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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 492

18 March 1996

MARKETING ACT, 1968 (ACT No. 59 OF 1968)

MAIZE MARKETING SCHEME: PROPOSED AMENDMENT

It is hereby notified for general information that the Minister of Agriculture has under section 9 (1), read with section 15 (3), of the Marketing Act, 1968 (Act No. 59 of 1968), provisionally approved the proposed amendment set out in the Schedule hereto, of the Maize Marketing Scheme published by Proclamation No. R. 45 of 1979, as amended.

Persons having an interest in the maize industry are hereby invited in terms of section 9 (2) (b) of the said Act to lodge any objections to or representations concerning the proposed amendment in writing to the Director-General: Department of Agriculture, Dirk Uys Building, Hamilton Street, Pretoria, or Private Bag X250, Pretoria, 0001, before or on 15 April 1996.

F. J. VAN DER MERWE

Director-General: Agriculture

SCHEDULE

Definitions

1. In this Schedule "the Scheme" means the Maize Marketing Scheme published by Proclamation No. R. 45 of 1979, as amended by Proclamations Nos. R. 163 of 1979, R. 211 of 1979, R. 106 of 1980, R. 24 of 1984 and R. 38 of 1984, and Government Notices Nos. R. 2757 of 13 December 1985, R. 188 of 31 January 1986, R. 680 of 8 April 1988, R. 2249 of 20 September 1991, R. 552 of 13 April 1995 and R. 155 of 31 January 1996.

Amendment of section 20 of the Scheme

2. Section 20 of the Scheme is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) advise the Minister as to—

- (i) the conditions, regarding grades, standards of quality, methods of packing, and the marking of maize or of any receptacle or cover containing it, subject to which maize may be sold or imported for sale;
- (ii) the prohibition, control or regulation of the importation or export of maize; and
- (iii) all matters relating to the marketing or processing of maize."

Amendment of section 24 of the Scheme**3. Section 24 of the Scheme is hereby amended by—**

- (a) the substitution for the definition of A in the formula in subsection (2) of the following definition:

"A = the average annual commercial domestic consumption of maize in tons during the immediately preceding completed three financial years, as determined by the Board;"

- (b) the substitution for subsection (3) of the following subsection:

"(3) The provisions of section 23 (2) and (3) shall apply *mutatis mutandis* to a special levy imposed in terms of subsection (1): Provided that when such a special levy is paid by a producer or a person that deals with maize in the course of trade, where such a producer or person is registered as such in terms of section 36 (1), an amount equal to the special levy will be refunded by the Board to such a producer or person if the maize on which the special levy has been paid, is delivered before 1 March of the applicable financial year in which the special levy has been paid to the Board, to an export pool conducted by the Board in terms of section 37."

Amendment of section 27 of the Scheme**4. Section 27 of the Scheme is hereby amended by the substitution for subsections (3), (4) en (5) respectively of the following subsections:**

- "(3) The money in the Stabilisation Fund shall, subject to the provisions of subsection (4), and to the extent allowed by the balance in the Fund, be utilized to support the delivery price of all the maize received by the Board in a pool referred to in section 37.

- (4) The amount per ton which is utilized out of the Stabilisation Fund in accordance with subsection (3) for the pools of any particular financial year, taking into consideration the provisions of subsection (5), shall not exceed an amount calculated according to the following formula:

$$Y = C + D + E$$

in which formula—

Y = the amount in rand and cent per ton to be calculated;

C = railage cost in rand and cent per ton of maize over a distance of 935 kilometres;

D = the harbour costs in relation to the export of maize in rand and cent per ton, as agreed upon between the Board and the suppliers of the services concerned;

E = the Board's cost, in rand and cent per ton, in connection with the handling, fumigation, storage and financing of the maize to be exported, as determined by the Board.

- (5) The amount which may be utilized from the Stabilisation Fund on sales of maize by the Board other than sales for export to overseas destinations, is limited to an amount which will equalise the nett realisation of such sales to the sum of the nett realisation that is obtained for overseas export sales of maize of the same colour and grade plus the amount that is calculated in terms of subsection (4) as a support:

Provided that—

- (a) the nett realisation of overseas export sales is based on the average free-on-board gulf harbour price of USA No. 2 yellow maize on the preceding last trading day of the Chicago Board of Trade, plus or minus the premium or discount that was obtained by the Board for the applicable colour and grade of maize by means of—

(i) the weighted average free-alongside-coastal elevator sales of such colour and grade of maize during the preceding three months; or

(ii) if there were no free-alongside-coastal elevator sales of maize of such colour and grade by the Board during the preceding three months, a tender held by the Board for the free-alongside-coastal elevator sale of the applicable colour and grade of maize;

- (b) for the purposes of this subsection nett realisation means the price obtained by the Board for sales, less—

(i) in the case of sales other than overseas export sales, all actual costs incurred by the Board with regard to the maize;

(ii) in the case of overseas export sales, the costs as defined in C + D + E in the formula in subsection (4); and

- (c) if the nett realisation on sales other than overseas export sales is higher than the sum of the nett realisation of overseas export sales plus the amount that is calculated as a support, no amount from the Stabilisation Fund will be allocated to such other sales."

Substitution of section 34 of the Scheme

5. The following section is hereby substituted for section 34 of the Scheme:

"Dealings with maize"

34. The Board may—

- (a) buy maize, at such a price or on such a basis as the Minister may approve;
- (b) treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, transport and, subject to the provisions of section 37 of the Act, advertise any maize which it has bought;
- (c) sell, whether in its original form or processed wholly or in part, maize which it has bought, at such a price or on such a basis as the Minister may approve, or withhold any part of it from the market;
- (d) act as agent for the receipt and sale of maize;
- (e) issue directions, with the approval of the Minister, relating to the classification, grading, packing and marking of maize which it is empowered to buy in terms of paragraph (a) or to receive in terms of paragraph (d)."

Substitution of section 37 of the Scheme

6. The following section is hereby substituted for section 37 of the Scheme:

"Conducting of export pools"

37. (1) The Board may, after obtaining advice from an advisory committee in terms of section 16, for every financial year of this Scheme conduct one or more export pools for the sale of such grades and/or classes of maize as the Board may determine and that is delivered to the Board for that purpose.

