

Drug and Alcohol Handbook for Bus Operators

July 2025 V1.1



Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the lands, waters and seas and their rich contribution to society.

Table of Contents

1.	Introduction	5
2.	Summary of Regulation	6
3.	Glossary of Terms	8
5.	Drug and Alcohol Requirements and Assistance	10
6.	Step 1 Risk Assessment	11
6.1	What is required?	11
6.2	How to implement this requirement	11
6.3	Sample SMS Risk Register (Pro-forma 1.1)	12
7.	Step 2 Consultation	13
7.1	What is required?	13
7.2	How to implement this requirement	13
7.3	Sample Drug and Alcohol Consultation Record (Pro-forma 2.1)	14
8.	Step 3 Drug and Alcohol Policy	15
8.1	What is required?	15
8.2	How to implement this requirement	15
8.3	Sample Drug and Alcohol Policy (Pro-forma 3.1)	16
9.	Step 4 Education and Awareness	18
9.1	What is required?	18
9.2	Education on Drugs and Alcohol	18
9.3	How to implement this requirement	18
9.4	Sample information on Drug Types and Effects (Pro-forma 4.1)	20
9.5	Sample Staff/Management Assessment (Pro-forma 4.2)	23
10.	Step 5 Test Supervisors	24
10.1	What is required?	24
10.2	How to implement this requirement	24
10.3	Sample Test Supervisor Assessment (Pro-forma 5.1)	26

10.4	Sample Test Supervisor Instrument of Appointment (Pro-forma 5.2).....	28
11.	Step 6 Drug and Alcohol Testing	29
11.1	What is required?	29
11.2	Mandatory Notifiable Incident Testing	29
11.3	Risk Control Testing	29
11.4	How to implement this requirement	30
11.5	Breath Tests.....	30
11.6	Urine Sample Analysis	31
11.7	Blood Sample Analysis.....	31
11.8	Notification of Positive Tests	31
11.9	Sample Drug and Alcohol Testing Arrangements (Pro-forma 6.1)	32
11.10	Police Protocol for Testing Bus Safety Employees (Pro-forma 6.2)	35
12.	Step 7 Remedial Action and Assistance	40
12.1	What is required?	40
12.2	How to implement this requirement	40
12.3	Sample Remedial Action and Assistance Procedure (Pro-forma 7.1).....	42
13.	Step 8 Notification and Record Keeping.....	45
13.1	What is required?	45
13.2	How to implement this requirement	45
13.3	Drug and Alcohol Test Notification Form.....	47
13.4	Sample Testing Record.....	50
14.	Step 9 Program Evaluation and Review	51
14.1	What is required?	51
14.2	How to implement this requirement	51
14.3	Sample drug and alcohol program checklist (Pro-forma 9.1).....	52
15.	Frequently Asked Questions	54

1. Introduction

Purpose of this Handbook

The *Passenger Transport Act 1990* (the Act) requires bus operators in NSW to ensure that their bus safety employees are not under the influence of drugs or alcohol while on duty for bus safety work. In achieving this outcome, the Act also requires operators to prepare and implement a drug and alcohol program for their bus safety employees that complies with the guidelines published by Transport for NSW.

The requirements for drug and alcohol programs are set out in the Guidelines relating to Drug and Alcohol Programs for Bus Operators (“the Guidelines”), which can be downloaded from Transport for NSW’s website at [Buses | Transport for NSW](#).

This Handbook is designed to assist accredited bus operators to prepare and implement a drug and alcohol program that meets these requirements.

What are the Legal Limits for Drug and Alcohol Use?

It is illegal to carry out, or be on duty for, bus safety work while:

- Under the influence of drugs or alcohol
- Having a Blood Alcohol Content (BAC) of 0.02 or over.

Both operators and employees have an obligation to ensure these legal requirements are met.

What is a drug and alcohol program?

A drug and alcohol program is an integrated set of work practices and procedures designed to manage the risk of drug and alcohol use in your organisation. It ensures that operators take responsibility for the safety of their operation, and that employees are aware of their safety responsibilities in relation to drug and alcohol use.

Bus Safety Employees

Only “bus safety employees” are covered by the requirements of the Act. A bus safety employee includes anyone who is a paid employee, a contractor, volunteer or the accredited operator when involved in:

- Driving or operating buses, loading/disembarking passengers, or the movement of buses
- Repairing, maintaining or upgrading buses, bus terminals or bus maintenance facilities
- Developing, managing or monitoring safe working systems for bus services.

Not every employee will be a “bus safety employee”. While operators may choose to implement a drug and alcohol program that covers all employees (for example, typists and cleaners) only bus safety employees will be subject to the penalties and obligations under the Act.

What does a drug and alcohol program look like?

The requirements for drug and alcohol programs are set out in the Act and in the Guideline.

These require operators to:

- Assess the safety risks posed by drug and alcohol use
- Consult with employees on the content of the drug and alcohol program
- Develop and disseminate a drug and alcohol policy
- Educate and inform staff
- Authorise test supervisors to oversee drug and alcohol testing

- Develop and implement adequate testing arrangements
- Implement remedial action when a drug or alcohol problem is encountered
- Notify Transport for NSW of problems and ensure records are kept
- Review and evaluate the program.

The level of detail in your drug and alcohol program will largely depend on the size of your operation, how well you know the activities of your staff and the risks that drug and alcohol use pose to your organisation.

How to use this Handbook

This Handbook provides a step-by-step guide to preparing a drug and alcohol program. In particular, it:

- Summarises the requirements of the legislation and Transport for NSW Guidelines
- Describes how operators can implement these requirements in their drug and alcohol program
- Provides samples and pro-formas that operators can adapt for their own use.

An electronic copy of the Handbook (including pro-formas) can be obtained from the website [Buses | Transport for NSW](#) to enable operators to download the necessary forms for inclusion in their Drug and Alcohol Program.

2. Summary of Regulation

Summary of the Passenger Transport (General) Regulation 2017

This Regulation provides for:

- The procedures for testing safety employees for alcohol and drugs and obtaining samples of blood and urine for that purpose
- The use of positive tests in determining whether a bus driver is a fit and proper person to hold an authority to drive a bus
- The requirement that bus operators notify Transport for NSW of positive test results and certain other matters
- The authorisation of persons as test supervisors by bus operators
- Offences relating to the use of alcohol and drugs by safety employees, failing to undergo testing or to provide a sample, failing to conduct a test or take a sample, interfering with test results, hindering or obstructing a person taking a sample and interfering or tampering with or destroying a sample.

The Secretary or a bus operator may authorise a person to be a test supervisor. If they are authorised by an operator their responsibilities only extend to the operations of the operator who authorised them. They must be given a certificate (Instrument of Appointment) when authorised, and the authorisation can be revoked.

Transport safety employees are operators of bus services and their employees, contractors and volunteers who drive buses or maintain, repair or upgrade buses. They also include people involved in the loading of passengers onto buses, the movement of buses and the repair, maintenance and upgrading of bus garages and terminals. The final category of workers covered are those involved in the development, management or monitoring of safe working systems for buses.

A test supervisor can require any transport safety employee who is carrying out, or is about to carry out, or on the way to bus safety work, to be tested. The selection of the bus safety employee can be random or targeted, and the test can be a breath test or a urine test. However, a police officer, as well as a test

supervisor, can require a transport safety employee to undergo a breath test for alcohol and a blood test for drugs if they have been involved in an accident. If the employee is admitted to hospital after an accident a test supervisor or police officer may require the employee to provide a sample of blood or urine, unless it adversely affects the employee's health or is more than 4 hours after the transport safety work.

If a transport safety employee appears to have failed a breath test for alcohol or refuses such a test, a police officer may arrest the employee and take them to a police station and require them to undertake a breath analysis. Whether a test supervisor or police officer does the test, the employee must be given a written result.

In any case where a test supervisor is entitled to require a transport safety employee to submit to a breath analysis and the instrument is not available; the employee can be required to provide a sample of blood or urine in specified circumstances.

If a person takes an employee's blood sample, it must be put in a container and put in a securely locked box and the employee given a certificate for it. Urine samples must be taken, tested, analysed and stored in accordance with [AS/NZS 4308:2023](#).

More specifically than previously mentioned, offences include safety employees carrying out safety work while under the influence of alcohol or a drug; carrying out work while the prescribed concentration is present in the employee's breath or blood; refusing to undergo a breath test or analysis; refusing to supply a sample of blood or urine; or do anything to alter the concentration of alcohol or a drug in the employee's breath, blood or urine before a breath analysis or providing a blood or urine test.

Anybody interfering or tampering with a blood or urine sample also commits an offence. If a bus operator suspects a transport safety employee of being involved in a notifiable incident, then the operator must ensure that the employee is tested within four hours. Notifiable incidents involve death, injury requiring hospital treatment, the bus being unable to continue its journey or one that the operator reasonably believes is likely to arouse serious public concern.

Bus operators **must** notify Transport for NSW **within 48 hours** of:

- Confirmation that there is a drug in the urine of a transport safety employee
- Confirmation that there is alcohol in the blood of a transport safety employee
- Refusal of a transport safety employee to provide a breath, blood or urine sample
- Altering the concentration of a drug in a transport employee's blood or urine before a breath analysis or sample of blood or urine is provided
- An analysis of blood confirming the presence of a drug in a transport employee's blood.

3. Glossary of Terms

Glossary of terms	
Term	Intended meaning
The Act	<i>Passenger Transport Act 1990</i>
The Regulation	Passenger Transport (General) Regulation 2017
The Guidelines	Guidelines Relating to Drug and Alcohol Programs for Bus Operators
Approved laboratory	<ul style="list-style-type: none"> For urine samples – a laboratory accredited by the National Association of Testing Authorities, Australia for AS/NZS 4308:2023 For blood samples – the Lidcombe Laboratory of the Division of Analytical Laboratories, ICPMR, Sydney West Area Health Service
Breath Alcohol Concentration (BAC)	The level of alcohol in a person's blood
Breath analysis	<p>An analysis of a person's breath to confirm the alcohol concentration in their blood. A breath analysis is done:</p> <ul style="list-style-type: none"> Using a breath analysing instrument Usually by the Police at a Police station
Breath test	<p>A test of a person's breath to indicate (not confirm) the alcohol concentration in their blood. A breath test is done:</p> <ul style="list-style-type: none"> Using a breath alcohol testing device Either at a depot or on-road
Bus	A motor vehicle which seats more than 8 adult passengers (including the driver)
Bus safety employee	<p>Any person who carries out bus safety work, including:</p> <ul style="list-style-type: none"> A paid employee A contractor or volunteer An individual who is an accredited operator
Bus safety work	<p>Any of the following is bus safety work:</p> <ul style="list-style-type: none"> Work relating to driving or operation of a bus, loading or disembarking passengers or the movement of buses Work relating to the repair, maintenance or upgrading of buses, bus terminals or bus maintenance facilities Work involving developing, managing or monitoring safe working systems for bus services
Bus service	<p>Any public passenger service provided by a bus, including:</p> <ul style="list-style-type: none"> Regular passenger service Long distance service Tourist service Charter service
Drug	<p>The <i>Road Transport Act 2013</i> defines drug as: Means:</p> <ol style="list-style-type: none"> Alcohol, and A prohibited drug within the meaning of the <i>Drug Misuse and Trafficking Act 1985</i>, not being a substance specified in the statutory rules as being excepted from this definition, and Any other substance prescribed by the statutory rules as a drug for the purposes of this definition. <p>Such substances include illegal or illicit drugs and 'over the</p>

	counter' prescription drugs, which impair the employee's ability to perform work safely.
Drug and alcohol program	An integrated set of work practices and procedures designed to manage a bus operator's drug and alcohol risks
Drug and alcohol risk	A risk or a potential risk to the safe operation of bus services that relates to, or is a likely consequence of drug and alcohol misuse.
Drug and alcohol testing	A breath test, a breath analysis or a sobriety assessment or taking and/or analysing a sample of urine or blood
Medicinal purposes	Taking a drug if it is: <ul style="list-style-type: none"> • Prescribed by a medical practitioner and taken according to a medical practitioner's prescription • Purchased from a pharmacy and taken according to the manufacturer's instructions
Notifiable incident	An accident or incident involving a bus that resulted in: <ul style="list-style-type: none"> • Death of a person • Any injury to a person which the operator reasonably considers requires hospital treatment • Where the bus is unable to continue its journey • One that the operator believes is likely to arouse serious public concern
Prescribed Concentration of Alcohol (PCA)	Is a concentration of 0.02 grams or more of alcohol in 210L of breath or 100mL
Positive confirmatory test	<ul style="list-style-type: none"> • For alcohol - a breath analysis undertaken by the Police or a blood sample analysis that confirms PCA • For drugs – a confirmatory urine sample analysis, or blood sample analysis that confirms the presence of an illegal drug
Prescribed illicit drugs	Means any drug that is prohibited under the <i>Drug Misuse and Trafficking Act</i> 1985. These include: <ul style="list-style-type: none"> • Cannabis • Speed (including ice) • Ecstasy • Cocaine • Morphine (including Heroin)
Sobriety assessment	A process to assess whether a person appears to be under the influence of alcohol or other drugs by looking for alcohol or drug symptoms (e.g. dilated pupils, jaw clenching). This could involve an employee carrying out a simple task such as walking in a straight line, touching his/her nose etc.
Safety Management System (SMS)	An integrated set of work practices and procedures for monitoring and where identified, improving the safety of your bus operation
Test notification	A notification to Transport for NSW of a positive test, or a refusal or failure to undergo a test
Test supervisor	A person who has legal authority to require a bus safety employee to submit to drug and alcohol testing
You	A bus operator accredited under the Act

5. Drug and Alcohol Requirements and Assistance

Table 1 provides a summary of the requirements of Transport for NSW for a drug and alcohol program and the sample documentation included in this Handbook to assist meeting these requirements.

A copy of the agreed Police Protocol for Breath Testing and Breath Analyses of bus safety employees is attached at Pro-forma 6.2. for the information of bus operators and local Police.

Requirement	Documentation	Sample Provided
Risk Assessment	Risk Register	Pro-forma 1.1
Consultation	Record of Staff Meeting	Pro-forma 2.1
Drug and Alcohol Policy	Drug and Alcohol Policy	Pro-forma 3.1
Education and awareness	Drug and Alcohol Information	Pro-forma 4.1
	Staff/Management Assessment	Pro-forma 4.2
Test supervisors	Test supervisor Assessment	Pro-forma 5.1
	Test supervisor Instrument of Appointment	Pro-forma 5.2
Drug and Alcohol Testing	Drug and Alcohol Testing Arrangement	Pro-forma 6.1
	Agreed Police Protocol for Breath Testing and Breath Analyses of Bus Safety Employees ¹	Pro-forma 6.2
Remedial Action and Assistance	Remedial Action and Assistance Procedure	Pro-forma 7.1
Notification and Record Keeping	Drug and Alcohol Test Notification Form	Pro-forma 8.1
	Testing Record	Pro-forma 8.2
Program Evaluation and Review	Drug and Alcohol Program Checklist	Pro-forma 9.1

Table 1: Drug and Alcohol Requirements and Assistance

¹ The agreed Police Protocol for Breath Testing and Breath Analyses of Bus Safety Employees is readily available to Police on the NSW Police Intranet

6. Step 1 Risk Assessment

6.1 What is required?

All bus and coach operators are required under the Act to prepare and implement a drug and alcohol program that complies with the guidelines approved by Transport for NSW. The scope and detail of the Program will depend on the risk posed by drugs and alcohol to your particular operation.

A small operator, for example, may assess the drug and alcohol risks as minimal (e.g. because only a few staff are employed, they have been with the operator a long time and the operator knows them well). In contrast, a large bus company with many staff may assess their drug and alcohol risks as high.

6.2 How to implement this requirement

- 1 Under the Act it is a condition of your accreditation as a bus operator to:
 - Identify any significant risks relating to your bus service (including drug and alcohol risks)
 - Specify appropriate controls for those risks
 - Manage the risks accordingly.
- 2 Under the Department's Safety Management System Guidelines, operators need to identify and record their risks (including Drug and Alcohol) in a "Risk Register". The following questions will help with your risk assessment:
 - How large is your operation?
 - How many bus safety employees are employed?
 - How well do you know the habits/after-hour activities of employees?
 - Has drug or alcohol use been a problem with your staff in the past?
- 3 Use the Risk Register (Pro-forma 1.1) to record the findings of your risk assessment. (Note that, provided drug and alcohol risks are covered, this can be the same document as the Risk Register used for SMS).
- 4 The results of your risk assessment should be used to determine the scope and content of your drug and alcohol program; specifically:
 - The content of your drug and alcohol policy (see Step 3)
 - The level of drug and alcohol education and awareness necessary for your staff (see Step 4)
 - Whether you need to carry out random testing, and/or suspicion-based testing, or testing after less serious incidents (see Step 6)
 - The type of supporting measures necessary to deal with drug and alcohol misuse and to assist employees who have drug and alcohol problems (i.e. remedial actions, see Step 7).

This Handbook provides guidance on these issues.

6.3 Sample SMS Risk Register (Pro-forma 1.1)

This Risk Register is to be used to record all hazards or safety issues identified by staff and management

Hazard	Likelihood	Severity	Risk Rating	Recommended Controls	Responsible Officer
<i>Drug and Alcohol Consumption</i>	<i>Likely</i>	<i>Death or permanent disability</i>	<i>1</i>	<i>Implementation of Drug and Alcohol Program including: Information and Training Testing Procedures Remedial Procedures Drug and Alcohol Policy</i>	<i>Managing Director Training Officer Testing Officers Supervisors Managing Director</i>
<i>Security Threats</i>	<i>Unlikely</i>	<i>Death or permanent disability</i>	<i>2</i>	<i>Liaison with Police, State Rail and other operators who service transport interchanges Emergency/bomb threat procedures Pre-departure, in-service bus inspection</i>	<i>Managing Director OHS Committee Driver supervisor to instruct drivers</i>
<i>Black Ice</i>	<i>Unlikely (depending on location e.g. Blue Mountains)</i>	<i>Death or permanent disability</i>	<i>2</i>	<i>Drivers made aware of the need for care when travelling in areas of black ice. In particular, drivers to take note of advisory signage</i>	<i>Driver supervisor to brief drivers</i>
<i>Animal strikes</i>	<i>Very likely (in some regional areas)</i>	<i>Death or permanent disability</i>	<i>1</i>	<i>Drivers to reduce speed when driving in early mornings, late afternoons and at night to avoid animal strikes</i>	<i>Driver supervisor to brief drivers</i>
<i>Fog</i>	<i>Unlikely</i>	<i>Death or permanent disability</i>	<i>2</i>	<i>Drivers to reduce speed when driving in foggy conditions Buses to be fitted with fog lights</i>	<i>Depot Manager to brief drivers Workshop foreman</i>
<i>Driver Fatigue</i>	<i>Unlikely</i>	<i>Death or permanent disability</i>	<i>1</i>	<i>Timetables are constructed to ensure drivers are not required to exceed driving hours. Secondary employment is recorded and monitored to ensure that it does not impact on safety.</i>	<i>Depot Manager</i>
<i>Unruly school children</i>	<i>Likely</i>	<i>First aid</i>	<i>3</i>	<i>School/parent liaison Training of drivers De-brief for any affected drivers</i>	<i>Driver Supervisor “ “</i>
<i>Faulty safety critical equipment</i>	<i>Unlikely</i>	<i>Death or permanent disability</i>	<i>2</i>	<i>Drivers undertake pre-departure checks to ensure the serviceability of vehicle lights, indicators, brakes, steering etc. and report anomalies</i>	<i>Driver Supervisor to brief drivers/Drivers to undertake pre-departure checks.</i>

7. Step 2 Consultation

7.1 What is required?

Drug and alcohol use and testing are sensitive issues. To help employees understand and support your drug and alcohol program (and to minimise the potential for conflict) you need to ensure that your employees and their representatives are consulted at all stages of your Program's preparation and implementation.

7.2 How to implement this requirement

- 1 Decide how you will consult with staff. You could nominate a specific working group of employees to work through relevant issues. Alternatively, you might prefer a representative group (such as a WHS Committee) that already exists in your workplace. Employee representatives also need to be involved in discussions. For very small operators the consultation required may be minimal and/or largely informal.
- 2 Decide the issues to consult on. As a minimum these should include:
 - Measures for dealing with your drug and alcohol risks
 - Content of your drug and alcohol policy
 - Drug and alcohol information and limits
 - Responsibilities of staff and management
 - Procedures for testing bus safety employees
 - Remedial action and assistance (e.g. support, sanctions and counselling) for affected staff
 - Notification requirements and privacy.
- 3 Maintain records of consultation on each of these issues. This will help you to deal with any concerns with your Program that may arise. You can use the *Sample Drug and Alcohol Consultation Record* (Pro-forma 2.1).
- 4 As your Program is prepared, obtain formal employee endorsement of each part of your Program.
- 5 It is suggested that you outline your consultation process in your drug and alcohol policy to ensure that it is recognised as having been prepared in consultation with your employees. Pro-forma 3.1 provides an example of what this might look like.

7.3 Sample Drug and Alcohol Consultation Record (Pro-forma 2.1)

Date of Meeting: _____

Staff Present: _____

Topics Discussed	Issues/ Comments Raised by Staff
<ul style="list-style-type: none">· Drug and Alcohol Policy· Drug and Alcohol information: what drugs are prohibited and the effects of those drugs.· Requirement for self-reporting of:<ul style="list-style-type: none">○ Drug and alcohol use pre-shift○ Prescription and “over the counter” medications· How and when Testing will occur· Employees’ rights and responsibilities regarding testing· Availability of counselling, rehabilitation and other assistance for employees with drug and/or alcohol problems· Sanctions/penalties for positive drug and alcohol tests/use.	

Manager’s Name: _____

Manager’s Signature: _____

Date: _____

8. Step 3 Drug and Alcohol Policy

8.1 What is required?

Your Drug and Alcohol Policy must be based on your risk assessment and be developed in consultation with your employees. The Policy needs to clearly outline your objectives in managing drug and alcohol problems and misuse, and how you plan to achieve those objectives.

Placing your Policy in a prominent position will serve as a regular reminder to employees, managers and visitors of your position on managing drug and alcohol misuse and drug and alcohol problems.

8.2 How to implement this requirement

- 1 Your Policy needs to be based on your risk assessment and the risk controls you have determined (see Step 1)
- 2 Determine your safety objectives (i.e. what you are trying to achieve) and list them in your Policy
- 3 Summarise the measures you are going to put in place to achieve these objectives. If your measures include a “zero-tolerance” approach to drugs and alcohol, or if you impose stricter limits than required by law, you should specify this in your Policy
- 4 Noting the consultation process that was involved might be prudent
- 5 Sign and date your Drug and Alcohol Policy
- 6 Display your Drug and Alcohol Policy in a prominent position where employees and others can view it; perhaps on a notice board in the foyer or other central area of the depot. You can also incorporate the Policy in employee handbooks or education and awareness materials
- 7 You may wish to have your employees sign a copy of the policy and place the signed copy on their personal file.

8.3 Sample Drug and Alcohol Policy (Pro-forma 3.1)

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Pro-forma 3.1

Bloggs Buses Drug and Alcohol Policy

Purpose

To provide clear information to Bloggs Buses' personnel on the company's policy on drug and alcohol use. This Policy applies to all Bloggs Buses' personnel.

Our Commitment

We view the health, safety and well-being of our staff, passengers and the public as paramount, and are committed to addressing our drug and alcohol risks. The company's Safety Management System sets out the drug and alcohol risks that we have identified, which have the potential to affect the safe operation of our bus services.

Safety Objectives

The objective of our drug and alcohol program is to ensure:

- The safe operation of our bus services
- A safe and healthy workplace for employees and other members of the public
- Employees are not under the influence of drugs or alcohol when carrying out bus safety work
- Employees are fully aware of and understand their safety responsibilities in relation to drugs and alcohol
- Drug and alcohol problems and misuse are identified early and managed appropriately.

