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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 499.

2 April 1986

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 24 van 1986: Wysigingswet op die Wattelbasnywerheid, 1986.

No. 499.

2 April 1986

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 24 of 1986: Wattle Bark Industry Amendment Act, 1986.

Wet No. 24, 1986

WYSIGINGSWET OP DIE WATTELBASNYWERHEID, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Wattlebasnywerheid, 1960, ten einde sekere woordskrywings te vervang, te wysig of te skrap; en voorsiening te maak vir die feit dat die vereniging van meulenaars opgehou het om te bestaan en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Maart 1986.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 23 van 1960,
soos gewysig
deur artikel 1 van
Wet 59 van 1974.

1. Artikel 1 van die Wet op die Wattlebasnywerheid, 1960 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur voor die omskrywing van "hierdie Wet" die volgende omskrywing in te voeg:

"'direkteur-generaal' die Direkteur-generaal: Omgewingsake";
 - (b) deur die omskrywing van "kommersiële wattlebome" deur die volgende omskrywing te vervang:

"'kommersiële wattlebome' bome van die spesie *Acacia* **[mollissima Willd]** mearnsii de Wild (algemeen bekend as swartwattle), *Acacia decurrens* **[Willd]** de Wild (algemeen bekend as groenwattle) of *Acacia pycnantha Benth* (algemeen bekend as gouewattle);"
 - (c) deur die omskrywing van "kweker" deur die volgende omskrywing te vervang:

"'kweker' iemand wat wattlebas produseer vir verwerking deur 'n vervaardiger **[of meulenaar]**";
 - (d) deur die omskrywing van "meulenaar" te skrap;
 - (e) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister van **[Bosbou]** Omgewingsake en Toerisme";
 - (f) deur die omskrywing van "Sekretaris" te skrap;
 - (g) deur die omskrywing van "vervaardiger" deur die volgende omskrywing te vervang:

"'vervaardiger' iemand wat **[wattlelekstrak vir verkoop]** verwerkte wattleprodukte vervaardig";
 - (h) deur die omskrywing van "verwerkte wattleprodukte" deur die volgende omskrywing te vervang:

"'verwerkte wattleprodukte' wattlebas wat gekap of gemaal **[en saamgepers en gebaal of in sakke gestop]** is, of wattlelekstrak"; en
 - (i) deur die omskrywing van "wattlelekstrak" deur die volgende omskrywing te vervang:

"'wattlelekstrak' enige **[ekstrak uit wattlebas vervaardig]** produk geëkstraheer uit wattlebas."

WATTLE BARK INDUSTRY AMENDMENT ACT, 1986

Act No. 24, 1986

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Wattle Bark Industry Act, 1960, so as to substitute, amend or delete certain definitions; and to provide for the fact that the association of millers has ceased to exist and for matters connected therewith.

(English text signed by the State President.)
(Assented to 10 March 1986.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. Section 1 of the Wattle Bark Industry Act, 1960 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the substitution for the definition of “commercial wattle trees” of the following definition:
- “‘commercial wattle trees’ means trees of the species *Acacia* **[mollissima Willd]** mearnsii de Wild (commonly known as black wattle), *Acacia decurrens* **[Willd]** de Wild (commonly known as green wattle) or *Acacia pycnantha Benth* (commonly known as golden wattle);”;
- 10 (b) by the insertion after the definition of “commercial wattle trees” of the following definition:
- 15 “‘director-general’ means the Director-General: Environment Affairs;”;
- (c) by the substitution for the definition of “grower” of the following definition:
- 20 “‘grower’ means any person who produces wattle bark for processing by a manufacturer **[or miller]**;”;
- (d) by the substitution for the definition of “manufacturer” of the following definition:
- 25 “‘manufacturer’ means any person who manufactures **[wattle]** processed wattle **[extract for sale]** products;”;
- (e) by the deletion of the definition of “miller”;
- (f) by the substitution for the definition of “Minister” of the following definition:
- 30 “‘Minister’ means the Minister of **[Forestry]** Environment Affairs and Tourism;”;
- (g) by the substitution for the definition of “processed wattle products” of the following definition:
- 35 “‘processed wattle products’ means wattle bark which has been chopped or ground **[and pressed and baled or bagged]**, or wattle extract;”;
- (h) by the deletion of the definition of “Secretary”; and
- (i) by the substitution for the definition of “wattle extract” of the following definition:
- 40 “‘wattle extract’ means any **[extract made]** product extracted from wattle bark.”

