



NORTHERN TERRITORY
***of* AUSTRALIA**

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Member for Fong Lim

HANSARD EXTRACT

SCRUTINY OF WATER AMENDMENT BILL

THURSDAY 27 MARCH 2025

This extract is taken from the Official Hansard of the Legislative Assembly of the Northern Territory

Mr PAECH: Do not laugh and disrespect Aboriginal people, Member for Nelson—Goyder.

Madam SPEAKER: Please sit down.

Members interjecting.

Madam SPEAKER: That is bordering on disorderly. Member for Gwoja, we will take a deep breath and we will listen to each other respectfully. The Member for Blain has just started his speech; he is 29 seconds into it. Please listen to what he has to say.

Mr KERLE: I pick up the Opposition Leader's interjection alleging a glass jaw. From the number of interjections this morning I think it is obvious who has the glass jaw.

Ms Uibo: Not to you—to this one here sticking his tongue out like a baby.

Madam SPEAKER: Opposition Leader, you are on a warning.

Mr KERLE: As I was saying, under the watch of the previous Labor government domestic violence increased by 82%.

When I visit bush communities the number one thing that elders talk to me about is bringing back their local community councils. They still feel disempowered by the actions of the previous Labor government that took away their local community councils. Luckily, we have this government, and the Member for Barkly is in charge of bringing back those community councils and giving back local determination to the people in community.

The second thing elders talk about is housing. Again, the Member for Barkly will sort that out.

The third thing they talk about is economic development on country. Water is a key part of that. I support this Bill that the Member for Braiting has brought in and I oppose the Member for Gwoja's amendment because Indigenous Territorians need economic development on country, and this is a key part of delivering that.

The previous government created confusion with its legislation, which made it difficult to do business under this regime.

I commend this Bill.

Dr RAHMAN (Fong Lim): Madam Speaker, I will speak to the process, not the substance of what we are discussing. This is coming to a head repeatedly, with discussions regarding scrutiny and what should and should not be sent to a scrutiny committee.

We are playing fast and loose with the Westminster system and what we should and should not do. The only part that is embedded in our process is that we provide the Bill and the time for people to consider the Bill and consult widely in the community in whatever form they determine consultation to be. Twenty-eight days have been provided. This is not a Bill on urgency, so there is ample opportunity for everyone in this House to solicit feedback from people in the wider community.

It is important to note that a scrutiny committee is not a substitute for this legislature; it is an additional mechanism that did not exist under the original Westminster system provisions. This is foreshadowing debate to some extent—not that anyone knows—as later this evening I will speak about the Scrutiny of Legislation Conference that members of the Legal and Constitutional Affairs Committee attended. We learnt a lot at that conference, and I will table documents when I speak about it later.

I point out that scrutiny committees do not function the same way everywhere. They are not all functioning as ours does, but at least we have a scrutiny committee. The reality is that we have gone from having nothing to having something.

If the opposition and crossbench are dissatisfied with the government's prerogative to choose when to send things to the scrutiny committee, that is a subject they should take up separately. They should challenge the sessional orders, mount a campaign and seek to change the terms on which the scrutiny committee operates, but at this time we have sessional orders and a process. We must respect that process. I am a believer in process in this regard. This government at least had the decency to put a scrutiny committee back in place.

My personal position—I am happy to declare it—is that I would prefer the scrutiny committee to address things as a de facto standard, as is the case in many other jurisdictions, but if that were to be the case we would need a legislature with a lot more resources than we have at the moment. I do not want our scrutiny committee to just become a pointless forum for protest. That is essentially what it will be if we continue down this track.

I implore all members of the Assembly to think carefully about how best we can utilise the mechanisms at our disposal. I understand the intention behind the amendment. I do not disagree with the intention, which is to provide people in the community an opportunity and a voice to speak on an important Bill. I will consult widely with my community about the Bill, and I encourage you all to do the same and bring back your collated data to the Chamber in six weeks' time so that we can systematically go through it.

The question of whether you are heard to your satisfaction is a matter of our democratic process. I am not rejoicing in the democratic system we have here; it is essentially a winner-takes-all system. However, the reality is that the people of the Northern Territory, in the most recent election, elected a government of 17 of us. The 17 of us are collectively doing the best we can to progress the Northern Territory socially and economically in a balanced way. Not everything we do will be to your liking or of your choosing, but it will ultimately be a matter for the people to decide whether they are satisfied with our direction and governance.

I am all for having a discussion about our processes, how our committee system works, how our motions work and, frankly, the standard of conduct in this place, which I still generally find is pretty disgusting. It is up to all of us collectively to do something about that.

This amendment will not pass. Rather than bemoaning it not passing or politicising the Bill not being sent to a scrutiny committee, concentrate on speaking for the people you represent, bringing those voices to the Chamber and fighting your corner in that regard. We will do the same.

I believe the intention behind the Bill is sincere. I do not believe that the Minister for Lands, Planning and Environment is out to nefariously destroy ...

Madam SPEAKER: Member for Fong Lim, your time has expired.

It is also past 10.30 am, so I ask the photographers to leave the Chamber, please.

J DAVIS (Johnston): Madam Speaker, I also support this amendment.

As a member of the scrutiny committee, our job is not just to see what people like or do not like. It is not just to talk to constituents, which of course we will all be doing. We will bring back to this House what our constituents think, and I hope it will be heard by the Chamber. However, the job of the scrutiny committee is much more than that; it is to consider whether a Bill referred to it has sufficient regard to the rights and liberties of individuals, including a list of items, many of which are significant and relevant to this Bill. We have a job; we are here to help the parliament, not to stand in the way of things.

I rejoice that the scrutiny committee came back. It enhances our system. I agree with the Member for Fong Lim that the baseline, as it is in many other jurisdictions, should be that by default Bills go to the scrutiny committee. We would need far more resources to do that well. However, in a parliament as unbalanced as this when a Bill is of great importance and clearly of great significance to people, including in this Chamber, we should not have to argue that we can do more work to make sure that Bill is as good as it can be for the whole Northern Territory. That should be the default.

I strongly support this amendment. We know not every Bill can go to the scrutiny committee. This Bill has a significant impact on the rights and liberties of individuals. Part of the scrutiny committee terms of reference is that we must make sure that Bills have sufficient regard to Aboriginal and Torres Strait Islander tradition, and this Bill goes directly to that. This amendment will enable the Bill to be better. It will enable all of us in this parliament to do our job better.

Mr BURGOYNE (Water Resources): Madam Speaker, it is important to look at what has been said regarding the amendment and why it should be adopted. I pick up on many things that members said.

The NT has nation-leading legislation as it relates to water allocation and the Aboriginal water reserve. Those opposite put in place many of those laws, which we are now speaking about. The problem with those laws is that there is 60 gegalitres—this is important for those opposite to understand—in the Aboriginal water reserve allocated for Aboriginal people that cannot be utilised now or activated due to that failed legislation previously.