Risk Control Measures

The measures that we have adopted to achieve these objectives are that we will:

- Consult with and involve managers and staff in preparing and implementing our drug and alcohol program
- Educate and inform our employees about the effects of drug and alcohol misuse and their responsibilities for the safe operation of our bus services
- Carry out on-going assessment of bus safety employees' fitness for duty
- Conduct random, suspicion-based and post-incident drug and alcohol testing as part of our efforts to prevent drug and alcohol misuse
- Support and assist bus safety employees who self-identify as having drug and alcohol problems
- Take strong but fair action when employees misuse drugs or and alcohol or if they do not abide by our drug and alcohol program.

Drugs and Alcohol

This organisation strictly prohibits the following during bus safety work:

Alcohol

PCA. Having the prescribed concentration of alcohol in the blood (i.e. being on or over the legal BAC limit of 0.02).

Prohibited Drugs

Illegal drugs. Having any concentration of illegal or prescribed illicit drugs (a defined term in legislation) in blood or urine. It is illegal to drive ANY motor vehicle or carry out bus safety work with ANY presence of

- Marijuana, speed, or ecstasy in blood, urine or oral fluid (saliva), or
- Cocaine, or morphine, (including heroin) in blood or urine.

Medications

Any drug taken for medicinal purposes, which poses a risk to safety (for example, by making an employee drowsy).

Depot Manager Responsibilities

As the senior operational officer in charge of the depot, the Depot Manager has overall responsibility for implementing and monitoring the drug and alcohol program.

Manager/Supervisor Responsibilities

Managers are responsible in their areas of control for:

- Ensuring that safety policies and procedures are developed and implemented effectively
- Supporting staff and holding them accountable for their specific responsibilities.

Employee Responsibilities

Our bus safety employees must:

- Refrain from drug and alcohol misuse
- Self-report drug and alcohol problems
- Abide by their responsibilities under the law and our drug and alcohol program.

Review

We will review and evaluate this Policy regularly and update it as necessary to ensure that we can continue to achieve our objectives for the safe operation of our bus services.

Signed _____

Bill Bloggs (Director)

11 March 2008

9. Step 4 Education and Awareness

9.1 What is required?

Education and awareness are critical elements for your drug and alcohol program, and are particularly necessary for:

- Bus safety employees (see the Glossary for a definition of this term)
- Managers and supervisors
- Test supervisors (if authorised internally).

It is vital that employees are given clear information about your drug and alcohol program. As a minimum, you need to provide information on the nature and effect of drugs and alcohol in the workplace, how testing will occur, and the rights and responsibilities of employees and others in relation to drugs and alcohol (including the consequences of being under the influence of alcohol or drugs while on duty for bus safety work).

9.2 Education on Drugs and Alcohol

It is important that your staff and managers understand your policy on drug and alcohol use under your Program.

- **Alcohol:** It is illegal to carry out bus safety work while having a BAC of 0.02 or greater (PCA)
- **Drugs:** It is illegal under the Act to carry out bus safety work while under the influence of drugs. In addition, it is illegal under the Road Transport Act 2013 for a person to drive a motor vehicle with any concentration of drugs in their system
- **Legal drugs:** Most people, from time to time, need to take “over the counter” or prescription drugs when they are sick. While such drugs are legal, they can sometimes impair a person’s ability to work safely. You need to ensure that the use of medications and other legal drugs does not impair a bus safety employee’s ability to perform “bus safety work”. Employees have a responsibility to inform you about any drug they need to take for medicinal purposes.

You need to ensure that your staff are aware of and clearly understand these requirements.

9.3 How to implement this requirement

- 1 Bus Safety Employees need to be aware of and understand your drug and alcohol policy and the effects of drug and alcohol use in the workplace. This includes information on various classes of drugs including alcohol, illegal drugs, and prescription or ‘over the counter’ medications (see above). Pro-forma 4.1 outlines the type of issues of which employees should be aware.
- 2 Employees also need to understand their rights and responsibilities under your drug and alcohol program, including opportunities to self-test, testing requirements, and the consequences of drug and alcohol misuse. The sample Drug and Alcohol Knowledge Assessment (Pro-forma 4.2), outlines the issues which your staff typically need to understand.
- 3 In addition, managers and supervisors need to be able to identify and deal with bus safety employees who may be impaired by the effects of drugs or alcohol, and to properly deal with employees who self-report drug and alcohol problems or drug and alcohol misuse. Pro-forma 4.2 outlines additional matters of which managers typically need to be aware.
- 4 Test supervisors need to be competent to oversee drug and alcohol testing of bus safety

employees. The role of test supervisors and the knowledge they require is explained in Step 5.

- 5 Once you are satisfied that your managers/supervisors, bus safety employees and test supervisors are adequately aware of and understand their responsibilities, you need to include this in the personal files of each staff member.
- 6 A range of other measures may be used to strengthen and improve employees' knowledge and awareness of drug and alcohol issues. These could include, for example, drug and alcohol information on notice boards, in memos, payslip notices, training seminars or similar mechanisms.
- 7 Include a summary of employee rights and responsibilities in your Drug and Alcohol Policy (Pro-forma 3.1). When placed in a prominent position and included in employee handbooks, this information can provide a useful reminder to staff of your requirements in this area.

Tools

1. Sample information on Drug Types and Effects (Pro-forma 4.1),
2. Sample Staff/Management Assessment (Pro-forma 4.2).

9.4 Sample information on Drug Types and Effects (Pro-forma 4.1)

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Pro-forma 4.1

Bloggs Buses' Drug and Alcohol Information for Staff

Bloggs Buses' drug and alcohol program is aimed at bus safety employees, and applies to:

- Alcohol,
- Illegal drugs,
- Drugs taken for medicinal purposes (prescribed and non-prescribed medications).

1. Alcohol

The legal BAC limit for bus safety employees, including bus drivers, in NSW is 0.02. Any employee with a BAC above this limit while on-duty for bus safety work will be in breach of the Regulation and this Program. Transport for NSW advises that a BAC of 0.02 can be reached after the consumption of only one standard drink. This means that bus safety employees must not consume any alcohol before carrying out bus safety work.

According to NSW Health a standard drink equates to:

- 1 x 285 ml glass of full-strength beer,
- 2 x 285 ml glasses of light beer,
- 5 x 285 ml glasses of super-light beer,
- 1 x small 100 ml glass of wine,
- 1 x 30 ml measure of spirits,
- 1 x 60 ml glass of fortified wine (eg sherry or port).

2. Illegal Drugs

The Regulation prohibits an employee from carrying out bus safety work, including driving buses, whilst under the influence of illegal drugs, such as marijuana, cocaine, amphetamines and opiates such as heroin. It is also illegal under the *Road Transport Act 2013* for a person to drive a motor vehicle with any presence of:

- Cannabis, speed, or ecstasy in his/her blood, urine or oral fluid (saliva)
- Cocaine, heroin or morphine in his/her blood or urine.

Illegal drugs such as cocaine and heroin can stay in a person's system for many days. Drugs, such as marijuana, can stay in a person's system for many weeks resulting in a positive test reading. Since a test will not determine when an illegal drug was taken, Bloggs Buses has decided that the use of illegal drugs by our employees is strictly banned under this Program. The effects of some of the more common illegal drugs are as follows:

Marijuana

Small amounts of marijuana can produce a feeling of well-being and a tendency to talk and laugh more than usual. However, use of marijuana can also lead to health problems. In the short-term marijuana use can impair motor coordination, short-term memory, tracking ability and sensory perceptions. In the longer term it may cause decreased sperm count, interfere with ovulation and prenatal development and impair immune responses. There is also a growing body of research linking marijuana use to mental illnesses such as schizophrenia, particularly with the new, more potent "hydro" strains of the drug.

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Amphetamines

Amphetamines including “crack”, “speed” and “ice” are dangerous drugs. Although amphetamines may increase alertness and delay fatigue, actual performance can be impaired, in the short term, unwanted effects include restlessness, heart palpitations, headaches, shaking and sleeplessness. Speed can also make some users hostile and aggressive. Long-term use can lead to mental health problems including intense anxiety, paranoia and psychosis.

MDMA (“Ecstasy”)

Ecstasy can lead to a feeling of affinity and empathy with others. The physical effects include an increase in blood pressure and pulse, sweating and teeth grinding. High doses can cause hallucinations, irrational behaviour, fits and vomiting. Long-term use can also lead to mental health problems.

Heroin

Heroin and other opiates slow down the functions of the central nervous system. The immediate effect of heroin is a sense of well-being and pain relief. It can also produce nausea and vomiting, as well as constipation and itching. Long-term use can cause vein damage due to un-sterile injection practice and damage to the heart and lungs. Heroin users also risk overdose, particularly since the strength of the heroin purchased is usually unknown. Because heroin is injected there is also a risk of infections such as blood poisoning, Hepatitis B and C, and HIV/AIDS.

Any employees testing positive to illegal drugs will be in breach of this Program

3. Prescription and Legal Drugs

Not every drug is prohibited under the Regulation; yet even prescription drugs can impair work performance. For example, some medications can make a driver drowsy. Even commonly used drugs such as aspirin and cough medicine may show up in a drug test. For these reasons, Bloggs’ Buses requires bus safety employees taking ANY drugs (including for medicinal purposes) to:

- Acquire information on the effects of the drug on bus safety work from their doctor or pharmacist
- Inform their supervisor that they are taking the drug and of its likely effect before undertaking bus safety work.

4. Testing

We test our bus safety employees for drug and alcohol use. We are required by law to test any bus safety employees who are involved in a notifiable incident while carrying out bus safety work within 4 hours of the incident occurring. Our approach to drug or alcohol misuse discovered through testing is dealt with in our Remedial Action and Assistance Procedure – Step 7. Staff should note that that all positive tests need to be notified to Transport for NSW.

5. Self-Reporting

Bloggs’ Buses employees are to self-report if they have used any alcohol or drugs, including prescription and “over the counter” medications, before carrying out bus safety work. An employee who self-reports and is found to be unfit for duty will be referred for assistance and/or counselling.

6. Assistance and Counselling

Employees with drug and alcohol problems are encouraged to seek assistance and/or counselling. We will provide appropriate support for employees who agree to or voluntarily seek rehabilitative assistance through our Remedial Action and Assistance Procedure. Employees who require specialist assistance or additional support can contact their doctor or one of the support groups listed below. Contact with these organisations will remain strictly confidential.

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

7. Further Information on Drugs and Alcohol

- Drug and Alcohol Testing and Policies in the Bus and Coach Industry (Chapter 5), Bus and Coach Association, 2004
- *Drugs, Alcohol and the Workplace*, WorkCover NSW, 1995 (downloadable from www.workcover.nsw.gov.au).

8. Support and Assistance for Drug and Alcohol Problems

Organisations that provide support and assistance for drug and alcohol problems include:

Alcoholics Anonymous (AA)

Phone: 9599 8866 or visit www.aa.org.au to find your nearest local office

Alcohol and Drug Information (ADIS)

Phone: (02) 9361 8000 or 1800 422 599 (24-hour telephone advice)

NSW Users and AIDS Association (ADIS)

Phone: 9354 7300 or 1800 644 413 or visit www.nuaa.org.au

Narcotics Anonymous

Phone: 9565 1453

National Drug and Alcohol Research Centre (NDARC)

Phone: 9385 0333 or visit www.ndarc.med.unsw.edu.au

Salvation Army Bridge Program

William Booth House Phone: 9212 2322

Catherine Booth House (for women) Phone: 9211 7300

Salvo's Care Line

Phone: 1300 36 36 22

Major Hospitals

Most major hospitals have Drug and Alcohol Units

Community Health Centres

(see main section of the White Pages Telephone Directory)

Psychologists

The Australian Psychological Society can provide the name of a local psychologist who works with drug and alcohol issues

Phone: 1800 333 497 or visit www.psychology.org.au

Signature: _____

Date: _____

Proprietor/Managing Director

9.5 Sample Staff/Management Assessment (Pro-forma 4.2)

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Bloggs' Buses Drug and Alcohol Knowledge Assessment

Name of Person Assessed		
Position		
Topic Safety Employee understands	Tick if Bus	
Bus safety employee understands:		
<ul style="list-style-type: none"> • Bloggs' Buses drug and alcohol policy: when and what drugs are prohibited and the effects of those drugs. 		
<ul style="list-style-type: none"> • Requirement for self-reporting of: <ul style="list-style-type: none"> (a) Drug and alcohol misuse (including pre-shift misuse) (b) Prescription and "over the counter" medications (c) Drug and alcohol problems 		
<ul style="list-style-type: none"> • Test supervisors' powers and functions 		
<ul style="list-style-type: none"> • Bloggs' Buses testing arrangements (including the testing procedures) 		
<ul style="list-style-type: none"> • Employees' rights and responsibilities regarding testing 		
<ul style="list-style-type: none"> • Availability of counselling, rehabilitation and other assistance for employees with drug and/or alcohol problems 		
<ul style="list-style-type: none"> • Sanctions/penalties for drug and alcohol misuse and other breaches of the Program 		
In addition SUPERVISORS/MANAGERS and Test Supervisors understand:		
<ul style="list-style-type: none"> • How to recognise impairment 		
<ul style="list-style-type: none"> • When testing is permitted 		
<ul style="list-style-type: none"> • Procedures for testing 		
<ul style="list-style-type: none"> • Procedures for dealing with intoxicated/impaired employees 		
<ul style="list-style-type: none"> • Assistance available to affected staff 		
<ul style="list-style-type: none"> • Notifying Transport for NSW of positive tests/refusals to be tested 		
<ul style="list-style-type: none"> • Notifying Transport for NSW of action taken or proposed to be taken in response to positive tests/refusals to be tested 		
<ul style="list-style-type: none"> • Privacy principles 		

I am satisfied that the person who is the subject of this assessment is aware of and understands these requirements and his/her responsibilities under the Bloggs Buses drug and alcohol program.

