

AFP National Guideline on prohibited drugs, pharmaceutical products and alcohol

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1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees.

Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth) (the Act).

2. Guideline authority

This National Guideline was issued by the Commander, Professional Standards using power under section 37(1) of [the Act](#), as delegated by the Commissioner under section 69C of [the Act](#).

3. Introduction

This National Guideline outlines the formal policy position of the AFP on the use of prohibited drugs, alcohol and pharmaceutical products by AFP appointees.

The National Guideline also identifies the requirements of AFP appointees and the processes under which testing for drugs, alcohol or pharmaceutical products is undertaken.

The professional standards of the AFP are the responsibility of **all AFP appointees**.

4. Policy

The AFP recognises the serious effects that drugs, alcohol and pharmaceutical abuse can have on modern society and the importance of all law enforcement appointees being committed to the highest standards of personal integrity and professionalism.

The AFP recognises and upholds the fundamental duty of care it owes to AFP appointees who have a right to be safe from the risks of personal threat or compromise posed by the illicit drug trade and from AFP appointees affected by drugs and/or alcohol.

5. Prohibition and regulation

AFP appointees must not use prohibited drugs. Abuse of pharmaceutical products is also prohibited and the consumption of alcohol is regulated.

The Commissioner has authority to determine drugs to be prohibited drugs under sections 4 and 4A of [the Act](#). See the current [section 4A determination](#).

Testing of AFP appointees for prohibited drugs, pharmaceutical products and alcohol is authorised under Division 8 of [the Act](#), underpinned by Part 2, Division 7 of the [Australian Federal Police Regulations 2018](#) (Cth).

6. Application

This National Guideline addresses the use of prohibited drugs, alcohol and pharmaceutical products by AFP appointees and the relevant AFP testing regimes. It applies to all AFP appointees and volunteers.

An AFP appointee must not:

- by drinking alcohol and/or taking any drug or substance, become unfit to perform their duties; or;
- while on duty, drink alcohol, without the consent of a member of the AFP senior executive under whose control, direction or supervision they perform their duties.

The AFP undertakes testing of AFP appointees for use of prohibited drugs, alcohol and pharmaceutical misuse in accordance with the provisions of the relevant legislation, regulations and this guideline.

7. Use of prohibited drugs

AFP appointees must not use prohibited drugs. This prohibition extends to consumption in jurisdictions, in Australia and overseas, where use has been decriminalised and/or legalised.

8. Use of selective androgen receptor modulators (SARMs)

AFP appointees must not use SARMs except within lawful controlled medical parameters. These parameters must be set by a registered medical authority and conform to accepted treatment regimes.

Access to SARMS in Australia without a valid prescription or license from the Office of Drug Control or other legal authority is illegal.

9. Use of Cannabinoids

Cannabinoids include medicinal cannabis products and cannabidiol oil. The AFP prohibits the use of cannabinoids by AFP appointees unless that use is prescribed by an Australian registered health practitioner who is authorised to prescribe cannabinoids.

Where an AFP appointee has undergone mandatory drug testing, they must provide evidence of their prescription. This evidence must include the type of cannabinoid product prescribed, the dosage and whether or not the dosage would have any impairing effects.

AFP appointees who use medicinal cannabis need to consult the [AFP National Guideline on health for AFP appointees](#) and determine whether they meet the requirements for a [Change of Health notification](#).

10. Use of pharmaceutical products

AFP appointees must not abuse or otherwise inappropriately use pharmaceutical products.

Inappropriate use or abuse of pharmaceutical products extends to use which exceeds the norms of clinical and therapeutic activity, including:

- Taking of prescription medication not prescribed to the AFP appointee.

- Taking of prescription medication outside of the parameters for which it has been prescribed
 - such as exceeding the dosage as set out by the prescribing authorised health practitioner.
- Taking of over the counter pharmaceutical products outside the normal medical parameters
 - such as exceeding the recommended dosage and/or for a purpose that it is not intended.

The boundaries for, and advice on, the use of any pharmaceutical product can be determined by reference to the [Therapeutic Goods Authority](#) or within the [Poisons Standard \(as published time to time\)](#) and the [Therapeutic Goods Act 1989](#) (Cth). This guideline does not prohibit the lawful use of pharmaceutical products within normal medical parameters.

