

Towards rights-based decision making and safeguards in the Northern Territory

Reform priorities arising from the Royal Commission
into Violence, Abuse, Neglect and Exploitation of
People with Disability

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Foreword

The Royal Commission into Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) released its final report in September 2023. The report contained 222 recommendations aimed at reforming laws, policies, systems and practices across Australia to ensure people with disability can live free from violence, abuse, neglect and exploitation.

This paper focuses on the Royal Commission recommendations that are relevant to the Northern Territory Government and the Public Guardian and Trustee. It responds to recommendations that directly affect the Public Guardian and Trustee's legislative functions, as well as broader recommendations that influence protective, advocacy and supported decision-making systems in which the organisation has a significant role and interest.

For the Northern Territory, the findings of the Royal Commission have particular significance due to the Territory's unique service, geographic and systemic context. Without coordinated and deliberate implementation, there is a risk that the harms identified by the Royal Commission will persist, particularly for people with disability experiencing multiple layers of vulnerability.

National reporting on the implementation of the Royal Commission's recommendations has drawn public criticism for its slow pace and lack of visible systemic change. The *Disability Royal Commission Progress Report 2025* indicates that, of the 24 recommendations assessed as completed at a state or territory level and applicable to the Northern Territory, no completions are attributed to the Northern Territory.

Disability advocates have observed that many recommendations remain unresolved or lack clear timeframes for action, reinforcing the urgency for Territory-level leadership and accelerated reform.

***"If we let this sink from view ... we're saying that it's OK for people to live with a certain level of violence in their lives."*¹**

This paper is intended to guide the Northern Territory Government by identifying practical, achievable actions to meaningfully give effect to the Royal Commission's findings and recommendations. It focuses on implementation approaches that strengthen safeguards, improve system coordination, reduce risk to government, and deliver measurable outcomes for people with disability in the Northern Territory.

It identifies key areas requiring legislative, policy and system reform to uphold the rights, safety and autonomy of people with disability in the Territory. The recommendations are designed to support staged and coordinated government decision-making, consistent with national reform directions and international human rights standards.

¹ Professor Sally Robinson, Flinders University in ABC News, Evan Young, Little has changed since the disability royal commission exposed deep institutional failings, 31 July 2025
<https://www.abc.net.au/news/2025-07-31/disability-royal-commission-recommendations-change/105534944>

Executive summary

The Public Guardian and Trustee welcomes the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission). Their implementation, informed by the Northern Territory's unique context and risk profile, is essential to achieving safety, dignity and autonomy for people with disability in the Northern Territory.

Delivering on the Royal Commission's intent in the Northern Territory will require a coordinated and comprehensive program of legislative reform and system-wide investment across safeguarding, complaint, oversight and decision-making mechanisms. This includes staged legislative and practice reform to strengthen supported decision-making under the *Guardianship of Adults Act 2016* (NT) and related decision-making statutes. Progress should be staged, formally coordinated, adequately resourced, and aligned with national standards and the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD).

The Public Guardian and Trustee have direct responsibilities under several Royal Commission recommendations and a broader interest across protective, advocacy and decision-making systems.

Failure to progress key reforms presents ongoing risks to the Northern Territory Government, including the continued exposure of people with disability to abuse, neglect and exploitation, increased scrutiny from oversight bodies, and misalignment with emerging national standards and community expectations. Conversely, a coordinated reform program presents an opportunity to strengthen public confidence, improve service quality, and demonstrate the Northern Territory Government's commitment to advancing the rights, safety and inclusion of people with disability.

Within this context, this paper proposes the following priorities for government consideration.

A summary of these four reform priorities, including their current Northern Territory status and implementation requirements, is provided in [Appendix 1](#).

Key priorities for government consideration:

1. **System building:** Establish independent statutory adult safeguarding, complaint and disability death review mechanisms to address immediate risks of abuse, neglect and preventable death, leveraging existing independent statutory structures where possible. Increase data capability of relevant agencies to strengthen evidence-based oversight.
2. **Program enhancement:** Strengthen existing functions, including expanding the scope and reporting pathways of the Community Visitor Program and the supported decision-making education and systemic advocacy roles for the Public Guardian and Trustee.
3. **Strengthen participation:** Address current resource constraints to allow the Public Guardian and Trustee to uphold contemporary practice standards and ensure fair and accessible adult guardianship tribunal processes.
4. **Legislative and practice reform:** Progress staged legislative and practice reform to strengthen supported decision-making under the *Guardianship of Adults Act 2016* (NT), including an interim Public Guardian and Trustee-led practice reform program, targeted legislative amendments, and longer-term reform to deliver a modernised, human rights-aligned decision-making framework, supported by workforce development and cross-sector capacity building.

1. System building: safeguarding, complaints and death review mechanisms

The Public Guardian and Trustee has identified the establishment of adult safeguarding, complaints and death review mechanisms as the highest priority for the Northern Territory arising from the Royal Commission.

Together, these mechanisms form the foundational infrastructure required to protect vulnerable adults, ensure accountability, and prevent abuse, neglect, exploitation and preventable deaths. At present, the Northern Territory has no coordinated, legislated or reliable adult safeguarding, complaints or death review system. There is no statutory body with powers, functions or dedicated funding to identify, respond to or prevent abuse, neglect or exploitation of vulnerable adults.

This absence of system-level safeguarding architecture creates significant risks for Territorians with disability and other vulnerable adults, and leaves individuals, families and professionals without clear or reliable pathways to report concerns or seek action. Serious matters may go unrecognised or unaddressed, not because harm is not occurring, but because responsibility is fragmented and authority unclear.

The Royal Commission's recommendations in this area address the most immediate and serious risks to safety, dignity and life. Their implementation requires dedicated legislative frameworks, clear governance and sustained resourcing, and should proceed as a standalone priority, independent of broader guardianship reform processes.

In the Northern Territory context, these mechanisms have direct, life-saving potential and are fundamental to realising the Royal Commission's broader intent.

System building:		
Royal Commission Recommendation	Current NT status	Required
Safeguarding, complaints and death review mechanisms		
11.1 - Nationally consistent adult safeguarding functions	No existing function	Establish NT function
11.3 - 'One-stop shop' complaints reporting, referral and support	No existing mechanism	Establish NT mechanism
11.14 - Establishing disability death review schemes	No systemic disability death review function.	Establish scheme
Data collection		
6.41 - Sterilisation procedures involving people with disability	Partially met	Collected via Tribunal, additional data needed from the Department of Health.
6.19 - Support and representation arrangements (Guardianship Orders) Participation of people with disability in Tribunal proceedings	Partially met	Guardianship order data collected via the Public Guardian and Trustee; additional data needed from the Tribunal regarding private arrangements and participation.

6.39 - Restrictive practices	Unmet	To be coordinated via the Australian Institute of Health and Welfare. Data needed from Department of Health.
6.22 - Met and unmet demand for disability advocacy	Unmet	Requires statewide coordinated approach.

1.1 Safeguarding and complaints, reporting and referral mechanisms

Recommendations 11.1 and 11.3 of the Royal Commission call for the establishment of a nationally consistent adult safeguarding function and a 'one-stop' independent complaints, reporting and referral mechanism.

At present, the Northern Territory has no legislative or structural basis for either function. There is no adult safeguarding body, no single complaints or referral pathway, and no coordinated system response when vulnerable adults, including people with disability and older persons, experience abuse, neglect or exploitation. Without enabling legislation, no entity has authority to act, share information, compel responses or require accountability. As a result, individuals and families are left reliant on disconnected agency processes or discretionary service responses, which may not occur at all.

The current safeguarding environment in the Northern Territory is fragmented and underdeveloped. This fragmentation creates confusion for people seeking to report concerns and contributes to inconsistent or delayed responses to serious safeguarding matters. Harm may go unrecognised or unaddressed not because it is absent, but because no single authority has responsibility, mandate or oversight to intervene or coordinate action. This exposes people with disability to heightened risk and limits the Territory's capacity to identify patterns of concern or prevent future harm.

Effective safeguarding also requires accessible legal advocacy and support services to assist vulnerable adults to understand their rights in navigating complaints, reporting pathways and safeguarding responses. In the Northern Territory context, any such service should apply to all vulnerable adults, including younger people with disability and frail younger adults, and operate with a clearly defined relationship to any future Adult Safeguarding Unit to avoid duplication, fragmentation or gaps in response.

Restricting safeguarding reform to older persons, rather than all vulnerable adults regardless of age, is inconsistent with the Northern Territory's scale, service environment and risk profile. Safeguarding mechanisms must apply to all vulnerable adults, including younger people with disability and frail younger adults. Proposals that rely solely on amendments to existing elder abuse provisions are therefore insufficient and misaligned with Territory needs. While the creation of a specific 'vulnerable person offence' may be welcomed, criminal law responses alone are not sufficient to deliver the holistic safeguarding envisaged by the Royal Commission. Many people experiencing abuse, neglect or exploitation do not seek criminal charges; they want the harm to stop and to be safe. Criminal justice pathways are reactive, high-threshold and punitive, and cannot substitute for a dedicated adult safeguarding framework focused on prevention, early intervention and protection.

The absence of a legislative framework also means that attempts to fund new services or pilot safeguarding initiatives are effectively back-to-front. Without statutory authority, defined powers or accountability mechanisms, such initiatives risk becoming fragmented, short-term and unsustainable. This has contributed to inconsistent practice and undermines the ability to intervene in serious cases of abuse, neglect or exploitation.

At a national level, the Australian Government has not yet agreed to establish a national adult safeguarding function or framework as recommended by the Royal Commission. Current work on a Disability Support Quality and Safeguarding Framework and a Disability Support Ecosystem Safeguarding Strategy arises from the NDIS Review and does not implement Royal Commission recommendations 11.1 or 11.3. These recommendations remain subject to further consideration under the Joint Government Response, with no agreed legislative pathway. This reinforces the need for Territory-level leadership rather than deferring action pending national architecture.

Accordingly, it is imperative that the Northern Territory enact standalone legislation to establish an Adult Safeguarding Unit and an independent complaints, reporting and referral mechanism with clearly defined powers and functions. This cannot be achieved through incremental amendments to existing legislation or by embedding safeguarding functions within service delivery agencies or the non-government sector, neither of which possess the independence, mandate or authority required.