(2) The Board may only export maize delivered into an export pool and sell it in the domestic market in accordance with the provisions of subsection (7): Provided that the Board shall, in respect of maize thus sold in the domestic market, recover an amount equal to the special levy imposed in terms of section 24 for the financial year concerned, from the selling price of such maize, and pay it into the Stabilisation Fund.

(3) The Board may—

- (a) treat in such manner as it may deem fit, classify, grade, pack, store, adapt for sale, insure, transport and, subject to the provisions of section 21, advertise maize delivered into an export pool; and
- (b) finance an export pool out of money borrowed for that purpose in terms of section 29.

(4) (a) The Board shall on delivery of the maize to the Board, advance to participants of an export pool an amount of money as determined by the Board, after obtaining the advice of an advisory committee in terms of section 16, for the particular export pool, with due consideration to the expected export earnings, all costs in connection with the conducting of that export pool and the sale of the maize and a reasonable contribution that may be utilized out of the Stabilisation Fund for this purpose: Provided that the amount thus advanced shall not exceed 95% of the thus estimated realisation for the maize of the particular pool.

(b) The Board may, after obtaining the advice of an advisory committee in terms of section 16, announce the estimated scenario prices for a particular pool.

(5) As soon as possible after the sale of the total quantity of maize delivered to the Board for sale through a particular export pool, the Board shall determine the nett realisation of that export pool by subtracting from the gross proceeds thereof the cost in connection with the sale of that maize, including all expenses and costs incurred in connection with the receipt, classification, grading, handling, packing, storage, insurance, transport, financing and sale thereof as determined by the Board.

(6) The Board shall divide the nett proceeds of each export pool as determined in terms of subsection (5), whether a balance or a shortage, among the participants of an export pool in proportion to the quantities of maize delivered by them to the Board for sale through that export pool: Provided that —

- (a) the quantities of maize concerned shall for the purpose of such division be deemed to be of the classes or grades that it was found to have belonged to at the time of delivery to the Board;
- (b) the Board may increase or decrease any amount due to a participant of an export pool in proportion to his realisation respectively above or below the average realisation of maize of other participants of that export pool;
- (c) the Board may subtract from an amount due to a participant any cost or expenditure incurred in terms of subsection (5) if, in the Board's opinion, it should not be shared on an equal basis among all the participants of that export pool;
- (d) where the balance in an export pool when its accounts are closed is, in the opinion of the Board and the Minister, so small that a division thereof among the participants of the particular export pool is not justified, the balance may be dealt with in any manner approved by the Minister;

- (e) the Board may, with the approval of the Minister, transfer any portion of the proceeds of a particular export pool to an ensuing export pool or export pools; and
- (f) moneys which accrue to an export pool or export pools after its accounts have been closed, may be dealt with in a manner approved by the Minister.

(7) Maize may be sold out of an export pool in the domestic market on a tender or auction basis at a free-on-rail price that shall, with an addition for the transport costs from the grain silo concerned to the premises of the buyer, not be less than the estimated landed cost of imported USA No. 3 yellow maize on the buyer's premises or, if maize is to be imported from another source as the USA, at such discount against USA No. 3 yellow maize as is determined from time to time by an advisory committee in terms of section 16, plus in all instances an addition of R20 per ton."

EXPLANATORY MEMORANDUM

AMENDMENT TO SECTIONS 20 AND 34

The Maize Marketing Scheme is primarily aimed at the marketing and marketing arrangements of maize in whole form. Consequently references to maize products are deleted in both sections 20 and 34 of the Scheme.

AMENDMENT TO SECTION 24

The definition for symbol A in the formula for the special levy for Stabilisation in section 24 (2) of the Maize Marketing Scheme as it currently stands, leaves room for misinterpretation of the term "years" which has to be used for the calculation of the average annual commercial domestic consumption. Through the proposed amendment, reference is explicitly made to the preceding completed three financial years, thus eliminating any dispute about the interpretation of the Scheme in this respect.

According to the definition of the word "sell" in the Marketing Act, if interpreted in a strict sense, it means that all maize deposited by producers in a pool is subject to levy at that stage, irrespective which advance payment/delivery price has been paid to them. Maize not offered for sale or to be sold, is not subject to levy, in other words, it remains their own private stocks at that stage.

For the foregoing reasons the levy has to be paid immediately on maize deposited in private pools and the Board has resolved that if that maize is later on deposited in the export pool, an amount equal to the levy already paid on such maize may be refunded.

The monitoring of those stocks on which levy has been paid and which have been deposited in the export pool, can easily be done in practice. At intake any private pool must declare its quantities, pay the levy on such quantities and report on the manner in which they have been utilised. The Board, therefore, has all information available and the registered trader will be able to claim a refund of the levy through his monthly returns.

It is important to note that this concession, which makes the monitoring of transactions possible, is made to registered producers and traders only.

Persons or bodies who buy maize for own utilisation/auction, will not be able to utilise the concession and will have to bear the consequences of their decisions themselves to buy too much maize for their own account. There are, however, traders such as co-operatives who buy large quantities with a view to selling them. If they cannot sell it, such quantities have to be delivered to the Board's export pool. In such cases, a time limit has to be set for the transaction to be concluded. The Board has resolved to fix 1 March of each financial year as the deadline for this purpose.

AMENDMENT TO SECTION 27

Currently the Maize Marketing Scheme stipulates that the Board, on delivery of the maize to the Board, advance an amount of money determined by the Board each year before the beginning of the export pool concerned, to participants in the export pool, taking into consideration the expected export earnings, all costs pertaining to the management of the export pool as well as the sale of the maize **and the contribution which can be utilised from the Stabilisation Fund for this purpose:** Provided that the amount thus advanced, may not exceed 95% of the realisation for the pool maize calculated in this manner [section 37 (4)].

During the current season an advance price has been determined, based on the expected export earnings less the expected costs and a risk margin of 5%. No provision has been made in the current seasons advance price for any contribution from the Stabilisation Fund.

Furthermore, the Scheme also does not make explicit provision for any additional payments to deliverers in the export pool during a year concerned. From this, it can be deducted that monies in the Stabilisation Fund can be utilised only to support **the delivery price to the producer**. If the present wording is interpreted strictly, such monies can, therefore, not be paid to deliverers other than producers and also not as an additional payment.

It was agreed upon between the various role players during negotiations that a price support on export maize could be paid. This price support will, however, be based on the costs of the Board to export maize through a harbour to an overseas destination. For this reason, the maximum support amount has been restricted to an amount not exceeding the railage (basis 935 km), harbour costs and the Board's marketing costs. This principle is still endorsed, but the point of view is also maintained that utilisation of the support on sales from the export pool for purposes other than overseas markets, should be restricted. Concern has been expressed that the support may, in specific cases, be utilised for purposes other than originally intended. The role players all concurred that it was surely not the original intention for the Board to generate higher pool-prices than what would have been the case if all stocks were exported overseas, simply because it entered a more profitable domestic or African mar-

ket. In view of this, all role players agreed that in cases where a higher yield had been realised on the market than in the case of overseas exports, the support amount was to be adjusted to the extent that the domestic or African market fetches a higher realisation than overseas exports. It has also been decided that, in order to reach his objective, the support amount to be utilised, be calculated on the day on which the specific transaction was concluded.

A comparison will be made at each of these non-overseas export transactions with overseas export earnings. If, at the time of conclusion of a transaction, no overseas transactions had been concluded, a specific *modus operandi* and method are incorporated in the Scheme in terms of which the overseas export price for that specific day could be determined.

Any body who has surplus maize could deposit that maize in the Board's export pool and this is not restricted to producers. The words "to producers" are consequently being deleted from section 27 (3) of the Scheme.

AMENDMENT TO SECTION 37

The Maize Marketing Scheme provides, *inter alia*, that the Board must operate an export pool annually. The necessity of the obligation resting on the Board in this respect, is, however, frequently questioned.

The size of the crop is not necessarily the deciding factor for the creation of a pool or pools in a certain year. As is currently experienced, the various markets (white and yellow maize separately) can lead to the situation that one or other colour of maize develop in a surplus situation.

Specific maize areas can even during a crop failure experience a surplus situation in the sense that producers may be unable to market their stocks at acceptable prices. Imports in coastal areas can also result in a surplus in the interior (production area) and may force producers to deposit maize in the Board's export pool due to a lack of another alternative acceptable market.

If an export pool is not operated in a specific season, irrespective of what the circumstances may be, the producer may find himself in the position where he is unable to bargain for the best prices in the market as no pool exists to which he can revert to. The annual operating of a pool is therefore essential as an opportunity is granted to every producer big and small to market his maize, especially if it is not absorbed by the local market.

On the other hand, circumstances may be of such a nature—especially if a total crop failure is experienced—that local production makes the operating of a pool totally unnecessary. In such a case, the Board will perhaps not operate a pool at all with its obligation of a delivery price etc. In such a case, the free market has to form its own prices. Should it appear that initial crop assumptions were incorrect, the Board could still operate a pool later during the season.

Big price differences can occur from time to time between white and yellow maize on the world market and the market realisation of the two commodities will consequently differ accordingly. This difference in the market realisation should be reflected in the total earnings of producers and will result in a difference between the final producer price for white and yellow maize.

The difference in realisation of maize of different colours, direct export costs and costs of financing; in other words time, place and market contribute to this difference in realisation. Exorbitantly large quantities of white maize which have to be exported, can result in a lower net realisation in the pool.

The allegation is made that, since the Board announces an advance price, the Board is in fact fixing a guide price in the domestic market. It is consequently seen as interference in the domestic market, although the Board does not actually participate in that market. The Board cannot operate a pool without a price, as the Board cannot receive maize without remunerating suppliers of such maize. The extent of the advance or any small amount at delivery, will take place in terms of the Scheme.

It is important to the local producer that he be fully briefed and obtain all market information to enable him to exercise his marketing options. In the Maize Marketing Scheme the basis is stipulated for fixing the advance price and every player in the market, especially since the support is not regarded part of the advance, can make a reasonably correct calculation of a possible advance price.

The formal announcement of a specific advance by the Board, can, therefore, not be regarded as market interference. When a pool is operated, an advance has to be announced. It may be the so-called delivery price only and the expected final payment cannot be made public.

It is important as far as scenario prices are concerned, that indications are actually given to the market place of a possible realisation, to enable role players to take informed and balanced marketing decisions.

Due to the high transport costs from the main production areas to the coastal area, particularly in the Eastern and Western Cape, producers—those in the Lower Orange River excluded—cannot serve those markets on an economic basis. High transport costs, therefore, eliminate market forces and buyers can in many instances, land maize cheaper from overseas than by buying local stocks.

Normally, transport costs from the production area to an export terminal in Durban are lower than those to the Eastern and Western Cape. Consequently, it is often more profitable to the Board, depending on where its stocks are located, to export maize than to serve Cape coastal markets.

If the Board does serve the Cape coastal markets, those markets are, however, retained for RSA maize producers and the Stabilisation Fund is also benefitting as the Board has to deposit an amount equal to the levy in the Stabilisation Fund.

The Board has indeed been authorised in terms of the Maize Marketing Scheme to sell maize received in the export pool, on the domestic market on the basis of a minimum fixed formula (import parity plus R20/t). The Board would like to be put in a position to intensify marketing particularly in areas remote from the production areas, such as the coastal market and possibly the Far Northern Transvaal.

As mentioned, the average railage to these areas is often considerably higher than in the case of exports and it is therefore essential that the price support, as defined in the Maize Marketing Scheme, be paid on all export maize. Though ideally, the Board should not participate in the domestic market, it is granted that it must be prevented that maize is exported whilst maize is also imported by buyers to meet the domestic demand.

The Board is of the opinion that the proposed wording provides a basis according to which the Board can handle sales. It is a basis which is well-considered and known and every buyer can obtain the price basis. The fact that in certain cases the Board, when it cannot determine a satisfactory selling price due to another origin of the maize than the USA, will report to the Maize Advisory Committee and on the basis of consensus a price basis will be formed, solves the problem.

The basis agreed upon in terms of which the Board may sell maize on the domestic market, is aimed at transparency and without being in competition with domestic trade.

