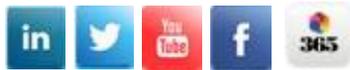




**SOUTH AUSTRALIAN WINE INDUSTRY
ASSOCIATION INCORPORATED**

Newsletter - 3 April 2018 - South Australian Wine Industry Association



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PDF Version

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Message from the Chief Executive

What a difference a week or so makes with the **formation of a Liberal Government for the first time since 2002**. SAWIA welcomes and congratulates the incoming government and looks forward to working closely to maximise outcomes for the South Australian wine industry. Refer to the **Feature Article** below for details about the key Ministers that will be so important for the success of our industry over the next four years.

The **final results for the Legislative Council** (the Upper House) are some weeks away. We will be seeking to engage with the final make up of members and parties to ensure the things that matter most to our industry are clearly understood.

SAWIA and the Wine Grape Council of South Australia (WGCSA) have been working together for a number of years and **agreed on the South Australian Wine Industry Plan** to focus collaboratively on issues that are most important to our joint memberships. The initial joint areas of focus for the two associations are transport, managing seasonal cycles and the cost and reliability of utilities. The remaining five strategic priorities are equally important and will be a continuing focus for SAWIA.

In addition to the industry plan, **SAWIA's Executive Committee has documented Priorities for 2018** which sets the agenda for focussing on the most important issues for the South Australian wine industry.

SAWIA is also pleased to be supporting the WGCSA roadshow that commences toward the end of April, with SAWIA staff presenting on work, health and safety and industrial relations issues.

SAWIA worked closely with the SA Tourism Commission (SATC) and the Department of Primary Industries and Regions SA (PIRSA), with support from South Australian wine regions, to develop a **strong application for an International Wine Tourism State Grant**. SAWIA and SATC had the opportunity to address the Expert Assessment Panel in late March regarding our application, answering questions and receiving constructive feedback. We will continue to work towards securing approval for this exciting project that will increase international visitors to South Australian wine regions and increase spending while in those regions.

With vintage well underway, we turn a thought to those working long days to turn wine grapes into some outstanding 2018 vintage wines. Stay safe and keep up the good work!.



FEATURE ARTICLES

SAWIA welcomes new government for SA and new ministers for wine industry

SAWIA welcomes and congratulates the incoming Liberal government and looks forward to working closely with it over the next four years to ensure a clear understanding of the issues and opportunities facing the wine industry, helping to inform changes the government will want to make and strongly advocating for the South Australian wine industry.

SAWIA will be working with new Ministers to secure the best outcomes for the wine industry. Our main point of contact will be the Minister for Primary Industries and Regional Development, Tim Whetstone, the member for the seat of Chaffey in the Riverland. Tim has grown wine grapes and has knowledge of our industry.

There are many other Ministers that SAWIA will be dealing with covering some 60+ pieces of State based legislation that impact on the wine industry. This includes David Ridgway in trade, investment and tourism, David Speirs in environment and water, the Attorney General, Vicki Chapman for liquor licensing, Rob Lucas in industrial relations, and Stephan Knoll in transport and infrastructure. Other ministers will also be engaged relating to skill development, energy, mining and emergency services. It is vital that SAWIA takes an active role in engaging with the new government for the continuing good health of our industry.

The final results for the Legislative Council (the Upper House) are some weeks away. Once resolved, SAWIA will be engaging with the final make up of members and parties to ensure the things that matter most to us are communicated effectively.

SAWIA's Environmental Excellence Awards for 2018 – Nominate now



Tell the world about your
Leadership in
environmental excellence

Entry forms and guidelines available from
our web site (www.winesa.asn.au)
Closes 31 July 2018



SAWIA's Environmental Excellence Awards, which celebrate SAWIA members who provide leadership and inspire others toward strong environmental management, are now open for nominations. The awards recognise SAWIA members for adopting substantive and quantifiable improvements and leadership in key areas of environmental management.

There are now three award categories – one each for small-medium and large winery businesses (sponsored by efficiency consultants **2XE and **Tarac Technologies** respectively), and a new category for viticulture, sponsored by energy broker / retailer **Flowpower**.**

A new simplified nomination form is available from SAWIA's website [here](#) with the nomination process designed to minimise time and effort. You can even phone in your application, by contacting Mark Gishen on 8222 9278 or mark@winesa.asn.au.

Entry is open to SAWIA members only, and there is no cost to enter. Nominations close on 31 July 2018 with winners to be announced at SAWIA's Annual Members' Lunch in September 2018.

