

DECISION OF DIRECTOR OF LIQUOR LICENSING

LICENSEE: RUM HOLDINGS PTY LTD & ANTHONY DAVID FLEMING

PREMISES: DAMPIER MERMAID HOTEL & MOTEL

PREMISES ADDRESS: THE ESPLANADE, DAMPIER

LICENCE NUMBER: 6010016063

DATE OF DETERMINATION: 3 AUGUST 2015

On 16 June 2015, I wrote to the licensee of the Dampier Mermaid Hotel advising that I had received a copy of a complaint, lodged by the Commissioner of Police with the Liquor Commission, for disciplinary action against the licensee under section 95 of the Act.

Consequently, pursuant to section 95(6) of the Act, I was of the view that in the interests of the safety, health and welfare of the public visiting the licensed premises it was appropriate to impose various conditions on the licence pending the determination of the complaint.

The licensee has subsequently advised that it consents to the following conditions being imposed on the licence:

- The licensee shall not promote or sell drinks which offer liquor by virtue of their “emotive” titles such as, but not limited to, “laybacks”, “shooters”, “slammers”, “test tubes” and “blasters”.
- No liquor is to be supplied mixed with energy drinks. For the purposes of this condition “energy drink” has the same meaning as formulated caffeinated beverage within the Australia New Zealand Food Standards Code with a composition of 145mg/l of caffeine or greater.
- The sale of bottles or cans containing liquor in a quantity greater than 375mls is prohibited.
- The sale and supply of “ready to drink” (RTD’s) for consumption on the premises with an alcoholic content greater than 5% is prohibited after 7 p.m.
- A CCTV video surveillance system that records continuous images throughout the public areas of the premises, including all entrance and exit points to the premises, shall be installed and maintained in accordance with the policies of the Director of Liquor Licensing.
- 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:
 - Coffin Cheaters;
 - Club Deroes;

- Gods Garbage;
 - Gypsy Jokers;
 - Outlaws;
 - Finks;
 - Rebels;
 - Comancheroes;
 - Hell"s Angels;
 - Rock Machine;
 - Mongols;
 - Lone Wolf; and
 - Bandidoes.
- A minimum dress standard policy must apply. A notice of the dress standard must be displayed at each entrance to the premises. A copy of the dress standard policy is to be submitted to the Director of Liquor Licensing within 14 days.
 - The maximum number of persons permitted on the licensed premises at any one time is five hundred (500).

The licensee however, indicated that it was opposed to the following condition being imposed on its licence:

"Crowd controllers, licensed under the Securities and Related Activities (Control) Act 1996, are to be employed at a ratio of two (2) crowd controllers for the first 100 patrons (general public) and one crowd controller for each additional 100 patrons or part thereof, from 5 p.m. until 30 minutes after trading ceases".

In essence, the licensee submitted that it will incur significant costs if it is required to provide security on all days of trade, and furthermore, the number of patrons attracted to the licensed premises has dramatically and significantly declined since the loss of temporary worker accommodation in Dampier.

In my view, crowd controllers can play an important role in monitoring, controlling and modifying patron behaviour. However, in view of the licensee's submission, I am prepared to vary the proposed security condition as follows:

"Crowd controllers, licensed under the Securities and Related Activities (Control) Act 1996, are to be employed at a ratio of one (1) crowd controllers for the first 100 patrons (general public) and one (1) crowd controller for each additional 100 patrons or part thereof, from 5 p.m. on Fridays and Saturdays until 30 minutes after trading ceases".

Consequently, pursuant to section 95(6) of the Act the conditions consented to by the licensee, together with the amended security condition will be imposed on the licence

pending the determination of the complaint, for disciplinary action, before the Liquor Commission.

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.



Peter Minchin
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING