



Australian Grape and Wine Authority Amendment (Wine Australia) Act 2017

No. 122, 2017

**An Act to amend the law relating to wine,
international wine tourism and complementary
services, products and experiences, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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**An Act to amend the law relating to wine,
international wine tourism and complementary
services, products and experiences, and for related
purposes**

[Assented to 6 November 2017]

The Parliament of Australia enacts:

1 Short title

*This Act is the **Australian Grape and Wine Authority Amendment
(Wine Australia) Act 2017.***

*No. 122, 2017 Australian Grape and Wine Authority Amendment (Wine Australia) Act 1
2017*

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	7 November 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Australian Grape and Wine Authority Act 2013

Part 1—Main amendments

Australian Grape and Wine Authority Act 2013

1 Title

Omit “the Australian Grape and Wine Authority”, substitute “Wine Australia”.

2 Section 1

Omit “*Australian Grape and Wine Authority*”, substitute “*Wine Australia*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

3 After paragraph 3(a)

Insert:

- (aa) to support the growth of the wine industry, and other industries that make wine (within the meaning of section 33-1 of the *A New Tax System (Wine Equalisation Tax) Act 1999*); and
- (ab) to support the growth of international wine tourism, and services, products and experiences that complement international wine tourism; and

4 Subsection 4(1) (definition of *Authority*)

Omit “the Australian Grape and Wine Authority”, substitute “the authority known as Wine Australia”.

5 Subsection 4(1) (definition of *Authority Selection Committee*)

Omit “Australian Grape and Wine Authority”, substitute “Wine Australia”.

6 Subsection 4(1)

Insert:

international wine tourism means tourism undertaken by international tourists in Australia for the purposes of, or relating to, tasting, consuming or purchasing wine.

7 Part II (heading)

Repeal the heading, substitute:

Part II—Wine Australia

8 Section 6

Repeal the section, substitute:

6 Wine Australia

- (1) This section applies to the body corporate that was established by section 6 of the *Australian Grape and Wine Authority Act 2013* (as in force immediately before the commencement of this section).
- (2) That body corporate continues in existence by force of this section as a body corporate, under and subject to the provisions of this Act, under the name Wine Australia.

Note 1: In this Act, *Authority* means the authority known as Wine Australia—see section 4.

Note 2: Subsection 25B(1) of the *Acts Interpretation Act 1901* provides that a body whose name is altered by an Act continues in existence under the new name so that its identity is not affected.

9 After paragraph 7(e)

Insert:

- (ea) to implement, facilitate and administer programs, as directed by the Minister, in relation to:
 - (i) wine; and
 - (ii) cider (as defined by section 33-1 of the *A New Tax System (Wine Equalisation Tax) Act 1999*); and

- (iii) international wine tourism, and services, products and experiences that complement international wine tourism;
- (eb) to administer grant programs in relation to wine (as defined by section 33-1 of the *A New Tax System (Wine Equalisation Tax) Act 1999*), as directed by the Minister;

10 After paragraph 7A(a)

Insert:

- (aa) for purposes relating to bounties on the production or export of goods; or

11 After section 7A

Insert:

7B Uniformity

A power conferred on any person by this Act must not be exercised in such a manner that bounty would not be uniform throughout the Commonwealth within the meaning of paragraph 51(iii) of the Constitution.

12 Paragraphs 8(2)(i) and (j)

Repeal the paragraphs.

13 Subsection 8(2F)

Omit “*Australian Grape and Wine Authority*” (wherever occurring), substitute “*Wine Australia*”.

14 Section 10

After “arrangements or agreements”, insert “(including arrangements or agreements under which money is, or may become, payable by the Commonwealth)”.

15 At the end of section 10

Add:

Note: For a grant of financial assistance to a State relating to grape or wine research and development activities, see section 10C.

16 Part IV (heading)

Repeal the heading, substitute:

Part IV—Wine Australia Selection Committee

17 Section 27A

Omit “establishes the Australian Grape and Wine Authority”, substitute “deals with the Authority”.

18 Section 27B

Repeal the section, substitute:

27B Authority Selection Committee

- (1) This section applies to the committee that was established by section 27B of the *Australian Grape and Wine Authority Act 2013* (as in force immediately before the commencement of this section).
- (2) That committee continues in existence by force of this section as a committee, under and subject to the provisions of this Act, under the name Wine Australia Selection Committee.

Note 1: In this Act, **Authority Selection Committee** means the Wine Australia Selection Committee—see section 4.

Note 2: Subsection 25B(1) of the *Acts Interpretation Act 1901* provides that a body whose name is altered by an Act continues in existence under the new name so that its identity is not affected.

