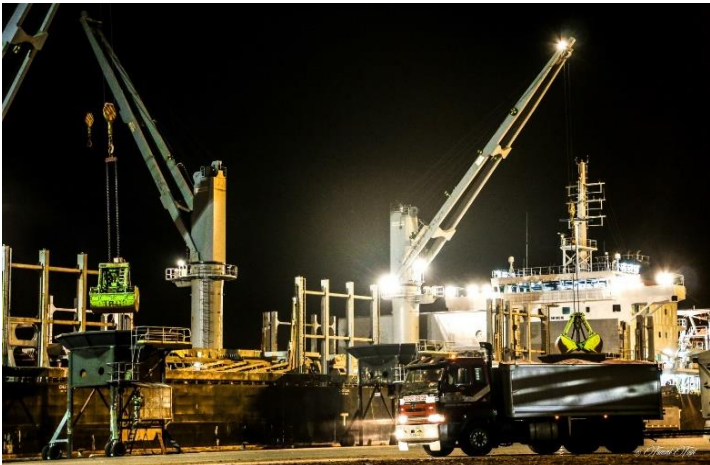




Drug and Alcohol Policy



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DRUG AND ALCOHOL POLICY

1. PURPOSE

- 1.1. SPNZ is committed to providing a safe working environment for all SPNZ employees and contractors (as defined in clause 3.4 below).
- 1.2. The purpose of this policy is to achieve a drug and alcohol risk-free workplace by:
 - (a) eliminating unsafe work practices caused by misuse/abuse of drugs or alcohol; and
 - (b) promoting and encouraging a culture where our employees and contractors are committed to keeping our workplace safe.

2. OBJECTIVES

- 2.1. Provide a safe working environment through:
 - (a) Establishing and maintaining a drug and alcohol risk-free workplace.
 - (b) Outlining the responsibilities of management, employees and contractors in regard to the use of and testing for drugs and alcohol in accordance with this policy.
 - (c) Providing education to all employees on drugs and alcohol and the effects of their use.
 - (d) Outlining the testing regime and the identification of reasonable cause.
 - (e) Ensuring that assistance is provided for any employees who misuse drugs and or alcohol and that they are treated fairly in accordance within this policy.

3. DEFINITIONS

- 3.1. **AS 3547-1997** – refers to Australian Standard: AS 3547-1997 “Breath Alcohol Testing Devices for Personal Use”.
- 3.2. **AS/NZS Standard 4308:2008** – refers to Australian and New Zealand Standard AS/NZS 4308:2008 “Procedures for specimen collection and quantitation of drugs of abuse in urine”.
- 3.3. **Alcohol** – means any beverage containing ethyl alcohol (ethanol).
- 3.4. **Contractor** – for the purposes of this policy, shall include:
 - (a) Any contractor or subcontractor directly engaged by SPNZ to provide goods and/or services to directly to SPNZ, or to any other party on instruction from SPNZ; and
 - (b) Any port user that utilises South Port’s common area facilities to conduct their operations, including third parties such as tenants, licensees, contractors and sub-contractors, transport companies and customers, and extends to any party that leases or hires plant and/or equipment from SPNZ; and

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- (c) Any party that is subject to SPNZ's Common User Safety Protocols or PCBU Policy, in force from time to time; and
- (d) Any employee of a party referred to in paragraphs (a), (b) or (c) above;
- (e) Any other worker, as defined in Section 19 of the Health and Safety at Work Act 2015, for whom SPNZ is responsible; and
- (f) Any other person visiting a SPNZ site.

3.5 **Drugs** – means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and any drugs listed in AS/NZS 4308:2008. It may also include drugs other than those listed in that Standard, such as those drugs referred to as “designer drugs”, including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives (examples of these types of drugs in Appendix 1).

3.6 **Prescription Drugs** – refers to any medical substance prescribed by a medical practitioner.

3.7 **Defined cut off level** – the set levels for drug and alcohol tests that provide the basis for positive and negative results (refer Appendix 1).

3.8 **Negative Result** – where a test has been carried out with the result falling below the defined cut off level.

3.9 **Positive Result** – where a test has been carried out with the result falling above the defined cut off level.

3.10 **SPNZ site** – refers to any site that is managed or controlled by SPNZ and includes all wharves, berths, structures, vessels, roads, pedestrian walkways, carparks and other common user areas; but excludes any site that is leased to a third party or over which a third party has a lease or exclusive license to occupy. On-site shall have a corresponding meaning.

