

Clinical : Community Services  
Proactive Release : 21 August 2019



12 August 2019

[REDACTED]  
[REDACTED]  
[REDACTED]

E-mail: [REDACTED]

Dear [REDACTED]

#### Official Information Act (1982) Request

I write in response to your Official Information Act request, received by us on 26 July, following transfer from Oranga Tamariki —Ministry for Children, under Section 14 of the Act. You requested the following information:

**The medical clinic Greenstone Family Clinic, 157 Great South Road, Manurewa, provides contraceptives for girls in state care through the agency Reconnect.**

- **Can you also let me know if the medical staff of this clinic require any form of consent from the child, the State, or the legal guardians in order to provide this contraception?**

Counties Manukau District Health Board does not directly provide this clinical service, and therefore does not hold the information to address your request. We would recommend that you contact the Greenstone Family Clinic in writing, and ask them directly.

As a private entity, they are not directly subject to the Official Information Act, but have confirmed to us that they do always gain consent from girls, and abide by the Fraser Guidelines.

In general, the guidance to any NZ medical practitioners regarding informed consent in these cases is that they abide by the 'Fraser Guidelines'. These guidelines arose following the 1986 'Gillick case' in the United Kingdom, and are as follows.

- "a doctor could give contraceptive advice and treatment to a young person under the age of 16 if:*
- *she had sufficient maturity and intelligence to understand the nature and implications of the proposed treatment,*
  - *she could not be persuaded to tell her parents, or to allow her doctor to tell them,*
  - *she was very likely to begin, or continue having sexual intercourse with or without contraceptive treatment,*
  - *her physical or mental health were likely to suffer, unless she received the advice or treatment,*
  - *the advice or treatment was in the young person's best interests".*

This approach is consistent with written guidance by the NZ Medical Council on informed consent,

- <https://www.mcnz.org.nz/assets/standards/edc0457381/Information-choice-of-treatment-and-informed-consent.pdf>

And also guidance by the Ministry of Health for practitioners on consent for young people, the Code of Health and Disability Services Consumers' Rights, and section 38 of the Care of Children Act 2004.

- <https://www.health.govt.nz/system/files/documents/publications/consent-in-child-and-youth-health.pdf>

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F. Apa', with a stylized flourish above the name.

Fepulea'i Margie Apa  
Chief Executive Officer  
**Counties Manukau Health**