

The Secretariat, Senate legal & Constitutional Committee

February 6, 2004

Room S1.61, Parliament House,
Canberra, ACT. 2600

Dear Sir or Madam:

This is a personal submission regarding John Howard's proposal to amend the Disability Discrimination Act from covering people dependent on drugs. It is a major concern to me as I am drug-dependent and in treatment and so too are many of my friends. I don't see how this could improve the outcomes for communities. In fact it will achieve the opposite, as drug users will be forced further out of mainstream jobs and the corresponding legal source of income. Drug users will be less likely to identify themselves, which just increases harm related to drug abuse. Viral infections will increase at even greater rates than now, costing taxpayer's much more than the cost of providing sterile needles.

We should not make policies that contradict the United Nations Convention on the Rights of Disabled People, which does recognize drug-dependence as a disability, and supports 'harm-minimization'. Beside this, the proposed Bill is riddled with problems. It will undermine the basic principles of non-discrimination if Rights are made conditional on status as an addict. The type of drug used will affect the treatment of an individual so that an alcoholic employee can't be discriminated against but a marijuana smoker loses their right to non-discrimination, even if they are less incapacitated. Stereotypes will determine treatment instead of behavior. The proposal also doesn't define the terms 'addiction', 'drug-addict', 'program', 'service', or 'treatment'. This will cause much confusion and litigation. Also, the idea of drug-dependence being self-inflicted raises the issue of other 'thrill-seeking' or dangerous behavior that leads to disability such as fast driving or alcohol/tobacco consumption. There is often co morbidity with many addicts having depression and other crippling disabilities. They would be covered by the DDA for these things now, and would still be covered under the proposed Bill. The Bill will only apply to people with drug dependency as their sole disability and who are not in treatment. This is a small group who are usually discriminated against.

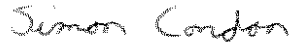
In spite of much evidence supporting harm-minimisation, this proposed Bill is yet another futile attempt to control what people put into their bodies. I believe the prohibition of drugs and the forced compliance of individual free will is a crime against humanity and a crime committed by the powerful on the powerless. Liberal Democratic government is supposedly supportive of free markets, and go out of their way to deregulate markets. If people can freely partake in the consumption of alcohol and tobacco, then they should be free to partake in the consumption of drugs that are currently illegal. The coalition government must choose between free markets or regulation, not both. The free market economy is supposed to meet consumer need. But more and more we are told what we should and shouldn't consume, through advertisement and government legislation. This is in contradiction to the fundamental imperative of free market capitalism. The argument for drug prohibition depends on the idea of addiction, or the loss of free will. The problem with this is that prohibition does not encourage the exercise of free will, but quite the opposite. I plead with you to

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overturn this proposed Bill and seek a more progressive and liberal course that would truly allow for big advances in education and treatment of the whole 'drug' issue.

Yours truly,



Simon Condon

PS I have a friend who is what textbooks call a "high functioning addict." He has several university degrees, a strong work ethic and is progressing a career. Years ago he was sacked from his job due to the fact that his heroin use was interfering with his ability to do his job. I understand that then, as now, employers have the right to dismiss employees who are unable to adequately perform their work duties. My friend did not consider that he had been discriminated against on this occasion. Instead he accepted that his drug use had interfered with his work ability and adjusted his drug use so that it would not interfere with his work ability again. His story suggests that the current laws are adequate in protecting employers from addicts.

If employers can already dismiss employees who are not performing at work then surely this Bill would only add those employees who function highly in the workplace but are somehow determined/suspected/proven to be addicts to the ranks of the unemployed reliant on welfare.

How will the Bill treat those who are in treatment and still using illicit drugs? Will a current heroin user on methadone be protected from discrimination while a heroin user not on methadone won't be? Should all heroin addicts commence methadone treatment even if they continue to use heroin just so they can be covered by the DDA?

As far as I'm aware there have only been two court cases in Australia that have involved the issue of heroin/methadone use and the DDA. This extremely low rate of occurrence suggests that the motive for such a bill is not evidence-based. The motive for this kind of bill – a bill that further cements into society the discrimination that many addicts have to suffer daily – is arguably political gain alone. It is the kind of bill of which the content can fit neatly into the 3-second media grabs that dominate televised current affairs. The kind of bill that can be portrayed to the average citizen as evidence that the government is tough on drugs, that it is good to be tough on drugs and that employers and clubs need to have laws to protect themselves from addicts. As if there was an army of addicts entrenched in workplaces across the nation, causing their employers all sorts of distress and financial loss in a context where employers are unable to dismiss them due to the addict's cunning exploitation of the DDA. If there was any evidence that this was happening then the proposed new bill might have been more then a cheap grab at political points at the expense of an already highly discriminated group in society.