TERMS OF REFERENCE
THE SOUTH AFRICAN GROUNDNUT FORUM (SAGF)
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Preamble

To meet the challenges of an ever changing environment in which the groundnut industry operates and to foster common interest, the SAGF provide a central representative body and an open, transparent and inclusive platform for all role-players in the groundnut industry to participate and make inputs and decisions on the strategic direction for the industry as well as recommendations as to how identified goals and objectives may be achieved.

Often, conflict exist between the interest of agriculture on the one hand and commercial trade on the other. The SAGF serves as a bridging mechanism between all sectors with the aim to find general agreement and understanding in these matters. It further allows for a platform on which matters of common interest and concern can be voiced, discussed and considered for unified action or strategy.

This body thus represents the collective voice and basic organisational structure for the local groundnut industry, allowing for relevant, recognised and legitimate representation, to related bodies, authorities and other interested parties on any aspect relating to the groundnut industry in South Africa.

Participation in the body is on a registered, but voluntary basis for any directly affected parties or groups, and it must be understood that it will, by no means, assume the form or function of a control or regulatory body. It will also not interfere with the rights and functions of any sector of the industry, but will serve as a link between role-players whereby common interest and problems may be addressed to the wider benefit and sustainability of the industry, generating consumer confidence and customer recognition of the industry’s integrity, objectives and ideals, leading to credibility for the industry in the public domain.

To this end, the following are required:

- Active participation and attendance of meetings by members and government representatives.
- Objective and informed consideration of inputs from all stakeholders – both private and governmental in order to ensure effective and efficient prioritising and action with regards to information dissemination, research, technology development and transfer.
- Emphasis on the advisory and consultative aspects of forum activities.
- Facilitation of information sharing among the role players on: on-going research & development; statutory measures or developments; available market and relating information; available resources and access thereto.
- Meaningful inputs to ensure effective application of research and technology transfer capacities at all levels in the interest of having a positive impact on all levels of the industry;
• Promotion and support of effective co-ordination and collaboration on a national and international level, affecting legislation, agricultural research, technology development and transfer.

• Relationships of trust and goodwill amongst stakeholders.

• Recognition of a broader industry strategy supported by all members and that all members of the forum have a role to play in implementing the sector strategy.

In pursuance of these guidelines, the South African Groundnut Forum (SAGF) established these terms of reference to guide its activities.

Establishment and Name

The members hereby re-confirm the establishment of a forum, which shall be called the South African Groundnut Forum (SAGF), with the objectives and functions as outlined herein.

Scope of the SAGF

The SAGF is a consultative group which will execute its functions and powers as set out in this document:

• Participation in decision making and the processes affecting the interest of the groundnut industry’s value chain.

• Coordination of joint industry projects and programs aimed at promoting effective production, quality, consumption and marketing of groundnuts and groundnut products.

• To convey the coordinated opinion of the groundnut industry to government and other authorities and to cooperate with, and inform them of, all matters relating to and affecting the wellbeing of the groundnut industry, the solving of problems and to effect the required legislation.

• Facilitating inputs to regulatory bodies and government regarding statutory matters in as far as the following is concerned:
  o Plant and consumer health
  o Local and international trade regulations
  o Government research and development
  o Trade and production information
  o Industry and analytical services and infrastructure

• Facilitating and recognition in terms of local and international industry related communication and actions.
Objectives of the SAGF

The mission of the SAGF is to play a facilitating and coordinating role in seeking and communicating general agreement and focused approach in the various fields and areas pertaining to groundnuts specifically, in order to enhance national economic growth, industry stability and growth, social welfare, food security and environmental sustainability through:

- Development and promotion of solidarity and a spirit of cooperation amongst all affected parties and members.
- Establishment, promotion and maintenance of understanding and optimism between sectors of the industry and other interested parties.
- Establishment, at far as practical, of uniform standards.
- Initiation of basic as well as specific agricultural and economical research in the field of each level of the groundnut industry, including cultivar development and evaluation, as well as the dissemination of all relevant technical and research information.
- Development of programs or projects related to the groundnut marketing chain.
- Striving for the systematic development of an environmentally friendly approach for the groundnut industry, including *inter alia*, soil and water resource preservation, maintenance and improvement of fertility of the land, and improved production and marketing methods.

