



INSTRUCTIONS AND GUIDELINES

Ship Management

Drugs, Medication, Alcohol, Tobacco and Marine Unit Vessels

August 2009

**This Instruction & Guideline refers to Practice Statement:
TBA Customs and Border Protection Marine Unit**

Published date:	8 September 2009
Availability:	Internal and external
Subject:	Drugs, Medication, Alcohol, Tobacco and Marine Unit Vessels
Purpose:	To inform all persons embarked on Marine Unit vessels (owned or contracted) of the policies applying in relation to drugs, medication, alcohol (including Duty Free arrangements) and tobacco.
Owner:	National Director Maritime Operations Support
Category:	Operational Procedures
Contact:	Director Marine Training and Standards

The electronic version published on the intranet is the current Instruction and Guideline.

Summary of Main Points

- The possession or use of any illegal drug onboard a Marine Unit vessel is prohibited.
- Medications are permitted onboard Marine Unit vessels, provided the medication does not adversely affect a person's ability to perform his/her duty in a safe and productive manner.
- The possession (including transport) or consumption of alcohol onboard a Marine Unit vessel is prohibited.
- Smoking is only permitted in designated smoking areas, as safety and operations permit.
- All personnel who are suspected of being adversely affected by drugs/medication/alcohol will be prevented from boarding or will be removed from the vessel as soon as practicable.
- There is a confidential Employee Assistance Program available to provide support to officers.
- Personnel may purchase duty free goods if undertaking voyages from Australia to an overseas port i.e. the duty free concession does not apply to a patrol undertaken within Australia's maritime zones.
- Personnel may NOT purchase duty free alcohol.

This I&G applies to all persons embarked on Marine Unit vessels (owned or contracted) including, but not limited to:

- Customs and Border Protection Marine Unit (Marine Unit) officers
- Civilian crew
- Guest agency/organisation personnel

Introduction

Illegal drugs, medication (prescribed / over-the-counter) and alcohol can be classified into three main groups, depending on the way that they affect the brain. These groups are:

- Stimulants e.g. amphetamines, cocaine, ecstasy;
- Depressants e.g. alcohol, cannabis, heroin, morphine, methadone, benzodiazepines (tranquillisers and sleeping pills); and
- Hallucinogens e.g. LSD, magic mushrooms, PCP (angel dust).

Stimulants are likely to cause a person to behave more aggressively and take more risks. They affect the ability to judge speed and distance. Some users may become irrational and endanger themselves and others by overestimating their abilities. Stimulants can impair performance of everyday tasks by the user becoming over anxious.

Depressants affect concentration, balance and coordination. They slow reaction times and interfere with perceptions of sound, time and space. Depressants essentially make people hesitant, clumsy and uncoordinated.

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Hallucinogens impair movement, coordination, may affect hearing, vision and sense of time and space. Anxious feelings and panic due to loss of control may also be experienced. Hearing and vision may be intensified or merged and sense of time may be affected. Hallucinogens affect general skills because they distort thinking processes and impair coordination.

All of the above can affect an individual and their work performance, particularly their ability to navigate, operate machinery and perform other skilled tasks. As normal skills become impaired, the risk of accidents increases and the ability to respond to an emergency decreases.

In addition, Customs and Border Protection is responsible for upholding the law. Unlawful and/or criminal conduct by its employees is incompatible with that role and is also likely to bring the Service into disrepute. All Customs and Border Protection officers are expected to comply with the law at all times.

There are a number of laws that officers are expected to comply with, including but not limited to:

- The Australian Public Service (APS) Code of Conduct is set out in section 13 of the *Public Service Act 1999* and applies to all Australian Customs and Border Protection Service officers (but not contractors). The Code of Conduct requires that an employee must (amongst other things):
 - Act with care and diligence in the course of APS employment;
 - When acting in the course of APS employment, comply with all applicable Australian laws;
 - Comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give direction;
 - At all times behave in a way that upholds the good reputation of the APS; and
 - While on duty overseas, at all times behave in a way that upholds the good reputation of the APS.

