DISCUSSION PAPER

Sunsetting Review of the *Wine Australia Regulations 2018* (Cth)

A discussion paper for stakeholder consultation

Issued by: Wine Australia

Independent Reviewer: Jason Duldig, Director, Dixon&King Pty Ltd

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Australian Government

Wine Australia

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AT A GLANCE

This paper invites your views on whether the *Wine Australia Regulations 2018* (Cth) should be replaced, amended, or allowed to lapse, before they automatically expire on 1 April 2028.

Wine Australia has appointed independent Reviewer, Dixon&King, to conduct this review and to report to the Department of Agriculture, Fisheries and Forestry by 31 December 2026.

You do not need any legal or technical expertise to take part, and you do not need to answer every question. Please respond to those questions that are most relevant to you.

Consultation: August - September 2026

Submissions close: 5.00pm (ACST) Friday 25 September 2026

How to participate: see Section 5, 'How to participate in this Review', for full details.

1 PURPOSE OF THIS PAPER

Wine Australia has appointed independent Reviewer, Dixon&King, to conduct a review (**Review**) of the *Wine Australia Regulations 2018* (Cth) (**Regulations**), ahead of their scheduled automatic repeal (sunsetting) on 1 April 2028.

This paper is intended to assist stakeholders to understand the background to, and scope of, the Review, and to prepare for consultation. This paper:

- sets out the background to the Regulations and to this Review
- explains the framework of six central issues and themes the Review will examine
- poses a series of questions on which stakeholder views are sought, and
- explains how you can participate.

You do not need to answer every question in this paper. Please respond to the questions most relevant to your organisation or interests, and feel free to raise any other matter you consider relevant to whether the Regulations remain fit for purpose.

2 BACKGROUND TO THE REVIEW

2.1 About Wine Australia and the Regulations

Wine Australia is the Australian grape and wine sector's statutory body for research and innovation, market development, and regulation. Its regulatory functions include wine export licensing, administering the Label Integrity Program, and managing the Register of Protected Geographical Indications and Other Terms (**Register**). Wine Australia's functions are set out in section 7 of the *Wine Australia Act 2013* (Cth) (**Act**), and include controlling the export of grape products from Australia, coordinating or funding the carrying out of grape or wine research and development activities, and promoting the consumption and sale of grape products in Australia and overseas.

The Regulations are made under section 46 of the Act. They prescribe controls to ensure the quality of grape products, including Australian wine, that are exported; implement Australia's international obligations; and help ensure that Australian wine exported overseas complies with importing country requirements. Among other things, the Regulations:

- set the conditions and exemptions for the export of grape products, including export licensing, product approval and export certification (Part 3)

- set out the requirements for the description and presentation of wine sold domestically, exported, or imported into Australia, including rules on grape variety, vintage and geographical indication (**GI**) labelling claims (Part 4), and related exemptions from misleading description offences (Part 5)
- establish the process by which the Geographical Indications Committee considers objections to the determination of Australian GIs, the criteria for determining Australian GIs, and the process by which foreign country GIs and translations are determined, objected to, and omitted from the Register (Parts 6–8), and
- give effect to Australia's obligations under relevant international wine-trading agreements, including the Agreement between Australia and the European Community on Trade in Wine, and the Agreement on Trade in Wine between Australia and the United Kingdom.

The Regulations remade, with relatively minor amendments, the previous *Australian Grape and Wine Authority Regulations 1981* (Cth), which themselves sunsetted on their 2018 remake.

2.2 Why is a review needed?

Under the *Legislation Act 2003* (Cth), most Commonwealth legislative instruments, including the Regulations, automatically sunset (are repealed) approximately ten years after registration, unless further action is taken.

The Regulations are due to sunset on 1 April 2028.

Consistent with the Attorney-General's Department's Guide to Managing the Sunsetting of Legislative Instruments (the **Guide**), a sunsetting review provides an opportunity to test whether an instrument remains fit for purpose. That is, whether it is still required, whether it continues to meet its underlying policy objectives, and whether it could be simplified or improved, before any decision is made to remake (i.e. replace) it.

Appropriate and reasonably practicable consultation is to occur on any proposed remade instrument. This Review, and the consultation it involves, is intended to inform that process.