Annually, with input from members and other affected parties, a document will be drafted and reviewed during the final SAGF meeting of the year to identify, confirm and prioritise specific objectives and actions for the foreseen future. This list, along with these Terms of Reference should give focus and measurable outcomes for matters important in reaching the overall objectives of the body.

Membership of the SAGF

Membership and participation in SAGF meetings are open to all directly affected groups as defined in the Marketing of Agricultural Products Act (1996):

“Directly affected group” means any group of persons which is party to the production, sale, purchase, processing or consumption of an agricultural product and include labour employed in the production or processing of such a product.”

Although open to any such party without restriction, there is a simple registration process to enable effective administration and communication. Members are categorised under one or more of the following sectors:
• Members: Directly Affected Groups (Individual or Representative Organisations):
  o Primary Producers
  o Selection Facilities
  o Processors
  o Exporters
  o Importers
  o Traders – Large & Small Commercial or informal
  o Marketing Agents
  o SANSO or other Seed related entities
  o Industry Service Providers
  o Industry Input Suppliers
  o SA National Consumers Union (SANCU) and/or other consumer representative
  o Labour unions or other labour representation

• Administrative
  o Members of OAC
  o Officers of the Oilseeds Industry

• Government Representatives:
  o Department of Agriculture, Forestry and Fisheries
  o Department of Health
  o Department of Trade and Industry
  o SARS: Directorate Customs and Excise
  o Agricultural Research Council
  o PPECB (as assignee of DAFF)

Observers: Any national or international organisations or persons that have an interest in the outputs of agricultural research, development and technology transfer or any other matters affecting the local groundnut industry are welcome to attend general SAGF meetings on prior arrangement and introduction.

Conduct of Members

The following general conduct guidelines are adhered to:
• Matters are strictly dealt with based on merit, not being influenced by politics or individual agendas or strategies which are not representative of the interest of the industry as a whole.

• A member of the SAGF will not, while he or she is a member or thereafter, disclose to any person any information, for which non-disclosure has been declared or which is considered as confidential, which he or she has acquired whilst exercising or performing any function relating to the SAGF.

• Members are expected to treat each other with respect and consideration, valuing a diversity of views and opinions.

• Members or any other person attending any meeting shall be vigilant in ensuring that no topic is discussed that may, in any way, be construed as constituting any of the following:
  o exchanging price sensitive information or price fixing;
  o market allocation or dividing markets among companies;
  o terms and conditions of sale;
  o collusive tendering; and
  o measures, arrangements and activities that may be considered as anticompetitive.

• Any queries and/or objections relating to the discussion of any matter shall, unless the person raising the query or objection can immediately be satisfied, lead to termination of the discussion, recording of the concern, and seeking advice as to the way forward.

• An attendance register shall be completed and signed at each meeting. By signing the register implies an undertaking to comply with the requirements of the Competition Act, No. 89 of 1998 (as amended).

• Members and other persons attending any meeting of the SAGF shall not pursue any arrangement or discussion that will have the effect of substantially preventing or lessening competition, unless it can prove a technological, efficiency or other competitive gain.

• When participating in activities or meetings of the SAGF, all members and office bearers should read minutes and agendas and prepare for meetings to ensure that meetings are not used for purposes that contravene the Act. All affected parties and members are encouraged to familiarise themselves with the restrictions of the Competition Act.

• During the opening of each SAGF meeting, a statement that confirms these arrangements will be read out aloud by the Chairperson.

Functions and Powers of the SAGF

The SAGF is a consultative body and is not a legal entity. Acknowledged as the representative structure for the local groundnut industry, it acts – within limit and constraint - as the voice of this industry in terms of the following:
• Participation and coordination of inputs with regards to statutory measures, including but not limited to: health and food safety; import and export regulations; research; information; industry and analytical services, which are or will be required by the industry.