The Royal Commission recommends that a 'one-stop shop' complaints, reporting, referral and support mechanism be *placed, if possible, within an existing independent organisation which has appropriate expertise and relationships with services to perform its functions.*²

Further, the Royal Commission recommends consideration to *co-locate the adult safeguarding function with the 'one-stop shop' independent complaints reporting, referral and support mechanism.*³

From the perspective of the Public Guardian and Trustee, the establishment of legislated safeguarding and complaints functions is a critical priority, and several structural options warrant consideration in the Northern Territory context.

Structural options for a combined safeguarding and complaints, reporting and referral mechanism in the Northern Territory:

a) Integration within the *Guardianship of Adults Act 2016* (NT)

This could provide legislative coverage but is not the preferred option. Integrating safeguarding provisions into the *Guardianship of Adults Act 2016* (NT) risks diluting the distinct purpose of safeguarding and limiting its broader systemic reach. It may also create confusion between guardianship functions, which apply to adults with impaired decision-making ability and adult safeguarding functions, which may apply more broadly to adults experiencing abuse, neglect or exploitation regardless of capacity.

b) Creation of standalone legislation and a new independent statutory body

Aligns with Royal Commission recommendations but is unlikely to be viable in a small jurisdiction due to duplication of governance, infrastructure, costs and corporate support functions.

c) Creation of standalone legislation and integrated service with the Public Guardian and Trustee

Locating safeguarding and complaints functions within an independent statutory office is preferable to placement within the Department of Health or the non-government sector, neither of which currently has the independence, mandate or safeguarding expertise required. In the Northern Territory context, an integrated model within the Public Guardian and Trustee offers a sustainable and proportionate response that strengthens oversight, provides a trusted reporting pathway and closes existing protection gaps without establishing an additional statutory authority. This model would, however, require clearly articulated and transparent mechanisms for managing complaints about the Public Guardian

² Commonwealth of Australia (September 2023) *Royal Commissions into Violence, Abuse, Neglect and Exploitation of People with Disability Final Report – Executive summary, Our vision for an inclusive Australia and Recommendations* p.349.

³ Ibid. p 348.

and Trustee itself, including independent review and appeal pathways, to ensure accountability, accessibility and public confidence.

This approach is consistent with developments in other jurisdictions. In Queensland, the Education, Arts and Communities Committee recommended that the Public Guardian be resourced to lead adult safeguarding, including the coordination and provision of supportive interventions with maximum autonomy for adults with care and support needs who are unable to protect themselves from abuse or neglect.⁴

Recommendation for Northern Territory implementation:

1) Create new standalone legislation establishing an Adult Safeguarding Unit (including complaints, reporting and referral mechanism) integrated within the Public Guardian and Trustee

This model would leverage existing investigative powers, governance arrangements and public confidence, while avoiding duplication of effort. Functional independence could be maintained through a dedicated director or unit with clear statutory powers and reporting obligations.

1.1) Governance of implementation should sit with government or the relevant statutory authority.

Any Joint Implementation Group should not be led by a non-government organisation, though non-government agencies should be key partners. At a minimum, leadership and secretariat functions should be retained within government or the statutory office hosting the Adult Safeguarding Unit.

2) Establish a Vulnerable Persons Legal and Advocacy Service through a tender process, covering all vulnerable adults, with a clearly defined interface with the Adult Safeguarding Unit.

Any Territory-wide prevention, education and awareness initiatives must consider the full spectrum of vulnerable adults, including younger people with disability not solely older-persons.

1.2 Disability death review scheme

Recommendation 11.14 of the Royal Commission calls for each jurisdiction to establish and resource a disability death review scheme. These schemes are designed to examine reviewable deaths, identify systemic risks, and recommend reforms to prevent future deaths.

Compared with the general population, many Australians with disability, especially people with intellectual disability and/or those living in supported accommodation are much more likely to have a 'potentially avoidable death' and die before the age of 65.⁵

At present, the Northern Territory has no mechanism to review the deaths of adults with disability from a systemic or preventative perspective. The Northern Territory Coroner investigates individual deaths to determine cause and circumstances but does not closely examine patterns, service failures or social determinants. As a result, preventable deaths of people with disability can fall through the gaps and there is no coordinated framework to translate coronial or service-level findings into policy and practice change.

⁴ Education, Arts and Communities Committee, *Inquiry into Elder Abuse in Queensland* (Report No 11, 58th Parliament, December 2025) rec 16 <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t2014/5825t2014.pdf>

⁵ Australian Institute of Health and Welfare, *Mortality patterns among people using disability support services: 1 July 2013 to 30 June 2018*, September 2020, p 4.

Structural options for a disability death review scheme:

While the Royal Commission envisioned that disability death review schemes should sit within independent oversight bodies, it did not prescribe where these functions must be located. The emphasis is instead on ensuring independence, expertise, and coordination. In practice, this could take several forms:

- a) **A standalone statutory office;**
- b) **A specialist unit within an existing statutory independent body; or**
- c) **A collaborative structure, supported by multiple agencies, provided that independence and specialist capability are maintained.**

Because no Australian jurisdiction currently operates a fully independent, legislated disability death review scheme in line with the Royal Commission's vision,⁶ the Northern Territory has the opportunity to lead nationally by designing a more coherent and comprehensive model.

The partial models that do exist in other jurisdictions are generally narrow in scope e.g. limited to "deaths in care" or tethered to existing oversight bodies such as Ombudsmen or Disability Commissioners. The Northern Territory can go beyond these partial approaches by adopting a scheme that covers all reviewable deaths of vulnerable people inclusive of people with disability, with full powers, data collection, systemic oversight, and independence, learning from what exists elsewhere while aiming higher (See below [Table 1 Death review schemes across Australia](#)).

Recommendation for Northern Territory implementation:

- 3) **Establish an independent disability death review scheme within an existing government agency such as the Office of Disability with clear legislative authority including responsibility for data collection and regular public reporting.**

In smaller jurisdictions such as the Northern Territory, establishing a new standalone entity may not be sustainable. A more viable model would involve an independent review mechanism operating alongside, and in collaboration with, existing statutory bodies such as the Coroner and the Office of Disability.

The experience of the Child Deaths Review and Prevention Committee established under the *Care and Protection of Children Act 2007* provides an important point of reference. The Committee has been unable to consistently perform its intended functions due to long-term quorum issues. This highlights the risks of relying solely on committee-based structures in smaller jurisdictions where specialised membership and sustained resourcing may be difficult to maintain.

The need for a specialist, independent review mechanism remains critical. Rather than relying solely on a standing committee structure, legislation should establish a Disability Death Review Scheme with dedicated statutory authority, supported by multidisciplinary expert advisory and review mechanisms, including representation from relevant oversight agencies such as the Public Guardian and Trustee where appropriate. This body should operate with a clear preventative and rights-based focus examining not only the circumstances of individual deaths but also systemic issues, safeguarding failures, barriers to services, and unmet support needs that may have contributed to those deaths, with the aim of informing reform and preventing future harm. It should be supported by information-sharing arrangements with agencies including the Coroner and the Public Guardian and Trustee.

⁶ As per the Australian Government, Department of Health, Disability and Aging, *Disability Royal Commission Progress Report 2025* no jurisdiction has completed this Royal Commission recommendation. Tasmania is progressing this within their review of the *Coroner's Act 1995* (Tas). All other jurisdictions have further work or consideration to achieve this.

A well-resourced disability death review scheme adapted to the Territory's scale would fill a critical gap, ensuring that the deaths of people with disability lead to systemic accountability, learning, and reform.

3.1) Disability death review scheme to be informed by specialist disability knowledge

To be effective, any disability death review scheme must be informed by specialist disability knowledge and an understanding of the circumstances, service systems and vulnerabilities of people with disability. This ensures reviews are grounded in lived experience, contextual expertise, and the realities of service delivery and support.

A disability death review scheme should mirror these principles, with:

- Specialist disability and lived-experience expertise, supported by a multidisciplinary expert advisory committee;
- Legislated powers to obtain information, review deaths, and publish findings; and
- A focus on systemic learning and prevention, not duplication of coronial investigation.

Table 1. Disability death review scheme across Australia

Jurisdiction	Current Approach / Responsible Body	Scope and Key Features	Lessons for Northern Territory
Established partial disability-focused death review functions			
National (NDIS Commission)	<i>NDIS Quality and Safeguards Commission</i> – Monitors reportable incidents and deaths of NDIS participants	National oversight of reportable incidents; data collection and compliance monitoring.	National data could complement but not replace state-level systemic review.
Queensland	<i>Coroner's Court of Queensland</i> – Reviews deaths of people with disability in care	Hybrid model: coronial investigations supported by a disability expert panel reviewing deaths in care. Limited to certain care settings (last public report 2019).	Demonstrates value of specialist panels but lacks a systemic, legislated death-review function.
New South Wales	<i>Coroner's Court of NSW</i> – Reviews deaths of people with disability in residential care	Reviews service-related deaths; reports on systemic issues.	Useful oversight model but narrow in scope - focused on service deaths only.
Victoria	<i>Disability Services Commissioner</i> – Reviews service provision to people who have died (diminished role since introduction of NDIS)	Reviews disability service delivery linked to deaths; publishes findings and recommendations.	Highlights need for broader coverage beyond disability services alone.

Jurisdiction	Current Approach / Responsible Body	Scope and Key Features	Lessons for Northern Territory
No systematic disability death review mechanism			
Northern Territory (current)	<i>Coroner's Office</i>	Investigates individual deaths for cause; no systemic disability death review function.	Creates opportunity to build a coordinated, preventive model drawing on both coronial and advocacy expertise.
South Australia	<i>State Coroner</i>	Deaths of people with disability are investigated through the ordinary coronial process, but no specialist or systemic review function	The Health and Community Services Complaints Commissioner can investigate disability service complaints but doesn't run a mortality review program.
Tasmania	<i>State Coroner and the Commissioner for Children and Young People (for child deaths only).</i>	Relies on coronial processes without any supplementary expert panel, systemic death review scheme or disability-specific oversight.	Has a Child Death and Serious Injury Review Committee (does not extend to adults)
Australian Capital Territory	<i>ACT Coroner's Court</i>	Deaths investigated through ordinary coronial processes; no disability-specific or systemic death review scheme.	Similar to Tasmania, has a Child Death and Serious Injury Review Committee Highlights limits of coronial-only approaches and the need for a dedicated, preventive disability death review function.

