Discrimination against drug users [1]

The social stigma attached to illegal drug use means that people who are identified as drug users can experience discriminatory treatment such as denial of services or accommodation.

Is drug addiction a disability?

Under both NSW and federal anti-discrimination laws, it is unlawful to discriminate against a person on the grounds of disability. Over a number of years, it had been frequently suggested that drug dependence was a form of disability, and therefore covered by the discrimination laws. Following a complaint to the Australian Human Rights Commission, a Federal Court case decision found that drug addiction could be classed as a disability according to the Commonwealth Disability Discrimination Act 1992.

The NSW Government amended the NSW law (the Anti-Discrimination Act 1977) to legally allow discrimination against a person on the grounds of addiction to a prohibited drug - but only in the area of employment.

Discrimination remains unlawful in other fields, including:

- providing goods and services
- education
- accommodation.

The NSW Act does not allow discrimination:

- against users of methadone or buprenorphine
- on the grounds of being hepatitis C or HIV positive, or having any other medical condition.

So, if a person is refused a job because they are on a methadone or buprenorphine program or are seropositive, they could make a claim for disability discrimination under the NSW Act.


Links