4. APPLICATION

4.1 This policy applies to:

- (a) All permanent employees of SPNZ;
- (b) All casual employees of SPNZ; and
- (c) All contractors of SPNZ.

4.2 Some aspects of this policy may only be applicable to employees, such as Rehabilitation and Support.

4.3 Nothing in this policy is intended to create an employment relationship between SPNZ and its contractors.

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5. RESPONSIBILITIES

5.1. Chief Executive

- (a) To ensure that Managers understand, disseminate and implement the policy.
- (b) To ban a contractor(s) from site.
- (c) To ban the supply or consumption of alcohol on any SPNZ site.
- (d) To set guidelines for supply and consumption of alcohol at off-site events/functions hosted by SPNZ.

5.2. Managers

- (a) To actively promote, encourage and educate employees and contractors about our goal of a drug and alcohol risk-free workplace.
- (b) At all times, to model behaviour that is consistent with SPNZ's obligations under this policy.
- (c) To ensure that Supervisors and employees within their area of direct control understand the policy.
- (d) To implement the policy in their area of direct control.
- (e) To initiate removal from role or terminate employment.
- (f) To determine whether through reasonable cause that an employee is not fit to continue working on-site.
- (g) To strictly monitor SPNZ sites to ensure that no drugs or alcohol are supplied or consumed in/on any such site.
- (h) To oversee and manage the supply of alcohol at any approved off-site event hosted by SPNZ, including event planning and assessing risk.

5.3. Supervisors / Tug Masters

- (a) To ensure that employees within their direct area of control understand the policy.
- (b) To determine whether through reasonable cause that an employee is not fit to continue working on any SPNZ site.
- (c) To proactively monitor SPNZ sites to ensure that no drugs or alcohol are supplied or consumed in/on any such site, and to report immediately if they become aware of any breach (whether by an employee or contractor).

5.4. All Employees

- (a) To present themselves for work in a fit and healthy state, which includes meeting the requirements of this policy.
- (b) To notify their Manager/Supervisor if they have any concerns regarding the fitness of any other employee whose performance may be impaired due to the influence of drugs or alcohol.
- (c) To be alert to the health and safety risks posed by the supply and/or consumption of drugs or alcohol on-site, and to notify their Supervisor or Manager if they have concerns about their own safety or the safety of others in the workplace.

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5.5. Contractors

- (a) To present themselves for work in a fit and healthy state, which includes meeting the requirements of this policy.
- (b) To be alert to health and safety risks posed by the supply and/or consumption of drugs or alcohol on-site.
- (c) To proactively monitor their own sites to ensure that no drugs or alcohol are supplied or consumed in/on any such site, and in case of any breach (whether by their own employees or by any third party) to address such breach forthwith in accordance with the contractor's own drug and alcohol policy.
- (d) To notify SPNZ if they have any concerns regarding the fitness of any other contractor or any port employee whose performance may be impaired due to the influence of drugs or alcohol.

6. EDUCATION & TRAINING

- 6.1. This policy will be supported, where appropriate, by education resources to raise employee awareness of the issues relating to the use/misuse/abuse of alcohol, prescription and illicit drugs.
- 6.2. Training will be available for Managers and Supervisors for:
- (a) The recognition of drug and alcohol misuse and identifying reasonable cause.
 - (b) Understanding and implementing the policy in a fair and consistent manner.

7. TESTING

7.1. Basis of testing

- (a) Pre-employment
- (b) Reasonable Cause
- (c) Accident/Incident
- (d) Random
- (e) Post treatment testing

7.2. Pre Employment

- (a) All job applicants who wish to be considered for employment, or who successfully complete the selection process, may be requested to undergo drug testing prior to being offered employment. Receipt of a negative test result is required prior to employment being confirmed or the applicant commencing employment.
- (b) If a job applicant refuses to be tested, or their test indicates a non-negative result, they will be advised of the result and that they will not be eligible for employment consideration.
- (c) A job applicant may, at own cost in all things, procure a confirmatory test or alternatively repeat the test, and submit the results to SPNZ. SPNZ may in its absolute discretion choose to consider such results but in no circumstances will SPNZ be obliged or compelled to offer employment if the vacancy has already been filled in the meantime.