1.3 Data collection and reporting

The Royal Commission recommends comprehensive data collection is essential to monitor progress, identify systemic risks, and ensure accountability. This will require enhanced systems to record and report on the following key areas:

- **Sterilisation procedures involving people with disability** (Royal Commission recommendation 6.41) – currently recorded through Tribunal processes but requiring supplementary data from the Department of Health to capture procedures that occur outside legal decision-making pathways.
- **Support and representation arrangements (Guardianship Orders)** (Royal Commission recommendation 6.19) – Tribunal data is needed to ensure collection of both public and private arrangements in addition to the extent of participation and legal representation of people subject to proceedings.
- **Participation of people with disability in Tribunal proceedings** (Royal Commission recommendation 6.19) – not currently collected or reported, representing a significant data gap in understanding accessibility and inclusion.
- **Restrictive practices** (Royal Commission recommendation 6.39) - state and territory governments should collect and publish data on the use of restrictive practices in health, education and justice settings

- **Met and unmet demand for disability advocacy** (Royal Commission recommendation 6.22) - improve data collection and reporting on met and unmet demand for disability advocacy within each jurisdiction.

The Royal Commission recommends that data on support and representation arrangements and restrictive practices be coordinated nationally through the Australian Institute of Health and Welfare (AIHW).

Further that, data on sterilisation procedures involving people with disability should form part of an annual national collection coordinated by the Australian Guardianship and Administration Council, drawing on information from courts and tribunals and supplemented by Department of Health reporting to ensure completeness.

Recommendation for Northern Territory implementation:

4) Introduce coordinated investment in data systems, inter-agency collaboration, and workforce capability to enable consistent data entry, reporting and analysis across all safeguarding bodies.

Implementation will require additional resources to align local systems, establish reporting frequency and strengthen the data capability of the Public Guardian and Trustee, including the capacity to collect, analyse and share relevant safeguarding data as part of proposed national disability data and reporting frameworks.

These reforms should also align with the broader integration of national data initiatives, including the proposed National Disability Data Asset (Royal Commission recommendation 12.8).

1.4 Implementation and next steps

The Public Guardian and Trustee consider there are critical elements required to give practical effect to safeguarding, complaints and death review schemes as high-priority reforms. Current arrangements do not provide the statutory authority or resourcing necessary to safeguard the rights, safety and wellbeing of Territorians with disability.

Consistent with the Royal Commission's recommendations, these mechanisms require

- new standalone legislation to establish an Adult Safeguarding Unit with an integrated, independent complaints, reporting and referral mechanism,
- an independent disability death review scheme with specialist disability expertise, and clear governance, information-sharing and reporting powers.
- Enhanced data capability and reporting, including assessment and improvement of data collection, integration and reporting practices within the Public Guardian and Trustee and partner agencies, aligned with national initiatives and reporting expectations.

Wherever possible, these functions should be situated within existing independent statutory bodies with the authority, expertise and service relationships required to perform them effectively in the Northern Territory context. Governance of implementation should remain with government or the appointed statutory authority, rather than non-government organisations, to ensure independence, accountability and durability.

This will require sustainable, recurrent resourcing for safeguarding, complaints and death review mechanisms in the Northern Territory sufficient to enable a robust service offering, support required staffing levels, investigations, public awareness and long-term operation.

Together, these components represent the minimum safeguarding architecture required to strengthen protections for people with disability in the Northern Territory. Establishing these foundations would build the operational capacity and community confidence needed to support broader legislative and cultural reforms under the *Guardianship of Adults Act 2016 (NT)* and related frameworks, giving practical effect to the Royal Commission's recommendations for systemic safeguarding and accountability.

2. Program enhancement: Existing agencies

While several of the Royal Commission recommendations require new functions, others call for enhancement and resourcing of existing agencies to strengthen their effectiveness. In particular, the reach of the Community Visitor Program and the supported decision-making and systemic advocacy roles of the Public Guardian and Trustee are central to protecting the rights and wellbeing of people with disability and are critical to ensuring the Northern Territory has the operational capacity to implement future reforms.

Program enhancement: Existing agencies		
Royal Commission Recommendation	Current NT status	Required
11.12 - Nationally consistent community visitor schemes	Scope and resource constrained	Established but requires broadening of scope to include NDIS-funded and community-based settings.
11.13 - Integration of community visitor schemes with the NDIS	Unmet	Establishment of formal reporting and referral pathways between the Community Visitor Program, NDIS Commission, and Public Guardian and Trustee ensuring coverage of all relevant sectors, including aged care.
6.13 - Information and education on supported decision-making	Unmet	Funding is needed to provide education to a broad range of audiences, including people with disability, families and service providers about supported decision making.
6.14 - Systemic advocacy to promote supported decision-making	Resource constrained	Expansion funding is required to promote and embed supported decision-making across the Northern Territory.

2.1 Community Visitor Program: expand scope

Recommendations 11.12 and 11.13 of the Royal Commission emphasise the need for nationally consistent Community Visitor Schemes and stronger integration with NDIS quality and safeguarding systems.

The Northern Territory Community Visitor Program (Community Visitor Program) requires enhancement to meet these standards. The Community Visitor Program currently visits approved mental health and disability facilities but lacks authority to enter community-based or NDIS-funded settings such as supported independent living arrangements. This limits the program's ability to safeguard people with disability living outside institutional environments.

While the Royal Commission focuses on integration with the NDIS Commission, this integration should extend to all relevant safeguarding and complaints bodies to create a cohesive, system-wide protective network. This should include clear referral and escalation pathways to actioning bodies, such as the Public Guardian and Trustee, to ensure timely and coordinated responses to risk.

The Community Visitor Program is currently hosted within the Anti-Discrimination Commission, with the Anti-Discrimination Commissioner appointed as the Principal Community Visitor. This arrangement provides independence and an existing oversight infrastructure, but it may no longer be optimal given the evolving mental-health, disability and adult-safeguarding landscape.

In light of broader reforms, including the recommended development of adult safeguarding and death review mechanisms, it is timely to review both the scope and hosting location of the Community Visitor Program.⁷ Given the Territory's small scale and interconnected statutory landscape, a targeted review of hosting arrangements would help determine which model best supports independence, operational efficiency, and integration with broader protective systems.

The Community Visitor Program's independent oversight within current scope is a cornerstone of safeguarding in the Northern Territory, however reforms are needed to ensure it remains fit-for-purpose. Priority areas should include⁸:

Recommendation for Northern Territory implementation:

5) Review the hosting location for an expanded Community Visitor Program to cover NDIS-funded services and other settings where risk is identified.

5.1) Formalise information-sharing and escalation protocols between the Community Visitor Program, the Public Guardian and Trustee, and other safeguarding and complaints agencies to ensure timely, coordinated responses to risk.

This should include clear response pathways for both individual complaints and systemic issues or service shortfalls identified through Community Visitor reporting.

5.2) Maintain and strengthen a professional Community Visitor model through training, remuneration, and clear statutory mandates for reporting and escalation.

5.3) Embed cultural safety and risk-based prioritisation so that Aboriginal people and others at greatest risk receive regular, meaningful visits from the Community Visitor.

2.2 Public Guardian and Trustee: lead disability rights reform

Supported decision-making is the practice through which people with disability are enabled to continue to make their own decisions and thereby maintain their legal autonomy. Supported decision-making cannot occur in practice without dedicated infrastructure and sustained investment. While the Royal Commission has set clear expectations for rights-based reform, no mechanism currently exists in the Northern Territory to deliver this at scale. Without targeted funding to build capacity and deliver education, these reforms risk remaining largely aspirational.

Failure to adequately resource this function represents a critical gap in implementing both Guardianship legislative reforms and the broader Royal Commission recommendations. Without dedicated funding, the Northern Territory cannot meet expectations for accessible, consistent, and rights-based decision-making support.

This gap also highlights an opportunity for greater recognition of the combined role of the Public Guardian and the Public Trustee under the *Guardianship of Adults Act 2016 (NT)* ensuring both entities have clear statutory authority, and resourcing, to deliver information, education, and capacity-building functions across all decision-making and protective contexts, not limited to supported decision-making.

It also requires that both offices are adequately empowered and resourced to discharge their rights protection and safeguarding functions effectively, so that supported decision-making reforms are implemented within a strong protective framework.

⁷ This position is consistent with the Public Guardian and Trustee's *submission to the Department of Health, Disability and Ageing on Strengthening Community Visitor Schemes in Australia* (September 2025), and the 2023 discussion paper *The Future of Guardianship in the Northern Territory*, which also recommended review of the Community Visitor Program's current scope and placement.

⁸ Northern Territory Public Guardian and Trustee, *Submission to the Department of Health Disability an Aging on strengthening Community Visitor Schemes in Australia*, September 2025,

2.2.1 Information and education

Recommendation 6.13a) of the Royal Commission calls for public guardians and advocates to be empowered and resourced to provide information, education, and training on supported decision-making to people requiring support, their families, private supporters, representatives, service providers, public agencies, and key decision-making bodies. At present, the Public Guardian and Trustee provides limited advice and education within existing statutory functions. However, this activity is primarily undertaken incidentally at a community or sector level rather than through direct, individual-level support.

2.2.2 Advice and assistance to those needing decision-making support

Royal Commission recommendation 6.13b) also emphasises that public guardians should be empowered to provide advice and assistance directly to people who may require decision-making support. This includes offering guidance in relation to future applications for support and representation orders and helping individuals understand and exercise their decision-making rights. In the Northern Territory, this function is critical to preventing unnecessary applications for formal guardianship by enabling people to make their own decisions with confidence. Direct decision-making support provided by the Public Guardian and Trustee should primarily focus on people already subject to Public Guardian involvement or representation arrangements, while broader community-based decision-support should be delivered through community organisations and service systems with appropriate partnership and referral pathways.

2.2.3 Systemic advocacy to promote supported decision-making

Royal Commission recommendation 6.14 calls for a statutory body to undertake systemic advocacy to promote supported decision-making. The Public Guardian and Trustee is well placed to fulfill this role given existing functions under Section 61(1)(g) of the *Guardianship of Adults Act 2016* (NT) which includes powers to *advocate for adults with impaired decision-making capacity generally, including by promoting understanding and awareness of relevant issues.*⁹

This systemic advocacy is essential to prevent unnecessary guardianship by creating a supportive environment in which people can exercise their legal capacity and make informed decisions. Recognition of the combined education and advocacy roles of the Public Guardian and the Public Trustee would strengthen the system as a whole, ensuring consistent messaging, information-sharing, and community understanding across both personal and financial decision-making matters.

