

Australian Grape & Wine Submission to:

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

30 September 2026

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Who we are

Australian Grape and Wine Incorporated (Australian Grape & Wine) is Australia's national association of winegrape and wine producers. We represent the interests of the more than 2,000 winemakers and over 5,000 winegrape growers working across Australia's 65 wine regions.

The Australian grape and wine sector is a major contributor to Australia's economy and to rural and regional communities.

The grape and wine sector:

- Supports 203,392 direct and indirect full- and part-time jobs.
- Generates $15 billion in income from direct and flow-on employment.
- Contributes $51.3 billion to Australia's gross output.
- Adds $25.4 billion in value-added to the Australian economy[1].

Wine production is a critical pillar of many regional communities, underpinning local manufacturing, exports, tourism, hospitality and supply-chain businesses.

Australian Grape & Wine works to create a political, social and regulatory environment - domestically and internationally - that enables profitable, innovative and sustainable grape and wine businesses. We provide leadership, strategy, advocacy and practical support across issues affecting growers and producers of all sizes. Our Board decision-making processes require an 80% support threshold, ensuring that industry positions reflect broad and genuine consensus.

Australian Grape & Wine is recognised as a representative organisation under the *Wine Australia Act 2013* and is incorporated under the *SA Associations Incorporation Act 1985*.

[1] AgEconPlus & Gillespie Economics, *Economic Contribution of the Australian Wine Sector 2025*, report prepared for Wine Australia, 7 August 2025, Executive Summary (unnumbered pages).

General Comments

Australian Grape & Wine considers that the *Wine Australia Regulations 2018* (the Regulations) remain an important component of Australia's wine regulatory framework and should be remade before they sunset. The Regulations perform functions that support the objects of the Wine Australia Act 2013, including the regulation of wine exports and implementation of Australia's international wine-trading obligations, and underpin important protections relating to the description, provenance and integrity of Australian wine.

The Review should nevertheless be viewed as an opportunity to ensure that the regulatory framework remains proportionate, flexible and suited to contemporary industry conditions. Since 2018, the sector has experienced significant changes in export markets, commercial conditions, technology, product innovation and consumer preferences. At the same time, growers and producers are operating in an environment in which reducing unnecessary costs and improving productivity have become increasingly important.

Accordingly, Australian Grape & Wine does not consider that the appropriate choice is between retaining the existing Regulations unchanged or allowing them to sunset. Rather, the objective should be to retain the regulatory protections that continue to deliver clear industry and public benefits while simplifying, modernising or removing requirements that no longer provide benefits commensurate with their cost.

Australian Grape & Wine represents growers and wine producers across the sector. We do not ourselves use the Regulations operationally in the way that individual producers and exporters do. Our comments on detailed administrative and compliance issues therefore draw upon member experience and stakeholder feedback. Where views across industry differ, we have sought to identify those differences rather than suggest a level of industry consensus that does not exist.

Discussion paper questions

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?

Yes. Australian Grape & Wine considers that the Regulations, in substantial part, remain necessary to achieve the objects of the Act.

In particular, the framework continues to perform important functions in relation to export controls, geographical indications, descriptions of wine, Australia's international wine-trading obligations, market access and the protection of the reputation and integrity of Australian wine.

Feedback considered in preparing this submission demonstrates broad support for maintaining strong arrangements protecting the authenticity, provenance and integrity of Australian wine. At the same time, stakeholders have identified opportunities to reconsider how particular regulatory requirements operate and whether equivalent outcomes could be achieved more efficiently or with greater flexibility.

Australian Grape & Wine therefore supports remaking the Regulations, but considers that this should involve a deliberate process of modernisation. Regulatory requirements should be retained where they deliver a demonstrable integrity, consumer protection, market-access or treaty-compliance benefit. Equally, requirements should be streamlined or reconsidered where equivalent outcomes can be delivered through lower-cost, risk-based or digitally enabled approaches.

(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)?

There appears to be merit in examining whether particular components of the regulatory framework duplicate obligations imposed through other Commonwealth or state and territory laws, importing-country requirements or other regulatory arrangements.

Industry feedback has identified potential areas of overlap involving the Australia New Zealand Food Standards Code, Australian Consumer Law, customs and export legislation, state and territory food legislation, importing-country regulation and existing wine integrity arrangements. Australian Grape & Wine considers that potential areas of duplication warrant careful assessment during the Review.

