



Speech by

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POLICE SERVICE ADMINISTRATION [ALCOHOL AND DRUG TESTING] AMENDMENT BILL

Mr WILSON (Ferny Grove—ALP) (9.55 p.m.): It is my pleasure to support the Police Service Administration (Alcohol and Drug Testing) Amendment Bill 2003. Over recent years policing jurisdictions in Australia and overseas have examined the issue of alcohol and other drug use within the context of the police workplace. Recommendations of commissions of inquiry such as the Wood royal commission in New South Wales and the Carter inquiry in Queensland have identified existing and potential problems relating to substance misuse within some policing environments.

The New South Wales Police Service introduced random and targeted alcohol testing and targeted critical incident drug testing way back in September 1997. Just last week the Howard government announced it would also be introducing random alcohol testing for the defence forces, having had drug testing for some time.

The focus of this policy is the welfare of our police officers and the safety of the community. It is not a punitive approach. Officers who admit to having a problem will be offered rehabilitation as a first resort. But the bottom line is that police officers perform a sometimes very dangerous and challenging role. They need to have 100 per cent of their faculties at all times and I do not think anyone would disagree with that.

In April 1998 the Queensland Police Service commissioned the preparation of a discussion paper dealing with the identification of issues involved in the development of a workplace drug and alcohol policy. The QPS Drug and Alcohol Policy Working Party was then formed, chaired by assistant commissioners from Operations Support Command and the Ethical Standards Command. After extensive statewide consultation throughout the Police Service, the working party made recommendations including that if any system of testing was to be effective amendment of the Police Service Administration Act 1990 and its associated regulations would be required. The amendments would provide legislation to underpin requirements for a police officer to provide a specimen of breath. In the absence of a proper legislative basis, testing will only be able to be conducted by consent or in very limited circumstances where existing legislation applies—for example, transportation legislation with respect to drink-driving offences. The legislative amendments do not include criminal law sanctions against police officers. Instead, the amendments are aimed at addressing welfare, the health and safety of officers as well as supporting ethical behaviour within the Police Service while ensuring that individuals are treated in a fair and equitable manner. Police officers who do not do the wrong thing do not have anything to worry about under this policy. There are myriad other workers who have alcohol reading restrictions associated with their jobs, including ambulance officers, firefighters, taxi drivers, mine workers and mobile crane operators.

I will digress for a moment on the situation obtaining to mobile crane operators and illustrate how significant it was that there was a breakthrough in the early 1990s in terms of how drug and alcohol testing would be applied to mobile crane operators. By about 1993-94 legislation had been introduced requiring that mobile crane operators have a zero blood alcohol content. If detected on the road as distinct from in the workplace they were automatically liable to prosecution and the prospect of the loss of their licence. But the knock-on effect was that they would lose their job.

Indeed, the trade union movement took this issue up with some innovation and with considerable success. It was originally triggered by a dispute at Brambles cranes here in Brisbane when a longstanding mobile crane operator with about 30 years employment with Brambles cranes was detected by a random breath test one morning having above the 0 reading and was ultimately returned

to site at Brambles at Hendra. Brambles then decided that they would dismiss this worker because of this reading. To cut a long story short, there quickly ensued an industrial dispute. Interestingly, the issue that the workers wanted to take up was that if this worker was, in fact, allowed to be dismissed, in effect Brambles would be passing the potential alcohol problem of this mobile crane operator down to the next mobile crane hirer in the industry when this person was able to get their licence back again. So really there was going to be no effective dealing with the alcohol problem that this worker obviously had.

During that dispute it was resolved between Brambles and the workers, who were covered by the BLF and the CFMEU at that time, that the employer would institute a new system whereby instead of dismissing the worker, the worker would volunteer for expert medical examination. If that medical examination indicated that they may have an habitual alcohol problem, a recommendation would be made to them for medical assistance for the purpose of rehabilitation. If they chose that course, then the worker would not be dismissed from their employment and would be continued on other non-driving duties until the issue of their possible or actual loss of licence was dealt with under the traffic laws and the criminal law system.

Flowing from that, despite the opposition's abhorrence for pattern bargaining within the construction industry, we found that most employers within the mobile crane industry were able to take up enterprise bargaining agreements with a clause built in that dealt with drug and alcohol issues and the desirability of adopting rehabilitation programs for workers who voluntarily undertook drug and alcohol testing and then undertook rehabilitation programs that would deal with any detected problem. So when the real issue of their welfare, workplace health and safety and the welfare of the general public was the primary, if not exclusive, issue that was taken up, when that issue was embraced for those reasons, most if not all workers saw the value of that exercise. No-one saw it as a challenge to their integrity. No-one saw it as a punitive exercise; rather, they saw it as a device to deal in a real and substantial way with an alcohol problem that might be detected from time to time, albeit through the traffic laws applying to mobile crane operators driving on the road. I digress to give that illustration that, out of an apparent negative view of a situation like that, people can see that there are very important long-term benefits to be gained from an innovative approach to the issue of alcohol consumption by workers in vital and dangerous employment and how important it can be to address it in a constructive way.

This policy that is set out in this legislation will serve only to enhance the integrity of our Police Service, which has proven over time that it is among the finest in the Commonwealth. This legislation is designed to ensure that our police officers can function with the maximum of effectiveness and safety so that the public can have the utmost faith that they will be protected by a highly professional Police Service. I commend the bill to the House.