Under subsection 15(1) of the Act, an Agency Head may impose the following sanctions on an APS employee in the Agency who is found have breached the Code of Conduct:

- Termination of employment;
 - Reduction in classification;
 - Re-assignment of duties;
 - Reduction in salary;
 - Deductions from salary, by way of fine; or
 - A reprimand.
- Section 21 of the *Occupational Health and Safety Act 1991* requires employees to take all reasonably practical steps to ensure safety (of themselves and others) in the workplace. It also requires employees to cooperate with their employer to the extent necessary to enable the employer to fulfil its duties and obligations under the Act. (Section 16 of the Act requires employers to take all reasonable steps to protect the health and safety of their employees at work. This obligation also applies to contractors engaged by the employer (but only on matters on which the employer has control). A breach of section 21 is punishable by a penalty of 90 penalty units (i.e. \$9 900 - in 2009, a penalty unit is \$110)

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- Section 386B of the *Navigation Act 1912* specifies the limit of blood alcohol content as:
 - In the case of a master or seaman while on duty – 0.04 grams of alcohol per 100 mm of blood; or
 - In the case of a master or seaman, on board the vessel but not on duty, - 0.08 grams of alcohol per 100 mm of blood.

A breach of section 386B is an offence punishable by 6 months imprisonment.

- Section 386G of the *Navigation Act 1912* provides that a person who has taken, or who proposes to take, a drug for medical purposes must not go on duty or remain on duty after taking that drug unless:
 - (a) the person has taken reasonable steps to satisfy him/herself that the drug will not affect, or has ceased to affect, the person's capacity to perform the duties of his or her position; or
 - (b) The person has given a declaration to an approved person setting out:
 - (i) the circumstances in which the drug was taken, or will be taken; and
 - (ii) the nature and quantity of the drug involved; and
 - (iii) the time or times at which the drug was taken or will be taken.

A breach of section 386G is an offence punishable by 6 months imprisonment.

- Section 386H of the *Navigation Act 1912* provides that a person who permits or requires performance of duties by person impaired by the influence of alcohol or any other drug commits an offence punishable by imprisonment for 6 months.

In addition to the above laws, officers and contractors should be aware that:

- The possession or consumption of illegal drugs is a criminal offence under Australian law and could lead to prosecution by various law enforcement bodies.
- The Australian Maritime Safety Authority (AMSA) (Manager, Ship Operations and Qualifications) may take action against the certificate of an Australian certified seafarer if he/she is unable to properly perform their duties as a result of being impaired by the influence of alcohol or any other drug. The Manager may deal with the certificate by:
 - Cancelling it;
 - Suspending it until specified conditions are met; or
 - Imposing restrictions on its use until specified conditions are met.
- Section 4(13) of the *Safety Rehabilitation and Compensation Act 1988* which states:

“For the purposes of the Act, an employee who is under the influence of alcohol or a drug (other than a drug prescribed for the employee in accordance with that prescription) shall be taken to be guilty of serious and wilful misconduct.”

Consequently, someone injured while affected by alcohol or drugs may not be eligible to receive worker's compensation.

Accordingly, all personnel onboard Marine Unit vessels should be mindful of all the requirements in relation to illegal drugs, medication and alcohol usage - and the penalties that may be imposed if they are found to be in breach of these requirements.

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Instructions and Guidelines

OH&S CONSIDERATIONS

The use of alcohol and drugs affects a person's ability to exercise judgment, coordination, motor control, concentration and alertness. Consequently, the consumption of these products is an unsafe practice in the inherently dangerous and remote maritime environment because there is:

- A risk of injury given that officers work with machinery and perform tasks that rely on concentration and motor coordination skills; and
- Officers perform duties as part of a team and consequently their actions may jeopardise the health and safety of others.

These risks may also be applicable in relation to medication.

The health risks associated with tobacco (via active and passive smoking) are well known.

DRUGS

The possession or use of any illegal drug onboard a Marine Unit vessel is prohibited.

The Chief Executive Officer (CEO) has issued a direction that:

“...employees must not participate in, or knowingly have a continuing association with people who illegally import, possess, traffic or use illicit drugs or other prohibited substances.”

Employees who are found to have breached this direction will be subject to action under the Code of Conduct provisions and/or criminal charges.

MEDICATION

Prescription medications are permitted onboard Marine Unit vessels, provided that they are used as prescribed, by the person to whom they have been prescribed and the medication does not adversely affect the persons ability to perform his/her duty in a safe and productive manner.

Similarly, over-the-counter medications are permitted onboard Marine Unit vessels, provided they do not adversely affect the person's ability to perform his/her duty in a safe and productive manner.

