training for that day.

The policing student's professional suitability will be reviewed in consultation with the Commander of the NSW Police Academy and / or Assistant Commissioner of People & Capability Command. The student should be excluded by the Commander and / or

Assistant Commissioner of People & Capability Command from the Constable Education Program for a period of 2 years.

## **10. Positive drug test results**

### **10.1 Prohibited drugs**

Any CEP policing student who tests positive to the presence of a prohibited drug in their urine whether detected by random, target or mandatory drug testing will have their professional suitability immediately withdrawn and the student will be excluded from the training program.

The student will not be permitted to remain on or visit NSW Police Force training facilities at any time in the future and will not be permitted to complete their CEP studies using any NSW Police Force facilities.

### **10.2 Anabolic steroids**

When a target drug test of a policing student indicates a presence of anabolic steroids the student will be asked to provide documentary evidence to the Commander of the NSW Police Academy and / or Assistant Commissioner of People & Capability Command that the anabolic steroid was lawfully prescribed by an Australian medical practitioner.

Should this presence be considered lawful by the Commander of the Police Academy, the policing student still has a responsibility to comply with the standards of conduct of this policy. The student must declare specific details regarding quantity, type and time frames of any medical prescription containing anabolic steroids.

Any CEP policing student who tests positive to a presence of anabolic steroids in their urine from a target drug test and cannot provide documentary evidence of lawful use will have their professional suitability immediately withdrawn and be excluded from the training program.

The student will not be permitted to remain on or visit NSW Police Force training facilities at any time in the future and will not be permitted to complete their CEP studies using any NSW Police Force facilities at any time in the future.

## **11. General compliance**

Refusal to comply with the *Student Drug & Alcohol Testing Policy and Guidelines* will not be considered a sign of criminality, rather a question of the suitability of the student for future employment by NSW Police Force.

Any policing student who does not comply with any aspect of this policy will have their professional suitability reviewed and may be withdrawn from the training program by the Commander of the NSW Police Academy and / or Assistant Commissioner of People & Capability Command.

### 11.1 Refusal to submit to testing

Any CEP policing student who refuses to submit to the alcohol and / or drug testing requirements of this policy and guidelines may have their professional suitability immediately withdrawn and the student will be excluded from the training program by the Commander of the NSW Police Academy and / or the Assistant Commissioner People & Capability Command.

### 11.2 Exemptions to testing

An exemption by a policing student from submitting to a drug or alcohol test can only be granted by the Assistant Commissioner of People & Capability Command, Commander of the NSW Police Academy or any authorised person acting on their behalf. The circumstances supporting any such exemption should be documented and retained by People & Capability Command.

A CEP policing student may be exempted from submitting to a breath test or breath analysis, or provide a sample of urine for the purpose of drug testing, if the student is unable to do so on medical grounds.

The onus is on the policing student to provide documentary evidence of the medical grounds, to the Commander of the NSW Police Academy and / or Assistant Commissioner of People & Capability Command or any person acting on their behalf at the time of testing.

This documentation will need to be certified by a suitably qualified medical practitioner before being considered.

### 11.3 Accidental exposure to drugs

A CEP policing student, if travelling outside NSW (including overseas), must not use any prohibited drugs or non-prescribed anabolic steroids, whether or not they are legal in that area.

However, it is acknowledged that a policing student, prior to entering the CEP may have been exposed to a prohibited drug or non-prescribed anabolic steroids. It is also appreciated that a policing student may be the victim of a malicious act such as drink spiking.

If, as a CEP policing student, you believe that you may have been exposed to prohibited drugs, or used non-prescribed anabolic steroids then you must voluntarily disclose this information to the Coordinator, Student Management Unit at the first available opportunity. As a result, you will be required to submit to a drug test in line with the testing collection procedures previously stated in the random / target drug testing sections of this policy. You will also be regarded as a high risk student.

Any perceived accidental exposure to prohibited drugs by a policing student must be declared as soon as reasonably possible, and in any event not more than **24 hours** after the exposure. The exposure must be reported to the Student Management Unit or Commander of the NSW Police Academy.

If a policing student fails to disclose accidental exposure and they are then subjected to normal drug testing procedures, as stated in this document, that indicates the presence of a prohibited drug and / or non-prescribed anabolic steroid, the student will be subject to the actions set out in the Positive drug test section of this policy.

If a policing student fails to make a disclosure at the time of, or shortly before, being directed to submit to a drug test by an authorised drug testing officer, the student will be subject to the actions set out in the Positive drug test section of this policy.

A policing student who wishes to claim accidental exposure on a second occasion will be subject to the actions set out in the Positive drug test section of this policy.

#### 11.4 High risk students

High risk students will be subjected to more frequent testing for alcohol and drugs.

A high risk student will include any CEP policing student who:

- has recorded a positive alcohol test on one previous occasion
- declares any prohibited drug or non-prescribed anabolic steroid use at any time
- discloses lawful / accidental exposure to drugs as set out in that part of this policy
- has admitted previous drug use in their *NSW Police Force Drug & Alcohol Policy Declaration Form*
- declared any prohibited drug or non-prescribed anabolic steroid use on their initial police recruitment application form.

Any student regarded as high risk will remain so only for the period of time that they are enrolled as a NSW Police Force CEP policing student.

The NSW Police People & Capability Command, Student Management Unit, in consultation with the D&ATU will maintain any confidential records of policing students considered to be high risk.

#### 11.5 Declaration form

All CEP policing students are required to familiarise themselves with this policy and guidelines and as such acknowledge their compliance and understanding.