However, the existence of overlapping requirements should not by itself lead to the removal of a wine-specific provision. The relevant question is whether that provision delivers an additional and identifiable integrity, market-access or compliance benefit, and whether that benefit remains proportionate to the regulatory cost imposed.

Where duplication provides little or no additional regulatory benefit, Australian Grape & Wine would support simplification or removal as part of the remake.

(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)?

Australian Grape & Wine does not support allowing the Regulations to sunset without an effective replacement.

Doing so could create uncertainty around important functions relating to export regulation, geographical indications, descriptions and presentation of wine and Australia's implementation of international wine-trading commitments. Wine Australia identifies these as functions presently supported by the Regulations.

Industry consultation has highlighted the importance of maintaining continuity in the regulatory framework, particularly for protections relating to provenance, geographical indications, market access and international obligations.

At the same time, stakeholders hold differing views about the extent to which individual elements of the existing export-control system remain necessary. There is, however, an important distinction between reforming particular controls and allowing the underlying regulatory framework to disappear without replacement.

The Regulations should therefore be remade before the sunset date, with targeted reform undertaken as part of that process or subsequently where further policy development is required.

(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?

Australian Grape & Wine generally supports maintaining an appropriate distinction between regulatory outcomes and obligations, which should have a clear legislative basis, and administrative mechanisms and technology, which should retain sufficient flexibility to evolve.

Industry feedback suggests that prescribing particular administrative systems or platforms in the Regulations could unnecessarily constrain future technological improvement. Operational systems and guidance should generally be capable of being updated without requiring regulatory amendment.

At the same time, material obligations imposed on industry should have an appropriately clear legal basis and should not depend excessively on administrative guidance.

The remake should therefore seek to create a technologically neutral framework that clearly establishes regulatory responsibilities and outcomes, while allowing Wine Australia sufficient flexibility in how those requirements are efficiently administered.

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

Australian Grape & Wine considers improvements should be guided by the following principles:

- retain measures necessary to protect the integrity and reputation of Australian wine;
- maintain Australia's capacity to meet international commitments and market-access requirements;
- adopt greater use of risk-based regulation, concentrating regulatory effort where non-compliance would have the greatest consequences;
- reduce unnecessary transaction costs and duplicated administrative requirements;
- ensure highly compliant businesses are not unnecessarily subjected to processes whose incremental regulatory benefit is limited;
- maintain flexibility to accommodate product, technology and business-model innovation;
- ensure GI arrangements can respond appropriately to changing regional circumstances while protecting existing legitimate interests; and
- improve the drafting and accessibility of 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?

The commercial and regulatory environment in which Australia's wine sector operates has changed materially since 2018.

In particular, Australian Grape & Wine considers that the remake should recognise:

- Industry profitability and structural pressures - Significant oversupply in parts of the sector, increased input and production costs and pressure on profitability have sharpened the need to minimise regulatory costs that do not deliver corresponding benefits.

- Greater export-market volatility - Recent experience has reinforced the importance of market diversification and the ability of exporters to respond quickly to changing opportunities.
- Product and consumer innovation. Changing consumption patterns and the development of lower-alcohol, no-alcohol and other wine-related products require a framework capable of accommodating innovation rather than inadvertently constraining it through rules designed around traditional product categories.
- Digitalisation - Modern regulatory systems provide opportunities to automate or simplify compliance and potentially move towards more targeted, risk-based interventions.
- Sustainability and claims - Sustainability credentials are becoming increasingly important commercially and in overseas regulatory regimes. Any future interaction between Wine Australia's regulatory functions and sustainability claims should be considered carefully, particularly where such claims affect market access.

Against that background, Australian Grape & Wine considers the Regulations broadly continue to support industry needs, but the way in which some regulatory outcomes are delivered requires modernisation in order to better address the current environment.

(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).

The Regulations could better support the objects of the Act by focusing more strongly on regulatory outcomes and demonstrated risk rather than administrative process.

Australian Grape & Wine supports consideration of arrangements that maintain robust safeguards around provenance, authenticity, geographical indications and market access, while reducing unnecessary pre-approval or transaction-based requirements where equivalent assurance can be provided through accountability, traceability, record keeping, targeted auditing and proportionate enforcement.

This does not necessarily require wholesale deregulation. Rather, it provides an opportunity to direct regulatory resources towards the areas of greatest identified risk while reducing costs for businesses with strong compliance records.

(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?

The remake should retain sufficient flexibility to accommodate evolving international agreements and domestic policy settings.

