



NORTHERN TERRITORY
***of* AUSTRALIA**

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HANSARD EXTRACT

BAIL & POLICE ADMINISTRATION

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For far too long, members of the public have become victims due to laws that have not been up to community standards. We have seen the trauma caused due to violent offenders being allowed to be out in public time and again. Today we say, 'No more'.

Today we stand shoulder to shoulder with victims and their families to ensure that serious violent offenders start with a presumption against bail. The courts will be sent a clear message regarding what the CLP government and the community expects. They are the people who have put us here and they expect that the rights of victims and innocent people in the community are put above the rights of offenders to be bailed.

I will never forget Shane Powell, a worker in Alice Springs who lost his life when a stolen motor vehicle ran a red light, crashing into Shane and inevitably leading to his death. I sat down with Shane's family shortly after his passing and will never forget the resolve of his mother, Raelene, to ensure her son's passing was not in vain.

Today in this Chamber with Samara Laverty, another mother who has lost her son, I am proud to say that I will be supporting this Bill—Declan's law—to ensure that others do not have to go through what Raelene or Samara have been through.

I thank the Chief Minister for bringing this law into the Chamber and moving it on urgency. Enough time has gone by without these protections in place. I, for one, do not want another life lost due to delay.

Dr RAHMAN (Fong Lim): Madam Speaker, this is an important set of Bills.

Declan Laverty was killed in March 2023. As many of you will be aware, I returned to the Northern Territory only a year ago, despite having grown up here. I remember that I was in the UK on the day when Declan Laverty passed. I bring that up because it is useful to have a sense of perspective on the significance of knife crime and the threat it poses to a polity with some sort of international vantage. Statistics from the UK Office for National Statistics in the year ending that same March—2023—indicate that 41% of all the homicides in England and Wales were knife related. That is 244 out of 590 such offences at that time.

Knife crime is deadly. I do not want to diminish that statement, but 'deadly' in this context means exactly that. The Deputy Chief Minister spoke to the fact that there has been a discernible impact on the Northern Territory population because of our crime predicament. There are disincentives to be here. It could have been debated once upon a time as to whether it was cause or effect, but now the evidence is much clearer that people are disincentivised from wanting to come to the Northern Territory to live, work and stay, let alone play here, because of the state of social dysfunction. Crime and antisocial conduct is high on the list of matters that we must address as a result.

This government has a mandate insofar as any government can have a mandate to deal with these issues. We went to the election making it clear that we were committed to the idea of reducing crime. There are many ways to reduce crime, but one thing we have done is commit to listening to the people and our police in that context as well. We know there is a deterrent effect to being able to put these measures in place.

These issues matter across the board in the Territory too. Some of my colleagues—the Members for Drysdale and Blain—have readily been able to point to examples of incidents of crime when people who have been out on bail have reoffended. I represent a different type of electorate. However, even in the relative affluence of a place like Stuart Park, as recently as 23 September there were aggravated robberies with edged weapons when multiple people were threatened and businesses affected. Crime genuinely has a discernible economic impact, but it is its social impact that we are here to address in the first instance.

Emergency measures, the suspension of standing orders and this body of legislation that this government has put forward today are warranted in my opinion because they provide a cohesive package of disincentives for people to offend.

With respect to some of the statements made earlier by the opposition, the insinuation that those of us on the backbench of the government are not aware of what our Cabinet or colleagues are suggesting is simply fallacious. We are not only aware of the detail but also supportive of the totality of the packages that are being put forward, because we recognise collectively that there must be a cohesive strategy for how to reduce crime.

That begins with the stabilisation of the patient, if I can put it that way. The Northern Territory economically, as you will hear me say many times in this House, is a patient bleeding out on the table at the moment, but that is also the case socioeconomically and, indeed, socially in many regards. The first priority at this point

is to stabilise the patient. Then we can discuss the rehabilitation of the patient and think about how to encourage the patient to cease to be a patient.

There has been an enormous amount of focus from those who have spoken so far on what more will be done to address the root causes of crime. Oddly, that has been juxtaposed with a fair, in some ways, critique that adequate time may not have been given to all those in this House to assess what has been put before them. You cannot have it both ways. How much more detail would you like? At this point, we are putting forward an initial set of measures to stabilise the patient. I am confident that this government will put forward a package of measures to rehabilitate the patient and, as we consistently maintained throughout our election campaign, address the root causes of crime.

Handheld scanners and the expansion of their use is, indeed, a judicious measure at this juncture. To broaden the number and type of police members who can wand and the circumstances under which they may do so is not an abrogation of civil liberties, in my opinion. To provide for more locations and longer patrol periods in which to wand is also not an abrogation of civil liberties. We are seeking to create a deterrent effect. The important thing to understand about the deterrent effect is that there will also be a placebo effect of these measures. The deterrence will be for repeat offending, of course, but our earnest hope on this side is that the deterrence will also be for initial offending in time.

The Member for Gwoja spoke eloquently about his concerns in regard to a number of aspects of this Bill. He raised the Bail and Weapons Offences Review Taskforce July 2023 report, which I have read. It is one of many such examinations of the consequences of bail reform. I draw all members' attention to a range of other reports, particularly those commissioned by the Australian Law Reform Commission over some 20 years in this space plus other jurisdictional reviews, which provide a more nuanced take on the merits and demerits of presumptions of bail in different contexts. Notably, there are all manner of different opinions about the presumption in favour of denying bail when it comes to matters of family and domestic violence. That is a common theme and concern that has come up across the Chamber today in a range of ways.

The key is to find a way to strike the right balance. I do not believe in my heart of hearts that these are draconian measures and that they are ill conceived. Without wanting to attempt to score a cheap political point, the Member for Gwoja articulated it best for us in that regard: this does not do away with judicial discretion. This does not prevent bail being provided when the judiciary feels it is appropriate. It re-examines the roles of the judiciary and the legislature and the balance in between. As legislators we have an obligation to serve our constituents and to reflect the needs of the people. Right now, the patient is bleeding out and that is why stabilisation measures are required, necessary and prudent at this time.

The root causes of crime, and dealing with them holistically, are legitimate matters to be addressed. I reiterate that this government is committed to addressing the root causes of crime. In the current context, the Bail Legislation Amendment Bill and the Police Administration Amendment Bill strike the right balance and provide us with an opportunity and mechanisms to enable our police force to better do its job and our judiciary to have a wider set of options in relation to how to reduce crime.

The Attorney-General has clearly articulated the scope of the measures that are under consideration. On the basis of the clarity of the changes that we are making, I do not believe that it is unreasonable for all members of the opposition to reflect upon these changes and make judicious assessments about the merits of supporting this legislation.

If we are seeking to be bipartisan in our efforts, rather than providing opposition for opposition's sake, I challenge the opposition members, as they challenged me as a backbencher, not to express dissent but to express support for what is a common good—the reduction of crime in the Northern Territory, with a view to stabilising our economy and restoring lifestyle to our polity.

On that basis, I am pleased to speak in support of these Bills and commend them to the House.

Mr GUYULA (Mulka): Madam Speaker, I acknowledge the family and friends of Declan Laverty in the Chamber. My condolences go out to you again. I met with you just then and said hello. I understand why you are here today fighting for change. I support the fight for change with you. I also want to see change, but I cannot support this Bill. I believe that these actions will cause ongoing harm to the Northern Territory community.

In 2018 the Victorian Government responded to a violent attack known as the Bourke Street tragedy. It amended its bail laws in a similar way to how the CLP is amending the NT laws today. The evidence since this time has shown that there have been many unintended consequences from these changes. This was highlighted in a coronial inquiry into the death in custody of a First Nations woman.