Date of Assessment

Assessor's Name

Assessor's Signature

10. Step 5 Test Supervisors

10.1 What is required?

The Regulation requires drug and alcohol testing by bus operators to be authorised and overseen by a “test supervisor”. A test supervisor is a person with the authority to require a bus safety employee to undergo drug and/or alcohol testing. The Regulation allows you to authorise your own test supervisors to oversee drug and alcohol testing for your bus safety employees. The test supervisor can be, but does not have to be, the person who actually conducts the testing.

Drug and alcohol testing is to be overseen by:

- a test supervisor authorised by an accredited bus operator,
- a Police officer,
- an authorised officer of the ITSR, or
- an authorised officer of Transport for NSW.

You can authorise any person to be a test supervisor. You can, for example, authorise:

- One or more of your employees
- A contractor/agent (such as a person employed by a drug and alcohol testing company).

In all cases, you must ensure that your test supervisor is competent and formally authorised.

10.2 How to implement this requirement

- 1 You need to determine who will be your test supervisor/s. Test supervisors may be from within your organisation or may be some other competent person such as someone from a specialist testing company (a “testing agent”). Your options are to:
 - Authorise members of staff to be test supervisors to oversee the testing process but have a specialist testing agent actually carry out testing
 - Authorise an external specialist testing agent to both oversee and conduct testing
 - Authorise members of staff to both oversee and conduct testing.
- 2 You must ensure that anyone you authorise to be a test supervisor is competent to perform that role. This includes understanding:
 - Your drug and alcohol policy
 - Your testing arrangements (including the procedures)
 - The legal requirements for testing under the Regulation
 - Drug testing protocols, particularly the collection and transportation of urine under AS/NZ 4308:2023, Procedures for the collection, detection and quantitation of drugs of abuse in urine.

A sample Competency Checklist for authorising test supervisors is included as Pro-forma 5.1.

- 3 You need to authorise your test supervisors by a formal Instrument of Authorisation. It is strongly recommended that you use Pro-forma 5.2 for this purpose (see page 27). Two types of authorisations are available:

- You can authorise a person by name
- You can authorise the holder of an office by reference to the title of his/her Office (e.g. a position title).

An Instrument of Authorisation by Name allows only the nominated individual (e.g. “John Smith”) to be a test supervisor. An Instrument of Authorisation by reference to an Office (e.g. a Position) allows any individual holding that office (e.g. “Operations Manager”) to be a test supervisor. Where the test supervisor is an external agent, an Instrument of Authorisation by reference to an Office would normally be used to allow the agent’s various employees to work at different times.

To ensure the validity of testing, it is important that you sign-off the Instrument of Authorisation. This means sign-off by:

- The “designated director/manager” in the case of a corporation
- You, in the case of an individual operator
- The relevant partners in the case of a joint accreditation.

- 4 You must also personally issue each test supervisor with a Certificate of Authorisation. A test supervisor must show his/her certificate of authorisation to any person required to undergo a test, if requested to do so. The Certificate of Authorisation can be a specifically designed card or certificate, or simply, a signed copy of the test supervisor’s Instrument of Authorisation (see above).

Failure to formally authorise test supervisors by an Instrument of Authorisation or to issue them with a Certificate of Authorisation (if required) will make the results of any subsequent test invalid.

Tools 1. Sample Test Supervisor Assessment (Pro-forma 5.1)

10.3 Sample Test Supervisor Assessment (Pro-forma 5.1)

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Bloggs' Buses Test Supervisor Assessment

Name of Test Supervisor:			
Position:			
Workplace:			
Date of Assessment:		Signature:	

Topic	Tick if test supervisor understands
1. Test supervisor understands legal requirements for drug and alcohol testing:	
• who is a bus safety employee?	
• when testing is permitted (on duty/before commencing duty)	
• when testing is mandatory (i.e. after a notifiable incident)	
• when testing is risk-based (e.g. random, suspicion-based, or after a less serious incident)	
• breath testing device must comply with AS 3547	
• breath analysis is undertaken by police	
• breath test indicates BAC	
• breath analysis confirms BAC	
• confirmatory urine sample analysis needed if initial screening indicates drugs	
• approved laboratories for urine analyses	
• notifying Transport for NSW of positive tests and test refusals	
• notifying Transport for NSW of actions taken or proposed to be taken in response to positive tests and refusals	
2. Test supervisor understands Bloggs' Buses drug and alcohol policy and testing arrangements.	
• drug and alcohol limits	
• procedure for testing	
• requirements for sobriety assessment	
• assistance available for employees with drug/alcohol problems	
• remedial action for positive tests or refusal to undergo a test (including sanctions and counselling)	
• privacy requirements for employee/testing information	

3.	Test supervisor understands how to collect and transport urine samples in accordance with AS/NZS4308:2008			
	•	location of collection site		
	•	privacy of collection site		
	•	security of collection site		
	•	access by other officers		
4.	Integrity of Specimens			
	•	chain of custody arrangements for urine: time place and each person handling specimen must be documented (using form in AS4308)		
	•	use of colouring agents		
	•	identification of donor		
	•	integrity of sample: volume and temperature		
	•	inspection of sample		
	•	secondary sample		
	•	sealing of samples		
5.	Preparation and Transportation to an approved laboratory			
	•	labelling of specimen		
	•	record keeping		
	•	signature of officer		
	•	chain of custody form		
	•	security of containers		
Comments:				
Name of Assessor:				
Position:				
Signature:			Date	

10.4 Sample Test Supervisor Instrument of Appointment (Pro-forma 5.2)

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Bloggs' Buses Test Supervisor Instrument of Appointment

PASSENGER TRANSPORT (GENERAL) REGULATION 2017, clause 131

INSTRUMENT OF AUTHORISATION OF TEST SUPERVISOR

John Smith OR The holder, from time to time of the position of: *Operations Manager*

(EITHER the name of the person being authorised OR the title of the office/position being authorised)

is, by this instrument, authorised to exercise the functions of a Test Supervisor under the *Passenger Transport (General) Regulation 2017* in respect of public passenger services operated by:

Bloggs' Buses Pty Ltd

(Name in which accreditation is held)

BILL BLOGGS

* Name of person signing off on authorisation

I am (tick one only)

- ☐ the proprietor (for individuals or partnerships) or
- ☐ a designated director/manager (for corporations)

18 April 2012

(signed)

(date)

11. Step 6 Drug and Alcohol Testing

11.1 What is required?

You are to have adequate arrangements in place for drug and alcohol testing of bus safety employees. Bus safety employees may be tested when they are:

- On duty for bus safety work
- About to carry out bus safety work.

A bus safety employee is “about to carry out bus safety work” if he/she has left home but has not yet commenced duty.

A bus safety employee can only be required to undergo a test by:

- A test supervisor authorised by the operator (see Step 5)
- An authorised officer of Transport for NSW
- A police officer (in certain circumstances).

11.2 Mandatory Notifiable Incident Testing

ALL operators are required to ensure that any bus safety employees involved or reasonably suspected of being involved in a notifiable incident while carrying out bus safety work are required to undergo a test within 4 hours of the incident occurring. A notifiable incident is defined in the Glossary.

Testing is not mandatory for less serious incidents, i.e. those that are not notifiable incidents. Such incidents may include minor body damage, and damage to lights or side mirrors that did not prevent the public passenger bus from continuing its journey (including returning to its depot) or in cases where the incident did not involve anyone being injured. An example of such an incident could include a collision involving a bus and a kangaroo where no person was injured. However, your drug and alcohol program may specify less serious incidents as triggers for risk-control testing (see below).

You can arrange with the Police to conduct testing after any accident or irregular incident, including “notifiable incidents” but, in any case, testing must take place within 4 hours of the incident.

A copy of the agreed protocol between Transport for NSW and NSW Police Force is attached as Pro-forma 6.2. The Protocol details the circumstances in which Police assistance will be provided. Further information regarding Police assistance is detailed in the Question and Answer section (see Appendix 2).

11.3 Risk Control Testing

You need to determine whether risk-control testing is necessary according to your risk assessment (see Step 1). Risk-control testing can include:

- **Testing for cause** (when an operator suspects drug or alcohol use)
- **Random testing** (where bus safety employees are selected at random to be tested, eg the commencement of a shift)
- **Post-incident testing** (after a less serious accident or irregular incident), ie an incident which is not a notifiable incident.

11.4 How to implement this requirement

- 1 You will need to determine when testing will occur. Testing is mandatory for bus safety employees involved in a “notifiable incident” while carrying out bus safety work (see above), so your testing arrangements will need to include procedures/protocols to ensure this takes place (see Pro-forma 6.1). This may mean having contingency plans (eg with police/test agencies) if you operate services in remote locations.
- 2 In addition, you need to determine whether your organisation requires risk-control testing. This decision must be based on the drug and alcohol risks identified in your risk assessment (see Step 1).

For many smaller operators risk-based testing might only be necessary if the operator suspects a bus safety employee of being under the influence of drugs or alcohol (“testing for cause”). Alternatively, for larger operators, the risk assessment might indicate that a program of random testing is necessary. You should include your policy on risk-control testing in your testing arrangements (Pro-forma 6.1) and in your employee education and awareness arrangements (see Step 4).
- 3 Drug and alcohol testing can only be conducted by a person who understands the requirements and is capable of carrying out the testing according to the correct procedures. This would include, for example:
 - A police officer (either at your request or when attending an incident of their own accord)
 - An external testing agent (under the direction of a test supervisor)
 - A member of your staff (under the direction of a test supervisor).

Note: A breath analysis would normally only be conducted by a police officer at a police station. Blood samples can only be taken at a hospital and only by a medical practitioner (or a nurse accredited by the hospital if there is no medical practitioner available) (see below).

- 4 You need to determine how testing will occur. Testing may be by breath testing, urine sample analysis and/or blood sample analysis.

11.5 Breath Tests

- 5 Breath tests may only be conducted using a “breath testing device” that complies with AS 3547:1997 Breath alcohol testing devices for personal use. A breath test is the initial test that needs to be done to check whether an employee might be PCA (i.e. on or over the 0.02 BAC limit). It is normally done on-site.
- 6 If no breath testing device is available (e.g. if the device is currently being calibrated) you can require the employee to submit to a sobriety assessment. A sobriety assessment is a process to assess whether a person appears to be under the influence of alcohol or other drugs by looking for alcohol or drug symptoms (e.g. dilated pupils, jaw clenching). It could also involve an employee carrying out a simple task, such as walking in a straight line, touching his or her nose, etc.
- 7 If a breath test or sobriety assessment indicates that the person might be PCA, the test supervisor can direct the person to attend a police station to undergo a breath analysis. A breath analysis confirms the level of alcohol in his/her blood and is done using a breath analysing instrument. You will need to ensure that arrangements are in place with the local police for any breath analyses that need to be conducted (see Pro-forma 6.2). If a person undergoes a breath test after a notifiable incident and the breath test indicates PCA, you must ensure that he/she undergoes a breath analysis to ascertain the concentration of alcohol in his/her blood.

