

# What do you risk by serving a Biekie?<sup>1</sup>

By Judge C. F. Wall QC<sup>2</sup>

[1] Under the Liquor Act, if anyone comes into your licensed restaurant wearing or carrying an item of clothing or jewellery or an accessory that displays

- any of the names on this sheet (sheet 1); or
- the club patch, insignia or logo shown on this sheet (sheet 1); or
- any image, symbol, abbreviation or other form of writing that indicates membership of such an organisation including the symbol 1% or 1%er as shown on this other sheet (sheet 2)

and you as licensee or approved manager or employee knowingly allow them to enter or remain on the premises, then you risk a fine of up to \$11,000.00

You must tell them to immediately leave the premises, i.e. you must require them to leave the premises. If they refuse you should call the police. In any event you must not serve them. If you don't ask them to leave you also risk a fine of up to \$11,000.00

(It is also an offence for such a person to enter and refuse to leave when required).

[2] As the Liquor Act presently stands (s.229) a licensee without knowledge of an offence would not be presumed to have participated in an offence committed by an employee merely because the employee committed the offence. But if an employee was convicted of an offence of knowingly allowing a biekie to enter or remain on the premises that would be grounds for disciplinary action against the licensee which could include suspending or cancelling the license or closing the licensed premises for a stated period.

[3] You should educate yourself and your employees about these matters and have these sheets or their equivalent displayed so that they can see and understand the position.

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<sup>1</sup> This paper was presented to the Gold Coast Restaurant Industry Support Group meeting at Surfers Paradise on 20 August 2014

<sup>2</sup> Judge of the District Court, Planning and Environment Court and Childrens Court, Southport

- [4] The CEO of the Queensland Hotels Association, Justin O'Connor, is reported saying "There is an area of confusion in some people thinking all members of bikie gangs should be refused service, when this applies only to those displaying outlaw gang colours or logos." This is not correct.
- [5] Your restaurant is also a public place for present purposes. It is a criminal offence under the Criminal Code for any person who is a participant in a criminal organisation (which includes membership of any of these motorcycle gangs or clubs) to be knowingly present in a public place with 2 or more other participants. The minimum penalty is 6 months imprisonment served wholly in a prison, the maximum is imprisonment for 3 years.
- [6] If you or your manager or an employee knows that 3 or more of such persons are present together in the restaurant (regardless of what they are wearing) and allows them to stay or serves them you or he or she may also be guilty of the offence by aiding or assisting them to be with each other or aiding and assisting them by providing a venue or place for their meeting. If this were so you or the staff member would be liable to the same punishment as the bikie.
- [7] To avoid any possibility of this happening you should not serve them, and should ask them to leave and call the police if they do not.

### Sheet 1

#### Names and Patches of Declared Criminal Organisations

<b>Bandidos</b> 	<b>Black Uhlans</b> 	<b>Coffin Cheaters</b> 	<b>Comancheros</b> 	<b>Finks</b> 	<b>Fourth Reich</b> 
<b>Gladiators</b> No image	<b>Gypsy Jokers</b> 	<b>Hells angels</b> 	<b>Highway 61</b> 	<b>Iron Horsemen</b> 	<b>Life and death</b> 
<b>Lone Wolf</b> 	<b>Mobshitters</b> 	<b>Mongols</b> 	<b>Muslim Brotherhood Movement</b> 	<b>Nomads</b> 	<b>Notorious</b> 
<b>Odins Warriors</b> 	<b>Outcasts</b> 	<b>Outlaws</b> 	<b>Phoenix</b> 	<b>Rebels</b> 	<b>Red devils</b> 
<b>Renegades</b> 	<b>Scorpions</b> 				

Sheet 2  
1%er symbol and rings

