



NORTHERN TERRITORY
***of* AUSTRALIA**

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HANSARD EXTRACT

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It has been 17 years since the start of the intervention. Aboriginal people recall that back then they grew up with a BasicsCard signed inside their community, with their elders being disempowered ...

Madam SPEAKER: Member for Mulka, your time has expired. I am sorry.

Mr MULKA: Yow. That is all I wanted to do. As long as I said my story. Thank you for accepting.

Members: Yow.

Dr RAHMAN (Fong Lim): Madam Speaker, I thank the Member for Mulka for sharing his story. We all appreciate hearing from a diversity of perspectives. I recognise that this has been a long debate and do not wish to unduly belabour points that have already been made, but I wish to respect all who have preceded me on both sides of the House and try, in earnest, to make a unique contribution. I ask for the latitude of the House in that regard, in the spirit of the discussion we are having about what has been identified as extremely important legislation. We all recognise the gravity of what we are discussing today.

The question was raised by the Member for Johnston, 'What on Earth are we doing?' It is a valid question; I find the answer, of all places, in what the Leader of the Opposition said at the top of the morning: seeking to break the cycle of crime. On my first day here I said that we would differ in our prescriptions for progress; that remains the case, but we have a prescription for crime that we are pursuing being circumvented here.

I commend the Leader of the Opposition on providing robust opposition, but I refer to our discussions yesterday about the fact that there is a totality of legal reform being advocated for to create a cumulative deterrent effect at a time when we all acknowledge the Northern Territory is experiencing a socioeconomic crisis. Deterrence and diversion, not detention, are the goals and the reason many of us who are new to this House wholeheartedly support this package of reform.

Earlier in the day it was raised that we should be mindful of the perspectives and concerns of the legal fraternity. The Leader of the Opposition raised that there were several of us with legal backgrounds who should be mindful of the gravity of the legislation we are considering and the impacts intended and unintended. I am happy to tell the opposition that the legal fraternity reached out to me—as I imagine it has to a number of my colleagues—as have others in academia, because it is fair to question why these measures are necessary, if they are necessary, and to speak in defence of them.

I had interactions with people in my electorate and beyond this place, nationally and even internationally, who questioned whether these are fair and just and necessary measures. My answer is yes, they are. One of those people is someone who guided me and was mentioned in my maiden speech because she was a guiding light in my life, Professor Mary Crock. She has worked in immigration and refugee law since 1985. She is a Professor of Public Law at the University of Sydney Law School, a co-founder in 1989 of the specialist community legal service known as Refugee Legal in Melbourne, Victoria, and she is an accredited specialist in immigration law. Professor Crock served on a variety of national, state and NGO bodies relating to immigration, refugees, disability and child protection. She has written extensively on immigration and refugee law, with many books, chapters and refereed articles.

I owe it to people like Professor Crock to explain why I stand behind this Bill. More to the point, I owe it to the people in the Fong Lim electorate, many of whom are previous supporters of the past government and its policies and have concerns, to explain why this is a justifiable and necessary Bill and measure.

I am not a legal scholar; I am an applied economic geographer. What I say in that regard is despite the aspersions from the opposition, we are not all a Johnny-come-lately to matters pertaining to Indigenous affairs. Some of us are deeply invested in the issues and have been for a long time. We appreciate that within the Bill there are consequences for Indigenous children, as there are for all children. My testimony to that work, and I do not want to labour it, is 20 years' worth of writing about it, which changed federal government policy. It was looking at a piece of work called Australians Working Together—to reference the Member for Mulka—welfare state restructuring and its impact on people in north Australia, and specifically its impact on Indigenous people within this polity.

My work is not unique; everyone here has in some capacity had professional lived experience in encountering Indigenous disadvantage, the criminal justice system and crime. We are here to collectively find a pathway forward at this juncture. We cannot rewrite the past, but I think it is fair to say that we all deserve a bit more credit in respect of being mindful of who these measures will impact and what the consequences might be.

As a government we have taken a considered position to back this package of legislation to try to deter, divert and break the cycle of dysfunction we are currently in. As the Chief Minister pointed out, this is a beginning not an end point for legislative and socioeconomic reform.

The work I was involved with, which I will not refer to exhaustively, involved contributions from a lot of people you will recognise, including Marion Scrymgour, but also LGANT, FaCS, Workplace Relations, the land councils, the Social Security Appeals Tribunal, the CDEP and Aboriginal community groups. I mention these is because the cumulative wisdom of these people, through this and other expressions of work, is that spatial uniqueness and scale matter. Place matters; our place is different, which is why we must be mindful of the differences of this place.

A primary objective of looking at things through a geographic lens has to be to demonstrate the difference the place makes in what we do and in public policy. It is a central tenet of forays into understanding the significance of spatial uniqueness and place contingency in moderating policy. My commitment as a geographer is to bring a spatial perspective to this debate because context matters. What works in one place will not necessarily work in another place. We all in this House know that. We are offering a solution that we believe will work in this place.

What then is happening in the real places I represent? I will not belabour the point; countless examples have been given. Ruddick Circuit in Stuart Park is riddled with antisocial behaviour, loitering, attempted break-ins and, worse—documented by my constituents and confirmed in police reports, with similar concerns across Fong Lim—Berrimah businesses I represent have been subject to ram raids just this year, including incidents with the theft of large quantities of weapons. These are not small problems; these are real issues.

Sadly, unduly, young people are involved in a disproportionate number of these incidents. That is why we are seeking to intervene earlier in ways that are novel for this House and polity. The reality is that the attributes and complexities of service and welfare provision in north Australia require sensitivity to the uniqueness of this place if we are to reach any potential in acting as agents of change and empowering individuals and communities.

