

Queensland



Subordinate Legislation 1995 No. 71

Wine Industry Act 1994

WINE INDUSTRY REGULATION 1995

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Wine Industry Regulation 1995*.

Commencement

2. Section 5¹ commences on 1 September 1995.

PART 2—APPLICATION FOR LICENCE

Particulars to be included in application for licence—Act, s 7(1)(b)

3. The following particulars must be included in an application for a licence—

- (a) a copy of the registered plan of survey and the instrument of title for the premises to which the application relates;
- (b) a description of each area from which it is proposed to sell or supply wine on the premises;
- (c) if the applicant grows, on the premises to which the application relates, fruit used to make wine, details of—
 - (i) the types of fruit grown on the premises; and
 - (ii) the size of the area on the premises used for growing the fruit;
- (d) if the applicant makes wine on the premises to which the application relates—a description of the wine-making facilities located on the premises.

¹ Section 5 is about labelling requirements for licensee's wine.

Percentage of licensee's wine to be included in blended wine—Act, s 16(3)

4. The percentage of a licensee's wine that must be included in blended wine is 70%.

Labelling of sealed containers—Act, s 17

5. A label on a sealed container in which a licensee's wine is sold or supplied must state—

- (a) the area where the grapes used to make the wine were grown; and
- (b) the place the wine was made; and
- (c) if the wine is blended wine—the percentage of the licensee's wine in the container.

PART 3—ADVERTISING AND SUBMISSIONS ON LICENCE APPLICATIONS**Advertisement of application for licence—Act, s 25**

6.(1) An application for a licence must be advertised by—

- (a) publishing a notice—
 - (i) in the Gazette; and
 - (ii) in a newspaper circulating in the locality of the premises to which the application relates; and
- (b) conspicuously displaying a copy of the notice on the premises for 28 days immediately before the submission date.

(2) The notice must be published—

- (a) in the Gazette—as soon as possible after the application is made; and
- (b) in the newspaper—
 - (i) once at least 28 days before the submission date; and

(ii) once between 14 and 21 days before the submission date.

(3) The displayed copy of the notice must be printed on a sign the dimensions of which (including the dimensions of the print) are approved by the chief executive.

(4) In this section—

“**submission date**” means the date, not less than 28 days after the application is made, fixed by the chief executive as the last day for filing objections to the application.

Who may make a submission—Act, s 26(2)(a)

7. A submission to the chief executive objecting to the granting of an application may be made by—

- (a) an adult or body of persons that—
 - (i) has a proper interest in the locality to which the application relates; and
 - (ii) is likely to be affected by the grant of the application; or
- (b) the local government for the locality; or
- (c) the Assistant Commissioner in charge of the police service for the locality.

Form of submission—Act, s 26(2)(b)

8. A submission objecting to the grant of an application may be made individually or by petition.

When submission to be made—Act, s 26(2)(c)

9. A submission objecting to the grant of an application must be given to the chief executive on or before the last day for making submissions stated in the notice.

Grounds on which an objection may be made—Act, s 26(2)(d)

10. The grounds on which a person may object to the grant of an application are—

- (a) undue offence, annoyance, disturbance or inconvenience to people living in the locality to which the application relates or travelling to or from an existing or proposed place of public worship, hospital or school in the locality; or
- (b) the amenity, quiet or good order of the locality would be adversely affected in some way.

Requirements of submission by petition

11.(1) A submission purporting to be by petition is ineffective, and may be disregarded, unless—

- (a) each sheet of the petition has an identical heading clearly stating the subject matter of the petition and positioned to be clearly legible to every person whose signature on the petition is sought; and
- (b) each signatory to the petition adds particulars of his or her connection with the locality to which the application relates; and
- (c) each sheet of the petition states the name of the petition's sponsor with whom contact between the chief executive and the signatories to the petition is to take place.

(2) A notice given by the chief executive, or the registrar of the Tribunal, to the sponsor of the petition is taken to be given to all signatories to the petition.²

² Section 33 of the *Wine Industry Act 1994* applies Part 2 of the Liquor Act which is about appeals to the Liquor Appeals Tribunal. Under Part 2 of the Liquor Act, the registrar of the Tribunal is required to give certain notices to persons who made a submission about an application relevant to a proceeding before the Tribunal.

