

Date, 01 July, 2024

## Exporting Wine from Australia

Under the Wine Australia Regulations, all wine shipments over 100 liters require export approval from Wine Australia.

Unless an exemption has been granted by Wine Australia, grape products exported from Australia must comply with the Food Standards Code. The Food Standards Code prescribes permitted additives and processing aids for wine and the products containing wine. It also sets out mandatory labelling such as those about allergens, standard drinks, alcohol content, and lot identification.

It is an offense under section 44 of the Wine Australia Act to export a grape product from Australia without the following being issued at Wine Australia's discretion by the Regulations:

- a license to export grape products from Australia (which can be refused, cancelled, or suspended by Wine Australia)
- approval of the grape product for export (which can be refused, suspended, or revoked by Wine Australia), and
- an export certificate (commonly referred to as a 'shipping approval') concerning individual shipments (which can be refused or revoked by Wine Australia).

The maximum penalty is two years imprisonment.

In the case of making decisions related to licenses, approval of grape products, and export certificates, Wine Australia must have regard to the relevant criteria set out in the Regulations.

The export approval process encompasses the following steps (collectively the 'export controls'):

- License to export
- Product registration
- Label registration
- Shipping approval

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Which products are captured by the export controls?

The export controls apply to grape products as defined in the Act and the Regulations and includes:

- wine manufactured in Australia from prescribed goods (fresh or dried grapes or grape juice of single strength or concentrated)
- brandy distilled in Australia
- grape spirit manufactured in Australia suitable for the fortifying of wine or the manufacture of brandy, and
- a product that includes wine, is derived in whole or part from prescribed goods (fresh or dried grapes or grape juice of single strength or concentrated) and to which an Australian standard applies (i.e. 'wine products', 'wine-based beverages', low-alcohol wines, alcohol-reduced wines).

Wine Australia's Licensing and Approval System (WALAS)

Australia's wine export controls are administered through Wine Australia's Licensing and Approval System (WALAS).

Review of decisions:

Most decisions made by Wine Australia related to the administration of the export controls are subject to review by the Administrative Appeals Tribunal (AAT).

Applications may be made to the AAT for review of the following decisions of Wine Australia:

- a refusal to grant a license to export or to suspend or cancel a license to export
- a decision to refuse to approve a grape product for export or to revoke the approval of a grape product for export
- a decision to impose conditions on the approval of a grape product for export (including through variation of the conditions on an existing approval)
- a decision to refuse to issue an export certificate or to revoke an export certificate (here meaning an export permit)
- a decision to specify conditions on the validity of an export certificate (export permit)
- a decision to give directions about the quantity of grape product the license may export.