While small-scale initiatives and national collaboration through the Australian Guardianship and Administration Council have already commenced, sustained funding is essential to expand these functions in the Territory. Strengthening the Public Guardian and Trustee's mandate in both education and systemic advocacy would position the Northern Territory to lead the transition to a rights-based supported decision-making model consistent with the *United Nations Convention on the Rights of Persons with Disabilities*. This advocacy should also be tailored to the Northern Territory context, building on existing and practiced decision-making models in community settings.

⁹ Section 61(2) "relevant issue" means an issue relating to adults with impaired decision-making capacity, including an issue relating to any of the following:

- (a) the rights and interests of adults with impaired decision-making capacity;
- (b) the role of the Public Guardian and Public Trustee in relation to adults with impaired decision-making capacity;
- (c) the role of guardians;
- (d) the role of family and the community in the support of adults with impaired decision-making capacity;
- (e) support services;
- (f) the law relating to adults with impaired decision-making capacity.

Recommendations for Northern Territory implementation:**6) Resource the Public Guardian and Trustee to lead the Territory wide transition to a modern, rights-based approach to decision making.**

This should include resourcing the Public Guardian and Trustee to undertake systemic advocacy and implementation activities that promote supported decision-making across the Northern Territory. This role would include monitoring and reporting on the effectiveness of legislative reforms, supporting sector-wide capacity-building and workforce development, and delivering public awareness and education initiatives that embed supported decision-making principles across government agencies, service providers, and the broader community. These activities would support preventative, system-level guidance that enables people to retain decision-making autonomy rather than defaulting to formal guardianship arrangements.

6.1) Provide sustained and targeted resourcing to enable the Public Guardian to provide information, education, and training on supported decision-making.

This should include providing accessible information, education and training on supported decision-making to people who may require decision-making support, their families and supporters, as well as service providers, public agencies and key decision-making bodies. Expanded education and outreach would enable the Public Guardian to provide proactive guidance to individuals seeking decision-making support beyond those currently subject to formal guardianship.

6.2) Strengthen the Public Guardian and Trustee's capacity to provide supported decision-making advice and assistance to people within its statutory functions.

This should be supported by sustainable resourcing and a clear policy framework enabling the Public Guardian to provide advice and assistance directly to individuals who may benefit from supported decision-making. Broader decision-making support for the community should primarily be delivered through community-based services and partnerships.

Strengthening this function would enable earlier, preventative interventions, reducing reliance on formal guardianship while promoting autonomy, inclusion and self-determination for people with disability. This could include establishing a decision-making advisory service, available on a voluntary basis or by referral from a tribunal or court, to support individuals to develop decision-making supports and avoid unnecessary substitute decision-making appointments where appropriate.

7) Expand the role of the Public Trustee to align with the Public Guardian in delivering information, education, and capacity-building functions across financial decision-making and protective contexts.

Reform should ensure that the transition to a modern, rights-based decision-making framework applies consistently across both personal and financial decision-making arrangements. Currently, the Public Trustee does not hold an equivalent mandate to provide information, education or preventative guidance in relation to financial decision-making. Without corresponding reform, people subject to financial management arrangements may not receive the same benefits of supported decision-making available in the guardianship context.

Consideration should therefore be given to expanding the Public Trustee's role to complement the Public Guardian by providing information, education and guidance on supported financial decision-making, ensuring that people subject to financial management orders are not excluded from the broader reform agenda.

2.3 Implementation and next steps

Consistent with the Royal Commission's recommendations and the analysis above, strengthening the scope of the Community Visitor Program and the advice, education and advocacy roles of the Public Guardian and Trustee will be essential to achieving national consistency and building a coordinated, rights-based protective system across the Northern Territory.

Implementation requires legislative and policy changes to

- Broaden the Community Visitor Program's scope to include NDIS-funded and community-based settings, supported by clear referral, information-sharing and escalation pathways with the NDIS Quality and Safeguards Commission, the Public Guardian and Trustee, and any future safeguarding bodies.
- Expand the Public Guardian and Trustee's education, assistance and systemic advocacy functions to lead the Territory's transition to a modern, rights-based approach to supported decision-making. This includes strengthening the Public Trustee's role in delivering information, education and capacity-building across financial decision-making and protective contexts.

This will require dedicated, recurrent resourcing to support implementation, workforce development, ongoing training, and public awareness initiatives that embed supported decision-making principles across all services.

Together, these measures will address critical gaps in the current system where too many Northern Territorians with impaired decision-making ability remain unseen, unprotected, and without real pathways to exercise their rights. A strengthened Community Visitor Program would provide early visibility and preventative oversight for those at risk, while a properly resourced Public Guardian and Trustee would drive systemic reform toward a modern, rights-based approach to decision-making and protection. Enabling the Public Trustee's corresponding education and advocacy functions would further strengthen this foundation, ensuring the entire guardianship and administration system works cohesively to promote autonomy, prevent harm, and uphold the rights of vulnerable Territorians. By investing in these foundational functions, the Northern Territory can move from a reactive model to one that actively safeguards autonomy, prevents harm, and builds a coordinated framework aligned with national standards for safeguarding and supported decision-making.

3. Strengthening participation and accessibility

Critical reforms are needed to ensure Territorians with impaired decision-making ability can meaningfully participate in decisions about their lives, and that oversight systems are transparent, and accountable.

These reforms align with key Royal Commission recommendations that can be advanced through policy and program development within the existing systems however current programs are severely under resourced to meet the Royal Commission's standards.

The Northern Territory has the capability to progress these reforms, but not the capacity or resourcing to deliver them at the scale required. Targeted investment would allow the Public Guardian and Trustee and partner agencies to expand pilot programs, strengthen practice standards and improve transparency.

Northern Territorians deserve a level of service that not only upholds their rights but actively involves them in decisions that affect their lives, supported by transparent and accountable systems. Without adequate investment in participation, oversight, and reporting, the Northern Territory will continue to operate with blind spots where people remain unheard in decision-making and unprotected in practice. The cost of inaction is measured not only in inefficiency, but in the continued loss of dignity, autonomy, and trust among those our systems are meant to safeguard.

Strengthen participation and accessibility		
Royal Commission Recommendation	Current NT status	Required
6.15 - Updating the national standards for public advocates, public guardians and public trustees to increase engagement/visit frequency	Severely resource-constrained	Targeted resources required to drastically increase engagement/visit frequency with people subject to guardianship and financial management orders.
6.11 - Guidelines on maximising participation (Tribunal) to enhance participation of people with disability in Tribunal processes.	Resource-constrained	Targeted resourcing required to enhance participation of people with disability in Tribunal processes through stronger procedural participation requirements, access to communication supports, and a three-year review cycle for Guardianship Orders.
Financial decision-making		
6.16 - Financial skills development programs	Critically under-resourced with capacity to support fewer than 5% of people under financial management orders, leaving most without a pathway to	Significant, targeted investment required to establish and maintain a Territory-wide program that builds capability, supports order reviews, and enables people to move out of lifelong financial control.

Strengthen participation and accessibility		
Royal Commission Recommendation	Current NT status	Required
	financial independence.	
6.17 - Transparency of public trustee fees and charges	Resource-constrained	Resources required for fulsome accessible information suite.
6.18 - Review of public trustee fees and charges	Partially met	Commenced 2024 – awaiting recommendations.

3.1 Enhancing participation

3.1.1 Public Guardianship and Trustee standards

The Royal Commission calls for strengthened national standards for public advocates, guardians, and trustees (Royal Commission recommendation 6.15). These standards require more frequent and ongoing engagement with people subject to guardianship and administration orders, the inclusion of cultural safety training and active facilitation of connections with advocates and informal supports.

Although the Australian Guardianship and Administration Council updated its *National Guidelines for Public Guardianship* in 2025, they still fall short of the expectation set by the Royal Commission. In respect to engagement with people subject to guardianship and administration orders, the current guidelines require at least annual direct engagement with represented persons. However, the Public Guardian and Trustee's current resourcing levels, combined with increasing service demand and complexity, does not allow for even the minimum standards to be met consistently. In the last financial year, approximately 23% of represented persons did not receive an in-person visit from their Guardianship Officer. Within Trustee service, the majority of budgets continue to be developed without direct phone or face-to-face consultation with the individuals whose finances are being managed, contrary to both the spirit and intent of rights-based participation called for by the Royal Commission.

While these limitations are driven by constrained resources rather than practice intent, consistent and meaningful engagement remains critically important. This limited contact, directly linked to resourcing pressures, contributes directly to client frustration, complaints, and mistrust in the system. People often feel invisible in decisions that profoundly affect their lives, which can escalate distress and disengagement, increasing both administrative workload and reputational risk for government.

The lack of consistent engagement also undermines preventative oversight. Issues that could be resolved early, instead escalate into formal complaints, tribunal challenges, or crises requiring emergency intervention. Over time, this reactive model becomes more costly than maintaining a properly funded, proactive service.

With targeted, recurrent resourcing, there is a clear and achievable pathway to meet both the current National Guidelines and the higher standards envisaged by the Royal Commission.

3.1.2 Financial decision-making

Royal Commission recommendation 6.16 calls for Public Trustees to offer financial skills development programs to people who are the subject of financial management orders appointing the public trustee.

Recommendation 6.16 Financial skills development programs

- a) *All public trustees should offer a financial skills development program to people under a representation order appointing the public trustee as a representative. The program should promote financial independence and:*
 - *be developed in partnership with representative organisations of people with disability, including organisations representing people with intellectual disability, and financial counselling community support organisations*
 - *incorporate broad eligibility criteria*
 - *be actively promoted, especially among people entering administration.*
- b) *Upon successful completion of the program, public trustees should support a person to apply for a review of their order. If a person is not eligible for the program, the public trustee must advise them of their right to apply to the relevant tribunal for review of their order.*
- c) *Public trustees should report annually on the number of people who have participated in the program, the number who have completed it and the number who have subsequently transitioned out of administration arrangements.*

The *Disability Royal Commission Progress Report 2025* notes that Victoria has completed this recommendation through delivery of a Financial Independence Program. The Australian Capital Territory and Tasmania are also progressing implementation, including Tasmania's launch of a financial independence pathway for represented persons in October 2023.