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Labour Hire Licensing law clarified / SAWIA advocates for more changes

The requirement for a labour hire provider to be licensed under the *Labour Hire Licensing Act 2017* commenced on 1 March 2018. SAWIA has been in discussions with the senior management team of the Office of Consumer and Business Services (CBS) to clarify the application of the new law to common labour arrangements in the wine industry.

SAWIA provided a number of examples to CBS, including where the owner of a vineyard outsources the management of a vineyard to an external service provider (either a full-service or a limited number of services) for a period of time. The provider is responsible for determining the number of employees required and a periodic service fee is charged. In this instance, CBS has confirmed that the relationship above is **not labour hire** and that **the provider does not need to be licensed**. However, the specific details of each individual arrangement will determine whether a licence is needed.

For further guidance and assistance on the type of services that must be licensed under the Act, SAWIA members can access a **detailed outline** of other common labour arrangements in the wine industry, including where external providers are engaged during vintage and pruning seasons.

We expect the new Marshall Liberal State Government to seek changes to the Act. SAWIA will directly engage with the new Government and continue to strongly advocate for significant changes to the Act or for it to be repealed.

For more information, SAWIA members are welcome to contact Henrik Wallgren on 8222 9270 or henrik@winesa.asn.au.

SAWIA rejects proposal to change spray drift regulations

SAWIA has rejected the Australian Pesticides and Veterinary Medicines Authority **proposal** for a new risk management approach to manage potential spray drift. In a recent submission on behalf of members, SAWIA expressed serious concerns that the proposed approach may further increase the potential for spray drift events unless adequate provision is made for education, access and enforcement of such a system.

Given the current situation of continuing and regular occurrence of spray drift events causing damage to vineyards, the proposed changes as currently set out cannot be justified or supported.

Members can obtain more information or a copy of SAWIA's submission by contacting Mark Gishen on 8222 9278 or mark@winesa.asn.au.

Wine Australia gets broader powers to protect the nation's wine reputation

New regulations, effective this week, give the nation's wine export regulator Wine Australia broader powers to protect the reputation of the country's wine exports. **The most important is the capacity to assess whether an exporter is a 'fit and proper person', protecting Australian wine's reputation overseas by ensuring the bona fides of potential and existing exporters and blocking copycats and counterfeiters.**

According to Wine Australia, the new regulations allow the authority to deny the approval of shipments where a product could not be lawfully sold in the country to which it would be exported. This could include preventing the export of a wine from Australia that infringed intellectual property-related laws in the destination country.

Additionally, exporters will no longer be able to export on behalf of companies or individuals that are not themselves eligible to hold an export licence (such as where a licence has been cancelled).

Other aspects of the regulations will be liberalised. For example, to cut red tape for exporters there will no longer be a prohibition on placing a vintage indication on innovative wine products such as flavoured wines.

The regulations have also been modified to allow the continued use of grape varieties that are also geographical indications.

More detail about the regulations can be found on Wine Australia's [website](#).

INDUSTRY & GOVERNMENT

Selling wine – An important reminder to make sure your producer's licence is up to date

Late last year a cellar door operating in the Adelaide Hills without a licence entered into a legal undertaking with the Liquor and Gambling Commissioner in lieu of a court based enforcement action. While the licensee did hold a Producer's Licence, the specified premises were different to the physical address and location of the winery.

This case serves as an important reminder to cellar doors and wineries to ensure that regulatory licences to sell wine and other alcohol accurately reflect the operational details. This includes checking:

- That the address, location or plan specified in the Producer's Licence is still current
- That any renovations or alterations which impact the footprint or an internal modification or other change to the licenced area (e.g. that would increase capacity, change emergency access or improve patron comfort) have been approved
- Whether there has been a change to the registered entity (including change of name), the type of licensee or contact details.

Any significant upcoming operational changes should trigger an immediate review of relevant liquor licences. If changes are required, you need to seek approval in advance from the Commissioner. Breaches of licences can carry hefty penalties.

For an overview of the Producer's Licence, click [here](#). SAWIA members are also reminded that liquor licensing management plans must be reviewed every two years.

SAWIA members with any questions about their licence, or needing assistance with reviewing or drafting a liquor licence management plan can contact Sarah Hills on 8222 9212 or sarah@winesa.asn.au.

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Apply now for \$272.2m Regional Growth Fund

Applications are now open for the Federal Government's \$272.2 million Regional Growth Fund, which provide grants of \$10 million or more for major transformational projects which support long-term economic growth and create jobs in regions undergoing structural adjustment.

The selection of projects will be undertaken in two stages. Stage One requires submission on an initial application for competitive assessment. Stage Two involves the submission of a full business case.

To be competitive, a submission must score highly against all three criteria – create jobs, drive economic growth and build stronger regional communities. For more information and to apply click [here](#).

