



Victorian Aboriginal Legal Service Co-operative Ltd.

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Submission to the Senate Legal and Constitutional Committee Inquiry into the Provisions of the Disability Discrimination Amendment Bill 2003 (Cth)

Victorian Aboriginal Legal Service Co-operative Limited

The Victorian Aboriginal Legal Service Co-operative Ltd. (VALS) makes a brief submission regarding the *Disability Discrimination Amendment Bill 2003 (Cth)*. As the major legal representative of Aboriginal and Torres Strait Islander people in Victoria VALS has day to day contact with Aboriginal and Torres Strait Islander people in the criminal, family and civil justice systems and has first hand experience with the myriad of issues surrounding drug addiction.

The changes proposed in the *Disability Amendment Bill 2003 (Cth)* include making discrimination on the basis of drug addiction lawful in the workplace, employment, accommodation, sporting activity and club membership. VALS has a number of very serious objections to these changes. Our objections are largely based on the particular economic and social disadvantage faced by Aboriginal and Torres Strait Islander people and their communities.

VALS strongly supports the recommendations made by PILCH (Public Interest Law Clearing House) in their submission. These recommendations are:

1. The Disability Amendment Bill 2003 (Cth) should not be enacted
2. The Australian government should substantially increase funding to, and the affordability and accessibility of, comprehensive and coordinated drug treatment programs, including education and early intervention strategies.
3. Recognising the significant links between poverty, disadvantage and drug addiction, drug use prevention and treatment strategies should be delivered in conjunction with well-resourced programs targeting poverty, inadequate housing, ill health, unemployment, poor education and social exclusion.

VALS reinforces the third recommendation made by PILCH, namely, recognising the significant links between poverty, disadvantage and drug addiction. *The Royal Commission into Aboriginal Deaths in Custody (RCIADIC)* and the *Bringing Them Home* Report highlighted that Aboriginal and Torres Strait Islander people are among the most socially and economically disadvantaged in Australia. The *RCIADIC* found that drug abuse (as well as alcoholism and family violence) is symptomatic of a larger picture of socio economic marginalisation. The impact of legislation that discriminates against drug users on the basis of their addiction will only serve to exacerbate the economic and social marginalisation of Aboriginal and Torres Strait Islander people.

Drug addiction is often only one part of a number of complex and interrelated issues that an addicted person is dealing with. If drug addiction is understood from this perspective then addressing the underlying causes of drug addiction rather than discriminating against those who have a drug addiction is an approach that would demonstrate that the government is really committed to addressing drug abuse in our communities. VALS recognises this is often a difficult process and requires ongoing funding support; but challenge Government to commit to the above principle.

For a person to seek treatment for drug addiction then the services must be available to enable this to happen. Treatment is often not available immediately for those who seek it (see the discussion in the PILCH submission regarding availability of services) and treatment options and availability are often limited if the person is socially and economically disadvantaged. Lawful discrimination on the basis of a person's drug addiction when services for treatment are unavailable or waiting lists do not allow access to treatment programs is unacceptable.

VALS calls on the Commonwealth government to increase funding to Aboriginal specific drug rehabilitation projects. Although funding to Aboriginal services is limited a key feature of these services is their holistic approach and their ability to provide culturally appropriate service to Aboriginal people.

VALS believes that discriminating against a person on the grounds of their drug addiction, as proposed in the Disability Discrimination Amendment Bill (2003) violates Australia's obligations under international human rights law; particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These covenants are intended to protect people from all types of discrimination before the law and can not be ignored.

In conclusion VALS makes the following recommendations:

- That the Commonwealth government recognise that drug addiction within Aboriginal communities is symptomatic of a larger picture of socio economic marginalisation
- That the Commonwealth government makes a real commitment to addressing drug addiction in Aboriginal communities by directly tackling the underlying issues involved in drug addiction
- VALS calls on the government to increase funding to Aboriginal specific treatment programs as Aboriginal specific programs tend to take a holistic approach to drug addiction and provide culturally appropriate services