The six central issues and themes examined by this Review (see Section 3) reflect this fitness-for-purpose test: they ask whether the Regulations remain necessary, whether they continue to reflect the current operating environment and the objects of the Act, whether they raise broader legal or policy issues, whether their regulatory burden is proportionate, whether they could be simplified, and whether Wine Australia's administration of them could be improved.

The Government’s formal sunsetting review which follows this Review will be the first review of the Regulations since the 2018 remake, and provides the Australian wine industry an opportunity to consider whether changes are needed to the Regulations themselves, and whether improvements can be made to how Wine Australia administers them.

2.3 Nature and scope of the Review

The Department of Agriculture, Fisheries and Forestry (**DAFF**) requires that this Review be comprehensive in substance, but narrow and targeted in scope. This Review will assess whether the Regulations remain fit for purpose, focusing on the six central issues and themes set out in Section 3 below, and will draw on structured consultation with peak industry bodies, representative organisations and committees, subject-matter expert groups, government agencies and industry participants.

2.4 What is out of scope of this Review

This Review is confined to the Regulations themselves, and to Wine Australia's administration of them. It does not extend to a general review of Wine Australia's broader functions or powers under the Act (for example, research and development or market development), except to the extent these bear directly on the Regulations.

2.5 Who we are consulting

In addition to written submissions, the Reviewer, Dixon&King, will directly engage with a cross-section of industry bodies, subject-matter expert groups and Government agencies, including: Wine Australia's internal regulatory, legal and market access teams; Australian Grape & Wine's Wine Industry Technical Advisory Committee (WITAC); the Geographical Indications Committee; Australian Grape & Wine (AGW); wine businesses that interact with the Regulations; DAFF; IP Australia; relevant State and Territory governments; State and regional wine associations; and grower organisations. This list is not exhaustive, and all stakeholders are welcome to participate regardless of whether they are listed above.

2.6 Review timetable

The table below sets out the key activities for the Review.

Timing	Activity
August – September 2026	Stakeholder consultation – written submissions and consultation sessions
September – October 2026	Analysis of consultation findings against the six central issues and themes
31 October 2026	Draft Review report provided to Wine Australia
November 2026	Wine Australia provides draft Review report to DAFF for feedback
By 31 December 2026	Wine Australia provides finalised Review report to DAFF
Ahead of 1 April 2028	DAFF leads any development of remade Regulations, informed by the Review

3 REVIEW FRAMEWORK – THE SIX CENTRAL ISSUES & THEMES

The Review will examine six central issues and themes in assessing whether the Regulations are fit for purpose. These issues and themes, summarised in the table below, inform the consultation questions in Section 4 of this paper.

Central issue / theme	What we want to explore
1. Are the Regulations still required?	Whether the Regulations remain necessary to give effect to the *Wine Australia Act 2013* (Cth); consequences of sunsetting without replacement; how could the Regulations be improved?

Central issue / theme	What we want to explore
2. Current context and operating environment	How the wine industry has changed since 2018; do the Regulations still support the objects of the Act? Can the Regulations be improved to better support the objects? Are there any other reform plans/upcoming changes which may affect the Regulations?
3. Broader policy or legal issues	Australia's international obligations; geographical indication (GI) determination and objection processes; adequacy of compliance and enforcement provisions – do they meet the needs of the wine industry and support maintaining the reputation of Australian wine.
4. Regulatory impact	Does the burden of export controls on grape products need to be improved; whether current settings are proportionate and supported by industry.
5. Could the Regulations be simplified?	Opportunities to remove redundancy, improve structure of the Regulations, and enhance administration.
6. Wine Australia's administration of the Regulations	Are regulatory risks managed proportionately? Are systems efficient, fit for purpose and adaptable to future changes; use of digital and data systems; is Wine Australia appropriately responsive and engaged? Are there useful comparisons with comparable overseas regulators that should be adopted.

4 QUESTIONS FOR STAKEHOLDERS

The questions below are grouped under each of the six central issues and themes. They are intended as a guide. Stakeholders are welcome to respond to some, all, or none of them directly, and to raise any related matters considered relevant to the Review.

