



Statutory Rules 1994 No. 338¹

**Australian Wine and Brandy Corporation
Regulations² (Amendment)**

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Australian Wine and Brandy Corporation Act 1980*.

Dated 4 October 1994.

P. BENNETT
Administrator

By His Excellency's Command,

BOB COLLINS
Minister for Primary Industries and Energy

1. Amendment

1.1 The Australian Wine and Brandy Corporation Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Regulation 21 (Blending requirements: geographical indications)

- 2.1 Paragraph 21 (2) (b):
Omit "variety", substitute "variety or varieties".
- 2.2 Paragraph 21 (3) (b):
Omit "variety", substitute "variety or varieties".
- 2.3 Paragraph 21 (5) (b):
Omit "registered".

3. New Part 5

- 3.1 After Part 4 insert:

**"PART 5—CRITERIA FOR DETERMINING
GEOGRAPHICAL INDICATIONS**

Determining geographical indications

"23. For the purpose of making determinations under section 40T of the Act, the Geographical Indications Committee is to have regard to the criteria set out in this Part.

Interpretation

"24. In this Part:

'region' means an area of land that:

- (a) may comprise one or more subregions; and
- (b) is a single tract of land that is discrete and homogeneous in its grape growing attributes to a degree that:
 - (i) is measurable; and
 - (ii) is less substantial than in a subregion; and
- (c) usually produces at least 500 tonnes of wine grapes in a year; and
- (d) comprises at least 5 wine grape vineyards of at least 5 hectares each that do not have any common ownership, whether or not it also comprises 1 or more vineyards of less than 5 hectares; and
- (e) may reasonably be regarded as a region;

‘subregion’ means an area of land that:

- (a) is part of a region; and
- (b) is a single tract of land that is discrete and homogeneous in its grape growing attributes to a degree that is substantial; and
- (c) usually produces at least 500 tonnes of wine grapes in a year; and
- (d) comprises at least 5 wine grape vineyards of at least 5 hectares each that do not have any common ownership, whether or not it also comprises 1 or more vineyards of less than 5 hectares; and
- (e) may reasonably be regarded as a subregion;

‘wine grape vineyard’ means a single parcel of land that:

- (a) is planted with wine grapes; and
- (b) is operated as a single entity by:
 - (i) the owner; or
 - (ii) a manager on behalf of the owner or a lessee, irrespective of the number of lessees;

‘zone’ means an area of land that:

- (a) may comprise one or more regions; or
- (b) may reasonably be regarded as a zone.

Criteria for determining geographical indications

“25. For the purposes of subsection 40T (2) of the Act, the Committee is to have regard to the following criteria:

- (a) whether the area falls within the definition of a subregion, a region, a zone or any other area;
- (b) the history of the founding and development of the area, ascertained from local government records, newspaper archives, books, maps or other relevant material;
- (c) the existence in relation to the area of natural features, including rivers, contour lines and other topographical features;
- (d) the existence in relation to the area of constructed features, including roads, railways, towns and buildings;
- (e) the boundary of the area suggested in the application to the Committee under section 40R;
- (f) ordinance survey map grid references in relation to the area;
- (g) local government boundary maps in relation to the area;
- (h) the existence in relation to the area of a word or expression to indicate that area, including:
 - (i) any history relating to the word or expression; and
 - (ii) whether, and to what extent, the word or expression is known to wine retailers beyond the boundaries of the area; and
 - (iii) whether, and to what extent, the word or expression has been traditionally used in the area or elsewhere; and
 - (iv) the appropriateness of the word or expression;



- (i) the degree of discreteness and homogeneity of the proposed geographical indication in respect of the following attributes:
 - (i) the geological formation of the area;
 - (ii) the degree to which the climate of the area is uniform, having regard to the temperature, atmospheric pressure, humidity, rainfall, number of hours of sunshine and any other weather conditions experienced in the area throughout the year;
 - (iii) whether the date on which harvesting a particular variety of wine grapes is expected to begin in the area is the same as the date on which harvesting grapes of the same variety is expected to begin in neighbouring areas;
 - (iv) whether part or all of the area is within a natural drainage basin;
 - (v) the availability of water from an irrigation scheme;
 - (vi) the elevation of the area;
 - (vii) any plans for the development of the area proposed by Commonwealth, State or municipal authorities;
 - (viii) any relevant traditional divisions within the area;
 - (ix) the history of grape and wine production in the area.

[NOTE: In determining a geographical indication under subsection 40Q (1) of the Act, the Committee is not prohibited under the Act from having regard to any other relevant matters.]

Applications

“26. An application to the Committee under section 40R of the Act may be in a form approved by the Committee.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 11 October 1994.
2. Statutory Rules 1981 No. 156 as amended by 1986 No. 161; 1993 No. 374.