Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the *Liquor Act 2019*
LICENSEE:	KMS Pastoral Pty Ltd
PREMISES:	Stuarts Well Roadhouse
LEGISLATION:	Part 7, Division 3 of the *Liquor Act 2019*
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	26 October 2026

DECISION

1. For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I uphold a complaint against the licensee, KMS Pastoral Pty Ltd for conduct contrary to the *Liquor Act 2019* (the Act) on 13 October 2026 when:

   a. Contrary to section 293(1) of the Act, the licensee intentionally engaged in conduct that resulted in a contravention of a condition of the licensee's licence or authority and the licensee was reckless in relation to that result being, that the licensee failed to comply with the condition requiring the licensee or their employees to exclude or remove from the premises anyone wo is wearing the colours, insignia or emblems of an outlaw motorcycle gang, or ask police to remove them if they feel unsafe doing so themselves.

2. Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:

   a. Pursuant to section 163(1)(b) of the Act, give the licensee a formal warning in relation to the complaint.

REASONS

Background

3. KMS Pastoral Pty Ltd is the holder of liquor licence 80804852 for the premises known as Stuarts Well Roadhouse, situated at 8844 Stuart Highway, Hugh. The nominee is Ms Laura-Jae Ragless.

4. On 30 September 2026, all licensees were sent a reminder along with an information sheet regarding the condition which exists on all licences relating to outlaw motorcycle gang members, recipients of this reminder included this licensee.

5. The condition reads:

   The licensee or an employee of the licensee must exclude or remove from the premises anyone who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (aka bikie gang), or ask police to remove them if they feel unsafe dong so themselves.

6. At 14:27 hours on 13 October 2026, a post was uploaded to the Stuarts Well Roadhouse Facebook page containing four images of a group of motorcycle riders gather on the forecourt of the premises, which is within the approved licensed premises area, wearing the colours and insignia of the Outlaws MC Australia which is an outlaw motorcycle gang.
7. An image and description of the Outlaws was included in the materials sent to all licensees on 30 September 2026. The riders at the premises were wearing vests with Outlaws MC Australia rockers on their backs.
8. The message posted by the licensee included the words:

> "A little rain and wind can't stop these legends from hitting the road! Great to see the crew rolling into our roadhouse today! Thanks for stopping by, guys. Ride safe and enjoy the journey! Looks like these cheeky chooks are keen to join the ride too!"

9. Inspectors discovered the post and commenced an investigation into the matter.

THE COMPLAINT

10. On 15 October 2026, a complaint was lodged with the Director pursuant to section 160 of the Act, the grounds for the complaint being that the licensee had failed to comply with a condition of the licensee's licence or authority and the licensee was reckless in relation to that result.
11. The contravention being, that the licensee failed to comply with the condition requiring the licensee or their employees to exclude or remove from the premises anyone wo is wearing the colours, insignia or emblems of an outlaw motorcycle gang, or ask police to remove them if they feel unsafe doing so themselves.
12. The complaint was in the approved form specifying the grounds for the complaint, was signed and lodged with the Director in compliance with the requirements of section 160(2) of the Act.
13. A delegate of the Director accepted the complaint on 15 October 2026, within the 14-day prescribed period and the licensee was given a notice of the substance of the complaint and invited to provide a response in compliance with section 162(1) of the Act.
14. On 20 October 2026, an email response was received electronically signed by Ms Ragless and Ms Ailey Mach, General Manager of the licensed premises with submissions in relation to the matter.
15. I thank them both for their timely and fulsome response.

CONSIDERATION OF THE ISSUES

16. The Outlaws MC Australia conducted a ride to Alice Springs from various points including interstate members.
17. A group of at least 10 members attended the licensed premises and in the post are seen gathered on the forecourt of the premises.
18. The forecourt of the premises is within the approved licensed premises footprint.
19. The licensee in their response sites the remote location of the premises and the concern the staff had with refusing service to the group.
20. They further submit the safety of their staff and patrons is a primary concern and that remote staff should not be expected to place themselves in danger when faced with a perceived threatening situation.
21. The licensee also submits there was a genuine concern that refusing service or directly confronting the group could have resulted in an unsafe situation.

