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Canadian Drug Policy Coalition and Pivot Legal Society successfully defend supervised consumption at Federal Court of Canada

The precedent-setting decision protects public health and harm reduction efforts from unnecessary barriers and interference from third parties

Vancouver, BC – This week, the Honourable Justice Mosley released his decision on a judicial review application brought forward by Edmonton’s Chinatown and Area Business Association (CABA). CABA challenged the approval of three desperately-needed supervised consumption sites in downtown Edmonton, asserting that it was not adequately consulted in Health Canada’s decision to approve the services.

In December 2018, the Canadian Drug Policy Coalition (CDPC), represented by Pivot Legal Society’s Caitlin Shane and Ethos Law Group’s Monique Pongracic-Speier (QC), intervened in the case, arguing that CABA and other third parties do not have a mandatory right to weigh in on the approval of consumption sites in Canada. Instead, public health and safety should be the principal concern of the government in considering applications, as this would best protect the Constitutional rights to safety and security for people who use drugs accessing life-saving services.

Justice Mosley agreed with our arguments and dismissed CABA’s application, citing directly from our submissions. In his decision, he writes:

“The process [to approve a supervised consumption site] is both discretionary and non-adjudicative. The principal and mandatory focus of the legislation is on the question of whether [approval] would provide public health benefits. Any consideration of negative impacts on the local community is secondary and discretionary.”

“This is a precedent-setting decision helping people to save lives amid a national health crisis,” said Donald MacPherson, Executive Director of the Canadian Drug Policy Coalition. “Justice Mosley’s decision means that frontline healthcare providers wishing to offer life-saving supervised consumption services can do so without unnecessary delays. It restores public health as the key concern for approving these sites.”

The Canadian Drug Policy Coalition and Pivot Legal Society argued that allowing community groups extraordinary consultation privileges would create new barriers to supervised consumption services. The Federal Court of Canada agreed, and the Constitutionally-protected right to health services for people who use drugs rightly took precedence. We are encouraged by the Court’s findings.



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About the Canadian Drug Policy Coalition

The Canadian Drug Policy Coalition (CDPC) is a coalition of 70 organizations and 3,000 individuals working to support the development of progressive drug policy grounded in science, guided by public health principles, and respectful of human rights. The CDPC operates as a project within Simon Fraser University under the Centre for Applied Research in Addiction and Mental Health. The CDPC seeks to include people who use drugs and those harmed by the war on drugs in moving toward a healthier Canadian society free of stigma and social exclusion.