

The banner features the text 'SOUTH AUSTRALIAN WINE INDUSTRY ASSOCIATION INCORPORATED' in yellow and 'Newsletter' in large blue letters on a dark blue background with a grapevine image on the right.

**SOUTH AUSTRALIAN WINE INDUSTRY
ASSOCIATION INCORPORATED**

Newsletter

25 May 2009

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FEATURE ARTICLES

Program launched for Wine Industry Environment Conference – Register now!
Important Seminars - Fair Work Act 2009 and changes to Unfair Dismissal Laws
Modern award update
Federal Budget 2009 – Wine taxation status quo remains
Export Market Development Grants – F08 and F09 claims to be paid in full

EMPLOYEE RELATIONS & OHSW

Material Safety Data Sheets – A must at every worksite!
SA Government proposes a code of practice for working hours
Changes to licensing for high risk work take effect on 1 September 2009
New draft Code of Practice for First Aid in the Workplace
Important research on timely return to work following injury or illness
Using Ordinary Time Earnings to calculate the Superannuation Guarantee

SUSTAINABILITY & WATER

Wine Industry Sector Agreement - Participant Commitment forms now due
Water update
Re-tooling for Climate Change Grants – Apply now

SALES MARKETING & PROMOTION

Hong Kong International Wine & Spirits Fair 2009
Drinks Trade tasting – call for Shiraz and Shiraz blends
Export Update

OTHER

Cleggett Wines launches new cellar door
WET Tax Information
Dates for your diary

Message from the Chief Executive

It was a great relief this month for South Australian wine producers, with the Federal Budget leaving the status quo in place for wine taxation.

The much anticipated release of a modern award for our industry saw the Australian Industrial Relations Commission (AIRC) deliver a draft award specific to the wine industry. In taking the lead representing the national wine industry, SAWIA had been arguing strongly for a separate award with its own terms and conditions catering for the special needs of our industry. Our focus will now shift to closely reviewing the details of the exposure draft, with SAWIA to make further submissions and appearances in front of the AIRC. SAWIA members are encouraged to review the exposure draft and provide us with your feedback.

SAWIA also welcomed the Australian Taxation Office's recent clarification with regard to the application of superannuation guarantee obligations. This essentially preserves the law as it stands, and reverses a draft ruling that was set to substantially increase employer costs.

The new *Fair Work Act 2009* comes into operation on 1 July 2009. To assist members understand the many new and changed employment obligations, SAWIA is conducting regional sessions during June. Members are strongly encouraged to attend the sessions, in order to be able to understand and comply with the major changes to legislative requirements.

The 2009 Wine Industry Environment Conference program has now been released, tackling the key issues facing the wine industry while helping winemakers and grapegrowers to prepare for a carbon constrained operating environment. Register now to take advantage of the special early-bird offer!

With the Wine Industry Sector Agreement coming to the end of its first stage of providing information and awareness sessions on climate change, it is time for the industry to show support by participating in the project. This important project aims to accelerate industry leadership in the reduction of greenhouse impacts, and position the South Australian wine industry as a "first mover" in relation to climate change. I urge all wine producers and wine grape growers that have not yet signed up to get involved by contacting the Project Manager or visiting the project's webpage [here](#).

Refer to the detailed articles below for further information.

A handwritten signature in cursive script, reading "Brian", on a light yellow rectangular background.

Brian Smedley

FEATURE ARTICLES

Program launched for Wine Industry Environment Conference – Register now!



The international global picture, regional approaches to sustainability, resource security and opportunities for moving the industry forward will be the focus of the 5th Australian Wine Industry Environment Conference on 23 September 2009 at the National Wine Centre.



Presenters will address key issues facing the wine industry including:

- § What are the key sustainability challenges and how should we respond to marketplace and legislative changes?
- § How are regional approaches to adaptation being used to address the key challenges, and what practical tools are available to the industry?
- § What are the key risks around resource security (e.g., water) and what does the future hold?
- § What opportunities are available for adapting to and taking advantage of climate change?

Delegates will also have the opportunity to learn how another industry has progressively tackled sustainability issues, including the likely Emissions Trading Scheme, use of alternative fuels and innovative ways of using wastewater.

An outstanding line-up of speakers has been confirmed for the conference. For the full conference program, click [here](#).

Full Day Technical Tour

An optional full-day Technical Tour will follow the Environment Conference on Thursday 24 September. The intensive, fully hosted, 1-day tour through the Barossa Valley region covers:

- § Best practice site visits and the latest solutions demonstrated by leading environmental wineries, vineyards, research and recycling sites.
- § Expert presentations made by innovative industry leaders on biodynamic viticulture, organic wine production, environmental design, revegetation, winery wastewater management, winery residuals, packaging and more.

This is your opportunity to learn first-hand from the industry's leaders!

Early bird registration now open

Register now and ensure your business can better respond to the challenges posed by the market place and legislative changes. Conference delegates will include:

- § **Wine Industry:** Viticulturalists, winemakers, winery operators, industry organisations
- § **Government:** Planners, environment agencies, primary industries and resources, economic development and natural resource management
- § **Consultants:** Environmental consultants and winery engineers
- § **Other:** Environmental, community and conservation groups, researchers, students, equipment providers and industry service providers.

Best of all, registration costs have been priced to make this one of the best value events you will see for a long time! Early-bird registration is only \$295 for the full day Conference, and \$185 for the Technical Tour, so click [here](#) to register now!

For more information, contact Marcia Burnett on 8222 9271 or marcia@winesa.asn.au.

Important Seminars - Fair Work Act 2009 and changes to Unfair Dismissal Laws

NB: The following article applies only to constitutional corporations covered by the Federal Industrial Relations system (Workplace Relations Act 1996).

The *Fair Work Act 2009* is now law and will apply to all constitutional corporations from 1 July 2009. The Act ushers in a new system of industrial relations for Australia, and will be implemented in stages on 1 July 2009 and 1 January 2010. Every employer **MUST** understand their obligations, rights and responsibilities to ensure compliance.

SAWIA will be conducting important seminars on the *Fair Work Act 2009* and the new *Unfair Dismissal Laws* in June at the following locations.

- § Adelaide - Wednesday 10 June
- § McLaren Vale - Thursday 11 June
- § Barossa Valley - Tuesday 16 June
- § Berri - Wednesday 17 June
- § Clare - Thursday 18 June
- § Langhorne Creek - Tuesday 23 June
- § Coonawarra - Wednesday 24 June.

Click [here](#) to register now for these important seminars. Places are limited and the seminars are already filling fast!

Contact Egon Schwidder (8222 9273 or egon@winesa.asn.au) for more information.

Modern award update

NB: The following article applies only to constitutional corporations covered by the Federal Industrial Relations system (Workplace Relations Act 1996).

On 22 May 2009 the Australian Industrial Relations Commission (AIRC) released an exposure draft of the proposal for a *Wine Industry Award 2010* for comment and submission. A copy of the exposure draft of the award is available from the News section of the Federal IR page (Employee Relations section) of SAWIA's [website](#).

As reported in past newsletters, the process of creating modern awards has been underway since mid-2008. SAWIA has taken the lead representing the national wine industry, successfully arguing for a separate award with its own terms and conditions.

SAWIA will be closely reviewing the exposure draft, and will be making further comprehensive submissions and appearances in front of the AIRC. SAWIA members are encouraged to review the exposure draft and provide us with your feedback.

To provide feedback or obtain more information, members are welcome to contact Brian Smedley on 8222 9274 or brian@winesa.asn.au.

Federal Budget 2009 – Wine taxation status quo remains

There is no change to wine taxation as a result of the 2009 Federal Budget, which is great news for members!

The Budget does contain a number of changes that impact on the industry including:

- § Changing the definition of wine

- § Rationalising payments – state cellar door subsidy savings
- § Amending the non-commercial losses rule
- § Introducing a bonus deduction of 50 per cent for small businesses acquiring an eligible asset (subject to certain limitations)
- § Delaying the start date of the Carbon Pollution Reduction Scheme
- § Changing salary sacrifice rules
- § Introducing paid parental leave.

A Notice to Members summarising these changes was sent to all members on 13 May 2009. A copy is available from the Noticeboard of the Members' Home page of SAWIA's [website](#).

The Winemakers' Federation of Australia (WFA), with support from the South Australian Wine Industry Association, continues to represent the wine industry with regard to the Federal Government's Henry Review. WFA is attempting to ensure that the Henry Review resists pressure to make any inappropriate changes to wine taxation. In a recent submission to the review, WFA argued that the industry cannot afford further destabilisation as it undergoes a major restructure while dealing with the toughest economic conditions in two decades.

Export Market Development Grants – F08 and F09 claims to be paid in full

The federal government has given Australian wine exporters a much needed funding boost, with an extra \$50 million of funds being made available to virtually guarantee 100 per cent payouts of Export Market Development Grants (EMDG's) in 2008/09.

The additional funding made available also means that grants for the 2007/08 financial year will now be made in full. Previously, EMDG claims for 2007/08 had been limited to a 1st tranche payment of \$40,000, resulting in a serious funding and cashflow problem for many exporters.

The additional funding makes good on the original intent of the EMDG scheme, which was to reimburse exporters appropriately for all qualifying expenditure. This is great news for the South Australian wine industry!

For more information phone Stuart Mitchell of Export Solutions on 8231 9066.

EMPLOYEE RELATIONS & OHSW

Material Safety Data Sheets – A must at every worksite!

NB: This article applies to all South Australian wine industry employers.

All employers need to be aware of important responsibilities with regard to Material Safety Data Sheets (MSDS). An MSDS is a form containing data regarding the properties of hazardous substances such as pesticides or other chemicals. It is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill handling procedures. MSDS information may include instructions for the safe use and potential hazards associated with a particular material or product.

Employers must minimise the risks to health of their employees (and others) due to exposure to hazardous substances that are used or stored in the workplace. The employer must:

- § Keep a register of all hazardous substances
- § Have a MSDS for all substances used or stored on the premises
- § Clearly display and have available the MSDS at each worksite where the substance is used or stored

- § Ensure employees have ready access to the MSDS
- § Ensure all substances are stored in safe containers (if decanted) and labelled with the full name, instructions on safe use and potential hazards associated with the substance
- § In consultation with employees, identify and assess risks from hazardous substances (and keep the records for 5 years)
- § Train employees in the safe handling, use and storage of all substances, including how to read a MSDS
- § Ensure all contractors provide each relevant MSDS and train their employees in the safe use of hazardous substances.

Breaches of these requirements could result in substantial penalties.

An MSDS for a substance is not primarily intended for use by the general consumer, focusing instead on the hazards of working with the material in an occupational setting. For example, an MSDS for a cleaning solution is not highly pertinent to someone who uses a can of the cleaner once a year, but is extremely important to someone who does this in a confined space or on a regular basis each week.

For more information, members can contact Egon Schwidder (8222 9273 or egon@winesa.asn.au)

SA Government proposes a code of practice for working hours

NB: This article applies to all South Australian wine industry employers.

The South Australian Government has released a [discussion paper](#) and is seeking comments on its proposal to develop an approved code of practice for working hours under the *Occupational Health, Safety and Welfare Act 1986*. This follows on from the Parliamentary Select Committee on balancing work and life responsibilities and the South Australian Strategic Plan regarding work life balance.

A code of practice would provide guidance materials and resources for dealing with fatigue and the impact of various working arrangements (e.g., shift work, seasonal work, two jobs). The South Australian code is expected to be modelled on the *Western Australian Code of Practice* that was introduced in 2006. Essentially, working hour arrangements and issues like fatigue are subject to a risk assessment, supported by consultation and education and awareness programs.

The government has requested comments on its proposal by 30 June 2009. If you have any comments or questions, contact Brian Smedley (8222 9274 or brian@winesa.asn.au). Subject to member feedback, SAWIA will consider making a submission on behalf of members.

A copy of the preferred code is expected to be available by the end of July, with the code in place by the end of 2009.

Changes to licensing for high risk work take effect on 1 September 2009

NB: This article applies to all South Australian wine industry employers.

Employers and employees who operate a forklift, crane, hoist, elevating work platform or pressure equipment need to know about the important changes to licensing of high risk work.

The *National Standard for Licensing Persons Performing High Risk Work 2006* is being introduced across all Australian States and Territories, and will become law in South Australia on 1 September 2009. The new standard introduces a number of changes that aim to make the training, assessment and licensing of high risk work consistent across Australia.

A presentation highlighting the changes was made by Safework SA at last year's Occupational Health Safety and Welfare Seminars. Click [here](#) for a copy of the new National Standard and an Information Sheet.

Members needing more information should contact Egon Schwidder (8222 9273 or egon@winesa.asn.au)

New draft Code of Practice for First Aid in the Workplace

NB: This article applies to all South Australian wine industry employers.

