

DRUG & ALCOHOL POLICY

VERSION: 1.3

Table of Contents

1.	INTRODUCTION.....	3
1.1	Purpose.....	3
1.2	Scope.....	3
1.3	Policy References.....	3
1.4	Definitions	4
2.	POLICY STATEMENT	6
3.	Key elements of the Policy	6
3.1	Prohibited Conduct	6
3.2	Alcohol at approved events for Employees	6
3.3	Alcohol Limits	7
3.4	Drugs	8
3.4.1	Medication	8
3.5	Testing	9
3.5.1	Testing provider and method	9
3.5.2	Testing stages	9
3.5.3	Other scenarios	10
3.6	SML Employee Assistance, EAP and Rehabilitation	11
3.6.1	SML Employees Rehabilitation Program.....	11
4.	ROLES AND RESPONSIBILITIES	11
5.	NON-COMPLIANCE AND CONSEQUENCE.....	12
6.	REVIEW AND AMENDMENT	13
7.	REPORTING REQUIREMENTS	13
8.	CONFIDENTIALITY	13
	SCHEDULE A – Reasonable cause indicators	14
	DOCUMENT ADMINISTRATION INFORMATION	15
	DOCUMENT REVISION HISTORY.....	15

1. INTRODUCTION

1.1 Purpose

Sydney Markets Limited (SML) is obligated to provide, so far as reasonably practicable, a safe working environment for all workers and others in the workplace.

This Policy aims to:

- Prevent impairment from drugs and/or alcohol at work and on SML sites.
- Protect the health and safety of Employees and Covered Persons, customers, tenants, visitors and the community.
- Establish clear standards, testing processes, roles, and consequences.
- Support Workers to seek assistance where Drug or Alcohol use may impact work.
- Ensure compliance with applicable legislation and Australian standards.

1.2 Scope

This Policy applies to everyone working at, occupying, attending, or visiting the SML Sites, including but not limited to the Employees and Covered Persons. It applies while a Covered Person is at the SML Sites or on SML property (including using vehicles), conducting business, or carrying out employment tasks, or at an SML-approved work function, regardless of the hours normally worked.

1.3 Policy References

This Policy was developed with references to the following documents or legislation:

Document Name	Link
<i>Work Health and Safety Act 2011</i> (NSW)	Work Health and Safety Act 2011 - Federal Register of Legislation
<i>Work Health and Safety Regulation 2025</i> (NSW)	Work Health and Safety Regulation 2025 - NSW Legislation
<i>Fair Work Act 2009</i> (Cth)	Fair Work Act 2009 - Federal Register of Legislation
<i>Anti-Discrimination Act 1977</i> (NSW)	Anti-Discrimination Act 1977 No 48 - NSW Legislation
<i>Privacy Act 1988</i> (Cth)	Privacy Act 1988 - Federal Register of Legislation
<i>Health Records and Information Privacy Act 2002</i> (NSW)	Health Records and Information Privacy Act 2002 No 71 - NSW Legislation
AS/NZS 4308:2023 – specimen collection & detection of drugs in urine	
AS/NZS 4760:2019 – specimen collection & detection of drugs in oral fluid	
AS 3547:2019 - Breath alcohol testing devices	

