



# **Wine Australia Amendment (Label Directory) Act 2020**

**No. 132, 2020**

**An Act to amend the *Wine Australia Act 2013*, 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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**No. 132, 2020**

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## **An Act to amend the *Wine Australia Act 2013*, and for related purposes**

[Assented to 17 December 2020]

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Wine Australia Amendment (Label Directory) Act 2020*.

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## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 July 2021 (F2021N00116)

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Wine Australia Act 2013*

#### **1 Paragraph 3(b)**

Repeal the paragraph, substitute:

- (b) to control the export of grape products from Australia, including through the use of a Label Directory containing digital colour images of grape product labels and other information to allow persons to identify potential infringements of intellectual property rights; and

#### **2 Subsection 4(1)**

Insert:

*grape product label* means a label attached to, or writing or other sign appearing on, a bottle or other package of a grape product.

#### **3 Subsection 4(1) (definition of *package*)**

Repeal the definition, substitute:

*package*, in relation to a grape product, means a container in which the grape product is sold or transferred for sale.

#### **4 Subsection 4(1)**

Insert:

*personal information* has the same meaning as in the *Privacy Act 1988*.

#### **5 At the end of section 7**

Add:

Note: One of the Authority's functions under the regulations is to establish, maintain and make publicly available a Label Directory.

#### **6 After section 45**

Insert:

## 45A Label Directory

- (1) The regulations may make provision for and in relation to the Authority establishing, maintaining and making publicly available a database, to be known as the Label Directory.

### *Contents of Label Directory*

- (2) The regulations may provide for the Label Directory to include:
  - (a) digital colour images of grape product labels; and
  - (b) information relating to grape products or relating to exporters of grape products.
- (3) The regulations may provide for personal information to be included in the Label Directory if the personal information:
  - (a) is included in a digital colour image of a grape product label; or
  - (b) relates to grape products or to exporters of grape products.
- (4) However, the regulations must not provide for any other personal information to be included in the Label Directory.
- (5) The regulations may provide for corrections to the contents of the Label Directory.
- (6) Subsections (2), (3) and (5) do not limit subsection (1).

### *Uses of Label Directory*

- (7) The Authority may use the contents of the Label Directory:
  - (a) for the purposes of the Authority deciding whether it is satisfied that there has been a contravention of Part VIA (about the label integrity program); or
  - (b) for the purposes of the Authority performing functions, or exercising powers, under this Act or the regulations.
- (8) Subsection (7) does not limit the purposes for which the contents of the Label Directory may otherwise be used.

### *Label Directory not a legislative instrument*

- (9) The Label Directory is not a legislative instrument.



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*[Minister's second reading speech made in—  
Senate on 2 December 2019  
House of Representatives on 9 December 2020]*

*(212/19)*

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