• Reaction to a wide scope of industry related issues or problems that might occur and affect or may affect the larger industry or sector within the industry.

• Coordination, inputs and participation in generic industry projects and programs focused on the improvement of production, selection, processing and marketing of South African groundnuts and groundnut products.

• Monitoring of legislator actions and activities on local and national level that might influence the industry or any of its sectors.

• Development and implementation of information and educational programs that will promote the industry.

• Coordination and communication on local and international level regarding matters relating to groundnuts.

The further functions of the SAGF are to:

• Reach agreement and make recommendations to government and others, specifically the Oilseeds Advisory Committee (OAC) on:
  o the co-ordination of research and development programmes;
  o optimal use of available resources for agricultural research;
  o priorities in research, development and technology/information transfer;

• Promote:
  o capacity development and recommend ways of addressing problems;
  o human resource development;

• Review policy and draft legislation with timely response and comments to the relevant party or government department.

• Advise government and others, through relevant bodies or government departments on relevant matters pertaining to industry strategy, programs, projects, research, development and technology transfer;

• Identify opportunities for and promote multi-organisational co-operation in major projects;

• Serve as a co-ordinator for ad hoc task teams appointed by members for specific projects.

• The SAGF shall not:
  o be an implementing agency.
  o directly enter into any agreement for:
    ▪ rendering of technology development and transfer services;
secure funding; or
- the purchase of moveable or immovable property.

Appointment procedures of the SAGF

The SAGF will:

- Biennially (every second year), during the last general meeting, elect a chairperson and vice chairperson from members present and/or nominated. The chairperson and vice chairperson remains in office for two years, and the two elections will be staggered to allow for the election of a chairperson the one year and a vice chairperson the following year. The outgoing persons will be eligible for nomination for re-election. Election of a chairperson and vice chairperson will be done by secret ballot or by show of hands from among nominations received from members. Support by the highest number of members will decide the election, so that elimination by repeated voting may be unnecessary, especially in the case of multiple nominations. Nominations for chairperson and vice chairperson must be accepted in writing by the nominee(s).

- Decide on and appoint ad hoc task groups/committees to undertake tasks related to issues in order.

Notwithstanding any other provisions herein, the SAGF shall not engage in any activities or exercise any powers that are not aimed at the accomplishment of its mission.

Structure of the SAGF

The structure of the SAGF consist of the SAGF in General Meeting, the Chairperson, the Vice Chairperson, the Secretariat and Ad Hoc Committees.

Due to the structure of the industry, it has been decided by the SAGF that standing sub- and steering committees are impractical and ineffective. Thus, only a chairperson and vice chairperson will be elected with specialised and focused Ad Hoc Committees nominated as and when the need arise.

General Meeting

Composition

The meeting will operate on the principles of having members, and observers and at least one - but preferably three - annual meetings as open session/s. Ad hoc working groups/committees will be set up to deal with specific issues and this will be in response to demand. In matters where general opinion are to be established or tested, only designated representatives of members will have the right to vote.
Functions and Powers

As the SAGF’s highest level, the General Meeting shall have the following functions and powers:

- to approve and ratify internal policies, programmes and protocols;
- to elect by secret ballot or show of hand the chairperson and vice chairperson.
- recommend the commissioning of studies, research or other work;
- to delegate to the chairperson and vice chairperson such powers as it deems practical for the effective and efficient implementation of the SAGF’s objectives;
- monitor, evaluate and approve the work of the chairperson and vice chairperson;
- do and perform, within the limits set by structure and powers, all other acts that may be deemed necessary and suitable to achieve the SAGF's objectives;
- at the request of the chairperson or by written request from 30% or more members (as per the official SAGF members list at the time), the chairperson of the SAGF may convene an extraordinary general meeting of the SAGF.
- Chairperson of the SAGF shall chair all meetings of the SAGF, including any extraordinary meetings convened. In the event that the chairperson is unable to chair a meeting of the SAGF, the vice chairperson, on in his/her absence, a temporary chairperson elected by the meeting, will chair that meeting only.

