

New NT laws strengthen decision-making powers of family, friends for loved ones receiving healthcare

By [Isabella Tolhurst](#)

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The new laws intend to streamline healthcare decisions in the Northern Territory. (ABC News: Michael Franchi)

New laws in the Northern Territory will allow families and close friends to make healthcare decisions on behalf of individuals with impaired decision-making capacity.

The legislation was passed last night and now brings the Territory in line with the rest of Australia.

The new laws will apply to a range of healthcare matters including emergency responses, mental health treatment and palliative care, with decision-makers organised into a 'hierarchy'.

They will also broaden the scope of the term 'next-of-kin' to include First Nations kinship relations.

What will change?

In short, not a lot.

Most of what the bill has legalised has already been happening in the NT.

Beth Walker, public guardian and trustee of the NT, said the legislation was "really just formalising business as usual".

Previously in the NT, people who were deemed an individual's 'next-of-kin' were not legally allowed to make health decisions on behalf of family members in need of health care, even in emergencies.

Instead, they had to go through the NT Civil and Administrative Tribunal — a process that is time-consuming and impractical in the case of an emergency.



th Walker is the Northern Territory's first public guardian. (ABC News: Dane Hirst)

In practice, Ms Walker said doctors in the NT had already been including families in the decision-making process anyway.

"Now there will be a legal framework that means that [process is] seen as a formalised way of making decisions," she said.

The laws will also seek to improve the rights of people living with disabilities by having people who are familiar with the person's personal preferences become part of the decision-making process.

"It acknowledges the role of family and informal support for people with a disability," Ms Walker said.

"It also talks about the person having adequate and appropriate support to be involved in their own decision making."

Attorney-General Chansey Paech, who introduced the bill, said individuals could outline their wishes for decision making under existing advanced care provisions with their healthcare providers and family members.

"There would be conversations with the family," he said.

"And if a person were in palliative care, they could have been in and out [of hospital] and so they would already have that type of relationship established."



ansey Paech says the laws will help support people receiving medical care. (ABC News: Hamish Harty)

The bill will also see decision-makers organised into a hierarchy, with some taking priority over others.

Legal guardians and nominated healthcare authorities take priority, followed by spouses, children, parents and friends.

According to the bill, that person must take into account the patient's "current and previously stated decisions, views, wishes and objections" on the matter.

The NT's new legislation is unique in that it recognises First Nations kinship, acknowledging that the relative best placed to make decisions may not be the person's direct biological family.

Ms Walker said the legislation was not created due to a crisis or problem in the system, but that the laws were overdue.

"It's bringing our legislation into line with our current practice," she said.

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