If no breath analysing instrument is available, the employee may be asked to provide a blood sample.

11.6 Urine Sample Analysis

- 8 An initial analysis of a sample of urine is carried out to indicate whether the sample contains drugs. This initial analysis can be done:
- On-site, using an on-site drug screening device
 - At any approved laboratory.
- 9 Collection and analysis of urine must be conducted in accordance with AS/NZS 4308:2023: Procedures for the collection, detection and quantitation of drugs of abuse in urine, by persons who are appropriately accredited and trained to the Standard. Under AS/NZS 4308:2023 urine samples are tested for the following five classes of drug:
- Cannabis
 - Cocaine
 - Amphetamines (including methamphetamines)
 - Opiates (including heroin)
 - Benzodiazepines (barbiturates and sleeping tablets)
- An active compound for opiates is codeine. Codeine is also found in many over-the-counter drugs such as cough and cold medicines. An employee using these legal drugs may register a positive reading to opiates in the initial analysis of a urine sample. Confirmatory analysis of urine samples will confirm the presence and the exact type of drugs taken (e.g. whether the presence of codeine is due to the use of a legal or illegal drug). Information on how to respond to an initial positive drug sample is provided in Step 7.
- 10 Where an initial screening test of a urine sample indicates drugs, the sample must be sent to an approved laboratory for confirmatory analysis to confirm the presence and type of drugs.

11.7 Blood Sample Analysis

- 11 A bus safety employee can be required to provide a blood sample if he/she:
- Is required to undergo a breath analysis (following a positive breath test) but there is no breath analysing instrument available
 - Has tested negative in a breath test but the test supervisor has a reasonable suspicion of drugs following a sobriety assessment (or the employee refuses to submit to the sobriety assessment)
 - Is in hospital after being involved in an accident while carrying out bus safety work.
- 12 A blood sample can only be taken at a hospital. It can only be taken by a medical practitioner or, if there is no medical practitioner available, by a nurse accredited by the hospital.

11.8 Notification of Positive Tests

- 13 You must notify Transport for NSW within 48 hours of any of the following concerning any of your bus safety employees:
- A blood sample analysis confirming drugs or alcohol
 - A confirmatory urine sample analysis confirming drugs or alcohol
 - A breath analysis confirming alcohol
 - A refusal or failure to undergo a breath test, a breath analysis or to provide a urine or blood sample when lawfully required.
- 14 Further information on how to notify Transport for NSW is found in Step 8.

- Tools**
1. Sample Drug and Alcohol Testing Arrangements (Pro-forma 6.1)
 2. Police Protocol for Testing Bus Safety Employees (Pro-forma 6.2).

Further Information:

1. Question and Answers (see Appendix 2).

11.9 Sample Drug and Alcohol Testing Arrangements (Pro-forma 6.1)

THIS PROFORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Bloggs Buses' Drug and Alcohol Testing Arrangements

Bloggs' Buses will require any bus safety employee involved in a notifiable incident while carrying out bus safety work to undergo a breath test or provide a urine sample. Testing will take place within 4 hours of the incident. A notifiable incident is an accident or incident involving a bus that resulted in:

- Death of a person
- Any injury to a person which the operator reasonably considers requires hospital treatment
- Where the bus is unable to continue its journey
- One that the operator reasonably believes is likely to arouse serious public concern.

In addition, bus safety employees may be required to undergo a test:

- As part of management's general program of random testing
- After any other accident or irregular incident
- When management suspects that an employee might be affected by drugs or alcohol.

Tests will be undertaken using a breath testing device, or by taking a urine sample or, in special circumstances, by having a blood sample taken at a hospital.

Self-reporting

1. Bloggs Buses requires bus safety employees to self-report if they believe they may be unfit for duty because of the use of alcohol or drugs, including over-the-counter medications.
2. If an employee self-reports drug or alcohol use prior to commencing a shift, the Supervisor will explain the organisation's policy on drug and alcohol use and send the employee home on sick leave for the day.

Breath Testing

1. Initial breath tests will be conducted using a breath-testing device, which complies with AS 3547: Breath alcohol testing devices for personal use.
2. Where a breath testing device is not readily available a test supervisor may require the employee to undergo a sobriety assessment. A sobriety assessment could involve an examination of the employee for drug symptoms (e.g. dilated pupils, jaw clenching) or requiring the employee to undergo a test such as walking in a straight line, touching their nose with their finger, etc.
3. If it appears from the initial breath test or sobriety assessment that the prescribed concentration of alcohol may be present in the employee's blood the test supervisor may arrange for the employee to submit to a breath analysis. This breath analysis will be conducted by a police officer at the police station in line with Bloggs' Buses arrangements with the local police.

4. Where a breath analysis is carried out the test supervisor will ensure that the employee is provided with a written statement indicating:
 - The concentration of alcohol (if any) as determined by the breath analysis
 - The time and date the breath analysis was completed.
5. An employee who is required to undergo a breath analysis may request the test supervisor (or police officer) to arrange for a blood sample to be taken by a medical practitioner. This sample is to be taken in the presence of the test supervisor or police officer and is to be paid for by the employee.

Urine Samples

1. Urine samples will be collected and transported in accordance with AS/NZS 4308:2023: Procedures for the collection, detection and quantitation of drugs of abuse in urine. All persons collecting and testing urine samples shall hold the appropriate training and accreditation to AS/NZS4308.
2. Initial testing of urine samples may be undertaken:
 - At the workplace using an on-site drug screening device
 - By an approved laboratory.
3. If the initial urine test indicates the presence of drugs, the urine sample **MUST** be sent to an approved laboratory.

Blood Samples

The collection of blood samples may be required in the following circumstances:

- Where a bus safety employee is in hospital as a result of an accident while carrying out bus safety work
 - Where a breath test indicates PCA but no breath analysing equipment is available to confirm the alcohol concentration
 - Where a breath test does not indicate PCA, but a sobriety assessment has been undertaken and the test supervisor suspects drug use.
2. Any blood sample shall be taken in a hospital under the direction of a medical practitioner. Where no medical practitioner is available, the sample may be taken by a registered nurse who is accredited as competent to perform the sampling procedures.
 3. A test supervisor (or police officer) who is provided with a sample of blood shall:
 - Place the sample in a security box
 - Lock the box
 - Arrange for the transport of the sample for analysis to the approved laboratory

Records and Remedial Action

1. Bloggs Buses will use the Testing Record of Transport for NSW to keep records of all drug and alcohol tests carried out.
2. Where an employee refuses or fails to undergo a test, or where a breath analysis, confirmatory analysis of a urine sample or a blood sample (as the case may be) confirms the presence of drugs or alcohol, we will:

- Notify Transport for NSW (as required by law)
- Activate our Drug and Alcohol Remedial Action Procedure in relation to the employee.

Privacy

Transport for NSW must be notified within 48 hours of:

- Breath analyses confirming PCA
- Confirmatory urine or blood analyses showing the presence of drugs
- Refusals to be tested.

Transport for NSW must also be advised of action taken or proposed to be taken in response. However, in all other circumstances the confidentiality of any records and discussions with staff relating to drug or alcohol misuse or drug or alcohol problems will be protected. Bloggs Buses will ensure that:

- All formal discussions we have with an employee in relation to drug and alcohol use will be kept private
- Case notes concerning an employee will be kept on his/her personal file and will not be shown to any other Manager or employee without the employee's consent
- Only persons with a legitimate right to know will be advised of the circumstances of each case
- No one (including an employee representative) will be given access to information on the case without the express consent of the person involved.

Signature: _____ Date:

Proprietor/Managing Director

11.10 Police Protocol for Testing Bus Safety Employees (Pro-forma 6.2)



**Transport
for NSW**



Protocol for Police Breath Testing and Breath Analyses under the Passenger Transport (General) Regulation 2017

What is the purpose of this Protocol?

The *Passenger Transport (General) Regulation 2017* requires bus operators in NSW to ensure “bus safety employees” undergo drug and/or alcohol testing in certain circumstances.

This Protocol provides guidance to police officers to assist bus operators with breath testing and breath analyses of bus safety employees.

Who is a “bus safety employee”?

A bus safety employee is an employee of an accredited bus operator who is involved in:

- Work related to the driving or other operation of a bus, the loading or disembarking of passengers from a bus or the movement of buses,
- Work related to the repair, maintenance or upgrading of buses, bus terminals or bus maintenance facilities,
- Work involving the development, management or monitoring of safe working systems for public passenger services carried on by means of buses.

Bus drivers, mechanics, maintenance personnel, auto electricians and similar occupations may be included as bus safety employees.

What type of Testing will Police be involved in?

Under the Regulation police officers can require a bus safety employee to undergo both drug and alcohol tests. This Protocol applies only to alcohol testing; i.e. police officers will only be involved in breath testing and breath analyses on behalf of bus operators.

When are the police likely to become involved?

Police may be involved in breath testing and breath analysing bus safety employees in the following circumstances:

- Testing a bus driver on a public road;
- Testing a bus driver or other bus safety employee at a bus depot;
- Undertaking a breath analysis, following a positive breath test/sobriety assessment undertaken by the operator.



These situations are described in more detail below:

1. Police Testing a Driver on a Public Road

Police have power under both the *Passenger Transport (General) Regulation* and the *Road Transport (Safety and Traffic Management) Act* to request a bus driver to submit to a breath test. In cases where the bus driver is on a public road, police will conduct any breath test in accordance with the *Road Transport (Safety and Traffic Management) Act* as per current practice. Where the initial breath test indicates a positive reading, police will undertake a breath analysis as per current practice.

Under clause 133 of the *Passenger Transport (General) Regulation 2017*, the bus operator has a legal obligation to notify Transport for NSW where a driver tests positive to a confirmatory police breath analysis. **To enable bus operators to meet that obligation police will furnish the bus operator with the results of both the breath test and the breath analysis where a positive breath analysis result is registered.**

2. Police testing a driver or other bus safety employee at a bus depot

Bus operators have an obligation to ensure bus safety employees are tested whenever a notifiable incident involving a bus occurs. Such incidents may occur in places other than a public road, eg at the bus operator's depot. In some circumstances, bus operators (particularly smaller operators) may not have the necessary breath testing equipment and may call upon the police to attend the scene of the incident to administer a breath test.

In cases where the breath test (whether administered by the police or the operator themselves) is positive, police may be called upon to administer a breath analysis. Police need to ensure that both the breath test and breath analysis are undertaken within 4 hours of the incident.

Where the breath analysis is positive, police officers should furnish the bus operator with the results of both the initial breath test and confirmatory breath analysis to enable the operator to notify Transport for NSW as per (1) above.

3. Police undertaking a breath analysis, following a positive breath test/sobriety assessment by the operator.

Bus operators may test drivers and other bus safety employees in circumstances other than a notifiable incident e.g., where the employee is suspected to be under the influence of alcohol. While breath testing such employees will be primarily the operator's responsibility, police may be called upon to administer a breath analysis where an employee tests positive to an initial breath test or sobriety assessment. In such circumstances, bus operators may attend a police station with a request to perform a breath analysis on a transport safety employee. In such cases, police will provide assistance as appropriate.

Where the breath analysis is positive, police officers should furnish the bus operator with the results of the breath analysis to enable the operator to notify Transport for NSW as per (1) above.

