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## 1. Statement

Ipswich City Council is committed to ensuring that Councillors undertaking duties or representing the organisation can perform their role safely and not be under the influence of drugs and/or alcohol within the workplace.

Council has adopted this Drug and Alcohol Policy which prohibits Councillors from conducting Council business whilst under the influence of alcohol or illicit drugs.

## 2. Purpose and Principles

In the interest of Transparency and Accountability and to provide a safe, healthy and productive workplace, this policy focuses on eliminating risks associated with the adverse effects of alcohol and other drugs in the workplace by:

- preventing where possible drug and alcohol related incidents;
- ensuring Councillors are in a fit state to undertake their duties as a Councillor; and
- provide support and rehabilitation to affected Councillors under certain circumstances.

In addition, this policy provides for the appropriate framework for Councillors to comply with behavioural standard 1.5 as contained in the 'Code of Conduct for Councillors in Queensland':

*Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/nonprescribed and/or restricted substances)*

## 3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

## 4. Regulatory Authority

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Code of Conduct for Councillors in Queensland
- Australian Standard 4760-2006
- Australian Standard 3547-1997
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation*

## 5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the Human Rights Act 2019 (Qld) (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

## 6. Scope

This policy applies to the Mayor and Councillors of Ipswich City Council only.

Noting that the role of a Councillor does not have a defined start and finish times or designated place of work, this policy only applies when a Councillor is undertaking 'Official Duties'.

Where a Councillor is not undertaking Official Duties, this policy does not apply. However, Councillors, as the primary representative of the Council, are still required to comply with the 'Code of Conduct for Councillors in Queensland' and any other legislative provisions that are in place at all times.

## 7. Roles and Responsibilities

### 7.1 Chief Executive Officer

It is the role of the Chief Executive Officer to:

- Assume overall responsibility for the execution and operation of this policy;
- Distribute the necessary training and resources to ensure all Councillors have the necessary skills and knowledge to adhere to this policy;
- Authorise any voluntary or mandatory testing under this policy;
- Undertake any statutory obligations where breaches of this policy initiate a complaint against a councillor in accordance with Section 150P and 150R of the *Local Government Act 2009*;
- Initiate EAP counsellor services as required.

### 7.2 General Managers

It is the role of the General Managers to:

- Assist the CEO to undertake observations of councillors suspected of being under the influence as required;
- Assist with training and education as required.

### 7.3 Workplace Safety & Wellbeing Manager

It is the role of the Workplace Safety & Wellbeing Manager to:

- Assist with and co-ordinate the carrying out of drug and alcohol testing under this policy;
- Co-ordinate the collection and testing of drug and alcohol samples;
- Liaise with specialist providers for analysis and reporting on drug and alcohol samples; and
- Maintain confidential records of samples and ensure disposal in accordance with record keeping guidelines.

### 7.4 Councillors

It is the role of Councillors:

- Adhere to the principles set out within this policy;
- Attend training and education sessions as required;
- Act in a responsible manner consistent with public expectations and not undertake duties as a Councillor when under the influence of illicit drugs or alcohol.

## 8. Fitness for Duty

Councillors are always expected to undertake their official duties free from the impairment of drugs or alcohol. Councillors are not to present themselves for duty or to any workplace whilst under the influence of drugs and/or alcohol.

Alcohol and illicit drugs shall not be consumed at any workplace, in any Council owned vehicle or plant, or at any time as a Councillor whilst undertaking their official duties unless an exemption under this policy applies.

Councillors must not remain at the workplace if they are under the influence, or there is a risk of becoming under the influence of alcohol and/or other drugs.

## 9. Identification and Testing

### a. Identification of adversely affected councillor

Alcohol or other drug related use may result in physical symptoms that may be very similar to the symptoms of a range of medical conditions including fatigue and stress.

**Annexure 1** provides an observation checklist to assist managers with recording observations where there is a suspicion that a Councillor is under the influence of drugs and/or alcohol while at the workplace. Staff are to notify their General Manager if they observe a councillor behaving in a way that indicates they are under the influence.

Only the CEO and General Managers will be permitted to complete an observations checklist. Where this is not practical (e.g. an external Council event), this task may be delegated to an officer.

Those assigned to undertake observations are usually not qualified to make clinical diagnoses of intoxication or dependency, nor are they qualified to provide treatment or counselling for, or judgements about, alcohol or other drug problems.

### 9.2 Initial Discussion

Where there is a reasonable suspicion that a Councillor is under the influence of drugs and/or alcohol while at the workplace following the completion of an observation checklist, it should be privately raised by the CEO (or delegate) directly with the councillor to determine if they should remain in the workplace based on the observations undertaken.

