



Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019

Bill Brief
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For further information on the progress of this Bill, please visit the [Victorian Legislation and Parliamentary Documents website](#).

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Acronyms and terms

AMA	Australian Medical Association
ANU	Australian National University
Cathinones	A group of psychostimulants which share some similar characteristics to MDMA and when ingested can cause harmful effects
Client	Persons who provide a drug-checking licensee with a substance for analysis (also referred to as patrons)
DIMS	Drug Information and Monitoring System (Netherlands)
Drug-checking employee	A person engaged by a drug-checking licensee (whether under a contract of employment, or as a volunteer, or otherwise) to participate in the provision of the licensee's drug-checking services or the director of a drug-checking service
Drug-checking licensee	A person who holds a drug-checking licence
Ecstasy	A psychoactive drug also known as MDMA
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
FTIR	Fourier Transform Infrared Spectroscopy
GHB	<i>gamma</i> -hydroxybutyrate, a psychoactive drug
GTM	Groovin the Moo, a music festival held in regional centres across Australia
Ketamine	A drug used to induce anaesthesia
LSD	Lysergic acid diethylamide, a psychedelic drug also known as acid
MAST	Multi Agency Safety Testing (UK)
MDMA	3,4- methylenedioxyamphetamine, a psychoactive drug also known as ecstasy
NBOMe	<i>N</i> -methoxybenzyl, a group of psychedelic drugs
<i>N</i> -ethylpentylone	A potent stimulant that can be mis-sold as MDMA
NGO	Non-governmental organisation
PBO	Parliamentary Budget Office
PMA	<i>para</i> -methoxyamphetamine, an amphetamine drug
PMMA	<i>para</i> -methoxymethamphetamine, a stimulant drug with effects similar to MDMA
PTA	Pill Testing Australia
RACGP	Royal Australian College of General Practitioners
Speed	Methamphetamine, a stimulant drug

Introduction

On 31 October 2019, the Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019 ('the Bill') was introduced in the Victorian Parliament.¹ The Private Members' Bill proposes the creation of a new legislative scheme to allow for the licensing and operation of one mobile pill testing service and one fixed-premises pill testing service. It seeks to establish Victoria's first pill testing pilot program for the purposes of drug harm reduction, creating these licences for two years with the possibility of extension.²

This Bill Brief will look at legislative attempts to introduce pill testing across all Australian states and territories. It includes an overview of major stakeholder opinions on pill testing, and brief descriptions of existing pill testing programs in the Australian Capital Territory (ACT), New Zealand, the United Kingdom and the Netherlands.

Background

One of the major reasons illicit drug taking is dangerous is that the contents of the drugs are unknown. Pill testing (also known as drug checking) is a public health service that allows consumers to submit substances for chemical analysis.³ It emerged in the Netherlands during the early 1990s and is currently available in over 15 countries.⁴ By providing pill-testing services, the Bill aims to assist potential drug takers to make more informed decisions by providing information about the content and purity of these substances.⁵

A study which examined the contents of over 27,000 ecstasy pills found that Australian pills contained the highest numbers of unknown ingredients and potentially fatal (or toxic) substances, ranking Australian pills amongst the most dangerous in the world.⁶ Australians are taking more pills on a single occasion than any other country in the world: an average of 2.0 pills on a single occasion versus the global average of 1.0 pills.⁷ Data taken from the Australian Bureau of Statistics has shown that the number of deaths caused by party drugs has increased by 300 per cent in the last 20 years.⁸

This Bill's introduction coincides with the start of the summer months, with an increase in the number of festivals and events. In higher temperatures, the dangers of drug-taking are intensified.⁹ Drug use in young people is disproportionately high in a music festival setting, with a 2018 survey revealing

¹ [Drugs, Poisons and Controlled Substances Amendment \(Pill Testing Pilot for Drug Harm Reduction\) Bill \(2019\)](#)

² *ibid.*, cl 1(a), cl 9 – proposed s 55ZF(2).

³ European Monitoring Centre for Drugs and Drug Addiction (2001) *An inventory of on-site pill testing interventions in the European Union*, report prepared by H. Kriener et al., Lisbon, EMCDDA.

⁴ Countries where drug-checking services existed in 2017 are: Netherlands, Spain, France, Belgium, Austria, Switzerland, Hungary, UK, ACT (Australia), Colombia, Mexico, Italy, Luxembourg, Poland, Uruguay and New Zealand. For a summary of the services in each of these countries see M.J. Barratt et al. (2018) 'Profiles of drug checking services in 2017', *Drug Policy Modelling Program Bulletin No. 24*. Sydney, National Drug and Alcohol Research Centre, UNSW Sydney.

⁵ T. Brunt et al. (2017) 'Drug testing in Europe: monitoring results of the Trans European Drug Information (TEDi) project', *Drug Testing and Analysis*, 9(2), p. 188.

⁶ *ibid.*

⁷ See *Global Drug Survey 2019: key findings*, quoted by J. Morgan and A. Jones (2019) 'Pill-testing as a harm reduction strategy: time to have the conversation', *The Medical Journal of Australia*, 211(10), p. 447.

⁸ See Australian Bureau of Statistics, *Drug Induced Deaths in Australia: A changing story*, cited in The Royal Australian Chemical Institute (2019) *Bitter pill: testing times for party drugs*, North Melbourne, Control Publications, p. 1.

⁹ Australasian Centre for Policing Research (2006) *On-site ecstasy pill testing – a consideration of the issues from a policing perspective*, report prepared by R. Nicholas, South Australia, Australasian Centre for Policing Research, p. 7.

73.4 per cent of music festival attendees reporting drug taking, compared with 28.2 per cent of the general young adult population.¹⁰

From 2018–19, three reports which analysed pill testing were released, which have raised public awareness and debate around the issue.

The first major report was released following the 2018 Victorian Inquiry into Drug Law Reform by the Parliamentary Law Reform, Road and Community Safety Committee. Pill testing was the second-most commonly raised matter in the Inquiry's submissions and public hearings.¹¹ The Inquiry ultimately made two recommendations regarding pill testing policy.¹² Pill testing further gained public interest after a pill testing trial was conducted at Canberra's Groovin the Moo (GTM) music festival in April 2018 and again in 2019. The trial's final evaluation, which was conducted by the Australian National University (ANU), recommended further trials.¹³ Debate has also arisen in the wake of a recent New South Wales (NSW) Coroner's report into six drug-related deaths at festivals from 2017 to 2019.¹⁴ The report recommended pill testing be introduced as a form of harm reduction.¹⁵

What is pill testing?

