

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Respondent:</b>	<b>Mr Scott Baker</b> 1/4 Teatree Court Alice Springs, NT 0870
<b>Licence Number:</b>	Security Officer / Crowd Controller Number 2895
<b>Proceedings:</b>	Complaint lodged under Part 6A of the <i>Private Security Act</i>
<b>Heard Before:</b>	Mr Richard O'Sullivan (Chairman) Ms Brenda Monaghan (Legal Member) Ms Helen Kilgariff
<b>Date of Hearing:</b>	26 March 2009
<b>Appearances:</b>	Senior Inspector Wayne Sanderson for the Director of Licensing Ms Vicki Gillick, Complainant No appearance by Mr Scott Baker

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- 1) A hearing proceeded into a complaint lodged by a member of the public, Ms Gillick against Mr Scott Baker alleging that he used unreasonable force and acted aggressively in the course of his duties on two occasions in July and August 2008. The complainant appeared in person at the hearing on 26 March 2009 but Mr Baker did not attend. The Commission is aware that he currently resides and works at Docker River.
- 2) After hearing from Mr Sanderson on behalf of the Director of Licensing and perusing the documents produced, the Commission is satisfied that Mr Baker was properly advised of the complaint and notes that a written response has been received by him. He was also informed by post of the hearing date and the Director has received confirmation of this fact from Mr Baker's partner. In these circumstances, the Commission proceeded with the hearing today and relied on Mr Baker's written response to the complaint as his position on the matters raised.
- 3) At the hearing, the complainant Ms Gillick gave evidence about two (2) incidents involving Mr Baker that she witnessed at Yeperenye Shopping Centre in July and August 2008 as follows:
- 4) On 12 July 2008, she saw Mr Baker prevent two men from entering Woolworths Liquor store and recalls that he pushed both men roughly and threatened to belt one of them if he did not leave. Her impression of this incident was that these men were in no way aggressive or abusive towards Mr Baker and that his treatment of them was unacceptable.
- 5) On 15 August 2008, Ms Gillick once again witnessed Mr Baker in the course of his duties at the same liquor store. Her concerns included the rough manner in which he "frisked" a young woman and then she saw him push his open hand into her face.
- 6) Mr Baker in his detailed written response denies that he was verbally or physically aggressive with anyone. His evidence is that the two men he dealt with on 12 July were intoxicated and that he refused them entry to the liquor store in a professional manner. He also denies that he was in any way rough or aggressive with the young woman on 15 August although he admits patting her down around the middle to ensure she was not hiding alcohol and advises that he was not aware that he was not permitted to "frisk" people. Mr Baker denies that he pushed the young woman in the face but states that he

pushed her away by placing his hand on her chest just below her neck area when she attempted to hug him.

- 7) In considering the evidence, the Commission found Ms Gillick to be a credible witness recalling the incidents she witnessed in an unembellished manner. Her evidence must be weighed against the written statement of Mr Baker. In these circumstances, we have placed significant weight on the evidence of Ms Gillick and find that the complaint is upheld and that on both 12 July 2008 and 15 August 2008, Mr Baker acted in a physically and verbally aggressive manner in the course of his duties and that such action was unreasonable in the circumstances. In short, we find the complaints proven.
- 8) When considering penalty, the Commission notes that Mr Baker currently holds a dual Private Security /Crowd Controller licence although he does not require these licences for his current employment. He hopes however to be able to return to the security industry in the future. The Commission's main concern is that Mr Baker appears to have a short temper or alternatively, he simply does not have the personal and professional skills necessary to deal with members of the public in an appropriate manner.
- 9) Crowd controllers are required to control or monitor the behaviour of persons, screen persons seeking entry or remove persons because of their behaviour. Dealing with often aggressive or intoxicated people is by its nature challenging and the Commission must be confident that licensed Crowd Controllers have the appropriate skills and personal qualities necessary to maintain a professional standard of behaviour irrespective of the behaviour of those they are dealing with.
- 10) As regards penalty, Mr Sanderson on behalf of the Director of Licensing submits that Mr Baker's Crowd Controller licence should be immediately cancelled. (During hearing, Mr Sanderson referred to cancellation of licence, he subsequently advised the Commission this was a reference to the Crowd Controller component of the dual licence held by Mr Baker.) This is not the first time Mr Baker has been before the Commission. In August 2006, he answered a complaint that he had used unreasonable force in the course of his duties at the Woolworths complex some three (3) months earlier. On that occasion and following a hearing, the Commission gave Mr Baker the opportunity to improve his skills by requiring him to attend a course or courses (to the satisfaction of the Deputy Director of Licensing) with an emphasis on conflict resolution and anger management. We are advised that this has occurred.
- 11) Following these two (2) more recent incidents when unreasonable force was again used by Mr Baker, the Commission has no option but to take stronger action. The Commission finds that Mr Baker is not an appropriate person to continue holding a Crowd Controller licence and his licence is cancelled. As Mr Baker's problems stem from a close interaction with members of the public rather than property, he is still entitled to work as a Security Officer patrolling or guarding another person's property.

Richard O'Sullivan  
Chairman

30 March 2009