1.4 Definitions

Term	Definition
Alcohol	any beverage or substance intended for consumption that contains any form of ethyl alcohol (ethanol), including but not limited to beer, wine, spirits, liqueurs, and any medications where alcohol is an active ingredient.
BAC	Blood Alcohol Level.
BrAC	Breath Alcohol Concentration.
Confirmatory Test	a test required due to an initial breath alcohol test above 0.00BAC and 0.00BrAC.
Confirmed Positive Result	a result reported by a NATA-accredited laboratory confirming the presence of a specified drug or drug metabolite at or above the applicable confirmation cut-off level prescribed by the Relevant Standard, following confirmatory analysis using validated laboratory methods.
Covered Person	means any person covered by the scope of this Policy, including Employees, SML Contractors, Plaza Workers, Occupiers, tenants, workers, occupants, licensees and visitors of the SML Sites. This is the umbrella term used throughout this Policy to describe who this Policy applies to (see also the narrower definition of Occupier).
Disciplinary Action	any lawful action that may be taken against a Covered Person or visitor, including sanctions up to and including termination of employment/engagement (with or without notice), or directions to Tenants/Occupiers/contractors requiring affected Covered Persons to leave and not return to SML sites.
Drugs	refers to any substance (other than alcohol) that can alter an individual's mood, behaviour, judgement, or physical coordination, thereby impacting their fitness for work. This includes: • Illicit Substances: Any drug prohibited under State or Federal Australian law. • Prescribed Medication: Legal pharmaceuticals used under medical direction, including medicinal cannabis. • Over-the-Counter Medications: Legally available retail pharmacy items that cause drowsiness or impairment. • Other Substances: Inhalants, solvents, synthetic compounds, or performance-enhancing substances.
EAP	means the Employee Assistance Programme offering a confidential, independent service offering information, assessment, counselling and referral available to SML Employees

Employee	A person employed by SML under a contract of employment. Volunteers and invitees are not Employees for the purposes of this Policy but are Covered Persons (see definition of Covered Person).
High-Risk Work	Work performed in a high-risk environment as defined in the <i>Work Health and Safety Regulation 2025</i> .
Medical Review Officer (MRO)	An independent, appropriately qualified medical practitioner (or the WHS Manager, where supported by appropriate external medical advice) responsible for reviewing NATA-confirmed positive results, considering any medical explanation or mitigating or aggravating factors, and advising SML prior to any Disciplinary Action being finalised under this Policy.
NATA	National Association of Testing Authorities.
Negative Result	A test result indicating that no drug has been detected at or above the applicable screening cut-off concentration prescribed by the Relevant Standard. A negative result permits the Covered Person to continue or return to duties, subject to any other fitness-for-duty considerations.
Non-Negative Result	A preliminary screening result indicating that the presence of a drug or drug class cannot be excluded and that confirmatory laboratory testing is required. A non-negative result is not a confirmed positive result and must not, by itself, be treated as proof of drug use.
Positive	A confirmed positive result from a NATA accredited laboratory.
Plaza Worker	Any person employed or engaged within the Plaza Zone, including, but not limited to, SML Employees, contractors, volunteers, Tenants, licensees and their staff.
Plaza Zone	The precinct bounded by Parramatta Rd, Hammersmith and Plaza Rds.
Relevant Standards	AS/NZS 4308:2008 (urine), AS 4760:2019 (oral fluid) and AS 3547:2019 (breath testing devices), or any standard that replaces these.
SML Contractor	A person engaged by SML, including contractors and their invitees.
SML Sites	All land, premises, common areas, buildings, structures and property used, owned and/or controlled by SML, including, but not limited to, Sydney Markets (Flemington), the Plaza Zone, and Paddy's Markets (Haymarket).
Under the Influence	Affected or impaired mentally or physically, including being at a substantial risk of impairment.
WHS	Means work, health and safety
WHS Manager	means the Employee responsible for management of WHS at the Markets who can be contacted at safety@sydneymarkets.com and +61 4179 890 278.
WHS Regulation	<i>Work Health and Safety Regulation 2025 (NSW)</i>
Occupier	means a person with a commercial agreement to lease or licence premises (a demised area) at the SML Sites to conduct a business, being

	a person conducting a business or undertaking (PCBU), consistent with the meaning of 'Occupier' in SML's WHS Plan. References to 'Occupiers' in this Policy (including in the Roles and Responsibilities table and section 5) use this narrower meaning, distinct from 'Covered Person'.
Open Licence	means a current and valid full (unrestricted) NSW driver licence.
Provisional Licence	means a provisional P1 licence or provisional P2 licence issued under the <i>Road Transport (Driver Licensing) Regulation 2010</i> (NSW).

2. POLICY STATEMENT

SML prohibits Covered Persons, at all levels, from working, conducting business and attending the SML Sites under the influence of Drugs or Alcohol, except as expressly permitted for approved events under section 3.2.

SML may test Covered Persons for Alcohol and Drugs – randomly, or for cause – to keep the SML Sites safe and to meet its WHS obligations according to law.

