

BANKSTOWN LIQUOR ACCORD
OUTLAW MOTOR CYCLE GANG BARRING AGREEMENT
UNDER SECTION 134 OF THE LIQUOR ACT 2007

PREAMBLE

1. Local licensees within the Bankstown Liquor Accord work in collaboration with NSW Police and other stakeholders to reduce violence, anti-social behaviour, suspected drug use/dealing and other alcohol-related harm in and around their venues.

2. To help reach these objectives and at the request of NSW Police, licensed premises in the three accords agree to enter an Outlaw Motor Cycle Gangs (OMCG) specific '**Multi-Venue Barring**' policy as a term of the accord under Section 134 of the Liquor Act 2007. Under this policy, all licensees will consent to exclude from their premises persons confirmed by NSW Police as current members of OMCGs listed within Clause 98 of the *Liquor Regulation 2018*.

TERM OF THE ACCORD – BARRING OF OMCGS FROM PARTICIPATING LICENSED PREMISES IN THE SYDNEY CITY POLICE AREA COMMAND (PAC)

3. Under 134 of the *Liquor Act 2007*, we agree upon the following terms;
 - a. No person(s) will be permitted to enter or remain upon licensed premises within the Liquor Accords in the Sydney City PAC who;
 - i. is wearing or carrying any clothing, jewellery or accessory or;
 1. the colours, club patch, insignia or logo, or
 - ii. any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in Clause 98 of the *Liquor Regulation 2018*,
 - iii. Is wearing/carrying clothing bearing the “1%” or “1%er” symbol.
 - iv. has been confirmed by NSW Police as a current member of an organisation listed in Clause 98 of the *Liquor Regulation 2018*, who resides in or in the immediate vicinity of the Accord area, or is suspected of conducting activity within or in the immediate vicinity of the Accord and whose name is endorsed on an official NSW Police Force database accessible by operational police as being a person who has been notified of their exclusion under this agreement.
 - v. is confirmed on a NSW database as a member of an OMCG within any jurisdiction, whose presence in the licensed premises ***may*** cause fear and intimidation to other patrons, or who is suspected of carrying

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on/planning criminal activity in a participating licensed premises in the accord. A person detected under this part may be excluded immediately by NSW Police as part of this agreement and if deemed necessary by attending police, served formal notification barring them from participating premises in the accord.

4. Police will maintain records in relation to this agreement, including;
 - i. those persons excluded or refused entry under this agreement,
 - ii. those persons currently barred under this agreement
 - iii. those persons added to, or removed as persons barred under this agreement

These records will be brought to all liquor accord meetings for production upon request, and will otherwise be available for inspection by participating licensees within a reasonable time.

Important notes:

5. NSW Police as authorised persons under s.77 (5) of the Liquor Act 2007 will be responsible for turning out of, or refusing entry to participating licensed premises
6. NSW Police will notify the licensee or senior manager on duty before, or as soon as practical after a person has been refused entry, or excluded under this term
7. The accord wishes it understood that there may be some occasions whereas an excluded person may be on licensed premises in contravention of this agreement, but the circumstances dictate a level of discretion. Weddings, christenings or wakes, are examples
8. In respect of (v), a member of an OMCG may cause fear and intimidation by their mere presence.
9. This term will be implemented for an initial 6 month trial, and reviewed annually thereafter.

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RELEVANT LEGISLATION.

