



NORTHERN TERRITORY
***of* AUSTRALIA**

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Member for Fong Lim

HANSARD EXTRACT

NUISANCE DRINKING

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

On election night, which should have been a happy night, two members of my Yolngu family passed away, and the next day I had to do sorry business. There was no violence involved. They were two separate incidents. They just lay down and died, likely due to heart issues. It happens a lot, and we need to address the health issues in our community, but the fact that we have people with fragile health conditions should not stop us from keeping our streets safe. If someone like Kumanjayi Langdon passes away in custody, there will be a coronial and quite a bit of attention. If he passes away on the street, he will not get any medical attention lying in the gutter. I would prefer people get medical attention, come to the attention of authorities and be seen to, cared for and looked after rather than being left alone to pass away.

This Bill is about activating police powers and allowing them to intervene in problem drinking before it becomes a problem later in the evening. In my electorate of Blain I have seen too many times the drinking circle of 12 to 3 pm becoming the domestic violence incident or aggravated assault at nine or 10 pm. The pathway from excessive drinking and intoxication to assaults and domestic violence is all too clear.

I am proud to be a part of a government that will be taking a health approach to the scourge of problem drinking when we introduce alcohol treatment plans in the future, but for now we need to keep our streets safe. We need to intervene in the drinking circles before they escalate for the sake of the Indigenous women in our electorates and in our communities.

As the Member for Drysdale said, I would much rather someone who is intoxicated and causing a nuisance in a public place have a safe place to sleep off his intoxication and come to the attention of the appropriate authorities, rather than—as I and the Members for Drysdale and Karama and many of us in the House have seen—continue to drink, which can result in violent behaviour and cause significant harm to a helpless victim later that evening.

I commend this Bill to the House.

VISITOR
Ian Gordon

Madam SPEAKER: Honourable members, I advise of the presence in the gallery of Larrakia elder and resident of Drysdale, Ian Gordon. Welcome to the Chamber.

Members: Hear, hear!

Dr RAHMAN (Fong Lim): Madam Speaker, nuisance drinking is a serious issue in the Territory and everyone has testified to its incidence and the extent to which it is a problem. My colleagues from Fannie Bay, Drysdale, Karama and Blain have provided ample, sad testimony to the state of our polity. It is impossible to ignore those stories. The challenge for us, as legislators, is to weigh those stories—that weight of evidence and testimony—against the need to protect civil liberties to ensure that we empower our citizens more generally, including our Indigenous citizenry.

I will not belabour the point in relation to specific instances of when these kinds of issues have taken place, but I cannot possibly ignore making mention of Bill Sullivan Park in Stuart Park. It has been an unusable space for a ridiculous amount of time because of problems associated with nuisance drinking. The fact of the matter is in a place where social services were being provided with the best will in the world, it still was unusable as a recreational space for families, children and our broader citizenry because police simply did not have the powers to police effectively in that area in relation to people who are intoxicated and—that ‘and’ is important, and I will come back to it in due course—causing a nuisance.

I spent some of my campaign time in and around the Westralia Street shopping complex. It gives me no joy to recount the anecdote that the first time I stood in front of those shops to meet future constituents, I was confronted with two people who were wildly intoxicated and causing a ruckus. The violence spilled over into the Westralia Street shops and affected the custom and workers of the Stuart Park corner shops. I mention it only because I could not believe that on my first outing in that space I had to be the one to call the police. To their credit the police came as promptly as they could, but, unfortunately, the response that I and other concerned citizens received was that there was not much they could do because the police did not have the powers vested in them to deal with intoxication and causing a nuisance under the same ambit.

We are seeking to provide a Bill to support a suite of legislation that is—I make no bones about saying this—tough on crime because we are in the middle of a crime crisis. We are in the middle of a social and economic

crisis in the Northern Territory. It is why I am in this Chamber. I believe it is why all of us, in one form or another, are in this Chamber. Unless we empower our police to deal with these issues, we cannot possibly expect to move forward on other issues.

This new public drinking offence has been created to give police more powers to fine, charge and arrest people who are nuisance public drinking in restricted public areas. The Member for Barkly was clear in his second reading speech about the scope of the legislation. Honestly, in some regards we are being unfair in conflating a range of issues associated with the Northern Territory more generally with the specific purpose and ambit of this legislation.

This legislation, as per the second reading speech, will address and deter antisocial behaviour and create additional pathways for things like the Banned Drinker Register. Notably, in new section 171A—which is what I am interested in—it creates a new public drinking offence such that we will now have an offence under the *Liquor Act* for drinking alcohol in a prohibited place if a person is also engaging in the act of causing a nuisance to other people in, or within the vicinity of, a public place. That is an important distinction because contrary to the insinuations that this Bill is targeting any one group of people, it is targeting people who are causing a nuisance no matter their race or background. The definition of a public place and the specifics of the fine are clearly articulated.

