

## NSW Government response to the Coroner’s Inquest into the deaths of six patrons of NSW music festivals

Recommendation	NSW Government Response
<b>A. To the NSW Department of Premier and Cabinet</b>	
<p>1. That the Department of Premier and Cabinet permits and facilitates Pill Testing Australia, The Loop Australia, or another similarly qualified organisation to run front of house medically supervised pill testing/drug checking at music festivals in NSW with a pilot date starting the summer of 2019–20.</p>	<p><b>Not supported.</b></p> <p>The NSW Government does not support ‘pill testing’. The Government is not satisfied that evidence exists demonstrating that pill testing is an effective tool for minimising drug harm. The Deputy Coroner recorded MDMA toxicity as the major causal factor in all deaths examined by the inquest. Young people at music festivals should not be given a false sense of security.</p>
<p>2. That the Department of Premier and Cabinet, working with NSW Health and NSW Police, fund the establishment of a permanent drug checking facility, similar to the Dutch model known as the Drug Information Monitoring System (DIMS).</p>	<p><b>Not supported.</b></p> <p>Refer to Recommendation 1.</p>
<p>3. That the Department of Premier and Cabinet, working with NSW Health, research and support the development of technology to allow for the most sophisticated and detailed drug analysis</p>	<p><b>Not supported.</b></p> <p>The NSW Government does not support pill testing (Refer Recommendation 1).</p> <p>However, NSW Health can send blood samples to forensic toxicological testing and has identified the need to expand this service. An enhanced system would enable rapid, routine toxicological testing of a broader range of</p>

<p>to be made available on site at music festivals.</p>	<p>substances. This data could be used to inform clinical management of patients along with the public health response. Refer Recommendation 4 for further detail.</p>
<p>4. That the Department of Premier and Cabinet, working with NSW Health, research and support the development of early warning systems at music festivals generally and arising from front of house and/or back of house drug checking.</p>	<p><b>Noted.</b></p> <p>The NSW Government does not support pill testing.</p> <p>NSW Health is already working with the NSW Police to test seized samples to inform general harm reduction messaging in the community.</p> <p>NSW Health will also be contributing to the Emerging Drugs Network of Australia (EDNA) by sharing the information that is obtained through the emergency department enhanced surveillance system. EDNA is a national project which fosters collaboration between hospitals, forensic laboratories, public health departments, ambulance and user groups across Australia. The aim of the project is to share information in relation to patient drug-related toxicology results in Australia to create a national system that will inform the community about the illicit drugs that are causing harm.</p>
<p>5. That the Department of Premier and Cabinet, working with the NSW State Coroner, NSW Police, FASS and NSW Health, develop protocols for the open sharing of information between these agencies regarding drug trends and monitoring of drug deaths.</p>	<p><b>Supported.</b></p> <p>NSW Health is working closely with NSW Police to develop a system whereby a sample of drugs seized by NSW Police (including at high risk music festivals) are sent for toxicology analysis, to enhance surveillance and monitoring of the composition of the NSW drug supply and to inform NSW Health and NSW Police operational responses.</p> <p>The Government notes there is already a high degree of interagency cooperation between NSW Health, FASS and the NSW Police Force. These agencies have an excellent and collaborative working relationship. Opportunities for increased collaboration and more effective information sharing will be considered.</p>

<p>6. That the Department of Premier and Cabinet facilitate a regulatory roundtable with the involvement of relevant State and Local government and key industry stakeholders, including the Department of Health, private health providers such as EMS Event Medical, NSW Ambulance and NSW Police, the Australian Festivals Association, harm minimisation experts and promoters, to ensure appropriate minimum standards for policing, medical services and harm reduction are mandated at music festivals.</p>	<p><b>Supported.</b></p> <p>The Government continually reviews and updates the <i>NSW Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction</i>. They have been developed in consultation with music festival organisers, private onsite medical providers, venue managers, peer-based harm reduction services, medical colleges, NSW Ambulance, local health districts, the Poisons Information Centre, other government agencies, and many other experts.</p> <p>Event de-briefs with key agencies and stakeholders are conducted after each major music festival, which serves as a forum to discuss improved approaches to festival operations.</p> <p>NSW Health has routine event briefs with festival organisers before and after their events. Private on-site medical providers are able to discuss their event plans with NSW Health to ensure they are aligned with the <i>Guidelines</i>.</p>
<p>7. That in developing any new music festival regulations the Department of Premier and Cabinet, working with the Australian Festivals Association and other relevant stakeholders, give consideration to the submission of the family of Joshua Tam (MFI-C).</p>	<p><b>Supported.</b></p> <p>The NSW Government has taken into consideration the submissions of all families, and appreciates their participation in the Inquest.</p> <p>The <i>Music Festivals Act 2019</i> commenced in November 2019, setting out regulatory arrangements for music festivals. Under this legislation, high risk festivals are required to adhere to the <i>NSW Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction</i>. This includes providing adequate shade, water, chill out spaces and communications arrangements.</p> <p>The Government will continue to work with the Australian Festivals Association and other relevant stakeholders through the Music Festivals Roundtable to ensure harm reduction initiatives continue to be based on the latest available evidence.</p>

8. That the Department of Premier and Cabinet facilitate the holding of a NSW Drug Summit to develop drug policy that is evidence-based and focused on minimising harm to users and 136 the community (previously recommended in the Opiates Inquest examining six deaths – findings delivered on 1 March 2019), the Department should give full and genuine consideration to, among other issues:

- a. The development of a best practice model of and guidelines for drug checking/pill testing including for front of house operations at music festivals and fixed site services operating in the community.
- b. Targeted education programs, designed for different age groups, with a focus on harm minimisation with respect to stimulant drugs at music festivals.
- c. Decriminalising personal use of drugs, as a mechanism to reduce the harm caused by drug use.
- d. Expanded regulation of certain currently illicit drugs.
- e. Redefining illicit drugs as primarily a health and social issue rather than

**Noted.**

The NSW Government does not support pill testing (Refer Recommendation 1).

The Government has established the Special Commission of Inquiry into the Drug 'Ice', which commenced on 28 November 2018. The Special Commission is investigating the nature, prevalence and impact of the drug in NSW. On 28 February 2019 the Premier announced the expansion of its terms of reference to include other illicit amphetamine type stimulants. The Commission will report in January 2020.

The Government already supports targeted education programs aimed at harm minimisation. For example, the 'Stay OK' campaign to improve drug safety at music festivals: <https://yourroom.health.nsw.gov.au/getting-help/Pages/Stay-OK.aspx>

The NSW Police Force is currently trialling Criminal Infringement Notices (CINs) for minor drug possession offences at music festivals, as a mechanism to reduce harm. During the 8 month trial period 336 CINs were issued at 25 music festivals. 87% were for MDMA possession. The trial will continue indefinitely and will undergo an evaluation. To date, the CINs trial has been an effective harm reduction mechanism. The NSW Police Commissioner has advised there has been good compliance with those CINs that have been issued, which infers they are being well received by young persons and the community.

NSW Government drug policies and services are informed by a harm minimisation approach which aligns with the National Drug Strategy and the National Ice Action Strategy and seeks to reduce demand, reduce supply and reduce harm

<p>primarily a law enforcement issue, and the implementation of law and policy that best achieves that goal.</p>	
<p><b>B. To the NSW Department of Health</b></p>	
<p>1. That the NSW Department of Health research and support evidence-based strategies that are most useful to maximise the chance of reducing harm and saving lives in the event of drug-related illness at music festivals including, for example, giving consideration to the use of ice baths and/or routine use of rectal thermometers to ascertain core temperature and/or ice vests.</p>	<p><b>Supported.</b></p> <p>The NSW Health <i>Guidelines for Music Festival Events Organisers</i> and the <i>Pre-hospital Clinical Guidelines</i> have been developed in consultation with key stakeholders and experts. They provide current best practice for reducing drug-related harm at music festivals. These <i>Guidelines</i> will continue to be regularly updated to reflect new evidence as well as key learnings from festivals this season. For all festivals assessed as being at a high risk of drug-related harm, NSW Health will review event medical plans and provide feedback to ensure they are aligned with the <i>Guidelines for Music Festival Event Organisers</i>.</p>
<p>2. That the NSW Department of Health consider evidence from the inquest that might supplement or improve the NSW Ministry of Health Guidelines “Pre-Hospital Guideline: Illicit Substance-Induced Hyperthermia” including, for example, the “Treatment Guidelines for Drug Induced Hyperthermia” (annexure</p>	<p><b>Supported.</b></p> <p>In developing the “Pre-Hospital Guideline: Illicit Substance-Induced Hyperthermia”, NSW Health reviewed the current evidence-based practices and consulted widely on the Guideline prior to its implementation. NSW Health will continue to review and update the Guideline where appropriate.</p>