Section 134 of the Liquor Act 2007 (Terms of Local Liquor Accords)

(1) Without limiting the terms that may be included in a local liquor accord, an accord may make provision for or with respect to any one or more of the following:

(a) authorising or requiring any licensee who is a party to the accord:

(i) to cease to serve liquor (including take-away liquor) on the licensed premises, or

(ii) to restrict the public's access to the licensed premises in a manner and to the extent provided by the accord,

Section 77 of the Liquor Act 2007 (powers to exclude/turn out);

s.77 (2) An authorised person (*which includes police officers*) may refuse to admit to, or may turn out of, licensed premises any person:

(e) whom the authorised person, under the conditions of the licence or according to a term (of the kind referred to in section 134 or 136D) of a liquor accord, is authorised or required to refuse access to the licensed premises.

s. 77 (3) If, under subsection (2), a person has been refused admission to, or has been turned out of, licensed premises, an authorised person may, at any time, refuse to admit that person to the licensed premises or may turn the person out of the licensed premises.

s. 77 (4) If a person in respect of whom an authorised person is, under subsection (2) or (3), entitled to refuse admission to the licensed premises is on the premises, the person must, on being required so to do by an authorised person, leave the premises.

s. 77 (5) – Reasonable Force may be used by an authorised person

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PROCESS

- In respect of (iv), NSW Police determines persons to the Accord that are active members of an Outlaw Motor Cycle Gang (OMCG) as defined under Cl.98 Liquor Regulations 2018 who reside within or in the immediate vicinity of the accord
- The accord executive/BFOBFA formally ratifies these persons, and agree that those persons are barred from all premises in accordance with s.134 of the Liquor Act 2007
- A barring notification (see sample) is prepared naming the person as barred, and including the liquor accord premises they are barred from
- NSW Police serve the notice upon the person
- NSW Police complete an affidavit of service
- NSW Police prepare a COPS entry inclusive of notice service details and listing the Accord as an entity.
- NSW Police endorse the database records of each person who has been excluded under this agreement
- A summary is provided at each liquor accord meeting in relation to;
 - The number of people on the excluded under this agreement
 - The number of persons excluded since the last meeting
 - The number of persons no longer barred since the last meeting
 - The number of occasions the agreement has been used
- A licensee, their staff/agents *will not* refuse entry/turn out of licensed premises a person barred by this process where there is a risk to theirs or anyone else's safety
- A licensee, their staff or agent ***may*** contact police to advise they believe a barred person is on the premises.
- NSW Police, whether contacted by a venue or during licensed premises "walk throughs" as authorised officers under the Liquor Act 2007 may refuse entry to, or turn out of participating licensed premises any person who is known to be on this list, in accordance with s.77 (2) (e) of the Liquor Act 2007
- Should NSW Police – S/F Raptor detect a person upon a licensed premises who meets the criteria for barring under the agreement and who has not yet been served a notice, they can serve a notice and exclude the person at that time. In this situation, a person

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is excluded at this time on an interim basis, until such time as a formal warning is included on the police database in relation to that person

- In respect of (v), should NSW Police and in particular Strike Force Raptor or PAC detectives/Region Enforcement Squad members attend a participating licensed premises and detect an OMCG member from outside the area whose presence in the venue may cause fear and intimidation, or those police suspect on reasonable grounds that their presence is with an intent to commit crime or intimidation, they may be excluded immediately from those premises under s.77 (2) (e), and continue to be excluded under s.77 (3). Service of barring notification in these circumstances is at the discretion of those police.

PARTICIPATING VENUES

LIST OF LICENSED PREMISES PARTY TO THE ACCORD ATTACHED IN SCHEDULE TWO. Signed agreement not public.

ATTACHMENTS

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- SCHEDULE TWO - Clause 98 – Liquor Regulation 2018 (as at 29 January 2019)
 - List of current motor cycle related criminal organisations
- Letter to offender



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Schedule One

98 Exclusion of persons from subject premises

List of motorcycle-related and similar organisations:

Bandidos,
Black Uhlans,
Brothers for Life,
Comanchero,
Finks,
Fourth Reich,
Gladiators,
Gypsy Joker,
Hells Angels,
Highway 61,
Iron Horsemen,
Life and Death,
Lone Wolf,
Mobshitters,
Mongols,
Mongrel Mob,
No Surrender,
Nomads,
Odin's Warriors,
Outcasts,
Outlaws,
Phoenix,
Rebels,
Rock Machine,
Satudarah,