In relation to urgency, it is also clearly articulated that this measure will commence immediately after the legislation is passed. To the point made earlier questioning how this can be an urgent matter, it is; we expect it to take effect immediately. As part of a suite of legislation, it will have an overall cumulative deterrent effect.

Specifics matter, and that is why it is important to understand that we are not talking about the criminalisation of drinking but the criminalisation of nuisance whilst intoxicated. I am starting to tire of the lazy conflation of issues and the poor-quality reliance on data and evidence without any actual data and evidence other than lazy offhand remarks in relation to historic research that may or may not have relevance.

I am hopeful that we will behave better in this place and will all start relying on better information to make our decisions. I challenge those across the Chamber to provide the information on nuisance whilst intoxicated, which speaks to this matter. I have taken time to do the research, as have many of my colleagues, because I have shared it with them and we have had those discussions.

The Member for Mulka makes significant contributions to this House, and I respect the unique perspective from which he speaks. He pointed to the suggestion that nuisance is ill-defined, and it will be racially motivated or targeted and has no scope. I do not accept that.

To my understanding, and I am willing to be corrected, Part VII section 47 of the *Summary Offences Act 1923* is indicative of what defines nuisance. Non-exhaustively, the conduct intended to be captured under this legislation is consistent with that type of behaviour. It is not a case of us having not thought this out, thinking that any old thing can become a nuisance; it will be tested by the courts and mediated by our police in whom we have faith and trust. We are taking a leap of faith to entrust our police force to make the subjective decisions to define what constitutes a nuisance to restore public order at a time when there is clearly public disorder in innumerable electorates.

We are negligent in doing nothing. Moving forward we can only be guided by whatever data and evidence is at our disposal that we can sensibly apply within the context of our polity.

The former government speaks of its exhaustive attempts to address liquor legislation and harm reduction. It gives me no great pleasure to point to the controlled experiment that is the last 20 years of Labor governance which resulted in us having the domestic violence statistics that we do. It is possible to draw an empiric, causal and correlative relationship between those factors.

There is a number of people who have done great research to document what happened over the years. I note Sarah Clifford at Menzies School of Health Research is somebody who has been critical of a lot of the legislation and policy that has been enacted over time and has forensically documented it.

It is incumbent on everyone in this House to be across this stuff rather than lazily referring to a bit of the Banned Drinker Register, a bit of fetal alcohol syndrome, a bit of nuisance drinking and a bit of antisocial behaviour. Be specific; tell me why this is a bad law with reference to nuisance in this context. In the absence of that, I am compelled by the information I am provided by my colleagues and the literature that suggests we do not have a controlled experiment to determine whether there could be a deterrent effect by executing this suite of legislation collectively, which includes the connecting of nuisance and intoxication. This has not

been dealt with here previously. The suite of reform—if you can call it that—legislated by Labor over the last eight years specifically resulted in the suite of socioeconomic dysfunction that we have inherited. That is the reality.

Wide consultation has been taken in relation to this legislation, as with all the Bills we seek to pass. It is unfair to suggest that there has been no community consultation. I will tell you what also constitutes community consultation: every one of us having pounded the pavement to hear from constituents who provided us with real-world instances tied to a police report, a geographical location or a park. All of that constitutes testimony which has cumulative weight as well.

As an academic of sorts, I say that not all the answers can be found in the paperwork or the studies, but they can be indicative and provide instructive guidance. For example, the parliamentary librarian with the best will in the world provided us with references to research regarding the proximity of drinking establishments to fjords in Norway, which is not super useful in this context. However, there is a range of other materials that have been provided to us collectively as a legislature which everybody could have relied upon.

I brought some of it in for people to read casually in the lunchbreak if they want to be more informed of what people have to say in the real world in relation to regulating alcohol, evidence-based policy in social science, alcohol in relation to international evidence from the research and the public policy or even the Australian National Alcohol Strategy.

The reality is that lazy arguments are not winning me over. We have a thought-out considered package to try to deter and divert. We appreciate that will necessarily result in a potential increase in detention, which is why we also have an extremely well-considered plan for Corrections and correctional infrastructure. What I am drawing out is that it is easy for everyone to poke holes at problems; it is much more difficult to provide holistic solutions.

The last government had eight years to provide holistic solutions to a range of these issues. Sadly, for Territorians these were unable to get us any further than where we are now, which by many measures and accounts is a worse place than the Northern Territory was in some 20 years ago.

