

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

APPLICANT: **MR SCOTT BAKER**
2/4 Teatree Court
ALICE SPRINGS NT 0870

LICENCE NUMBER: Security Officer Number 2895

PROCEEDINGS: Application for Crowd Controller Licence

HEARD BEFORE: Mr Richard O'Sullivan (Chairman)
Mr Philip Timney (Legal Member)
Ms Helen Kilgariff

DATE OF HEARING: 22 September 2010

APPEARANCES: Deputy Director Chris McIntyre
Inspector Erin Moodie for the Director of
Licensing
Mr Scott Baker

BACKGROUND

- 1) Mr Scott Baker, in May 2010, made application for a Crowd Controller Licence. Previously the Licensing Commission, following a Hearing conducted in March 2009 had cancelled Mr Baker's Crowd Controller Licence, while leaving his Security Officer's Licence intact.
- 2) At the time the Commission found that Mr Baker was not an appropriate person to continue holding a Crowd Controller Licence due to the use of unreasonable force during two separate incidents at the Yeperenye Shopping Centre. In relation to these incidents a member of the public had made complaint that he had pushed people and frisked a young woman while handling her in a rough manner.
- 3) Mr Baker in November 2009 reapplied for a Crowd Controller Licence with the application including training and Certificate evidence and a number of character references. At the time the Legal Member, on behalf of the Commission, considered the application and determined to refuse the application based on the evidentiary material provided at the time the licence was cancelled.

- 4) Mr Baker has again (May 2010) reapplied for a Crowd Controller Licence and has provided a number of documents in support of his application, including new supporting material not submitted with his November 2009 reapplication.
- 5) The Commission determined to interview Mr Baker in Alice Springs, through the conduct of a Hearing, to give further consideration to Mr Baker's latest application.

HEARING

- 6) At Hearing Mr Baker outlined his recent employment history which has included a two year period at Docker River working as an Essential Services Operator. He explained to the Commission that he was a non drinker and non smoker and had been in a long term relationship with his wife and that he was the father of four children through this marriage.
- 7) He also provided the Commission with details of an incident which occurred many years ago in Queensland when he owned a hotel and was savagely beaten by a gang of six men who had set upon him with an iron bar. This resulted in his being hospitalised for an extensive period while undergoing a number of emergency operations. The result of this was that he was in a coma for nine months, following which he spent eighteen months in full time rehabilitation.
- 8) Since that time his rehabilitation had continued to the point where he was able to engage in full time work and re-establish his life with his wife, who was formerly his high school sweetheart. The effects of his bashing and period in a coma are evident in his slow and at times slightly slurred speech which did not, in the Commission's judgement, impair his ability to effectively communicate. His slow but deliberative presentation and answering of questions imparted a degree of candor to his evidence.
- 9) He recounted the incidents which were the subject of the Commission's decision in March 2009 to cancel his Crowd Controller licence. The evidence he provided was not previously conveyed to the Commission as he was not able to attend the Hearing of the Commission which resulted in his licence cancellation.
- 10) He stated that one of the incidents considered by the Commission in the earlier decision involved his removal of two persons from the Yeperenye Shopping Centre, one of whom was drunk and known by Mr Baker to be violent. This person had previously had an altercation with Mr Baker, when he was employed at the Gapview Hotel, and that person had pushed him to the ground and stomped on his right hand causing it to fracture. He stated his actions in promptly removing this person from the Yeperenye Shopping Centre were in response to his knowledge that this person had a propensity to violence.

- 11) On questioning from Ms Moodie, Mr Baker advised that he had been working at the Yeperenye Shopping Centre for approximately six months and in that time he would, on average, have removed three to four customers per day due to their intoxication. This evidenced his experience and familiarity with dealing with persons who are intoxicated.
- 12) Mr McIntyre advised the Commission that he was aware that the applicant had a good rapport with customers which included his Crowd Controller work at the Gapview Hotel. He advised the Commission that in over twenty years of being a Crowd Controller, there had been three complaints against Mr Baker.
- 13) Mr McIntyre advised the Commission that if a licence was to be granted, it would be capable of being reviewed by the Commission. Mr McIntyre also stated that it was possible to closely monitor Mr Baker's work practices as a Crowd Controller, should the Commission make this employment possible.

CONSIDERATION OF THE ISSUES

- 14) The Commission noted the candid presentation of information by Mr Baker and also noted his demeanour which, during the Hearing, was characterised by careful consideration and composed responses to all questions. It was evident to Commissioners that Mr Baker is a person who has undergone enormous trauma in his life and has undertaken rehabilitation to the point where he is gainfully employed and a good provider and carer to his family.
- 15) The Commission was particularly influenced by the detailed reference provided by Mr Max Yffer, Forensic Psychologist for the Central Australian Aboriginal Congress Inc. This reference provides a highly plausible recounting of Mr Baker's life, the incidents at the Yeperenye Shopping Centre which resulted in cancellation of the Crowd Controller licence and the more immediate disposition of Mr Baker. This advice from an expert provides a considered opinion that Mr Baker is a calm man who enjoyed working with people and who now has no unresolved anger management issues.
- 16) This reference, together with that of the Principal of the Docker River School, wherein he states that Mr Baker does voluntary work at the school and advises that he consistently and unfailingly lends assistance to Indigenous people, testifies that Mr Baker has put his life on track and is a most productive and appreciated person in the community.
- 17) Mr Baker advised the Commission that should his Crowd Controller licence application be granted he would be guaranteed employment with Outback Security. He also advised that his wife and four children had moved from Docker River into Alice Springs and that the opportunity for reemployment back into the Crowd Controller industry would ensure his future in Alice Springs with his family.

- 18) On the basis of all information currently before the Commission, much of which was not available during the Hearing which led to his licence cancellation, the Commission is persuaded to grant the licence applied for. However, given that there have been complaints lodged against his behaviour in the past, largely alleging the use of undue force, the Commission seeks that the Deputy Director Southern Region monitors Mr Baker's conduct. Further, the Commission will request that a report be provided following twelve months of operation by Mr Baker as a Crowd Controller.
- 19) Mr Baker, in summing up his application, advised that his experience in working at Docker River gave him a more mature outlook on the behaviour of Indigenous persons and this experience had helped mature him and thus he was better equipped to carry out his Crowd Controller duties than earlier.

DECISION

- 20) The Commission has determined to grant the Crowd Controller Licence application of Mr Scott Baker for a three year period. The Commission requests that the Deputy Director Southern Region monitor the work performance of Mr Baker and provides a report to the Commission on such conduct twelve months from the grant of this licence.

Richard O'Sullivan
CHAIRMAN

24 September 2010