Amendment of section 1 of Act 23 of 1960, as amended by section 1 of Act 59 of 1974.

Wet No. 24, 1986

WYSIGINGSWET OP DIE WATTELBASNYWERHEID, 1986

Vervanging van
artikel 2 van
Wet 23 van 1960,
soos gewysig deur
artikel 2 van
Wet 59 van 1974.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

"Ooreen-
koms tussen
kwekers en
vervaardigers.

2. (1) Indien na die oordeel van die Minister—
- (a) 'n vereniging van kwekers voldoende verteenwoordigend van kwekers is en bevoeg is om die belange van alle kwekers te behartig; en 5
 - (b) 'n vereniging van vervaardigers voldoende verteenwoordigend van vervaardigers is en bevoeg is om die bemarking van **[wattelekstrak]** verwerkte wattelprodukte te behartig; [en] 10
 - (c) 'n vereniging van meulenaars voldoende verteenwoordigend van meulenaars is en bevoeg is om die bemarking te behartig van wattelbas wat gekap of gemaal en saamgepers en gebaal of in sakke gestop is; 15
- kan hy daardie verenigings versoek om 'n ooreenkoms namens kwekers en vervaardigers **[en meulenaars]** vir doeleindes van hierdie Wet aan te gaan.
- (2) So 'n ooreenkoms kan voorsiening maak vir enige aangeleentheid wat die wattelbasnywerheid 20 raak, en moet voorsiening maak—
- (a) vir 'n formule, wat hoofsaaklik op die heersende pryse van verwerkte wattelprodukte gebaseer is, om die pryse te bepaal wat deur vervaardigers **[en meulenaars]** vir wattelbas volgens graad be- 25 taal moet word;
 - (b) vir die reëling en beperking van die produksie en verkoop van wattelbas deur kwekers, met inagneming van die aanvraag na verwerkte wattelprodukte, die grootte van plantasies kommersiële wattelbome van individuele kwekers en die ouderdomme van sodanige bome in sodanige plantasies;
 - (c) vir die instel ten opsigte van wattelbas en verwerkte wattelprodukte van 'n heffing, deur die raad vasgestel, wat in die belang van die wattelbasnywerheid aangewend moet word op die wyse wat in die ooreenkoms bepaal word; 35
 - (d) vir die instelling van 'n raad vir die wattelbasnywerheid om aan die ooreenkoms gevolg te gee, 40 welke raad 'n regspersoon is, en vir die verrigting deur die raad van die werksaamhede wat aan hom ingevolge die ooreenkoms of ingevolge hierdie Wet toegewys word;
 - (e) vir die samestelling van die raad op 'n wyse wat 45 voorsiening maak vir—
 - (i) gelyke verteenwoordiging van kwekers enersyds en vervaardigers **[en meulenaars]** andersyds;
 - (ii) die verkiesing van verteenwoordigers van 50 kwekers op 'n streeksbasis, by geheime stembriefie, en ooreenkomstig die prosedure wat vir hierdie doel bepaal word deur die vereniging wat die ooreenkoms namens kwekers aangaan; 55
 - (iii) die benoeming van verteenwoordigers van vervaardigers **[en meulenaars]** deur die **[verenigings]** vereniging wat die ooreenkoms namens **[onderskeidelik]** vervaardigers **[en meulenaars]** aangaan; 60
 - (iv) die verkiesing of, na gelang van die geval, die benoeming van 'n plaasvervanger vir elke lid van die raad;
 - (v) die aanstelling deur die Minister van 'n voorsitter en 'n adjunk-voorsitter wat nie 65 kwekers of vervaardigers **[of meulenaars]** is nie en wat nie op vergaderings van die raad mag stem nie;

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2. The following section is hereby substituted for section 2 of the principal Act:

Substitution of section 2 of Act 23 of 1960, as amended by section 2 of Act 59 of 1974.

"Agreement between growers and manufacturers.

2. (1) If in the opinion of the Minister—

- (a) an association of growers is sufficiently representative of growers and qualified to promote the interests of all growers; and
- (b) an association of manufacturers is sufficiently representative of manufacturers and qualified to promote the marketing of **[wattle extract]** processed wattle products, [and
- (c) **an association of millers is sufficiently representative of millers and qualified to promote the marketing of wattle bark which has been chopped or ground and pressed and baled or bagged,]**

he may request such associations to enter into an agreement on behalf of growers and manufacturers **[and millers,]** for purposes of this Act.

(2) Such agreement may provide for any matter affecting the wattle bark industry, and shall provide—

- (a) for a formula for the determination of the prices to be paid according to grade for wattle bark by manufacturers **[and millers,]** such formula to be based mainly on the ruling prices of processed wattle products;
- (b) for the regulation and restriction of the production and sale of wattle bark by growers, having regard to the demand for processed wattle products, the size of plantations of commercial wattle trees of individual growers and the ages of such trees in such plantations;
- (c) for the imposition of a levy, fixed by the board, in respect of wattle bark and processed wattle products, to be utilized in the interests of the wattle bark industry in such manner as may be determined in such agreement;
- (d) for the establishment of a wattle bark industry board for the purpose of giving effect to the agreement, which board shall be a body corporate, and for the performance by the board of such functions as may be assigned to it under the agreement or under this Act;
- (e) for the constitution of the board in a manner which provides for—
 - (i) equal representation of growers on the one hand and manufacturers **[and millers]** on the other hand;
 - (ii) the election of representatives of growers on a regional basis, by secret ballot, and in accordance with the procedure determined for this purpose by the association which enters into the agreement on behalf of growers;
 - (iii) the nomination of representatives of manufacturers **[and millers]** by the **[associations]** association which **[enter]** enters into the agreement on behalf of manufacturers **[and millers, respectively];**
 - (iv) the election or nomination, as the case may be, of an alternate to each member of the board;
 - (v) the appointment by the Minister of a chairman and a deputy chairman, who shall not be growers or manufacturers **[or millers,]** and who shall have no vote at meetings of the board;

- (vi) die kwalifikasies van lede van die raad en die omstandighede waaronder hulle hul amp ontruim;
- (f) vir die reëling en beheer, op die in die ooreenkoms vermelde wyse, van die bemaking van 5 verwerkte wattelprodukte deur 'n bemakingskomitee deur die raad aangestel, wat so saamgestel word dat die meerderheid van die lede van die komitee verteenwoordigers van vervaardigers **[en meulenaars]** is, welke komitee 'n regs- 10 persoon is, en vir die delegering deur die komitee van bevoegdhede en werksaamhede aan hom verleen en toevertrou, aan onderkomitees;
- (g) vir die aanstelling deur die raad van komitees benewens die bemakingskomitee in paragraaf 15 (f) vermeld, om die bevoegdhede uit te oefen en die werksaamhede te verrig wat deur die raad of ingevolge die ooreenkoms aan hulle opgedra word, en vir die delegering deur die raad van bevoegdhede en werksaamhede aan hom verleen 20 en toevertrou, aan so 'n komitee wat geheel en al bestaan uit lede van die raad (of hul plaasvervangers), of aan **[’n vereniging]** enige van die verenigings bedoel in subartikel (1);
- (h) vir die prosedure wat ten opsigte van vergaderings van die raad, die komitee en onderkomitees in paragraaf (f) bedoel, en die komitees in paragraaf (g) bedoel, gevolg moet word, en vir 30 enige ander aangeleentheid betreffende hierdie liggame wat nodig of dienstig geag word;
- (i) vir enige deur die Minister bepaalde aangeleentheid wat die wattelbasnywerheid raak.
- (3) Indien die Minister oortuig is dat 'n ooreenkoms ingevolge hierdie artikel aangegaan, in die belang van die wattelbasnywerheid sal wees, kan hy die 35 ooreenkoms in die *Staatskoerant* afkondig.
- (4) 'n Ooreenkoms ingevolge hierdie artikel aangegaan, kan te eniger tyd met goedkeuring van die Minister gewysig word deur die verenigings wat dit aangegaan het of deur soortgelyke verenigings, en die 40 Minister kan die wysigingsooreenkoms in die *Staatskoerant* afkondig.
- (5) By afkondiging in die *Staatskoerant* van die ooreenkoms of 'n wysigingsooreenkoms, is dit bindend vir elke kweker en vervaardiger **[en meulenaar]** 45 asof die kweker of vervaardiger **[of meulenaar]** 'n party by die ooreenkoms of wysigingsooreenkoms was.”.

Wysiging van
artikel 3 van
Wet 23 van 1960.

3. Artikel 3 van die Hoofwet word hierby gewysig —

- (a) deur paragraaf (a) van subartikel (1) deur die volgende 50 paragraaf te vervang:
- “(a) indien geen ooreenkoms kragtens subartikel (3) van artikel 2 afgekondig is nie en hy dit in belang van die wattelbasnywerheid ag, by kennisgewing in die *Staatskoerant* die bepalinge van 'n ooreenkoms 55 tussen kwekers en vervaardigers **[en meulenaars]** vasstel waarin voorsiening gemaak word vir die aangeleenthede in subartikel (2) van artikel 2 vermeld;”;
- (b) deur subartikel (2) deur die volgende subartikel te ver- 60 vang:
- “(2) So 'n vasstelling of wysiging is bindend vir elke kweker en vervaardiger **[en meulenaar]** asof dit 'n ooreenkoms of wysigingsooreenkoms was waarby die kweker of vervaardiger **[of meulenaar]** 'n party geword 65 het.”.

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- (vi) the qualifications of members of the board, and the circumstances in which they shall vacate office;
- 5 (f) for the regulation and control, in such a manner as may be specified in the agreement, of the marketing of processed wattle products by a marketing committee appointed by the board, to be so constituted that the majority of the members of the committee shall be representatives of
- 10 manufacturers **[and millers]**, which committee shall be a body corporate, and for the delegation by the committee of powers conferred on and functions entrusted to it, to sub-committees;
- 15 (g) for the appointment by the board of committees in addition to the marketing committee referred to in paragraph (f), for the purpose of exercising the powers and performing the functions assigned to them by the board or in terms of the agreement, and for the delegation by the board
- 20 of powers conferred on and functions entrusted to it, to any such committee consisting wholly of members of the board (or their alternates), or to any **[association]** of the associations contemplated in subsection (1);
- 25 (h) for the procedure to be adopted in respect of meetings of the board, the committee and sub-committees referred to in paragraph (f), and the committees referred to in paragraph (g), and for any other matter relating to these bodies as may be deemed necessary or expedient;
- 30 (i) for any matter affecting the wattle bark industry, determined by the Minister.
- (3) If the Minister is satisfied that an agreement entered into under this section will be in the interests of the wattle bark industry he may publish such agreement in the *Gazette*.
- 35 (4) An agreement entered into under this section may at any time with the approval of the Minister be amended by the associations which entered into the agreement or by any similar associations, and the Minister may publish the amending agreement in the *Gazette*.
- 40 (5) On the publication in the *Gazette* of the agreement or an amending agreement, it shall be binding upon every grower and manufacturer **[and miller,]** as if such grower or manufacturer **[or miller]** were a party to the agreement or amending agreement.”.
- 45

3. Section 3 of the principal Act is hereby amended—

- 50 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) if no agreement has been published under subsection (3) of section 2 and if he deems it to be in the interests of the wattle bark industry, by notice in the *Gazette* determine the terms of an agreement
- 55 between growers and manufacturers **[and millers]** in which provision is made for the matters referred to in subsection (2) of section 2;” and
- (b) by the substitution for subsection (2) of the following subsection:
- 60 “(2) Any such determination or amendment shall be binding upon every grower and manufacturer **[and miller]** as if it were an agreement or amending agreement to which such grower or manufacturer **[or miller]** had become a party.”.

Amendment of section 3 of Act 23 of 1960.

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WYSIGINGSWET OP DIE WATTELBASNYWERHEID, 1986

Wysiging van
artikel 4 van
Wet 23 van 1960.

4. Artikel 4 van die Hoofwet word hierby gewysig deur die uitdrukking "of meulenaar" oral waar dit in subartikels (1), (2) en (3) voorkom, te skrap.

Vervanging van
artikel 5 van
Wet 23 van 1960.

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

5. (1) Elke kweker wat kommersiële wattelbome kweek in plantasies **[van of groter as]** wat 'n voorgeskrewe grootte oorskry, moet op die voorgeskrewe tye en wyse sodanige plantasies opmeet, kaarte daarvan opstel en aan die raad afskrifte van sodanige kaarte verstrek.

(2) Elke sodanige kweker moet op die voorgeskrewe tye aan die raad voorgeskrewe besonderhede met betrekking tot sodanige plantasies verstrek.

(3) Die raad kan, in die mate deur hom vermeld, 'n kweker **[wie se plantasie by die inwerkingtreëding van hierdie Wet opgemeet is]** wat die raad oortuig van die akkuraatheid en korrektheid van die kaarte en besonderhede betreffende sy plantasies, van die bepalings van [subartikel] subartikels (1) en (2) vry- stel."

Vervanging van
artikel 6 van
Wet 23 van 1960.

6. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

6. (1) Niemand mag as vervaardiger **[of meulenaar]** handel dryf nie, behalwe op gesag van 'n permit deur die Minister uitgereik.

(2) Die Minister kan so 'n permit uitreik—

(a) aan iemand wat op 9 November 1959 as vervaardiger **[of meulenaar]** handel gedryf het;

(b) aan iemand anders, na oorlegpleging met die raad, indien hy dit in belang van die wattelbasnywerheid ag.

(3) Die Minister kan enige permit kragtens hierdie artikel uitreik behoudens die voorwaardes wat hy na oorlegpleging met die raad in elke geval bepaal.

(4) Die Minister kan na oorlegpleging met die raad te eniger tyd die voorwaardes verbonde aan so 'n permit wysig.

(5) Die Minister kan 'n permit aan 'n vervaardiger **[of meulenaar]** kragtens hierdie artikel uitgereik, indien hy oortuig is dat die vervaardiger **[of meulenaar]** versuim het om 'n voorwaarde verbonde aan die permit na te kom of indien die vervaardiger **[of meulenaar]** aan 'n misdryf ingevolge hierdie Wet skuldig bevind is."

Wysiging van
artikel 6A van
Wet 23 van 1960,
soos ingevoeg deur
artikel 3 van
Wet 59 van 1974.

7. Artikel 6A van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) Die vereniging van wattelkwekers gestig op 10 Maart 1938 en bekend as die Suid-Afrikaanse Wattelkwekersunie (in hierdie artikel die 'Unie' genoem), met hoofkantoor te Pietermaritzburg, waarvan die bestaande Grondwet op 21 Junie 1962 deur die Kongres van die Unie goedgekeur is, en daarna met die goedkeuring van die Minister gewysig is op 30 November 1967, 28 November 1968, 27 November 1969, 25 November 1971, **[en]** 29 November 1973, 27 November 1975, 25 November 1976 en 23 November 1978, is, nieteenstaande die bepalings van enige ander wet, 'n regspersoon.";

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

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4. Section 4 of the principal Act is hereby amended by the deletion of the words "or miller" where they occur in subsections (1), (2) and (3). Amendment of section 4 of Act 23 of 1960.

