

Attachment B

**Recommendations of the Inquest into the
Death of Six Patrons of NSW Music
Festivals, 2019**

Recommendations pursuant to section 82 Coroners Act 2009

559. Careful thought has been given to the need for recommendations in this matter. I am confident that the recommendations that follow are based on an impartial and careful assessment of the evidence presented to this court.

560. For reasons stated above, I make the following recommendations:

A. To the NSW Department of Premier and Cabinet

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.
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).
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 to be made available on site at music festivals.
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.
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.
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.
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).
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

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 primarily a law enforcement issue, and the implementation of law and policy that best achieves that goal.

B. To the NSW Department of Health

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.
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 DH-2 to statement of Dr Dorothy Habrat - Exhibit 62).
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.
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.
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.

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*.
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.
8. That the Department Health working with organisations such as Family Drug 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.
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:
 - a. Free cold water at multiple stations throughout festivals.
 - b. Well ventilated chill out spaces and the regular checking of ambient temperatures.
 - c. Additional activities to music to encourage chill out (particularly for longer festivals).
 - d. Involvement of artists in harm reduction messages.

C. To the NSW Police Force

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.
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 searches should be limited at music festivals to circumstances where:

- a. There is a reasonable suspicion that the person has committed or is about to commit an offence of supply a prohibited drug, and
 - 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
 - c. The reasons for conducting the search are recorded on Body Worn Video before the search commences.
 - d. No less invasive alternative is appropriate in the circumstances.
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:
 - a. Identify the role of police as one of support and protection for otherwise law-abiding festival goers.
 - 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.
 - 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.
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:
 - 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.
 - 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.

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

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 to place those bins to maximise use and minimise harms.
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.

E. To the Australian Festivals Association

1. That the Australian Festivals Association promote music festival guidelines that encourage:
 - a. Free cold water at multiple stations throughout festivals.
 - b. Well ventilated chill out spaces and the regular checking of ambient temperatures.
 - c. Additional activities to music to encourage chill out (particularly for longer festivals).
 - d. Involvement of artists in harm reduction messages.
2. That the Australian Festivals Association consider promoting novel harm reduction strategies identified during the inquest including new technologies and ideas raised by family of Joshua Tam.

F. To the NSW Education Standards Authority (NESA)

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:
 - a. The effects of MDMA in particular of high doses.
 - b. Other factors that can increase your risk to having an adverse reaction to MDMA including temperature, exercise, weight, prescription medication, and mixing with other drugs and alcohol.
 - c. Having a sober friend, warning signs to look out for, seeking medical help.
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

(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.

G. To EMS Event Medical

1. That EMS Event Medical develop a review protocol so that in the event of another fatality, an independent consultant is engaged to assist with a full evaluation of the circumstances of the death and the adequacy of medical care, and that there be a clear time frame to initiate and complete the report.

Conclusion

562. Once again I express my sincere and heartfelt condolences to all those who have been directly affected by these tragic deaths. Many in the community would share my respect for the courageous and generous way they have approached these proceedings.

563. It is customary in this court to thank those who have assisted in the preparation of an inquest. In this case more is called for. Counsel assisting, Dr Peggy Dwyer and her solicitor Ms Peita Ava-Jones, have shown a commitment to this process that goes well beyond anything that could have been expected.⁵⁶⁴ They have undertaken the work that should have been given to a large team without complaint and have done so with enormous skill and great compassion. They have my sincere gratitude and very great esteem.

564. I close this inquest.

Magistrate Harriet Grahame

Deputy State Coroner

8 November 2019

NSW State Coroner's Court, Lidcombe

⁵⁶⁴ I also thank Kathleen McKinlay for her assistance in the preparation of this inquest.