

SENATE ESTIMATES BRIEF

NAVY DISCHARGES FOR DRUG OFFENCES

Key Facts

<ul style="list-style-type: none">• All incidents of drug detection involving Navy personnel will be subject to administrative or disciplinary action.• Personnel involved with drugs will have their retention reviewed.	<ul style="list-style-type: none">• Strong actions are taken to ensure the safety, health and well-being of Navy members.
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Key Issues

- The Prohibited Substance Testing Program (PSTP) is an administrative process separate to any action that might take place under the Defence Force Discipline Act in relation to the use of a prohibited substance.
- Navy takes any involvement with prohibited substances very seriously. Personnel found to be involved with prohibited substances will in almost every case be issued with a Notice for the termination of their Service.
- In accordance with Defence policy, a member who claims drink or food spiking or unintended consumption of a prohibited substance before receiving notification that they will be tested will not be subject to the termination process. They may be subject to target testing. The member must seek medical assistance, report to the Officer of the Day and report the incident to State or Territory Police. If a member claims drink or food spiking or unintended consumption of a prohibited substance after receiving notification that they will be tested, they will still be the subject of PSTP and will be given an opportunity to provide evidence in support of their claim through the administrative process.
- Individuals may self-refer for prohibited substance use to seek professional assistance. This is a once only opportunity and the member must agree to submit to targeted testing as required in the future, to undergo prohibited substance education and to abstain from further use. If the member has had no other prohibited substance related civil or Defence convictions, investigations or administrative action, adverse action in relation to their

self-referral will only be taken if they are assessed as substance dependent, or fail to demonstrate abstinence from future use.

- Members have the ability to redress a termination decision. However in the case of PSTP, the member will be automatically discharged three months after the termination decision is made in accordance with the Defence Act. In the event a person is discharged and their redress of grievance has not been finalised, the redress will be processed to completion with the individual as a civilian.
- The figures for the Financial Year 2010/2011 (1 July 2010 to 30 June 2011) are as follows for testing under the PSTP regime:
 - 24 personnel tested positive to prohibited substances, out of 5166 tests conducted.
 - 8 personnel were discharged in FY 10/11, 9 discharged in FY 11/12 and 1 in FY12/13.
 - 6 personnel were retained; 1 member was reduced in rank and 5 personnel received Formal Warnings.
- The figures for the Financial Year 2011/2012 (1 July 2011 to 30 June 2012) are as follows for testing under the PSTP regime:
 - 29 personnel tested positive to prohibited substances, out of 4851 tests conducted.
 - 3 personnel were discharged in FY 11/12 and 18 in FY 12/13.
 - 7 personnel were retained and all received Formal Warnings.
 - 1 member discharged via the Medical Employment Classification Review Board prior to the PSTP termination decision.
- The figures for the Financial Year 2012/2013 (1 July 2012 to 30 June 2013) are as follows for testing under the PSTP regime:
 - 31 personnel tested positive to prohibited substances, out of 4669 tests conducted.
 - 14 personnel were discharged in FY 12/13 and 11 in FY 13/14.
 - 3 personnel were retained; 1 was reduced in rank and 2 received Formal Warnings.

- 2 members discharged were discharged via the Medical employment Classification Review Board prior to the PSTP termination decision.
- 3 cases are pending decision; including 1 Redress of Grievance.
- The figures for the Financial Year 2013/2014 (01 July 2013 – 31 December 2013) are as follows for testing under the PSTP regime:
 - 8 personnel tested positive to prohibited substances, out of 1938 tests conduct.
 - 3 personnel discharged.
 - 1 person was discharged in absence and 1 person resigned prior to the PSTP Termination decision.
 - 5 cases are pending decision.

Way Ahead

- The decision to retain a member following a positive drug test is made on the merits of each case. In circumstances where personnel are retained, they will normally be subject to a regular testing regime and subject to an administrative sanction.

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Date: 23 Jan 14

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COMSPT
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CONSULTED WITH:
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FLEET POC: CDRE Partridge (COMSPT) / CMDR Cunningham (CFPS)

BACKGROUND - PROHIBITED SUBSTANCE TESTING PROGRAM

	FY 2010/2011	FY 2011/2012	FY 2012/2013	FY 2013/2014
<u>Personnel Tested</u>	5166	4851	4669	1938
Positive Test Results (people)	24 people	29 people	31 people	8 people
Percentage	0.47%	0.60%	0.66%	0.41%
<u>Terminations/Discharges</u>				
Personnel discharged	18	21	23	2
Discharged (Other)	0	1	2	2
Retained	6	7	3	0
Pending	0	0	3	5
Percentage retained	25%	24.1%	9.7%	0
<u>Administrative Sanction</u>				
Reduction-in-rank	1	0	1	0
PSTP Warning	5	7	2	0