### 9.3 Formal Action

Where the reasonable suspicion remains that a Councillor is under the influence of drugs and/or alcohol following an initial discussion, the CEO in conjunction with the Mayor (Deputy Mayor where the subject Councillor is the Mayor) may instruct the Councillor to leave the workplace and stay away.

Arrangements will be made to safely transport the councillor to their place of residence. The councillor will not be permitted to return to the workplace until they

can either demonstrate they are no longer impaired, or they return a negative result following a voluntary test.

In addition, where a reasonable suspicion has been established and/or the councillor has been instructed to leave or stay away from the workplace, council is required (in accordance of the provisions of the *Local Government Act 2009*) to notify the Office of the Independent Assessor about the suspected conduct of the subject councillor.

#### 9.4 Formal Complaints

Where a complaint is made by any person that a councillor is under the influence of drugs or alcohol, it is required in accordance of the provisions of the *Local Government Act 2009* to refer any complaints about the conduct of a councillor to the Office of the Independent Assessor.

In conjunction with the requirement for referral of the matter, council will undertake an assessment in accordance with section 9.1 - 9.3 of this policy only to ensure the maintenance of a safe workplace. Any observations made or voluntary tests undertaken during this assessment are also required to be provided as part of the complaint.

#### 9.5 Voluntary Testing

Councillors may choose voluntarily to undertake drug or alcohol testing:

- a. at any time where they may wish to demonstrate compliance with this policy and the 'Code of Conduct for Councillors in Queensland'; or
- b. where a reasonable suspicion has been established that they may be under the influence of alcohol or drugs.

Where a voluntary test is undertaken, a councillor shall be considered in breach of this policy if a sample collected and analysed in accordance with the guidelines set out below indicates the presence of a substance at or above the limits outlined in section 9.5.2 and 9.5.3.

##### 9.5.1 Testing Method

Any required drug testing undertaken will comprise a saliva test. Saliva testing will be conducted in accordance with Australian Standard 4760-2006.

Alcohol testing will be conducted in accordance with current random breath testing procedures in Queensland (Australian Standard AS 3547-1997).

##### 9.5.2 Tolerance Levels - Alcohol

All Councillors must provide, if tested, a blood alcohol concentration (BAC) of less than 0.05g/100ml (0.05%).

##### 9.5.3 Tolerance Levels - Drugs

A confirmed drug test reporting levels of drug or metabolites that exceed designated cut-off levels constitutes a positive test. Cut-off levels will conform to the relevant Australian Standard/New Zealand Standard, where such a standard has been issued in relation to the drug concerned.

9.5.4 Positive test result

Where voluntary testing is carried out and a positive test result has been returned, arrangements will be made to safely transport the councillor to their place of residence. The councillor will not be permitted to return to the workplace until they can either demonstrate they are no longer adversely affected, or they return a negative result.

Council will also be required to notify the Office of the Independent Assessor about the suspected conduct of the subject councillor where a positive test result is returned.

9.6 Assistance

Council recognises drug and alcohol dependency as a treatable condition. Councillors who suspect they have an issue with drugs and/or alcohol are encouraged to seek advice regarding appropriate treatment options. Councillors can access the services of the Employee Assistance Program (EAP).

9.7 Prescription and Pharmacy Medication

Where a Councillor is taking Prescription and Pharmacy medications for a legitimate medical purpose, the Councillor will not breach this policy by attending the workplace. Where a Councillor is observed as being adversely affected by prescription medication, the same process will apply for a positive test result to ensure the ongoing safety of the councillor and the workplace.

9.8 Post-incident and mandatory testing

Under certain circumstances Council may impose mandatory testing.

Where a councillor is involved in a workplace incident, Council may require that drug and/or alcohol testing be conducted in the following situations:

- where there is reasonable belief that drugs and/or alcohol may have been involved as a contributing factor;
- in situations where there has been a significant event;
- there is a requirement to be tested under legislation or regulations;
- an incident that is notifiable to the regulator;
- an incident causing the death of a person;
- an incident causing admission to hospital as an in-patient for an injury;
- injury incidents causing, or likely to cause, permanent injury to health; or
- a significant or repeated incident involving ICC vehicles/plant and a third party vehicle, plant or property.

9.9 Testing Dispute

A Councillor may, at their own expense, request a practitioner of their own choice to arrange an additional analysis of any sample provided by the Councillor at the time of testing by an approved laboratory that meets the Australian Standard. If this sample returns a negative result, the costs incurred by the Councillor for testing purposes shall be reimbursed by Council.

## **10 Endorsed Locations, Events and Social Functions**

An exception for the consumption of alcohol will be made for:

- (a) special occasions or locations as determined by the CEO; or
- (b) where the provision of alcoholic beverages is within the bounds of normal customary hospitality (e.g., attendance at a conference, function or social event in their official capacity where alcoholic beverages are served, either held by council or another group or organisation).