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7.3. Reasonable Cause

- (a) In the situation where two people, (one being a Manager or Supervisor who has attended reasonable cause training) suspect that there are reasons to believe an employee's/contractor's performance or safety may be impaired by drug or alcohol use, that employee/contractor may be subject to a drug and/or alcohol test.
- (b) If a decision is made to conduct tests then the person must be supervised at all times up until the testing has been completed in accordance with the appropriate Standard.
- (c) Examples of reasonable cause are contained in Appendix 2.

7.4. Accident/Incident

- (a) If a health and safety or environmental incident occurs SPNZ may require testing of any person who was, or who may have been directly or indirectly involved in the incident (refer Appendix 3 for set guidelines).
- (b) If a decision is made to conduct tests then this must occur as soon as possible after the accident/incident. Again the person must be under constant supervision as in 7.3 (b).

7.5. Random

- (a) SPNZ may at any time initiate random testing of individuals.
- (b) A randomly selected sample, representing a cross section of the employees/contractors will be notified that they have been selected to participate in a drug and alcohol test.
- (c) Employees/contractors selected will be supervised from the time of notification until the alcohol breath test has been conducted and the urine specimen collected for drug testing.

7.6. Post Treatment Testing for SPNZ Employees

- (a) A random testing regime of up to two years (including 6 tests) will be outlined to employees who have tested positive for the first time.
- (b) The defined cut-off level for Post Treatment Testing will be in accordance with AS/NZS 4308: 2008 for drugs and AS 3547-1997 confirmation cut of levels.

7.7. Testing Coverage

- (a) Alcohol
- (b) Drugs – in particular:
 - (i) opiates (eg heroin, morphine, codeine)
 - (ii) cannabis (eg marijuana, hash, hash oil)
 - (iii) cocaine
 - (iv) sympathomimetic amines (eg methamphetamine or "P", MDMA, ecstasy)
 - (v) benzodiazepines (eg valium, halcion)
 - (vi) designer drugs, including (but not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

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7.8. Testing Procedures

- (a) All aspects of the testing procedure will be carried out in a confidential manner
- (b) Alcohol tests will be carried out using a breathalyser and drug tests through a urine specimen.
- (c) The tests will be carried out in accordance with the requirements set out in:
 - (i) For drug testing: AS/NZ 4308: 2008 (or any updated version).
 - (ii) For alcohol testing: The instruction specific to a device which complies with AS 3547:1997 (or any updated version).
- (d) Alcohol Tests will be conducted:
 - (i) A breathalyser test will undertaken by a person trained to use an approved breath alcohol testing device that meets AS 3547-1997.
 - (ii) If the result is less than the defined cut off level, (a negative result), then the details are passed back to the Manager and no further action is required. If the result matches or exceeds this level, (a non-negative result), then a second test will be undertaken after a delay of 15 minutes. If the second result is negative then this result shall stand. If the second result is positive then further action will be taken.
- (e) Drug Tests will be conducted:
 - (i) Urine specimens will be collected and screened by an accredited testing organisation in accordance with AS/NZS 4308:2008 (or any updates) requirements.
 - (ii) Confirmatory urine specimens will be tested for drugs at an accredited laboratory.
 - (iii) Two tests shall be carried out; (Refer to Appendix 6 for full procedures)
 - (iv) Initial test whereby the test results are measured against the defined cut off levels. If the result is less than the defined cut off level, (a negative result), then the details are passed back to the Manager and no further action is required. If the result matches or exceeds this level, (a non negative result), then the specimen is sent to an accredited laboratory for confirmatory testing. If the confirmatory result is negative then this result shall stand. If the result is positive then further action will be taken.

7.9 Positive Result First Occasion – Employees

- (a) If the initial test result is non-negative or if the specimen has to be sent away for testing, the employee will be removed from duty (until the confirmatory test result is known) and appropriate transport will be arranged to take the employee home.
- (b) If the confirmatory test result is positive, then the employee and their Manager are informed immediately.
- (c) The employee is instructed that disciplinary action may be taken in light of the result.
- (d) A meeting will be scheduled within 48 hours following the confirmatory test result to:
 - (i) Allow the employee to explain the positive result.
 - (ii) Discuss with the employee the seriousness of the result.
 - (iii) Inform the employee about educational and rehabilitative programmes.
 - (iv) Discuss a return date to work, whether they will be paid for their time off and an ongoing

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testing regime.

- (v) Instructed that a final written warning will be placed on their file (also put in writing to the employee).