These parameters must be set by a registered medical practitioner and conform to accepted treatment regimes. AFP appointees should use prescribed and over-the-counter medication only as directed.

An AFP appointee must not carry out duties involving increased risk where they believe, or should reasonably believe, that pharmaceutical product use may impair their operational capabilities. Such operational capabilities include, but are not limited to, driving, making decisions and using firearms or other accoutrements for the application of force. AFP appointees who are taking pharmaceutical products and have any doubt about their ability to perform any or all of their normal duties should consult their medical practitioner or SHIELD and discuss alternative work options with their supervisor.

AFP appointees need to consult the [AFP National Guideline on health for AFP appointees](#) and determine whether they meet the requirements for a [Change of Health notification](#).

11. Use of alcohol

The alcohol concentration of all AFP appointees on duty (or returning to duty) must not exceed 0.02 grams of alcohol in 210 litres of breath or 100 millilitres of blood. This limitation is critical when alcohol use may have an adverse impact on the capacity of an individual to carry out their normal duties or on the reputation of the AFP.

Consumption of alcohol whilst on duty is prohibited except in the following circumstances:

- official hospitality in accordance with relevant National Guideline(s)
- special occasions and operational activity formally sanctioned by a member of the AFP senior executive.

12. AFP drug and alcohol testing programs

Testing of AFP appointees is provided for in [the Act](#), the [Australian Federal Police Regulations 2018](#) (Cth) and the [AFP Commissioner's Order on Professional Standards \(CO2\)](#).

The [Australian Federal Police \(Approval of Screening Devices\) Instrument 2021](#) specifies approved breath-screening devices.

13. General conduct of the testing program

General administration of the drug and alcohol testing program is carried out by PRS DPPO. Testing is conducted in accordance with the [Australian Federal Police Regulations 2018](#) (Cth).

AFP appointees must comply with a written direction given to them by an authorised person to provide a body sample for a drug or alcohol test. An AFP appointee commits a serious breach of AFP professional standards (Category 3 conduct issue) if they disobey or fail to carry out a direction to undergo a drug or alcohol test.

If an appointee is unable to comply with their direction, they must:

- notify your Coordinator/Superintendent (for Band 1-8) or Manager one removed (for Band 9 and above) in writing as soon as practicable, noting your reasons for non-compliance and;
- request they send a confirmation email to DPPO@afp.gov.au before the end of the nominated testing day

When providing a body sample, no person may engage in conduct which alters or affects, or intends to alter or affect, that sample. In the case of drug testing, direct observation of an individual providing a body sample is permissible in circumstances involving a reasonable suspicion that a particular individual may attempt to alter or substitute a sample.

AFP appointees may be selected for testing in any of the following circumstances:

- mandatory targeted testing
- mandatory random testing
- mandatory investigation testing
- mandatory certain incident testing

Any AFP appointee selected for drug testing must provide details of any drug, pharmaceutical product and/or substance they have recently consumed, either at the time of testing or on request by DPPO.

In the case of body samples provided, other than urine samples, the drug test must be carried out in accordance with the relevant Australian Standard or with equivalent standards for sample collection and analysis, as reasonable within the particular circumstances. At the time of publishing of this guideline, human hair testing is undertaken in accordance with the [Society of Hair Testing guidelines](#).

14. Results of drug testing

Where practicable, test results are provided electronically and in a timely manner.

In accordance with relevant Australian and industry standards all non-negative results will be provided to a qualified individual for review as either positive or negative.

DPPO may request that an appointee provide their prescription/ medical evidence for a non-negative result. Failure to provide this information may result in the result being verified as positive. Where DPPO utilises an external individual to verify non-negative results, the handling of personal information will be in accordance with the *Privacy Act 1988*.

In the case of complex non-negative results, PRS may decide to empanel a Medical/Service Review Panel. The Medical/Science Review Panel will be coordinated by PRS and will consist of suitably qualified individuals to review the circumstances affecting the person who provided the sample. This review process will consider the non-negative result, taking into account information provided by the subject, and determine whether a non-negative result is a 'verified positive result'.