5. The following section is hereby substituted for section 5 of the principal Act: Substitution of section 5 of Act 23 of 1960.

10 "Survey of and particulars relating to wattle plantations. 5. (1) Every grower who grows commercial wattle trees in plantations **[of or above]** in excess of a prescribed extent shall at such times and in such manner as may be prescribed, survey such plantations, compile maps thereof and furnish the board with copies of such maps.

15 (2) Every such grower shall at such times as may be prescribed furnish the board with such particulars relating to such plantations as may be prescribed.

20 (3) The board may, to the extent specified by it, exempt from the provisions of **[subsection]** subsections (1) and (2) any grower [whose plantations have been surveyed at the commencement of this Act] who satisfies the board of the accuracy and correctness of the maps and particulars relating to his plantations."

6. The following section is hereby substituted for section 6 of the principal Act: Substitution of section 6 of Act 23 of 1960.

25 "Manufacturer to hold permit. 6. (1) No person shall carry on the business of a manufacturer **[or miller,]** except under authority of a permit issued by the Minister.

30 (2) The Minister may issue such a permit—
 (a) to any person who carried on the business of a manufacturer **[or miller]** on 9 November 1959;
 (b) to any other person, after consultation with the board, if he deems it to be in the interests of the wattle bark industry.

35 (3) The Minister may issue any permit under this section subject to such conditions as he may in each case determine after consultation with the board.

40 (4) The Minister may, after consultation with the board, at any time amend the conditions of any such permit.

(5) The Minister may withdraw any permit issued to any manufacturer **[or miller]** under this section, if he is satisfied that the manufacturer **[or miller]** has failed to comply with any condition of such permit or if the manufacturer **[or miller]** has been convicted of an offence under this Act."

45 7. Section 6A of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 6A of Act 23 of 1960, as inserted by section 3 of Act 59 of 1974.

50 "(a) The association of wattle growers formed on 10 March 1938 and known as the South African Wattle Growers' Union (in this section referred to as the 'Union'), having its head office at Pietermaritzburg, whose existing Constitution was approved by the Congress of the Union on 21 June 1962 and was thereafter amended with the concurrence of the Minister on 30 November 1967, 28 November 1968, 27 November 1969, 25 November 1971, **[and]** 29 November 1973, 27 November 1975, 25 November 1976 and 23 November 1978, shall, notwithstanding the provisions of any other law, be a body corporate."; and

60 (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

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“(c) Enigiets wat iemand voor die datum van inwerkingtreding van die Wysigingswet op die Wattelbasnywerheid, **[1974] 1986**, in sy hoedanigheid van lid van die Unie ten behoeve van die lede van die Unie as sodanig gedoen het, en wat onmiddellik na die datum van inwerkingtreding deur of ten behoeve van die Unie gedoen sou kon word, word geag ten behoeve van die Unie gedoen te wees.”.

Vervanging van artikel 7 van Wet 23 van 1960.

8. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang: 10

“Misdrywe en strawwe.

7. Iemand wat—

- (a) 'n bepaling van hierdie Wet of 'n voorwaarde verbonde aan 'n permit kragtens artikel 6 uitgereik of 'n bepaling met betrekking tot die betaling van 'n heffing, vervat in 'n ooreenkoms, 15 vasstelling of wysiging daarvan wat ingevolge hierdie Wet vir elke kweker en vervaardiger **[en meulenaar]** bindend is, oortree of versuim om dit na te kom;
 - (b) by die verstrekking van inligting by die toepassing van 'n bepaling van hierdie Wet, inligting verstrek wat vals is;
 - (c) iemand by die verrigting van 'n handeling wat hy uit hoofde van hierdie Wet gemagtig is om te verrig, op enige wyse belemmer of hinder of intimideer; of
 - (d) weier om aan iemand op sy versoek enigiets in sy besit of bewaring te oorhandig om ondersoek, gegradeer of getoets te word of om 'n monster daarvan te neem, as so iemand uit hoofde van 30 hierdie Wet gemagtig is om dit te ondersoek, gradeer of toets of om 'n monster daarvan te neem,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[honderd pond]** R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met **[beide]** daardie boete **[en]** sowel as daardie gevangenisstraf.”.

