

2002-2003

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Disability Discrimination Amendment
Bill 2003**

No. , 2003

(Attorney-General)

**A Bill for an Act to amend the *Disability
Discrimination Act 1992*, and for related purposes**

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1 **A Bill for an Act to amend the *Disability***
2 ***Discrimination Act 1992, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Disability Discrimination Amendment*
6 *Act 2003*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The 28th day after the day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by the Parliament and assented to. It will not be expanded to
3 deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

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Schedule 1—Amendments

Disability Discrimination Act 1992

1 After section 54

Insert:

54A Addiction to prohibited drug

(1) This Part does not render it unlawful for a person to discriminate against another person on the ground of the other person’s disability if:

- (a) the disability is the other person’s addiction to a prohibited drug; and
- (b) the other person is addicted to the drug at the time of the discrimination.

Note: This does not affect the operation of this Part in relation to a disability that is a medical condition (such as HIV infection or hepatitis C) that may be related to drug addiction.

(2) Subsection (1) does not apply to discrimination by a person against another person on the ground of the other person’s disability if:

- (a) the other person’s use of the drug is authorised by a law of the Commonwealth, a State or a Territory; or
- (b) the other person is undergoing a program, or receiving services, to treat the addiction to the drug.

(3) In this section:

prohibited drug means a drug within the meaning of regulation 5 of the *Customs (Prohibited Imports) Regulations 1956*.

Workplace Relations Act 1996

2 Subsection 170CK(2)

Omit “or (4)”, substitute “, (4) or (4A)”.

3 After subsection 170CK(4)

Insert:

1 (4A) Subsection (2) does not prevent a physical or mental disability
2 referred to in paragraph (2)(f) from being a reason for terminating
3 employment, if the disability is covered by section 54A of the
4 *Disability Discrimination Act 1992*.