

DECISION OF THE DIRECTOR OF LIQUOR LICENSING

LICENSEE: DACHEFF & SONS PTY LTD

PREMISES: QUAIRADING HOTEL

PREMISES ADDRESS: 43 HEAL STREET, QUAIRADING

LICENCE NO.: 6010011643

NATURE OF MATTER: IMPOSITION OF CONDITION PURSUANT TO SECTION 64 OF THE ACT

DATE OF DETERMINATION: 28 AUGUST 2015

- 1 On 10 July 2015, I received a report from Detective Superintendent Jim Migro of the Police Licensing Enforcement Division concerning the Quairading Hotel, where members of an Outlaw Motor Cycle Gang (OMCG) were permitted to enter and remain on the licensed premises dressed in their colours.
- 2 According to the report, the officer in charge of the Quairading Police spoke to the approved manager and proprietor of the hotel concerning the incident and the need for the licensee to maintain a dress standard policy prohibiting OMCG members from wearing their colours in the hotel. Furthermore, it was submitted that the dress standard policy that was displayed at the premises was taken down by the proprietor who indicated to police that they would serve whoever they wanted. The police have received further information from community members that on two other occasions OMCG members wearing their colours have been seen drinking in the hotel.
- 3 The other hotel in town has in place a dress standard policy, prohibiting the wearing of OMCG patches and colours on the licensed premises, consistent with the policy of the Director of Liquor Licensing on *Dress Standards for Licensed Premises*.
- 4 Consequently, I issued a notice, pursuant to s 64(2a) of the *Liquor Control Act 1988* (the Act), requiring the licensee of the Quairading Hotel to show cause why the following condition should not be imposed on its licence:

"DRESS STANDARDS - OUTLAW MOTORCYCLE GANGS

The following dress standard applies during the permitted trading hours:

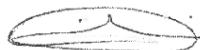
Jackets or any other clothing or accessory, or any clearly visible body marking, bearing patches or insignia of any Outlaw Motor Cycle Gangs not limited to, but including, the following listed Outlaw Motor Cycle Gangs, are not permitted to be worn or to be visible on the licensed premises:

(i) Coffin Cheaters;

- (ii) *Club Deroes*;
- (iii) *Gods Garbage*;
- (iv) *Gypsy Jokers*;
- (v) *Outlaws*;
- (vi) *Finks*;
- (vii) *Rebels*;
- (viii) *Comancheroes*;
- (ix) *Hell's Angels*;
- (x) *Rock Machine*;
- (xi) *Mongols*; and
- (xii) *Lone Wolf*."

- 5 In response, the licensee submitted that on 5 June 2015, a male person booked accommodation for 16 men at the hotel that evening. These patrons were members of an OMCG and they inquired whether they may wear their club insignia within the hotel and were informed that there was not a condition on the licence preventing them from doing so. The patrons left the hotel the following day without incident and without any complaints. The police did not attend the hotel that evening nor was there any contact from the police.
- 6 It was further submitted by the licensee that there is no rational basis, grounded in the evidence, to support the contention that the proposed condition should be imposed on the licence. According to the licensee, the police have provided no evidence to suggest that uniformity in dress standards with other licensed premises will reduce or minimise the risk of alcohol-related harm or ill-health in line with the objects of the Act. Also, there is no evidence suggesting that preventing members of an OMCG from wearing clothing with OMCG insignia would reduce or minimise alcohol-related harm and there is no evidence that patrons wearing such insignia would increase the risk of harm.
- 7 According to the licensee there is no causal link between the imposition of the proposed condition and the reduction or minimisation of the risk of alcohol-related harm and therefore, the proposed condition should not be imposed.
- 8 Section 64 of the Act provides that the licensing authority may impose conditions which it considers to be in the public interest or which it considers desirable in order to ensure that the safety, health or welfare of persons who may resort to the licensed premises is not at risk or to ensure public safety.

- 9 It is a notorious fact that OMCG's are involved in serious criminal activity and are prone to violence. The wearing of patches signifies a member's allegiance to the club and makes their affiliation known to the public and rival gangs. State governments around the country have enacted various pieces of legislation to protect the public from the violence associated with such criminal organisations.
- 10 Members of the public attending licensed premises should not feel intimidated or be at risk because OMCG members want to display their colours in licensed premises. In my view, the presence of OMCG members displaying their patches and insignia in licensed premises presents a risk to public safety and order. The licensee states in its Management Plan for the premises that it is committed to providing a well-run and friendly licensed premises.
- 11 I also note from the police report that this was not a one-off occurrence, with members of the public being sufficiently concerned to advise police that OMCG members displaying their colours have been drinking at the hotel on other occasions.
- 12 Consequently, I am satisfied that it is in the public interest that the above condition be imposed on the licence of the Quairading Hotel. A notice is to be displayed at all entrances to the premises reflecting this condition.
- 13 Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s 25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.
- 14 This matter has been determined by me under delegation pursuant to s 15 of the Act.



Peter Minchin
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING