

No. R. 882

14 November 2014

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON MACADAMIA NUTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby -

- (a) establish the statutory measure set out in the schedule hereto;
- (b) determine the guideline price for macadamias (recent average domestic growers' selling price, dry nut in shell, 1.5% moisture), as R30 per kg.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context indicates otherwise:

“**exporter**” means any person that exports macadamias for his own account or, acts as agent on behalf of producers and/or processors or packers of macadamia nuts.

“**grower**” is synonymous with “**producer**” and means any person engaging, in a proprietary capacity, in the commercial production of macadamias.

“**importer**” means an entity which imports macadamias into South Africa for processing, retail distribution or export and includes persons organising imports on behalf of or in the name of another person.

“**macadamias**” means the fruits of the macadamia nut tree species, whether nut in shell or kernel.

“**macadamia industry**” means all participants and role players in the South African macadamia industry.

“**Nut in shell consolidator**” means a person that receives macadamia nuts from growers for the purpose of preparing and packing for sale as nut in shell. This definition includes persons that buy nut in shell from growers and /or act as agents for the sale of nut in shell. Growers that sell their own production of nut in shell directly to traders are also included in this definition.

“**person**” means an individual, partnership, company, association or any other business unit.

“**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamia nut production on farm.

“**The Act**” means the Marketing of Agricultural Products Act, 1996 (Act no. 47 of 1996).

Purpose and aims of statutory measure and the relation thereof to objectives of the Act

2. The purpose and aims of this statutory measure are to provide financial support for the following in the interests of the South African macadamia industry as a whole:
- (a) Collection, processing and dissemination of reliable production and market information.
 - (b) Production, post harvest, product and market research
 - (c) Technology transfer
 - (d) Stimulation of consumption of macadamia nuts
 - (e) Determination of quality standards
 - (f) Liaison with local and international governments, organisations and interested groups
 - (g) Promotion of co-operation between growers, handlers, processors and other industry role players
 - (h) Promotion of market access including gaining, retaining and optimising markets
 - (i) Facilitation of transformation within the industry
 - (k) Medical and other research to promote the health aspects of macadamia nut consumption
 - (l) Benchmarking and determination of best practice

The measure will not be detrimental to the number of employment opportunities or fair labour practice.

The measure will be administered by the Southern African Macadamia Growers' Association (SAMAC)

Products to which statutory measure applies

3. This measure shall apply to macadamias both from domestic production and imports.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Imposition of levy

5. A levy is hereby imposed on all inshell macadamia nuts received, from a grower, by a processor or consolidator of nut in shell.

Amount of levy

6. The amount of the levy shall be:
- (a) 23 c/kg of nut in shell at 1.5% kernel moisture content excluding VAT.

Persons by whom the levy shall be payable

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by any processor or consolidator of nut in shell that receives inshell macadamias from a grower, regardless of whether such a processor or consolidator of nut in shell buys the macadamias from the grower or acts as a marketing agent.
 - (b) be a grower's levy, deducted from the grower's returns by the processor, importer or consolidator of nut in shell.
 - (c) be payable by importers of macadamias.

Payment of levy

8. (1) Payment of the levy shall be made not later than ninety (90) days following the month end wherein a quantity of macadamias was delivered.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of SAMAC, and shall –
- (a) when paid by cheque, be addressed to –
SAMAC
PO Box 2714
Tzaneen
0850
- (b) when electronically transferred, be paid to the bank account obtainable from SAMAC on request.

Administration of levies

9. The statutory measure shall be administered by SAMAC. Approximately 70% of levy income will be spent on core activities (such as research, information functions and stimulation of demand for macadamias), not more than 10% will be on administration of levies and 20% on transformation. The levies shall be accounted for in a manner and to the extent acceptable to the Auditor-General, separately from other funds or assets under the control of SAMAC. Annual audited financial statements will be submitted to the National Agricultural Marketing Council and the Auditor-General, with the percentage allocated towards transformation clearly indicated and accompanied by a report stating how the objectives of the levy have been met. Any deficit at the date of termination of this statutory measure shall be for the account of SAMAC. The Minister of Agriculture, Forestry and Fisheries shall decide on the application of any surplus levies at the date of termination of the statutory measure.

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication hereof and will lapse four years later.