Chairperson & Vice Chairperson

The Chairperson of the SAGF:

- Chairs all general and special meetings.
- Reports to the general meeting on progress of implementation and on all other matters concerning the SAGF's as requested by the SAGF general meeting.
- Serves as the official representative of the SAGF on the OAC.

Functions and Responsibilities of the Chairperson and Vice Chairperson (acting as Steering Committee):

- act on behalf of the SAGF on all matters requiring immediate attention;
- recommend for approval or ratification by the SAGF General Meeting internal policies, programs, protocols and any other issue deserving such treatment;
- plan for the coming SAGF meetings and ensure that the secretariat undertakes the follow up actions which will ensure effective organisation of the meeting;
- prepare for discussion and decision making at SAGF Meetings;
- ensure implementation of SAGF recommendations through liaison and monitoring;
- support the Secretariat with organisational, administration and particularly in the interpretation of decisions;
• perform all other acts as deemed appropriate for the implementation of the directives received from the SAGF general meetings in the pursuit of the SAGF’s objectives;

• co-opt members with specific skills and recommend the appointment of sub-committees or task groups to undertake particular tasks related to issues identified by the SAGF as deserving of attention.

• join ad hoc or task groups as representatives of members and to evaluate work of group within the scope of the objectives of the group and the SAGF.

• be prepared to devote sufficient time to properly carry out their responsibility towards the SAGF.

• be satisfied that they are in a position to make informed decisions.

• must never permit a conflict of duties and sectoral interest and must always act in the best interest of the industry as a whole and without self-interest.

• must act independently and outside fetter or instruction

• must exercise care, skill, good faith, honesty and integrity in all their dealings on behalf of the SAGF.

Secretariat
The Secretariat of SAGF shall be managed through the offices of the Oilseed Industry in Woodmead, Johannesburg.

The functions of the Secretariat are to:

• Provide secretarial support to the SAGF General and Special Meetings.

• Undertake the organisation and support of General Meetings including notification, minutes, drafting and distribution of agendas and minutes, organisation of venues and functions, recruitment of nominations and any other related functions.

• Develop and maintain data-bases and information systems to support the SAGF

• Distribute appropriate information to interested members of the SAGF.

Ad Hoc Committees
• The SAGF may establish ad hoc committees, for such a period as it may deem necessary in order to achieve a specific goal or task relating to SAGF objectives.

• If required, secretarial services will be negotiated with the relevant parties and should not be seen as an automatic service.

• When establishing such an ad hoc committee, terms of reference for the group must be drafted by the chairperson of that ad hoc committee, to include at least the following, and made available to the Chairperson before the commencement of any work:
  a) The name of the ad hoc committee
  b) Members
  c) Function or objective
  d) Period of establishment
e) Accountability
f) Funding (if any)
g) Chairperson

- Decisions of such ad hoc committees are subject to approval by the SAGF before such
decision may be executed or pursued, unless the SAGF has given prior approval to this
effect.

Amendments to the Terms of Reference

The SAGF General Meeting may amend this Terms of Reference in case of a majority opinion
of the members present, provided that notice of such proposed amendment shall have been
included, with its full text, to all members at least 4 weeks in advance of the meeting.

Commencement of the Terms of Reference

This Terms of Reference shall enter into force when it is approved by a constituent general
meeting of stakeholders qualifying in terms of the criteria for membership set out herein.

Dissolution of the SAGF

Dissolution of the SAGF can only take place with the concurrence of seventy percent of all
registered members present expressed by way of sealed ballot vote at a special general
meeting convened for that purpose. Notice of such special meeting must be mailed to all
registered members at least 10 weeks in advance of such meeting.

In terms of the requirements set by the Marketing Act, the SAGF will, regardless of the
outcome of the voting process, not be dissolved unless a similar body, with similar scope and
objectives has been established within the groundnut industry.