The Public Guardian and Trustee has piloted a small-scale initiative to support financial independence. These initiatives have focused on developing transition plans towards partial self-management as well as full review or revocation of orders where possible, consistent with the aspirations of the Royal Commission. Early progress has been demonstrated progress towards partial financial self-management and revocations of orders.

Expanding these initiatives represents a strategic and preventative investment. Effective financial skills development can strengthen autonomy, improve quality of life, and reduce the long-term demand for statutory administration services. Conversely, not investing in such capacity-building risks perpetuating dependency, limiting individuals' rights to make decisions about their own affairs, and constraining future system capacity.

The Public Guardian and Trustee continue to advocate for the removal of orders that are no longer necessary as a default position, regardless of participation in such programs. Expanding this work would align with the intent of the Royal Commission to promote autonomy and support gradual transitions from financial management orders.

Recommendation for Northern Territory implementation:**8) Address current gaps in participation, capacity building and transparency for people under financial management orders**

8.1) Provide dedicated funding to increase the frequency and quality of engagement with people under financial management orders, including through increased visits, culturally safe practices, and stronger connections with advocates and informal supports.

8.2) Expand financial independence and capability programs

Provide additional resources to expand Public Trustee financial independence initiatives, including staff capacity, co-design with the disability and financial counselling sectors, and sustained follow-up support to build financial literacy, confidence and independence.

8.3) Improve transparency and accessibility of Public Trustee fees and financial information

Invest in improved transparency of Public Trustee fees and financial administration, including accessible and easy-to-understand information consistent with Disability Royal Commission Recommendation 6.17.

The *Disability Royal Commission Progress Report 2025* records that Victoria, Tasmania and South Australia have completed this recommendation, including through Easy Read onboarding materials, accessible client statements and redesigned financial statements to improve readability.

Note, the Public Guardian and Trustee commenced an independent review of fees and charges as per Royal Commission recommendation 6.18 in December 2024. The review will make recommendations to ensure fees and charges are fair and equitable for all people under administration orders.

3.1.3 Tribunal practice guidelines

As with the *Guardianship and Administration Guidelines*, the Royal Commission recommends updating and aligning the *Guidelines for Australian Tribunals: Maximising the Participation of the Person in Guardianship Proceedings* through the Australian Guardianship and Administration Council (Royal Commission recommendation 6.11). Updated guidelines are required to maximise participation and uphold human rights of people with disability in guardianship proceedings.

This includes introducing stronger procedural thresholds to limit hearings conducted in a person's absence and ensuring that people with disability have access to interpreters, communication aids, and other supports necessary to participate effectively in matters that directly affect their rights and autonomy. These measures would bring Northern Territory practice closer to the expectations of the Royal Commission and reinforce the principle that individuals must be active participants in decisions about their own lives, not passive subjects of process.

While full compliance will require broader legislative reform under Royal Commission Recommendations 6.4–6.10, several elements could be progressed through targeted amendments to the *Guidelines for Australian Tribunals* and their adoption by the Northern Territory Civil and Administrative Tribunal through its practice directions and procedures.

The following measures could be adopted by the Northern Territory Civil and Administrative Tribunal consistent with any amendments to the *Guidelines for Australian Tribunals*:

- **Royal Commission recommendation 6.9(d)** – prohibiting the creation of orders unless the represented person can attend, chooses not to attend, or attendance is impractical. This could be strengthened under section 55 of the *Northern Territory Civil and Administrative Tribunal Act 2014 (NT)* or through updated tribunal practice guidelines, ensuring a clear presumption of participation.
- **Royal Commission recommendation 6.9(f)** – introducing a three-year expiry and reassessment provision for Guardianship Orders. This could be implemented via Tribunal policy and practice

directions. Section 40 of the *Guardianship of Adults Act 2016 (NT)* currently does not specify a reassessment timeframe. The Public Guardian and Trustee supports a three-year review period as per the Royal Commission recommendation. However, the review process would need to accommodate long-term, stable arrangements (for example, parental guardianships with established safeguards).

The *Guidelines for Australian Tribunals* acknowledge that some jurisdictions are constrained by their enabling legislation in relation to tribunal composition. However, they recommend the use of multi-member panels, particularly in complex matters, to ensure the Tribunal has the breadth of skills and experience relevant to the person's circumstances and the issues to be determined. The Guidelines further recognise that multidisciplinary panels, comprising members with different areas of expertise, are optimal where appropriate.

The Guidelines also emphasise the importance of maximising participation by ensuring people have access to communication supports, interpreters, translators and support persons throughout tribunal proceedings.

Recommendation for Northern Territory implementation:

- 9) Ensure fair and accessible adult guardianship tribunal processes through legislative requirement for multi-member adult guardianship panels comprising legal, First Nations and lived-experience members where possible.**

Adult guardianship tribunal panels should be consistent with the *Guidelines for Australian Tribunals 2019*, with a minimum of two members as an improvement on the current single-member model.

- 9.1) Allocate additional resources to the Northern Territory Civil and Administrative Tribunal to support effective participation, including the coordination and funding of translators, interpreters and other communication supports.**

3.2 Implementation and next steps

Consistent with the Royal Commission's recommendations and the analysis above, the following actions would be required to enable existing systems to meet the expected standard for participation, accountability and data transparency:

- Sustainable resourcing of the Public Guardian and Trustee to ensure ongoing capacity to meet Royal Commission standards of engagement with people subject to Guardianship Orders, including meaningful participation and communication.
- Improved financial literacy and transparency, including access to financial skills development programs and clear, accessible information about Public Trustee fees.
- Strengthening guardianship proceedings in the Northern Territory Civil and Administrative Tribunal, including updated Tribunal guidelines, enhanced resourcing for participation supports, and consideration of multi-member panel arrangements pending broader legislative reform.

Together, these measures would enable the Northern Territory to strengthen existing structures, meet the minimum standards identified by the Royal Commission and contribute to a coordinated national safeguarding and accountability framework.

4. Guardianship legislative reform

Reform of the *Guardianship of Adults Act 2016* (NT) is fundamental to implementing the recommendations of the Royal Commission. The *Guardianship of Adults Act 2016* (NT) establishes how the Northern Territory recognises and upholds the decision-making rights of adults with disability, yet it reflects outdated terminology and concepts of capacity and autonomy. Without reform, the framework risks remaining inconsistent with modern human rights standards, the *United Nations Convention on the Rights of Persons with Disabilities*, and the Royal Commission's central finding that people with disability must be recognised as decision-makers in their own lives.

Modernisation would shift guardianship from a substitute decision-making model toward a supported decision-making framework that promotes autonomy, dignity, and equality before the law.

However, comprehensive legislative reform would likely take several years and require re-engagement with stakeholder groups already extensively consulted through the Royal Commission. Reform can therefore be progressed through mechanisms that do not require full legislative amendment.

A two-pronged approach is recommended. First, an interim program to strengthening Public Guardian and Trustee supported decision-making practice within the existing legislative framework through policy and practice reform. This program would incorporate and build on earlier priority areas identified in this report, including Public Guardian and Trustee-led disability rights reform (see section [2.2 Public Guardian and Trustee: Lead disability rights reform](#)) and initiatives to strengthen participation and accessibility (see section [3.1 Enhancing participation](#)). Second, the identification and progression of targeted legislative amendments that can be achieved without a full legislative overhaul.

This approach enables early, practical progress while longer-term reform is considered. Evidence from other jurisdictions, including South Australia and Victoria, indicates that implementation is often constrained more by resourcing and sector capacity development than legislation.

Recommendation for Northern Territory implementation:

10) Implement an interim Public Guardian and Trustee practice reform program to strengthen supported decision-making within the existing *Guardianship of Adults Act 2016* (NT) framework.

This should include:

- Development of internal policy and practice guidance to embed supported decision-making in PGT operations
- Training for Adult Guardianship Officers and relevant staff
- Integration of earlier priority areas, including PGT-led disability rights reform (see 2.2) and initiatives to strengthen participation and accessibility
- Cross-agency engagement to support consistent approaches where required
- Appropriate resourcing to support implementation

11) Progress a staged legislative reform program for the *Guardianship of Adults Act 2016* (NT), led by the Attorney-General's Department and the Public Guardian and Trustee.

This should include:

- Targeted amendments that can be achieved without a full legislative review, including:
 - Discrete terminology and definitional updates to align with contemporary supported decision-making principles

- Clarification or refinement of provisions to better support will and preferences within the existing framework
- Amendments that improve alignment with Royal Commission recommendations without requiring structural overhaul
- A longer-term, whole-of-government legislative review to support a modernised Northern Territory decision-making framework, including consideration of reforms required to align with contemporary human rights standards and the recommendations of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*.

The remainder of this report outlines reforms that would be required to be progressed through a staged approach, including:

- Where amendments could be made with minimal impact on the operation of the existing legislation (See below [4.2 Terms and definitions](#), [4.3 Reforms for further consideration](#), [4.4 Tribunal consideration of Guardianship Orders](#))

Noting that some Royal Commission recommendations are already met (See [4.5](#) below).

- More substantive reforms that represent significant structural change to the existing *Guardianship of Adults Act 2016* (NT). See [4.1 Key legislative changes](#) below.
 - In particular, the introduction of formal supporters (Royal Commission recommendation 6.8), through the establishment of formal 'support agreements', would create a new, legislated tier within the decision-making framework that would sit alongside, but distinct from guardianship. This model recognises that many adults with impaired decision-making ability can make their own choices with appropriate support rather than through substituted decision-making used under the current guardianship model.
 - In parallel, the adoption of a new decision-making process (Royal Commission recommendation 6.10) would embed modern decision-making principles that prioritise a person's will and preferences over 'best interests' determinations.

4.1 Key legislative changes

This section outlines the most significant and transformative areas of legislative reform required to modernise the *Guardianship of Adults Act 2016* (NT) in line with the Royal Commission's recommendations. These reforms go to the heart of how the Northern Territory recognises and upholds the rights of adults with disability to make decisions about their own lives. They represent a fundamental shift in how law and systems view autonomy, capacity, and support.