No. R. 492

18 Maart 1996

BEMARKINGSWET, 1968 (WET No. 59 VAN 1968)

MIELIEBEMARKINGSKEMA: VOORGESTELDE WYSIGING

Hiermee word vir algemene inligting bekendgemaak dat die Minister van Landbou, kragtens artikel 9 (1), gelees met artikel 15 (3), van die Bemarkingswet, 1968 (Wet No. 59 van 1968), die voorgestelde wysiging in die Bylae hiervan uiteengesit, van die Mieliebemarkingskema gepubliseer by Proklamasie No. R. 45 van 1979, soos gewysig, voorlopig goedgekeur het.

Persone wat 'n belang het by die mieliebedryf word hierby ingeвоelge artikel 9 (2) (b) van vermeldde Wet uitgenooi om voor 15 April 1996 enige besware teen of verhoë aangaande die voorgestelde wysigings skriftelik by die Direkteur-generaal: Departement van Landbou, Dirk Uysgebou, Hamiltonstraat, Pretoria, of Privaatsak X250, Pretoria, 0001, in te dien.

F. J. VAN DER MERWE

Direkteur-generaal: Landbou

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Skema", die Mieliebemarkingskema gepubliseer by Proklamasie No. R. 45 van 1979, soos gewysig by Proklamasies Nos. R. 163 van 1979, R. 211 van 1979, R. 106 van 1980, R. 24 van 1984 en R. 38 van 1984, en Goewermentskennisgewings Nos. R. 2757 van 13 Desember 1985, R. 188 van 31 Januarie 1986, R. 680 van 8 April 1988, R. 2249 van 20 September 1991, R. 552 van 13 April 1995 en R. 155 van 31 Januarie 1996.

Wysiging van artikel 20 van die Skema

2. Artikel 20 van die Skema word hiermee gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

"(b) die Minister van advies dien aangaande—

- (i) die voorwaardes wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merk van mielies, of 'n houër, of omhulsel wat dit bevat, en waarin mielies verkoop of vir verkoop ingevoer mag word;
- (ii) die verbod op, of beheer of reëling van die invoer of uitvoer van mielies; en
- (iii) alle aangeleenthede betreffende die bemarking of verwerking van mielies."

Wysiging van artikel 24 van die Skema

3. Artikel 24 van die Skema word hiermee gewysig deur—

(a) in die formule in subartikel (2), die omskrywing van A deur die volgende omskrywing te vervang:

"A = die gemiddelde jaarlikse kommersiële binnelandse verbruik van mielies in ton gedurende die onmiddellik voorafgaande voltooid drie boekjare, soos deur die Raad bepaal;"

(b) subartikel (3) deur die volgende subartikel te vervang:

- "(3) Die bepalinge van artikel 23 (2) en (3) is *mutatis mutandis* van toepassing op 'n spesiale heffing wat ingeвоelge subartikel (1) opgelê is: Met dien verstande dat wanneer so 'n spesiale heffing betaal word deur 'n produsent of persoon wat met mielies as 'n besigheid handel, waar so 'n produsent of persoon as sulks ingevoelge artikel 36 (1) geregistreer is, 'n bedrag gelyk aan die spesiale heffing deur die Raad aan so 'n produsent of persoon terugbetaal sal word indien die mielies waarop die spesiale heffing betaal is, voor 1 Maart van die betrokke boekjaar waarin die spesiale heffing aan die Raad betaal is, in 'n uitvoerpoel gelewer word wat die Raad ingevoelge artikel 37 bedryf."

Wysiging van artikel 27 van die Skema

4. Artikel 27 van die Skema word hiermee gewysig deur subartikels (3), (4) en (5) onderskeidelik deur die volgende subartikels te vervang:

- "(3) Die Gelde in die Stabilisasiefonds word aangewend om, behoudens die bepalings van subartikel (4), en in die mate waarin die fonds dit toelaat, die leweringsprys vir alle mielies wat deur die Raad in 'n poel beoog in artikel 37 ontvang word, te stut.
- (4) Die bedrag per ton wat vir 'n gegewe boekjaar se poele ooreenkomstig subartikel (3) uit die Stabilisasiefonds aangewend word, mag met inagneming van die bepalings van subartikel (5), nie 'n bedrag bereken ooreenkomstig die volgende formule oorskry nie:

$$Y = C + D + E$$

in welke formule—

Y = die bedrag in rand en sent per ton wat bereken staan te word;

C = spoorvag in rand en sent per ton mielies oor 'n afstand van 935 kilometer;

D = die hawekoste in rand en sent per ton ten opsigte van die uitvoer van mielies soos deur die Raad en die betrokke diensverskaffers ooreengekom;

E = die Raad se koste verbonde aan hantering, beroking, opberging en finansiering van die mielies wat uitgevoer staan te word, in rand en sent per ton, soos deur die Raad bepaal.

- (5) Die bedrag wat uit die Stabilisasiefonds aangewend kan word op ander verkope van mielies deur die Raad as verkope vir uitvoer na oorsese bestemmings, is beperk tot 'n bedrag wat die netto realisasie van sodanige verkope gelyk sal stel aan die somtotaal van die netto realisasie wat vir oorsese uitvoerverkope van dieselfde kleur en graad mielies bepaal is plus die bedrag wat ingevolge subartikel (4) bereken is as 'n stut: Met dien verstande dat—
- (a) die netto realisasie van oorsese uitvoerverkope baseer word op die gemiddelde VSA No. 2 geelmielies se vry-aan-boord golfhaweprys van die voorafgaande laaste verhandelingsdag op die Chicago-Graanbeurs, plus of minus die premie of korting vir die betrokke kleur of graad mielies wat deur die Raad bepaal is by wyse van—
- (i) die geweegde gemiddelde vry-langs-kusgraansilo verkope van sodanige kleur en graad mielies gedurende die voorafgaande drie maande deur die Raad; of
- (ii) indien daar geen vry-langs-kusgraansilo verkope van sodanige kleur en graad mielies gedurende die voorafgaande drie maande deur die Raad was nie, 'n tender wat die Raad vir die vry-langs-kusgraansilo verkoop van die betrokke kleur of graad mielies hou;
- (b) netto realisasie vir die doeleindes van hierdie subartikel beteken die prys wat deur die Raad vir verkope behaal is, minus—
- (i) in die geval van ander verkope as oorsese uitvoerverkope, alle koste wat die Raad werklik ten opsigte van die mielies oploep;
- (ii) in die geval van oorsese uitvoerverkoping, die koste soos omskryf in C + D + E in die formule in subartikel (4); en
- (c) indien die netto realisasie op ander verkope as oorsese uitvoerverkope, meer is as die somtotaal van die netto realisasie van oorsese uitvoerverkope plus die bedrag wat as stut bereken is, geen bedrag uit die Stabilisasiefonds aan sodanige ander verkope toegedeel word nie."