SENATE ESTIMATES BRIEF

NAVY DISCHARGES FOR DRUG OFFENCES

Key Facts

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Key Issues

- The Prohibited Substance Testing Program (PSTP) is an administrative process separate to any action that might take place under the Defence Force Discipline Act in relation to the use of a prohibited substance.
- Navy takes any involvement with prohibited substances very seriously. Personnel found to be involved with prohibited substances will in almost every case be issued with a Notice for the termination of their Service.
- In accordance with Defence policy, a member who claims drink or food spiking or unintended consumption of a prohibited substance before receiving notification that they will be tested will not be subject to the termination process. They may be subject to target testing. The member must seek medical assistance, report to the Officer of the Day and report the incident to State or Territory Police. If a member claims drink or food spiking or unintended consumption of a prohibited substance after receiving notification that they will be tested, they will still be the subject of PSTP and will be given an opportunity to provide evidence in support of their claim through the administrative process.
- Individuals may self-refer for prohibited substance use to seek professional assistance. This is a once only opportunity and the member must agree to submit to targeted testing as required in the future, to undergo prohibited substance education and to abstain from further use. If the member has had no other prohibited substance related civil or Defence convictions, investigations or administrative action, adverse action in relation to their

self-referral will only be taken if they are assessed as substance dependent, or fail to demonstrate abstinence from future use.

- Members have the ability to redress a termination decision. However in the case of PSTP, the member will be automatically discharged three months after the termination decision is made in accordance with the Defence Act. In the event a person is discharged and their redress of grievance has not been finalised, the redress will be processed to completion with the individual as a civilian.
- PSTP came into effect in 2009. Prior to this time only targeted testing was conducted. Only the figures pertaining to PSTP are included in this report, as prior figures are not comparable.
- The figures for the Financial Year 2009/2010 (1 Jul 2009 to 30 June 2010) are as follows for testing under the PSTP regime:
 - 38 personnel tested positive to prohibited substances, out of 3549 tests conducted.
 - 23 personnel were discharged in FY 09/10.
 - 15 personnel were retained; one member was reduced in rank and 14 personnel received Formal Warnings.
- The figures for the Financial Year 2010/2011 (1 July 2010 to 30 June 2011) are as follows for testing under the PSTP regime:
 - 24 personnel tested positive to prohibited substances, out of 5166 tests conducted.
 - 18 personnel were discharged. Of this figure eight personnel were discharged in FY 10/11, nine discharged in FY 11/12 and one in FY12/13.
 - Six personnel were retained. Of this figure one member was reduced in rank and five personnel received Formal Warnings.
- The figures for the Financial Year 2011/2012 (1 July 2011 to 30 June 2012) are as follows for testing under the PSTP regime:
 - 29 personnel tested positive to prohibited substances, out of 4851 tests conducted.

- 22 personnel were discharged. Of this figure three personnel were discharged in FY 11/12 and 19 in FY 12/13. This figure includes one person who was discharged via the Medical Employment Classification Review Board prior to the PSTP Termination decision.
- Seven personnel were retained and all received Formal Warnings.
- The figures for the Financial Year 2012/2013 (1 July 2012 to 30 June 2013) are as follows for testing under the PSTP regime:
 - 31 personnel tested positive to prohibited substances, out of 4669 tests conducted.
 - 28 personnel were discharged. Of this figure 14 personnel were discharged in FY 12/13 and 14 in FY 13/14. This figure includes two members who were discharged via the Medical Employment Classification Board prior to the PSTP decision.
 - Three personnel were retained. Of this figure one was reduced in rank and two received Formal Warnings.
- The figures for the Financial Year 2013/2014 (01 July 2013 – 19 May 2014) are as follows for testing under the PSTP regime:
 - 12 personnel have tested positive to prohibited substances, out of 3363 tests conducted.
 - Eight personnel have been discharged. This figure includes one person who was discharged via an administrative termination due to unacceptable alcohol related behaviour, prior to a decision being made on their PSTP termination.
 - Three personnel have been retained. Two personnel were retained following their test result being disregarded. This includes one after proving it was caused by the use of over the counter medication following instruction from an authorised Medical Officer, the other by providing a valid prescription from an authorised Medical Officer. A third member was retained as the positive test was a result of self referral following suspected food spiking. This test result is also formally disregarded however the member will be target tested for 12 months with no adverse Administrative Sanction imposed.
 - One case is pending decision.

Way Ahead

- The decision to retain a member following a positive drug test is made on the merits of each case. In circumstances where personnel are retained, they will normally be subject to a regular testing regime and subject to an administrative sanction.

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BACKGROUND - PROHIBITED SUBSTANCE TESTING PROGRAM

	FY 2009/2010	FY 2010/2011	FY 2011/2012	FY 2012/2013	FY 2013/2014
<u>Personnel Tested</u>	3549	5166	4851	4669	3363
Positive Test Results (people)	38 people	24 people	29 people	31 people	12 people
Percentage	1.18%	0.47%	0.60%	0.66%	0.35%
<u>Terminations/Discharges</u>					
Personnel discharged	23	18	21	26	7
Discharged (Other)	0	0	1	2	1
Retained	15	6	7	3	3
Pending	0	0	0	0	1
Percentage retained	39.5%	25%	24.1%	9.7%	25.0%
<u>Administrative Sanction</u>					
Reduction-in-rank	1	1	0	1	0
PSTP Warning	14	5	7	2	0

SENATE ESTIMATES BRIEF

NAVY DISCHARGES FOR DRUG OFFENCES

- Prohibited Substance Testing Program (PTSP) commenced in 2009. Prior to this time only targeted testing was conducted. Navy tests a minimum of 25% of its personnel for prohibited substances on an annual basis (IAW AFGOs 305.99)
 - The percentage of personnel who have tested positive has fluctuated since 2009. There was a marked decrease in positive test results in 10/11 and then a slow increase to 12/13.
 - The figures for the current FY to date (14 Oct 14) show a positive test result percentage consistent with previous years (0.063%).
 - 72% of personnel who tested positive between 2009 and Jun 2013 have been discharged.
 - The administrative process continues for two personnel who tested positive in FY13/14 and for all who tested positive so far this FY.

