

Mandatory Reporting
of Sexual Offences
involving Children and Young People

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Mandatory Reporting in the Northern Territory

It is important for all health professionals working in the Northern Territory to be aware of legislation that affects clinical practice. The information that follows is provided to RAHC by the Northern Territory Government Territory Families. Please read this brief carefully and talk to the Health Centre Manager where you are working and/or other colleagues if you have any questions about how these are implemented in your workplace.

Mandatory Reporting of Sexual Offences involving Children and Young People

The Care and Protection of Children Act 2007 (the Act) imposes a legal responsibility on every person in the Northern Territory to report child abuse and neglect and cases where children have been or are likely to be a victim of sexual offence, to either the Territory Families or the police.

Responsibility

In the Northern Territory, any person who believes that a child is being, or has been, abused or neglected is required by law to report their concerns.

Reports should be made to the 24 hour Centralised Intake Service by using the free-call phone number 1800 700 250.

Remember, you do not need to prove abuse or neglect, you need only report your concerns. The Act provides legal protection against civil or criminal liability for people who make reports in good faith.

The Act also makes it clear that making a report does not breach any requirements of confidentiality or professional ethics.

The Territory Families or the police must be contacted if any person believes on reasonable grounds that:

- 1. any child aged less than 18 years has suffered or is likely to suffer harm or exploitation
- 2. any child aged less than 13 years has been or is likely to be a victim of a sexual offence
- 3. any child aged less than 18 years has been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship.

Registered health practitioners in the NT (i.e. Aboriginal health practitioners, chiropractors, dentists, dental hygienists, dental prosthetics, dental specialists, dental therapists, medical practitioners, midwives, registered nurses authorised to practise midwifery, registered and enrolled nurses, occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists, psychologists and radiographers) have an additional responsibility to report to the Territory Families or the police if they believe on reasonable grounds that:

- 4. a child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and the sexual offender is greater than two years.

Recognition

A sexual offence in the context of the new legislation is defined as sexual intercourse, gross indecency, oral sex, indecent dealing, and exposure to pornographic material involving a child under 14 years.

Section 27 of the Act protects persons who make such a report in good faith. They will not be deemed civilly or criminally liable, or in breach of any professional code of conduct, for disclosing any information in the report.

Types of Child Abuse:

nt.gov.au/community/child-protection-and-care/child-abuse

Reporting

You are advised to discuss the implementation of this requirement with colleagues at the health centre or clinic where you are placed.

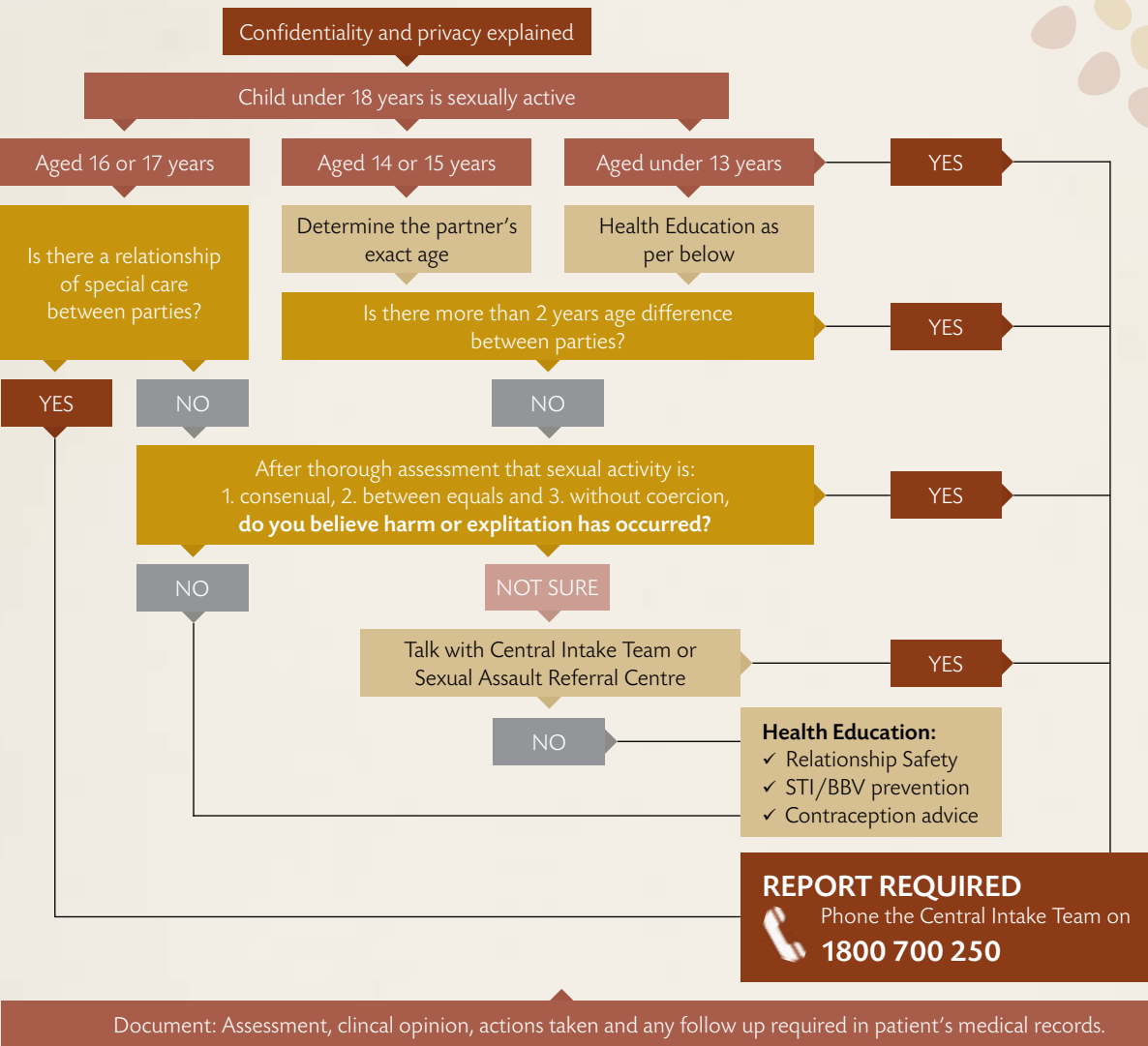
Reporting Guidelines are found at:

nt.gov.au/community/child-protection-and-care/child-abuse

For further details, clinicians are encouraged to refer to details provided on the Northern Territory Government Families website: territoryfamilies.nt.gov.au/

Reporting Child Sexual Harm

Flowchart for mandatory reporting of Child Sexual Abuse



Explanatory Notes

Confidentiality and privacy should be explained in every consultation.

Persons aged under 18 years:

Under the law, any person under 18 years is a child. When any sexually active person under 18 years attends your consultation, you should be mindful that they could be at risk of harm or exploitation – even if they come with their parent or guardian.

People aged 16-17 years:

If you suspect that a 16 or 17 year old is, or is likely to be in a sexual relationship with a person who has a relationship of special care with the young person, ask him/her about their partner to confirm your suspicion. A relationship of special care is where an adult cares for, supervises, or instructs a child eg. Step-parent, health practitioner, boss, teacher, coach, family member, priest. If so, report the case. If not, you need to use your judgement about if the sex is wanted, between equals, and not forced, and decide if there is harm or exploitation. If so, you must report.

People aged 14-15 years:

Ask all 14 and 15 year olds the age of their partner. Where you reasonably believe that there is more than two years difference in age between the partners (even by only two years and one day), you must report. If not, you need to use your judgement about if the sex is wanted, between equals, and not forced, and decide if there is harm or exploitation. If so, you must report.

Persons aged under 13 years:

Any child under 13 who has been, or is likely to be sexually active must be reported. This applies even if they attend with a parent/guardian. You may still provide contraception, STI treatment and advice.

You may be unsure about whether harm or exploitation have occurred. You are encouraged to discuss the case with the Health Centre Manager, Central Intake Team or Sexual Assault Referral Centre.

Clinical Care:

The health and wellbeing of the child is paramount. Regardless of whether a report is made you should provide high quality appropriate care, including for example, health education covering relationship safety, STI/BBV prevention and contraception advice.

Document your assessment, clinical opinion, actions taken and any follow up in the patient's medical record.

To make a report, call the Central Intake Team on 1800 700 250.

Any harm or exploitation of anyone under 18 must be reported – not just sexual. Any unwanted sex must be reported.

Further resources and Information

You are advised to discuss the implementation of this requirement with colleagues at the health centre or clinic where you are placed.

Care and Protection of Children Act (as in force at 14 October 2018):

legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007

Reporting Child Abuse:

nt.gov.au/community/child-protection-and-care/child-abuse



Darwin Office

Level 4, Darwin Central Offices, 21 Knuckey Street, Darwin NT 0800

Canberra Office

Unit 34, 2 King St, Deakin ACT 2600

Alice Springs Office

Centre for Remote Health, Cnr of Simpson and Skinner St, Alice Springs NT 0870

T 08 8942 1650 F 08 8942 1676

Get involved
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