



New South Wales

Anti-Discrimination Amendment (Drug Addiction) Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Anti-Discrimination Act 1977* to exclude persons who are addicted to prohibited drugs from being persons with a disability to whom the unlawful discrimination in work provisions of that Act apply.

Prohibited drugs are the drugs prohibited under the *Drug Misuse and Trafficking Act 1985* (other than methadone, buprenorphine or any other drug excluded by the regulations).

The unlawful discrimination in work provisions are the provisions of sections 49D, 49E, 49F, 49G and 49K relating to discrimination with respect to employees, contractors, partners and other professional or tradespersons.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Anti-Discrimination Act 1977* set out in Schedule 1.

Schedule 1 inserts section 49PA into the *Anti-Discrimination Act 1977* to give effect to the object set out above.

First print



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New South Wales

Anti-Discrimination Amendment (Drug Addiction) Bill 2001

No. , 2001

A Bill for

An Act to amend the *Anti-Discrimination Act 1977* with respect to its application to persons addicted to prohibited drugs.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Anti-Discrimination Amendment (Drug Addiction) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Anti-Discrimination Act 1977 No 48	7
The <i>Anti-Discrimination Act 1977</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendment

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(Section 3)

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Section 49PA

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Insert after section 49P:

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49PA Persons addicted to prohibited drugs

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(1) This section applies to the provisions of Division 2 (Discrimination in work), other than sections 49H, 49I and 49J.

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(2) Nothing in those provisions renders unlawful discrimination against a person on the ground of disability if:

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(a) the disability relates to the person's addiction to a prohibited drug, and

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(b) the person is actually addicted to a prohibited drug at the time of the discrimination.

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(3) In this section:

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prohibited drug means a prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, but does not include:

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(a) methadone or buprenorphine, or

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(b) any other drug that is declared by the regulations not to be a prohibited drug for the purposes of this section.

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