The employee shall have the right to seek independent advice and be represented and supported at this disciplinary meeting.

- (e) If it is agreed between the employer and the employee that they attend a rehabilitative programme then they must sign an agreement detailing their responsibilities in accordance with this policy (refer Appendix 4).
- (f) Note that the employee can request that a second drug test to be conducted on the split specimen within 14 days of receiving the 1st result. This test will look for drug presence at any level and will not be restricted to cut-off levels. This will be accepted as a conclusive result. If the second test proves negative then this will be accepted as a conclusive result.
- (g) If the employee chooses to get a second test taken on the split specimen then they will not be permitted to return to work until the results are known.

7.10 Positive Result First Occasion – Contractors

- (a) If a contractor returns an initial non-negative test result, the contractor must immediately be removed from SPNZ site; and
 - (i) The contractor shall be responsible for ensuring appropriate transport.
 - (ii) The contractor shall inform SPNZ immediately in order for SPNZ to temporarily suspend the contractor's site access rights.
- (b) If the confirmatory test result is positive, then the contractor will be banned from entering any SPNZ site for such period as SPNZ deems appropriate and shall not be eligible to return until the contractor has put in place a risk mitigation strategy to the satisfaction of and approved by SPNZ, in its absolute discretion.
- (c) Any employment-related issues are the sole responsible of the contractor.

7.11 Positive Result Second Occasion - Employee

- (a) If a positive result is received on a second occasion, then the employee and their Manager are informed immediately.
- (b) Ascertain whether there are any mitigating circumstances.
- (c) Instruct the employee that this is serious misconduct and that their employment may be terminated.

7.12 Positive Result Second Occasion - Contractor

- (a) If a contractor returns a positive test on a second occasion, then they will be banned indefinitely from working on any SPNZ site.
- (b) Any employment-related issues are the sole responsible of the contractor.

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7.13 Testing Consent Form

- (a) All employees and contractors who are tested will be required to fill out a consent form (refer Appendix 5).
- (b) Refusal to Undertake Tests.
 - (i) If an employee / contractor refuses to undertake a test / sign a consent form then they will be required to give reasons for their refusal.
 - (ii) If a contractor refuses to undertake a test / sign a consent form then they will be banned from working on any SPNZ site indefinitely.
 - (iii) In the case of an employee, avoidance or refusal to take a test may result in them being stood down until they have submitted to a test and also facing disciplinary action up to and including (with or without notice) termination of employment for failure to comply with this policy.

7.14 Medical Reasons

- (a) If an employee/contractor has a genuine reason to be on prescription drugs then they must seek advice from their medical practitioner to determine the effects of these drugs.
- (b) If the drugs may impair their ability to perform their job:
 - (i) In the case of an SPNZ employee, they must immediately inform their Manager that they are using prescription drugs, detailing their effects. The Manager will then review what alternative duties the employee can be given.
 - (ii) In the case of a contractor, they must not perform any duties on any SPNZ site until they are fit to do so, and if an employee of a contractor ensure that they notify their immediate supervisor, foreman or line manager.

7.15 Cheating

- (a) If an employee/contractor "cheats" on a drug and/or alcohol test or attempts to compromise the integrity of a specimen when taking a drug test (for example by providing a specimen that is not their own, or by use of a masking agent), or the person conducting the testing has reasonable grounds to suspect that the employee/contractor has tampered with a specimen, then this will be reported to SPNZ as a potentially failed test.
- (b) If the employee/contractor provides a specimen that is "cool" (not within acceptable temperature testing range meaning that SPNZ cannot verify it was provided by the Employee, or the specimen is otherwise compromised, then at SPNZ's sole discretion, the employee/contractor may be provided with one further opportunity to provide a specimen. If the second specimen is also "cool" this will be treated as a failed test (i.e. positive).
- (c) In either of the cases referred to in clause 7.15 (a) or (b) above:
 - (i) In the case of an SPNZ employee, SPNZ may take disciplinary action up to and including dismissal (with or without notice).
 - (ii) In the case of a contractor, SPNZ may terminate the engagement and/or exercise any other rights available to it as landowner and/or as contract principal.