FY	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15 ¹
Personnel Tested	3549	5166	4851	4669	4337	1430
% of Total Navy Pers	25.01%	36.07%	34.7%	33.41%	30.6%	10.07%
Cost (@ \$7.23 / test)	\$25,659	\$37,350	\$35,073	\$33,757	\$31,357	\$10,338
Positive Test (people)	38	24	29	31	19	9
Percentage	1.07%	0.46%	0.60%	0.66%	0.44%	0.63%
Outcomes						
No Discharged / (%)	23 (61%)	18 (75%)	21 (72%)	26 (84%)	11 (58%)	0
Discharged (Other)²	0	0	1	2	2	0
Retained / (%)	15 (39%)	6 (25%)	7 (24%)	3 (10%)	4 (21%)	1
Pending	0	0	0	0	2	8
Reduction-in-rank	1	1	0	1	0	0
PSTP Warning	14	5	7	2	0	0

¹ FY 14/15 figures to 14 Oct 14

² Includes people discharged under other Admin action eg MECRB prior to discharge action, behavioural issues.

- PSTP is an administrative process separate to any action that might take place under the *Defence Force Discipline Act*.
 - A decision to retain a member following a positive drug test is made on the merits of each case.
 - In circumstances where personnel are retained, they will normally be subject to a regular testing regime and subject to an administrative sanction.
 - A number of personnel who have been retained tested positive due to prescribed medications or correct use of over the counter medication, and consideration could be given to excluding them from the overall statistics.

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A/PSTP-N Coord LS Shapiro
FHQ POC: CDRE Partridge (COS-FC) / CMDR Cunningham (CFPS)

Background

- In accordance with Defence policy, a member who claims drink or food spiking or unintended consumption of a prohibited substance before receiving notification that they will be tested will not be subject to the termination process. They may be subject to targeted testing. The member must seek medical assistance, report to the Officer of the Day and report the incident to State or Territory Police. If a member claims drink or food spiking or unintended consumption of a prohibited substance after receiving notification that they will be tested, they will still be the subject of PSTP and will be given an opportunity to provide evidence in support of their claim through the administrative process.
- Individuals may self-refer for prohibited substance use to seek professional assistance. This is a once only opportunity and the member must agree to submit to targeted testing as required in the future, to undergo prohibited substance education and to abstain from further use. If the member has had no other prohibited substance related civil or Defence convictions, investigations or administrative action, adverse action in relation to their self-referral will only be taken if they are assessed as substance dependent, or fail to demonstrate abstinence from future use.
- Members have the ability to redress a termination decision. However in the case of PSTP, the member will be automatically discharged three months after the termination decision is made in accordance with the Defence Act. In the event a person is discharged and their redress of grievance has not been finalised, the redress will be processed to completion with the individual as a civilian.
- FY 2013/14:
 - Eleven personnel have been discharged. Of this figure seven were discharged in FY 13/14, including one person who was discharged via an administrative termination due to unacceptable alcohol related behaviour, prior to a decision being made on their PSTP termination. Four people were discharged in FY 14/15.
 - Four personnel have been retained. Three were retained following their test result being disregarded. This includes one after proving it was caused by the use of over the counter medication following instruction from an authorised Medical Officer. The second by providing a valid prescription from an authorised Medical Officer. The third disregarded test was a member who tested positive for a prohibited substance, however due to the correct process not being adhered to in regards to the handling of the sample the test was disregarded. A fourth member was retained as the positive test was a result of self referral following suspected food spiking. This test result is also formally disregarded however the member will be target tested for 12 months with no adverse Administrative Sanction imposed. Zero members have been retained at the discretion of the Imposing Authority.
- FY 2014/15:
 - Nine personnel have tested positive to prohibited substances, out of 1430 tests conducted.
 - One member has been retained. They were retained as the positive test was a result of self referral following suspected drink spiking. This test result is formally disregarded however the member will be target tested for 12 months with no adverse Administrative Sanction imposed. Zero personnel have been retained at the discretion of the Imposing Authority.
 - Eight cases remain pending decision.

SENATE ESTIMATES BRIEF

NAVY DISCHARGES FOR DRUG OFFENCES

Key Facts

<ul style="list-style-type: none">• All incidents of drug detection involving Navy personnel will be subject to administrative or disciplinary action.• Personnel involved with drugs will have their retention reviewed.	<ul style="list-style-type: none">• Strong actions are taken to ensure the safety, health and well-being of Navy members.
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Key Issues

- The Prohibited Substance Testing Program (PSTP) is an administrative process separate to any action that might take place under the Defence Force Discipline Act in relation to the use of a prohibited substance.
- Navy takes any involvement with prohibited substances very seriously. Personnel found to be involved with prohibited substances will in almost every case be issued with a Notice for the termination of their Service.
- In accordance with Defence policy, a member who claims drink or food spiking or unintended consumption of a prohibited substance before receiving notification that they will be tested will not be subject to the termination process. They may be subject to target testing. The member must seek medical assistance, report to the Officer of the Day and report the incident to State or Territory Police. If a member claims drink or food spiking or unintended consumption of a prohibited substance after receiving notification that they will be tested, they will still be the subject of PSTP and will be given an opportunity to provide evidence in support of their claim through the administrative process.
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self-referral will only be taken if they are assessed as substance dependent, or fail to demonstrate abstinence from future use.

- Members have the ability to redress a termination decision. However in the case of PSTP, the member will be automatically discharged three months after the termination decision is made in accordance with the Defence Act. In the event a person is discharged and their redress of grievance has not been finalised, the redress will be processed to completion with the individual as a civilian.
- The figures for the Financial Year 2010/2011 (1 July 2010 to 30 June 2011) are as follows for testing under the PSTP regime:
 - 24 personnel tested positive to prohibited substances, out of 3640 tests conducted.
 - 8 personnel were discharged in FY 10/11, 9 discharged in FY 11/12 and 1 in FY12/13.
 - 6 personnel were retained; 1 member was reduced in rank and 5 personnel received Formal Warnings.
- The figures for the Financial Year 2011/2012 (1 July 2011 to 30 June 2012) are as follows for testing under the PSTP regime:
 - 29 personnel tested positive to prohibited substances, out of 4858 tests conducted.
 - 3 personnel were discharged in FY 11/12 and 18 in FY 12/13.
 - 7 personnel were retained and all received Formal Warnings.
 - 1 member discharged via the Medical Employment Classification Review Board prior to the PSTP termination decision.
- The figures for the Financial Year 2012/2013 (1 July 2012 to 30 June 2013) are as follows for testing under the PSTP regime:
 - 31 personnel tested positive to prohibited substances, out of 4676 tests conducted.
 - 14 personnel were discharged in FY 12/13.
 - 3 personnel were retained; 1 was reduced in rank and 2 received Formal Warnings.

- 2 members discharged via the Medical employment Classification Review Board prior to the PSTP termination decision.
- 12 cases are pending decision; including 3 Redress' of Grievance.
- The figures for the Financial Year 2013/2014 (01 July 2013 – 30 September 2013) are as follows for testing under the PSTP regime:
 - 6 personnel tested positive to prohibited substances, out of 1117 tests conduct.
 - 0 personnel discharged.
 - 6 cases are pending decision.

Way Ahead

- The decision to retain a member following a positive drug test is made on the merits of each case. In circumstances where personnel are retained, they will normally be subject to a regular testing regime and subject to an administrative sanction.

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Date: 12 Nov 13

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FLEET POC: CDRE Partridge (COMSPT) / CMDR Cunningham (CFPS)

BACKGROUND - PROHIBITED SUBSTANCE TESTING PROGRAM

	FY 2010/2011	FY 2011/2012	FY 2012/2013	FY 2013/2014
<u>Personnel Tested</u>	3640	4858	4676	1117
Positive Test Results (people)	24 people	29 people	31 people	6 people
Percentage	0.66%	0.60%	0.66%	0.53%
<u>Terminations/Discharges</u>				
Personnel discharged	18	21	14	0
Discharged (Other)	0	1	2	0
Retained	6	7	3	0
Pending	0	0	12	6
Percentage retained	25%	24.1%	9.7%	0
<u>Administrative Sanction</u>				
Reduction-in-rank	1	0	1	0
PSTP Warning	5	7	2	0

SENATE ESTIMATES BRIEF

NAVY DISCHARGES FOR DRUG OFFENCES

Key Facts

<ul style="list-style-type: none">• All incidents of drug detection involving Navy personnel will be subject to administrative or disciplinary action.• Personnel involved with drugs will have their retention reviewed.	<ul style="list-style-type: none">• Strong actions are taken to ensure the safety, health and well-being of Navy members.
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Key Issues

- The Prohibited Substance Testing Program (PSTP) is an administrative process separate to any action that might take place under the Defence Force Discipline Act in relation to the use of a prohibited substance.
- Navy takes any involvement with prohibited substances very seriously. Personnel found to be involved with prohibited substances will in almost every case be issued with a Notice for the termination of their Service.
- In accordance with Defence policy, a member who claims drink or food spiking or unintended consumption of a prohibited substance before receiving notification that they will be tested will not be subject to the termination process. They may be subject to target testing. The member must seek medical assistance, report to the Officer of the Day and report the incident to State or Territory Police. If a member claims drink or food spiking or unintended consumption of a prohibited substance after receiving notification that they will be tested, they will still be the subject of PSTP and will be given an opportunity to provide evidence in support of their claim through the administrative process.
- Individuals may self-refer for prohibited substance use to seek professional assistance. This is a once only opportunity and the member must agree to submit to targeted testing as required in the future, to undergo prohibited substance education and to abstain from further use. **If the member has had no other prohibited substance related civil or Defence convictions, investigations or administrative action, adverse action in relation to their**

self-referral will only be taken if they are subsequently assessed as substance dependent, or fail to demonstrate ongoing abstinence.