All personnel who:

- Take prescription medication should discuss with their treating doctor any effects the medication may have on their ability to perform their usual duties prior to commencing the medication; and
- Purchase over-the-counter medication must seek advice from the dispensing pharmacist on the effects of the medication and any advised restrictions in activity.

If an officer has been advised or believes that the medication they are taking may affect their ability to perform their regular duties, they should contact the rosters team in Marine Workforce as soon as practicable prior to a patrol to enable a replacement officer to be organised.

Any officer, contractor or member of another agency who becomes adversely affected by

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their medication during the course of a patrol must immediately inform the Commanding Officer (Bay class vessels) or the Enforcement Commander (contract vessels) or the Master of the vessel (contractors).

ALCOHOL

Officers are considered to be on duty immediately upon embarkation of a Marine Unit vessel. Consequently, officers should show restraint and manage any intake of alcohol in the 24 hours preceding embarkation.

The possession or consumption of alcohol onboard a Marine Unit vessel is prohibited.

The consumption of alcohol ashore (e.g. whilst temporarily alongside in port during a patrol) is not permitted while in uniform. Any consumption of alcohol ashore should be restrained and managed in line with the Notice for Sea (the operational statement of the maximum time it will take a Marine Unit vessel to properly prepare, in all respects (mechanical, logistical, fuel and personnel), to proceed to sea and commence operational activities.

The Chief Executive Officer (CEO) has issued a direction that:

“Employees must not, through the consumption of alcohol, render themselves unfit or incapable to perform their duties.”

A breach of a direction is a breach of the Code of Conduct and sanctions may be imposed.

The CEO has also issued directions in relation to both the use of resources and official vehicles. These directions provide (in part):

“...employees must not drive official vehicles while under the influence of alcohol or any other intoxicant or drug, or when the concentration of alcohol in the blood exceeds prescribed limits;”

“Unless specifically authorised by an employees manager, the use of Customs resources for personal purposes or gain is not allowed. Such resources include:

facilities	computers
vehicles	software
aircraft	telephones
vessels	photocopiers
office equipment/supplies	

If a vehicle is hired by Customs and Border Protection, it is a Customs and Border Protection resource. The ‘employees manager’ is the NM MOS who has given instructions that:

- Officers are not to drive Commonwealth cars or hire cars while affected by alcohol, medication or illegal drugs;
- Officers are not permitted to transport alcohol in Commonwealth cars or hire cars; and
- Managers, Supervisors, Commanding Officers, Group Commanders and Team Leaders must intervene to prevent an officer driving a vehicle if the person’s behaviour suggests the influence of alcohol, medication or drugs.

A breach of either direction is a breach of the Code of Conduct and sanctions may be imposed.

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Smoking is generally regarded as the largest single preventable cause of serious ill-health and death. As an employer, Customs and Border Protection has to take reasonably practical steps to ensure the health, safety and welfare of employees at work, including in relation to passive smoking.

However, it is accepted that some officers may wish to continue to smoke or find it difficult to stop. Therefore, officers may smoke whilst on board a vessel in designated smoking areas (noting no smoking is permitted within the vessels), as safety and operations permit:

Bay class:	On the deck aft of the detainee lounge
Oceanic Viking:	Upper deck on the starboard side, aft of door to the cafeteria
Triton:	On the pod deck under the bridge wings
Ashmore Guardian:	On rear deck

Smokers should ensure that they dispose of all cigarettes butts in an environmentally responsible manner, which means that cigarette butts are not to be thrown overboard when smoking on the deck of vessels.

RESPONSE TO DRUG /ALCOHOL USE (OR ADVERSE EFFECTS OF MEDICATION)

Customs and Border Protection does not currently have an internal alcohol and drug testing regime for officers.

Consequently any decision that a person is adversely affected by drugs/medication/alcohol must be based on direct observation of specific physical, behavioural and/or performance indicators of probable use. If possible, this belief should be based on observation of the individual by two persons in supervisory positions.

All officers have a responsibility and duty of care to take action where an officer is suspected of being adversely affected by drugs, medication or alcohol whilst onboard a Marine Unit vessel.

Officers should never hand over duties to anyone suspected to be under the effect of drugs or alcohol or adversely affected by medication. If in doubt, inform the Commanding Officer (Bay class vessels) / Enforcement Commander (contact vessels) / Master (contractors).