Any disciplinary action taken under this Policy will be fair, proportionate and consistent with applicable employment and industrial law.

3. Key elements of the Policy

The key elements of this policy are as follows:

3.1 Prohibited Conduct

Covered Persons must not:

- work or conduct business on SML Sites while under the influence of Drugs or Alcohol;
- use, possess, distribute or consume Drugs or Alcohol on SML Sites during work time, except as permitted under clause 3.2;
- drive or operate a vehicle of any kind including, but not limited to a forklift or heavy vehicle, plant or equipment under the influence of Alcohol or Drugs at any time on SML Sites;
- use Drugs or Alcohol off duty if it results in reporting to work, or performing duties, under the influence.

The zero-tolerance BAC/BrAC standard in clause 3.3 for operating a forklift, heavy vehicle or plant applies together with, and does not replace, SML's forklift safety rules (see the SML WHS Obligations and Forklift Awareness Guide), including the prohibition on using a mobile phone, entertainment device or two-way radio, and on smoking, while operating a forklift.

3.2 Alcohol at approved events for Employees

For Employees only:

- Alcohol may be served in designated areas at SML Sites at social or work functions with prior approval.
- Employees must remain fit for their usual duties – there is, however, zero tolerance for Employees conducting High-Risk Work or operating vehicles of any kind.
- An employee returning to non-High-Risk duties after drinking Alcohol at an approved event must meet the limits in clause 3.3.

3.3 Alcohol Limits

Activity	Acceptable limit	Reading process	Consequences of above acceptable limit
Covered Person conducting High-Risk Work	0.00 BAC and 0.00 BrAC	Initial reading test: Initial reading indicates a result that is $>0.00\text{BAC}/0.00\text{BrAC}$. The result therefore indicates that alcohol is detectable in the system and a confirmatory test is required. Confirmatory test: If the initial reading test indicates that alcohol is detectable, a confirmatory test is conducted 15 minutes after the initial reading test with a new mouthpiece. If the confirmatory test records $>0.00\text{BAC}/0.00\text{BrAC}$, this is a positive breath alcohol test.	Covered Person is removed to a safe place. SML reserves the right to remove the Covered Person from the SML Site.
Covered Person conducting non-High-Risk Work and holds a Provisional Licence	0.00 BAC and BrAC	Initial reading test: Initial reading indicates a result that is $>0.00\text{BAC}/0.00\text{BrAC}$. The result therefore indicates that alcohol is detectable in the system and a confirmatory test is required. Confirmatory test: If the initial reading test indicates that alcohol is detectable, a confirmatory test is conducted 15 minutes after the initial reading test with a new mouthpiece. If the confirmatory test records $>0.00\text{BAC}/0.00\text{BrAC}$, this is a positive breath alcohol test.	Covered Person is removed to a safe place. SML reserves the right to remove the Covered Person from the SML Site.
Covered Person conducting non-High-Risk Work and holds an Open Licence	$<0.05\text{BAC}$ and BrAC	Initial reading test: Initial reading indicates a result that is $>0.05\text{BAC}/0.05\text{BrAC}$. The result indicates that more than the acceptable limit of alcohol is detected in the system and a confirmatory test is required.	Covered Person is removed to a safe place. SML reserves the right to remove the Covered Person from the SML Site.

		Confirmatory test: If the initial reading test indicates that more than the acceptable limit of alcohol is detectable, a confirmatory test is conducted 15 minutes after the initial reading test with a new mouthpiece. If the confirmatory test records >0.05 BAC/0.05BrAC, this rating is above the acceptable limit.	
Covered Person conducting non-High-Risk Work in a role identified by risk assessment as heightened risk, and who holds an Open Licence	<0.02 BAC and BrAC	Initial reading test: Initial reading indicates a result that is >0.02BAC/0.02BrAC. The result indicates that more than the acceptable limit of alcohol is detected in the system and a confirmatory test is required. Confirmatory test: If the initial reading test indicates that more than the acceptable limit of alcohol is detectable, a confirmatory test is conducted 15 minutes after the initial reading test with a new mouthpiece. If the confirmatory test records >0.02 BAC/0.02BrAC, this rating is above the acceptable limit.	Covered Person is removed to a safe place. SML reserves the right to remove the Covered Person from the SML Site.