Vervanging van artikel 34 van die Skema

5. Artikel 34 van die Skema word hiermee deur die volgende artikel vervang:

"Handelinge met mielies

34. Die Raad kan—

- (a) teen dié prys of op dié grondslag wat die Minister goedkeur mielies koop;
- (b) mielies wat hy gekoop het, behandel soos hy goeuvind, gradeer, verpak, opberg, verwerk, vir verkoop geskik maak, verseker, vervoer en, behoudens die bepalings van artikel 37 van die Wet, adverteer;
- (c) mielies wat hy gekoop het, teen die prys of op die grondslag wat die Minister goedkeur, verkoop, hetsy in sy oorspronklike of in gedeeltelik of geheel en al verwerkte vorm of 'n deel daarvan aan die mark te onthou;
- (d) as agent vir die ontvangs en verkoop van mielies optree;
- (e) met die goedkeuring van die Minister, voorskrifte uitreik betreffende die klassifisering, gradering, verpakking en merk van mielies wat hy ingevolge paragraaf (a) gemagtig is om te koop of ingevolge paragraaf (d) gemagtig is om te ontvang."

Vervanging van artikel 37 van die Skema

6. Artikel 37 van die Skema word hiermee deur die volgende artikel vervang:

"Bestuur van uitvoerpoele vir mielies

37. (1) Die Raad kan, na verkryging van advies van 'n adviserende komitee ingevolge artikel 16, vir elke boekjaar van hierdie Skema een of meer uitvoerpoele bestuur vir die verkoop van die grade en/of klasse mielies wat die Raad bepaal en wat vir dié doel aan die Raad gelewer word.

(2) Die Raad mag mielies wat in 'n uitvoerpoel gelewer word slegs uitvoer en dit ooreenkomstig die bepalings van subartikel (7), in die binnelandse mark verkoop: Met dien verstande dat die Raad ten opsigte van mielies aldus in die binnelandse mark verkoop, 'n bedrag gelyk aan die spesiale heffing wat ingevolge artikel 24 vir die betrokke boekjaar opgelê is, van die verkoopprijs van sodanige mielies moet verhaal en in die Stabilisasiefonds moet stort.

(3) Die Raad kan—

(a) mielies wat in 'n uitvoerpoel gelewer word, behandel soos hy goetvind, klassifiseer, gradeer, verpak, opberg, vir verkoop geskik maak, verseker, vervoer en behoudens die bepalings van artikel 21, adverteer; en

(b) 'n uitvoerpoel finansier uit geld wat ingevolge artikel 29 vir dié doel geleen is.

(4) (a) Die Raad moet, by lewering van die mielies aan die Raad, aan deelnemers in 'n uitvoerpoel 'n bedrag geld voorskiet wat die Raad, na verkryging van advies van 'n adviserende komitee ingevolge artikel 16, vir die betrokke uitvoerpoel bepaal met inagneming van die verwagte uitvoerverdienste, alle koste verbonde aan die bestuur van daardie uitvoerpoel asook die verkoop van die mielies en 'n redelike bydrae wat uit die Stabilisasiefonds vir dié doel aangewend mag word: Met dien verstande dat die bedrag wat aldus voorgeskiet word nie 95% van die Raad se aldus beraamde realisasie vir die betrokke poel se mielies mag oorskry nie.

(b) Die Raad kan, na verkryging van advies van 'n adviserende komitee ingevolge artikel 16, die beraamde scenario pryse vir 'n betrokke uitvoerpoel bekend maak.

(5) So gou doenlik nadat die totale hoeveelheid mielies wat vir verkoop deur middel van 'n betrokke uitvoerpoel aan die Raad gelewer is, verkoop is, moet die Raad die netto opbrengs van daardie uitvoerpoel bepaal deur die koste verbonde aan die verkoop van daardie mielies met inbegrip van alle uitgawes en koste in verband met die ontvangs, klassifikasie, gradering, hantering, verpakking, opberging, versekering, vervoer, finansiering en verkoop daarvan aangegaan, soos deur die Raad bepaal, van die bruto opbrengs daarvan af te trek.

(6) Die Raad moet die netto opbrengs van elke uitvoerpoel ingevolge subartikel (5) bepaal, hetsy 'n balans of 'n tekort, onder deelnemers in 'n uitvoerpoel verdeel in verhouding tot die hoeveelhede mielies wat deur hulle aan die Raad gelewer is vir verkoop deur middel van daardie uitvoerpoel: Met dien verstande dat —

(a) die betrokke hoeveelhede mielies vir die doeleindes van sodanige verdeling geag word van die klasse of grade te wees waartoe dit ten tyde van lewering aan die Raad gevind was te behoort;

(b) die Raad enie bedrag verskuldig aan 'n deelnemer in 'n uitvoerpoel kan vermeerder of verminder in verhouding tot sy realisasie onderskeidelik bo of onder die gemiddelde realisasie vir mielies van ander deelnemers in daardie uitvoerpoel;

(c) die Raad van 'n bedrag aan 'n deelnemer verskuldig enige koste of uitgawe ingevolge subartikel (5) aangegaan mag aftrek wat na die oordeel van die Raad nie op 'n gelyke basis deur al die deelnemers in daardie uitvoerpoel gedra behoort te word nie;

(d) waar 'n saldo in 'n uitvoerpoel, wanneer sy rekeninge afgesluit word, na die oordeel van die Raad en die Minister so klein is dat 'n verdeling daarvan onder die deelnemers in 'n betrokke uitvoerpoel nie geregverdig is nie, met sodanige saldo gehandel kan word op 'n wyse wat die Minister goedkeur;

(e) die Raad, met goedkeuring van die Minister, 'n gedeelte van die opbrengs van 'n bepaalde uitvoerpoel kan oordra na 'n volgende uitvoerpoel of uitvoerpoele; en

(f) daar met gelde wat 'n uitvoerpoel of uitvoerpoele toeval nadat die rekeninge daarvan afgesluit is, gehandel kan word op 'n wyse wat deur die Minister goedgekeur word.

(7) Mielies kan uit 'n uitvoerpoel in die binnelandse mark verkoop word op 'n tender- of veilingsgrondslag teen 'n vry-op-spoorprys wat met 'n bytelling van die vervoerkoste vanaf die betrokke graansilo na die koper se perseel, nie laer sal wees nie as die beraamde gelande koste van ingevoerde VSA No. 3 geelmielies op die koper se perseel, of as mielies van 'n ander oorsprong as die VSA ingevoer staan te word, met sodanige korting teen VSA No. 3 geelmielies as wat van tyd tot tyd deur 'n adviserende komitee ingevolge artikel 16 bepaal word, plus in alle gevalle 'n bytelling van 'n bedrag van R20 per ton."

VERDUIDELIKENDE MEMORANDUM

WYSIGING VAN ARTIKELS 20 EN 34

Die Mieliebemarkingskema is primêr op die bemarking en bemarkingsreëlings van heelmielies gerig. Gevolglik word die verwysings na mielieprodukte in beide artikels 20 en 34 van die Skema geskrap.

WYSIGING VAN ARTIKEL 24

Die omskrywing van simbool A in die formule vir die spesiale heffing vir Stabilisasie in artikel 24 (2) van die Mieliebemarkingskema soos dit tans daaruit sien, laat die ruimte vir verkeerde vertolking van die begrip "jare" wat vir die berekening van die gemiddelde jaarlikse kommersiële binnelandse verbruik, gebruik moet word. Deur die voorgestelde wysiging word deur pertinent na die voorafgaande voltooide drie boekjare verwys wat sodoende enige dispuut oor die vertolking van die Skema in die verband uit die weg sal ruim.

Volgens die definisie van die woord "verkoop" in die Bemarkingswet, indien dit eng uitgelê word, beteken dit dat alle mielies wat produsente in 'n poel gestort het op daardie tydstip heffingpligtig is, ongeag watter voorskot/leweringsprys hulle gekry het. Mielies wat 'n produsent nie verkoop of te koop aangebied het nie, is op daardie tydstip nie heffingdraend nie, met ander woorde sy eie privaatopberging.

Om voorgaande rede moet die heffing dadelik betaal word op mielies wat in privaatpoele gestort word en as daardie mielies later in die uitvoerpoel gestort word, het die Raad besluit dat 'n bedrag gelyk aan die heffing wat reeds daarop betaal is, terugbetaal kan word.

Die monitering van daardie voorrade waarop heffing betaal is en wat in die Raad se uitvoerpoel gestort word, kan maklik in die praktyk gedoen word. Enige privaatpoel moet by inname sy hoeveelheid verklaar, die heffing daarop betaal en verslag doen hoe dit aangewend is. Die Raad beskik dus oor al die inligting en die geregistreerde handelaar sal deur middel van sy maandelikse opgawes aanspraak op terugbetaling van heffing kan maak.

Dit is belangrik om daarop te let dat hierdie toegewing slegs aan geregistreerde produsente en handelaars gemaak word, wat die monitering van transaksies moontlik maak.

Persone of instansies wat mielies vir eie gebruik/veiling aankoop, sal nie van die toegewing gebruik kan maak nie en sal die gevolge van hulle besluite om te veel mielies vir eie rekening te koop, self moet dra. Daar is egter handelaars soos koöperasies wat groot hoeveelhede aankoop met die oog om dit te verkoop. As hulle dit nie kan verkoop nie, moet dit aan die Raad se uitvoerpoel gelewer word. In sodanige gevalle behoort daar 'n tydskuur gestel te word wanneer die transaksie afgesluit moet word. Die Raad het besluit om vir hierdie doel 'n afsnydatum van 1 Maart in elke boekjaar te stel.

WYSIGING VAN ARTIKEL 27

Die Mieliebemarkingskema bepaal tans dat die Raad by lewering van die mielies aan die Raad, aan deelnemers in die uitvoerpoel 'n bedrag geld voorskiet wat die Raad jaarliks voor die aanvang van die betrokke uitvoerpoel bepaal met inagneming van die verwagte uitvoerverdienste, alle koste verbonde aan die bestuur van die uitvoerpoel asook die verkoop van die mielies **en die bydrae wat uit die Stabilisasiefonds vir dié doel aangewend mag word**. Met dien verstande dat die bedrag wat aldus voorgeskiet word, nie 95% van die Raad se aldus beraamde realisasie vir die poelmielies mag oorskry nie [artikel 37 (4)].

Daar is in die huidige seisoen 'n voorskotprys in plek wat gebaseer is op die verwagte uitvoerverdienste verminder met die verwagte koste en 'n risikomarge van 5%. Geen voorsiening is in die huidige seisoen se voorskotprys vir enige bedrae uit die Stabilisasiefonds gemaak nie.

Die Skema maak verder ook nie uitdruklik voorsiening vir enige bybetalings aan leweraars tot die uitvoerpoel gedurende 'n betrokke jaar nie. Hieruit volg dat die gelde in die Stabilisasiefonds slegs aangewend kan word om die **leweringsprys aan die produsent** te stut. As die huidige bewoording eng uitgelê word kan dit dus nie aan ander leweraars as produsente betaal word nie en ook nie as 'n bybetaling nie.