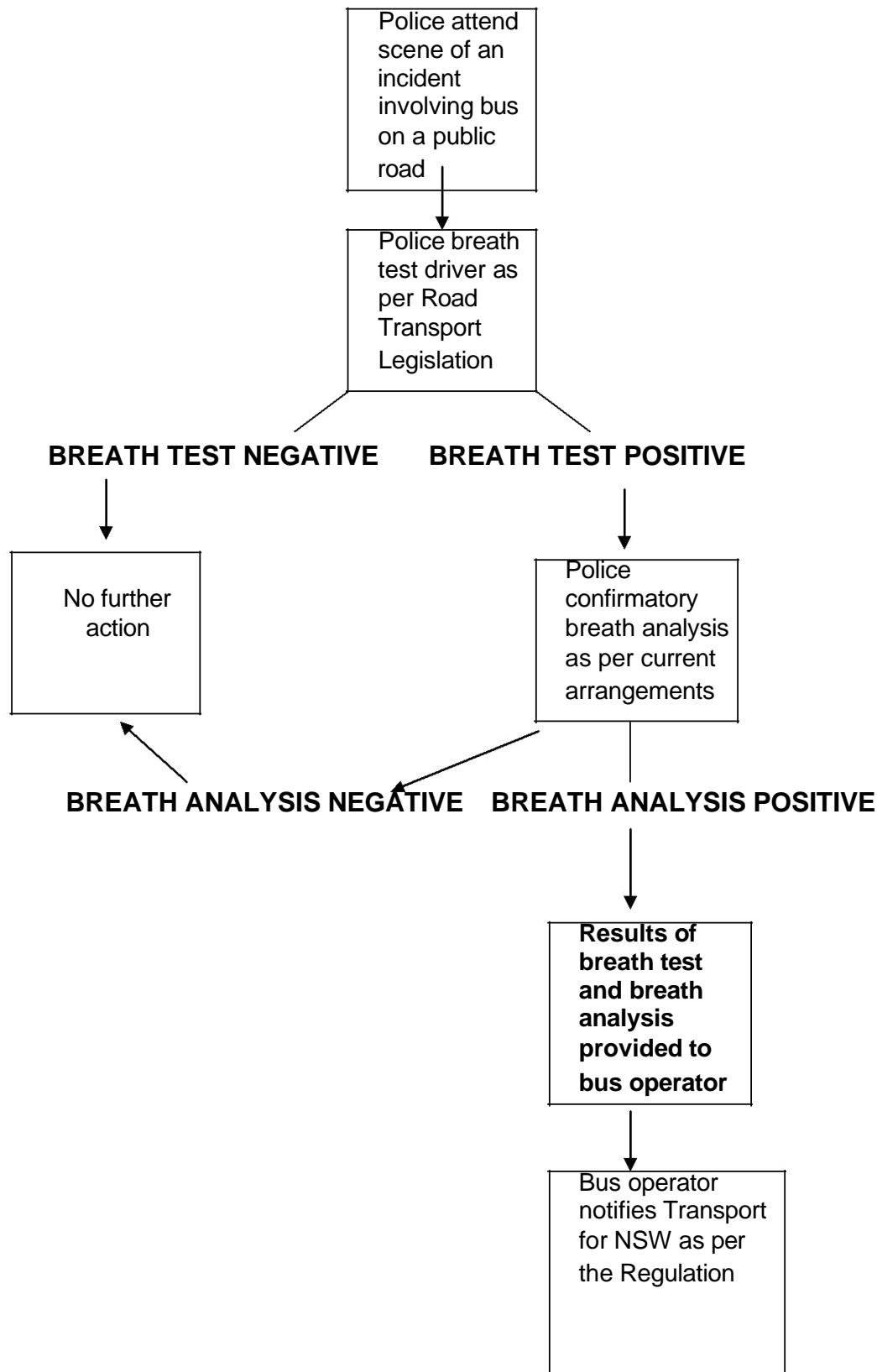


Diagram 1 - Police Testing Bus Driver on a Public Road

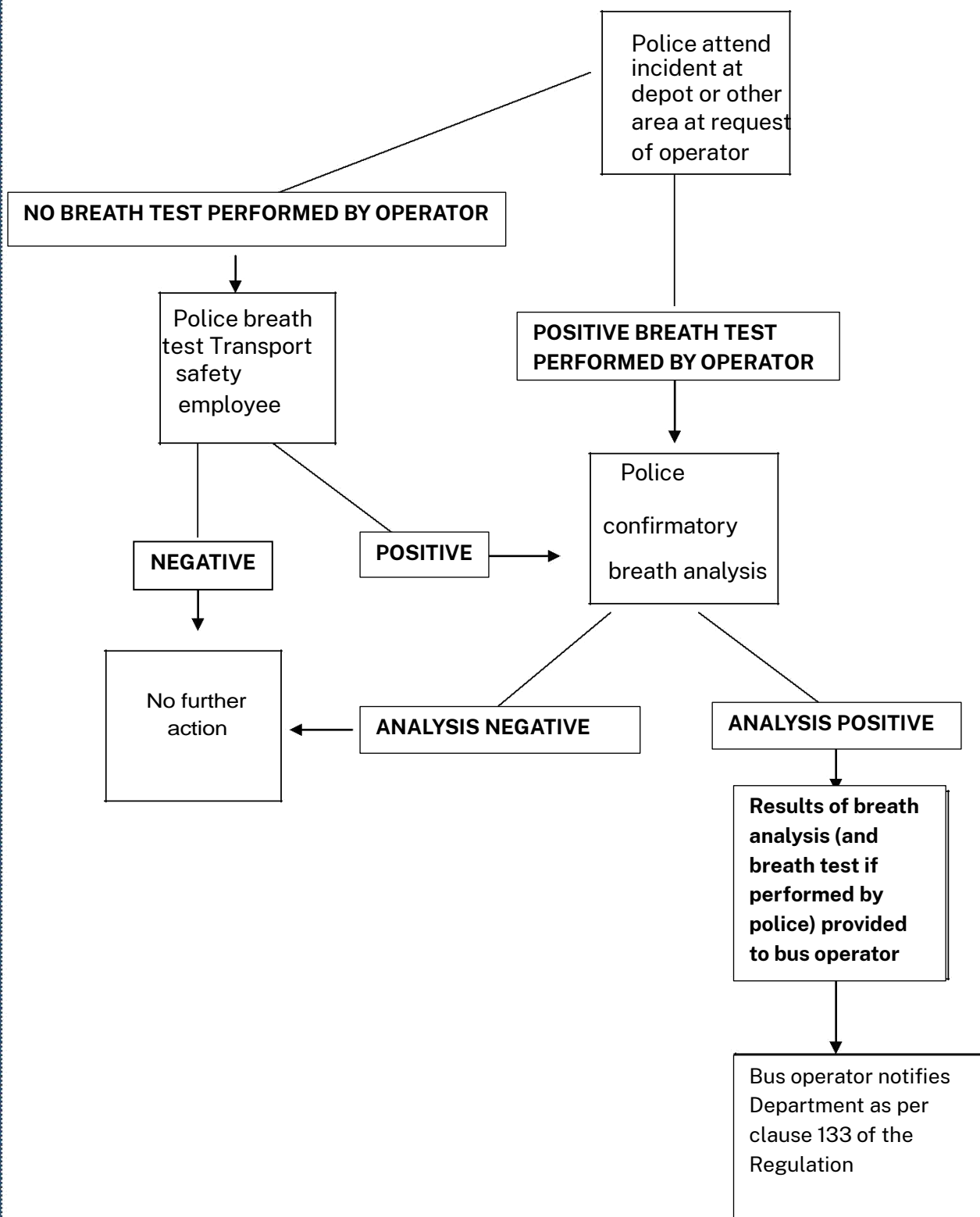


Diagram 2 – Police testing driver or other bus safety employee at bus depot

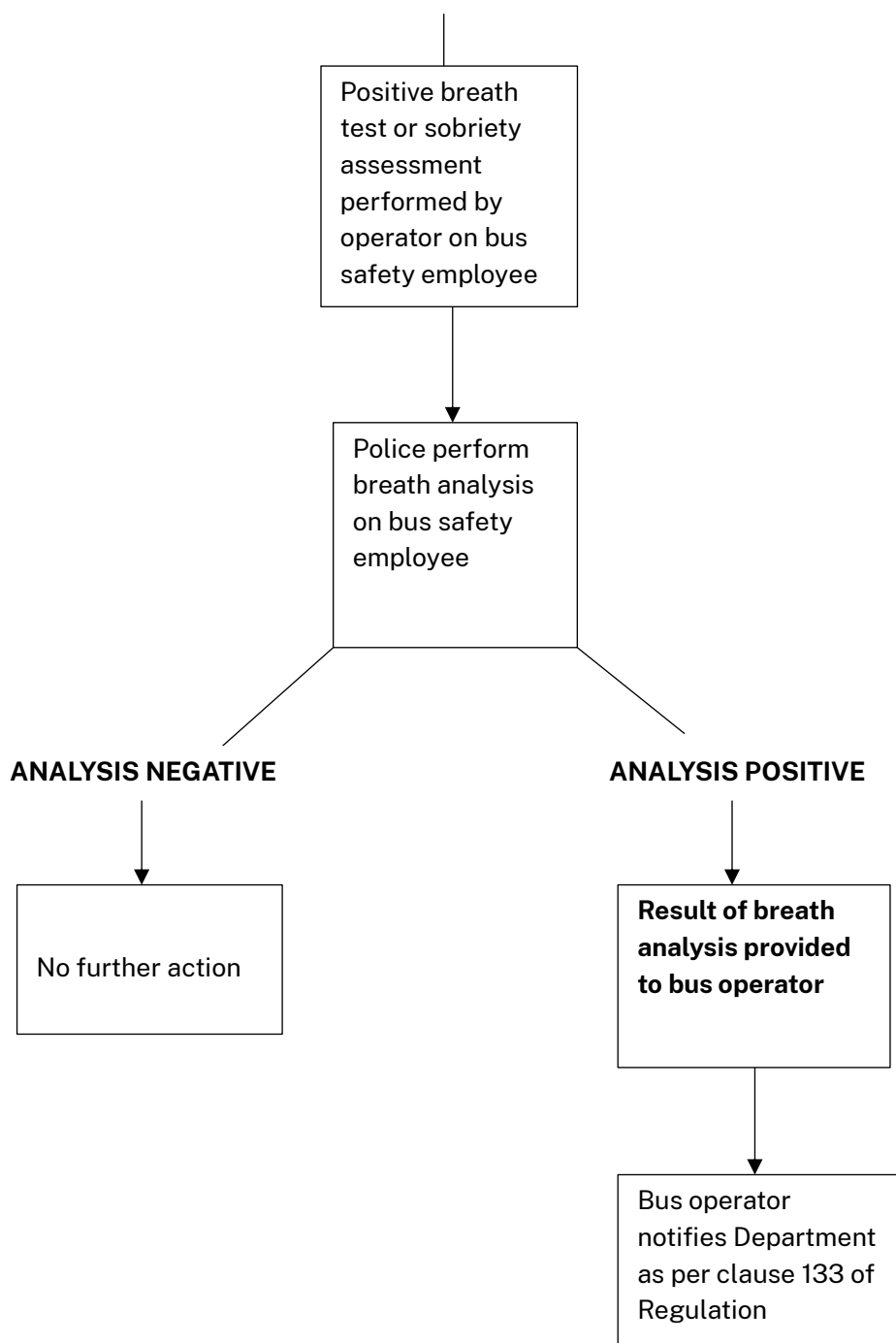


Diagram 3 – Police undertaking breath analysis, following positive test/sobriety assessment by bus operator

4. Who is the contact for this Protocol?

The contact in Transport for NSW for the purpose of the Protocol is the Team Leader Scheme Review, who can be contacted by:

T 02 67329101

F 02 88746085

E Schemereview@transport.nsw.gov.au

12. Step 7 Remedial Action and Assistance

12.1 What is required?

A fundamental principle of the Drug and Alcohol Guidelines is that drug and alcohol problems are to be dealt with as health and safety matters, and resolved with an emphasis on education and assistance; as far as this is consistent with the safe operation of bus services.

Your drug and alcohol program must include arrangements for dealing with drug and alcohol problems and misuse. These could include:

- Drug and alcohol counselling, treatment and rehabilitation
- Disciplinary action (and other sanctions)
- Appropriate leave (eg sick leave, leave without pay, annual leave, etc)
- Alternative work arrangements.

It is up to you to decide how to structure your supporting measures. However, you need to treat drug and alcohol misuse and drug and alcohol problems, as far as possible, as a health issue, with an emphasis on education and assistance.

12.2 How to implement this requirement

- 1 You need to develop remedial action and assistance procedures which set out:
 - When and how assistance will be provided for employees with drug and/or alcohol problems
 - The actions (such as sanctions) to be taken when employees fail to comply with the requirements of your Program.

Pro-forma 7.1 provides a sample of what these procedures may look like.

