

**POSITION STATEMENT:**

**THE NORTHERN TERRITORY *CARE AND PROTECTION OF CHILDREN ACT (2007)***

The Royal Australian College of General Practitioners, the largest general practitioner membership organisation in Australia, is concerned that the unintended outcomes of recent changes to the Northern Territory's *Care and Protection of Children Act (2007)* will lead to poorer health outcomes for minors.

The RACGP urges the Northern Territory Government to review the legislative change on the grounds that:

- (1) The legislation weakens the central role of the general practitioner as a trusted confidante, advisor and provider of health care by placing onerous and broad requirements for reporting "sexual activity."<sup>1</sup>
- (2) The legislation has the potential to act as a barrier to competent minors seeking appropriate health care.
- (3) The RACGP fears long term consequences of more teenage pregnancies, increased teenage sexually transmitted infections, and reduced health care attendance (therefore limiting appropriate care and the development of safe health care habits).

**BACKGROUND**

In April 2009 the Northern Territory changed the mandatory reporting requirements of the *Care and Protection of Children Act (2007)*. The change requires "anyone having a reasonable belief that people under 16 years of age have engaged in sexual activity, or are likely to do so, is required by law to make a report."<sup>1</sup>

The Royal Australian College of General Practitioners acknowledges the importance of protecting children from sexual exploitation and harm.

However the College is concerned that these changes will seriously impact on the ability of general practitioners to offer ongoing, timely supportive care to young people at critical decision points in their lives.

**GENERAL PRACTITIONERS AND CARE OF YOUNG PEOPLE**

*Patient confidence*

General practitioners are the first point of contact for many young people considering contraceptive advice, sexually transmitted infection advice and care, seeking care through pregnancies, and to manage emergency reproductive matters. General practitioners provide whole of life care that is comprehensive, contextual and cognisant of the whole person.

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<sup>1</sup> Northern Territory Department of Health and Families Memorandum to all DHF Staff from Chief Executive (15 April 2009). *Legislative and operational changes to the mandatory reporting of sexual offences involving children and young people.*

# THE ROYAL AUSTRALIAN COLLEGE OF GENERAL PRACTITIONERS

The breadth of the current Northern Territory legislation clashes with the traditional and accepted role of the general practitioner as the trusted confidante, advisor and health provider. The consequences of the legislative change are likely to be the opposite of the intention of the legislation: young people will not seek early care in a pregnancy, will not discuss emergency contraceptive options, there will be an increase in sexually transmitted infection. Young people may develop a distrust of medical services, linking it to a punitive system. This would have a serious long term negative outcome on the health of young people in the Northern Territory.

Many general practitioners will be deeply concerned by the requirement to report young people who they believe are engaged in consensual sexual activity. This interferes with the ability to form a relationship and offer supportive care.

Similarly, young people will be very wary of approaching a general practitioner for essential care, fearing they will be caught in a bureaucratic system designed to prevent sexual exploitation.

This legislative change will impact on the rights of competent minors to seek medical advice without fear of reporting to authorities, even where the general practitioner is satisfied their patient is a competent minor and that sexual exploitation and coercion is absent.

## *Reporting of abuse*

The RACGP urges all general practitioners to report sexual abuse, harm and exploitation. In its recently released *Abuse and Violence: working with our patients in general practice* the RACGP states "general practitioners need to be aware of their legal obligations under the mandatory reporting requirements of their state or territory when they suspect child abuse may be occurring<sup>2</sup>."

## *Indemnity*

In view of the legal complexities around such reports, the RACGP advises general practitioners to seek advice from their medical indemnity insurer.

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<sup>2</sup> Hindmarsh, E & Roberts, G (2008) *Abuse and violence; working with our patients in general practice*. South Melbourne, RACGP, p. 27.