Together, the changes described below form a once-in-a-generation opportunity to align the Territory's guardianship framework with contemporary human rights standards and the intent of the *United Nations Convention on the Rights of Persons with Disabilities*. Implementing these recommendations would move the system from one that removes the rights of people with disability, to one that supports people to make decisions for themselves.

Achieving this vision will require more than legislative drafting. It demands structural transformation across government and service systems, cultural change in professional practice, and a whole-of-community effort to strengthen understanding of decision-making rights. The scale of reform is significant but so too is the opportunity to create a modern, rights-based framework that enables genuine choice, dignity, and equality before the law for Territorians with disability.

Major legislative reform		
Royal Commission Recommendation	Current NT status	Required
6.5 - Objects of guardianship and administration legislation (include article 12 UNCRPD and <i>Guardianship of Adults Act 2016</i> (NT) and to recognise the role of support to enable decision making)	Partially met ¹⁰	Strengthen provision to enforce supported decision making and at defined stages.
6.7 – Determining decision-making ability	Non-compliant	Requires significant practice change and resulting resourcing.
6.8 – Formal supporters	Absent	Significant legislative change triggering significant structural and educational change.
6.10 – Decision-making process	Non-compliant	Significant practice change for Public Guardian and Trustee and related services.

4.1.1 Determining decision-making ability

The way decision-making ability is determined sits at the heart of the Royal Commission's reform agenda. In combination with recommendations recognising the right to decision-support and communication support, reviewing guardianship legislation to uphold the rights of people with disability in the determination of their decision-making ability (Royal Commission recommendation 6.7) is pivotal to realising the intent of the reforms. Together, these changes shift the focus from determining whether a person lacks capacity to identifying and providing the supports needed for them to exercise it. This represents a shift from a deficit-based approach to one that upholds the inherent decision-making rights of people with disability, ensuring disability-related barriers are alleviated before any finding of impaired capacity is made. This change will shape both community attitudes and the legal rights of people with disability.

Royal Commission recommendation 6.7 requires that anyone responsible for determining whether the presumption of a person's decision-making ability has been rebutted must consider:

- the supports available to the person, including the quality of existing support relationships;
- that decision-making ability is specific to the particular decision being made;
- the nature and complexity of the decision; and
- the views of the person, and where consent is given, the views of family members and informal supporters who play a significant role in the person's life.

Whilst the current *Guardianship of Adults Act 2016* (NT) includes a presumption of capacity¹¹ and some consideration of the extent and application of a person's impairment,¹² it does not require

¹⁰ *Guardianship of Adults Act 2016* (NT) s4(4)(b) - provides the adult with as much support as is practicable to make the adult's own decisions.

¹¹ Section 5(2) *Guardianship of Adults Act 2016* (NT).

¹² Section 5(4) of the *Guardianship of Adults Act 2016* (NT) recognises that decision-making capacity may vary, including where:

- a) the impairment is episodic and from time to time the adult's decision-making capacity is not impaired; or
- b) the adult's decision-making capacity for some personal matters or financial matters is not impaired; or
- c) the extent of impairment varies from time to time or depending on circumstances.

assessors to consider the supports available to the person, or the person's own views and those of their supporters, such as family or trusted others. Nor does it uphold the modern decision-making principles reflected in the Royal Commission's recommendations, namely, the equal right of all adults to make decisions and the right to access support, including communication support.

This represents a stronger onus than current Northern Territory legislation. It requires a contextual, evidence-based assessment rather than a binary determination of "capacity" or "incapacity." In effect, binary capacity assessments should be replaced with assessments of decision-support needs, recognising that decision-making ability is *decision-specific* and should be evaluated in circumstances where the person's impairment has been alleviated as far as possible through appropriate supports.¹³

The *Disability Royal Commission Progress Report 2025* records that Victoria and Tasmania have completed this reform through legislative change.

Implementation in the Northern Territory would require close collaboration with health care providers, the Department of Health and other relevant agencies to revise clinical and assessment frameworks, develop professional guidance, and ensure consistency in how decision-making ability is determined across health, legal, and guardianship settings. This reform will be a key driver of cultural change, promoting recognition of Territorians with disability as decision-makers, supported in their choices, and afforded equal legal standing under the law.

4.1.2 Legislating supported decision-making

Royal Commission recommendations 6.6–6.10 call for reform of guardianship and administration legislation to align with the *United Nations Convention on the Rights of Persons with Disabilities* and to embed supported decision-making as a legitimate and lawful form of decision-making for people with impaired decision-making ability.¹⁴

This represents a fundamental shift in approach. Under the current Northern Territory framework, a person found to have impaired decision-making capacity generally has their legal decision-making rights removed, with decisions made on their behalf by a substitute decision-maker, whether a family member, friend, or the Public Guardian or Trustee.

The *Disability Royal Commission 2025 Progress Report* indicates that Victoria has addressed these recommendations through comprehensive legislative reform, embedding supported decision-making within its guardianship framework. This reform recognises supported decision-making as a lawful alternative to substitute decision-making and reframes substitute decision-making, where necessary, around the person's will and preferences rather than a 'best interests' standard.

Victoria's reform demonstrates that legislating supported decision-making is both feasible and achievable within Australian jurisdictions, providing a clear model for aligning domestic guardianship laws with human rights obligations under the Convention. In contrast, the absence of equivalent reform in the Northern Territory risks entrenching outdated decision-making models that are inconsistent with contemporary rights-based practice and the direction of national reform.

¹³ South Australian Office of the Public Advocate, *Living My Life: Supported Decision-Making and the Guardianship and Administration Act 1993 (SA)*, Volume 1 (Report, 2023) 117.

¹⁴ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 999 UNTS 3 (entered into force 3 May 2008) article 12.

While the *Guardianship of Adults Act 2016* (NT) requires guardians to act in the person's 'best interests' considering their views and wishes, there is no mechanism that enables individuals to continue making their own legally recognised decisions *with support*. Where substitute decision-making is necessary, the model must be reframed to incorporate decision-making principles based on the person's will and preferences rather than 'best interests', including recognition of the dignity of risk consistent with the supported decision-making principles recommended by the Royal Commission.

To address this, legislative change would need to:

- **Formally recognise supported decision-making as a lawful and legitimate form of decision-making** for adults with impaired decision-making ability, equal in status to substituted decision-making;
- **Establish a new 'support agreement' tier** allowing statutory and private appointments of 'supporters' who may assist people to make and communicate their own decisions, with clear duties, safeguards, and accountability mechanisms; and
- **Move from a 'best interests' to a 'will and preferences' model** that requires the person's views to be followed rather than merely considered and allows dignity of risk; and
- **Introduce a structured decision-making process** that requires supported decision-making options to be *exhausted before* substitute decision-making can occur, rather than merely requiring that an "attempt" be made to involve the person.

This model aligns with approaches in other jurisdictions. The South Australian Office of the Public Advocate has recommended that the *Guardianship and Administration Act 1993* (SA) require supported decision-making options to be fully exhausted before substitute decision-making can occur, reflecting the principle that guardianship should be a measure of last resort.¹⁵

Implementation considerations

The Australian Law Reform Commission's *Equality, Capacity and Disability in Commonwealth Laws* (Report No 124, 2014) proposed embedding supported decision-making across systems not only within guardianship legislation to give full effect to Article 12 of the *United Nations Convention on the Rights of Persons with Disability*.¹⁶ It emphasised that genuine alternatives to public guardianship require both legislative change and the development of a range of community-based supports that enable people to make decisions with assistance from those they trust.

The Victorian Office of the Public Advocate (OPA) has also identified systemic barriers to achieving these outcomes in practice. In *Reflections on Guardianship* (2023), Victorian OPA observed that although the *Guardianship and Administration Act 2019* (Vic) provides for supportive guardian and administrator orders, uptake of supporter appointments has been constrained by the limited availability and resourcing of informal and less restrictive supports.¹⁷ This reinforces the need for reform that strengthens community capacity and creates structured pathways for practical decision-making support outside formal guardianship arrangements. It also highlights the importance of strengthening universal access to supported decision-making, including support to participate in decision-making within commonly accessed systems such as education, health, transport, and other mainstream service environments.

¹⁵ South Australian Office of the Public Advocate, *Living My Life: Supported Decision-Making and the Guardianship and Administration Act 1993* (SA), Volume 1 (Report, 2023) 117.

¹⁶ Australian Law Reform Commission, *Equality, Capacity and Disability in Commonwealth Laws* (Report No 124, 2014) chapters 3–4.

¹⁷ Office of the Public Advocate (Victoria), *Reflections on Guardianship: Supported Decision-Making and the Guardianship and Administration Act 2019* (Vic) (Discussion Paper, 2023).

Structural options for establishing a supported decision-making service

While it is preferable that supported decision-making occurs within families, friendships, and community networks rather than through public guardianship services, there will remain people who have no one able to act as a formally appointed supporter. In these circumstances, dedicated service provision would be necessary to ensure that the right to supported decision-making is accessible in practice.

- a) **Establishing the function wholly within the Public Guardian and Trustee** may not be optimal in the Northern Territory context.
- b) **A community-based model with formal partnerships or coordination mechanisms with the Public Guardian and Trustee** may better balance independence, accessibility, and accountability.
- c) **The Public Guardian and Trustee could play a coordinating or oversight role**, with its existing advocacy and education functions, to ensure consistency, quality, and accountability across supported decision-making services. The specialised sector knowledge, transparency requirements, and potential overlap with NDIS service provision make a strengthened role for the Public Guardian and Trustee, supported by appropriate statutory mandate and recurrent funding, a more practical and accountable approach.

Experience from Victoria demonstrates that supported-decision-making services require high levels of contact and engagement with service users and cannot be delivered effectively through current guardianship models that are structured around substitute decision-making, without significant redesign and resourcing. Dedicated service design, staff development, and external oversight would therefore be critical to ensure integrity and effectiveness.

4.2 Terms and definitions

Royal Commission recommendation 6.4 outlines several changes to the terminology and definitions used in guardianship and administration legislation. Some amendments could be made to the current *Guardianship of Adults Act 2016* (NT) with minimal operational impact, while others would require broader legislative realignment.

