

Pill Testing at Festivals: A Guide for Practitioners

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By MIPS

Practitioners considering involvement in any aspect of pill testing need to ensure the work they are doing is legal and covered by professional indemnity.



Although there is some community support including from the Australian Medical Association for the introduction of pill testing on the grounds of harm reduction with calls for more testing, state governments and the federal government have resisted the introduction of pill-testing at events with only one trial to date at music festival 'Groovin the Moo' in Canberra in April 2018.

Pill testing has not been legalised unless it is part of an authorised trial and insurers do not offer indemnity for intended illegal acts. For the authorised trial in Canberra, the Safety Testing Advisory Service at Festivals and Events (STA-SAFE) Consortium provided indemnity to the festival organisers. The participants included a clinical director (doctor), three analysts (trained chemists), five counsellors and two reviewers.

Any doctors involved in future pill testing as either the clinical directors or acting as counsellors or analysts should check the indemnity arrangements provided and take the following into consideration:

- Is indemnity provided by the festival organiser or company (eg STA_SAFE) conducting the testing? If you are an employee, this is likely to be true, however, you should check your contract. NB. Indemnity does not preclude complaints or AHPRA action, it just mitigates cost.
- Are the festival organisers and the pill testing company trying to cover the event under your indemnity rather than their own?
- Inform MIPS of any activity you decide to undertake

Prior to 'Groovin' the Moo' 2018, the festival organisers recognised the legal difficulties. "Some of the complexities that we are

working through involve clarification around patron protection and legal ramifications for those who participate. We are also working through guidelines relating to insurance and liability” said a spokesperson for the festival promoter, Cattleyard, quoted in the Canberra Times.

Pill testing is relatively new in Australia, the legal requirements are rigid, and the substances are restricted and tied to criminal charges in some cases. Doctors should exercise caution, check their indemnity arrangements and contact MIPS.

An earlier attempt to trial pill testing in 2017 was cancelled due to fears of indemnity claims. The legal protection for both festival goers getting their pills tested, and those testing the pills remains somewhat unclear. While MIPS does not recommend against doctors participating in trials, doctors should be very considered in their decisions to get involved with pill testing.

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