- Members have the ability to redress a termination decision. In the case of PSTP the Defence Act mandates, the member be automatically discharged 3 months after the termination decision. In the event a person is discharged and any redress of grievance remains open the redress will be processed to completion when the individual is a civilian.
- The figures for the Financial Year 2010/2011 are as follows for testing under the PSTP regime:
 - 23 personnel tested positive to prohibited substances, out of 3640 tests conducted;
 - 30% were retained.
- The figures for the Financial Year 2011/2012 (1 July 2011 to 30 June 2012) are as follows for testing under the PSTP regime:
 - 31 personnel tested positive to prohibited substances, out of 4860 tests conducted.
 - 19% were retained. In some cases personnel have been involved with prescription drugs, and while there are grounds to terminate them it has largely been dependant on the nature of the substance and the reasons. On a few occasions the age, experience, personal circumstances and otherwise excellent performance of the sailor weighted heavily in favour of their retention.
 - 1 member discharged via the Medical Employment Classification Review Board prior to the PSTP termination decision.
 - 10% are pending (including one Officer). The Officer tested positive to a prescription drug, and raised additional information requiring clarification in his response. The decision has been made to retain the Officer subject to a PSTP Warning.
- The figures for the Financial Year 2012/2013 (1 July 2012 to 19 March 2013) are as follows for testing under the PSTP regime:
 - 26 personnel tested positive to prohibited substances, out of 3469 tests conducted.
 - 10 personnel discharged.

- 16 cases are pending decision.

Way Ahead

- The decision to retain a member following a positive drug test is made on the merits of each case. In circumstances where personnel are retained, they will normally be subject to a regular testing regime and subject to an administrative sanction.

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COMSPT
Date: 07 May 13

CONSULTED WITH:

KEY POC: CDRE PARTRIDGE (COMSPT) / CMDR CUNNINGHAM (CFPS)

BACKGROUND - PROHIBITED SUBSTANCE TESTING PROGRAM

	FY 2009/2010	FY 2010/2011	FY 2011/2012	FY 2012/2013 TO 19 MAR 13
<u>Personnel Tested</u>	3549	3640	4860	3142
Positive Test Results (people)	38 people	23 people	31 people	26 people
Percentage	1.18%	0.63%	0.63%	0.83%
<u>Terminations/Discharges</u>				
Personnel discharged	23	16	21	10
Discharged (Other)			1	0
Retained	15	7	6	0
Pending	0	0	3	16
Percentage retained	39.5%	32.8%	19.3%	0
<u>Administrative Sanction</u>				
Reduction-in-rank	1	3	0	0
PSTP Warning	14	8	6	0

SENATE ESTIMATES BRIEF

NAVY DISCHARGES FOR DRUG OFFENCES

Key Facts

<ul style="list-style-type: none">• All incidents of drug detection involving Navy personnel will be subject to administrative or disciplinary action.• Personnel involved with drugs will have their retention reviewed.	<ul style="list-style-type: none">• Strong actions are taken to ensure the safety, health and well-being of Navy members.
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Key Issues

- The Prohibited Substance Testing Program (PSTP) is an administrative process separate to any action that might take place under the Defence Force Discipline Act in relation to the use of a prohibited substance.
- Navy takes any involvement with prohibited substances very seriously. Personnel found to be involved with prohibited substances will in almost every case be issued with a Notice for the termination of their Service.
- In accordance with Defence policy, a member who claims drink or food spiking or unintended consumption of a prohibited substance before receiving notification that they will be tested will not be subject to the termination process. They may be subject to target testing. The member must seek medical assistance, report to the Officer of the Day and report the incident to State or Territory Police. If a member claims drink or food spiking or unintended consumption of a prohibited substance after receiving notification that they will be tested, they will still be the subject of PSTP and will be given an opportunity to provide evidence in support of their claim through the administrative process.
- Individuals may self-refers for prohibited substance use to seek professional assistance. This is a once only opportunity and the member must agree to submit to targeted testing as required in the future, to undergo prohibited substance education and to abstain from further use. If the member has had no other prohibited substance related civil or Defence convictions, investigations or administrative action, they may be

considered to be immune from any adverse action in relation to their self-referral provided they are not assessed as substance dependent, demonstrate abstinence from future use and continue to provide useful service.

