

Media Release

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Class action being investigated over unlawful police searches at Splendour in the Grass music festivals

Splendour in the Grass patrons who were unlawfully searched by NSW Police could each be entitled to substantial compensation, class action investigators from Redfern Legal Centre and Slater and Gordon Lawyers have revealed today. People affected by serious breaches could potentially be entitled to tens of thousands of dollars each.

Hundreds of people are believed to have been unlawfully searched at the Splendour in the Grass music festivals in 2016, 2017, 2018 and 2019.

Anyone searched by NSW Police at those festivals – including those asked to lift or remove clothing during a search, or who had police peer into their trousers or look under their tops – is being urged to immediately register at www.slatergordon.com.au/splendour to find out on how this potential case might affect them. Registration is free and confidential.

Redfern Legal Centre's Principal Solicitor Alexis Goodstone said unlawful searches by NSW Police were a systemic problem that urgently needed to be addressed.

"A class action is a legal means for a group of people to come together to call out an unlawful and damaging practice in a way that is easy to participate because it is largely anonymous and risk-free," Ms Goodstone said.

"This ground-breaking class action will seek redress for the many people subjected to invasive and traumatic searches. We also hope this test case will pave the way for a series of cases focusing on other locations or music festivals, and importantly, help stop unlawful police searches in NSW."

The class action investigation follows an earlier probe by RLC and Slater and Gordon that revealed systemic and unlawful police searches were being carried out across the state.

Slater and Gordon Senior Associate Dr Ebony Birchall said: "An unlawful police search is classified by law as an assault and gives rise to compensation. We believe that hundreds of people who were searched by police at Splendour may have been subject to unlawful searches and therefore may be entitled to compensation."

Some festivalgoers searched by police – including people aged under 18 – were allegedly directed to lift or remove items of clothing, strip naked and squat and cough, or lift their genitals so officers could visually inspect body cavities.

The NSW Law Enforcement Conduct Commission (LECC) released reports last year that detailed widespread unlawful search practices by NSW Police. The LECC investigated the 2018 Splendour in the Grass festival specifically, and made several findings, including that NSW Police performed an unlawful strip search of a 16 year old female, failed to train officers to uphold the laws that govern police searches, and failed to ensure the privacy and dignity of people during searches.

Splendour in the Grass co-founder Jessica Ducrou said: "Splendour wishes to make clear that we had no insight into NSW Police search processes at our festivals. We do not support drug dog operations as a method to manage a broader societal challenge that extends well beyond the context of a music festival. We support our patrons who wish to come forward to call out and help stop unlawful conduct," she said.

PRESS CONFERENCE: 3pm today

The RLC's Alexis Goodstone, Slater & Gordon's Ebony Birchall and a client who was unlawfully searched at 2016 Splendour will be available at 3pm TODAY at Slater and Gordon's Sydney office, 14/55 Market St. Those attending must provide proof of double vaccination.

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Ruby's story*

I was unlawfully searched while trying to enter the 2017 Splendour in the Grass festival. I was 23 at the time. The way I was treated by police was disgusting. The police presumed I was guilty, and I was treated like a criminal without any justification.

It was around 2pm on Friday, July 21 and I was entering the festival from the campground. Two police officers, who had a drug detection dog, took me into a tent where they were searching people. When I protested, they told me that if I didn't co-operate with the search in the tent, then they would take me to a police station to be searched. I didn't want to be taken to a police station, isolated from my partner and friends, I was already very frightened. I asked for my partner to stay with me and support me during the search, but it was refused. My partner was then repeatedly ordered by police to move on.

I was searched by a female senior constable and her conduct was unprofessional. The way she spoke to me was condescending and patronising, for example, she repeatedly told me: 'The process will be made easier if you tell me where you are hiding the drugs.' Each item of my clothing was intentionally thrown on the wet and muddy ground by the officer, and I was forced to strip down.

I told her four times that I had no drugs on me, that I had not taken any drugs, that there was no way any of my clothes could have come into contact with any drugs. I explained that I was diabetic and was carrying insulin with me, and if the drug detection dog had detected something, maybe it was the insulin. But she told me 'drug detection dogs are highly trained. We are positive you have drugs on your person'.

At one point during the search, a male police officer opened the tent and stared at my naked body. In response, I turned away to hide my body and alerted the female officer that he was watching. She claimed no one was watching and continued searching me, when I could clearly see that the male officer was still looking through the tent. The whole experience was extremely traumatising, especially due to the way the police presumed I was guilty and the way I was both spoken to and physically handled. I felt violated because the male officer starred at me while I was naked.

I was so traumatised that I returned to my campsite and changed every item of my clothing, which was also necessary because my clothes were wet and muddy after being thrown on the ground by the police officer, except I kept my socks and the handbag that contained my insulin.

Around 5pm the same day, while I was attempting to re-enter the music festival again, my jacket was grabbed from behind by a male police officer who I saw signalling the drug detection dog to come and sit at my feet. I believe the male police officer told the dog to sit because I looked nervous due to my previous experience earlier that day. I told him I had already been searched that day and I asked him what the limit was on the number of times an individual could be searched within 24 hours, he told me: 'unlimited'. I said if you're going to search me again, can I at least have the same officer perform the search. Without any effort to honour my request, the officer told me no, she's busy.

Then I was taken to the same tent, told to strip naked and was searched for the second time in the same day. Again, I had no drugs on me, I had not taken any drugs, I had not touched any drugs and there was no way my clothing could have made contact with drugs.

I want to be involved in this case to speak up for myself and for others because this should not be allowed to happen. I shouldn't have been treated like this, no one should be treated like this.

* Not her real name