

A Summary of Mandatory Reporting Provisions

Legislation	The Provision	What must be reported	To whom	Protection for "in good faith" reporting	Penalties	Who must report
Child Care Act no 74 of 1983	<p>S 42 Notification of injured children and children who suffer from nutritional deficiency disease</p> <p>(1) Notwithstanding the provisions of any other law every dentist, medical practitioner, nurse, social worker or teacher, or any person employed by or managing a children's home, place of care or shelter, who examines, attends or deals with any child in circumstances giving rise to the suspicion that that child has been ill-treated, or suffers from any injury, single or multiple, the cause of which probably might have been deliberate, or suffers from a nutritional deficiency disease, shall immediately notify the Director-General or any officer designated by him or her for the purposes of this section, of those circumstances. [Sub-s. (1) substituted by s. 15 (a) of Act 96 of 1996.]</p>	Ill-treatment or injury – that is deliberate, or nutritional deficiency	DG of DSD or delegated person	Yes	None apparent	Specific professions and occupational groups.
Child Labour Children's Act Amendment Bill S141 (2)	(2) A social worker or social service professional who becomes aware of instances of child labour or contraventions of the provisions of the Basic Conditions of Employment Act, 1997 must report it to the Department of Labour."	Child Labour	A Labour Inspector of the Dept of Labour			Social Worker or social service professional

Legislation	The Provision	What must be reported	To whom	Protection for "in good faith" reporting	Penalties	Who must report
Children's Act Amendment Bill	Section 110 (1) Any correctional official, dentist, homeopath, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, police official, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader of member of staff or volunteer worker at a partial care facility, shelter, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused, or deliberately neglected, if it is in the best interest of the child concerned, must report that conclusion to a designated child protection organization or the provincial department of social development.	Abuse causing physical injury, sexual abuse and deliberate neglect – who on reasonable grounds concludes... Must substantiate this belief [110 (3) (a)]	A designated child protection agency or a provincial Dept of Social Dev. If child considered in need of care as a result of abuse or intentional neglect – the above or a police official.	Yes S110 (3) (b)	Yes – a fine and/or imprisonment	Specific professions and occupational groups

Legislation	The Provision	What must be reported	To whom	Protection for "in good faith" reporting	Penalties	Who must report
Criminal Law (Sexual offences and related matters) Amendment Bill	<p>Obligation to report commission of sexual offences against children or persons who are mentally disabled</p> <p>54. (1) (a) A person who has knowledge that a sexual offence has been committed against a child must report such knowledge immediately to a police official.</p> <p>(b) A person who fails to report such knowledge as contemplated in paragraph (a), is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.</p> <p>(2) (a) A person who has knowledge, reasonable belief or suspicion that a sexual offence has been committed against a person who is mentally disabled must report such knowledge, reasonable belief or suspicion immediately to a police official.</p> <p>(b) A person who fails to report such knowledge, reasonable belief or suspicion as contemplated in paragraph (a), is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.</p> <p>(c) A person who in good faith reports such reasonable belief or suspicion shall not be liable to any civil or criminal proceedings by reason of making such report.</p>	<p>Any Sexual offence against a child</p>	<p>Police official</p>	<p>Yes</p>	<p>yes</p>	<p>Any person</p>

Legislation	The Provision	What must be reported	To whom	Protection for "in good faith" reporting	Penalties	Who must report
Films and Publications Amendment Act no 18 of 2004	<p>(2) (a) A person shall be guilty of an offence if he or she, having knowledge of the commission of an offence under subsection (1) or having reason to suspect that such an offence has been or is being committed-</p> <p>(i) fails to report such knowledge or suspicion as soon as possible to a police official of the SAPS; or</p> <p>(ii) fails to furnish, at the request of an official of the SAPS, all particulars of such knowledge or suspicion.</p> <p>(b) No prosecution under this subsection shall be instituted without the written authority of the National Director of Public Prosecutions."; 40</p> <p>(c) by the substitution for subsection (3) of the following subsection: "(3) Any person who has or has had control of any material referred</p>	Any offence relating to child pornography – knowledge or reasonable suspicion	A police official	Not specified	Fine and/or imprisonment	Any person

Legislation	The Provision	What must be reported	To whom	Protection for "in good faith" reporting	Penalties	Who must report
Prevention of Family Violence Act no 33 of 1993	<p>S4 Obligation to report ill-treatment of children</p> <p>Any person who examines, treats, attends to, advises, instructs or cares for any child in circumstances which ought to give rise to the reasonable suspicion that such child has been ill-treated, or suffers from any injury the probable cause of which was deliberate, shall immediately report such circumstances-</p> <p>(a) to a police official; or</p> <p>(b) to a commissioner of child welfare or a social worker referred to in section 1 of the Child Care Act, 1983 (Act 74 of 1983).</p> <p><i>Although this Act as a whole was replaced by the Domestic Violence Act no 116 of 1998, the above clause was not repealed – s21.</i></p> <p>NB: S. 4 has been repealed by s. 313 of the Children's Act 38 of 2005, a provision which will be put into operation by proclamation. However this Act has not yet been implemented.</p>	Any form of abuse – reasonable suspicion	Police officer or clerk of the children's Court or social worker in a child protection agency	Not specified	Yes – fine or period of imprisonment	Any person