



Message from the President

Drinking and Informing — what does this all mean?

Apart from the on going political gyrations in BC, there are some interesting things going on that affect our industry; hot off the newswire is the BC Supreme Court's ruling on a constitutional challenge to BC's new drinking and driving laws.

On November 30, 2011 Justice Sigurdson of the BC Supreme Court ruled that certain sections of the new laws regarding drinking and driving violated section 8 of the Charter of Rights. The decision noted that "if a person blows a fail (over .08) during a roadside test, that person must have the right to challenge and appeal (due process)." Prior to this decision the new law allowed for police (after a fail test), to impose a 90 day license suspension, a vehicle seizure, fines and the installation of an interlock device-all without an appeal process for the accused (or convicted).

The judge further ruled that there must be an avenue for appeal and in doing so has effectively reverted the system back to the former procedure which was: Upon a fail reading, the accused is allowed due process; the right to council, a formal breathalyzer test and the right to challenge in court, the charges.

While the decision will ensure changes to this section of the law, the judge also ruled that the government does have the right to set penalties for BAC level infractions between .05 and .08. and did not suggest any changes to that particular part of the law.

While this challenge has been decided, I believe we can expect further challenges to the law around the appeal rights for people testing between .05 and .08. We know from discussion with our members that this is the part of the new law that is having the most impact on our members, and we will continue to work with government to find sensible solutions to this difficult public issue to ensure a sensible balance between public safety and business health.

Informed Dining

While the BC government announced the introduction of a voluntary nutritional information program for restaurants few months ago, we are now realizing the true potential for members who choose to jump on board.

While the original government concept was to create a mandatory program for restaurants, countless meetings with Ministers and their staff allowed us to convince the government