The Commanding Officer/Enforcement Commander must intervene if a person's behaviour suggests the influence of alcohol, drugs or medication and the person is about to board or undertake any activity on a Marine Unit vessel. If the Commanding Officer/Enforcement Commander is under the influence of alcohol, drugs or medication, then this responsibility falls to the 2IC.

All personnel who are affected by drugs/medication/alcohol will be prevented from boarding. If on board, they will be relieved of all duties involving the safe navigation and operation of the vessel and any other activities that may affect the safety of personnel onboard (including themselves) and will be removed from the vessel as soon as practicable.

The Commanding Officer or Enforcement Commander must make an immediate report to the Director Marine Workforce to enable the Director to organise a replacement person.

Under the *Occupational Health and Safety Act 1991*, all OH&S incidents (including those involving alcohol, drugs or medication) are to be documented and reported. Central Office will make the necessary reports.

COUNSELLING

Through the Employee Assistance Program, Customs and Border Protection provides a short-term, free, confidential counselling service to all officers and members of their immediate families.

The types of issues that officers can obtain help with include alcohol and/or drug abuse/dependency. Officers may also obtain assistance with issues that may lead to alcohol or drug abuse and/or dependency including, but not limited to:

- Traumatic stress;
- Workplace stress, including conflict and job demands;
- Financial problems;
- Domestic problems; and/or
- Grief

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The Employee Assistance Program (EAP) is totally confidential. It is a purely voluntary service that an individual can choose to use or not to use. However, seeking help early may prevent the problem from arising – or if there is an existing problem, improve the chances of recovery.

Customs and Border Protection makes every reasonable effort is made to provide support for officers with an alcohol or substance misuse problem. However, some instances may necessitate Code of Conduct action to be taken under the provisions of the *Public Service Act 1999*.

As contact arrangements vary between Regions, contact details for regional Employee Assistance Program services are available from the Intranet.

DUTY FREE ALCOHOL PURCHASES

Compliance Assurance Branch have advised that there is no legal provision for duty free stores to hold alcohol (or other goods) purchased in Australia until return of the vessel i.e. in order to obtain duty free concessions, personnel must take all goods purchased to an overseas port.

Given that the possession or consumption of alcohol is prohibited onboard Marine Unit vessels, personnel will not be able to satisfy this requirement. Consequently, personnel may NOT purchase duty free alcohol in Australia.

Duty free alcohol may not be purchased from an overseas port for a return trip to Australia where the return transport is a Marine Unit vessel.

Onboard personnel may avail themselves of duty free concessions in relation to other goods for voyages planned to be undertaken from Australia *to an overseas port* i.e. The duty free concession does not apply to a patrol undertaken within Australia's maritime zones nor to an international voyage where the vessel does not call at a foreign port e.g. Southern Ocean patrols.

Marine Workforce section will provide personnel (officers, contractors, guest agency/organisation personnel) with a letter that personnel wishing to purchase duty free goods (excluding alcohol) may present to a Duty Free store to confirm that they will be undertaking an international voyage.

Personnel must:

- Be aware that the concession is limited to 250 cigarettes or 250g of tobacco products plus goods with a combined total price of AUD\$400 (including gifts);
- Take all goods out of Australia;
- Declare the goods on the incoming passenger card;
- Pay duty on the goods if the vessel does not reach a foreign port;
- Be aware that exceeding duty free concession limits will require payment of duty and tax on all items of that type (general goods or tobacco), not just on the goods which exceed the limits;
- Declare goods in excess of the duty free concession and provide proof of purchase to enable calculation of duty and tax to be paid; and
- Understand that failure to declare goods in excess of the concession may result in the application of penalties and/or disciplinary action.

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Related Policies and References

Practice Statements

- Customs and Border Protection Marine Unit

Other Instructions and Guidelines

- Ethics and Conduct (2001)
- SHW Policy Instruction & Guideline – Alcohol and Other Drugs
- OHS Policy – OHS Management Information Systems HSMA3
- OHS Policy Instruction & Guideline – Counselling and the Employee Assistance Program (EAP)
- Guidelines for Implementing the Code of Conduct Procedures

Key Roles and Responsibilities

- Commanding Officers and Enforcement Commanders are to ensure all onboard personnel are aware of this Instruction and Guideline.

Consultation

Internal

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines.

- People Branch

External

- Nil

Approval

Approved on	<i>28 August 2009</i>	<i>Original signed</i>
By	Nigel Perry Acting National Director Maritime Operations Support Division	