Verified positive test results will be assessed by DPPO to identify further action and/or consideration by the Commander Professional Standards and the Professional Standards Operations Committee in accordance with the AFP [National Guideline on complaint management](#).

AFP appointees who depart from the provisions of this instrument may be in breach of AFP Professional Standards and subject to a Professional Standards investigation, resulting in the consideration of continued employment. Where action pursuant to this guideline reveals complicity in a criminal offence, each case is dealt with on its merits and consistent with the applicable criminal code.

If an AFP appointee challenges the results of a drug test, they may have the unanalysed sample (sample B) tested independently. The AFP will meet the average cost of testing sample B but this does not include expenses if the AFP appointee or volunteer wishes to be present to witness the testing of sample B. All records of the original drug test will be made available for re-examination.

15. Results of alcohol testing

The result from alcohol testing is immediate. When the result indicates that an AFP appointee is over the prescribed alcohol concentration of 0.02 grams of alcohol in 210 litres of breath or 100 millilitres of blood, the person authorised to test for alcohol must deliver the results to the DPPO.

The DPPO must refer the results to the AFP appointee's supervisor / local command to assess and manage, with support from SHIELD, where necessary.

When the result indicates that an AFP appointee is on or over an alcohol concentration level of 0.05 grams of alcohol in 210 litres of breath or 100 millilitres of blood, in addition to referrals to the AFP appointee's supervisor and SHIELD, the DPPO refers the results to the Professional Standards Operations Committee to assess any associated integrity risk or Code of Conduct breach.

When an AFP appointee has tested over the prescribed alcohol concentration of 0.02 grams of alcohol in 210 litres of breath or 100 millilitres of blood, they must take leave for the remainder of the day / rostered shift.

The supervisor must notify Professional Standards in circumstances where the AFP appointee:

- doesn't consent to being tested
- doesn't cooperate during testing
- doesn't consent to taking leave
- has been involved in any incident that results in injury or poses a risk of injury
- has been identified in an alleged breach of the [AFP Commissioner's Order on professional standards](#) (CO2)
- has been identified in a suspected breach of law

16. Voluntary disclosure

The AFP urges any AFP appointee who is suffering from substance dependence or misuse, including alcohol, whether or not an illicit drug is involved, to come forward to their supervisor, SHIELD or Professional Standards.

The AFP will medically assist and support individuals as appropriate. Where there is information disclosed impacting on the AFP appointee's integrity, i.e. illicit drug use, the AFP may also conduct a risk assessment and, if appropriate, a Professional Standards investigation into the circumstances; possible culpability and other factors will be assessed, including impact on security clearance.

The AFP will endeavour to maintain the continued employment of the AFP appointee; however, in some circumstances that may not be possible.

17. Rehabilitation and assistance

There is a range of support services available for AFP appointees experiencing drug and alcohol problems, including SHIELD, the Employee Assistance Program, Welfare Officer Network, counselling and other external health service providers.

The AFP will provide reasonable support to AFP appointees who voluntarily seek assistance with drug and substance use and alcohol misuse.

Requests for assistance will be treated with confidentiality in accordance with relevant legislation and AFP reporting obligations.

The types and extent of any assistance provided is considered by SHIELD on a case-by-case basis, having regard to all the circumstances and consistent with this guideline. Assistance may include formal rehabilitation processes. AFP appointees receiving assistance may be subject to ongoing risk-based testing.

18. Records and information management

18.1 Records

Records must be maintained by the DPPO in accordance with legislative requirements. The DPPO compiles non-identifying information beyond the statutory destruction limit for statistical and reporting purposes.

The DPPO maintains a register of authorised persons for the purpose of conducting prohibited drug and alcohol tests and the authorisation instruments.

18.2 Privacy and confidentiality

The AFP maintains confidentiality of this information in accordance with the [Privacy Act 1988](#) and the [AFP National Guideline on privacy](#), subject to AFP mandatory requirements such as Professional Standards or Security. Where specific circumstances require, an AFP delegate may authorise disclosure of information on a case-by-case basis in accordance with section 60A of the [AFP Act](#) and/or regulation 36 of the [Australian Federal Police Regulations 2018 \(Cth\)](#). This may include disclosure to Commonwealth, state and territory agencies or state and territory police forces,

particularly in relation to AFP special members and secondees to the AFP. This may also include disclosure of information to Comcare.

