**Report of the Portfolio Committee on Agriculture, Land Reform and Rural Development on the Agricultural Product Standards Amendment Bill [B15 – 2021] (National Assembly–Section 76), dated 22 November 2022**

The Portfolio Committee on Agriculture, Land Reform and Rural Development (“the Portfolio Committee”), having considered the Agricultural Product Standards Amendment Bill (National Assembly – section 76), referred to it and classified by the Joint Tagging Mechanism as a section 76 Bill, reports the Bill with amendments [B15A – 2021] as follows:

The Agricultural Product Standards Amendment Bill [B15 – 2021] (“the Bill”) was introduced in the National Assembly and referred to the Portfolio Committee on 05 August 2021. The Bill seeks to amend the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), so as to –

 insert definitions and substitute others;

 provide for auditing of a product for management control systems;

 make provision for the setting of tariffs by assignees on a cost-recovery basis;

 make further provisions for the Minister to make regulations pertaining to audit and

management control systems; and

 provide for matters connected therewith.

Having called for public submissions on the Bill and considered the public submissions received, and further having determined a need for the amendments during the deliberation of the Motion of Desirability (MOD) of the Bill, the Committee identified the need for some of the clauses to be amended in order to align the content of the Bill with the plain language approach to legislation.

Consequently, the following amendments were agreed to:

**CLAUSE 1**1. On page 2, from line 7, to omit paragraph *(a)*.

2. On page 2, in line 12, to omit ‘‘a systematic and functionally independent’’ and to substitute:

‘‘an’’.

3. On page 3, in line 1, to omit ‘‘manner or’’ and to substitute: ‘‘prescribed’’.

4. On page 3, from line 4, to omit ‘‘in respect of the sale or export of a product’’.

5. On page 3, in line 12, after ‘‘for’’ to insert ‘‘**[any]**’’ and to omit ‘‘or otherwise’’.

**CLAUSE 2**

1. Clause rejected.

 **NEW CLAUSE**

1. That the following be a new Clause:

**Amendment of section 2 of Act 119 of 1990, as amended by section 2 of Act 63 of 1998

2.** Section 2 of the principal Act is hereby amended by the substitution in subsection (3) for

paragraph *(a)* of the following paragraph:

‘‘*(a)* The Minister may, for the purposes of the application of this Act or certain provisions thereof **[, with regard to a particular product, designate any person, undertaking, body, institution, association or board having particular knowledge in respect of the product concerned, as an assignee in respect of that product]** designate as assignee a person, undertaking, body, institution, association, or board - (i) having a particular knowledge of the product concerned; or (ii) having a particular knowledge of the relevant management control systems, with no direct or indirect personal or financial interest.’’.

**CLAUSE 3**1. On page 3, in line 35, after ‘‘concerned’’ to insert ‘‘, within a specified period,’’.

2. On page 3, from line 41, to omit ‘‘, in the opinion of the executive officer,’’.

3. On page 3, in line 45, after ‘‘period’’ to insert ‘‘, not exceeding 12 months,’’.

**CLAUSE 4**1. On page 3, from line 52, to omit paragraph *(b)*.

2. On page 4, from line 4, to omit paragraph *(c)* and to substitute:

‘‘*(c)* **[In the case of action under subsection (1)*(d)*, the]** The relevant person referred to in subsection (1) may **[inspect]** audit the management control system **[in connection with any action referred to in subsection (1)*(d)*,]** and demand from the owner or custodian of the product, material, substance or other article in question, or from the person supervising such management control system, any formation or an explanation regarding the management control system, product, material, substance or other article in question.’’; and

3. On page 4, after line 12, to insert the following paragraph:

‘‘*(c)*by the substitution in subsection (4) for the following subsection: ‘(4) In the case of action under subsection (1)*(b)*, *(c)*, *(d)* or *(e)*, or subsection (2)*(c)* by the relevant person referred to in subsection (1), the owner of the product in question shall pay the prescribed fees or the amount determined by the assignee, as the case may be, for such action.’.’’

**CLAUSE 5**

1. On page 4, in line 18, after ‘‘management control systems’’ to insert ‘‘;’’.

 *Report to be considered*