Changes affecting geographical indications, including developments associated with Australia's European trade negotiations and wine-trading arrangements, may have important implications for the final regulatory architecture. Industry stakeholders have also emphasised the importance of ensuring continuity between Australia's domestic framework and its international GI obligations.

Where relevant policy processes have not been completed by the time the Regulations need to be remade, Australian Grape & Wine considers it preferable to preserve a stable regulatory base and provide appropriate capacity for subsequent amendment rather than pre-empting unfinished policy processes.

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?

The future treatment of wine geographical indications is the most obvious area where related policy developments may intersect with the Regulations.

Australian Grape & Wine considers that the remake must preserve continuity of protection for existing Australian GIs and Australia's capacity to meet relevant international obligations. Any transition to substantially different institutional arrangements should be carefully sequenced. These changes should not result in the sector incurring any additional costs and nor create any regulatory or legal gaps.

The Regulations should also, as far as practicable, provide sufficient flexibility to respond to emerging international requirements affecting wine labelling, environmental and sustainability claims and digital compliance without requiring unnecessary redesign of the broader regulatory framework.

(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?

Australian Grape & Wine considers the specialised GI framework remains important, but there is scope to improve its accessibility, flexibility and proportionality.

Stakeholder feedback has raised concerns about whether the present application fee remains proportionate, particularly in the case of smaller or emerging wine regions. This appears to be a matter warranting review, including whether greater differentiation could be introduced according to the nature and complexity of an application.

There also appears to be merit in considering a streamlined process for minor amendments or boundary adjustments, rather than requiring relatively modest changes to proceed through processes designed primarily for new determinations. Some stakeholders have also raised support for simplified processes for removal of existing GIs to address industry contraction and increasingly inactive or unproductive GIs.

Any streamlined arrangement should retain appropriate transparency and consultation, particularly for growers, producers, regional bodies, neighbouring regions and others whose legitimate interests may be affected.

(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?

The existing provisions appear broadly appropriate, although Australian Grape & Wine supports reviewing whether continued Australian protection of a foreign GI remains justified where that GI has ceased to be protected in its country of origin.

Stakeholder feedback has raised the question of whether the additional requirement relating to non-use in Australia remains necessary where the underlying foreign protection has ceased.

Australian Grape & Wine considers this issue worthy of detailed legal and policy consideration as part of the remake, including consideration of Australia's international obligations and the consequences for existing legitimate interests.

(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?

Australian Grape & Wine considers protections against false and misleading descriptions and presentation remain fundamental to the integrity and reputation of Australian wine.

The objective should be to maintain credible deterrence while ensuring sanctions and enforcement responses are proportionate to the seriousness of the conduct concerned.

(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?

Australian Grape & Wine sees merit in examining whether additional compliance tools such as civil penalties, infringement notices and enforceable undertakings could provide for a more graduated enforcement framework.

Stakeholder feedback suggests that such mechanisms may provide more proportionate alternatives in circumstances where education or administrative action is insufficient, but criminal proceedings or more significant regulatory sanctions may be disproportionate.

Australian Grape & Wine would support further consideration of such mechanisms, subject to appropriate safeguards, procedural fairness and clear guidance around their use. An expanded enforcement toolkit should primarily enable regulation to become more proportionate and risk based, rather than simply adding additional layers of enforcement or compliance cost.

(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?

None identified.

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?

Australian Grape & Wine considers that the export-control framework continues to deliver important benefits through protecting integrity, supporting market access and providing assurance regarding Australian wine in export markets.

There are, however, differing views within industry regarding the proportionality of aspects of the current model. Some stakeholders have raised concerns that routine product, label and shipment approval requirements can create significant administrative and financial costs relative to the additional regulatory assurance they provide. Some have advocated a substantially greater reliance on exporter accountability, record keeping, traceability and risk-based audit.

Other stakeholder feedback has emphasised the importance of retaining an integrated regulatory framework capable of supporting the integrity and international reputation of Australian wine.

Australian Grape & Wine considers each of these perspectives relevant to the Review. The appropriate response should be evidence-based modernisation rather than either maintaining every existing process unchanged or removing controls simply for the purposes of deregulation.

In particular, there appears to be merit in investigating greater regulatory differentiation according to risk and compliance history. This could preserve strong protections while reducing unnecessary intervention and cost for consistently compliant businesses.

(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)?

Some stakeholders have suggested that given modern technology, systems and business practices that a further reduction in the notification period should be considered under the current arrangements.

(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?