Wysiging van artikel 8 van Wet 23 van 1960, soos gewysig deur artikel 1 van Wet 44 van 1967.

9. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (1) deur die volgende 40 paragraaf te vervang:

“(d) wat die besonderhede voorskryf wat van tyd tot tyd aan die **[Sekretaris]** direkteur-generaal deur iemand wat as 'n vervaardiger **[of meulenaar]** handel dryf, ten opsigte van sy besigheid verstrek moet word;”;

- (b) deur die woorde “of meulenaar” waar dit in paragrawe (e), (f), (g) en (h) van subartikel (1) voorkom, te skrap; en
- (c) deur paragraaf (m) van subartikel (1) deur die volgende paragraaf te vervang: 50

“(m) wat voorskryf dat die raad aan die **[Sekretaris]** direkteur-generaal bepaalde besonderhede met betrekking tot die verrigting van sy werksaamhede of tot die wattelbasnywerheid moet verstrek.”. 55

Vervanging van artikel 9 van Wet 23 van 1960.

10. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing van artikels 4, 5 en 6.

9. Die bepalinge van artikels 4, 5 en 6 is nie van toepassing nie gedurende 'n tydperk wanneer geen ooreenkoms of vasstelling ingevolge hierdie Wet vir elke kweker en vervaardiger **[en meulenaar]** bindend is nie.”. 60

Kort titel en inwerkingtreding.

11. Hierdie Wet heet die Wysigingswet op die Wattelbasnywerheid, 1986, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 65

WATTLE BARK INDUSTRY AMENDMENT ACT, 1986

Act No. 24, 1986

5 “(c) Anything done by a person prior to the date of commencement of the Wattle Bark Industry Amendment Act, [1974] 1986, in his capacity as a member of the Union on behalf of the members of the Union as such, and which could be done by or on behalf of the Union immediately after such date of commencement, shall be deemed to have been done on behalf of the Union.”

10 8. The following section is hereby substituted for section 7 of the principal Act: Substitution of section 7 of Act 23 of 1960.

“Offences and penalties.

15 7. Any person who—
 (a) contravenes or fails to comply with any provision of this Act or any condition of a permit issued under section 6 or any provision relating to the payment of a levy, contained in an agreement, determination or amendment thereof which in terms of this Act is binding upon every grower and manufacturer **[and miller]**;
 20 (b) when furnishing any information for the purposes of any provision of this Act furnishes information which is false;
 (c) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of this Act; or
 25 (d) refuses to deliver to any person, at his request, for examination, grading, sampling or testing anything in his possession or custody which such person is by virtue of this Act empowered to examine, grade, sample or test,
 30 shall be guilty of an offence and liable on conviction to a fine not exceeding **[one hundred pounds] R1 000** or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

9. Section 8 of the principal Act is hereby amended—

40 (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
 “(d) prescribing particulars to be furnished from time to time to the **[Secretary] director-general** by any person carrying on the business of a manufacturer **[or miller]**, in regard to his business;”;
 (b) by the deletion of the words “or miller” where they occur in paragraphs (e), (f), (g) and (h) of subsection (1);
 45 and
 (c) by the substitution for paragraph (m) of subsection (1) of the following paragraph:
 “(m) prescribing that the board shall furnish to the **[Secretary] director-general** specified particulars relating to the performance of its functions or to the wattle bark industry.”.

Amendment of section 8 of Act 23 of 1960, as amended by section 1 of Act 44 of 1967.

10. The following section is hereby substituted for section 9 of the principal Act:

55 “Application of sections 4, 5 and 6. 9. The provisions of sections 4, 5 and 6 shall not apply during any period when no agreement or determination is in terms of this Act binding upon every grower and manufacturer **[and miller]**.”.

Substitution of section 9 of Act 23 of 1960.

60 11. This Act shall be called the Wattle Bark Industry Amendment Act, 1986, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