4.1 Are the Regulations still required?

(a) **Question 1:** In your view, are the Regulations (in whole or in part) still necessary to achieve the objects of the Act, including to support grape or wine research and development; to promote the consumption and sale of grape products in Australia and overseas; and to give effect to Australia's international obligations, with the overall objective of protecting the reputation, quality and integrity of Australian wine?

(b) **Question 2:** Are there any provisions of the Regulations that are no longer used, or that duplicate requirements imposed under other Commonwealth or State/Territory laws (for example, the Australia New Zealand Food Standards Code, the National Measurement Act 1960, or biosecurity or export legislation)?

(c) **Question 3:** If the Regulations were allowed to sunset without replacement on 1 April 2028, what practical, commercial or reputational consequences would this have for your organisation, or for the wine sector more broadly (for example, for export licensing, GI protection, or market access)?

(d) **Question 4:** Are there matters currently dealt with administratively by Wine Australia (for example, through guidance material or the Wine Australia Licensing and Approval

System (**WALAS**)) that you consider should instead be prescribed in the Regulations, or vice versa? Are there any matters not currently addressed by the Regulations that you think should be?

(e) **Question 5:** What improvements, if any, should be made to the Regulations?

4.2 Current context and operating environment

(a) **Question 6:** How has the wine industry's operating environment changed since the Regulations commenced in 2018 (for example, shifts in export markets, new or amended trade agreements, changes in domestic regulation, sustainability and labelling trends, product innovation, or the use of technology in compliance)? Do the Regulations still support industry needs?

(b) **Question 7:** Are there specific ways the Regulations could be improved to better support the objects of the Act? (See also Question 1 in Section 4.1, which asks whether the Regulations remain necessary to achieve those objects).

(c) **Question 8:** Are there any known or anticipated trade or policy developments (for example, arising from the EU/UK Wine Agreement or other negotiations, the mandatory Code of Conduct for Winegrape Purchases, the Viticulture and Wine Sector Working Group or recent policy analyses/reviews) that should be factored into the design of any remade Regulations?

4.3 Broader policy or legal issues

(a) **Question 9**: Are there any changes that should be made to the Regulations in anticipation of likely changes to the regulatory environment that should be factored into the design of any remade Regulations?

(b) **Question 10:** Is the process for applying for, objecting to, and determining, Australian and foreign geographical indications (Parts 6 and 7 of the Regulations) appropriate? Are the grounds of objection, evidentiary and hearing procedures, and associated fees proportionate and fit for purpose?

(c) **Question 11:** Are the arrangements for omitting foreign GIs from the Register on the grounds of non-use or loss of significance (Part 8) appropriate, including the relevant time thresholds?

(d) **Question 12:** Do the compliance and enforcement provisions in the Regulations, including the false and misleading description and presentation offences, adequately support the reputation of Australian wine while remaining proportionate for industry?

(e) **Question 13:** Could or should Wine Australia's compliance and enforcement toolkit under the Regulations for breaches of the Regulations be expanded to contemplate regulatory powers such as civil penalties, infringement notices and/or enforceable undertakings?

(f) **Question 14:** Are there any regulatory gaps (for example, in relation to export licence refusal, assessment of applications, suspension or cancellation) in the Regulations that should be addressed?

4.4 Regulatory impact

(a) **Question 15:** Is the current export control framework, including export licensing, the fit and proper person test, product approval and export certification requirements, proportionate to the risk it manages? Are there steps that could be removed, relaxed, combined or streamlined without compromising the integrity of exported wine? Or should the controls be tightened?

(b) **Question 16:** The 2018 remake of the regulations halved the export certificate notification period from ten days to five days. Is five days' notice still appropriate given current technology and business practices, or should this period be further adjusted (up or down)?

(c) **Question 17:** Do you consider the online Label Directory maintained by Wine Australia (Export Label Image Search System) to be useful? Could it be improved?

(d) **Question 18:** What is the overall cost (time, money, compliance effort) of complying with the Regulations for your organisation, and is that cost proportionate to the benefits (for example, market access or reputation protection) that the Regulations provide?

4.5 Could the Regulations be simplified?

(a) **Question 19:** Are there provisions of the Regulations that are difficult to understand, apply or navigate – for example, the closely parallel but separate procedures for Australian GIs and foreign GIs – that could be simplified or consolidated?

(b) **Question 20:** Are the rules on the description and presentation of wine (Part 4), including grape variety, vintage and GI labelling rules, clear and workable in practice?