There are three main pill testing models. Two are self-service models — 'pill identification' and 'reagent-based pill testing'. The third method is laboratory-based and is administered by a drug-checking employee. This paper focuses on laboratory-based drug testing, as this is the model proposed under the Bill.

Laboratory testing

Laboratory testing involves the use of complex equipment to test for concentration and/or adulteration of substances. According to a discussion paper prepared by the Australasian Centre for Policing Research, this method has 'a well-established history of accuracy in determining the content of pills.'¹⁶

During the proposed trial clients would provide scrapings of their substance for testing. Clients would be advised by a medical professional about the contents of the substances (both composition and purity). Along with the results, clients would be given an opportunity to discuss the pill contents and risks with a trained health professional.¹⁷ An amnesty bin would be provided where clients can discard their drugs.¹⁸ The service would also collect data from the samples to circulate to health and law enforcement agencies.¹⁹

¹⁰ N. Day et al. (2018) 'Music festival attendees' illicit drug use, knowledge and practices regarding drug content and purity: a cross-sectional survey', *Harm Reduction Journal*, 15(1), p. 4.

¹¹ Law Reform, Road and Community Safety Committee (2018) *Inquiry into drug law reform*, final report, Melbourne, The Committee, March, p. 495.

¹² *ibid.*, p. xxxvii.

¹³ Australian National University (2019) *ACT Pill Testing Trial 2019: Program Evaluation*, report prepared by A. Olsen et al., Canberra, Australian National University.

¹⁴ State Coroner's Court of New South Wales (2019) *Inquest into the death of six patrons of NSW music festivals*, report prepared by Magistrate Harriet Grahame, Lidcombe, State Coroner's Court of New South Wales, p. 1.

¹⁵ *ibid.*, p. 135.

¹⁶ Australasian Centre for Policing Research (2006) *op. cit.*, p. 2.

¹⁷ S. Ratnam (2019) 'Second reading speech: Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019', *Debates*, Victoria, Legislative Council, 13 November, p. 3980.

¹⁸ *ibid.*

¹⁹ *ibid.*

As stated in the introduction, the Bill seeks to provide one pilot licence each for two different types of laboratory testing facilities: fixed-site and on-site (mobile). The fixed-site service would operate year-round, whereas the mobile sites operate at events, such as music festivals.²⁰ Whilst laboratory-based testing is the preferred pill testing method, whether mobile or fixed facilities produce greater benefits is contested.²¹

Self-service testing models

Pill identification involves measuring and noting the brand and colour of pills against a database of previously analysed pills with known content. As pointed out by the Australasian Centre for Policing Research, this method is unreliable, as often pills with a similar appearance do not have the same (or similar) chemical compositions.²²

Reagent-based testing involves mixing a sample of the drug with a reagent testing liquid. The liquid will change colour when reacting with different chemicals to indicate the presence of certain substances in the drug. Experts have described reagent-based testing as ‘rudimentary’.²³ It cannot analyse substances as comprehensively as laboratory-based testing and does not provide information on the non-drug components, purity or drug dose.²⁴ Although unregulated, reagent-based testing kits can be readily purchased online in Australia.²⁵

National Drug Strategy

The National Drug Strategy guides Australia’s drug policy, and its commitment to harm minimisation.²⁶ Harm minimisation refers to the strategies aimed at those who continue to use drugs, to minimise the harms to individuals, families and the community.²⁷ The strategy for harm minimisation rests upon ‘the three pillars of harm minimisation’ which are: demand reduction, supply reduction and harm reduction.²⁸ Examples of strategies informed by the harm reduction principle are needle and syringe programs and safe injecting rooms.

Professor Alison Ritter, the Director of the Drug Policy Modelling Program (DPMP) at the University of New South Wales, noted that pill testing services align with the harm minimisation principle.²⁹ However, it has been argued that a heavy focus on harm reduction could ‘send the wrong message’ that the government condones drug use.³⁰

²⁰ *ibid.*

²¹ European Monitoring Centre for Drugs and Drug Addiction (2017a) *Drug checking as a harm reduction tool for recreational users: opportunities and challenges*, report prepared by T. Brunt, EMCDDA, Netherlands, p. 7.

²² Australasian Centre for Policing Research (2006) *op. cit.*, p. 3.

²³ Experts have described reagent-based pill testing as ‘rudimentary’. See, Dr Monica Barratt, quoted by the Law Reform, Road and Community Safety Committee (2018) ‘Inquiry into drug law reform’, March 2018; S. Bright (2019) ‘While law makers squabble over pill testing, people should test their drugs at home’, *The Conversation*, 10 January.

²⁴ Australasian Centre for Policing Research (2006) *op. cit.*, p. 2.

²⁵ S. Bright (2019) *op. cit.*

²⁶ Department of Health (2019) *National Drug Strategy 2017-2026*, Canberra, DHS, p. 1.

²⁷ *ibid.*

²⁸ *ibid.*, p. 6.

²⁹ A. Ritter (2018) ‘Six reasons Australia should pilot ‘pill testing’ party drugs’ *The Conversation*, 12 November.

³⁰ H. McNab (2019) ‘Grave concerns for pill testing: top cop’, *The Canberra Times*, 11 November.

A closer look at the Victorian Bill

The Principal Act governing drug offences in Victoria is the *Drugs, Poisons and Controlled Substances Act 1981* (Vic). Part 5 of the Act outlines offences for trafficking, cultivation, possession and use of ‘drugs of dependence’.³¹

The Bill seeks to amend the Principal Act to provide for the licensing and operation of a pill testing pilot. Victoria’s current zero-tolerance approach to drug policing is at odds with the liberal drug policy approach guiding the Bill.

Objectives of the Bill

The Bill seeks to insert new Part IIB into the Principal Act to provide for a trial of drug-checking services. The objectives of the Bill as outlined in proposed section 55T are to:

- reduce the number of deaths caused by controlled substances or drugs of dependence;
- provide information for users and potential users about the harm caused by those substances;
- facilitate users and potential users of the substances with access to health and social assistance (such as counselling and mental health treatment);
- reduce drug overdose related ambulance attendance;
- provide a safe way to dispose of substances that are, or that contain, poisons, controlled substances or drugs of dependence; and
- notify key persons if a particularly dangerous drug is detected.³²

Proposed sections 55V and 55W outline what may be done under fixed premises and mobile drug-checking licences, respectively. The Bill outlines that those who hold a drug-checking licence can receive and analyse substances or any part of a substance to determine information about its composition. The client of the drug-checking service can then be provided with information about the composition of the substance and destroy the substance if required.

