

Two more intervenors join injection site appeal

Neal Hall

Vancouver Sun

Friday, November 07, 2008

VANCOUVER - A B.C. Court of Appeal judge decided Thursday to allow two more intervenors at a pending appeal involving Insite, the supervised injection site that has been allowed to remain open for another year.

Appeal Court Justice Mary Saunders allowed the applications for intervenor status from the Vancouver Coastal Health Authority, whose employees work at Insite, and the Dr. Peter AIDS Foundation.

A third application brought by the B.C. Civil Liberties Association was not opposed. The association was earlier granted intervenor status.

The federal government, which is seeking to shut down Insite, opposed the applications of Vancouver Coastal Health and the Dr. Peter AIDS Foundation.

The Dr. Peter Centre has been providing, since 2006, a supervised injection site for some of its 300 clients, some of whom are homeless or HIV-positive.

Unlike Insite, it does not have a Health Canada exemption and takes the view that it is not necessary because it is not part of the kind of scientific study that Insite is involved in.

Insite's primary contractor, PHS Community Services Society, and two drug users took the federal government to court, arguing that closing the site would breach the constitutional right to life and security of people who use the site.

B.C. Supreme Court Justice Ian Pitfield ruled last May that the supervised injection site should be allowed to remain open for a year, even without a federal exemption from current drug laws.

The judge ruled that Canada's drug laws are unconstitutional when they are applied to addicts using a supervised-injection site.

Pitfield said the possession law "prohibits the management of addiction and its associated risks at Insite. Instead of being rationally connected to a reasonable apprehension of harm, the blanket prohibition contributes to the very harm it seeks to prevent."

The federal government is appealing the ruling. The appeal is scheduled for next April.

Insite, which sees about 600 to 1,100 users daily, has operated in the Downtown Eastside since 2003 under an exemption from the federal Controlled Drugs and Substances Act.

nhall@vancouversun.com

© The Vancouver Sun 2008