



MINISTRY OF TRANSPORT

### Application for the authorisation of an Authorised Officer/s for the purpose of Drug and Alcohol Testing

<b>Name:</b>	(Name in which accreditation is held)	
<b>Operator's postal address:</b>		
<b>Accreditation number:</b>		
Operator / Designated Manager contact details:		
<b>Telephone:</b>	<b>Fax:</b>	<b>Email:</b>
<p>It is requested that the delegate of the Director-General authorise the following person(s) (or position) as Authorised Officer(s) for the purpose of exercising the functions of an Authorised Officer under the <i>Passenger Transport (Drug and Alcohol Testing) Regulation 2004 (the Regulation)</i>.</p>		
<b>Name of person (or Position Name)</b>		
<p>I am satisfied and hereby attest that the nominated persons/position understand and are capable of properly exercising the functions of an authorised officer under the Regulation in respect of public bus services operated by the operator (see Information Guidelines overleaf).</p>		
(operator's name)*		
(signed)		(dated)
*I am	<input type="checkbox"/>	The operator
(Please tick one only)		(for individual or joint accreditations)
	<input type="checkbox"/>	A designated director/manager of the operator
		(for accredited corporations)

Send your **completed** application form to the Ministry by:

- Email **signed PDF** application to: [daapplication@transport.nsw.gov.au](mailto:daapplication@transport.nsw.gov.au) or
- Fax signed application to: (02) 9689 8875

This information is intended to assist accredited operators complete the application for Drug and Alcohol Testing Authorised Officers.

References to “the Regulation” mean the *Passenger Transport (Drug and Alcohol Testing) Regulation 2004*.

#### Who may apply for approval of Authorised Officers?

Only accredited bus operators may apply for approval of nominated personnel as Drug and Alcohol Authorised Officers. Applications **may not** be lodged by drug and alcohol testing service providers.

**Do I have to apply for approval?** Under the Guidelines Relating to Drug and Alcohol Programs, accredited operators are responsible to ensure that drivers of public passenger buses are not under the influence of drugs and/or alcohol whilst performing Transport Safety Work. Accredited operators who intend to test Transport Safety Employees for drugs and alcohol should apply to the Ministry to seek approval for the appointment of an authorised officer/s so that any test undertaken is legally valid.

#### Who may be nominated as an Authorised Officer?

Accredited bus operators may nominate individuals or position titles as Authorised Officers. Nominating position titles avoids the need to seek additional approvals following staff changes.

Operators may nominate their own personnel and/or personnel of their contracted drug and alcohol testing service provider as Authorised Officers.

#### What are the powers of approved Authorised Officers?

The Authorised Officers may require persons who are undertaking, or about to undertake transport safety work, to submit to drug and alcohol tests.

Authorised Officers may request a Transport Safety Employee to attend a testing facility including Police Stations, hospitals etc to undertake a test.

#### How can approval as an Authorised Officer be proven?

Following MoT approval, accredited bus operators will be issued with a Certificate of Authorisation.

Transport safety employees who are required by an Authorised Officer to submit to a drug or alcohol test are entitled to ask to see a copy of the Certificate prior to undertaking a test.

#### How long does an authorisation remain valid?

Authorisations remain valid until they are either revoked by the MoT, or until the operator requests the MoT to revoke the authorisation.

### DRUG & ALCOHOL TESTING

#### What are the operator's obligations with regard to drug and alcohol testing?

Operators who choose to implement a drug and alcohol testing program must ensure that they:

- have documented procedures for conducting drug and alcohol tests in accordance with the Regulation;
- have processes for ensuring that all Authorised Officers are adequately trained in their powers and in testing procedures;

- use approved breath test equipment and ensure that urine samples taken are analysed by approved laboratories;
- ensure all Authorised Officers (and Transport Safety Workers) are aware of the organisations Drug and Alcohol Policies and procedures.
- Report positive drug and alcohol tests to the Ministry within 48 hours of becoming aware of such a test.

*Note:* Test results may be excluded as evidence in prosecutions or in appeals against disciplinary action or dismissal, if the person who requires the test is not a duly appointed Authorised Officer, if testing procedures do not conform to the Regulation or unapproved equipment or laboratories are used.

#### What breath testing equipment is approved for use?

The following types of equipment are approved for use:

##### Breath Test Devices

- Drager Australia Pty Ltd – Alcotest 7410
- Lion Laboratories – Alcometer SD-400
- Alcolizer Pty Ltd – Alcolizer LE

##### Breath Analysis Equipment

- Drager Australia Pty Ltd – Alcotest 7110

**Note:** A positive breath test can only be determined by the Police through the conduct of a breath analysis.

#### Which laboratories are approved for urine sample analysis?

Approved laboratories are those which are accredited by the National Association of Testing Authorities (NATA) to conduct analysis in accordance with the Australian Standard 4308:2001 – Procedures for the collection, detection and quantitation of drugs of abuse in urine.

Please refer to NATA's website for details of the locations of accredited laboratories. ([www.nata.asn.au](http://www.nata.asn.au))

#### What is a Positive test?

A positive confirmatory test includes in the case of:

- **Alcohol** – a breath analysis undertaken by the Police which confirms PCA of **0.02** (or higher);
- **Drugs** – a laboratory urine analysis confirming the presence of a drug; or
- **Drugs or alcohol** – a blood analysis undertaken by a medical practitioner which confirms the presence of a drug or PCA.

#### How do I report a positive test to the Ministry?

Operators are required to report positive drug and alcohol tests to the Ministry within 48 hours of becoming aware of such a test result. Reports are to be submitted using the Test Notification Form which is available at [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)

*It is an offence for a worker to refuse a drug and alcohol test.*

*Disclaimer: These application guidelines summarise legislative obligations regarding drug and alcohol programs. Please refer to the Regulation and Guidelines relating to Drug and Alcohol Programs to determine your legal obligations and rights.*