Industry feedback regarding the Label Directory indicates that its continued regulatory utility should be tested against the administrative cost associated with maintaining it.

While the directory's establishment was initially supported by industry stakeholders, some stakeholders have noted that in the current environment, the Directory delivers limited practical value relative to the administrative obligations it creates for producers. Consideration of value vs administrative impost should be considered more broadly.

We do not have adequate input to support an Australian Grape & Wine position on industry usefulness or improvements at this stage.

(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?

As a representative body, Australian Grape & Wine does not itself incur the producer and exporter compliance costs associated with the Regulations and is therefore not well placed to quantify a representative dollar cost.

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?

Yes. Australian Grape & Wine supports reviewing the Regulations for opportunities to simplify drafting and regulatory processes while preserving substantive protections.

Industry feedback has identified GI processes as one area where opportunities may exist to differentiate between major matters such as a new GI determination and relatively minor amendments or boundary adjustments.

Simplification should not, however, be pursued at the expense of procedural fairness, appropriate consultation or protections for affected parties.

(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?

The rules relating to geographical indication, vintage and variety claims are fundamental components of wine authenticity and should be retained.

Industry feedback indicated that the guidance provided by Wine Australia is clear but that there were nevertheless nuances and possible practical application complexities (eg different treatment of inputs across vintage, GI and variety claims and the multi-regional blend GI "nesting" issue). Further consideration could be given to understanding and addressing such nuances in consultation with industry.

(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?

Australian Grape & Wine considers there is merit in retaining a flexible, multi-factor approach to GI determinations. On balance the criteria remains appropriate however if amendments were to be considered to support greater flexibility these must be done in a way that does not reduce credibility.

(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?

No clear examples have been identified.

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?

Australian Grape & Wine considers that a sound regulatory framework should increasingly apply resources according to demonstrated risk. Further consideration could be given to innovative mechanisms for balancing risk vs cost to producers with lighter touch provisions applied to exporters with exemplary compliance history akin to "trusted trader" arrangements.

(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?

WALAS provides an established digital mechanism for administering important regulatory processes and improves upon its predecessor. However, it should be noted that the effectiveness of a digital system ultimately depends upon the requirements that underpin it. Future consideration could be given to digitisation efforts around export approvals, such as customs preregistration, certifications and linkages to other digital systems.

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

Data should be collected and used where there is a clearly identified regulatory or industry purpose, with appropriate safeguards and without unnecessary duplication.

There may be opportunities to make better use of information already held by Wine Australia or other regulatory systems to reduce repeated reporting by businesses. Any such approach should have regard to data governance, commercial confidentiality and administrative cost.

(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?

Australian Grape & Wine and its industry stakeholders highly value Wine Australia's regulatory engagement with industry and the practical regulatory guidance it provides. This includes Export market guides and regulatory export assistance services. Stakeholder feedback considered in preparing this submission has similarly identified the value of clear and accessible regulatory guidance.

Whatever regulatory changes result from the Review or broader process change, it will be important that this level of clear, accessible and timely guidance and appropriate industry consultation is maintained.

(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)?

Each system is unique to its own circumstances. The differing legislative, taxation, political, geographical environments of each country make comparison difficult without consideration of broader context under which these systems operate.

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?

Australian Grape & Wine considers the Review should be approached as an opportunity for modernisation rather than deregulation for its own sake. Australia has developed a wine regulatory framework that supports the reputation, provenance and integrity of Australian wine and facilitates Australia's engagement with important international markets. Those strengths should be preserved.

At the same time, regulation must evolve. In a challenging commercial environment, unnecessary administrative costs ultimately affect the competitiveness of growers, producers and exporters. Regulatory requirements should therefore be capable of demonstrating a benefit proportionate to their cost.

The remake should consequently seek to:

Retain strong protections for authenticity, provenance, geographical indications and market access;

- ensure continuity with Australia's international commitments;
- increase flexibility so regulation can accommodate innovation and changing products and markets;
- seek improvements that support risk-based and digitally enabled regulation where this can maintain equivalent or better regulatory outcomes;
- remove duplication and administrative requirements that no longer produce sufficient regulatory benefit;

- make GI processes more accessible and adaptable while preserving their credibility and specialist character; and
- ensure regulatory change proceeds through consultation and avoids unintended consequences for growers, producers, regions or exporters.

Australian Grape & Wine considers that the Regulations do remain fit for purpose, but also believes there is a clear opportunity to make the remade framework more proportionate, flexible and responsive to the future needs of Australia's grape and wine sector.

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