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AGRICULTURAL PRODUCE COMMISSION ACT 1988

**AGRICULTURAL PRODUCE
(WINE INDUSTRY)
REGULATIONS 2016**

Western Australia

Agricultural Produce (Wine Industry) Regulations 2016

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Agricultural Produce Commission Act 1988

Agricultural Produce (Wine Industry) Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Agricultural Produce (Wine Industry) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

approved means approved by the Commission;

processing facility means a facility where wine grapes are processed in a wine-making process;

registered geographical indication has the meaning given in the *Australian Grape and Wine Authority Act 2013* (Commonwealth) section 4(1);

wine-making process has the meaning given in the *Primary Industries (Excise) Levies Act 1999* (Commonwealth) Schedule 26 clause 1;

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wine producer means a person —

- (a) who is the owner of wine grapes when they are received at a processing facility; and
- (b) whose business is or includes the production of wine from those wine grapes;

Wine Producers' Committee means the producers' committee established under section 11 of the Act for wine producers in the State.

4. Prescribed services that may be provided by Wine Producers' Committee (Act s. 12)

For the purpose of section 12(1) of the Act, the services referred to in section 12(1)(a) to (m) of the Act are prescribed as services that the Wine Producers' Committee may provide.

5. Prescribed statistical information (Act s. 13)

- (1) In this regulation —

specified means specified by the Commission in a notice served on a wine producer under section 13 of the Act.

- (2) The following information is prescribed statistical information for the purposes of section 13 of the Act —

- (a) the quantity of wine produced for sale by the wine producer during a specified period or on a specified date;
- (b) the quantity of wine grapes processed in a wine-making process by, or for, the wine producer during a specified period;
- (c) the name, vineyard address, telephone number, email address and ABN of each grape producer from whom the wine producer has purchased wine grapes during a specified period;

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- (d) the quantity of wine grapes purchased from each grape producer referred to in paragraph (c) during a specified period;
- (e) the quantity of wine grapes produced by the wine producer during a specified period;
- (f) the registered geographical indication relating to the region or locality where the wine grapes referred to in paragraphs (c) and (e) were produced;
- (g) the variety of wine grapes referred to in paragraphs (c) and (e).

6. Publication of notice of charge (Act s. 14)

- (1) A notice referred to in section 14(3) of the Act must be published in a newspaper circulating in the area or areas of the State where the wine producers, on whom the charge referred to in the notice is imposed, are located.
- (2) The notice must be published at least 14 days before the charge is due for payment under regulation 7.

7. Payment of charges (Act s. 14)

A wine producer whose grapes are processed in a wine-making process in a financial year is liable to pay, by 31 July following the end of that financial year, such charges as are imposed by the Commission under section 14(1) of the Act.

8. Returns by wine producers

A wine producer must, by 31 July each year, give to the Commission a return in the approved form that contains —

- (a) the wine producer's name, postal address, vineyard address, telephone number, email address and ABN; and
- (b) the quantity of wine grapes processed in a wine-making process by, or for, the wine producer in the previous financial year; and

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- (c) the name, vineyard address, telephone number, email address and ABN of each grape producer from whom the wine producer has purchased wine grapes in the previous financial year; and
- (d) the quantity of wine grapes referred to in paragraph (c); and
- (e) the quantity of wine grapes produced by the wine producer in the previous financial year; and
- (f) the registered geographical indication relating to the region or locality where the wine grapes referred to in paragraphs (c) and (e) were produced; and
- (g) the variety of wine grapes referred to in paragraphs (c) and (e).

Penalty: a fine of \$2 000.

9. Returns by operators of processing facilities

- (1) In this regulation —
operator, of a processing facility, means the person who controls and manages the processing facility.
- (2) The operator of a processing facility must, by 31 July each year, give to the Commission a return in the approved form that contains —
 - (a) the operator's name, address, telephone number, email address and ABN; and
 - (b) the name, address, telephone number, email address and ABN of each wine producer from whom the operator received wine grapes to be processed in a wine-making process at the processing facility in the previous financial year; and
 - (c) the quantity of wine grapes referred to in paragraph (b); and

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- (d) the quantity of the operator's wine grapes (if any) that were processed in a wine-making process at the processing facility in the previous financial year; and
- (e) the registered geographical indication relating to the region or locality where the wine grapes referred to in paragraphs (b) and (d) were produced; and
- (f) the variety of wine grapes referred to in paragraphs (b) and (d).

Penalty for this subregulation: a fine of \$2 000.

R. KENNEDY, Clerk of the Executive Council.