- 2 In developing procedures, you need to take into account:
 - Whether a bus safety employee's drug or alcohol problem or misuse was self-reported (employees who self-report have taken a positive step toward improving safety and this should be acknowledged when determining appropriate action)
 - The extent of an employee's drug and alcohol problem
 - Whether an employee's drug and alcohol misuse was a 'one-off' event or has occurred on subsequent occasions
 - Whether an employee's positive result relates to an illegal drug, or a drug taken for medicinal purposes
 - Where the drug detected was taken for medicinal purposes, whether the employee gave sufficient notice that he/she needed to take the drug.
- 3 Urine testing involves both initial testing and confirmatory analysis of samples. As noted in Step 6, codeine is an active compound in both illegal drugs like heroin, and some legal painkillers and cold medicines. Where codeine is detected in an initial test, confirmatory analysis will determine whether the employee has consumed legal or illegal drugs.

It can sometimes take a few days to receive the confirmatory analysis report from the

approved laboratory. Your remedial action procedures, therefore, need to set out the action to be taken when an employee initially tests positive to codeine, but you have not yet received the confirmatory analysis report (see Pro-forma 6.1).

- 4 Procedures should ensure the privacy of employees tested or self-reporting, and the confidentiality of records generated by the process.

12.3 Sample Remedial Action and Assistance Procedure (Pro-forma 7.1)

Bloggs Buses' Drug and Alcohol Remedial Action and Assistance Procedure

Purpose

The *Passenger Transport Act 1990* requires Bloggs' Buses to:

- Prepare and implement a drug and alcohol program for our bus safety employees, and
- Ensure that our bus safety employees are not under the influence of drugs or alcohol when about to carry out, or while on duty for bus safety work.

This procedure outlines how Bloggs' Buses deals with drug and alcohol use affecting the workplace.

Privacy

We are required by law to notify Transport for NSW, within 48 hours of:

- Breath analyses confirming PCA
- Confirmatory analyses showing the presence of drugs
- Refusals to be tested
- Actions taken or proposed to be taken in response.

In all other circumstances the confidentiality of any records and discussions with staff relating to drug or alcohol misuse or drug and alcohol problems will be protected. Bloggs Buses will ensure that:

- All formal discussions we have with an employee in relation to drug and alcohol use are kept private
- Case notes about an employee are kept in his/her personal file, and are not shown to any other Manager or employee without the employee's consent
- Only persons with a legitimate right to know are advised of the circumstances of each case
- No one (including an employee representative) is given access to information on the case without the express consent of the employee involved.

Scope

The procedure sets out arrangements for dealing with:

- Drug and alcohol misuse that is self-reported
- Drug and alcohol misuse that is detected through testing
- Drug and alcohol problems that are self-reported.

Drug and alcohol misuse that is Self-reported

1. Bloggs Buses requires employees to self-report if they believe they may be unfit for duty because of their use of drugs or alcohol. This includes reporting their use of prescription or "over the counter" medications which may affect their fitness for duty.
2. This arrangement will apply when a bus safety employee self-reports drug or alcohol use prior to commencing a shift.

3. The employee will be reminded of the organisation's drug and alcohol policy, particularly the obligation to self-report, and will be required to undergo a drug or alcohol test before being permitted to carry out bus safety work.
4. If a confirmatory analysis of a urine sample confirms a prescription or non-prescription medication, and its effect on the employee is not clear, we will ask him/her to obtain a medical report from his/her doctor or pharmacist outlining the drug's effects, before allowing him/her to carry out bus safety work.
5. If a breath analysis confirms PCA or if a confirmatory analysis of a urine sample confirms illegal drugs, he/she will be:
 - Given an opportunity to explain the circumstances of the drug/alcohol use
 - Informed that the matter is to be noted on his/her personal file.
6. If the employee continues to report for work after having used drugs or alcohol, stronger action will be considered. This could include:
 - Re-training in drug and alcohol awareness
 - Counselling from one of the organisations listed in the Drug and Alcohol Program Handbook published by Transport for NSW.
 - A range of leave options, including unpaid leave
 - Formal workplace disciplinary action.

Drug and alcohol misuse detected through testing

1. This arrangement applies when drug or alcohol misuse is detected through testing.
2. The employee will be reminded of our drug and alcohol policy, particularly the obligation to self-report drug and alcohol use and drug and alcohol problems. He/she will not be permitted to carry out bus safety work until we are satisfied that he/she is not under the influence of drugs or alcohol.
3. If illegal drugs or PCA are confirmed, he/she will be:
 - Given an opportunity to explain the circumstances of the drug/alcohol misuse
 - Informed that the matter is to be noted on his/her personal file
 - Required to seek professional assistance from one of the support groups or organisations listed in the Handbook on Drug and Alcohol Programs.
4. If a prescription or non-prescription medication is confirmed, and its effect on the employee is not clear, we will ask him/her to obtain a medical report from his/her doctor or pharmacist outlining the drug's effects, before allowing him/her to carry out bus safety work.
5. Item 3 of this arrangement will apply if the employee refuses or fails to submit to a breath test, a breath analysis or to provide a urine or blood sample when lawfully required, unless the employee can demonstrate medical grounds for refusing the test.

Drug and alcohol problems that are self-reported

1. Bloggs Buses requires employees to self-report if they believe they may be unfit for duty because of their use of drugs or alcohol. This includes informing us if they have a drug or alcohol problem, such as a dependence on alcohol, illegal drugs, or prescribed or over-the-counter medications.
2. This arrangement will apply when a bus safety employee self-reports a drug or alcohol problem.
3. Appropriate support arrangements for the employee will be discussed, and he/she will be required to seek professional assistance from his/her doctor or one of the support groups or organisations listed in the Drug and Alcohol Program Handbook published by Roads and Maritime Services. Contact with these organisations will remain strictly confidential.
4. If the employee does not abide by the above arrangements, stronger action will be considered. This could include:
 - Re-training in drug and alcohol awareness
 - A range of leave options, including unpaid leave
 - Formal workplace disciplinary action.

Signature: _____ Date: _____

Proprietor/Managing Director

13. Step 8 Notification and Record Keeping

13.1 What is required?

You are required to notify Transport for NSW within 48 hours of becoming aware of any of the following events:

- Any breath analysis confirming the presence of alcohol in the blood of a bus safety employee
- Any confirmatory analysis confirming the presence of drugs in the urine of a bus safety employee
- Any analysis of blood confirming the presence of alcohol or drugs in the blood of a bus safety employee
- Any bus safety employee who, when required to do so under the Regulation, fails to undergo a breath test, a breath analysis or provide a sample of blood or urine.

Notification is required for confirmatory tests, not screening or indicative tests such as breath tests. For example, a breath test can only indicate that an employee may be on over 0.02 but it does not confirm PCA. A breath analysis (normally conducted at a police station) will confirm the concentration of alcohol present in the employee's blood. You are required by law to notify Transport for NSW when the breath analysis indicates a PCA reading, or when a confirmatory analysis of a urine sample indicates the presence of drugs.

Importantly, your test notification needs to show the results of both the initial breath test or urine sample screening test AND the breath analysis or confirmatory urine sample analysis. This is necessary to ensure that the results of the testing can be used as evidence in a prosecution.

Use the approved form for notifications. A copy is included at Pro-forma 6.1.

You must also notify Transport for NSW of the action you take (or propose to take) in response to the positive test or test refusal. The notification form provides space for these details.

Failure to notify Transport for NSW may result in action being taken against your accreditation, which could involve a prosecution resulting in a fine of up to \$55,000.

13.2 How to implement this requirement

1 As you begin to implement your drug and alcohol testing arrangements you must ensure that Roads and Maritime Services is notified of all bus safety employees who:

- Test positive to drugs (as shown in a confirmatory urine sample analysis)
- Test positive to alcohol (i.e. having a BAC on or over 0.02 as shown in a breath analysis)
- Refuse or fail to undergo a breath test, a breath analysis or provide a blood or urine sample when required.

2 You should use the Test Notification form.

3 You also need to maintain records on your drug and alcohol program more generally. These records should be kept for at least 5 years and may be audited by Roads and Maritime Services at any time. Such records could include:

- When testing took place

- Whether the test was as a result of a “notifiable incident”
- How many employees were tested
- How those tests were taken (e.g. breath test or urine sample)
- The results of those tests and the test supervisor/s involved.

4 To assist this process a sample Testing Record has been included as Pro-forma 8.2.

13.3 Drug and Alcohol Test Notification Form

Insert current form here:



Drug and Alcohol Testing - Test notification Form Public Passenger Vehicle Driver

Instructions

1. Use this form to notify Transport for NSW of bus safety employees (also known as transport safety employees who perform bus safety work) who test positive to a confirmatory test for drugs or alcohol or who refuse or fail to submit to drug and alcohol testing when lawfully required. Operators are required by law to notify these matters to Transport for NSW.

A Positive Confirmatory Test includes in the case of:

- **Alcohol** - 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.

2. A test notification must be made within 48 hours of the operator become aware of the event. Send your **completed** test notification form to Transport for NSW by email to schemereview@transport.nsw.gov.au

3. This form can be downloaded from www.rms.nsw.gov.au

Operator Information

Name in which accreditation is held:

Accreditation number

Contact officer

Phone

Email address

Signature

Date

day	/	month	/	year
-----	---	-------	---	------

Bus safety employee information

Name of bus safety employee

Occupation

Mechanic ☐

Bus Driver ☐

▶ Driver Authority Number

Other ☐

▶ Please specify

Test details

Testing Supervisor (name)

Date of test

day	/	month	/	year
-----	---	-------	---	------

Location of test

In depot ☐

On-road ☐

Other ☐

▶ Please specify

Confirmed positive test results

Breath analysis ☐

Confirmed PCA reading ☐

Urine analysis ☐

Confirmed presence of drug/s ☐

Blood analysis ☐

Confirmed PCA reading ☐

Confirmed presence of drug/s ☐

Refuse/fail to undergo

Breath test ☐

Breath analysis ☐

Sobriety assessment ☐

Refuse/fail to provide

Urine sample ☐

Blood sample ☐

Test type

Random (before sign-on) ☐

Random (after sign-on) ☐

Targeted (specify reason for test in the additional information section on the back of this form)

After a notifiable incident incl:

injury to a person ☐

After less serious incident ☐

bus prevented from ☐

continuing its journey

(specify incident type eg

minor collision between

two buses in depot

is likely in the opinion of ☐

the operator to arouse

public concern

Actions

1. You must:

- For any **positive test**, attach a copy of the certificate of the breath analysis, or the report of the urine or blood sample analysis to this notification;
- For any **refusal/failure to undergo testing**, provide an outline of the circumstances involved (including names of witnesses) on the back of this form;
- Outline the action you have taken, or that you propose to take, in relation to the bus safety employee who is the subject of this notification (eg counselling, suspension from duty etc) on the back of this form.

2. You must give a copy of this notification to the bus safety employee who is the subject of this notification.

This information is collected and dealt with in accordance with the *Privacy and Personal Information Protection Act 1998*.

Drug and Alcohol Testing - Test Notification Form continued

Details of any refusal or failure to undergo testing

[illegible]

Names of witness/witnesses to the refusal

[illegible]

Action that you have taken, or that you propose to take, in relation to a bus safety employee who is the subject of this notification

[illegible]

Additional information (if required)

[illegible]

If you have reported this matter via the Bus Incident Management Database please include the Incident Number

--

13.4 Sample Testing Record

THIS PRO-FORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Pro-forma 8.2

BLOGGS BUSES' TESTING RECORD

ACCREDITATION NO

DATE OF REPORT

NAME OF TEST SUPERVISOR

Date of Test	Test Basis- Random Suspicion Incident	Type of Test- Breath Urine Blood	Number of employees who refuse to be tested	Number of Employees Tested	Number Testing Positive	Drug/s detected (Alcohol, Cannabis etc)	Date Roads and Maritime Notified	Remedial Action/ Comment

Signature

Proprietor (if individual or partnership) or Designated director/manager (if corporation)

Date

14. Step 9 Program Evaluation and Review

14.1 What is required?

As an accredited bus operator, you are required to review your systems, including your drug and alcohol program at least every year, and to commission an independent (third party) accreditation audit at least once during your three year accreditation term. Transport for NSW Safety Management System Guidelines and this Handbook provide further information on this audit process.