<p>DH-2 to statement of Dr Dorothy Habrat - Exhibit 62).</p> <p>Health</p>	
<p>3. That the NSW Department of Health consider researching the metabolisation of MDMA and whether there is a genetic risk factor for MDMA toxicity, for example in poor CYP2C19 metabolisers.</p>	<p><b>Supported.</b></p> <p>NSW Health is considering the feasibility of commissioning a study to explore the metabolism of MDMA and genetic risk factors associated with severe MDMA toxicity.</p> <p>NSW Health notes that there is significant inter-person variation in MDMA metabolization, and emphasise the importance of public health messaging. NSW Health will continue to ensure that its messaging is based on available research.</p>
<p>4. That the NSW Department of Health continues to fund and expand appropriate peer delivered harm prevention and reduction services that are well received by patrons, for example, DanceWize.</p>	<p><b>Supported.</b></p> <p>NSW Health already supports and provides funding for a range of harm minimisation services.</p>
<p>5. That the NSW Department of Health contributes to the Emerging Drugs Network of Australia (EDNA) by sharing the information that is obtained through NSW Health's enhanced surveillance in ED and ICU settings.</p>	<p><b>Supported.</b></p> <p>NSW Health will be contributing to the Emerging Drugs Network of Australia (EDNA) by sharing the information that is obtained through the emergency department enhanced surveillance system.</p>

<p>6. That the NSW Department of Health establishes and coordinates a group of key stakeholders, including State and Local government and key industry stakeholders, including the Department of Health, private health providers such as EMS Event Medical, NSW Ambulance and Police, the Australian Festivals Associations, harm minimisation experts and promoters to allow for the annual review of NSW Health Guidelines for Music festival Event Organisers: Music Festival Harm Reduction.</p>	<p><b>Supported.</b></p> <p>The NSW <i>Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction</i> have been developed and revised in consultation with music festival organisers, private onsite medical providers, venue managers, peer-based harm reduction services, medical colleges, NSW Ambulance, local health districts, the Poisons Information Centre, other government agencies, and many other experts. The Government will consider the appropriate timing and frequency for review of the Guidelines.</p>
<p>7. That the NSW Health Guidelines for Music festival Event Organisers: Music Festival Harm Reduction be amended to advise of an appropriate time frame and protocol for a private medical service provider to conduct a full evaluation, preferably with an independent consultant, in the event of a fatality involving a patient who they have treated.</p>	<p><b>Supported.</b></p> <p>An updated edition of the Guidelines will include a recommendation that private medical providers undertake an investigation in the event of a death of a patient treated by an onsite medical provider.</p> <p>It is noted that the <i>Music Festivals Act 2019</i> also requires the organiser to hold a debrief with the health services provider within 21 days after the end of the festival (s10(2)(c)).</p>
<p>8. That the Department Health working with organisations such as Family Drug</p>	<p><b>Supported.</b></p>

<p>Support Australia and drug educators such as Paul Dillon of Drug and Alcohol Research and Training (DARTA), develop resources for parents about talking to their children about stimulant drugs consumed at music festivals, focused on harm prevention and reduction.</p>	<p>NSW Health provides funding to Family Drug Support Australia to provide 24/7 support for parents and families who are impacted by drug use.</p> <p>In addition, NSW Health has recently increased the range and availability of family focussed resources including:</p> <ul style="list-style-type: none"> <li>• The development of online training in family inclusive practice as well as statewide training for alcohol and other drug workers.</li> <li>• Your Service Hub has been developed with a specific Family Services search function.</li> <li>• Online information has been developed and expanded on the Your Room website.</li> <li>• Family support workers have been embedded in youth drug and alcohol multidisciplinary teams across five local health districts.</li> </ul> <p>NSW Health will consider what further resources can be provided to parents talking to their children about stimulant drugs.</p>
<p>9. That the Department of Health continues to promote music festival guidelines that encourage the following initiatives, by explaining their significance in reducing the risk of drug-related harms and death:</p> <ol style="list-style-type: none"> <li>a. Free cold water at multiple stations throughout festivals.</li> <li>b. Well ventilated chill out spaces and the regular checking of ambient temperatures.</li> <li>c. Additional activities to music to encourage chill out (particularly for longer festivals).</li> </ol>	<p><b>Supported.</b></p> <p>The NSW Health <i>Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction</i> have been written to support event organisers to deliver safer music festivals. The Guidelines combine existing event planning guidance with harm reduction strategies, such as free cold water at multiple stations throughout festivals. These harm reduction strategies are based on information obtained from events where a number of festival patrons have presented with serious drug-related illness that required immediate and intensive medical management prior to and during transfer to hospital. The Guidelines describe harm reduction strategies with checklists to support implementation.</p> <p>In addition to these Guidelines, NSW Health has developed other resources to support music festival organisers and private onsite medical providers including:</p> <ul style="list-style-type: none"> <li>• a social media campaign that has been developed in consultation with festival patrons to help them recognise the signs and symptoms of drug-related illness and encourage them to look after their friends and seek help quickly. The campaign content is available for free from NSW Health.</li> </ul>