Note: Despite the above limits, if a Covered Person exhibits signs of impairment, SML reserves the right to treat the Covered Person as under the influence and may remove from the SML Site.

3.4 Drugs

There is zero tolerance for Illicit Drugs are prohibited at any detectable level at the SML Site.

3.4.1 Medication

- Covered Persons taking any medication (prescription, over the counter or otherwise) must ask their medical practitioner or pharmacist whether it may impair safe performance of duties. If there is a risk of impairment, the Covered Person must notify their employer (tenant, Occupier or contractor, as applicable) before performing any duties.

- If there is a risk of impairment, SML Contractors and Employees must notify their supervisor and SML's Work, Health & Safety Manager (safety@sydneymarkets.com) before performing any duties on the SML Site.
- Prescription medication must be supported by a current prescription and, in all cases, less than 12 months old. Verification may be requested.
- Misuse of medication is prohibited. Covered Persons should not carry/store medications on site beyond personal, legitimate medical need.

3.5 Testing

SML may require Covered Persons, SML Contractors and SML Employees present in the SML Sites to undergo drug and/or alcohol testing to monitor compliance with this Policy.

Testing may be:

- Random and/or targeted testing.
- Post-incident testing after incidents. "Incidents" includes, but are not limited to, injuries, accidents, near misses, or plant/ product/property damage where worker action/inaction may be a factor.
- Reasonable cause testing where indicators suggest impairment (see *Schedule A – Reasonable Cause Indicators*).
- Return-to-work/monitoring testing following a positive result.
- Notifier-requested testing where Employees, tenants or licensees (the "Notifier") may request testing where there are reasonable grounds consistent with *Schedule A*. Before testing is arranged, the Notifier's stated grounds must be corroborated by a supervisor or the WHS Manager.

3.5.1 Testing provider and method

- Testing shall be performed by an accredited provider, or a nominated registered medical practitioner.
- On-site screening will use breath testing for Alcohol, and oral fluid and/or urine testing for Drugs. Oral fluid testing better indicates recent use and likely impairment in safety-critical roles; urine testing may be used instead, or in addition, in specific circumstances such as post-incident or reasonable cause testing. Any non-negative on-site result will be confirmed by NATA-accredited laboratory testing before it is treated as a Confirmed Positive Result.
- Testing will be carried out according to Australian Standards and must respect privacy and confidentiality and comply with the Relevant Standards and privacy law.
- Right to a support person: Covered Persons, SML Contractors and Employees may have a support person present during testing.

3.5.2 Testing stages

Stage	What happens
On-site screening test	Accredited provider carries out an on-site test. The Occupier must carry out the test pursuant to the instructions of the accredited provider.

	If the preliminary result is a "non-negative" screen, this is not a confirmed breach of the Policy. A Covered Person performing High-Risk Work is stood down from that work pending laboratory confirmation. A Covered Person performing non-High-Risk work is stood aside from safety-sensitive duties and from operating any vehicle, forklift, heavy vehicle or plant pending laboratory confirmation, but may continue in genuinely low-risk duties, where available, if a fitness-for-work assessment confirms this is appropriate.
Confirmatory laboratory test	Sample sent to a NATA-accredited laboratory. Covered Person may disclose any medication that could explain the result before this step.
Confirmed positive	Laboratory result is referred to the Medical Review Officer (MRO), who reviews the result, considers any medical explanation and any mitigating or aggravating factors, and confirms whether it is a Confirmed Positive Result. Where the MRO confirms a Confirmed Positive Result with no accepted medical explanation, SML is entitled to carry out Disciplinary Action.