Terms and definitions		
Royal Commission Recommendation	Current NT status	Required
6.4 a) - remove the terms <i>decision-making capacity</i> , <i>capacity</i> and <i>mental incapacity</i> , and replace with <i>decision-making ability</i>	Non-compliant	Amendment could be made with minimal impact on the operation of the existing Act.
6.4 c) - amend title to <i>Decision-Making Act</i>	Non-compliant	
6.4 a) - include the term <i>support order</i> , <i>support agreement</i> and <i>supported persons</i>	Absent	Requires adoption of new provisions, triggering significant structural change and implementation (See 4.1.2 Legislating supported decision-making)

Terms and definitions		
Royal Commission Recommendation	Current NT status	Required
6.4 b) - Define all new and replacement terms consistently with the Royal Commission's definitions	Non-compliant	Requires review and alignment of existing definitions with Royal Commission terminology to ensure national consistency. May require redrafting of key interpretive provisions and transitional amendments.

4.3 Reforms for further consideration

While these reforms could be progressed as self-contained provisions suitable for independent amendment, they warrant careful consideration to ensure alignment with human rights standards and an appropriate balance between autonomy and protection.

Reforms for further consideration		
Royal Commission Recommendation	Current NT status	Required
6.41 – Prohibition of non-therapeutic sterilisation	Partially met	Current provisions impose a high threshold but do not fully meet the Royal Commission standard.
6.12 – Public disclosure and confidentiality restrictions	Not met	Reversal of current default position that provides protections.

4.3.1 Prohibition of non-therapeutic sterilisation

Royal Commission recommendation 6.41 requires that amendment be made to prohibit non-therapeutic procedures resulting in permanent sterilisation of people with disability except where threat to life or the person with disability has provided informed consent.

Section 8(1)(a) of the *Guardianship of Adults Act 2016* (NT) provides for sterilisation as a form of health care restricted from the decision authority of a guardian or decision-maker however can allow for consent where it occurs as an action primarily to treat an illness or injury. This is broader than the expectation of the Royal Commission. Legislative amendment will be needed to meet Royal Commission expectations while maintaining appropriate safeguards for complex or exceptional circumstances. The *Disability Royal Commission Progress Report 2025* notes that the Australian Capital Territory and Western Australia have accepted this recommendation in principle, other jurisdictions are considering it further, and Victoria considers its legislation largely compliant (except in relation to children).

Noting the impact changes must apply also to the *Health Care Decision Making Act 2023* (NT) and the *Advance Personal Planning Act 2013* (NT).

4.3.2 Public disclosure and confidentiality restrictions

Royal Commission recommendation 6.12 calls for the default position under section 80 of the *Guardianship of Adults Act 2016* (NT) to be reversed from closed proceedings, where publication requires permission, to open proceedings where restrictions on publication must be specifically applied for. In the Northern Territory, the impact could create unintended risks to vulnerable people

given the small population, particularly given the nature of information typically discussed in such proceedings. While greater transparency is important, reforms must ensure that privacy protections do not discourage individuals, families, or professionals from applying for guardianship when necessary, or from sharing relevant information openly with the Northern Territory Civil and Administrative Tribunal and the Public Guardian and Trustee. Amendments are required to achieve the right balance between transparency and the privacy of vulnerable adults subject to Tribunal proceedings.

The *Disability Royal Commission Progress Report 2025* records that the Australian Capital Territory and Tasmania have completed this recommendation, including through the *Guardianship and Administration Amendment Act 2023* (Tas), which commenced on 1 September 2024. With Queensland, South Australia and Victoria accepting the recommendation in principle.

4.4 Tribunal consideration of Guardianship Orders

The Royal Commission's recommendations emphasise that guardianship and administration orders should only be made as a last resort, applied in the least restrictive manner possible, and always in a way that promotes the person's will, preferences, and overall wellbeing. These provisions aim to strengthen respect for individual autonomy while ensuring appropriate safeguards for decision-making support.

The relevant provisions in the *Guardianship of Adults Act 2016* (NT) are self-contained and capable of independent amendment without requiring broader legislative reform to related Acts. This creates a practical opportunity for the Northern Territory to implement these recommendations efficiently. The *Disability Royal Commission Progress Report 2025* records that Victoria and Tasmania have completed these reforms through legislative amendment.

Consideration of Guardianship Orders by the Tribunal		
Royal Commission Recommendation	Current NT status	Required
6.9 b) - Representatives as a last resort (Tribunal should only make an order where incapacity is established, after considering the person's views, using the least restrictive option, and promoting personal and social wellbeing)	Partially met	Additional legislative provisions are required to explicitly include the person's views and the promotion of personal and social wellbeing. The term representative as a last resort to be included.
6.9 c) - Eligibility of appointment of representatives	Partially met	Further clarification and possible amendments would ensure full compliance with s15 <i>Guardianship of Adults Act</i> (eligibility and conflict of interest considerations to prohibit appointment of paid workers).
6.9 d) - Prohibition on making a representation order in the absence of the proposed represented person unless in prescribed circumstances	Not met	Could be implemented through Tribunal Practice Guidelines (see section 3.1.3 Tribunal practice guidelines) prior to legislative reform.
6.9 e) - Additional considerations for First Nations people (cultural, community, and linguistic impacts)	Absent	Requires significant consultation with Aboriginal communities to develop culturally appropriate legislative provisions.

6.9 f) - Review and revocation provisions (three-year expiry for Guardianship Orders)	Partially met - Reviews required at Tribunal discretion	Could be implemented through Tribunal Practice Guidelines (see section 3.1.3 Tribunal practice guidelines) prior to legislative reform.
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4.4.1 Representatives as a last resort

Royal Commission recommendation 6.9b) requires for Guardianship Orders to only be granted as a last resort.

Section 11 of the *Guardianship of Adults Act 2016* (NT) provides for restrictions on granting a Guardianship Order unless requirements are met, including the person has '(a) *impaired decision-making capacity*' and '(e) *whether the adult's needs could be adequately provided for in a way that is less restrictive of the adult's freedom of decision and action than appointing a guardian*'.

However, amendments are required to meet the Royal Commission intent including explicit provisions requiring:

- Consideration of the views of the person whom the application is about
- Assessment of whether an order would promote the person's personal and social wellbeing
- Confirmation that a Guardianship Order is only granted as a last resort

Incorporating these elements would strengthen the rights-based foundation of the *Guardianship of Adults Act 2016* (NT), embedding a clear presumption in favour of autonomy and self-determination. This would align Northern Territory legislation with national reform directions and ensure that Guardianship Orders are made only where genuinely necessary to protect an individual's wellbeing. While the timing and resourcing of these amendments will require careful planning, the case for reform is clear and strongly supported by the Royal Commission's findings.

4.4.2 Eligibility of appointment

Royal Commission recommendation 6.9c) proposes that tribunals must consider specific factors when determining whether a person (other than a public official) is suitable for appointment as a representative, including:

- the will and preferences of the proposed represented person;
- the nature of the relationship between the proposed representative and the proposed represented person;
- whether the proposed representative is likely to act honestly, diligently, and in good faith;
- whether the proposed representative has, or may have, a conflict of interest in relation to any decisions under the order.

Section 15 of the *Guardianship of Adults Act 2016* (NT) sets out eligibility criteria for appointment that align with several of these considerations including subsection (1)(c) the views and wishes of the adult, subsection (1)(g) the nature of the relationship and appropriateness of professional relationships, and subsection (1)(a) the likelihood of compliance with the Act.

However, further legal analysis may be required to confirm full alignment with the Royal Commission's intent, particularly regarding explicit consideration of the relationship dynamics and potential conflicts of interest. Practical experience in the Northern Territory has shown that unsuitable appointments occasionally occur, where proposed representatives have histories of family violence, domestic violence orders, theft, fraud, or other forms of financial or emotional abuse. Additional safeguards should also make clear that paid support workers, service providers, or individuals who receive direct or indirect financial benefit through NDIS plans or payments must be excluded from appointment due to an inherent conflict of interest. These cases highlight the

importance of comprehensive screening and risk assessment to ensure that appointments genuinely promote the safety, rights, and wellbeing of represented adults.

4.4.3 First Nations considerations

Royal Commission recommendation 6.9(e) introduces a requirement that, when considering whether a support or representation order should be made for a First Nations person, the tribunal must take into account:

- the likely impact of the order on the person's culture, values, beliefs (including religious beliefs), and linguistic environment;
- the likely impact of the order on the person's standing or reputation within their community;
- any other considerations relevant to the person's culture.

There is currently no equivalent provision in the *Guardianship of Adults Act 2016* (NT). Consultation with local Aboriginal representatives will be essential to ensure any new provisions appropriately recognise collective decision-making practices, kinship structures, and the principle of self-determination.

In addition, Tribunal member education on cultural considerations and culturally safe engagement will be critical to ensure these provisions are applied in a way that respects and reflects Aboriginal and Torres Strait Islander perspectives and decision-making frameworks.

4.5 Legislative reform recommendations already met

Some legislative reforms recommended by the Royal Commission are already provided for in the relevant legislation however administering agencies require expansion funding to apply the provisions as intended by the Royal Commission.

Partially met legislative reform recommendations		
Royal Commission Recommendation	Current NT status	Required
6.7 - Decision-making ability (Guardianship legislation to ensure all people are presumed to make decisions and provides that the assumption cannot be rebutted solely due to disability)	Met ¹⁸	n/a
6.13 a) - Public Guardian and Trustee functions include providing information, education on supported decision-making.	Met ¹⁹	New provisions required for the Public Trustee. Provided for under the <i>Guardianship of Adults Act 2016</i> (NT) however not a funded or active function. see Section 2.2.1 Information and education

¹⁸ s5(2) *Guardianship of Adults Act 2016* (NT) - An adult is presumed to have decision-making capacity until the contrary is shown.

s5(6) *Guardianship of Adults Act 2016* (NT) - An adult does not have impaired decision-making capacity only because the adult: (a) has a disability, illness or other medical condition (whether physical or mental).

¹⁹ *Guardianship of Adults Act 2016* (NT), Section 61(1)(g) Functions - to advocate for adults with impaired decision-making capacity generally, including by promoting understanding and awareness of relevant issues.