22. This is not too dissimilar a situation to a licensee refusing service, or removing from the premises intoxicated persons and from the outset, it is acknowledged this can be challenging in metropolitan locations let alone isolated premises.
23. Nevertheless, it is the responsibility of the licensee to put in place measures to deal with them as they arise.
24. There is no expectation that the licensee or their employees place themselves in harm's way and if the patrons refuse to comply with the request, the licensee has discharged their obligation.
25. There is nothing to suggest the licensee made such a request to the group, nor did they contact Police.
26. If the members comply and remove their insignia, which they will be well practised doing given they are not allowed to wear them when in public in other jurisdictions, they are entitled to remain on the premises and enjoy their time.
27. Of greater concern is the post made by the licensee to Facebook effectively celebrating their visit.
28. The tone of the post does not suggest any genuine concern for safety, or the likelihood of an unsafe situation making their submissions somewhat self-serving and disingenuous.
29. If such a level of genuine concern and fear existed, it would be unlikely that any licensee would publish a post celebrating their patronage.
30. This notwithstanding, the matter is considered at the lower level of non-compliance and any penalty should be aligned with the objective level of seriousness.
31. The provision that has been breached also refers to recklessness and although this is not a criminal matter, section 43AK of the *Criminal Code Act 1983* prescribes a person is reckless in relation to a result if the person is aware of a substantial risk and having regards to the circumstances known to the person, it is unjustifiable to take the risk.
32. The licensee had only two weeks before been reminded of the obligation.
33. On the balance of probabilities, I have formed the opinion this licensee will be aware of the substantial risk of the outcome and the circumstances, and therefore has been reckless in their actions.
34. A matter for consideration by the licensee to prevent future issues may be to excise the forecourt area from the licensed premises.
35. This would allow members to refuel and rest in that area without placing the licensee in breach of the condition.
36. An issue would be entering to the premises for payment and refreshments, however, although this would strictly be against the condition, the practicalities of the circumstances would support a consideration that there is no public interest in pursing a breach of that nature.
37. If the licensee wishes to excise this area they can do so by advising the Director and providing a revised map of the premises. This is the right of the licensee and does not require an application or approval.

DISCIPLINARY ACTION

38. On completion of the investigation, as a delegate of the Director I may do any of the following:
    - Take no further action if satisfied that there are no grounds or evidence to justify taking further action, or the matter does not warrant taking further action;
    - Give the licensee a formal warning in relation to the complaint;

- Mediate the complaint;
- Issue an infringement notice in relation to the complaint;
- Enter into an enforceable undertaking with the licensee; or
- Refer the matter to the Commission for disciplinary action.

39. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.

40. The disciplinary action must be proportionate to the seriousness of the contravention and the harm arising, or potential for harm as a result of these matters.

41. This is the first matter involving this licensee who took control of the premises in January 2025.

42. The licensee has submitted they are committed to reviewing their internal processes and ensure their staff receive clear guidance on how to respond in similar situation.

43. I acknowledge the challenges of operating an isolated business reliant on passing traffic in part for their custom.

44. There is nothing to suggest the licensee or their personal asked the members to remove their colours for the time they were on the premises, nor did they contact the police in compliance with the condition.

45. I am however comforted by the proactive measures the licensee states they have put in place to enhance management and training at the premises.

46. Although it is the responsibility of the licensee to do this work, the Director will as always provide assistance and guidance where required to support licensees.

47. It is for the above reasons that I have formed the opinion a formal warning is the appropriate disposition when considering this matter in totality.

REVIEW OF DECISION

28. Section 27 (1) of the Act provides that an affected person for a delegate decision may apply to the Director for a review of the decision.
29. Section 27 (2) of the Act sets out the procedures for applying for a review of a delegate decision. Such application must be made within 28 days after written notice of the delegate decision is given to the affected person unless the Director extends the time allowed for making an application.
30. The affected persons in this matter is the licensee of KMA Pastoral Pty Ltd and the relevant inspector.

Mark Wood
Delegate of the Director of Liquor Licensing
26 October 2026