It is a further requirement that upon acknowledging the NSW Police Force *Student Drug & Alcohol Policy*, a CEP policing student is required to disclose any use of prohibited drugs and / or non-prescribed anabolic steroids in the previous 6 months prior to commencing training at the Academy. Any such disclosure should be made to the Commander of the NSW Police Academy or Assistant Commissioner of People & Capability Command or Student Management Unit immediately and the student considered a high risk student.

## 12. Support services

There are a number of support services available for any policing student who wishes to seek assistance regarding alcohol and other drug issues. The services of the NSW Police Chaplains and student counselling provided by Charles Sturt University are available to all students who can contact them directly or an appointment can be pre-arranged through the Student Management Unit at the NSW Police Academy.

Information provided to Police Chaplains and counsellors by a policing student will be strictly confidential.

## 13. Records

A database of all alcohol testing of policing students will be maintained by the D&ATU and People & Capability Command.

A database will be maintained by People & Capability Command of any student considered to be high risk. This information will be shared with the D&ATU, where necessary.

All drug testing records of policing students will be maintained by the D&ATU.

## 14. Review

This revised policy and guidelines is the result of a review conducted by PSC in consultation with the Commander of the Police Academy. The *Student Drug & Alcohol Policy and Guidelines* is intended to reflect the requirements contained within the NSW Police Force *Drug & Alcohol Policy and Guidelines*.

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

## 15. Glossary of terms

**Anabolic steroids:** anabolic or androgenic steroidal agents included in Schedule 4 of the Poisons List under the *Poisons and Therapeutic Goods Act 1966*.

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

**Authorised person:** a person who is appointed under Part 5, Division 4, Clause 91, *Police Regulation 2015*, for the purpose of collecting urine and hair samples for analysis and is acting on behalf of the NSW Police Force Drug & Alcohol Testing Unit or the Commander of the NSW Police Academy. An authorised person may also be referred to as an authorised testing officer.

**Authorised officer:** a sworn officer who is appointed under Part 5, Division 4, Clause 91, *Police Regulation 2015*, for the purpose of conducting a breath analysis test on a sworn officer under suspicion of having recently consumed alcohol (an authorised officer may not test on a random basis per s 211A of the *Police Act 1990*).

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

**Breath analysis instrument:** any instrument of a type approved by the Governor by order under the *Road Transport (Safety and Traffic Management) Act 1999* as such an instrument, that is, as an instrument designed to ascertain, by analysis of a person's breath, the concentration of alcohol present in that person's blood.

**Breath test:** a test:

(a) that is designed to indicate the concentration of alcohol present in a person's blood,

and

(b) that is carried out on the person's breath by means of a device (not being a breath analysis instrument) of a type approved by the Governor for the conduct of breath tests under the *Road Transport (Safety and Traffic Management) Act 1999*.

**CEP:** Constable Education Program. Recruit training program, undertaken as part of the Associate Degree in Policing Practice.

**Commander:** Commander of the NSW Police Academy

**D&ATU:** Drug & Alcohol Testing Unit

**Drink Spiking:** the unlawful administration of a mind altering substance into another person's drink.

**High risk student:** any CEP policing student who has recorded a positive alcohol, prohibited drug or non-prescribed anabolic steroid test conducted by NSW Police Force. Any student who declares historical use of prohibited drugs.

**Impairment:** any loss or abnormality of psychological, physiological, or anatomical structure or function. It represents a deviation from the person's usual biomedical state. An impairment is thus any loss of function directly resulting from the consumption or use of any drug.

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

(a) as a result of a discharge of a firearm by a police officer, or

(b) as a result of the application of physical force by a police officer, or

(c) as a result of being detained, or while in police custody, or

(d) involving a police aircraft, motor vehicle or vessel



**Prescribed concentration:** a concentration of 0.02 grams or more of alcohol in 210 litres of breath.

**Prescription drug:** a licensed medication that is regulated by legislation to require a prescription issued normally by a suitably qualified medical practitioner before it can be obtained.

**Prohibited drug:** any drug that is listed in Schedule One of the *Drug Misuse and Trafficking Act 1985*.

**PSC:** Professional Standards Command

**Sell:** includes sell whether by wholesale or retail and barter and exchange, and also includes dealing in, agreeing to sell, or offering or exposing for sale, or keeping or having in possession for sale, or sending, forwarding, delivering or receiving for sale or on sale, or authorising, directing, causing, suffering, permitting or attempting any of such acts or things.

**Supply:** includes sell and distribute, and also includes agreeing to supply, or offering to supply, or keeping or having in possession for supply, or sending, forwarding, delivering or receiving for supply, or authorising, directing, causing, suffering, permitting or attempting any of those acts or things.

## 16. Associated forms and reference documents

### Forms

- Laboratory Report
- Chain of Custody/Request form for Urine sample Analysis
- Chain of Custody/Request form for Hair sample Analysis
- *NSW Police Force Drug & Alcohol Policy Declaration Form*

### Reference Documents

- *NSW Police Force Drug & Alcohol Policy & Testing Procedures*
- *NSW Police Force Drug & Alcohol Management Plan (DAMP)*
- *NSW Police Force Student Drug & Alcohol Policy*
- *NSW Police Force On the Spot Test Cup Method*
- *NSW Police Force Hair Sample Collection Procedure*
- *Australian / New Zealand Drug Testing Standard AS/NZS 4308*
- *Police Act 1990*
- *Poisons and Therapeutic Goods Act 1966*
- *Work Health and Safety Act 2011*
- *Road Transport Act 2013*
- *Drug Misuse and Trafficking Act 1985*