19 Subsection 40Y(2)

Omit “*Australian Grape and Wine Authority*” (wherever occurring), substitute “*Wine Australia*”.

Part 2—Consequential amendments

Freedom of Information Act 1982

20 Part III of Schedule 2

Omit “*Australian Grape and Wine Authority Act 2013*”.

21 At the end of Part III of Schedule 2

Add “*Wine Australia Act 2013*”.

Primary Industries (Customs) Charges Act 1999

22 Subclause 5(3) of Schedule 13

Omit “the Australian Grape and Wine Authority established under the *Australian Grape and Wine Authority*”, substitute “Wine Australia continued in existence under the *Wine Australia*”.

23 Subclause 5(4) of Schedule 13

Omit “the Australian Grape and Wine Authority”, substitute “Wine Australia”.

24 Subclause 5(4) of Schedule 13

Omit “the Authority”, substitute “Wine Australia”.

Primary Industries (Excise) Levies Act 1999

25 Clause 1 of Schedule 13 (definition of *representative organisation*)

Omit “*Australian Grape and Wine Authority*”, substitute “*Wine Australia*”.

26 Clause 1 of Schedule 26 (definition of *declared winemakers’ organisation*)

Omit “*Australian Grape and Wine Authority*”, substitute “*Wine Australia*”.

27 Subclause 9(8) of Schedule 26

Omit “the Australian Grape and Wine Authority established under the *Australian Grape and Wine Authority*”, substitute “Wine Australia continued in existence under the *Wine Australia*”.

28 Subclause 9(9) of Schedule 26

Omit “the Australian Grape and Wine Authority”, substitute “Wine Australia”.

Primary Industries Levies and Charges Collection Act 1991

29 Paragraph 27A(2)(c)

Omit “the Australian Grape and Wine Authority established by section 6 of the *Australian Grape and Wine Authority*”, substitute “Wine Australia continued in existence by section 6 of the *Wine Australia*”.

Part 3—Transitional provisions

Division 1—Definitions

30 Definitions

In this Part:

asset means:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; or
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

continued Committee means the Authority Selection Committee as continued under section 27B of the *Wine Australia Act 2013* after the transition time.

instrument includes an Act and any instrument made under an Act.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

old Committee means the Authority Selection Committee as established under section 27B of the *Australian Grape and Wine Authority Act 2013* and in existence immediately before the transition time.

transition time means the commencement of this Schedule.

Division 2—Australian Grape and Wine Authority

31 Object

The object of this Division is to avoid doubt about the effect of continuing the existence of the body corporate Wine Australia, previously known as the Australian Grape and Wine Authority, on certain matters.

32 Assets and liabilities of the Australian Grape and Wine Authority

Assets and liabilities of the Australian Grape and Wine Authority immediately before the transition time continue, after the transition time, to be assets and liabilities of Wine Australia (without any conveyance, transfer or assignment).

33 References in instruments to the Australian Grape and Wine Authority

A reference to the Australian Grape and Wine Authority in an instrument that is in force immediately before the transition time has effect, after the transition time, as a reference to Wine Australia.

34 Effect of things done by, or in relation to, the Australian Grape and Wine Authority

A thing done by, or in relation to, the Australian Grape and Wine Authority before the transition time has effect, after the transition time, as if it had been done by, or in relation to, Wine Australia.

35 Legal proceedings

If any proceedings to which the Australian Grape and Wine Authority is a party are pending in a court or tribunal immediately before the transition time, Wine Australia is, after the transition time, that party to those proceedings.

Division 3—Authority Selection Committee

36 Object

The object of this Division is to avoid doubt about the effect of continuing the existence of the Authority Selection Committee under section 27B of the *Wine Australia Act 2013* on certain matters.

37 References in instruments to the Authority Selection Committee

A reference to the old Committee in an instrument that is in force immediately before the transition time has effect, after the transition time, as a reference to the continued Committee.

38 Effect of things done by, or in relation to, the Authority Selection Committee

A thing done by, or in relation to, the old Committee before the transition time has effect, after the transition time, as if it had been done by, or in relation to, the continued Committee.

Note: For example, any request for nominations made under section 27E of the *Australian Grape and Wine Authority Act 2013* in relation to the old Committee before the

transition time has effect, after the transition time, as if it had been made under that section in relation to the continued Committee.

Division 4—Rules

39 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Act.
- (2) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (3) This Part (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).

*[Minister's second reading speech made in—
Senate on 5 September 2017
House of Representatives on 24 October 2017]*

(181/17)