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7.16 Failure to Provide Specimen and/or Dilution of Specimen

- (a) An employee/contractor will be provided with at least 2 hours to provide a specimen. During this time, they may be requested to drink fluids and must remain in the presence of, or be able to be monitored by, a South Port representative.
- (b) If an employee/contractor provides a specimen that is "dilute" the employee/contractor will be given one further opportunity to provide a specimen within 2 hours that is not "dilute". This may mean the employee/contractor may have to reduce their fluid intake during this period.
- (c) If the employee/contractor is not able to provide a specimen within the allotted timeframe (which may be extended at SPNZ's absolute discretion), or the second specimen is also "dilute", this will be treated as a failed test (i.e. positive):
 - (i) In the case of an SPNZ employee, SPNZ may take disciplinary action up to and including dismissal (with or without notice).
 - (ii) In the case of a contractor, SPNZ may terminate the engagement and/or exercise any other rights available to it as landowner and/or as contract principal.

7.17 Privacy and Confidentiality

- (a) All personal information gathered as a result of testing or participation in a rehabilitation or treatment programme is collected for the purpose of implementing this policy and achieving its objectives. All information will be held by the appointed person and will be held for the duration of the individual's employment/engagement or longer where deemed necessary by SPNZ. Relevant information may be disclosed to the employees/contractors Supervisor or Manager.
- (b) Save as required by law, no information relating to any testing or rehabilitation will be disclosed to an external party without the written consent of the employee/contractor concerned.

8. EMPLOYEE ASSISTANCE / REHABILITATION

8.1. Self Help

- (a) If an employee thinks that they have an alcohol or drug dependency problem then assistance can be sought from our company funded EAP (Employee Assistance Programme).
- (b) Counselling and rehabilitation, if required, can be arranged through:

EAP	0800 327 669
Alcoholics Anonymous	0800 229 6757
Alcohol Helpline	0800 787 797
Nga Kete Matauranga Pounamu Charitable Trust	0800 925 242
Talking Shop	0800 899 921
Southern DHB Alcohol and Drug Services	0800 44 33 66

- 8.2. Employees who test positive for alcohol and /or drugs may be given the opportunity to be referred for rehabilitation.

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- 8.3. If this is accepted the employee must attend all appointments otherwise disciplinary action may be taken which may result in dismissal, (unless a valid explanation is given).

9. ALCOHOL USE AT SPNZ – HOSTED EVENTS AND FUNCTIONS

9.1. Hosting by SPNZ:

- (a) Off-site: SPNZ events/functions involving supply or consumption of alcohol shall only be held off-site.
- (b) On any SPNZ site: Under no circumstances may alcohol be supplied and consumed on any SPNZ site.

9.2. Directions for any SPNZ-hosted event/function:

- (a) SPNZ-hosted events/functions involving the supply and/or consumption of alcohol will be managed and controlled in accordance with directions set out in this clause 9.2.
- (b) A Manager must be present as SPNZ's representative for the duration of the event/function. This responsibility may be delegated to a Supervisor, with the Chief Executive's prior approval.
- (c) SPNZ will take all practicable steps to ensure that alcohol is consumed responsibly, and that the service of alcohol is in compliance with the law, eg those which apply to people under 18 years of age and not serving people who are intoxicated.
- (d) Set time limits and locations must be notified in advance and adhered to.
- (e) Food and non-alcoholic drinks must be provided.
- (f) SPNZ will consider and, wherever practicable, provide employees with safe transport options. These may include, but not limited to, courtesy transport, taxi/taxi voucher, chartered bus or designated sober driver(s).
- (g) Any person who is visibly intoxicated will not be served alcohol, will be asked to leave the event/function and will be encouraged to take advantage of safe transport options.
- (h) There is zero tolerance for aggressive, coercive, violent behaviour or any other form of inappropriate behaviour. Any such behaviour will be treated in the same way as if the incident occurred in the workplace.
- (i) All employees must accept responsibility for their own behaviour and actions with regard to the consumption of alcohol at SPNZ-hosted events/ functions.

10. POSSESSION

- 10.1. Possession of unlawful substances for personal use or distribution in the workplace is regarded as serious misconduct and may result in dismissal.

- 10.2. In the case of an employee of a contractor it will result in the banning of the said employee from any SPNZ site, either for a specified period or indefinitely at SPNZ's absolute discretion.