<p>d. Involvement of artists in harm reduction messages.</p>	<ul style="list-style-type: none"> <li>the Pre-hospital Clinical Guidelines in relation to management of acute drug-related illness, including the management of hyperthermia, reduced consciousness, dehydration and behavioural disturbance, have been developed and are available from the NSW Health website.</li> </ul>
<p><b>C. To the NSW Police Force</b></p>	
<p>1. That, given the evidence of a link between the use of drug dogs and more harmful means of consumption (including panic ingestion, double dosing, pre-loading, and insertion in a vaginal or anal cavity) the model of policing at music festivals be changed to remove drug detection dogs.</p>	<p><b>Not supported.</b></p> <p>Drug detection dogs are the best method for police to screen large crowds of people for the presence of drug odours. In all cases their use is governed by stringent procedures, and the Government will ensure that NSW Police continue to follow these procedures.</p> <p>Drug detection dogs are not used at every music festival in NSW but are deployed based on intelligence and the type of festival. Generally, the number of drug detection dogs used at a music festival is small, with only between 2 – 5 utilised throughout the entire festival site. Drug detection dog use has resulted in significant amounts of illicit drugs being taken out of the festivals’ supply chain.</p>
<p>2. In order to address the harm potentially caused by the current practice of police strip searching for possession of drugs (including more harmful means of consumption and secretion and adversely affecting the relationships between patrons and police meaning it may be less likely that patrons will seek help from Police), the NSW Police Commissioner issue an operational guideline and/or amend the relevant police handbook such that strip</p>	<p><b>Noted.</b></p> <p>The Government notes that the Law Enforcement Conduct Commission (LECC) is currently investigating the use by police officers of powers to conduct strip searches under the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA). The Government will consider the outcomes of this investigation once complete.</p>

<p>searches should be limited at music festivals to circumstances where:</p> <p>a. There is a reasonable suspicion that the person has committed or is about to commit an offence of supply a prohibited drug, and</p> <p>b. There are reasonable grounds to believe that the strip search is necessary to prevent an immediate risk to personal safety or to prevent the immediate loss or destruction of evidence, and</p> <p>c. The reasons for conducting the search are recorded on Body Worn Video before the search commences.</p> <p>d. No less invasive alternative is appropriate in the circumstances.</p>	
<p>3. That, in the event of pill testing/drug checking facilities being operational at NSW Music festivals, the Police Commissioner issue an operational guideline providing clear guidance to operational police as to how they are requested to exercise their discretion in regard to illicit drug use and possession at festivals. Such a Guideline should:</p>	<p><b>Not supported.</b></p> <p>Refer to Recommendation 1.</p> <p>In the context of Part B, the Government notes that the NSW Police Force is currently trialling Criminal Infringement Notices (CINs) for minor drug possession offences at music festivals, as a mechanism to reduce harm.</p>

<p>a. Identify the role of police as one of support and protection for otherwise law-abiding festival goers.</p> <p>b. Request police not to take punitive action against people in possession of drugs for personal use, and to concentrate their operations on organised drug dealing, social disorder and other crimes.</p> <p>c. Emphasise that while a primary part of policing at music festivals involves crowd control and enforcement of laws, it is part of good policing, and an objective at music festivals, to engage positively with festival goers wherever possible, to provide support and comfort where needed and to act to reduce or minimise harm.</p>	
<p>4. That training for attendance at police operations at music festivals be developed and implemented within NSW Police and that such training be a pre-requisite for those police assigned to or wishing to perform police operations at music festivals. Regardless of the policing model in place, that training should:</p>	<p><b>Partially supported.</b></p> <p>NSW Police Force recognises that personal use of illicit drugs is a significant health and social issue and supports harm minimisation strategies. However, music festivals create a concentrated market for drug supply and organised crime. In line with the National Drug Strategy 2017 – 2026, NSW Police Force is committed to the reduction of the supply of prohibited drugs. At every music festival, officers are present to detect various types of criminal activity, including drug supply and social disorder, with the primary goal of keeping people safe.</p>