Public figures from all sides of politics who have represented our polity have made clear that policymakers seldom incorporate place specificity in policy creation when it comes to north Australia. Some of them have been highlighted from the recent past, but here are three short quotes from 20 years ago.

‘Having clowns in Canberra making policy decisions about Port Keats is ridiculous’. That quote is from Hon Warren Snowdon.

‘The number of politicians in Canberra who actually understand Mutitjulu circumstances number less than 10’. That quote is from Senator Trish Crossin.

‘Any policy that comes out of Canberra has a one-size-fits-all mentality, given that only five out of the 150 electorates in the House of Representatives have constituents in remote Indigenous communities, and the other 145 could not care less’. That quote is from Senator Grant Tambling.

Those are harsh words delivered in the context of other policies that were one-size-fits-all. I can speak to my electorate until the cows come home, but I do not need to provide the incidence of dysfunction in my own electorate when everyone in this House can articulate it so forensically.

The research I was referring to is 20 years old—Northern Territory Labor governments have run this place for the best part of the last 20 years, and I am sad to say that the problems articulated remain and have deepened. That is the empiric reality. Problem-solving is my priority; I have made that clear. Inaction is its own form of negligence. We are seeking to act—not ill advisedly or wantonly, but holistically in a considered manner—with six Bills that collectively have the capacity to create a deterrent effect.

This Bill and associated Bills provide pathways for early intervention. I said and maintain that I come not as an evangelist but an empiricist and social scientist driven by data and not dogma. Our team is seeking to provide a pathway to early intervention. We have had 20 years of a controlled experiment, if you want to talk about data. We had 20 years of the prior government, give or take a couple, trying to reduce crime, rebuild the economy and improve our lifestyle, and we are where we are today. Being influenced by singular subject matter specialist narratives in isolation carries its own risk of evidentiary bias. There are groups across the spectrum that will indicate they have the solution to a part of the problem. We are seeking to zoom out and think more holistically about what we can do to try to stem the problem in time.

The Member for Blain made a salient point about conflating causation and correlation; they are extremely important differences to take heed of when we are putting matters of this gravity before the House. As a social scientist, I say to you that the stories my colleagues are telling you are not fairytales; they are horror stories. More significantly in the context of what I am trying to say, they are qualitative evidence that in totality have cumulative weight of their own. Each one of these incidents can be verified by a police report, a media release and statistical proof that we are in the middle of socio-economic dysfunction and crime, the magnitude of which is threatening the social fabric of the Northern Territory.

I do not want to isolate individual examples, and I do not consider myself as an advocate for any one group or cause, but I come from the original Bangladeshi community of the Northern Territory and a young gentleman who shares my last name, Sifat Rahman, died here as well in the midst of a crime crisis, as a consequence of the kind of violent random act that we frankly are shocked to associate with the Northern Territory. My community knows that young man and the many students associated in the Bangladeshi community at Charles Darwin University who have been seriously affected and traumatised and moved.

As I say, I do not want to highlight any single example, but Declan Lavery and Sifat Rahman are indicative of the scale of the problem we are dealing with here. They are the tip of the iceberg. The enormous iceberg underneath the water is the crime crisis and it will not be resolved unless we think holistically about how to chip away at the iceberg from underneath.

These six pieces of legislation in totality do something about that. They genuinely are an attempt to try to do something about it, and to create a pathway to early intervention.

I respect robust opposition. It is in fact why I returned to the Northern Territory, to be a part of robust opposition. The members across represent the opposition now. I respect your right to question the legislation we put forward in this House, but I also ask you to respect the overwhelming empirical, electoral and qualitative data that the election of a 17-member-strong government testifies to.

I have limited sympathy for those who have squandered the opportunity over two decades to demonstrate good leadership to provide the preconditions for better public health, housing, education and infrastructure. The CLP government is committed to addressing all those things in time and appreciates, as the Treasurer pointed out, that to do so will require courage, fiscal discipline and a range of initiatives that will be forthcoming.

Today is not the end of the discussion or the matter for us. Today is a beginning to try to stem the tide of what is otherwise an inevitable crime crisis that will roll even further out of control.

I add to the Member for Drysdale's sentiment, albeit in a different manner, that it is Labor's negligence that has led us to where we are now. It gives me no great pride to say that. Labor's negligence, specifically on economic policy, has led to the socioeconomic dysfunction that we are facing at this point. It failed to create viable economic and social opportunities to give young children options other than diversionary programs.

We will address all of that with time, but I ask all of you who doubt those of us who are supporting this Bill to give us a bit more credit. We know that there are challenges ahead and that this is not the finished article, but we know that this is a step in the right direction.

Based on all of that, I commend the Criminal Code Amendment Bill to this House as part of the overarching package of legislation the CLP is offering, aimed at deterrence, diversion and the reduction of crime in our Northern Territory.

Mr MALEY (Corrections)(in reply): Madam Speaker, I acknowledge the contribution we have all made to this debate, from either side of the House, the crossbench and the Member for Mulka, who gave us a unique perspective on this and lots of other issues. I thank him for making his contribution and felt it was touching, but we need to look, as the Member for Fong Lim said, at the bigger picture. We want to make the Territory a safer place. We think that this Bill is a drive to do that.

We will deal with other Bills, but this is our first sitting of parliament and, as the Member for Karama has said many times, we took this plan to the election, so it is not new. I thank the opposition for holding us to account on our policies. This is a promise. I do not know any Territorian I have spoken to over the last few months who does not know about our plan for community safety. In fact, they raise community safety with me and with my colleagues, as we have said.