



# BUS SAFETY

Updated December 2017

## Developing an alcohol and drug management policy

The *Bus Safety Act 2009* (Vic) aims to provide for the safe operation of bus services. This includes the introduction of new obligations relating to alcohol and drug management by bus operators.

### What are your obligations?

If you are an accredited or a registered bus operator, you must:

- develop a written alcohol and drugs management policy for your bus operations
- consult with your bus safety workers (employees and contractors) when developing the policy, and
- implement and maintain the policy to ensure it is appropriate and up to date.

### What is a drug?

A drug is any substance (other than alcohol) that when consumed, deprives the person of normal mental or physical faculties (whether permanently or temporarily).

In the context of bus safety workers, this includes drugs that affect:

- mental alertness
- vision
- coordination
- reaction to situations.

These effects can increase the risk of mistakes or cause an incident or accident.

The broad definition of drugs means that they include prescription medicine, over-the-counter medicine, common tranquillisers or stimulants, herbal remedies, or illicit drugs.

For a non-exhaustive list of drugs, refer to the Victorian Government Gazette S 108 Tuesday 25 June 2002. This list is provided for the purposes of defining drugs for rail safety purposes but may also be of general assistance to you.

### What are the effects of alcohol?

Alcohol may also impact on a person's normal mental or physical faculties e.g. causing drowsiness and slower reflexes, blurred vision or reduced alertness. Like other drugs, this can increase the risk of mistakes or cause an incident or accident. Combining alcohol and drugs may increase this risk significantly.

### What information should your policy contain?

The focus of your policy should be to reduce or eliminate the risks associated with alcohol and drugs use relating to your bus operations.

As a minimum, your policy must state:

*"A bus driver must not have drugs or alcohol present in his or her blood or breath immediately before or while driving a bus."*

In addition to this mandatory requirement, you may wish to include additional requirements on employees and contractors when performing other bus safety work.

For example, you may require:

- All bus safety workers to not have drugs or alcohol present in their blood or breath immediately before or while performing work that may affect the safety of bus services (e.g. repairing/ maintaining or examining/ testing a bus or bus equipment)
- All bus safety workers to have the responsibility to manage the effects of substances they may be taking (including prescription medicines), and to discuss this with their manager.

You may also choose to include in the policy your testing processes for the presence of alcohol or drugs (see below).

Finally, you should comply with any guidelines that the Director, Transport Safety issues from time to time.

### What testing procedures may the policy include?

It is up to you whether to include testing in your alcohol and drugs management policy. If you do include any reference to testing, the policy must also specify:

- the circumstances in which a bus safety worker may be tested
- the testing procedures for detecting alcohol or drugs in blood or breath
- who may conduct the tests
- how the results are to be stored, handled or destroyed



- that testing should not occur more frequently than an hour before bus safety work is about to be carried out or while it is being carried out, except where there is 'reasonable cause' e.g. if:
  - the worker has been involved in an accident
  - there is reason to believe the worker is impaired
  - the worker ought to be tested in the interests of safety
  - that the purpose is to test for the presence of alcohol and drugs, and
- measures to ensure the results are treated confidentially.

Testing procedures that may be relevant include:

- *for alcohol* – using preliminary breath test devices (such as 'Alcotest 80/A, Lion Alcolmeter S-D2 or SD-400PA), and
- *for drugs* – the procedure for assessing drug impairment is described in the Victorian Government Gazette G 48 27 November 2008.

These procedures are listed for the purposes of assessing drug impairment in the rail industry but may also be of general assistance to you.

### Who does your policy apply to?

As stated, the law requires that your policy apply to bus drivers when they are driving or about to drive a bus. However, you may choose to apply the policy to some or all of your other bus safety workers if you think this is needed to ensure safety as far as is practicable for your bus operations. As mentioned, this may include people who repair, maintain or test a bus or bus equipment for you.

### What should you do first?

To comply with your obligations, you should:

- consider your current policy on alcohol and drugs issues (if any) – including any requirements you may have under other laws like occupational health and safety legislation
- consider whether your current policy is appropriate or whether you need to make changes given the requirements of the Bus Safety Act
- consult with your employees and staff as to what alcohol and drugs controls they think are necessary to ensure safety
- settle on the contents of your alcohol and drugs management policy, including whether you need to impose additional requirements to the 'zero alcohol and drugs' condition on bus drivers
- decide how you will implement the 'zero alcohol and drugs' condition on bus drivers and any other requirements at your workplace, and
- decide how you will maintain and review the policy to ensure that it continues to be appropriate and up to date in light of the changing risks to your bus operations.

### What should your bus safety workers do?

Different drugs can affect people in different ways. For the bus safety workers which have obligations under the alcohol and drugs management policy, you should recommend that they:

- read all the labels on their medicines and never use other people's medicines

- discuss with their health professional to understand how any medicines they are taking may affect their ability to do bus safety work
- inform their health professional of their obligations under the alcohol and drugs management policy, especially before being prescribed new medicine, and
- discuss if alternative medicine is available for medicines which have potential effects.

Health professionals include:

- General practitioners (GPs), including company doctors
- Medical specialists (e.g. psychiatrists)
- Dentists and nurses (who administer injections and medications)
- Pharmacists
- Alternative health professionals (e.g. herbalists)

You should also encourage your bus safety workers to speak to their managers if they have any queries or doubts in relation to the policy, or if they are impaired by alcohol and/or drugs.

### How can I get further information?

Your obligations are set out in Part 5 of the Bus Safety Act. To access the Bus Safety Act in full, go to [www.transportsafety.vic.gov.au](http://www.transportsafety.vic.gov.au) or search for 'Bus Safety Act' on the Victorian Legislation and Parliamentary Documents website [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

### Where to get more information

T: 1800 223 022

E: [information@transportsafety.vic.gov.au](mailto:information@transportsafety.vic.gov.au)

W: [www.transportsafety.vic.gov.au](http://www.transportsafety.vic.gov.au)

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