

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

APPLICANT: MR JOHN PEREGRINE SMITH
PO Box 1554
ALICE SPRINGS NT 0871

LICENCE NUMBER: N/A

PROCEEDINGS: Application for Dual Security Officer /
Crowd Controller Licence

HEARD BEFORE: Licensing Commission

DATE OF HEARING: 27 October 2010

BACKGROUND

- 1) Mr Smith was granted a Security Licence in 1999. At that time the Licence was granted by the Commission with conditions attached, Mr Smith had a limited criminal history in the Northern Territory, including Criminal Damage, Larceny and Unlawful Entry. He also had an extensive criminal history in Western Australia with charges ranging from Failing to Stop after an accident, through to Carnal Knowledge Child under 16, however these were all more than ten years prior.
- 2) In 1999 Mr Smith was also approved to work as a Security Officer and Crowd Controller with strict conditions including supervision of him at all times by a senior employee. There were restrictions placed on where he was able to work. The conditions were lifted in December 2005 after a review of his work performance.
- 3) In 2008 a Trespass Notice was issued to Mr Smith to prevent him from entering the Yepereny Shopping Centre. This notice was bought about after repeated threats had been made to Chubb Security officers on the premises and other premise staff by both Mr Smith and his Partner.
- 4) Mr Smith made application for renewal of his Crowd Control/Security Officer Licence on 8 January 2009, as his licence had expired on 6 November 2008. As a matter of course Licensing, Regulation & Alcohol Strategy conducted an investigation into Smith, these investigations revealed the following.

- 5) A copy of a letter from the Domestic Violence Legal Service Alice Springs dated 7 August 2008, on behalf of Ms Katherine McKinnon outlining their issues surrounding Smith and his alleged indiscretions towards Ms McKinnon:
- Repeatedly attended her home uninvited despite Ms McKinnon requesting he do not attend her home;
 - Repeatedly discussed Ms McKinnon's sexual practices in front of her, friends and family causing her to feel intimidated and embarrassed;
 - Repeatedly contacted Ms McKinnon's friends and family members in order to obtain personal information about their client and to alienate her from her support networks;
 - Threatened both Ms McKinnon and her friend Doug Stray at the Yeperenye Shopping Centre saying "you stay the fuck away from my misses, you stole Katherine off me. If you don't keep your nose out of my business watch out"; and
 - 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.
 - Made intimidating comments towards Ms McKinnon such as "If I can't get a person in their home I will get them somewhere else, where they are alone and least expecting it".
- 6) It is pertinent to note that Ms McKinnon made application for a Domestic Violence Order against Mr Smith, with the matter being heard at the Alice Springs Court of Summary Jurisdiction (ASCSJ) on 10 March 2008, with the application being dismissed.
- 7) A Personal Violence Restraining Order was taken out by a Chubb Security Officer (Mr Doug Stray) on 13 October 2008 after Mr Smith had made threats at both his place of residence and his workplace. During the court appearance reference was made to Mr Smith being on medication; however he has not disclosed any medical issues.
- 8) In January 2009 Mr Smith applied for his renewal of his Dual Licence, however failed to declare he had been the subject of evidence given in court. A Hearing was conducted in May 2009 as to his suitability to hold a dual licence; at that time the Commission denied the application for a Crowd Controllers Licence however approved the application for a Security Officers Licence for twelve months. A recommendation was made that Mr Smith avail himself of anger management training in order to assist him in maintaining a professional attitude at all times.
- 9) On 16 September 2009 a report was furnished to the Northern Territory Licensing Commission, recommending the suspension of Mr Smith's

Security Licence after allegations of threatening behaviour towards a Licensing Inspector. The licence was cancelled on 22 September 2009.

- 10) On 25 February 2010, Mr Smith attended at the Alice Springs office and enquired about his licence. He was advised that prior to any new application he would need to provide a letter detailing his attendance at an anger management course. He declined to provide his current address at the time of the meeting. No correspondence detailing attendance at anger management has been received.
- 11) Mr Smith is due to appear in the Court of Summary Jurisdiction Alice Springs on charges of Disorderly behaviour in a public place and Drive in a disorderly manner. The matter has been adjourned to 9 November 2010 and he is currently on bail.
- 12) A further check on IJIS shows a long history of minor offences for which fines were received. There have been two applications for Domestic Violence Orders within the last 2 years, one of which was withdrawn.

CONSIDERATION OF THE ISSUES

13) Section 15 (5) of the *Private Security Act* states:

- (5) *In deciding whether a person is an appropriate person to hold a licence, the licensing authority is limited to considering the matters specified in subsections (6) and (7)*
- (6) *In deciding whether a person is an appropriate person to hold a licence, the licensing authority may consider the following matters as indicating that the person may not be an appropriate person:*
 - (a) *that in dealings in which the person has been involved, the person has:*
 - (i) *shown dishonesty or lack of integrity; or*
 - (ii) *used harassing tactics;*
 - (d) *that the person is suffering from an illness that makes them unfit to work in the security industry;*
 - (e) *that the person has been found guilty of an offence;*
 - (f) *information provided by a person or body responsible for the issue of licences under an Act of the Territory, the Commonwealth or a State or another Territory of the Commonwealth;*
 - (g) *evidence given in a court of the Territory, the Commonwealth or a State or another Territory of the Commonwealth or a commission of inquiry.*

(7) *A person is not an appropriate person to hold a licence if the person, within 10 years of applying for a licence, has been convicted of:*

(a) *a disqualifying offence in relation to such a licence; or*

(b) *an offence that would be a disqualifying offence in relation to such a licence if committed in the Territory.*

14) Section 15 (8) of the *Private Security Act* further states

(8) *The licensing authority may, in its absolute discretion, refuse to grant a licence to an applicant if the licensing authority has grounds for believing that the applicant is likely to be of bad character, having regard to the public interest in ensuring that persons of bad character are not employed as security providers, and the licensing authority shall give reasons for its decision.*

15) As outlined above, Mr Smith has a long history that in the view of the Commission does not deem him suitable to have a Security Officer/Crowd Controllers Licence.

DECISION

16) Commission determined in terms of Sections 15(5) and 15(8) of the *Private Security Act* that Mr Smith is not a suitable person to hold a Security Officer or Crowd Controller Licence and refused the application.

Richard O'Sullivan
CHAIRMAN

1 November 2010