<p>a. Instruct police not to take punitive action against people in possession of drugs for personal use, and to concentrate their operations on organised drug dealing, social disorder and other crimes.</p> <p>b. Emphasise that while a primary part of policing at music festivals involves crowd control and enforcement of laws, it is part of good policing, and an objective at music festivals, to engage positively with festival goers wherever possible, to provide support and comfort where needed and to act to reduce or minimise harm.</p>	<p>If a person is found in possession with a prohibited substance for personal use at a music festival, the discretion lies with the officer to determine what action to take in the circumstances. Every person has different circumstances and every drug detection differs. In recognition of the legal and social implications which can result from a charge for drug possession, the NSW Police Force is currently trialling Drug Criminal Infringement Notices (CINs). CINs provide an alternative to punitive action by allowing for an on-the-spot fine to be issued to persons found in possession of small quantities of prohibited drugs. To date, there has been good compliance with CINs that have been issued, which infers they are being well received by young persons and the community.</p> <p>The NSW Police Force supports a vibrant entertainment culture in NSW and officers in attendance at music festivals are there to ensure the safety of all patrons. All officers must attend a pre-event briefing prior to the commencement of their shift. If a patron requires medical treatment for any reason, including due to drug consumption, officers will always provide assistance and render aid, if required.</p>
<p><b>D. To the Department of Premier and Cabinet, the NSW Police Force, the NSW Department of Health and the NSW Department of Communities and Justice</b></p>	
<p>1. That in the event personal possession remains a criminal offence, a group of relevant decision makers from each of the above stakeholders is convened in order to organise the funding, and installation of drug amnesty bins at music festivals. Drug harm reduction groups are to be consulted as to where</p>	<p><b>Supported.</b></p> <p>The Government will look to implement drug amnesty bins at music festivals.</p>

<p>to place those bins to maximise use and minimise harms.</p>	
<p>2. That in the event personal possession remains a criminal offence, a group of relevant decision makers from each of the above stakeholders is convened to develop strategies to limit strip searches to those individuals suspected of supplying illicit drugs, rather than those in possession for personal use. That should involve consideration of the need to amend legislation, policy and/or procedural guidelines.</p>	<p><b>Noted.</b></p> <p>The Government is already trialling Criminal Infringement Notices (CINs) for minor drug possession offences at music festivals, as a mechanism to reduce harm.</p> <p>The Government notes that the Law Enforcement Conduct Commission is currently investigating the use by police officers of powers to conduct strip searches under the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA). The Government will consider the outcomes of this investigation once complete.</p>
<p><b>Note: Section E is directed to the Australian Festivals Association</b></p>	
<p><b>F. To the NSW Education Standards Authority (NESA)</b></p>	
<p>1. That in the High School curriculum consideration be given to a learning module dedicated to deaths at music festivals with a particular focus on:</p> <ul style="list-style-type: none"> <li>a. The effects of MDMA in particular of high doses.</li> <li>b. Other factors that can increase your risk to having an adverse reaction to MDMA including temperature, exercise,</li> </ul>	<p><b>Supported.</b></p> <p>The NSW Department of Education, in consultation with NESA, will review existing units of work in its Life Ready course in the context of this recommendation. All government school students in Years 11 and 12 are required to participate in the Life Ready program. It is a mandatory, 25 hour course designed to prepare and support senior students as they encounter situations related to health and safety and become more independent and gain more responsibilities. It focuses on offering opportunities for students to build the functional knowledge and skills for post school life.</p>

<p>weight, prescription medication, and mixing with other drugs and alcohol. c. Having a sober friend, warning signs to look out for, seeking medical help.</p>	
<p>2. That NESA commission a review from a recognised expert in drug education and harm reduction, such as Paul Dillon, Director of the Drug and Alcohol Research and Training 140 (DARTA) to obtain advice on how best to protect young people from the potential harm posed by amphetamine type stimulants, particularly in the music festival environment, in a way that minimises harm that would include advice on the type of education appropriate for different age groups.</p>	<p><b>Supported in principle.</b></p> <p>The NSW Government has instructed NESA to undertake the NSW Curriculum Review, which is scheduled to deliver a final report in 2020. The need for any further review into drug education is best assessed after this report has been delivered.</p>