The offence of possession or supply

It is an offence in Victoria to possess drugs of dependence. Under present laws, a person bringing the drug to be tested would be committing the indictable offence of possession.³³ Furthermore, when the drug-checking employee accepts the pill, the offence of possession is newly committed. Finally, when the drug-checking employee hands the pill back to the client, their action could be construed as trafficking (supplying) a drug of dependence.³⁴

To address this, Division 3 of the Bill includes new section 55ZR which will make pill testing legal and practical. This section exempts the client from liability for offences of possession or supply against the Principal Act, including possession of any part of the substance returned by the service. As outlined in the Bill’s explanatory memorandum, ‘this section is necessary to ensure clients use the service’.³⁵

Proposed section 55V states that each drug-checking licensee and their employees are authorised to receive, analyse, provide information to the client about the composition of the substance, and

³¹ For a list of drugs of dependence, see Schedule 11.

³² [Pill Testing Pilot for Drug Harm Reduction Bill \(2019\)](#) cl 9, proposed s 55T.

³³ *Drugs Poisons and Controlled Substances Act 1981* (Vic) s 73.

³⁴ *ibid*, s 71AC. See s 13(1) for a list of individuals authorised to handle drugs of dependence.

³⁵ [Explanatory Memorandum](#), Pill Testing Pilot for Drug Harm Reduction Bill 2019, p. 7.

destroy the substance.³⁶ In addition, new section 55ZS enables licensees and their employees to carry out drug-checking without being liable for drug possession or supply offences.³⁷

Police search powers and police discretion

Police have powers under legislation to search persons for illicit drugs if they have reasonable grounds for suspecting possession.³⁸ Therefore, if officers are aware of a pill testing facility's location, they are placed in a difficult and conflicting position.

The successful operation of a pill testing service is contingent upon the appropriate use of police discretion. Proposed section 55ZU addresses the exercise of police discretion in not charging persons travelling to or from the pill testing service provider, or the persons in the vicinity of the pill testing service provider for the purposes of attending the centre.³⁹

Clause 13 also allows for the Governor in Council to make regulations with respect to 'anything required for the purposes of the new Part IIB, which provides for the drug testing services'.⁴⁰ This clause keeps open the possibility that Victoria Police can formulate written policy and/or guidelines to address the exercise of police discretion in relation to clients of pill testing services.

Similar clauses were added under the Government's Medically Supervised Injecting Centre Act 2017 to help guide police when exercising their powers of discretion.⁴¹

How much would a pill testing trial cost?

Before proposing the Bill, the Greens had the pilot project costed by the Victorian Parliamentary Budget Office (PBO). The costings were made publicly available.⁴²

The PBO estimated the trial would cost \$3.8 million over the 2019–20 Budget and forward estimates. Their costing allowed for a mobile pill testing service for operation at major festivals and events and a fixed-site pill testing service in an inner-city region of Melbourne. The \$3.8 million allocated \$2.6 million for operating, staffing and testing costs, and \$1.2 million for purchasing of testing equipment and establishing facilities.

The PBO used the trials in the Canberra GTM as a baseline in estimating the cost of a Victorian pilot. It was assumed that Victoria would use similar testing machines to those used in the ACT and that the transport costs and fit-outs would be similar. They also assumed that the service would be provided at 11 festivals and events each financial year and that each of these festivals or events would have the same fixed or daily costs.

³⁶ *ibid.*, p. 4.

³⁷ *ibid.*, p. 8.

³⁸ *Drugs, Poisons and Controlled Substances Act 1981* (Vic), s 82.

³⁹ *Pill Testing Pilot for Drug Harm Reduction Bill (2019)* cl 9, proposed s 55ZU.

⁴⁰ *ibid.*, cl 13.

⁴¹ *Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2017*, s 7.

⁴² Parliamentary Budget Office (2019) 'Pill testing pilot', PBO website, 21 October.

What is being said about pill testing?

The Greens and the Reason Party (Co-sponsors)

The Greens and Reason parties co-sponsored the Bill. On the co-sponsorship, Reason Party Leader, Fiona Patten, stated:

This shows how serious an issue our two parties and our supporters take this ... This isn't about politics; young people have been dying. We know this measure will not only save lives but actually reduce drug use by promoting some of the most valuable drug education a young person can get. It's backed up by evidence so why on earth wouldn't we do this?⁴³

On the issue of drug use, Greens Spokesperson for Health, Dr Tim Read, said:

For too long the Government has tried to police Victorians out of drug use, but we know that prohibition doesn't work and only increases harm, while over 20 years of evidence shows pill testing protects people from the harm of illicit drug use.⁴⁴

Greens Spokesperson for Youth, Sam Hibbins, also spoke in support of the Bill in the Parliament, '[imploring] the government to act', and stating that pill testing schemes have demonstrated effectiveness and should be implemented.⁴⁵

Members of the crossbench (Legislative Council)

It has been reported that several Members of the Legislative Council crossbench support pill testing. In addition to the Reason Party's Fiona Patten and the Greens, this cohort includes two Liberal Democrats, the Animal Justice Party's Andy Meddick and Independent, Catherine Cumming.⁴⁶

On 14 November 2019, Liberal Democrat, Tim Quilty, affirmed his support for the Bill, stating 'we could save lives, but instead we want kids to die to serve as a warning to others to 'just say no''.⁴⁷ Mr Quilty argued that while taxpayers shouldn't be asked to pay for pill testing, the Government ban on privately-funded testing is 'costing lives'.⁴⁸

Andy Meddick has backed a pill testing trial, stating that he believes the 'just say no' strategy does not work.⁴⁹ In an opinion piece published in the *Geelong Advertiser*, he wrote:

Because, at the end of the day, if pill testing can save just one person's life, just one, then in my mind that's an expense that is more than warranted, one the community should be willing to bear.

According to an article in *The Age*, the intervention on pill testing is 'the first time since the state election that members of Victoria's eclectic crossbench have sought to use their combined numbers to pressure the Andrews Government'.⁵⁰

⁴³ Australian Greens Victoria (2019) *The Greens and Reason Party make history by joining forces for first ever co-sponsored bill*, media release, 12 November.

⁴⁴ *ibid.*

⁴⁵ S. Hibbins (2019) 'Member statements: Pill testing', *Debates*, Victoria, Legislative Assembly, 13 November, p. 4183.

⁴⁶ R. Willingham (2019) 'Crossbench to use numbers to pressure Victorian Government to introduce pill testing', *ABC News*, 21 January.

⁴⁷ T. Quilty (2019) 'Members statements: Music festivals', *Debates*, Victoria, Legislative Council, 14 November p. 4070.