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APPENDIX 1

CONFIRMATORY TEST CUT-OFF LEVELS FOR DRUGS (AS/NZS 4308:2008)**

Confirmatory test cut-off concentrations used to determine a positive test (AS/NZS 4308:2008)	
Compound	Cut-off Level# (micrograms/litre)
Morphine Codeine	300
6-Acetylmorphine*	300
	10
Amphetamine Methylamphetamine	150
Methylenedioxymethamphetamine	150
Methylenedioxyamphetamine	150
Benzylpiperazine*	150
Phentermine*	500
Ephedrine*	500
Pseudoephedrine*	500
	500
11-nor- Δ9- tetrahydrocannabinol-9-carboxylic acid	15
Benzoyllecgonine	150
Ecgonine methyl ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nordiazepam	200
Alpha-hydroxy-alprazolam 7-amino-clonazepam	100
	100
7-amino-flunitrazepam 7-amino-nitrazepam	100
	100

* These drugs may be optionally tested within each class and the specified cut-off levels shall apply.

** Additional drugs may also be detected and reported as per section 3.2.

Alcohol – Defined Cut Off Levels

SPNZ will set defined cut off levels as follows:

1. 100 micrograms of alcohol per litre of breath (100µg/L) for 18 years of age and over.
2. Zero micrograms of alcohol per litre of breath (0µg/L) for under 18 years of age.

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APPENDIX 2

REASONABLE CAUSE CHECKLIST

When determining “reasonable cause”, physical symptoms and/or unusual or out-of-character observable behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- ☐ Excessive lateness, or absences often on Monday, Friday or in conjunction with holidays
- ☐ Increased health problems or complaints about health
- ☐ Emotional signs or change in personality – outbursts, anger, aggression, irritability, depression
- ☐ Changes in alertness/energy level – difficulty with attention span
- ☐ Changes in appearance – clothing, hair, personal hygiene, odour, bloodshot eyes
- ☐ Involvement in various minor accidents/incidents
- ☐ Feigning sickness or emergencies to get out of work early
- ☐ Going to the bathroom more frequently than normal
- ☐ Defensive when confronted about behaviour
- ☐ Impaired motor skills, dizziness or slurred speech
- ☐ Impaired or reduced short term memory
- ☐ Reduced ability to perform tasks requiring concentration and co-ordination
- ☐ Intense anxiety or panic attacks
- ☐ Impairments in learning and memory, perception and judgement

Note: Reasonable grounds testing may also take place where SPNZ learns, from a credible source, that the employee/contractor is working under the influence of drugs and/or alcohol, or where the employee/contractor is observed using, possessing, distributing or consuming drugs or alcohol during work time or during any breaks, whether on or off SPNZ premises.

Employee Name: _____ Date: ____ / ____ / ____ Time ____ am/pm

Support Person: Yes/No - *if yes, name of support person:* _____

Supervisor: _____ Date: ____ / ____ / ____ Time ____ am/pm

Supervisor to record the physical symptoms or behaviours observed: _____

Supervisor to record the physical symptoms or behaviours observed: _____

From your observation is there a risk to the health and safety of this person and others? Yes/No

Are you satisfied that it is reasonably possible that the risk is related to possible use of drugs or alcohol? Yes/No

Are you satisfied that reasonable cause has been established? Yes/No

DO NOT PROCEED WITH REASONABLE CAUSE TESTING UNLESS ABOVE ANSWERS ARE ‘YES’

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APPENDIX 3

**ACCIDENT / INCIDENT EXAMPLES
REQUIREMENT FOR DRUG AND ALCOHOL TESTING**

1. Any accident/incident that has caused serious harm, for example:
 - (a) Any condition that amounts to or results in a permanent loss of bodily function, or temporary severe loss of bodily function:
 - (b) Amputation of body part
 - (c) Burns requiring referral to a specialist registered medical practitioner or specialist outpatient clinic.
 - (d) Loss of consciousness from lack of oxygen.
 - (e) Loss of consciousness, or acute illness requiring treatment by a registered medical practitioner, from absorption, inhalation or ingestion of any substance.
 - (f) Any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within seven days of the harms occurrence.
2. Examples of accidents that are likely to trigger an investigation into whether drug and alcohol tests should be initiated are as follows:
 - (a) Any accident that is caused by carelessness e.g. driving into a visible object that should have been easily avoidable, i.e. shed, container, motor vehicle
 - (b) Accidents that cause material damage to any asset owned by SPNZ or a third party.
 - (c) Near misses that could have caused a severe accident as listed in section 1 (above) or material damage.