New tough rules impact foreign purchases of agricultural land



The Government has announced that foreign purchasers will not be permitted to purchase agricultural land unless the land was widely marketed for a minimum of 30 days. This initiative is likely to impede owners of Australian agricultural land (including viticultural properties) in endeavouring to sell their properties to offshore buyers.

Finlaysons Lawyers, SAWIA's Wine Industry Partner, has prepared a comprehensive Legal Alert (available from the Noticeboard of the Members' Home page of SAWIA's [website](#)) setting out the new legislative requirements.

For more information, SAWIA members can contact Gavin Cragg (Partner) on 8235 7819 or gavin.cragg@finlaysons.com.au, or Will Taylor (Wine Partner) on 8235 7421 or will.taylor@finlaysons.com.au.

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EMPLOYEE RELATIONS / WORK HEALTH & SAFETY

457 Visa replaced by new Temporary Skilled Shortage Visa

A new Temporary Skilled Shortage Visa (482) has now taken the place of the superseded Temporary Work (Skilled) Visa (commonly known as the 457 Visa). Prior to its abolition, the 457 Visa was used by employers to fill skills shortages. This includes recruiting winemakers, viticulturists and other skilled professionals to fill long-term skill shortages.

The new Temporary Skilled Shortage Visa (482) is referred to as a TSS Visa and may be a useful option for filling skills shortages. Key requirements include:

- Labour market testing by placing a job ad for at least 21 calendar days no longer than 6 months prior to the employer nominating an occupation for the visa
- Winemakers and Viticulturists can only be nominated if the employer is located in regional Australia (this includes the whole of South Australia, but a number of wine regions in Victoria and New South Wales are not eligible)
- Occupations placed on the short-term occupation list (such as viticulturist) can be nominated for a maximum period of 2 years, whereas occupations on the medium and long-term strategic skills list (such as winemaker) can be nominated for a maximum period of 4 years.

- An applicant for a TSS visa must provide evidence to demonstrate certain standards of English language proficiency.

For more information on the new TSS visa, please refer to the **Fact Sheet** prepared by the Department of Home Affairs. SAWIA members are also encouraged to let us know of the impact of these changes on your business (if any), by contacting Henrik Wallgren on 8222 9270 or henrik@winesa.asn.au.

Rates for public holidays

SAWIA recently issued a Notice to Members setting out the South Australian public holidays for 2018, with a focus on those during and around vintage, and a reminder around correct rates of pay for those public holidays. The Notice is available from the Noticeboard of the Employee Relations page of SAWIA's [website](#).

If you have any questions about rates of pay or shift loadings, please contact Henrik Wallgren on 8222 9270 or henrik@winesa.asn.au.

Assessing chemical risks

Vintage is a time when chemicals are used in wineries for a variety of purposes as part of the wine making process. Members are reminded that additives or cleaning products may meet the definition of a hazardous chemical when in its concentrated form. As such, it is necessary to undertake risk assessments for such chemicals and have procedures in place for their safe use. When assessing risk, consideration should not be restricted to use, but also to preparation, storage and disposal.

With regard to the safe handling of onsite chemicals, it is important that all relevant workers (and not just vintage casuals) are reminded regularly of the provisions contained in the procedure, extending to safe preparation of additives and use of the correct personal protective equipment.

For information or advice on how to manage chemicals or how to develop safe operating procedures (SOP's), or any other WHS matters pertaining to your workplace, contact Zvonko Levak on 8222 9273 or zvonko@winesa.asn.au.

New disclosure requirements for enterprise bargaining

SAWIA recently issued a Notice to Members setting out new disclosure requirements under the *Fair Work Amendment (Corrupting Benefits) Act 2017* when engaging in bargaining for an enterprise agreement and the prescribed form to be used.

The Notice to Members is relevant to members with enterprise agreements or planning to engage in bargaining for an enterprise agreement, and is available from the Noticeboard of the Employee Relations page of SAWIA's [website](#).

For more information, contact Henrik Wallgren on 8222 9270 or henrik@winesa.asn.au.

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SALES MARKETING & PROMOTION

Nominate now for South Australian Tourism Awards



Nominations for the 2018 South Australian Tourism Awards are now open. This year a new category – Excellence in Accessible Tourism – is open to entrants, with a total of over 30 categories to choose from.

The South Australian Tourism Awards showcase the finest tourism businesses in South Australia and celebrate those who have demonstrated outstanding achievements and success throughout the year. To nominate, or obtain more information, click [here](#).

International visitors flock to SA



International visitation to South Australia has reached an all-time high as visitors spent \$1.15 billion in our state for the year ended 31 December 2017. This was up 18%, well above the 8% national increase.