A revised version of the draft *Code of Practice for First Aid in the Workplace* has now been produced, which incorporates feedback to an earlier draft released in 2008. Most sections of the draft code required little, if any, change. However, the revised draft includes significant changes to proposed requirements for first aid kits, and training and accreditation requirements for first aid providers. Draft requirements for occupational health services have also been developed.

SafeWork SA has invited interested parties to provide feedback on the revised draft by 30 June 2009, prior to it being finalised under the *Occupational Health, Safety and Welfare Act 1986*. Click [here](#) to download a copy of the revised draft and accompanying Information Paper that explains the key changes and how to make a submission.

SAWIA and its OHSW Committee are presently reviewing the draft code. Subject to the outcome of this review, SAWIA will consider making a submission on behalf of members

SAWIA will keep members updated as this matter progresses. If you have any questions, please contact Egon Schwidder on 8222 9273 or egon@winesa.asn.au.

Important research on timely return to work following injury or illness

NB: This article applies to all South Australian wine industry employers.

The Australian Institute of Social Research (AISR) at the University of Adelaide is undertaking a series of research studies designed to improve timely return to work following injury or illness. As part of the research, the AISR has designed a Workplace Return to Work Index that helps workplaces measure their ability to prevent and (when needed) respond effectively to work-related injury. The Index is based on leading national and international research findings.

In 2009 the AISR is working with the manufacturing industry and with the South Australian wine industry, through the involvement of SAWIA's OHSW Committee. The research team is seeking organisations to participate in this research by completing a survey – the timing and distribution of which will be tailored to the needs of each organisation. There is a guarantee of total confidentiality, with participants receiving an individual report of their organisation's survey results. Participants will also be able to compare their results with the overall project report that will combine results from all participating organisations. AISR plan to conduct the research during June/July, with the final reports being available in October.

If you would like to participate, or need more information, please contact Dr Kate Barnett (Project Manager) at Kate.barnett@adelaide.edu.au or phone 8303 3350.

Using Ordinary Time Earnings to calculate the Superannuation Guarantee

NB: This article applies to all South Australian wine industry employers.

On 13 May 2009 the Australian Taxation Office issued a final Superannuation Guarantee Ruling (2009/2) regarding the meaning of the terms "ordinary time earnings" and "salary or wages". The definition of "ordinary time earnings" is relevant to employers for the purpose of calculating the minimum level of superannuation that must be paid to eligible employees.

The final ruling clarifies that employers have to pay the 9% super contributions on "ordinary time earnings", NOT including overtime. The interpretation of "regular overtime" that was included in an employee's "ordinary time earnings" in the November draft ruling has now been reversed.

"Ordinary Time Earnings" are calculated on an employee's "ordinary hours of work", which are the hours specified as his or her ordinary hours of work under the relevant award or agreement, or under the combination of such documents, that governs the employee's conditions of employment. Any hours worked in excess of those specified ordinary hours of work are not part of the employee's "ordinary hours of work".

Employers should consider the requirements of each individual contract to ascertain obligations under the superannuation guarantee legislation. If you have any questions, please contact Egon Schwidder on 8222 9273 or egon@winesa.asn.au.

SUSTAINABILITY & WATER

Wine Industry Sector Agreement - Participant Commitment forms now due



Regional Information Sessions on the Wine Industry Sector Agreement have now been held right across the state, with strong positive feedback from more than 270 attendees.

To show the level of interest and commitment to the project, wine industry businesses are asked to complete and return the Participant Commitment form (in the Information Package) as soon as possible. This form is available on the [website](#) or by contacting Jodie Pain (Project Manager).

If you were unable to make your local session, an Information Package can be downloaded from the Resources section of the Climate Change Sector Agreement page of SAWIA's [website](#), or contact Jodie Pain for a copy to be sent to you.

Jodie Pain (Project Manager) can be contacted on 8222 9278 or jodie@winesa.asn.au.

The Wine Industry Sector Agreement - Climate Change and Greenhouse Emissions Reduction is a two year project to inform the wine industry of issues surrounding climate change, while encouraging and assisting industry to measure and report their carbon footprint. The South Australian Wine Industry Association and the Wine Grape Council of South Australia signed the Sector Agreement with the State Government in accordance with the Climate Change and Greenhouse Emissions Reduction Act 2007.

Water update

Minister for the River Murray, Karlene Maywald, announced on 15 May 2009 that:

- § Irrigators are likely to begin the new water year on 1 July 2009 with an opening allocation of "at least 2%" and access to at least 50% of eligible carryover
- § River Murray irrigation allocations in South Australia will remain at 18% for the remainder of 2008-09 as extreme drought conditions continue across the Murray-Darling Basin
- § Just 50 GL of inflows were recorded in April 2009, well below the long-term April average of 240 GL
- § The volume of water in upstream storages is currently 1,321 GL (14% capacity), compared to the long-term mid-May average of about 5,110 GL (54% capacity).

The Minister also issued a reminder that applications for permanent and temporary trades within South Australia to have effect in 2008-09 should be lodged by 16 June 2009.

The Bureau of Meteorology's outlook for May to July 2009 shows there is a 40-65% chance of exceeding median rainfall over the Murray-Darling Basin.

For more information, refer to the Drought page of SAWIA's [website](#).

Re-tooling for Climate Change Grants – Apply now

The *Re-tooling for Climate Change* program is part of the Federal Government's *Clean Business Australia Initiative*, aimed at helping small and medium sized Australian manufacturers reduce their environmental footprint, through projects that improve the energy and/or water efficiency of their production processes.

The program provides grants of between \$10,000 and \$500,000, with guidelines recently broadened so that an entity with turnover of less than \$100 million (changed from group turnover) will be eligible to apply for assistance under the program, and a higher assistance rate up to a maximum of half the cost of each project.

The first two rounds of the program have been announced, and SAWIA congratulates members Tarac Technologies and d'Arenberg Wines on their successful applications. Tarac received a grant to implement a recommendation to re-use the methane gas generated from winery wastewater treatment to offset natural gas currently used in the production process, and a separate grant to improve the combustion efficiency of boilers. d'Arenberg's project involves upgrading the insulation of bulk wine storage tanks. A New South Wales winery was also successful with an application to install a solar energy system to supplement the energy used in the refrigeration process.

Closing dates for the next four rounds of funding are:

- § Round 3 - 1 June 2009
- § Round 4 - 24 August 2009
- § Round 5 - 30 November 2009
- § Round 6 - 22 March 2010.

SAWIA members are encouraged to consider applying for grants under this program. For more information click [here](#) or contact AusIndustry on hotline@ausindustry.gov.au or 13 28 46.

If you would like SAWIA's assistance in exploring whether this grant is an option for you, contact Mark Gishen on 8222 9212 or mark@winesa.asn.au.

SALES MARKETING & PROMOTION

Hong Kong International Wine & Spirits Fair 2009

The Hong Kong International Wine & Spirits Fair is being held from 4-6 November 2009 at the Hong Kong Convention and Exhibition Centre. The first two days are open to trade only, with the third day open to trade and the public.

The Fair is organised by the Hong Kong Trade Development Council. There were 240 exhibitors at the 2008 event, with more than 18,000 trade and public visitors.

For more information, including costs, click [here](#).

Drinks Trade tasting – call for Shiraz and Shiraz blends

Drinks Trade, the magazine of the Liquor Merchants Association of Australia, is inviting product samples for review by a panel of experts in its regular section called "Wine List". The magazine is direct mailed to over 20,000 licensed venues and outlets nationally.

The August/September 09 issue of *Drinks Trade* will include the results of a tasting of Australian Shiraz and Shiraz blends with RRP above \$15.

The panel will assess not just the wine but the price points to select a "best value" pick in each category. The commercial or consumer appeal of the wine will also be assessed. Rankings or scores will not be published. The panel is made up of representatives from the wholesale, retail, educator, marketing and service side of the wine industry.

To participate, samples must be submitted by 19 June. For more information on submitting your samples, visit the Noticeboard of the SAWIA Export page in the members' area of the association's [website](#).

Export Update

The Australian Wine and Brandy Corporation reported that the volume of Australian wine exports was relatively stable for the year ending April 2009, however the value of exports fell 14 per cent. The global financial crisis has brought continued pressure on many of Australia's key export markets, with an increase of lower-priced bulk wine shipments offset by a fall in the higher-priced bottled segment.

Sales declined in the UK, however the Asian markets of Hong Kong, China and Japan proved to be strong growth centres for Australian wine exports.

Visit Winefacts [here](#) for more information.

