

ACT

To provide for the control of the wattle bark industry and other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th March, 1960.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "board" means the board referred to in sub-section (2) of section two; (vi)
 - (ii) "commercial wattle trees" means trees of the species *Acacia mollissima Willd* (commonly known as black wattle), *Acacia decurrens Willd* (commonly known as green wattle) or *Acacia Pycnantha Benth* (commonly known as golden wattle); (ii)
 - (iii) "grower" means any person who produces wattle bark for processing by a manufacturer or miller; (iii)
 - (iv) "manufacturer" means any person who manufactures wattle extract for sale; (viii)
 - (v) "miller" means any person who chops or grinds wattle bark and presses and bales or bags it for sale; (iv)
 - (vi) "Minister" means the Minister of Forestry; (v)
 - (vii) "prescribed" means prescribed by or under this Act; (x)
 - (viii) "processed wattle products" means wattle bark which has been chopped or ground and pressed and baled or bagged, or wattle extract; (ix)
 - (ix) "Secretary" means the Secretary for Forestry; (vii)
 - (x) "this Act" includes any regulation made thereunder; (i)
 - (xi) "wattle bark" means the bark of commercial wattle trees; (xi)
 - (xii) "wattle extract" means any extract made from wattle bark. (xii)
2. (1) If in the opinion of the Minister— Agreement
between growers
manufacturers
and millers.
- (a) an association of growers is sufficiently representative of growers and qualified to promote the interests of all growers;
 - (b) an association of manufacturers is sufficiently representative of manufacturers and qualified to promote the marketing of wattle extract; 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, 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 determining 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 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 board for the purpose of giving effect to the agreement and for the performance by the board of such functions as may be assigned to it under the agreement or under this Act;

which provides for equal representation of growers on the one hand and manufacturers and millers on the other hand, for the election of representatives of growers on a regional basis and by secret ballot, and for the appointment by the Minister of a chairman who is not a grower, manufacturer or miller and who shall have no vote at meetings of the board;

- (f) for the regulation and control, in such manner as may be specified in the agreement, of the marketing of processed wattle products by a committee appointed by the board, to be so constituted that the majority of the members of the committee shall be representatives of manufacturers and millers;
- (g) for the procedure to be adopted in respect of meetings of the said board and the said committee;
- (h) 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*.

(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*.

(5) On the publication in the *Gazette* of the agreement or an amending agreement, it shall be binding upon every grower, manufacturer and miller, as if such grower, manufacturer or miller were a party to the agreement or amending agreement.

3. (1) The Minister may—

- (a) if no agreement has been published under sub-section (3) of section two 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 between growers, manufacturers and millers in which provision is made for the matters referred to in sub-section (2) of section two;

Determination of terms of agreement by Minister.

- (b) amend or revoke by like notice any determination so made.

(2) Any such determination or amendment shall be binding upon every grower, manufacturer and miller as if it were an agreement or amending agreement to which such grower, manufacturer or miller had become a party.

4. (1) No grower shall sell or otherwise dispose of wattle bark to a manufacturer or miller, for the purpose of processing, except under authority of a permit issued by the board.

Control of disposal of wattle bark.

(2) No manufacturer or miller shall acquire any wattle bark from any grower for the purpose of processing, except under authority of a permit issued by the board.

(3) No manufacturer or miller shall process any wattle bark produced by him, except under authority of a permit issued by the board.

5. (1) Every grower who grows commercial wattle trees in plantations of or above 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.

Survey of and particulars relating to wattle plantations.

(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.

(3) The board may, to the extent specified by it, exempt from the provisions of sub-section (1), any grower whose plantations have been surveyed at the commencement of this Act.

6. (1) No person shall carry on the business of a manufacturer or miller, except under authority of a permit issued by the Minister.

Manufacturers and millers to hold permits.

(2) The Minister may issue such a permit—

- (a) to any person who carried on the business of a manufacturer or miller on the 9th 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.

(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.

(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.

7. Any person who—

Offences and penalties.

- (a) contravenes or fails to comply with any provision of this Act or any condition of a permit issued under section six 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, manufacturer and miller;
- (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
- (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,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

8. The Minister may make regulations—

Regulations.

- (a) prescribing the minimum extent of plantations of commercial wattle trees in respect of which the provisions of section five shall apply;
- (b) prescribing the times at which and the manner in which plantations of commercial wattle trees shall be surveyed and copies of maps thereof shall be furnished to the board;
- (c) prescribing the times at which particulars relating to plantations of commercial wattle trees shall be furnished to the board and the nature of such particulars;
- (d) prescribing particulars to be furnished from time to time to the Secretary by any person carrying on the business of a manufacturer or miller, in regard to his business;
- (e) prohibiting any grower from selling or otherwise disposing of wattle bark of a specified class or kind for processing by a manufacturer or miller;
- (f) prohibiting any manufacturer or miller from acquiring any wattle bark of a specified class or kind from any grower for the purpose of processing;
- (g) prohibiting any manufacturer or miller from processing any wattle bark of a specified class or kind produced by him;
- (h) prescribing the grades and manner of grading according to quality of wattle bark intended for processing by a manufacturer or miller;
- (i) providing for the appointment of inspectors for the purpose of inspecting plantations of commercial wattle trees, the business premises, factories or mills of manufacturers and millers, and any wattle bark on such premises, factories or mills, and prescribing the powers and duties of such inspectors and the fees payable in respect of services rendered by them;
- (j) prohibiting the use of the bark of wattle trees other than commercial wattle trees for specified purposes or prohibiting or restricting the export of such bark;
- (k) prescribing the grades and manner of grading according to quality of processed wattle products intended for export;
- (l) providing for the inspection of processed wattle products intended for export and for the fees payable in respect of such inspection;

(m) prescribing that the board shall furnish to the Secretary specified particulars relating to the performance of its functions or to the wattle bark industry, and generally with regard to all matters which by this Act are required or permitted to be prescribed or which the Minister considers it necessary or expedient to prescribe in order to promote the interests of the wattle bark industry.

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

10. This Act shall be called the Wattle Bark Industry Act, 1960, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. Short title and commencement.