

# Why drug tests are a bitter pill to swallow

The Sunday Times 20/1/19 Tom Percy QC

ANOTHER holiday weekend, another spate of deaths through drug use at music festivals, and renewed calls for official testing of illegal substances at those events.

There are, however, a few problems associated with the pill-testing proposal — legally, practically and ethically.

If pill testing were to be implemented, it would require some significant legislative changes that would allow the proposed testers an exemption from the Misuse of Drugs Act, which makes it an offence either to come into possession of a drug or to supply it.

Any testing employed by festival organisers would currently breach the law in both respects — by taking possession of the substance to test it, and by supplying it back to its owner.

While police obviously have an immunity in this regard, they don't have anywhere near the resources to conduct these tests and the question of who that authority might be extended to for the purpose of running music festivals is an interesting one.

Of course it's not exclusively music festivals where people die through overdoses or the use of adulterated recreational drugs. It happens everywhere young (and sometimes not so young) people seek entertainment — nightclubs, bars and private parties.

Do the proponents of pill testing suggest that legal testing units be established at all of these sorts of venues?

Perhaps they also want it at AFL games and T20 cricket matches? Should we have pill-testing units on both sides of the river at the Australia Day fireworks?

One wonders how many people such a pill-testing regime might eventually employ in the metropolitan area alone, or even just Northbridge, if every nightclub and bar had an authorised drug-testing facility available to its patrons.

But, of course, the problem doesn't stop with the logistical issues. The message implicitly conveyed by the availability of a pill-testing facility at entertainment venues is that it's quite all right to break the law and that you can do it with impunity, effectively with the blessing of the Government, which will not only test your illegal substances for you, but also give them back to you for your own use once they are certified to be OK.

"These tablets are fine, young lady, good-quality ecstasy. Nothing to worry about. Off you go now. Enjoy!"

The message this would send to drug dealers is equally obvious. They would no longer have to overcome any trepidation on the part of their potential clients as to what they were being sold, with the Government providing free quality-control for their product.

It has long been established that the answer to the drug problem is not in drying up supply through heavily penalising manufacturers and dealers, but rather in drying up demand.

If you can discourage enough people from wanting to use drugs, then you start to put the suppliers out of business.

The concept of facilitating (and, in effect, subtly encouraging) drug use by ensuring the safety of doing it runs entirely contrary to this critical strategy.

While any death through overdose or contaminated drugs is tragic and unnecessary, any perceived advantage achieved by testing pills at music festivals or nightclubs is a short-sighted pseudo solution to a complex and deep-seated long-term problem.

<https://www.perthnow.com.au/opinion/tom-percy/tom-percy-why-drug-tests-are-a-bitter-pill-to-swallow-ng-b881076933z> (23.1.2019)