⁴⁸ (2019) 'Quilty backs pill testing', *Kyabram Free Press*, 31 January.

⁴⁹ A. Meddick and K. Matthews (2019) 'Opinion: The case for and against pill testing being introduced at music festivals', *Geelong Advertiser*, 29 July.

⁵⁰ B. Preiss and A. Carey (2019) 'Government digs in on opposition to pill testing trial', *The Age*, 21 January.

Australian Labor Party

The Andrews Government opposes pill testing. The Premier explained the Government's position in the Legislative Assembly in February 2019:

There is no safe level at which these substances can be taken. That is a fact. And beyond that, even these substances which might be termed 'pure' can be lethal. That is a fact of this matter We get advice from many different sources, and we are confident that the position we have taken is the right position.⁵¹

The Premier has also said that it is a misleading and potentially dangerous notion that you can bring certainty into drug taking.⁵² Minister for Mental Health, Martin Foley, said that 'the advice from Victoria Police tells us it can give people a false, and potentially fatal, sense of security about illicit drugs'.⁵³

Liberal Party

The Victorian Liberal Opposition opposes pill testing.⁵⁴ Member for Gembrook, Brad Battin, told Parliament in February 2019:

... we need to have the message out there that no drugs are good drugs and that sometimes when you have drugs that are without those other poisons, other toxins, in them they can kill you. Ecstasy can kill you, and different people react differently. I think it is important that we continue the message that it is okay to say no. I know I will continue that message at home, and I hope that any government in the future will continue that message.⁵⁵

Roma Britnell, Member for South-West Coast, has said that 'pill testing doesn't prevent overdoses or deal with the fact that what may be 'safe' for one person can be fatal to someone else'.⁵⁶ Opposition Leader Michael O'Brien and Member for Western Victoria, Bev McArthur, have also publicly denounced pill testing.⁵⁷ Member for Northern Metropolitan, Craig Ondarchie, told the *Herald Sun* that he '[wanted] to know more' and that he was 'not going to take a philosophical view'.⁵⁸

Responses from medical and public health experts

Australian Medical Association

The Australian Medical Association (AMA) initially backed pill testing in 2017, in its Harmful Substance Use, Dependence and Behavioural Addiction 2017 position statement.⁵⁹ In this statement, the AMA outlined its support for 'innovating policy models and trials', including pill testing, which may reduce the harms caused by illegal drugs. AMA President, Dr Tony Bartone, reaffirmed the Association's support for pill testing in March 2019:

⁵¹ D. Andrews (2019) 'Questions without notice and ministers statements: Pill testing', *Debates*, Victoria, Legislative Assembly, 6 February, p. 257.

⁵² T. Minear (2019) 'We can afford pill tests, say Greens', *Herald Sun*, 24 November.

⁵³ A. Bunn (2019) 'MP's all for fest pill tests', *Border Mail*, 3 January.

⁵⁴ B. Preiss, (2019) *Liberals to debate pill-testing*, *The Age*, 10 June.

⁵⁵ B. Battin (2019) 'Grievance debate: Pill testing', *Debates*, Victoria, General Assembly, 20 February p. 484.

⁵⁶ R. Houlihan (2019) 'Roma Britnell says pill testing gives drug takers a 'false sense of security'', *The Standard*, 8 January.

⁵⁷ A. White (2019) 'Victorian Liberal MP calls for pill testing facts before party makes policy' *Herald Sun*, 27 November.

⁵⁸ *Ibid.*

⁵⁹ Australian Medical Association (AMA) (2017) 'Harmful substance use, dependence and behavioural addiction (Addiction) – 2017', AMA website, 2 August.

The AMA strongly backs pill testing trials, but they must be medically supervised, involve suitably sensitive testing equipment, and be supported by the State and Territory Governments ... The trials must not be in isolation. They must be part of an overarching harm minimisation strategy.⁶⁰

This year, the AMA repeated its opposition to illegal drug use, but believes that there should be measures in place to reduce harm.⁶¹

Royal Australian College of General Practitioners

The Royal Australian College of General Practitioners (RACGP) also supports pill testing, but has however, stressed that it is not condoning the use of drugs. Dr Harry Nespolon, the RACGP President, said 'pill testing is nothing to do with legalising and condoning drug use, but reducing harm – and ultimately saving lives ...'⁶²

Other medical and public health researchers

Professor Alison Ritter, the Director of the Drug Policy Modelling Program (DPMP) at the University of NSW notes that pill testing services provide the added benefit of being able to monitor drug markets, which in turn, aids emergency services treating drug-related presentations. She also stated that these services provide a unique opportunity to connect with hard-to-reach populations.⁶³

When giving evidence at the Victorian Parliamentary Drug Law Reform Inquiry, Dr Monica Barratt, Research Fellow of the Drug Policy Modelling Program at the National Drug and Alcohol Research Centre, said:

What is really interesting about the Dutch System is that the Drug Information Monitoring System understands that in order to have consumers submit drugs voluntarily it needs to also have a harm reduction focus, but that actual primary reason it is funded is to monitor drugs ... We can actually start to really understand the drugs market in a way that unfortunately is quite difficult in Australia.⁶⁴

Nicole Lee, Professor at the National Drug and Alcohol Research Centre, stated that:

Although pill testing has been in operation in Europe for more than two decades the evidence is still relatively limited. This type of research in a naturalistic setting is difficult to apply controlled research methods to. However, the lack of research should not be considered a lack of effect.⁶⁵

Andrew Groves, in an article in the *Harm Reduction Journal*, wrote:

Although research on its effectiveness is mixed, there is practical evidence that pill testing has helped to reduce overdose frequency, improve healthcare services and increase knowledge of harm reduction principles.⁶⁶

ANU, in their final evaluation of the GTM pill testing trial, recommended that more studies need to be completed on the impact pill testing has on users' behaviour around drugs in the short and longer term.⁶⁷ This is echoed by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

⁶⁰ AMA (2019) *AMA Formally backs supervised pill testing trials*, media release, 22 March.

⁶¹ *ibid.*

⁶² A. Lyons (2019) 'RACGP President backs calls for pill testing following another death', *NewsGP*, 14 June.

⁶³ A. Ritter (2018) *op. cit.*

⁶⁴ *ibid.*, p. 513.

⁶⁵ NSW State Coroner's Court (2019) *op. cit.*, p. 117.

⁶⁶ A. Groves (2018) 'Worth the test?' *Pragmatism, pill testing and drug policy in Australia*, *Harm Reduction Journal*, 15(2).