Tydens onderhandelinge is daar deur die verskillende rolspelers ooreengekom dat 'n prysstut op uitvoermielies betaal kan word. Hierdie prysstut sal egter baseer word op die koste wat die Raad het om mielies deur 'n hawe na 'n oorsese bestemming uit te voer. Om dié rede is die maksimum stutbedrag ook beperk tot 'n bedrag wat nie hoër as die spoorvrag (grondslag 935 km), hawekoste en die Raad se bemarkingskoste sal wees nie. Hierdie beginsel word steeds onderskryf maar die standpunt word ook gehuldig dat die aanwending van die stut op verkope uit die uitvoerpoel anders as aan oorsese markte, beperk behoort te word. Die kommer word uitgespreek dat die stut in bepaalde gevalle anders aangewend mag word as waarvoor dit aanvanklik bedoel was. Die rolspelers was dit almal eens dat dit gewis nie die aanvanklike bedoeling was dat die Raad hoer poelpryse as wat die geval sou wees as alle voorrade oorsee uitgevoer word, genereer, bloot omdat hy 'n meer winsgewende plaaslike of Afrikamark betree nie. In die lig hiervan was al die rolspelers dit eens dat in gevalle waar die Raad 'n hoër markopbrengs behaal as in die geval van oorsese uitvoere, die stutbedrag aangesuiwer word tot die mate waar die plaaslike of Afrikamark 'n hoër realisasie as uitvoere oorsee behaal. Ten einde hierdie doelwit te bereik, sal die stutbedrag wat aangewend staan te word, bereken word op die dag wanneer die spesifieke transaksie aangegaan word.

By elk van die nie-oorsese uitvoertransaksies sal 'n vergelyking met oorsese uitvoeropbrengste gemaak word. Indien daar ten tye van die sluiting van 'n transaksie nie oorsese transaksies beklink is nie, sal die oorsese uitvoerprys vir daardie spesifieke dag bepaal word volgens 'n spesifieke werkwyse en metodiek wat in die Skema vasgelê word.

Enigiemand wat oor surplusmielies beskik, kan daardie mielies in die Raad se uitvoerpoel stort en dit is nie net beperk tot produsente nie. Die woorde "aan produsente" in artikel 27 (3) van die Skema word gevolglik geskrap.

WYSIGING VAN ARTIKEL 37

Die Mieliebemarkingskema bepaal onder andere dat die Raad elke jaar 'n uitvoerpoel moet bedryf. Die noodsaaklikheid van die verpligting wat in dié verband op die Raad gelê word, word egter dikwels bevraagteken.

Die grootte van die oes is nie noodwendig die bepalende faktor vir die daarstelling van 'n poel of poele in 'n bepaalde jaar nie. Soos dit tans ondervind word, kan die verskillende markte (wit- en geelmielies afsonderlik) wel daartoe aanleiding gee dat een of ander kleur mielies in 'n surplussituasie ontwikkel.

Spesifieke mieliegebiede kan selfs tydens 'n misoes in 'n surplussituasie beland in die sin dat daar wel produsente kan wees wat nie hulle voorrade teen aanvaarbare pryse kan bemark nie. Invoere in kusgebiede kan ook daartoe aanleiding gee dat 'n surplus in die binneland (produksiegebied) ontstaan en produsente verplig kan word om mielies in die Raad se uitvoerpoel te stort vanweë 'n gebrek aan 'n ander alternatiewe aanvaarbare afset.

Indien daar in 'n spesifieke seisoen nie 'n uitvoerpoel bedryf word nie, ongeag wat die omstandighede mag wees, mag die produsent hom in 'n posisie bevind dat hy nie die beste pryse in die mark kan beding nie omdat daar nie 'n poel is waarop hy kan terugval nie. Die jaarlikse bedryf van 'n poel is dus noodsaaklik omdat 'n geleentheid aan elke produsent groot en klein, gebied word om sy mielies te bemark, veral as die plaaslike mark dit nie opneem nie.

Aan die anderkant kan omstandighede van so 'n aard wees—veral wanneer 'n algehele misoes ondervind word—dat die plaaslike produksie die bedryf van 'n poel heeltemal onnodig maak. In so 'n geval wil die Raad dalk glad nie 'n poel met sy verpligting van 'n leweringsprys ensomeer bedryf nie. Die vrye mark moet in so 'n geval sy eie pryse vorm. Sou dit weldra blyk dat die aanvanklike oes-aanname foutief was, kan die Raad later in die seisoen wel nog 'n poel bedryf.

Groot prysverskille kan van tyd tot tyd tussen wit- en geelmielies op die wêreldmark voorkom en die markrealisasie van die twee kommoditeite sal gevolglik dienoreenkomstig verskil. Hierdie verskil in markrealisasie moet gevestig word in die totale verdienste van die produsente en sal tot gevolg hê dat die finale produsenteprys tussen wit- en geelmielies sal verskil.

Die verskil in realisasie van verskillende kleure mielies, die direkte uitvoerkoste en die koste van finansiering; met ander woorde tyd, plek en mark dra by tot die verskil in realisasie. Buitensporige groot hoeveelhede witmielies wat uitgevoer moet word, kan bydra tot 'n laer netto realisasie in die poel.

Die bewering word gemaak dat, omdat die Raad 'n voorskot aankondig, die Raad juis besig is om 'n rigprys in die plaaslike mark te vestig. Dit word dus gesien as 'n inmenging in die plaaslike mark al neem die Raad nie werklik daaraan deel nie. Die Raad kan egter nie 'n poel sonder 'n prys bedryf nie, want die Raad kan nie mielies in ontvangs neem sonder om die leweransiers daarvan te vergoed nie. Die omvang van die voorskot of enige geringe betaling by lewering geskied egter ingevolge die Skema.

Vir die plaaslike produsent is dit belangrik dat hy ten volle ingelig word en alle markinligting bekom om hom in staat te stel om sy bemarkingskeuses uit te oefen. In die Mieliebemarkingskema word die grondslag van die vasstelling van die voorskot bepaal en elke speler in die mark, veral omdat die stut nie as 'n deel van die voorskot gesien word nie, kan 'n redelike korrekte berekening van 'n moontlike voorskot maak.

Die formele aankondiging deur die Raad van 'n spesifieke voorskot, kan dus glad nie gesien word as markinneming nie. Wanneer 'n poel bedryf word, moet 'n voorskot aangekondig word. Dit kan egter slegs die sogenaamde leweringsprys wees en die verwagte finale betaling kan nie publiek gemaak word nie.