Transport for NSW recognises that some operators may not be able to finalise all aspects of their drug and alcohol program immediately. For that reason, the Guidelines allow operators to ask the Roads and Maritime to agree to “performance milestones” for those aspects of their drug and alcohol program that are yet to be implemented. If Transport for NSW agree to performance milestones it will specify a completion date for each milestone.

14.2 How to implement this requirement

- 1 Identify who will review your drug and alcohol program. In a small company with limited resources, the Proprietor may undertake this process. Other operators may prefer to assemble a team (for example, a small group of staff or managers) to undertake the review. Larger operators may prefer an external consultant.
- 2 Identify when the review will take place. Under accreditation conditions operators must audit their safety systems every year. You may choose to review your drug and alcohol program as part of this broader audit process or you may undertake the review as a separate process.
- 3 Conduct the review. The Drug and Alcohol Program Checklist (Pro-forma 9.1) can assist you in this process. On the basis of this review, determine which parts of your drug and alcohol program are working effectively and which still need work.

Where you wish to request Transport for NSW to consider “Performance Milestones”:

- 4 You need to advise Transport for NSW of any aspects of your drug and alcohol program that are yet to be finalised. Depending on the extent and nature of these matters Transport for NSW may agree to “performance milestones” for the implementation of these matters.
- 5 To request performance milestones you need to make a formal written submission to Transport for NSW:
 - Explaining the reasons that your program is not able to fully comply
 - Justifying why performance milestones are necessary in the circumstances
 - Setting out your proposed “milestones” and the expected completion dates

Submissions can be forwarded to Transport for NSW by email or mail.

By email to: schemereview@transport.nsw.gov.au

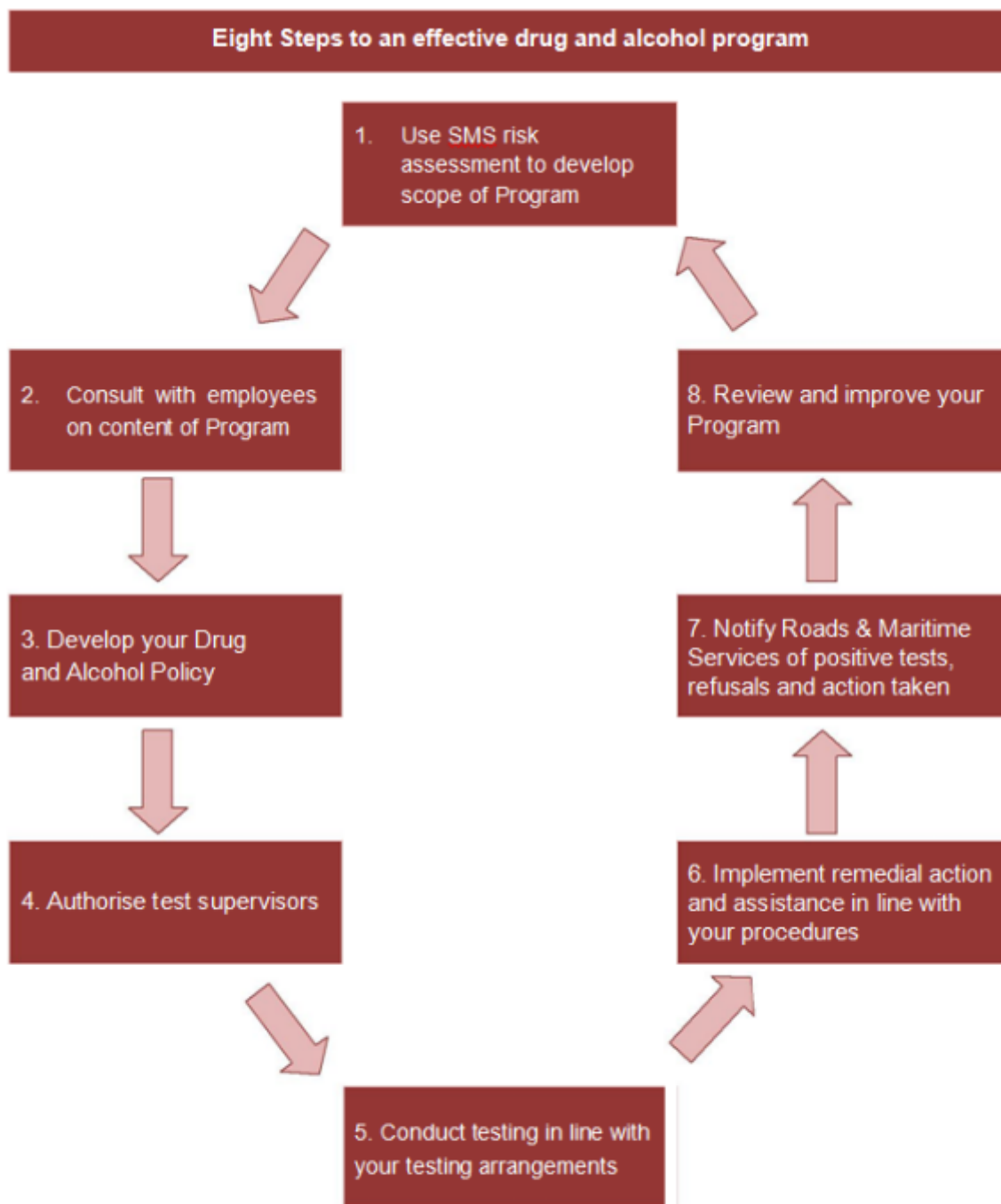
By mail to: PO Box 73, Glen Innes NSW 2370

Transport for NSW will then consider your submission and advise you of its decision.

Tools 1. Sample drug and alcohol program Checklist (Pro-forma 9.1).

14.3 Sample drug and alcohol program checklist (Pro-forma 9.1)

Appendix 1: Eight steps to an effective drug and alcohol program



THIS PROFORMA IS ONLY A SAMPLE. IF YOU USE IT, IT MUST BE TAILORED TO SUIT YOUR OWN DRUG AND ALCOHOL RISKS, CIRCUMSTANCES AND OPERATIONS.

Pro-forma 9.1

Bloggs Buses' Program Checklist

REQUIREMENT	YES/NO
1. Risk Assessment Drug and alcohol risks from SMS risk assessment used to determine scope and content of Program	
2. Consultation (a) Consultation with staff representatives on all aspects of Program (b) Records of consultation kept	
3. Drug and Alcohol Policy (a) Policy sets out objectives to address drug and alcohol risks (b) Policy sets out measures to achieve objectives (how Program will work) (c) Policy signed, dated and posted in prominent position	
4. Education and Awareness (a) Staff and managers understand: <ul style="list-style-type: none"> i. Rights and responsibilities under the law and the Program ii. Scope and limits of drug/alcohol prohibited in Program iii. Effects of these drugs on bus safety work 	
5. Test supervisors (a) Test supervisors assessed as competent, including for AS4308:2008 (b) Test supervisors authorised via Instruments of Authorisation (c) Test supervisors provided with Certificates of Authorisation	
6. Drug and Alcohol Testing (a) Testing arrangements properly provide for: <ul style="list-style-type: none"> i. mandatory testing after notifiable incidents ii. risk-control testing (random, suspicion-based or after less serious incident) where appropriate (b) Breath testing devices used conform to AS3547 (c) Urine sample collection conforms to AS4308:2023 (d) All breath tests and urine samples validated/confirmed (e) Privacy principles adhered to in testing information and procedures	
7. Remedial Action and Assistance (a) Procedures provide for responses to positive tests/refusals (b) Procedures include assistance options and, if adopted, sanctions (c) Remedial action takes account of employees who self-report (d) Procedures incorporate privacy principles	
8. Notification and Record Keeping (a) Transport for NSW notified of all: <ul style="list-style-type: none"> i. breath analyses confirming PCA, ii. urine sample analyses confirming drugs, iii. blood sample analyses confirming PCA or drugs, iv. refusals or failures to undergo test, and v. action taken or proposed in response, (b) Statistics maintained on testing activity and provided to Transport for NSW when required	
9. Program Review and Evaluation (a) Regular (annual) review for compliance (b) Gaps reported to Transport for NSW and Performance Milestones adopted if approved	

15. Frequently Asked Questions

Drug & Alcohol Programs

1. **Are accredited bus operators required to implement a drug and alcohol program?** Yes. It is a condition of accreditation that operators implement a drug and alcohol program that complies with the Roads and Maritime Services Guidelines.
2. **How do I determine the risks that drug and alcohol consumption poses to my operation?** Operators are required to undertake a risk assessment of their business to determine what controls need to be implemented to manage the risks (see page 10).
3. **Do I need to consult with staff when formulating my drug and alcohol program?** Yes. Drug and alcohol use and testing are sensitive issues and it is vitally important that you consult with your employees and their representatives at all stages of your Program's preparation and implementation.
4. **How important is staff education and awareness to the success of your drug and alcohol program?** Staff education and awareness is critically important to the success of your program. It is important that staff understand the risks associated with the consumption of drugs and alcohol (including over the counter medications), available support mechanisms and what action will be taken against staff that breach the organisation's drug and alcohol policy.

Drug & Alcohol Testing

1. **Am I required to test for drugs and alcohol?** Yes. A bus operator must ensure that a bus safety employee who is involved, or reasonably suspected of being involved, in a notifiable incident (see Glossary definition) while carrying out bus safety work is required to:
 - a. Undergo a breath test and, if it appears to the test supervisor as a result of the breath test that the prescribed concentration of alcohol may be present in the employee's blood, a breath analysis
 - b. Provide a sample of blood or urine for testing and analysis.
2. **Can an operator direct an employee to submit to a test for drugs and alcohol?** Only persons who have been appointed as test supervisors can legally require an employee to submit to a test. The Regulation allows operators to appoint themselves or any other competent person as a test supervisor. Appointments must be in writing.
3. **Can I seek assistance from the Police to undertake breath testing?** Yes, Transport for NSW reached an agreement with the NSW Police Force that bus operators can seek assistance from the Police to undertake breath tests and/or breath analysis in the following circumstances:
 - When a bus safety employee is involved or reasonably suspected of being involved in an accident or irregular incident while carrying out bus safety work and the bus operator has no breath test equipment;
 - A test supervisor requires a bus safety employee to undergo a breath test or a sobriety assessment. The breath test or assessment indicates PCA, or the employee refuses or fails to undergo the breath test or assessment, and the test supervisor directs the employee to submit to a breath analysis.

Note: If a Police Officer performs a breath test or sobriety assessment and the breath test / assessment indicates PCA, the Officer will without discretion require the employee to submit to a breath analysis.

4. **Do I have to make prior arrangements with the Police to perform testing?** Yes. It is necessary that you discuss with, and make prior arrangements with your local Police to perform testing.
5. **Will Police perform in-depot random or suspicion based testing?** No. Police will not normally be involved in the conduct of in-depot random or suspicion based testing.
6. **Can Police require a bus safety employee to undertake a Sobriety Assessment?** Yes. The Regulation allows Police to require a bus safety employee to submit to a sobriety assessment if he/she:
 - Has been required to submit to a breath test and no breath alcohol testing device is available
 - Submits to a breath test which does not indicate PCA, but there is reasonable suspicion that the employee may be under the influence of a drug including alcohol.
7. **Can bus operators request Police to perform a breath analysis?** Yes. The Police will (at an operators request) perform a breath analysis of any bus safety employee:
 - Who submits to a breath test conducted by the operator and the test indicates PCA
 - Who submits to a sobriety assessment conducted by the operator and the assessment indicates PCA
 - Where the employee refuses to submit to a breath test or sobriety assessment.
8. **Do I need to accompany an employee to the Police Station during the testing process?** Whilst an operator can direct a bus safety employee to personally attend a police station, it is strongly recommended that the operator (or test supervisor) accompany the employee who is to be tested.
9. **What constitutes 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
 - **Drugs or alcohol** – a blood analysis undertaken by a medical practitioner, which confirms the presence of a drug or PCA.
10. **How do I report a positive test to Transport for NSW?** Operators are required to report positive drug and alcohol tests within 48 hours of becoming aware of such a test result. Reports are to be submitted using the Test Notification Form which is available on Transport for NSW's website at [Buses | Transport for NSW](#).



© Transport for New South Wales

Users are welcome to copy, reproduce and distribute the information contained in this report for non-commercial purposes only, provided acknowledgement is given to Transport for NSW as the source.