⁶⁷ ANU (2019) *op. cit.*, p. 6.

which has expressed concern about the extent to which people change their habits after they receive information about their pills.⁶⁸

Dr Andrew Leibie, from Safework Laboratories, and Dr John Lewis, a NSW toxicologist, have expressed concerns about the message around the accuracy of pill testing. Dr Leibie told the RACGP that 'My view would be, at this stage, when the diagnostic is so uncertain it's a real experiment ... being conducted on drunk, intoxicated 20-year-olds at a music festival'.⁶⁹ They also expressed concerns about the use of Fourier Transform Infrared Spectroscopy (FTIR), due to the technology not always detecting poly-drug mixtures.

FTIR has been assessed as the most robust technology for use at music festivals and other events to provide harm reduction services.⁷⁰ It can accurately assess a wide range of substances, is compact and quick and easy to operate, however, it is only able to identify substances in its catalogue, and with new drugs constantly being sold, there are concerns about this.⁷¹ The ANU points out, however, that with the link between on-site and permanent pill testing services, there will continually be new substances added to this catalogue. David Caldicott, an emergency doctor and senior lecturer at the ANU who assisted at the GTM trial, has stated that although these machines cannot detect the 'exact nature' of every new drug, it can detect unknown samples, which are then red-flagged.⁷²

Other health organisations

Several major interest groups, including medical and public health peak bodies, have publicly supported pill testing. A common theme expressed by supporters is that the 'just say no' strategy has not worked and that a more pragmatic approach will lead to fewer deaths.

Other organisations who have expressed support for a trial include: the Public Health Association, Australia,⁷³ Royal Australian College of Physicians,⁷⁴ the Alcohol and Drug Foundation,⁷⁵ Australian College for Emergency Medicine,⁷⁶ Rural Doctors Association of Australia,⁷⁷ Australian Nursing Midwifery Association,⁷⁸ College of Emergency Nursing in Australia,⁷⁹ the National Australian Pharmacy Students' Association,⁸⁰ the Pharmaceutical Society of Australia,⁸¹ cohealth,⁸² headspace,⁸³ and the Ambulance Victoria Union⁸⁴, Paramedics Australasia.⁸⁵

⁶⁸ European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (2017b) *Health and social responses to drug problems: a European Guide*, Publications Office of the European Union, Luxembourg, EMCDDA.

⁶⁹ A. Lyons (2019) "'It's just assumed it's 100%": The toxicology of pill testing', *NewsGP*, 29 April.

⁷⁰ ANU (2019) op. cit., p. 23.

⁷¹ *ibid.*

⁷² O. Willis (2019) 'Six claims about pill testing- and whether or not they're true,' *ABC News*, 15 January.

⁷³ Public Health Association Australia (2017) *Policy-at-a-glance – Pill Testing Policy Position*, media release, February.

⁷⁴ Royal Australian College of Physicians (2019) *Open Letter to State Premiers and Chief Ministers*, media release, 17 January.

⁷⁵ Alcohol and Drug Foundation (2018) 'Drug checking: a harm reduction strategy,' ADF website, 4 April.

⁷⁶ Australian College for Emergency Medicine (2019) *Pill testing trials for harm reduction*, media release, 27 January.

⁷⁷ Rural Doctors Association of Australia (2019) *Pill testing trials backed by peak Rural Doctor body*, media release, 6 March.

⁷⁸ Australian Nursing and Midwifery Federation (2019) *ANMF calls for implementation of pill-testing trials*, media release, 25 January.

⁷⁹ College of Emergency Nursing in Australia (2019) *Pill testing*, media release, February.

⁸⁰ National Australian Pharmacy Students' Association (date unknown) *Pill testing and harm minimisation*, media release.

⁸¹ Pharmaceutical Society of Australia (date unknown) *Minimising harm from illicit drug use through pill testing and drug checking*, media release.

⁸² cohealth (2017) *Submission to Law Reform, Road and Community Safety Committee, Inquiry into Drug Law Reform*, March, Melbourne, The Committee.

⁸³ C. Pedler (2019) 'Groovin the Moo Bendigo 2019: Pill Testing Australia eager to expand its program following success', *Bendigo Advertiser*, 2 May.

⁸⁴ (2019) 'Victorian ambulance union calls for 'back-of-house' pill testing at music festivals this summer', *ABC News*, 12 November.

⁸⁵ Paramedics Australasia (date unknown) *Position Statement on Paramedics and Harm Minimisation*, media release.

Councils

Two Victorian councils, Port Phillip City Council and Melbourne City Council, have also stated their support for a pilot and have offered to conduct trials in their local government areas.⁸⁶ Port Phillip Council initially asked the Victorian Government to consider a trial in 2017. This did not eventuate.

Pill Testing Australia

Pill Testing Australia (PTA) (previously STA-SAFE) is a consortium consisting of Harm Reduction Australia, Australian Drug Observatory (ANU), DanceWize (Harm Reduction Victoria) and Students for Sensible Drug Policy Australia. They 'conduct laboratory grade, front of house pill testing integrated with health professionals,' and state on their website that:

We never advise people it is safe to take drugs

We never promote the consumption of drugs

We are a non-discriminatory health service.⁸⁷

As part of this commitment, they have signed a Trans-Tasman Charter for Pill Testing with other organisations in Australia and New Zealand. This charter includes the commitments to work 'collaboratively to expand and develop best practice pill testing services in Australia and New Zealand'.⁸⁸

NSW Coroner

The NSW Coroner reported on the deaths of six music festival patrons at NSW festivals between December 2017 and January 2019. The Coroner heard from a variety of stakeholders, including supporters and opponents of pill testing. She recommended that the NSW Government allow a trial to be run in the summer of 2019-20 and to establish a permanent drug checking facility, like the Dutch Drug Information Monitoring System (DIMS).⁸⁹

The Coroner highlighted the importance of the health interventions conducted by pill testing organisations:

it became clear from listening to the evidence that one of the most important aspects of drug checking ... is the possibility of providing a brief harm reduction intervention to the person who is intending to use drugs. The importance of this opportunity is recognised almost universally by those involved in testing.⁹⁰

Victoria Police

Victoria Police have stated their opposition to pill testing programs. Deputy Police Commissioner, Rick Nugent, told SBS News:

An identical drug can affect different people in different ways ... depending on the purity of the drug, tolerance level, or medical conditions that people may or may not know they have.

⁸⁶ City of Port Phillip (2019) *Port Phillip Council renews pill testing trial call*, media release, 23 September; City of Melbourne (2019) *Submission to Future Melbourne (People City) Committee*, on *proposed Bill to support a pill testing pilot at events in Victoria*, 12 November 2019.

