

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**MARKETING OF  
AGRICULTURAL PRODUCTS  
AMENDMENT BILL**

**[B 26—2001]**

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*(As agreed to by the Portfolio Committee on Agriculture and Land Affairs  
(National Assembly))*

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**[B 26A—2001]**

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**MARKETING OF AGRICULTURAL PRODUCTS AMENDMENT BILL**  
**[B 26—2001]**  
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CLAUSE 1

Clause rejected.

CLAUSE 2

1. On page 2, in line 8, after “amended” to insert “— (a)”.
2. On page 2, in line 12, after “other” to insert “appropriate”.
3. On page 2, in line 13, after “**Republic]**” to insert “and by invitation to the parliamentary committees,”.
4. On page 3, in line 7, to omit “and”.
5. On page 3, in line 10, after “committee” to insert “; and”.
6. On page 3, after line 10, to insert the following paragraph:

(g) within 30 days after making any appointment in terms of paragraph (f), the Minister shall inform the parliamentary committees in writing of the appointment made.

7. On page 3, after line 13, to add the following paragraph:

- (b) by the addition of the following subsections:
- “(13) A person may not be nominated or appointed as a member of the Council if such person—

  - (a) is not a South African citizen or permanently resident in the Republic;
  - (b) is an unrehabilitated insolvent in respect of whom the trustee of the insolvent estate has not certified that the insolvent is a fit and proper person to serve as a member of the Council;
  - (c) has failed or is unable to comply in full with a judgement or order, including an order as to costs, given against such person by a court of law in civil proceedings;
  - (d) has been convicted of an offence involving an element of dishonesty or has been sentenced for any other offence committed on or after 27 April 1994, to a period of imprisonment without the option of a fine;
  - (e) is of unsound mind; or
  - (f) has contravened section 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), and it has been so determined by an equality court.

(14) A member of the Council shall vacate his or her office if that member—

  - (a) is declared insolvent or surrenders his or her estate voluntarily;
  - (b) is convicted of an offence and sentenced to a period of imprisonment without the option of a fine;

- (c) resigns as a member;
- (d) is nominated as a candidate for election as a member of Parliament, a Provincial House of Traditional Leaders, the National House of Traditional Leaders, a provincial legislature or the council or other governing body of a local government body or is appointed as an official of a political party and whose functions as such are incompatible with the functions of a member;
- (e) is removed from office under subsection (15); or
- (f) has contravened section 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), and it has been so determined by an equality court.

(15) The Minister may at any time remove a member of the Council from office if such member is incompetent to fulfil his or her duties or is guilty of misconduct.”.

#### CLAUSE 4

Clause rejected.

#### CLAUSE 6

1. On page 3, in line 47, to omit paragraph (b).

#### CLAUSE 8

Clause rejected.

#### CLAUSE 10

1. On page 4, in line 14, to omit “subsection” and to substitute “subsections”.
2. On page 4, after line 24, to add the following subsection:

(6) The provisions of subsection (5) shall not be construed as affecting any function of the Auditor-General in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

#### CLAUSE 11

1. On page 4, after line 34, to add the following subsection:

(2) Before the Minister may impose a prohibition under subsection (1), the Council shall—

- (a) publish a notice setting out particulars of the proposed prohibition and an explanation in connection therewith in the *Gazette* and such magazines and newspapers as may be sufficient in order to bring the request to the attention of directly affected groups, and inviting such directly affected groups to lodge any objections or representations relating to the proposed prohibition within a specified time;
- (b) if necessary, appoint a committee in terms of section 7, which shall consider such objections or representations and advise the Council;

- (c) consider the options and representations from, and level of support among, directly affected groups, and the advice of the committee, if applicable; and
- (d) report on its findings and make a recommendation to the Minister within 60 days or such longer period as may be approved by the Minister.

#### LONG TITLE

1. On page 2, in the first and second lines, to omit “to delete a definition”.