19. Review

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

20. Further advice

Queries about the content of this guideline should be referred to the [DPPO](#).

21. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Regulations 2018](#) (Cth)
- [Customs Act 1901](#) (Cth)
- [The Poisons Schedule, as updated time to time](#)
- [Road Transport \(Alcohol and Drugs\) Act 1977](#) (ACT)
- [Therapeutic Goods Act 1989](#) (Cth)

AFP governance instruments

- [AFP Commissioner's Order on professional standards \(CO2\)](#)
- [AFP National Guideline on complaint management](#)
- [AFP National Guideline on privacy](#)

Other sources

- [AFP DUI Matrix](#)
- [Australian Federal Police \(Approval of Screening Devices\) Instrument 2021](#)
- [Australian Privacy Principles](#)
- [Society of Hair Testing guidelines](#)
- [Sport Integrity Australia](#)
- [Therapeutic Goods Authority](#)

22. Shortened forms

ACT	Australian Capital Territory
AFP	Australian Federal Police
DPPO	Drug Program Project Office
DUI	driving under the influence

23. Definitions

AFP appointee means a deputy commissioner, AFP employee, special member or special protective service officer and includes a person:

- engaged under section 35 of [the Act](#) as a consultant or contractor to perform services for the AFP and determined under section 35(2) of [the Act](#) to be an AFP appointee
- engaged overseas under section 69A of [the Act](#)
- seconded to the AFP under section 69D of [the Act](#).

(See section 4 of the Act.)

Alcohol test means a test of a body sample of a person to determine the concentration of alcohol present in a person's breath or blood. Alcohol tests are conducted using approved breath screening devices.

Body sample means biological fluid, biological tissue and human breath including:

- saliva
- urine
- hair
- breath
- blood

Drug test means a test of a body sample of a person to determine the presence of a prohibited drug or pharmaceutical product in the sample.

Mandatory certain incident testing means a test for prohibited drugs, pharmaceutical products or alcohol whereby AFP appointees are tested as a result of the occurrence of specific incidents as prescribed in section 40N of [the AFP Act](#).

Mandatory investigation testing means a test of AFP appointees for prohibited drugs, pharmaceutical products or alcohol as part of a Professional Standards investigation or inquiry.

Mandatory random testing means a test of AFP appointees for prohibited drugs, pharmaceutical products or alcohol through a random selection process.

Mandatory targeted testing means a test of AFP appointees for prohibited drugs, pharmaceutical products or alcohol through a risk-based selection process.

Medical review officer means a qualified doctor with additional training in workplace drug protocols.

Narcotic substance, as defined in the [Customs Act 1901](#) (Cth), as amended from time to time, means a border controlled-drug or a border-controlled plant.

Non-negative test result means a result of a body sample indicating that drugs, pharmaceutical products and/or their metabolites have been located in the sample but it has not yet been confirmed as a 'verified positive result' or a "verified negative result."

Person authorised to test for alcohol means an AFP appointee or contracted service provider who is certified to use the approved breath-testing equipment under the law of the relevant state or territory. In the ACT this would include any member of ACT Policing who is authorised under the [Road Transport \(Alcohol and Drugs\) Act 1977](#) (ACT) to conduct a breath analysis.

Pharmaceutical products - also known as medicines or drugs - are special preparations used in modern and traditional medicine. They are essential for the prevention and treatment of diseases, and protection of public health. For the purpose of this guideline all substances available over the counter or via prescription of a registered medical practitioner in Australia are considered pharmaceutical products.

Prescription medicine is a medicine that can only be made available to a patient on the written instruction of an authorised health professional.

Prohibited drug means a narcotic substance (within the meaning of the [Customs Act 1901](#)) or any drug specified in a determination issued under section 4A of the [AFP Act](#).

Selective androgen receptor modulators (SARMs) means experimental medicines claimed to build muscle mass, muscle strength and bone density and in Australia strictly require a prescription for their supply

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Verified positive result means a non-negative drug test result that has been reviewed and has been found to have no justifiable reason for containing, or containing the quantity of, one or more of the prohibited drugs or pharmaceutical products.

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