⁸⁷ Pill Testing Australia (date unknown) 'Welcome', Pill Testing Australia website.

⁸⁸ Pill Testing Australia (date unknown) 'Trans-Tasman Charter for Pill Testing', Pill Testing Australia website.

⁸⁹ NSW Coroner (2019) *op. cit.*, p. 136.

⁹⁰ *ibid.*, p. 114.

The majority of overdoses at music festivals are caused by poly drug use – that is multiple drugs consumed by the person. Pill testing does not prevent this. People who have taken drugs can be more vulnerable to crime.

Victoria Police is concerned about the message to the community resulting from pill testing – normalising or condoning drug use. Will more people start using drugs if they are tested and perceived as being safe?...

We don't know what the longer-term social harm will be from the introduction of pill testing ...⁹¹

A concern of opponents of drug checking is that people will come to see these substances as safe and use will increase.⁹² Mick Fuller, the NSW Police Commissioner, told the Inquiry that pill testing creates a 'false sense of safety'.⁹³ Forensic psychologist, Dr Russ Scott, told the NSW State Coroner's investigation that the 'visual' of the police and government allowing drug testing would give people the wrong impression.⁹⁴ Dr Scott also told the Inquiry that 'there is no evidence that pill testing reduces harm, and ... there is in fact no research from the Netherlands that either front or back of house testing has reduced harms'.⁹⁵

Australasian Centre for Policing Research⁹⁶

In a report conducted by the Australasian Centre for Policing Research, drug and addiction expert Roger Nichols notes that a significant limitation of pill testing is that it can only test for composition and purity—it does not mitigate other factors associated with an acute adverse outcome for MDMA users.⁹⁷ The report explains how the physical setting in which MDMA is taken has a significant influence on the degree of harm that stems from the drug.⁹⁸ When MDMA is used in a party setting, external factors which can increase the harm of the drug include: the temperature of the environment, whether or not alcohol and/or drugs are also taken, and the extent of the drug taker's dehydration (or rehydration). Examples of how external factors have dangerous ramifications on drug takers is evidenced in the NSW Coroner's report, where it was noted that five of the six young people who died at music festivals were found to have MDMA mixed with drugs in their system.⁹⁹ So, while pill testing facilities can provide harm reduction information, they have no effect on the concurrent use of alcohol and other drugs and how these compounds will interact.¹⁰⁰

Drug Free Australia

Drug Free Australia is an advocacy group that campaigns for an illicit drug policy which aims for 'demand reduction, primary prevention and recovery-focussed rehabilitation'. In their publication, 'Why have pill testing when most ecstasy deaths are from normal doses of MDMA?', they state:

Drug Free Australia contends that the medical and scientific literature clearly supports the proposition that the risk of actual MDMA-related deaths will be increased far beyond any deaths that may accrue from impurities or other unknown substances upon the introduction of pill testing in Australia,

⁹¹ (2019) 'Pill testing: it gives people a false sense of security', *SBS Insight*, 20 February.

⁹² NSW State Coroner's Court (2019) op. cit., p. 105.

⁹³ *ibid.*, p. 118.

⁹⁴ *ibid.*, p. 115.

⁹⁵ *ibid.*, p. 116.

⁹⁶ In 2007, the Australasian Centre for Policing Research merged with 17 other organisations to form the Australia New Zealand Policing Advisory Agency.

⁹⁷ *ibid.*, p. 7.

⁹⁸ Australasian Centre for Policing Research (2006) op. cit., p. 1.

⁹⁹ NSW State Coroner's Court (2019) op. cit., p. 19.

¹⁰⁰ Australasian Centre for Policing Research (2006) op. cit., p. 2.

numerically far outweighing any actual deaths that may accrue within the Australian context from impurities or unknown other drugs in party pills or party drugs.¹⁰¹

Pill testing in Australia: Bills, legislation and regulations

Victoria

There have been three attempts to introduce pill testing legislation in Victoria.

The first was on 7 December 2016. Fiona Patten (Australian Sex Party) introduced the Drugs, Poisons and Controlled Substances Amendment (Pilot of Safe Consumption Room and Pill Testing) Bill 2016.¹⁰² It sought to amend the *Drugs, Poisons and Controlled Substances Act 1981* to provide 'for the pilot of the testing of specified substances by certain authorised health practitioners at public events'.¹⁰³ The Bill was withdrawn, by leave, on 8 February 2017.

The second was on 29 November 2017. Nina Springle (Greens) introduced a Bill to amend the *Drugs, Poisons and Controlled Substances Act 1981*, to provide for a pilot program for pill testing. The Bill, entitled the Drugs Poisons and Controlled Substances Amendment (Lab-grade Pill Testing Pilot) Bill 2017, failed to pass through Parliament.¹⁰⁴

The third attempt occurred on 21 February 2019. Fiona Patten (Reason Party) and Samantha Ratnam (Greens) introduced the Drugs, Poisons, and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019.¹⁰⁵ It was Victoria's first Private Members' Bill to be co-sponsored in the same house.¹⁰⁶ The Bill was subsequently withdrawn on 31 October 2019.

The Bill was later reintroduced, with the second reading moved on 13 November 2019. The Bill is known to its proponents as 'Daniel's Bill', in honour of Daniel Bucciante who died at a music festival in 2012 after overdosing on MDMA. Daniel's mother, Adriana Bucciante, has been a prominent advocate for pill testing following her son's death.¹⁰⁷

Tasmania

In 2018, Tasmanian MP, Dr Rosie Woodruff (Greens), introduced the Misuse of Drugs Amendment (Drug Analysis) Bill 2019 to amend the *Misuse of Drugs Act 2001*.¹⁰⁸ The Bill sought to insert a new Part 4A to establish a legal framework for lawful drug analysis via pill testing.¹⁰⁹ The Bill was first read on 22 November 2018 but was negatived on the third reading.

¹⁰¹ Drug Free Australia (date unknown) 'Why have pill testing when most ecstasy deaths are from normal doses of MDMA?', DFA website. See also: Drug Free Australia (date unknown), [Assessment of effectiveness of pill testing](#), DFA website.

¹⁰² [Drugs, Poisons and Controlled Substances Amendment \(Pilot of Safe Consumption Room and Pill Testing\) Bill \(2016\)](#)

¹⁰³ F. Patten (2016) *Drugs Poisons and Controlled Substances (Pilot of Safe Consumption Room and Pill Testing) Bill 2016*, media release, 7 December.