PART 4—DECISION ON APPLICATION

Conference of concerned persons and decision by chief executive

12.(1) This section applies if the chief executive—

- (a) is given an application or submission objecting to the granting of an application and is required to decide an issue; and
- (b) considers it desirable that a conference of all persons concerned be held.

(2) The chief executive may take part in the conference.

(3) If—

- (a) a conference is held; and
- (b) because of the conference, agreement is reached between the conferring persons; and
- (c) the agreed terms are put in writing and signed by the conferring persons; and
- (d) the chief executive is satisfied a decision in the agreed terms is lawful;

the chief executive must make a decision consistent with the terms.

(4) In deciding whether to grant an application if a conference was held but no agreement was reached under subsection (3), or a conference was not held, the chief executive must have regard to—

- (a) submissions made objecting to the grant of the application; and
- (b) the impact on the amenity of the community concerned.

(5) Evidence of anything said or done during a conference is inadmissible in a proceeding before the Tribunal unless the parties to the proceeding agree otherwise.

PART 5—QUEENSLAND WINE INDUSTRY POLICY COUNCIL

Functions of Policy Council—Act, s 55(2)

13. The functions of the Wine Industry Policy Council are—

- (a) to consult with, and provide advice to, the Minister about issues of strategic significance to the wine industry; and
- (b) to examine, and make recommendations to the Minister on, issues relevant to the wine industry, either on the Council's own initiative or if asked by the Minister; and
- (c) to find out, and advise the Minister on, the wine industry's views about the administration of the industry; and
- (d) to provide a forum for discussion of issues relevant to the wine industry; and
- (e) to provide a mechanism for the recognition of excellence in the wine industry.

Membership of Policy Council—Act, s 56(2)

14.(1) The Policy Council consists of the number of members (not less than 3 nor more than 5) decided by the Minister.

(2) The Minister must appoint the members on the basis of their capacity to adequately represent the strategic interests of the wine industry.

PART 6—RECORDS

Records to be kept by licensee who grows fruit—Act, s 50

15. A licensee who grows fruit to be used for making wine must keep the following records—

- (a) the types of fruit grown;
- (b) the size of the area in which each type of fruit is grown;

- (c) the day each area was planted with fruit trees or vines;
- (d) if the licensee does not make wine, on the licensed premises, from the fruit—
 - (i) the name and address of the person who is to make the wine for the licensee; and
 - (ii) the amount of each type of fruit sent to the person; and
 - (iii) the day when the fruit was delivered to the person; and
 - (iv) the total volume of wine made by the person for the licensee.

Records to be kept by licensee who makes wine—Act, s 50

16. A licensee who makes wine must keep a record of the following—

- (a) the type of fruit used to make each wine;
- (b) the quantity of fruit used to make each wine;
- (c) the day the fruit was harvested;
- (d) the day the wine was bottled;
- (e) if the licensee does not grow the fruit used to make the licensee's wine—
 - (i) the name and address of each person who grew the fruit used by the licensee to make the wine; and
 - (ii) the amount of fruit delivered by each person; and
 - (iii) the day the fruit was delivered by each person.

Records to be kept by licensee who blends wine—Act, ss 16 and 50

17. A licensee must keep a record of each purchase of wine used for blending.

Record to be kept of sale to holder of licence under Liquor Act

18. A licensee must keep a record of each sale of the licensee's wine to a holder of a licence under the Liquor Act.

Annual return—Act, s 51(1)

19. The prescribed day for a licensee to give the chief executive a return about the matters included in the licensee's records is 21 July in each year.

PART 7—MISCELLANEOUS**Fees**

20. The fees payable for the purposes of the Act are set out in the schedule.

Forms

21. The chief executive may approve forms for use under the Act or this regulation.

SCHEDULE

FEES

section 20 of the regulation

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1. Application for licence	350.00
2. Annual fee	350.00
3. Application for transfer of licence	180.00
4. Application for nominee for existing licence or additional or replacement nominee	180.00
5. Application for extended trading hours	25.00
6. Application for interim licence	70.00
7. Inspection of register	20.00

ENDNOTES

1. Made by the Governor in Council on 30 March 1995.
2. Notified in the Gazette on 31 March 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Tourism, Sport and Racing.