

Resolution of Council

20 November 2023

Item 3.2

Practical and Compassionate Action on Drugs Still Needed

Minute by the Lord Mayor

To Council:

The festival season is now underway. Australian Festivals Association members have already staged two festivals this month and will present a further 13 across greater Sydney and regional NSW between December 2023 and April 2024. There may be others.

Showcasing different music and dance genres, diverse, ranging from country and folk to electronic and dance music, they will attract well over 100,000 people. Many will be attracted by the music, the atmosphere and the opportunity to socialise with others sharing similar tastes. Some will seek to augment their experience by using drugs. This is despite politicians and others delivering simplistic and ineffective messages of “don’t take drugs”, the intimidating use of sniffer dogs and the threat of invasive and frequently illegal strip searches.

With this comes the risk of young people experiencing serious medical episodes, which in some cases, may result in young people dying. We know the risk is high because we have already seen this happen. We also know what we need to do to minimise this risk. Yet despite this, successive governments have failed to act.

On 6 November 2019, Deputy State Coroner Harriet Grahame released the results of her thorough and comprehensive inquiry into the MDMA drug-related deaths of six young people who had attended music festivals between December 2017 and January 2019. Ms Grahame described all six as “gifted, vibrant, well-connected and very much loved” and said the deaths were “completely unexpected and profoundly tragic”. In her final report, Ms Grahame wrote that their pattern of drug use was likely to be “typical”.

“They were keen to have new experiences. They used infrequently on special occasions or when socialising, were not addicted, and had never had reason to seek professional help in relation to their drug use. It appears that each had used MDMA before, without a having a significant negative consequence.”

During her three-week inquest, Ms Grahame took evidence from medical experts, the police, festival organisers and festival attendees, including friends of the six young people who had died. These young people talked candidly about the circumstances of their friend’s deaths, along with their drug use, their reasons for taking drugs and their knowledge, often limited, about the effects of drugs.

This was supported by extensive documentary material in 24 volumes, which included witness statements, medical records, photographs, and expert reports. Eight additional research volumes provided relevant background information.

What emerged from this evidence “was in some respects positive”, Ms Graham wrote in her final report.

“The evidence arising from this inquest clearly indicates that there is much that can be done to prevent MDMA deaths. There are practical solutions to some of the issues identified. However, the evidence draws into clear focus the need for the NSW Government to look with fresh eyes at the potential dangers associated with drug use at music festivals. There is a need to reframe our main priority from reducing drug use to reducing drug death.”

Her report contained 28 recommendations, directed towards the NSW Department of Premier and Cabinet, NSW Health, NSW Police the Department of Communities and Justice and festival organisers. They included introducing medically supervised pill testing/drug checking at NSW music festivals and funding the establishment of a permanent drug checking facility. Policing at music festivals should be directed towards providing support and comfort where needed, acting to reduce or minimise harm and concentrated on organised drug dealing, social disorder and other crimes. Drug detection dogs were not to be used and strip searches were only to be conducted in specifically defined circumstances.

Ms Graham also recommended that the Government hold a drug summit “to develop drug policy that is evidence-based and focused on minimising harm to users and the community repeated her recommendation from her earlier inquiry into opiate-related deaths”. This recommendation was not new. She had made a similar recommendation in March 2019 in the report of her inquiry into opiate-related deaths.

Other leading experts were also calling for a summit. On 11 February 2019, Council unanimously supported these calls, arising from my Minute, Practical and Compassionate Action on Drugs (Attachment A). Council also unanimously agreed to facilitate a practical demonstration of drug testing by medical professionals. That demonstration took place in Sydney Town Hall on 12 June 2019, attended by health, community and government representatives.

The demonstration was conducted by Pill Testing Australia, who had conducted two drug testing trials at the Canberra 'Groovin' The Moo' festivals. Young people would provide a sample of their drugs to be tested for their content. This was only one step in the process. Of greater importance was their conversations with peer educators, who would discuss their drug use and explain that the test would not guarantee that the drug was "safe". Once the test was completed, volunteer peer educators would explain the contents of the drugs and discuss options. Some people discarded their drugs in the amnesty bins provided. Others said they would reconsider taking their drugs or take less.

Despite the success of the pill testing trials, and the weight of evidence supporting Ms Grahame's recommendations, successive governments have failed to act.