I do not want to conflate research that is not connected to the current debate, but an interesting bit I came across from Farmer, Miller and Taylor in 2024 is in relation to whether patron bans reduce crime, looking at assault offences in WA before and after empowering the police with the possibility of imposing barring notices. Let us be clear: this is an adjunct piece of research in a different polity, but there is something instructive there, because there is limited data about what can be done when we are connecting nuisance and intoxication. We are working specifically in the public space, not the private space. Notwithstanding, I quote from that paper:

There are a number of implications arising from this study and some notable limitations have been acknowledged. Nevertheless, the association between the introduction of barring notices and a reduction in alcohol-flagged violent offending appears to endorse the use of barring notices in WA.

Show me the same research from eight years of a Labor-controlled experiment that suggests all or any of what was passed in the last eight years has had a discernibly positive effect on the socioeconomic prospects of anyone in the Northern Territory. I do not see it. I am extremely grateful for the handful of researchers who turn their attention to examining what happens in the Northern Territory, but whilst we do not have a litany of subject-specific books and journals to rely on, empiric testimony on the ground is what we do have to work with.

If you can point to the stories and testimony of the Members for Fannie Bay, Drysdale, Karama, Blain or anyone else as being facetious, fictitious or fallacious, by all means do so. However, we are not trading in hyperbole. We are not exaggerating the scale of the problem; we are drawing out the worst instances of problems that are endemic and have spiralled out of control in this polity, and we all know that to be the case.

There is a concerning trend where the CLP is being charged with overlooking expert evidence. That is simply not the case. I have drawn upon a small sample of materials to simply make the point. In this place conflating expert testimony is likewise becoming commonplace. When experts speak on a matter, we listen to them on that matter, but their testimony in respect of X is not always applicable in respect of Y.

Nuisance and conflation with antisocial behaviour terminology is also a dangerous business, noting that evaluation of the consequences of antisocial behaviour orders and legislation to that effect have happened exhaustively across the world, notably in the United Kingdom under its ASBO experiment. If you want a bit of light reading *ASBO Nation* is not a bad place to look for what works and what does not. Notably, the UK's

ASBO legislation was ultimately upscaled in the direction that we are taking to move things towards a more punitive system where we provide the police with the capacity to make more direct interventions.

The suite of legislation we are promoting has a cumulative goal of deterrence and diversion. The community consultation has not been zero; it has been exhaustive and notably drew extensively on our police force which is advising us with modern testimony as to what it requires to do its job to keep Territorians safer. The specific constituent cases matter, and specific locations testify to the weight of evidence we are providing.

I therefore commend this Bill to the House.

Debate suspended.

The Assembly suspended.

NOTICES

Mr GUYULA (Mulka): Madam Speaker, I give notice that on the next General Business day I will propose a motion that the Legislative Assembly recommits to and affirms the objectives of the Aboriginal Justice Agreement that by 2027 the NT Government will:

1. reduce offending and imprisonment of Aboriginal Territorians
2. engage and support Aboriginal leadership
3. improve justice responses and services for Aboriginal Territorians.

J DAVIS (Johnston): Madam Speaker, I give notice that on the next General Business day I shall move that the NT Legislative Assembly:

- acknowledges the important and extensive work of the Voluntary Assisted Dying Independent Expert Advisory Panel in producing the Report into Voluntary Assisted Dying in the Northern Territory
- recognises the right for Territorians to end their lives with dignity and the immense suffering that is caused for them and their families when this right is taken away from them
- recognises that the Northern Territory, the first jurisdiction in the world to legalise voluntary assisted dying, is now the last in Australia to pass this law
- urges the government to implement the 22 recommendations of the Report into Voluntary Assisted Dying in the Northern Territory, acknowledging that many Territorians from all political persuasions want the right to die with dignity in the Territory.

PETITION

Petition No 2 – Bus Driver Protection Screens

Mr PATEL (Casuarina)(by leave): Madam Speaker, I present a petition not conforming with standing orders from 109 petitioners calling for the immediate installation of driver protection screens in all Darwin buses. I move that the petition be read.

Motion agreed to; petition read:

We, the undersigned, call on Darwin Bus Network stakeholders—the Government, CDC and NT WorkSafe—to immediately install fit-for-purpose driver protection screens in all Darwin buses.

Bus drivers and members of our community deserve to be safe on public transport.

Mr PATEL (Casuarina): Madam Speaker, I move that the petition be referred to the Public Accounts Committee to consider whether the petition should be debated.

Motion agreed to.