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APPENDIX 4

**SOUTH PORT EMPLOYEE
ALCOHOL AND DRUG REHABILITATION AGREEMENT**

The aim of this agreement is to provide an option of rehabilitation for any South Port NZ Ltd (SPNZ) employee who has been identified as having a drug/alcohol dependency problem.

The expectation at the completion of this rehabilitation programme is that the employees work performance will meet the expected standard.

The employee agrees:

1. To undertake an assessment by a trained professional and participate in an appropriate rehabilitation programme.
2. That SPNZ will be provided with the following non-medical information:
 - Whether the appointments have been kept
 - Whether a course of treatment is recommended
 - Whether the recommended course of treatment is being followed
 - A recommendation as to whether or not a return to work is appropriate at any given time
 - Whether the required course of treatment has been completed
3. At the completion of the programme to undertake 6 (six) unannounced drug and/or alcohol tests for a period of 24 months as may be required.
4. A positive drug or alcohol test could result in disciplinary action, including the possibility of dismissal.

I, _____, am committed to full participation in the rehabilitation programme that is being offered to me. I agree to attend all sessions and completed the requirements specified in the programme.

Signed: _____ (Employee) Dated: ____ / ____ / ____

Signed: _____ (Employer) Dated: ____ / ____ / ____

Date: ____ / ____ / ____

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APPENDIX 5

TESTING CONSENT FORM

[this consent form applies to both drug testing and breath alcohol testing]

Employee Name _____ Department _____
Contractor Name _____ Project _____

DRUG TESTING

I consent to undergo drug testing and for a urine specimen to be collected by an accredited collection organisation and if required tested at a laboratory appointed by SPNZ. I acknowledge that the purpose is for determining whether I have levels of an illicit drug(s) or other drug(s) present in my urine, higher than that defined in the SPNZ Drug and Alcohol Policy.

The drugs being tested for are cannabinoids, opiates, amphetamines, cocaine and benzodiazepines but may also include other drugs of abuse where appropriate.

I undertake to advise the accredited collection organisation collecting the specimen of any medication that I am taking.

I understand that:

1. Results of the drug test(s) will only be used for the purpose for which they were obtained, as set out in the SPNZ Drug and Alcohol Policy.
2. If I am an SPNZ employee:
 - (a) Upon the receipt of a positive test, I can request that a second drug test will be conducted on the split specimen within 14 days of receiving the 1st result. This test will look for drug presence at any level and will not be restricted to cut-off levels. This second test will be at my cost and will be accepted as a conclusive result.
 - (b) A positive test result may lead to disciplinary action, which may include dismissal or the requirement to take part in educational and rehabilitative programmes.
 - (c) A refusal to sign this form and undergo testing may be regarded as a serious offence and may result in disciplinary action, which may include dismissal.
3. If I am a contractor (as defined in SPNZs Drug and Alcohol Policy):
 - (a) A positive test result will result in me being banned from working on any SPNZ site for such period as SPNZ deems appropriate, and I will not be able to return a satisfactory risk mitigation strategy approved by SPNZ has been put in place.
 - (b) A refusal to sign this form and undergo testing will result in a ban from entering any SPNZ site indefinitely.

I hereby authorise the collection and initial screening of a urine specimen, if required, the release of both split specimens to the testing facility, and the release of the test results to the authorised representative of SPNZ and/ or the SPNZ Medical Advisor.

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BREATH ALCOHOL TESTING

I consent to undergo a breath alcohol test, which I acknowledge is for the purpose of determining whether I have a level of alcohol in my breath higher than that defined in SPNZ Drug and Alcohol Policy, Appendix 1 as follows:

- 100 micrograms of alcohol per litre of breath (100µg/L) for 18 years of age and over.
- Zero micrograms of alcohol per litre of breath (0µg/L) for under 18 years of age

Results of the breath alcohol test will only be used for the purpose for which it was obtained, as set out in the SPNZ Drug and Alcohol Policy.

I understand:

1. That a positive alcohol test under the terms of this contract means having an alcohol level in my system higher than that defined above.
2. If I am an SPNZ employee:
 - (a) A positive test result will likely lead to disciplinary action, which may include dismissal or the requirement to take part in educational and rehabilitative programmes.
 - (b) A refusal to sign this form and undergo a breath alcohol test may be regarded as a serious offence and may result in disciplinary action, which may include dismissal.
3. If I am a contractor (as defined in SPNZs Drug and Alcohol Policy):
 - (a) A positive test result will result in me being banned from working on any SPNZ site for such period as SPNZ deems appropriate, and I will not be able to return a satisfactory risk mitigation strategy approved by SPNZ has been put in place.
 - (b) A refusal to sign this form and undergo a breath alcohol test will result in a ban from entering any SPNZ site indefinitely.