Immediately after her report was released, the then NSW Premier, Gladys Berejiklian denied that there was evidence to support a drug checking trial. Some months later, her Government delayed the release of a detailed inquiry into the drug, ice, and then delayed its response beyond its own deadline. When it finally responded, 15 months after receiving the report, it rejected five recommendations outright, including pill testing, and provision of a second medically supervised injecting centre. In the meantime, the ACT Labor-Greens Government has established a permanent drug checking facility and effectively decriminalised personal drug use, instead treating it as a health issue. In February, the Queensland Labor Government announced it will introduce drug checking at mobile and fixed sites.

In contrast, NSW's new Labor Government has delayed reform action until after its proposed drug summit. Yet it has still to set a date for next year. The Sydney Morning Herald reported in September that no provision had been made for it in the NSW state budget.

Concerned about this inaction, last month a coalition of peak medical bodies released an open letter to the Premier calling on his Government to "immediately start drug checking with an implementation pilot this summer festival season".

"This summer is forecast to be a hot one, and we know that high temperatures combined with unexpectedly high doses of MDMA is a dangerous combination that can be fatal. Without drug checking, there's no way to identify high-risk drug samples before people consume them," they wrote.

They suggested an "evaluated pilot program" would provide "vital information for further discussion" when it is held at the NSW Drug Summit next year.

"In drug checking services, health professionals provide expert harm reduction advice and help people manage the risks of taking drugs. Drug checking already operates in 28 countries around the world, including Australia and is supported by a strong evidence base that shows it helps people make better decisions for their own wellbeing," they wrote.

The letter was signed by the Royal Australian College of General Practitioners, the Royal Australasian College of Physicians, the Australian Salaried Medical Officers' Federation, the NSW Nurses and Midwives Association and the Health Services Union.

I support their call. I also support calls for the Premier to set a date and timeline for the proposed drug summit. It will provide a valuable forum for evidence to be presented, considered and discussed and enable informed decisions to be made and worthwhile outcomes to be achieved.

This was my experience of the first drug summit held over five days at Parliament House in 1999. Significantly, the Carr Labor Government held it within months after that year's State election. It brought together Members of Parliament, experts in the medical and social aspects of drug use, community representatives, families who had lost their sons and daughters to overdosing and people with experience of drug use and its effects. We heard compelling and moving evidence about issues that were confronting to many of them. MPs engaged in serious discussions about these issues, often for the first time, and many of them changed their views.

While the medically supervised injecting room in Kings Cross was its most high-profile outcome, it achieved much more. It made 172 recommendations relating to young people and drugs, treatment services, drug education, law enforcement, breaking the drugs and crimes cycle and community action.

We now have new issues to address, not least the risks associated with casual drug use by people, particularly young people, who are not addicted or drug dependent and who otherwise live productive, happy, crime-free lives. This is in addition to the medical and social problems associated with drug addiction and the use of drugs such as ice.

A new drug summit could examine all the possible ideas that could contribute to minimising the harm from illicit drug use. It could consider whether existing approaches are working effectively or whether they are perversely increasing the risk of harm. This includes measures to ensure safety and reduce harm. While some may aim for the unrealistic ideal of a completely drug free world, a drug summit should aim to help people stay alive in this one.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Moved by the Chair (the Lord Mayor) –

It is resolved that:

- (A) Council note the recommendations of the Inquest into the death of six patrons of NSW music festivals conducted by Deputy Coroner Harriet Grahame during 2019, as shown at Attachment B to the subject Minute;
- (B) Council endorse the open letter to the NSW Premier calling on his Government to "immediately start drug checking with an implementation pilot this summer festival season", as shown at Attachment C to the subject Minute; and
- (C) the Lord Mayor be requested to write to the Premier to:
 - (i) set a date and timeline for his proposed Drug Summit; and
 - (ii) ensure that the Summit:
 - (a) brings together Members of Parliament, experts in the medical and social aspects of drug use, including young people, police, community representatives, families, and people with experience of drug use and its effects; and
 - (b) has as its priority the development of recommendations for action that would reduce the risk of drug-related deaths and will contribute to reducing and ending the harm from illicit drug use, including drug checking/pill testing and the reform of the policing of drug use.

Carried unanimously.

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