

Health Law Section Report 2011-2012

In November 2011, the Health Law Section had an excellent presentation by the then provincial Ombudsman, Irene Hamilton and by Gail Perry, Sr. Legislative and Policy Analyst, Manitoba Ombudsman. They gave a very informative session with respect to developments in privacy and access legislation specific to Manitoba but also with respect to the role and powers of the Ombudsman's Office.

In February 2012, the Health Law Section met to hear another excellent presentation this time by Vivian Rachlis and Elisabeth Olson with respect to the September 2011 decision of the Supreme Court in *Canada (Attorney General) v. PHS Community Services Society ("Insite")*. The SCC *Insite* decision contains interesting statements about the extent of the provincial power over health care and the reach of Section 7 of the *Charter* in the health care context, and has implications for governments and agencies engaged in the design of health-related harm reduction strategies.

Beginning in 2003, *Insite* offered a variety of health-related services to drug users living in Vancouver's Downtown Eastside, including a supervised injection centre. When in 2008 the federal government withdrew its Ministerial site-specific exemption from prohibitions on possession and trafficking under *The Controlled Drugs and Substances Act*, the stage was set for a fascinating consideration of the constitutional implications – both division of powers, and from a *Charter* perspective – of the government's actions.

This past year numerous new legislation and bills amending existing legislation were presented in the Manitoba Legislature and distributed to the members of the Health Law Section for their interest and input.

Respectfully submitted,
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