Partially met legislative reform recommendations		
Royal Commission Recommendation	Current NT status	Required
6.9 a) - Representatives as a last resort (repeal provisions authorising plenary representation orders)	Met ²⁰	n/a

4.6 Implementation and next steps

Effective legislative reform and resulting implementation of a modernised Northern-Territory decision-making framework will require a staged and coordinated approach across government, led by the Attorney-General's Department in partnership with the Public Guardian and Trustee.

Implementation would likely benefit from:

- **An inter-agency and stakeholder working structure** involving the Attorney General's Department, Public Guardian and Trustee, Department of Health, Northern Territory Civil and Administrative Tribunal, and disability and First Nations representatives to coordinate legislative review, service implications, and consultation planning.
- **Alignment of reform scope with available resourcing**, ensuring that new decision-making frameworks or support functions are introduced only when accompanied by the funding, workforce capability, and practice development required for effective operation.
- **Parallel reform within health and other service systems** that drive guardianship applications, ensuring legislative change is supported by corresponding system, policy, and practice reform across government.
- **Targeted support for implementation partners**, including the Public Guardian and Trustee and other agencies, to undertake community education, consultation, and internal practice change.
- **Sequenced delivery of reforms**, allowing for capacity building, systems development, and data readiness before commencement of new legislative obligations.

A staged, collaborative, and adequately resourced process would enable the Northern Territory to modernise its guardianship framework in a sustainable way whilst balancing ambition for reform with the operational realities of implementation.

²⁰ *Guardianship of Adults Act 2016 (NT)* s16 – scope of authority

5. Conclusion

The recommendations from the Royal Commission represent a defining opportunity for the Northern Territory to transform how it upholds the rights, safety and autonomy of people with disability. At its core, this reform is about promoting and protecting the most vulnerable Territorians ensuring that those who rely on protective systems are genuinely safeguarded, respected, and supported to make their own decisions. Implementing these recommendations offers not only the chance to address past and ongoing failings, but to embed a culture of prevention, participation and accountability across all protective and decision-making systems.

The implementation considerations in this paper make clear that meaningful change cannot occur through partial or isolated measures. Reform must be pursued as a coordinated program, combining immediate safeguarding improvements with long-term legislative and practice reform. With commitment and targeted investment, the Northern Territory is uniquely positioned to harness the capacity to become a national leader in disability rights and protective oversight.

The Public Guardian and Trustee considers the following 11 key recommendations essential to achieving this transformation. Further detail on each recommendation is provided at [Appendix 1](#):

1. Create new standalone legislation establishing an Adult Safeguarding Unit (including complaints, reporting and referral mechanism) integrated within the Public Guardian and Trustee.
2. Establish a Vulnerable Person's Legal and Advocacy Service through a tender process, covering all vulnerable adults, with a clearly defined interface with the Adult Safeguarding Unit.
3. Establish an independent disability death review scheme within an existing government agency with clear legislative authority including responsibility for data collection and regular reporting.
4. Introduce coordinated investment in data systems, inter-agency collaboration, and workforce capability to enable consistent data entry, reporting and analysis across all safeguarding bodies.
5. Expand the Community Visitor Program to cover NDIS-funded support and, with consent, private homes where significant risk is identified.
6. Resource the Public Guardian and Trustee to lead the Territory wide transition to a modern, rights-based approach to decision making.
7. Expand the role of the Public Trustee to align with the Public Guardian in delivering information, education, and capacity-building functions across financial decision-making and protective contexts.
8. Address current gaps in participation, capacity building and transparency for people under financial management orders.
9. Ensure fair and accessible adult guardianship tribunal processes through legislative requirement for multi-member panels comprising legal, First Nations and lived-experience members where possible.
10. As an interim measure, pending legislative reform, implement a program to strengthen supported decision-making within the existing *Guardianship of Adults Act 2016 (NT)* framework.
11. A staged, whole-of-government legislative reform process for a modernised Northern Territory decision-making framework should be led by the Attorney-General's Department and the Public Guardian and Trustee.

Together, these measures would create a coherent and sustainable framework that prevents abuse, neglect and exploitation, promotes supported decision making, and ensures that Territorians with disability are safe, respected and able to exercise their rights on an equal basis with others.

Failure to act risks perpetuating the systemic gaps identified by the Royal Commission, including fragmented safeguarding responses, inadequate oversight mechanisms, barriers to supported decision-making, and ongoing exposure of vulnerable Territorians to abuse, neglect and exploitation.

National progress reporting and public advocacy have made clear that delayed implementation risks normalising ongoing harm to people with disability. The *Disability Royal Commission Progress Report 2025* reinforces that the community is watching closely and expects tangible reform, not further deferral.

This is a rare and vital opportunity for the Northern Territory to lead national progress toward equality, dignity and inclusion for people with disability.

Appendix 1 - Overview of reform priorities

The Royal Commission made wide-ranging recommendations directed at governments, independent statutory bodies and service systems. Within the Northern Territory, the Public Guardian and Trustee has mapped the Royal Commission recommendations against its own functions and identified four broad priority categories of work.

All four reform priorities could progress concurrently as part of a coordinated implementation approach. However, priorities 1–3 could advance independently of legislative change, enabling immediate improvements in safeguarding, participation, and advocacy while the legislative framework (priority 4) is modernised. Together, these reforms provide a balanced pathway for both immediate action and enduring structural alignment with the Royal Commission's vision.

Reform Priority	Description	Current NT Status	Implementation Requirement
Immediate priorities			
1. System Building	Establish safeguarding, complaints and death review mechanisms.	No existing mechanisms	Establish and resource new independent statutory functions with national consistency.
Medium-term priorities			
2. Program Enhancement	Expand the Northern Territory Community Visitor Program to strengthen prevention, and Public Guardian and Trustee functions to lead disability rights reform.	Current functions limited in scope and resourcing	Program expansion and formalised referral/reporting pathways.
3. Strengthen participation	Strengthen participation, and autonomy of people with disability through upholding contemporary practice standards.	Minimum practice standards not met	Ongoing additional resourcing and workforce development.
Long-term priorities			
4. Legislative Reform (Guardianship)	Reform the <i>Guardianship of Adults Act 2016</i> (NT) and related statutes to protect legal autonomy through introducing explicit decision-support rights.	Non-compliant with Royal Commission.	Interim practice reform program and staged legislative reform.

Appendix 2 – Full list of Public Guardian and Trustee recommendations

Immediate priorities

Reform Priority	Description	Current NT Status	Implementation Requirement
1. System Building	Establish safeguarding, complaints and death review mechanisms.	No existing mechanisms	Establish and resource new independent statutory functions with national consistency.

Recommendations:

- 1) Create new standalone legislation establishing an Adult Safeguarding Unit (including complaints, reporting and referral mechanism) integrated within the Public Guardian and Trustee
 - 1.1) Governance of implementation should sit with government or the relevant statutory authority.
- 2) Establish a Vulnerable Persons Legal and Advocacy Service through a tender process, covering all vulnerable adults, with a clearly defined interface with the Adult Safeguarding Unit.
- 3) Establish an independent disability death review scheme within an existing government agency such as the Office of Disability with clear legislative authority including responsibility for data collection and regular reporting.
 - 3.1) Disability death review scheme to be informed by specialist disability knowledge.
- 4) Introduce coordinated investment in data systems, inter-agency collaboration, and workforce capability to enable consistent data entry, reporting and analysis across all safeguarding bodies.

Medium term priorities

Reform Priority	Description	Current NT Status	Implementation Requirement
2. Program Enhancement	Expand the Northern Territory Community Visitor Program to strengthen prevention, and Public Guardian and Trustee functions to lead disability rights reform.	Current functions limited in scope and resourcing	Expansion funding and formalised referral/reporting pathways.

Recommendations:

5. Review the hosting location for an expanded Community Visitor Program to cover NDIS-funded services and other settings where risk is identified.
 - 5.1) Formalising information-sharing and escalation protocols between the Community Visitor Program, the Public Guardian and Trustee, and other safeguarding and complaints agencies to ensure timely, coordinated responses to risk.
 - 5.2) Maintain and strengthen a professional Community Visitors model through training, remuneration, and clear statutory mandates for reporting and escalation.

- 5.3) Embed cultural safety and risk-based prioritisation so that Aboriginal people and others at greatest risk receive regular, meaningful visits from the Community Visitor.
6. Resource the Public Guardian and Trustee to lead the Territory wide transition to a modern, rights-based approach to decision making.
 - 6.1) Provide sustained and targeted resourcing to enable the Public Guardian and Trustee to provide information, education, and training on supported decision-making.
 - 6.2) Strengthen the Public Guardian and Trustee's capacity to provide supported decision-making advice and assistance to people within its statutory functions.
7. Expand the role of the Public Trustee to align with the Public Guardian in delivering information, education, and capacity-building functions across financial decision-making and protective contexts.

Reform Priority	Description	Current NT Status	Implementation Requirement
3. Strengthen participation	Strengthen participation, and autonomy of people with disability through upholding contemporary practice standards.	Minimum practice standards not met	Ongoing additional resourcing and workforce development.

Recommendations:

8. Address current gaps in participation, capacity building and transparency for people under financial management orders.
 - 8.1) Provide dedicated funding to allow the Public Trustee to commence visits, in person budget meetings, embed culturally safe and participatory practices, and actively facilitate connections with advocates and informal supports.
 - 8.2) Expand financial independence and capability programs.
 - 8.3) Improve transparency and accessibility of Public Trustee fees and financial information.
9. Ensure fair and accessible adult guardianship tribunal processes through legislative requirement for multi-member panels comprising legal, First Nations and lived-experience members where possible.
 - 9.1) Allocate additional resources to the Northern Territory Civil and Administrative Tribunal to support effective participation, including the coordination and funding of translators, interpreters and other communication supports.

Medium to long-term priorities

Reform Priority	Description	Current NT Status	Implementation Requirement
4. Legislative Reform (Guardianship)	Reform the <i>Guardianship of Adults Act 2016</i> (NT) and related statutes to protect legal autonomy through explicit decision-support rights.	Non-compliant with Royal Commission.	Major legislative reform.

Recommendations:

10. As an interim measure pending legislative reform, implement a program to strengthen supported decision-making within the existing *Guardianship of Adults Act 2016* (NT) framework, including progressing the other priorities identified in this paper.
11. Implement a staged, whole-of-government legislative reform process for a modernised Northern Territory decision-making framework, led by the Attorney-General's Department and the Public Guardian and Trustee.