Wat scenariopryse betref, is dit wel belangrik dat aanduidings van 'n moontlike realisasie aan die markplek deurgegee word ten einde die rolspelers in staat te stel om ingeligte en behoorlike bemarkingsbesluite te kan neem.

As gevolg van die hoë vervoerkoste van die hoofproduksiegebiede na die kusgebied, veral in die Oos- en Wes-Kaap, kan produsente, uitgesluit die in die benede Oranjerivier, nie daardie markte op 'n ekonomiese grondslag bedien nie. Hoë vervoerkoste elimineer dus markkragte en kopers in die kusgebiede kan in baie gevalle mielies goedkoper van oorsee land as plaaslike voorrade.

Vervoerkoste van die produksiegebied na 'n uitvoerterminaal in Durban is normaalweg laer as dié na die Oos- en Wes-Kaap. Gevolglik is dit dikwels vir die Raad, afhangende waar sy voorrade lê, voordeliger om mielies uit te voer as om die Kaapse kusmarkte te bedien.

Indien die Raad wel die Kaapse kusmarkte bedien, word daardie markte egter vir die RSA-mielieprodusente behou en die Stabilisasiefonds word ook bevoordeel deurdat die Raad 'n bedrag gelyk aan die heffing in die Stabilisasiefonds moet stort.

Die Raad is ooreenkomstig die Mieliebemarkingskema gemagtig om wel mielies wat in die uitvoerpoel ontvang is, op die binnelandse mark op grondslag van 'n minimum vasgestelde formule (invoerpariteit plus R20/t) te verkoop. Die Raad wil dan ook in 'n posisie geplaas word om intensiewe bemarking in veral die gebiede wat ver van die produksiegebiede geleë is, soos die kusmark en heelwaarskynlik Verre Noord-Transvaal, te doen.

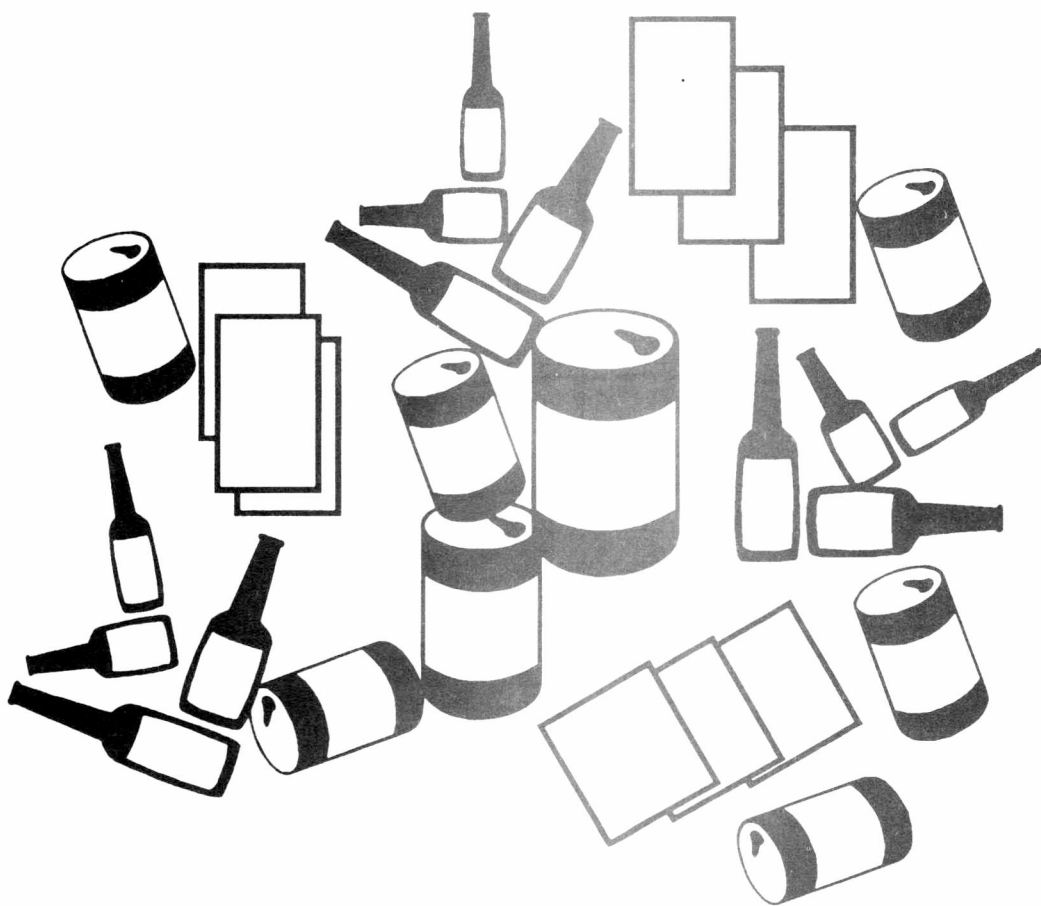
Soos gemeld, is die gemiddelde spoorvrag na dié gebiede dikwels veel hoër as in die geval van uitvoere en is dit noodsaaklik dat die prysstut, soos in die Mieliebemarkingskema omskryf word, op alle uitvoerpoelmielies betaal word. Hoewel dit as ideaal gestel word dat die Raad nie in die binnelandse mark behoort op te tree nie, word toegegee dat verhoed moet word dat mielies uitgevoer word terwyl mielies ook deur kopers ingevoer word om in die binnelandse vraag te voorsien.

Die Raad is van mening dat die voorgestelde bewoording 'n grondslag in plek plaas waarvolgens die Raad verkope kan hanteer. Dit is 'n grondslag wat deurdag en bekend is en elke voornemende koper kan die prysbasis bekom. Die feit dat die Raad in sekere gevalle as gevolg van 'n ander oorsprong van die mielies as vanaf die VSA, nie 'n bevredigende verkoopprijs kan bepaal nie, word ondervang deurdat hy daardie probleem by die Mielieadvieskomitee sal indra en daar op 'n konsensus-grondslag 'n prysbasis gevorm sal word.

Die grondslag waarop ooreengekom is waarvolgens die Raad mielies aan die binnelandse mark mag verkoop, is daarop gemik om deursigtig te wees en sonder om in mededinging met die binnelandse handel te wees.



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Department of Environment Affairs
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