3.5.3 Other scenarios

Scenario	SML response
Employee self-discloses before being required to test	Support-first: EAP referral, return-to-work plan. Not treated as a disciplinary matter in the first instance.
Confirmed positive via random/for-cause/post-incident testing (no prior disclosure)	Disciplinary Action applies.
Refusal to test without reasonable excuse	Treated the same as a confirmed positive.
Second confirmed positive within 2 months	Referred to the MRO for review in accordance with clause 3.5.3 before any decision is made. Subject to that review and to the Covered Person being given an opportunity to respond, may be treated as serious misconduct and result in summary dismissal.
Providing a specimen that is not one's own, using masking agents or comprising the chain-of-custody.	Treated the same as a confirmed positive. Disciplinary Action applies.

3.6 SML Employee Assistance, EAP and Rehabilitation

- SML encourages early self-referral by SML Employees to the WHS Manager for drug/alcohol issues before any incident or testing, without fear of reprisal. Discussions will be confidential.
- SML may refer SML Employees to the EAP.
- Subject to agreement with SML, SML Employees may take unpaid leave to participate in rehabilitation/treatment. Return to work will be subject to medical evidence and SML's reasonable directions.
- Discretionary leniency: Where a SML Employee self-refers or takes proactive steps before testing is conducted, SML may, at its sole discretion, decide not to take Disciplinary Action.
- Other workers and tenants workers are not covered by the above. Tenants and Occupiers are required to provide appropriate employee assistance and rehabilitation for their workers.

3.6.1 SML Employees Rehabilitation Program

- Where an SML Employee returns a positive or non-negative, SML may, in its discretion, permit continued site entry subject to participation in an SML-approved Drug & Alcohol Rehabilitation Programme. SML may suspend or allocate alternative duties during the programme.
- SML may, in its discretion, fund an initial assessment by an SML-nominated/ approved rehabilitation provider.
- Post-treatment testing:
 - Prior to returning to normal duties, the Employee must return a negative drug and/or alcohol test (Employee pays).
 - The Employee will then be subject to at least three (3) random tests over the next three (3) months, although SML may vary the frequency and duration of this testing in its discretion having regard to the Employee's individual circumstances and any advice from a medical or rehabilitation provider.
 - A positive test during or following treatment may result in Disciplinary Action.

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
All Covered Persons	• Comply with this Policy and lawful directions. • Present fit for duty; never work under the influence. • Disclose impairment risks from medications (see 3.4). • Immediately report suspected breaches to the WHS Manager (safety@sydneymarkets.com).
SML Managers / Supervisors	• Monitor compliance and intervene where necessary. • Take appropriate steps if they: (a) observe a Covered Person using drugs or alcohol in the workplace; (b) find evidence of use; or (c) suspect, on reasonable grounds (Schedule B), that a Covered Person is under the influence.

	• Arrange testing for reasonable cause or as directed; stand down Covered Persons where impairment is suspected; secure scenes after incidents and initiate post-incident testing. • Undertake referrals, suspensions, terminations and/or Disciplinary Action in conjunction with advice from the Work, Health & Safety Manager.
WHS Manager	• Owns this Policy and testing program; engage/oversee authorised providers. • Provide advice on incidents, escalations and disciplinary processes. • Maintain confidential records, statistics and reports. • Ensure meaningful consultation with Covered Persons, Employees, Occupiers, Health & Safety Representatives (HSRs) and the WH&S Forum before this Policy or any material amendment to it takes effect, and ongoing consultation with Tenants/Occupiers and contractors.
Tenants, Occupiers, SML Contractors (and their managers)	• Ensure their staff comply with this Policy while on SML sites. • Co-operate with SML testing, stand-downs and directions (including removing impaired Covered Persons from site). • Implement their own drug & alcohol policy and testing arrangements consistent with this Policy. • Notify SML of medication-related impairment risks impacting site safety.
Authorised Testing Provider	• Conduct testing per Relevant Standards and chain-of-custody. • Deliver timely, accurate results and manage NATA lab confirmations. • Maintain tester competence, calibration and device records.

5. NON-COMPLIANCE AND CONSEQUENCE

Breaches of this Policy may result in Disciplinary Action, which can include but is not limited to:

Before SML makes a decision to escalate to serious misconduct or summary dismissal following a second Confirmed Positive Result within 2 months, the matter will be referred to the Medical Review Officer for review in accordance with clause 3.5.3, and the Covered Person will be given a reasonable opportunity to respond before any final decision is made.