- Members have the ability to redress a termination decision, however in the case of PSTP, the member will be automatically discharged 3 months after the termination decision is made even where the redress has not been finalised. The redress will be considered whilst the individual is a civilian. This is in accordance with the Defence Act.
- The figures for the Financial Year 2010/2011 are as follows for testing under the PSTP regime:
 - 23 personnel tested positive to prohibited substances;
 - 30% were retained.
- The figures for the Financial Year 2011/2012 (1 July 2011 to 30 June 2012) are as follows for testing under the PSTP regime:
 - 31 personnel tested positive to prohibited substances.
 - 19% were retained. In some cases personnel have been involved with prescription drugs, and while there are grounds to terminate them it has largely been dependant on the nature of the substance and the reasons. On a few occasions the age, experience, personal circumstances and otherwise excellent performance of the sailor weighted heavily in favour of their retention.
 - 1 member discharged via the Medical Employment Classification Review Board prior to the PSTP termination decision.
 - 13% are pending (including one Officer). The Officer tested positive to a prescription drug, and raised additional information requiring clarification in his response. The case is currently subject to legal review. Of the other matters: one has been finalised and has a discharge date of April 2013; another is awaiting acknowledgment by the member of the discharge decision; and the third is continuing through the redress of grievance process. Personnel can only be retained for up to three months following a termination decision, even where a redress of grievance is awaiting decision.
- The figures for the Financial Year 2012/2013 (1 July 2012 to 15 January 2013) are as follows for testing under the PSTP regime:

- 16 personnel tested positive to prohibited substances
- 9 personnel discharged
- 7 cases are pending decision

Way Ahead

- The decision to retain a member following a positive drug test is made on the merits of each case. In circumstances where personnel are retained, they will normally be subject to a regular testing regime and subject to an administrative sanction.

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KEY POC: CDRE PARTRIDGE (COMSPT) / CMDR WAKEFIELD (FLO)

BACKGROUND - PROHIBITED SUBSTANCE TESTING PROGRAM

	FY 2009/2010	FY 2010/2011	FY 2011/2012	FY 2012/2013 TO 15 JAN 13
<u>Personnel Tested</u>	3549	3640	4860	2192
Positive Test Results (people)	38 people	23 people	31 people	16 people
Percentage	1.18%	0.63%	0.63%	0.73%
<u>Terminations/Discharges</u>				
Personnel discharged	23	16	20	49
Discharged (Other)			1	0
Retained	15	7	6	0
Pending	0	0	4	7
Percentage retained	39.5%	32.8%	19.3%	0%
<u>Administrative Sanction</u>				
Reduction-in-rank	1	3	0	0
PSTP Warning	14	8	6	0

SENATE ESTIMATES BRIEF

Group Top Issues Brief
VCDF pack

THE ADF AND DRUGS

Key Facts

<ul style="list-style-type: none">• Use of prohibited substances or involvement in their possession or supply by ADF personnel is not tolerated.• Incompatible with an effective and efficient Defence Force.• Capacity to undermine safety, discipline, morale, security and reputation.• ADF members testing positive to prohibited substances are normally discharged in accordance with Defence policy.	<ul style="list-style-type: none">• The ADF has two primary processes for managing the use or involvement with prohibited substances; administratively or disciplinary/criminally.• The administrative process involves the application of Defence Instruction Personnel 15-5, 'Management of the use or involvement with prohibited substances in the Australian Defence Force'.• The discipline/criminal process involves the application of the Defence Force Discipline Act 1982 or State/Federal law.
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Key Issues - 2012

- During the period 01 January 2012 – 14 January 2013, a total of 131 incidents involving allegations of illicit drug abuse were referred to the ADF Investigative Service (ADFIS).
 - RAN – 43 incidents (seven Service Police, one Civil Police are open);
 - Army – 70 incidents (12 Service Police, four Civil Police are open); and
 - RAAF – 18 incidents (two Service Police, nil Civil Police are open).
- Overall, 26 incidents are the subject of **open** investigations (21 Service Police, five Civil Police).
- Six matters are being **monitored** for the outcomes of civil court proceedings.

- 13 Service Police matters are still **pending** unit/civil police action.
- 86 matters are now **closed** through referrals to units for disciplinary or administrative action or where the matters were unsubstantiated.
- The ADF Prohibited Substance Testing Program is an individual unit responsibility and units are not required to advise ADF Investigative Service (ADFIS) of the results.

Way Ahead

- ADFIS will continue to investigate all allegations of prohibited substances use or involvement in their possession or supply by ADF personnel.

AUTHORISED BY:

AVM K.J. Paule
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Provost Marshal ADF
Date: 15 January 2013

CONSULTED WITH:

MAJ N. Rose, ADFIS A/Dir Ops

SENATE ESTIMATES BRIEF

Group Top Issues Brief
VCDF pack

THE ADF AND DRUGS

Key Facts

<ul style="list-style-type: none">• Use of prohibited substances or involvement in their possession or supply by ADF personnel is not tolerated.• Incompatible with an effective and efficient Defence Force.• Capacity to undermine safety, discipline, morale, security and reputation.• ADF members testing positive to prohibited substances are normally discharged in accordance with Defence policy.	<ul style="list-style-type: none">• The ADF has two primary processes for managing the use or involvement with prohibited substances; administratively or disciplinary/criminally.• The administrative process involves the application of Defence Instruction Personnel 15-5, 'Management of the use or involvement with prohibited substances in the Australian Defence Force'.• The discipline/criminal process involves the application of the Defence Force Discipline Act 1982 or State/Federal law.
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Key Issues - 2012

- During the period 01 January 2012 – 29 April 2013, a total of 177 incidents involving allegations of illicit drug abuse were referred to the ADF Investigative Service (ADFIS).
 - RAN – 62 incidents (eight Service Police, one Civil Police are open);
 - Army – 93 incidents (six Service Police, two Civil Police are open); and,
 - RAAF – 22 incidents (nil Service Police, nil Civil Police are open).
- Overall, 17 incidents are the subject of open investigations (14 Service Police, three Civil Police).

