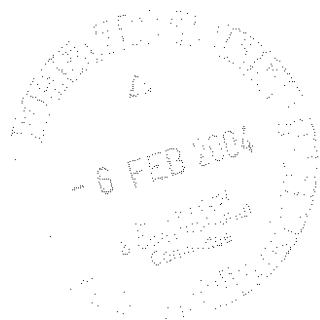
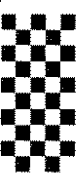


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**HORNSBY AND DISTRICT**  
**COMMUNITY DRUG ACTION TEAM**

FACSIMILE SHEET

TO : LOUISE GEL, SECRETARY  
SENATE LEGAL & CONSTITUTIONAL LEGISLATION  
COMMITTEE, PARLIAMENT HOUSE, CANBERRA.

FAX No. 02) 62 77. 5794

FROM : LORY PRICE  
CHAIRPERSON  
HORNSBY C.D.A.T

MESSAGE : LETTER OF SUBMISSION ATTACHED  
RE PROPOSED DISABILITY DISCRIMINATION  
AMENDMENT BILL 2003.  
(TWO PAGES PLUS COVER)

0294772853

**HORNSBY AND REGION**  
**COMMUNITY DRUG ACTION TEAM**

Chairperson  
Senate Legal and Constitutional Legislation Committee  
Parliament House  
**CANBERRA ACT**

Dear Chairperson,

Re : Proposed Disability Discrimination Amendment Bill 2003

The Disability Discrimination Act 1992 should not be amended to make it lawful to discriminate against a person on the ground of that person's dependence on a prohibited drug unless that person is undergoing a program or receiving services to treat the dependence. The reasons for this submission include:-

**1. LEGAL AND HUMAN RIGHTS**

This Bill appears to breach Australia's international human rights obligations. The principle of non-discrimination, as well as equality before the law and the equal protection of the law, is a basic and fundamental principle of international human rights law. Also the Bill is arbitrary in its application to some drug users as opposed to others. The Bill could operate to protect people addicted to alcohol but not users of cannabis. Definitions in the Bill are so vague as to open interpretation up to suspicion and rumour which is likely to lead to a great deal of unnecessary litigation.

**2. MEDICAL AND SOCIAL ISSUES**

Consumer demand has proved to not react to zero tolerance policies. Markets for misuse of both legal and illegal drugs continue to operate, no matter how stringent the punishments meted out. People need to be assisted in handling their drug problems in such a way as to minimise the harmful effects on themselves, their families and the community. Excessive or harmful drug use is more likely to be the result of a number of interrelated complex issues, influenced by the economic, social and cultural environment in which the user is living, notably poverty, unemployment, availability of drugs and family conflicts. Deliberate discrimination and humiliation are never helpful in these situations but a step backwards in dealing with the public health issues of substance abuse. Drug use would not cease but merely go underground, a situation which would rapidly increase the rate of HIV and Hepatitis C infections possibly throughout the whole community because drug users could not openly seek help for their problems.

The lack of clear definitions in the Bill could lead to discrimination against not just people who have used drugs constantly but against nearly half of the Australian population over 14 years of age who have used illicit drugs at least once in their lives. Amongst 1 in 5 males and 1 in 7 females were found to have used at least one illicit drug in the 12 months before the 2001 National Drug Strategy Household Survey. Therefore, unless the issue is treated as a medical and social issue rather than as a legal discrimination issue, the court system could be so clogged as to almost self destruct, with lawyers laughing all the way to the bank.

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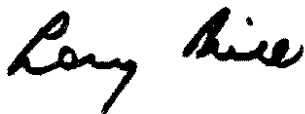
### **3. EFFECTS ON THE FAMILIES OF DRUG USERS**

The families of drug users who are dependent on a wage earner who is sacked through discrimination would naturally suffer the consequences of loss of financial support and housing, putting a whole family at risk of poverty rather than just one person. Drug users can be encouraged to take responsibility for themselves in much more positive ways if there were sufficient funding available to provide more support services and professional staff. Drug treatment is not available even to the numbers already seeking help and support. Most rehabilitation centres already have long waiting lists of unmet need. Also, treatment has not been found to be successful if it is involuntary, coerced or compelled. Families that may already be dysfunctional would begin to hide the drug problems of family members so that they could avoid poverty and social disenfranchisement by their surrounding community. This could lead to many more real risks occurring in the workplace, the home and other public spheres.

### **RECOMMENDATIONS**

1. The Amendment Bill 2003 should not be enacted but rather Government should focus on basic principles of human rights, respect and dignity for all Australian people.
2. The Australian Government should focus their efforts, both legal and financial, on supporting a Public Health model of harm minimisation. This would need an increase in funding to provide sufficient comprehensive and coordinated drug treatment programs to meet the already unmet need.
3. Government should focus on the deleterious social risks to individuals resulting from poverty, poor housing, ill health and poor school attendance which, combined with exposure to drug availability, can lead to drug use and misuse. Punish drug dealers rather than drug users. Confiscate drug dealers ill gotten assets and dedicate this to funding more social support and treatment services. This is a health and social problem, not a legal problem.

Yours sincerely,



Lory Price  
CHAIRPERSON  
February 4, 2004.