- Direction to cease work and leave the SML Site;
- For SML Employees: Formal warnings, suspension, or termination of employment/engagement (with or without notice);
- For non-SML Employees: Direction to tenants/Occupiers/SML Contractors to remove the non-compliant person or SML Contractor from the site and prevent return to site;

- Contractual remedies and/or reporting to regulators/authorities where required.

SML Employees – additional actions

- Direction to leave the workplace and not return for a period reasonably necessary (at least until recovered).
- Requirement to undergo, at their expense, a further drug/alcohol screening and return a negative result before returning to work.
- Minor first offences (no High-Risk Work in regular duties) may, at SML's discretion, result in a first and final written warning and/or referral for substance abuse education/ evaluation/ treatment.
- Repeated or serious offences may result in a final written warning, demotion, or dismissal (with or without notice).

All Covered Persons and SML Contractors – additional conditions

- SML (and/or its insurer) may, at its sole discretion, require the Tenant, Occupier or SML Contractor to indemnify SML for costs arising out of or in connection with the drug and/or alcohol test.
- Covered Persons or SML Contractors suspected of being under the influence will not be permitted to remain in the SML Sites or to drive from site; they must arrange alternative transport at their expense. SML may exclude the Covered Person or SML Contractor from SML Sites until satisfied there is no ongoing breach.
- Discretionary leniency may apply where a Covered Person self-refers prior to testing (see 3.6).

6. REVIEW AND AMENDMENT

Before this Policy, or any material amendment to it, takes effect, SML will undertake meaningful consultation with Occupiers, Covered Persons, Employees, Health and Safety Representatives and the WH&S Forum established under SML's WHS Plan. This consultation is intended to ensure procedural fairness in the development of this Policy and to reduce the risk of the Policy being challenged as an unjust or unreasonable imposition.

This Policy will be reviewed by the Policy Owner at least every three years or sooner if there are changes in legislation, operational practices, or significant incidents.

Any amendments to this policy must be approved by the SML Board.

7. REPORTING REQUIREMENTS

- Records – Testing results, incidents, stand-downs and corrective actions recorded confidentially and securely.
- Reporting – Periodic de-identified reporting to SML Head of Safety & Executives; trend analysis used to strengthen controls.
- Continuous improvement – Lessons learned inform training, controls and policy updates.

8. CONFIDENTIALITY

SML will handle all information arising from this Policy as confidential, consistent with privacy obligations.

SCHEDULE A – Reasonable cause indicators

Reasonable cause testing is triggered where physical symptoms and/or unusual or out of character observable behaviours suggest impairment.

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

- emotional signs – outbursts, anger, aggression
- changes in personality
- changes in alertness – difficulty with attention span
- less energy
- involvement in various minor accidents
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- dizziness
- slurred speech
- hangovers
- violent behaviour
- impaired motor skills
- bloodshot eyes
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- changes in appearance – clothing, hair, personal hygiene
- intense anxiety or panic attacks
- impairments in learning and memory, perception and judgement
- irritability
- depression
- odour of alcohol or drugs
- inability to walk in a straight line
- irrational laughter and foolish behaviour
- increased health problems or complaints about health

DOCUMENT ADMINISTRATION INFORMATION

Document Title	Drug & Alcohol Policy
Policy Category	High Risk
Version	1.3
Approval Authority	SML Board
Approval Date	30 July 2026
Effective Date	30 July 2026
Policy Owner	Head of Safety
Issuing Department	Market Operations
Review Date	22 July 2026

DOCUMENT REVISION HISTORY

Version	Date	Author	Description of changes
1.0		Deborah Banwell - GC	First Draft
1.1		Deborah Banwell - GC	Final Draft
1.1	16 Sep 2025	Zaheeda Abraham – Risk & Compliance	Converted Policy document into new format for consistency, no changes to content.
1.1	28 Sep 2025	Catherine Roche – EA to the CEO	Amendments to refine document formatting (no changes to content).
1.2	06 Nov 2025	Head of Safety	Amendments to incorporate feedback post consultation.
1.3	22 July 2026	Caitlin Kelly – General Counsel	Amendment to Policy document.