- Eight matters are being monitored for the outcomes of civil court proceedings.
- Eight Service Police matters are still pending unit action.
- 144 matters are now closed through referrals to units for disciplinary or administrative action or where the matters were unsubstantiated.
- The ADF Prohibited Substance Testing Program is an individual unit responsibility and units are not required to advise ADF Investigative Service (ADFIS) of the results.

Way Ahead

- ADFIS will continue to investigate all allegations of prohibited substances use or involvement in their possession or supply by ADF personnel.

AUTHORISED BY:

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Date: 10 May 2013

CONSULTED WITH:

MAJ Lark, ADFIS A/ Dir Ops

BACKGROUND

- The following provides a breakdown by Service of recent allegations (01 January 2012 – 14 January 2013) drug related investigations involving ADF personnel.

Organisation	Service Police Open	Civil Police Open	Service Police Pending	Civil Court Monitoring	Closed	Total
Navy	8	1	5	2	46	62
Army	6	2	2	6	77	93
RAAF	0	0	1	0	21	22
Total	14	3	8	8	144	177

SENATE ESTIMATES BRIEF

Group Top Issues Brief
VCDF pack

THE ADF AND DRUGS

Key Facts

<ul style="list-style-type: none">• Use of prohibited substances or involvement in their possession or supply by ADF personnel is not tolerated.• Such use is incompatible with an effective and efficient ADF.• The use of prohibited substances has the capacity to undermine safety, discipline, morale, security and reputation.• ADF members testing positive to prohibited substances are normally discharged in accordance with Defence policy.• The ADF has two primary processes for managing the use or involvement with prohibited substances; administratively or disciplinary/criminally.	<ul style="list-style-type: none">• The administrative process involves the application of Defence Instruction Personnel 15-5, ‘Management of the use or involvement with prohibited substances in the Australian Defence Force’.• The discipline/criminal process involves the application of the <i>Defence Force Discipline Act 1982</i> or State/Federal law.• During the period 01 January 2012 – 04 November 2013, a total of 224 incidents involving allegations of illicit drug abuse were referred to the ADF Investigative Service (ADFIS).• Overall, 20 incidents are the subject of open investigations (16 Service Police, Four Civil Police).
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Key Issues

- During the period 01 January 2012 – 04 November 2013, 224 incidents involving allegations of illicit drug abuse were referred to ADFIS.
 - RAN – 73 incidents (Eight Service Police, nil Civil Police investigations are open);
 - Army – 124 incidents (Five Service Police, Four Civil Police investigations are open); and
 - RAAF – 27 incidents (Three Service Police, nil Civil Police investigations are open).

- Overall, 20 incidents are the subject of **open** investigations (16 Service Police, Four Civil Police).
- Four matters are being **monitored** for the outcomes of civil court proceedings.
- One Service Police matter is still **pending** unit action.
- 199 matters are now **closed** through referrals to units for disciplinary or administrative action or where the matters were unsubstantiated.
- The ADF Prohibited Substance Testing Program is an individual unit responsibility and units are not required to advise ADF Investigative Service (ADFIS) of the results.

Way Ahead

- ADFIS will continue to investigate all allegations of prohibited substances use or involvement in their possession or supply by ADF pers.

AUTHORISED BY:	CONTACT OFFICER:
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LTCOL McGarry, ADFIS DPM-ADF (Invest Ops) CMDR Caldow, PM – N LTCOL Jayawardena, PM-A WGCDR Monson, PM-AF	

BACKGROUND

- The following provides a breakdown by Service of recent allegations (01 January 2012 – 04 November 2013) drug related investigations involving ADF personnel.

Organisation	Service Police Open	Civil Police Open	Service Police Pending	Civil Court Monitoring	Closed	Total
Navy	8	0	1	1	63	73
Army	5	4	0	3	112	124
RAAF	3	0	0	0	24	27
Total	16	4	1	4	199	224

SENATE ESTIMATES BRIEF

Group Top Issues Brief
VCDF pack

THE ADF AND DRUGS

Key Facts

<ul style="list-style-type: none">• Use of prohibited substances or involvement in their possession or supply by ADF personnel is not tolerated.• Such use is incompatible with an effective and efficient ADF.• The use of prohibited substances has the capacity to undermine safety, discipline, morale, security and reputation.• Where an ADF member is found to have used or had involvement with any prohibited drug, the member's retention in the ADF is reviewed by the relevant Service personnel / career management agency.• The ADF has two primary processes for managing the use or involvement with prohibited substances; administratively or disciplinary/criminally.	<ul style="list-style-type: none">• The administrative process involves the application of Defence Instruction Personnel 15-5, 'Management of the use or involvement with prohibited substances in the Australian Defence Force'.• The discipline/criminal process involves the application of the <i>Defence Force Discipline Act 1982</i> or State/Federal law.• During the period 01 January 2013 – 20 January 2014, a total of 147 incidents involving allegations of illicit drug abuse were referred to Defence Investigative Authorities.• Overall, 33 incidents are the subject of open investigations (15 Service Police, 15 Civil Police, one Customs).
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Key Issues