## **11 Awareness and Training**

Councillors will be provided with drug and alcohol awareness training. In addition, a range of information on drug and alcohol consumption will be made available to Councillors including the different types of drugs and the risks they pose to health.

Drug and alcohol awareness and training for Councillors will cover, but not be limited to, the points below:

- a. The importance of being able to perform their duty;
- b. The effects of the consumption of drugs and/or alcohol on health, safety and performance in the workplace;
- c. What constitutes unacceptable drug or alcohol consumption;
- d. Basic knowledge and understanding of the different types of drugs and their effects;
- e. Ways of dealing with the consumption of alcohol and other drugs, Counselling, treatment and rehabilitation services available to Councillors to enable those who have problems or concerns to seek effective solutions and suitable treatment of their choosing; and
- f. Council's Drug and Alcohol (Councillors) Policy.

## **12 Key Stakeholders**

The following will be consulted during the review process:

- Mayor and Councillors
- Executive Leadership Team
- Legal and Governance Branch
- Executive Services Branch
- Workplace Safety and Wellbeing Section

## **13 Monitoring and Evaluation**

Council recognises that it is important to develop a workplace culture, through awareness and training, where all parties are prepared to encourage each other to be safe and fit for work. Councillors shall be made aware of the components of this policy that may affect them whilst undertaking their duties for Council.

Success of this policy will be demonstrated by broad awareness of the effects of the consumption of drugs and/or alcohol on health, safety and performance in the workplace and adherence to this policy.



14 Definitions

Code of Conduct for Councillors in Queensland	The Code of Conduct sets out the standards of behaviour applying to all Councillors in Queensland. The behavioural standards relate to, and are consistent with, the local government principles and their associated values.
Councillors	All Councillors including the Mayor.
EAP – Employee Assistance Program	A confidential, professional counselling service available to Council employees and Councillors.
Impairment	A symptom of reduced quality, strength or effectiveness of a person because of drugs and / or alcohol consumption whilst performing official duties.
Official Capacity	Where a councillor is invited to an event or function to represent the Council and not in a personal capacity.
Official Duties	<p>Official Duties or Official Council Business is where a Councillor is undertaking their legislated role as a Councillor in accordance with the provisions of the <i>Local Government Act 2009</i>.</p> <p>The following non-exhaustive list provides examples of what would normally be considered Official Duties:</p> <ul style="list-style-type: none"> <li>• Attending formal or informal meetings including ordinary and special meetings, committee meetings, briefing sessions and workshops</li> <li>• Any meeting that directly has the primary purpose of discussing council or council business</li> <li>• Attendance at community meetings</li> <li>• Formal engagements where a councillor is representing council in an official capacity</li> <li>• Attendance at a conference</li> <li>• Formal meetings between councillors about council business</li> <li>• Meeting with or undertaking discussions with residents either in the workplace or on-site</li> <li>• Travel to and from any official duties listed above.</li> </ul>
Office of the Independent Assessor(OIA)	Agency responsible for managing councillor conduct complaints.
Positive Test Result	<p>In relation to tolerance level for alcohol, a positive test result is a blood alcohol reading greater than 0.05g/100ml blood.</p> <p>In relation to a positive test result for drugs. Cut-off levels will conform to the relevant Australian Standard/New Zealand Standard, where such a standard has been issued in relation to the drug concerned.</p>

Under the influence	<p>A councillor who is adversely affected by alcohol or illicit drugs will be considered to be under the influence if they are unfit to perform their duties and responsibilities safely and productively. The effects of alcohol or drug consumption can lead to:</p> <ul style="list-style-type: none"> <li>• increased risk of incidents</li> <li>• impaired coordination</li> <li>• decreased ability to concentrate and communicate</li> <li>• lack of thoughtful decision making</li> <li>• impairment of memory and other cognitive functions</li> <li>• delayed reaction time.</li> </ul> <p>The term 'under the influence' includes impaired performance related to coming down from illicit drug use or experiencing the effects of a hangover.</p>
Workplace	<p>A workplace or work location includes any Ipswich City Council building, telecommuting, working from home, work endorsed events, work social functions and whilst operating Council owned vehicles.</p> <p>It also encompasses the definition of 'workplace' in the Work Health and Safety Act 2011.</p>
Workplace Incident	<p>An incident in the workplace as defined by the Work Health and Safety Act 2011.</p>

**15 Policy Owner**

The Executive Services Branch (Office of the CEO) is the policy owner and the Manager, Executive Services is responsible for authoring and reviewing this policy.