I hereby authorise the collection of a breath specimen for Alcohol Testing, and the release of the test results to an authorised representative of SPNZ.

I have read and understood the terms of this consent form.

Employee / Contractor signature: _____

South Port representative signature: _____

Date: ____ / ____ / ____

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APPENDIX 6**DRUG TESTING PROCEDURE**

- The methods and standards relating to the collection, transportation and chain of custody of specimens for drugs testing purposes may vary, however, SPNZ will endeavour to meet the requirements of international standards, as defined by the relevant Australian Standard/ New Zealand Standard, which include but are not limited to the: AS/NZS 4308 and any future amendments.
- The employee/contractor (“the Donor”) will sign (a) a consent form confirming they have been informed about the test and consent to it; and (b) an acknowledgement recording the test result and time.
- Before taking the test, the Donor should advise the Collector of any medication they are currently taking that they may think might affect the results.
- The Collector may carry out an on-site test to exclude or identify the presence of any or all of the classes of drugs designated in AS/NZS 4308.
- The cut-off concentrations for the on-site device shall be equivalent to the cut-off concentrations for the classes of drugs listed in the AS/NZS 4308.
- The Collector shall ensure that the on-site device is within its use-by-date.
- The Collector shall record the batch number and expiry date of the device together with two unique identifiers for the Donor.
- The Donor will be able to observe the entire on-site collection, processing and testing procedure.
- When a Donor arrives at the collecting site, the Collector shall request identification. If the individual’s identity cannot be established unequivocally, then the Collector does not proceed with the collection.
- After washing hands, the Donor remains in the presence of the Collector and does not have access to any water fountain, tap, soap dispenser, cleaning agent or any other materials that might be used to compromise the integrity of the urine specimen.
- The Donor provides the specimen in an area such that individual privacy is maintained.
- The Donor does not flush the toilet until after the collection is completed.
- The integrity of the specimen shall be checked by the following:
 - Visual inspection of the colour or lack thereof; or
 - An on-site creatinine test and/or additional integrity testing may be performed, e.g. pH and adulterants.
- The Donor may also note the temperature reading on the collection device and verify the temperature reading was correctly recorded on the form.
- Where collecting conditions prevent the specimen temperature from falling within the specified range then other measures should be taken and recorded.

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- No device should be placed into the original collected urine unless it can be shown that the device does not contaminate the specimen.
- The results obtained from the device shall be interpreted strictly in accordance with the manufacturer's instructions.
- If the initial drug screen is negative the Donor will be notified and that will be the end of the drug testing process.
- If the on-site device indicates the possible presence of a drug(s), the Collector shall notify the donor of the initial screening result and prepare and dispatch the specimens to an accredited laboratory for confirmation.
- A drugs testing custody and control form will be completed.
- The specimen will be split into two separate bottles marked 'A' & 'B' in the presence of the Donor.
- The Donor will be asked to sign the security seals placed on the bottles.
- The Donor will be asked to read, sign and date the chain-of-custody statement certifying the specimen is that individual's and has not been changed or altered at the time of the collection.
- Both specimens will be dispatched to the designated testing laboratory.
- The procedure for transportation of specimens to the laboratory shall incorporate the following:
 - The Collector shall place the test and referee specimens in a container designed to minimise the possibility of damage and contamination during transport.
 - The container shall be securely sealed to ensure any tampering would be detected.
 - The Collector shall ensure that the chain-of-custody form with testing instructions is inside the sealed container in which the specimens are transported to the laboratory.
 - Transportation shall occur in accordance with appropriate legislation.
- A positive test will only be reported by the AS/NZS 4308 (or successor Standard) accredited laboratory if confirmed levels of drug or metabolite exceed designated cut-off levels. Cut-off levels will conform to the relevant Australian Standard/New Zealand Standard.
- If the Donor disagrees with an initial positive test result then they have the option of having the second specimen (the B specimen) independently retested at another AS/NZS 4308 (or successor Standard) accredited laboratory.
- Specimens not submitted to the laboratory shall be disposed of in accordance with waste disposal requirements and appropriate legislation.

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