¹⁰⁴ [Drugs Poisons and Controlled Substances Amendment \(Lab-grade Pill Testing Pilot\) Bill \(2017\)](#)

¹⁰⁵ [Pill Testing Pilot for Drug Harm Reduction Bill \(2019\)](#)

¹⁰⁶ S. Ratnam (2019) op. cit., p. 3980.

¹⁰⁷ D. Tran (2019) 'Parents call for pill testing as man dies from suspected drug overdose at Beyond the Valley music festival', *ABC News*, 2 January.

¹⁰⁸ [Misuse of Drugs Amendment \(Drug Analysis\) Bill 2018](#)

¹⁰⁹ R. Woodruff, (2018) 'Second reading speech: Misuse of Drugs Amendment (Drug Analysis) Bill 2018', *Debates*, Tasmania, House of Assembly, 4 December.

New South Wales

On 14 November 2019, NSW MP Cate Faehrmann (Greens) introduced the Pill Testing Bill 2019 for the purpose of allowing pill testing at music festivals and fixed sites.¹¹⁰ The Bill was second read on 14 November 2019.

On 8 November 2019, the NSW Coroner's report into drug deaths at festivals recommended pill testing.¹¹¹ NSW Premier Gladys Berejiklian ruled out a trial and will not be adopting the bulk of the Coroner's recommendations.¹¹² However, the NSW Government will provide drug amnesty bins at music festivals over summer for festival patrons to dispose of drugs without facing penalties.¹¹³

Australian Capital Territory

The Epidemiological Studies (Confidentiality) Amendment Regulation 2019 (No 1) was provided under the *Epidemiological Studies (Confidentiality) Act 1992* (ACT) and commenced on 29 April 2019. The Regulation inserted Section 9 into the Act, which allowed the Research School of Population Health at the ANU to conduct a trial of pill testing at a music festival.¹¹⁴

Queensland

No Bills have been introduced in Queensland to establish a legal framework for pill testing. There was, however, a petition tabled in the Parliament on 26 March 2019, with Queensland residents requesting support for a pill testing trial.¹¹⁵ The petition attracted 1,866 signatures.¹¹⁶

Western Australia

While no legislation has been introduced in Western Australia to allow for pill testing, the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community tabled its report on 28 November 2019. The report made a formal recommendation to trial pill testing services.¹¹⁷ The report also stated that 'evidence suggests that drug checking services do not increase ecstasy use or uptake'.¹¹⁸

Northern Territory

On 10 May 2018, the Select Committee on a Northern Territory Harm Reduction Strategy for Addictive Behaviours received terms of reference for an Inquiry, which was tasked with reviewing best-practice evidence for health interventions, including pill testing. The Inquiry lapsed after the Committee was dissolved on 20 March 2019. However, the Committee did produce an interim report in March 2019, and noted that: 'NSPs and pill testing are examples of initiatives that have a sound evidence base for reducing harms'.¹¹⁹

No legislation has been introduced to date.

¹¹⁰ [Pill testing Bill \(2019\)](#)

¹¹¹ State Coroner's Court of New South Wales (2018) op. cit., p. 1.

¹¹² M. McGowan (2019b) 'Drug deaths inquest: Gladys Berejiklian says she is 'closing the door' on pill testing', *The Guardian*, 11 December.

¹¹³ *ibid.*

¹¹⁴ *Epidemiological Studies (Confidentiality) Act 1992* (ACT) s 9.

¹¹⁵ C. Rowan (2019) [Petition: Pill testing](#), Queensland, Legislative Assembly, 26 March.

¹¹⁶ *ibid.*

¹¹⁷ Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community (2019) [Help, Not Handcuffs: Evidence-based approaches to Reducing Illicit Drug Use](#), final report, West Perth, The Committee, November, p. 142.

¹¹⁸ *ibid.*, p. 134.

¹¹⁹ Select Committee on a Northern Territory Harm Reduction Strategy for Addictive Behaviours (2019) [Interim Report for the Inquiry into a Northern Territory Harm Reduction Strategy for Addictive Behaviours](#), interim report, Darwin, March, p. 35.

Current pill testing programs

A report compiled by the Drug Policy Modelling Program, the National Drug & Alcohol and Research Centre and the UNSW Sydney, titled *Global review of drug checking services operating in 2017*, compared some of the drug-checking services around the world.¹²⁰ A selection of services are discussed below.

Australian Capital Territory

The ACT is the only Australian jurisdiction to trial pill testing. The ACT Government originally approved a pill-testing trial at the Spilt Milk music festival in 2017. The trial was cancelled ahead of the festival.¹²¹ The ACT Government approved two further trials at the 2018 and 2019 GTM festivals, which were conducted pro-bono. Two reviews (interim and final) by the ANU were required by the ACT Government. Overall, the pill testing trial was deemed a success with the report supporting 'the development of further pill testing trials in Australia'.¹²² Pill Testing Australia have also produced reviews of the trials.¹²³

At these trials, patrons could provide a sample of their drug, be provided with information about the makeup of their drug and receive harm reduction information. DanceWize, a Victorian peer-based drug and alcohol reduction program, provided the harm reduction information. They passed on advice such as:

... if you're going to take something, ... Start off with a little bit, wait a couple of hours, drink water, watch if you're mixing two types of drugs. We just try to give them your standard harm reduction strategies.¹²⁴

At the first trial, 39 groups with 98 people were assisted. At the second, 170 samples were tested (159 patron samples and 11 from festival staff).¹²⁵ *N*-ethylpentylone, a substance linked with deaths and mass casualties in the USA and New Zealand, was identified in seven samples at the second trial—two provided by festival medical personnel and five from patrons.¹²⁶ Three samples presented by patrons, two believed to be MDMA and one unknown, were tentatively identified as cathinone drugs.¹²⁷ PTA reported that all seven drugs that were found to contain *N*-ethylpentylone were discarded.¹²⁸

The Netherlands

In 1992, the Netherlands became the first country to introduce a drug-checking service.¹²⁹ Currently there are two types of drug-checking services: 'office testing' which is available a few hours a week,

¹²⁰ Law Reform, Road and Community Safety Committee (2018) op.cit.

¹²¹ M. McGowan (2019a) 'Australia's first pill testing trial cancelled - and ACT Liberals take credit', *The Guardian*, 13 October.

¹²² ANU (2019) op. cit., p. 44.

¹²³ Pill testing Australia (2019) *Report of the 2nd ACT GTM Pill Testing Pilot: a harm reduction service*, report prepared by G. Vumbaca et al., Pill Testing Australia, p. 11; Harm Reduction Australia (2018) *Report on Canberra GTM Harm Reduction Service*, report prepared by T. Makkai, et al., Canberra, Harm Reduction Australia; ANU (2019) op. cit., p. 12; A. Brown (2018) 'More pill-testing at festivals on the cards after Canberra success', *Canberra Times*, 5 May.

