

Licence conditions regarding Outlaw Motorcycle Gangs (OMCG)

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Contents

INTRODUCTION	2
When to refuse entry	2
How to refuse entry	2
Incident Register	2
QUEENSLAND	3
NORTHERN TERRITORY	4
NEW SOUTH WALES	4
WESTERN AUSTRALIA	5
TASMANIA	6
VICTORIA	6
SOUTH AUSTRALIA	6
AUSTRALIAN CAPITAL TERRITORY	6

INTRODUCTION

Licence conditions have been implemented in some states and territories throughout Australia to prevent or reduce antisocial conduct by members of outlaw motorcycle gangs in licensed premises and to ensure the safety of patrons, staff and the general public.

Check with your boss to see if any such conditions or venue dress code applies to your place of employment.

When to refuse entry

In Queensland, the Northern Territory and Kings Cross venues in New South Wales you must refuse entry to licensed premises by persons wearing or carrying prohibited items e.g.: outlawed colours, insignia or emblems of outlaw motorcycle clubs or gangs (OMCGs).

In other states and territories these items are not prohibited on licensed premises. However, licensees can prohibit these items as part of the venue's dress code.

How to refuse entry

Crowd controllers or security staff can be called to refuse entry to licensed premises by a person wearing or carrying a prohibited item.

If there is no security on duty, it is the responsibility of the licensee, approved manager, employee or police officers to tell a person wearing or carrying prohibited items to immediately leave the premises.

Incident Register

Incident Registers are recommended for all licensed premises throughout Australia. They are mandatory in the A.C.T., Queensland and Western Australia.

The staff member who refused entry or asked the patron to leave must record the details in the Incident Register, such as:

- date and time of the incident.
- description of the person.
- reason for refusal, (e.g.: wearing "bandido" colours).
- staff member's name and signature.

QUEENSLAND

Changes have been made to the *Liquor Act 1992* to prohibit people from entering or remaining on premises, subject to a licence or permit under the Liquor Act, if they are wearing or carrying certain **prohibited items** (outlined below) which are associated with a **declared criminal organisation**. It also places obligations on licensees/permittees, approved managers, employees and agents of licensees/permittees that they not knowingly allow anyone wearing or carrying the prohibited items to enter or remain on the premises.

The Liquor Act provides for authorised persons, which include the licensee/permittee, employees or agents of the licensee/permittee, and police officers, to tell a person wearing or carrying prohibited items to immediately leave the premises.

Prohibited item is defined in the Liquor Act as meaning:
an item of clothing or jewellery or an accessory that displays—

- (a) the name of a declared criminal organisation; or
- (b) the club patch, insignia or logo of a declared criminal organisation; or

Note—

The things mentioned in paragraph (b) are also known as the ‘colours’ of the organisation.

- (c) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, a declared criminal organisation, including—

- (i) the symbol ‘1%’; and
- (ii) the symbol ‘1%er’; and
- (iii) any other image, symbol, abbreviation, acronym or other form of writing prescribed under a regulation for this paragraph.

More information, including a list of declared criminal organisations and their badges, refer:

<http://olgr.qld.gov.au/aboutus/laws/liquor-act/index.shtml>

NORTHERN TERRITORY

Following the temporary banning in 2012 of the wearing of colours, insignia or emblems of outlaw motorcycle clubs or gangs in licensed premises, it has been decided, following a request from the Commissioner of Police, to make this ban a permanent license condition for on-premises sale of alcohol across all NT licensed venues.

This guideline provides information to assist licensees and their employees to understand the condition of licence requiring that persons wearing the colours, club patch insignia or logo of an outlaw motorcycle gang, be excluded from entering their premises.

This guideline will also assist licensees and their staff to identify common insignia and symbols in use by members of outlaw motorcycle gangs which constitute the wearing of colours.

The additional licence condition aims to prevent or reduce antisocial conduct by members of outlaw motorcycle gangs in licensed premises and to ensure the safety of patrons, staff and the general public.

Source: <http://www.dob.nt.gov.au/gambling-licensing/liquor/forms-guidelines/Pages/Outlaw-motorcycle-gangs.aspx>

NEW SOUTH WALES

Anyone wearing bikie gang 'colours' will be banned from all venues within the **Sydney CBD Entertainment Precinct** or the **Kings Cross Precinct**. Refer: http://www.olgr.nsw.gov.au/pdfs/SydneyCBD_POM.pdf

Venues are required to refuse entry to, or remove any person wearing any form of clothing, jewellery or other accessory associated with a Gang.

A4 posters (see example right) are available that inform persons wearing any form of clothing, jewellery or other accessory associated with a Gang that they will be refused entry or removed from a licensed venue. This initiative aims to support venues and liquor accords that have adopted a 'no colours' policy.



Further information and downloadable posters available at:

www.olgr.nsw.gov.au/accords_posters_downloads.asp

WESTERN AUSTRALIA

No permanent licence conditions have been implemented as to motorcycle gangs in licensed premises.

However, the Department of Racing, Gaming and Liquor have the following dress standard recommendations:

“With respect to ‘Outlaw Motor Cycle Gangs’ (OMCG), inconsistent dress standards can increase the risk of conflict if applied differently by licensees:

- from one community to the next; or
- between one licensed premises and another; or
- between one patron and another; or
- at different times during the evening (eg. if OMCG members are required to remove their jackets after 7.00pm.

As a harm minimisation measure, licensees may wish to incorporate the following wording into signs which describe the minimum Dress Standards on the licensed premises.”

Management reserves the right to refuse admission or service to any person or persons failing to comply with the following dress requirements:

- *Neat casual dress is to be worn at all times.*
- *Footwear is to be worn at all times.*
- *Jackets or any other clothing or accessory, or any visible body markings bearing patches or insignia of any Outlaw Motor Cycle Gangs not limited to but including the listed Outlaw Motor Cycle Gangs are not permitted to be worn or to be visible on these premises at any time:*
 - ▶ **Coffin Cheaters**
 - ▶ **Comancheros**
 - ▶ **Club Deroes**
 - ▶ **Finks**
 - ▶ **God's Garbage**
 - ▶ **Gypsy Jokers**
 - ▶ **Outlaws**
 - ▶ **Rebels**

Source:

http://www.rgl.wa.gov.au/ResourceFiles/Policies/Dress_Standards_for_licensed_premises.pdf

TASMANIA

No permanent licence conditions have been implemented as to motorcycle gangs in licensed premises.

VICTORIA

No permanent licence conditions have been implemented as to motorcycle gangs in licensed premises.

SOUTH AUSTRALIA

No permanent licence conditions have been implemented as to motorcycle gangs in licensed premises.

AUSTRALIAN CAPITAL TERRITORY

No permanent licence conditions have been implemented as to motorcycle gangs in licensed premises.