(c) **Question 21:** Are the criteria for which the Geographical Indications Committee is to have regard in determining Australian geographical indications unnecessarily restrictive, or is the balance appropriate?

(d) **Question 22:** Are there opportunities to improve the drafting, structure or plain-English quality of the Regulations, consistent with the Government's clearer laws principles?

4.6 Wine Australia's administration of the Regulations

(a) **Question 23:** Are Wine Australia's regulatory risk management processes and controls (for example, around export approvals and compliance monitoring) proportionate to the risks involved?

(b) **Question 24:** Is WALAS (the Wine Australia Licensing and Approval System), and Wine Australia's broader use of digital tools, efficient, fit for purpose and adaptable to future needs?

(c) **Question 25:** Is data leveraged appropriately? Are the digital systems efficient, fit for purpose and adaptable to future changes?

(d) **Question 26:** In performing its regulatory functions, is Wine Australia sufficiently responsive and engaged with industry? Are its compliance guidance materials, tools and processes easy to find, understand and apply?

(e) **Question 27:** Do you have observations on how Wine Australia's administration of wine export and labelling controls compares with equivalent regulators in other wine-producing countries (for example, the European Union, New Zealand, the United States, South Africa, Argentina)?

4.7 Any other matters

(a) **Question 28:** Are there any other matters relevant to this Review that you would like to raise, whether or not they are covered by the questions above?

5 HOW TO PARTICIPATE IN THIS REVIEW

There are two main ways to participate in this consultation.

5.1 Consultation sessions

The Reviewer, Dixon&King, will conduct a series of targeted consultation sessions with peak industry bodies, representative organisations and committees, subject-matter expert groups, Government agencies and a representative sample of wine businesses during August–September 2026. Sessions may be held in-person (within the Adelaide metropolitan area), by videoconference, or by telephone, as suits participants.

To register your interest in attending a consultation session, please contact the Reviewer using the details in Section 7 below by 1 September 2026.

5.2 Provide a written submission

You are invited to provide a written submission responding to the questions in Section 4 of this paper, and raising any other matters you consider specifically relevant to this Review.

Written submissions:

- must be provided by 5.00pm (ACST) on Friday 25 September 2026
- may be of any reasonable length and need not address every question. Please focus on the issues most relevant to you
- should be submitted by email to the Reviewer, using the contact details in Section 7 below, and
- may be provided on behalf of an organisation, or in a personal or individual capacity.

5.3 Confidentiality and publication

Consultation feedback (including summaries of consultation sessions and written submissions) will be used to inform the Review report.

If your submission contains information that you consider confidential or commercially sensitive, please identify clearly which parts of your submission you wish to be treated as confidential, and the reasons why. Please note that a request for confidentiality cannot be guaranteed to be accommodated in all circumstances (for example, where information is required to be provided to DAFF as part of the Review process), but reasonable efforts will be made to protect clearly identified confidential material, and any published material will generally be de-identified and presented in summary or thematic form unless you indicate you are content to be attributed.

Notwithstanding, it is possible that confidential information contained in or comprising a submission is required to be disclosed to the extent required to satisfy statutory or government obligations, including under Freedom of Information laws, in response to a request by a House of Parliament or a Committee of Parliament, or as required by any Senate Order.

6 BACKGROUND DOCUMENTS

Copies of the Wine Australia Act 2013 (Cth) and the *Wine Australia Regulations 2018* (Cth) are publicly available on the Federal Register of Legislation.

7 NEXT STEPS AND CONTACT DETAILS

Following the close of written submissions and completion of consultation sessions, the Reviewer will analyse the feedback received against the six central issues and themes, and

will prepare a draft Review report for Wine Australia by 31 October 2026. Following consultation with DAFF on the draft report, Wine Australia will provide the final Review report to DAFF by 31 December 2026. DAFF and the Government will then determine whether the Regulations should be remade, remade with amendments, or allowed to sunset ahead of the sunsetting date of 1 April 2028.

The final Review report will be published on Wine Australia's website, and information on how to access it will be provided in due course.

7.1 Independent Reviewer

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7.2 Wine Australia – Review contact

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Thank you for taking the time to consider this paper. Your participation is a valued and important part of this Review.