- During the period 01 January 2013 – 20 January 2014, 147 incidents involving allegations of illicit drug abuse were referred to Defence Investigative Authorities.
 - Navy – 42 incidents (Two Service Police, One Civil Police and One Customs investigation are open);
 - Army – 87 incidents (11 Service Police and 14 Civil Police investigations are open);

- Air Force – 17 incidents (Three Service Police, nil Civil Police investigations are open); and
- VCDF – One incident (Nil open).
- Overall, 32 incidents are the subject of **open** investigations (16 Service Police, 15 Civil Police and one Customs).
- Seven matters are being **monitored** for the outcomes of civil court proceedings.
- One Service Police matter is still **pending** the Office of the Director Military Prosecutions action.
- 114 matters are now **closed** through referrals to units for disciplinary or administrative action or where the matters were unsubstantiated.
- The ADF Prohibited Substance Testing Program is an individual unit responsibility and units are not required to advise ADF Investigative Service (ADFIS) of the results.

Way Ahead

- ADFIS will continue to investigate all allegations of prohibited substances use or involvement in their possession or supply by ADF personnel.

AUTHORISED BY:

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Head Military Strategic Commitments
Date: 7 February 2014

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Date: 7 February 2014

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(Invest Ops)
CMDR Caldow, PM – N
LTCOL Jayawardena, PM-A
WGCDR Monson, PM-AF

BACKGROUND

- The following provides a breakdown by Service of recent allegations (01 January 2013 – 20 January 2014) drug related investigations involving ADF personnel.

Organisation	Service Police Open	Civil Police Open	Service Police Pending	Civil Court Monitoring	Closed	Total
Navy	2	2	0	0	38	42
Army	11	7	1	7	61	87
Air Force	3	0	0	0	14	17
VCDF	0	0	0	0	1	1
Total	16	9	1	7	114	147

SENATE ESTIMATES BRIEF

Group Top Issues Brief
VCDF pack

THE ADF AND DRUGS

Key Facts

<ul style="list-style-type: none">• Use of prohibited substances or involvement in their possession or supply by ADF personnel is not tolerated.• Such use is incompatible with an effective and efficient ADF.• The use of prohibited substances has the capacity to undermine safety, discipline, morale, security and reputation.• Where an ADF member is found to have used or had involvement with any prohibited drug, the member's retention in the ADF is reviewed by the relevant Service personnel / career management agency.• The ADF has two primary processes for managing the use or involvement with prohibited substances; administratively or disciplinary/criminally.	<ul style="list-style-type: none">• The administrative process involves the application of Defence Instruction Personnel 15-5, 'Management of the use or involvement with prohibited substances in the Australian Defence Force'.• The discipline/criminal process involves the application of the <i>Defence Force Discipline Act 1982</i> or State/Federal law.• During the period 01 January 2013 – 28 May 2014, a total of 180 incidents involving allegations of illicit drug abuse were referred to Defence Investigative Authorities.• Overall, 22 incidents are the subject of open investigations (8 Service Police and four Civil Police).
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Key Issues

- During the period 01 January 2013 – 28 May 2014, 180 incidents involving allegations of illicit drug abuse were referred to Defence Investigative Authorities.
 - Navy – 51 incidents (six Service Police, and nil Civil Police investigations are open);
 - Army – 108 incidents (six Service Police and five Civil Police investigations are open);

- Air Force – 18 incidents (three Service Police, one Civil Police investigations are open); and
- VCDF Group – two incidents (nil Service Police and one Civil Police investigation is open).
- Overall, 22 incidents are the subject of **open** investigations (15 Service Police, seven Civil Police).
- Five matters are being **monitored** for the outcomes of civil court proceedings.
- Six Service Police matters are still **pending** the Office of the Director Military Prosecutions or unit action.
- 150 matters are now **closed** through referrals to units for disciplinary or administrative action or where the matters were unsubstantiated.
- The ADF Prohibited Substance Testing Program is an individual unit responsibility and units are not required to advise ADF Investigative Service (ADFIS) of the results.

Way Ahead

- ADFIS will continue to investigate all allegations of prohibited substances use or involvement in their possession or supply by ADF personnel.

AUTHORISED BY:

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RADM T.N. Jones
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LTCOL McGarry
ADFIS DPM-ADF INV OPS

BACKGROUND

- The following provides a breakdown by Service of recent allegations (01 January 2013 – 28 May 2014) drug related investigations involving ADF personnel.

Organisation	Service Police Open	Civil Police Open	Service Police Pending	Civil Court Monitoring	Closed	Total
Navy	6	0	0	0	45	51
Army	6	5	5	5	90	108
Air Force	3	1	0	0	14	17
VCDF	0	1	1	0	1	3
Total	15	7	6	5	150	180