



## **Wine Australia Amendment (Label Directory) Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 June 2021

David Hurley  
Governor-General

By His Excellency's Command

David Littleproud  
Minister for Agriculture, Drought and Emergency Management

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## 1 Name

This instrument is the *Wine Australia Amendment (Label Directory) Regulations 2021*.

## 2 Commencement

- (1) Each provision of this instrument 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 instrument	At the same time as the <i>Wine Australia Amendment (Label Directory) Act 2020</i> commences.	1 July 2021

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under the *Wine Australia Act 2013*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Wine Australia Regulations 2018*

#### 1 Section 4

Insert:

*Label Directory* means the database referred to in section 21A.

#### 2 At the end of subsection 13(1)

Add:

; (e) the Authority is satisfied that the licensee has made a false declaration under subsection 18(2A).

#### 3 After Division 3 of Part 3

Insert:

### Division 3A—Provision of grape product labels

#### 17A Provision of grape product labels

(1) A licensee may provide to the Authority digital colour images of grape product labels for use in exports of consignments of the grape product by the licensee.

Note 1: Before the licensee can have an export certificate issued, those images must have been provided to the Authority: see section 20.

Note 2: Section 21A deals with the Authority including those images in the Label Directory.

(2) The licensee may provide those images:

(a) in connection with the licensee applying for an approval under section 14;  
or

(b) at any time after the Authority gives the licensee an approval under section 14.

#### 4 After subsection 18(2)

Insert:

(2A) The application must be accompanied by a written declaration by the licensee stating that each grape product label for use in the consignment is a label a digital colour image of which:

(a) the licensee or another licensee has provided to the Authority under section 17A; or

(b) is in the Label Directory.

(2B) Subsection (2A) does not apply to the consignment to the extent that it consists of a grape product for export in one or more containers, where the volume of each container exceeds 20 litres.

#### 5 After paragraph 20(2)(b)

Insert:

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- (ba) each grape product label for use in the consignment is a label a digital colour image of which:
- (i) the licensee or another licensee has provided to the Authority under section 17A; or
  - (ii) is in the Label Directory; and

## **6 After subsection 20(2)**

Insert:

- (2A) Paragraph (2)(ba) does not apply to the consignment to the extent that it consists of a grape product for export in one or more containers, where the volume of each container exceeds 20 litres.

## **7 After Division 4 of Part 3**

Insert:

### **Division 4A—Label Directory**

#### **21A Label Directory**

- (1) This section is made for the purposes of section 45A of the Act.
- (2) The Authority must establish, maintain and make publicly available a database (the *Label Directory*).
- (3) The Label Directory must be kept in electronic form.

#### *Contents of Label Directory*

- (4) If a digital colour image of a grape product label is provided to the Authority under section 17A by a licensee, the Authority must include the following in the Label Directory:
  - (a) the image (including personal information in the image);
  - (b) if the image contains writing that is not in English—an English translation of that writing;
  - (c) the date of inclusion in the Label Directory of the image.
- (5) If a licensee is an exporter of a grape product in relation to which the digital colour image of the grape product label has been included in the Label Directory, the Authority must also include the following information (including personal information) in the Label Directory:
  - (a) if the exporter has an ACN (within the meaning of the *Corporations Act 2001*)—that ACN;
  - (b) if the exporter has an ABN (within the meaning of the *A New Tax System (Australian Business Number) Act 1999*)—that ABN;
  - (c) if the exporter has an ARBN (within the meaning of the *Corporations Act 2001*)—that ARBN;
  - (d) for each export of a consignment of the grape product by the exporter—the day on which the grape product is to be, or was, exported and either:
    - (i) if the Authority is not aware of the country in which the grape product is intended for retail sale—the country to which the grape product is to be, or was, exported; or

- (ii) if the Authority is aware of the country in which the grape product is intended for retail sale—that country.

*Variation of contents of Label Directory*

- (6) The Authority may vary the contents of the Label Directory (including for the purpose of correcting any error in the Label Directory).

**8 Part 10 (heading)**

Repeal the heading, substitute:

**Part 10—Application and transitional provisions**

**9 At the end of Part 10**

Add:

**Division 2—Application provisions relating to the Wine Australia Amendment (Label Directory) Regulations 2021**

**119 Application provisions**

- (1) Paragraph 13(1)(e), as added by the *Wine Australia Amendment (Label Directory) Regulations 2021*, applies in relation to licences granted before, on or after the commencement of this section.
- (2) Section 17A, as inserted by the *Wine Australia Amendment (Label Directory) Regulations 2021*, applies in relation to persons who became licensees before, on or after the commencement of this section.
- (3) Subsections 18(2A) and (2B), paragraph 20(2)(ba) and subsection 20(2A), as inserted by the *Wine Australia Amendment (Label Directory) Regulations 2021*, apply in relation to applications made under section 18 on or after the commencement of this section.