OTHER

Cleggett Wines launches new cellar door



Cleggett Wines' new cellar door was officially opened by Professor Sakkie Pretorius (Managing Director of The Australian Wine Research Institute) on Thursday 30 April 2009. Mac Cleggett and Anne McLennan used the opportunity to thank the many scientists and winemakers, friends and family who had worked with them and supported them through all the years taken to prove to the world the uniqueness of their White and Bronze Cabernet Sauvignon vines, known as Shalistin and Malian.

Sakkie Pretorius highlighted that "...there is significant risk in investing in a cellar door in the world's current financial turmoil...", but also went on to quote from a poem by Hugh Prather about risk, which included the following excerpt:

"...To try at all, is to risk failure.
But risks must be taken!
Because the greatest hazard in life is to risk nothing.
The person who risks nothing, does nothing, has nothing, is nothing.
They may avoid suffering and sorrow, but they simply cannot learn,
change feel, grow, love or live
Chained by their attitudes they are slaves.
Only the person who risks is free"

The new building was designed to sustain a business as well as a lifestyle, and shows the confidence of Mac and Anne in the South Australian wine industry. For more information, contact Anne McLennan on 8537 3133.

SAWIA is delighted to recognise the achievements of the association's members. If you have a story that you would like to share, please contact Craig MacDonald on 8222 9272 or craig@winesa.asn.au.

WET Tax Information

Over the past few months SAWIA has had a number of queries from members about various issues to do with WET tax legislation.

For information about WET tax, members are encouraged to contact the ATO WET group on 1-300-137-290 (Option 1). Callers are not required to identify their business.

Alternatively, email wettechadvice@ato.gov.au or visit the ATO website [here](#) for detailed WET tax information.

Dates for your diary

2009

- § 2 June 2009, [Contract Law for Non-Lawyers](#), Adelaide
- § 3-5 June, [Interwine China](#) (summer), Guangzhou
- § 7-8 June, [BankSA 2009 Sea & Vines Festival](#), McLaren Vale
- § 9-11 June, [Food & Hotel China](#), Beijing
- § 10 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), Adelaide
- § 11 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), McLaren Vale
- § 16 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), Barossa Valley
- § 17 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), Berri
- § 18 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), Clare
- § 17-19 June 2009, [South Australia Infrastructure](#), Adelaide
- § 21-25 June, [Vinexpo](#), Bordeaux (France)
- § 23 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), Langhorne Creek
- § 24 June, [Fair Work Act 2009 & Unfair Dismissal Laws](#), Coonawarra
- § 24-25 June, [Winery Engineering Association National Conference and Exhibition](#), Barossa Valley
- § 24-30 June, [G'day UK](#)
- § 29 June – 1 July, [Wine Marketing Australasia](#), Sydney,
- § 1-31 July, [Coonawarra Cellar Dewellers](#)
- § 3-5 July, [China Int'l Alcoholic Drinks Expo](#), Beijing
- § 9 July, [Guangdong International Wine & Spirits Expo](#), China
- § 3 August, Finlaysons Wine Roadshow 2009, Coonawarra
- § 22-23 August, [Barossa Gourmet Weekend](#), Barossa
- § 26 August, Finlaysons Wine Roadshow 2009, Barossa
- § 27-30 August, [Taste of Melbourne](#)
- § 1 September, Finlaysons Wine Roadshow 2009, McLaren Vale
- § 23-24 September, [Wine Industry Environment Conference](#), Adelaide
- § 24-26 September, [Vietwine '09](#), Hanoi
- § 1-3 October, [Food & Hotel Vietnam](#), Ho Chi Minh City
- § 16-18 October, [Coonawarra Cabernet Celebrations](#)
- § 4-6 November, [Hong Kong International Wine & Spirits Fair](#)
- § 12-13 November, [Winefuture Rioja 09](#), Spain
- § 18-20 Nov, [Food & Hotel China](#), Shanghai
- § 19-21 November, [Shanghai International Wine & Spirits Bonded Expo](#), China
- § 24-28 November, [SIMEI 2009](#), Milan (Italy)
- § 26-28 November, [Interwine China](#) (autumn), Guangzhou
- § 1-3 December, [SITEVI 2009](#), Montpellier (France)

2010

- § 20-23 April, [Food & Hotel Asia](#), Singapore
- § 3-8 July 2010, [WineTech 2010](#), Adelaide

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