¹²⁴ ANU (2019) op. cit., p. 22.

¹²⁵ *ibid.*, p. 18. The interim report stated that 171 pills were tested.

¹²⁶ *ibid.*, p. 20.

¹²⁷ Pill testing Australia (2019) op. cit., p. 12. Cathinones are a psychostimulant which share some similar characteristics to MDMA and when ingested can cause harmful effects. See NSW State Coroner's report (2019) op. cit., p. 78.

¹²⁸ Pill testing Australia (2019) op. cit., p. 7.

¹²⁹ Trimbos Institute (2019) 'The Drugs Information and Monitoring System (DIMS): Factsheet on drug checking in the Netherlands', report prepared by L. Smit-Rigter and D. van der Gouwe, Utrecht, Trimbos Insitute.

and accounts for most testing services; and a service ‘by appointment’, where samples are handed on to the Drug Information and Monitoring System (DIMS) bureau.¹³⁰

In 2002, the Dutch House of Representatives passed a motion that outlawed on-site pill testing, making fixed-site testing sites the only legal option. The Netherlands Institute of Mental Health and Addiction explains this reasoning:

One of the major benefits of [stationary] drug checking ... includes an opportunity to provide information about the risks of drug taking ... in a quiet environment where information can be properly assimilated. Whereas, in the case of mobile sites, these are stationed at busy events where large queues in noisy areas leave little time for the provision of preventative information.¹³¹

The DIMS is funded by the Dutch Ministry of Health and is part of the Early Warning System by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). There are currently 31 drug-checking locations in 29 cities, with around 12,000 samples tested annually.¹³² The services are often co-located with addiction care and drug prevention services.¹³³ ‘Red Alerts’ are issued when hazardous substances are identified.¹³⁴

In 2018, 13,540 visitors provided 12,634 samples for testing. MDMA powders and tablets consisted of over 60 per cent of the samples. In 2018, they did not issue any national Red Alerts, but did issue several alerts to the DIMS network and visitors of the testing facilities.¹³⁵

Several submissions to the Victorian Parliamentary Drug Law Reform Inquiry proposed that Victoria base a trial on the Netherlands program.¹³⁶

The United Kingdom

The Loop is a not-for-profit NGO that began forensic drug testing at nightclubs in the United Kingdom in 2013. In addition to ‘front of house’ drug-checking, they provide staff training on drugs awareness, in-house welfare service delivery and harm reduction services at events.¹³⁷

In 2016, The Loop piloted the Multi Agency Safety Testing (MAST) system at two music festivals.¹³⁸ Over four days, the temporary laboratory tested 247 substances and delivered 230 ‘healthcare consultations’ to approximately 900 festival attendees (around one in five drug-using festival goers). It included harm reduction advice and the provision of an amnesty bin.¹³⁹ Results showed that one in five substances were different to what the buyer believed them to be, one in five service users disposed of their drugs after they were recognised as a substance of concern, and one in six moderated their consumption.¹⁴⁰ Two-thirds of those whose samples were mis-sold disposed of further substances, while one in ten disposed of their substance when it was sold as advertised.¹⁴¹ The trial

¹³⁰ *ibid.*, p. 5.

¹³¹ *ibid.*, p. 10.

¹³² *ibid.*, p. 3.

¹³³ *ibid.*

¹³⁴ *ibid.*, p. 8.

¹³⁵ Netherlands Institute of Mental Health and Addiction (2018) *Drugs Information and Monitoring System (DIMS) Annual Report 2018*, Utrecht, Trimbos Institute, p. 1.

¹³⁶ Law Reform, Road and Community Safety Committee (2018) *op. cit.*, p. 513.

¹³⁷ The Loop (date unknown) ‘[About Us](#)’, The Loop website.

¹³⁸ F. C. Measham (2019) ‘Drug safety testing, disposals and dealing in an English field: Exploring the operational and behavioural outcomes of the UK’s first onsite ‘drug checking’ service,’ *International Journal of Drug Policy*, 67, p. 102.

¹³⁹ Measham (2019) *op. cit.*, pp. 102, 104.

¹⁴⁰ *ibid.*, pp. 102, 104–5.

¹⁴¹ *ibid.*, p. 105.

used three analytical techniques: FTIR spectroscopy, colorimetric reagent tests and mass loss analysis (which allows an approximate measurement of MDMA in ecstasy pills).¹⁴²

Other results from the trial found that those who purchased their drugs at the festival site were more likely to have been mis-sold a substance and were twice as likely to use the disposal service. They were also more likely to be younger than those who purchased drugs offsite. Women were more likely to be using the service for the first time and more likely to make use of the disposal service.¹⁴³

New Zealand

Since 2016, a community organisation, Know Your Stuff, has provided on-site pill testing and harm reduction advice; however, it has not received government approval. The organisation currently exists in a legal grey area and, as such, volunteers do not handle the substances.¹⁴⁴ Patrons prepare and handle the samples themselves, and the organisation only interprets the results and provides harm reduction information. Its analysis includes information on drug composition, including active ingredients, fillers, or other dangerous substances. It does not measure purity.

Know Your Stuff reported its finding on its website, but they have not been independently verified.¹⁴⁵ In 2018–19, when 805 samples at 13 events were tested, 87 per cent of the samples were what patrons believed they purchased. In those cases where the drug was not what the patron presumed it to be, 62 per cent of patrons did not take it.

Know Your Stuff is calling for the law to be clarified so that it can provide a better service and reach more people, including ‘take and hold’ samples for later laboratory analysis. Jacinda Ardern, Prime Minister of New Zealand, has stated her support for pill testing; however, there is opposition from her coalition partners, New Zealand First.¹⁴⁶ New Zealand Police Minister Stuart Nash has also backed pill testing.¹⁴⁷

¹⁴² *ibid.*, p. 104.

¹⁴³ *ibid.*, pp. 102, 105.

¹⁴⁴ Know Your Stuff (date unknown) ‘[The Law](#)’, Know Your Stuff website; Know Your Stuff (date unknown) ‘[Our Service](#)’, Know Your Stuff website.

¹⁴⁵ Know Your Stuff (date unknown) ‘[Our results](#)’, Know Your Stuff website.

¹⁴⁶ B. Jancic (2019) ‘[NZ First halts festival drug-testing policy proposed by Labour](#)’, *NZ Herald*, 30 September.

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