The latest International Visitor Survey results show that the Chinese market has once again led the way in growth with expenditure up 55% to a record high of \$389 million.

In total, South Australia welcomed 462,000 international visits, up 9%, over the year. For more information, click [here](#).

Upcoming events / Award nominations (click on images)

Digital Marketing to Grow Your
Wine Business in China



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SUSTAINABILITY

Waste Recycling – Impacts of China’s National Green Sword Initiative

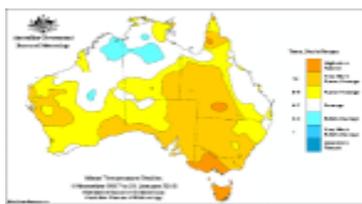


China’s ‘National Green Sword’ initiative that was announced in July last year banning the importation of certain types of plastic wastes, or imposing strict contamination limits for others, is now starting to impact the wine sector by making it more difficult to recycle some wastes.

Notably, polyethylene (PET) backing film from wine label rolls can no longer be imported to China for recycling. This situation has been exacerbated by the closure of some of South Australia’s private plastics recycling facilities. However, we have been advised that one company, YCA Recycling, is still able to accept a range of wastes for recycling in several other countries, and there are apparently others that may be starting up shortly.

Wineries looking to recycle their plastic wastes (e.g. PET, irrigation pipe) can contact Gary Hau of YCA Recycling on 7123 3722 or admin@ycarecycling.com. Alternatively, SAWIA members can contact Mark Gishen on 8222 9278 or mark@winesa.asn.au.

An abnormally warm summer for South Australia



The Bureau of Meteorology and NIWA (New Zealand) have issued a joint **Special Climate Statement** on the recent record-warmth in the Tasman Sea, New Zealand and Tasmania. Points of interest include:

- Sea surface temperatures 2.1°C above average in December
- Abnormally high temperatures on land in southeast Australia.

For South Australia there were extended periods of warmth both by day and night, with records for consecutive November nights of 15°C or above set in eastern border areas of South Australia.

This report follows on from the **Annual Climate Statement for 2017** that reported overall temperatures were warmer than average in all districts, with 2017 coming in as South Australia's fifth-warmest year on record. Rainfall was 11% above average for South Australia as a whole.

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Mandatory data breach notification – are you prepared?

In our February 2018 newsletter Finlaysons Lawyers, SAWIA's Wine Industry Partner, provided a Legal Alert (available from the Noticeboard of the Members' Home page of SAWIA's [website](#)) outlining amendments to the *Privacy Act 1988* (Cth) by the *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth). These laws came into operation on 22 February 2018 and oblige many wineries to notify individuals who are affected by an unauthorised disclosure of, or access to, their personal information. Failure to notify those individuals can result in compensation orders or civil penalties being imposed.

"When a data breach occurs, a quick and effective response can have a positive impact on people's perceptions of an organisation's trustworthiness. That is why being prepared for a data breach is important for all organisations that handle personal information." Timothy Pilgrim PSM, Australian Information Commissioner

Finlaysons Lawyers have now provided a checklist (available from the Noticeboard of the Members' Home page of SAWIA's [website](#)) of issues which the Office of the Australian Information Commissioner considers necessary for members to 'test' their wine businesses' processes and procedures in response to a data breach incident. If you are yet to put into place any processes and procedures in relation to a potential data breach then SAWIA members can contact Lan Lam (IP Partner) on 8235 7838 or lan.lam@finlaysons.com.au, or Will Taylor (Wine Partner) on 8235 7421 or will.taylor@finlaysons.com.au.

SAWIA reminds members to take the opportunity to review the security of all personal data stored by (or for) your business now – before a problem happens.

Work around the world – Apply now for Hostplus Hospitality Scholarship



Applications are now open for the nationwide Hostplus Hospitality Scholarship supported by Melbourne Food and Wine Festival.

The prestigious scholarship offers the next generation of Australian hospitality workers a once-in-a-lifetime opportunity to work across different countries in internationally acclaimed hospitality businesses.

The winner's international work experience includes flights, accommodation and spending money, and will be specially tailored to their career interests – from the cellar, paddock, kitchen, front-of-house and everywhere in between.

Upon return to Australia, the Scholarship winner will be partnered with a local industry leader for a year-long mentorship to expand their industry experience and connections in their chosen field.

This year, three shortlisted finalists will also be invited to participate in an exclusive development day with Hostplus ambassador and acclaimed Melbourne chef, Shane Delia. In addition, the three finalists will join international and local hospitality stars at the 2019 Melbourne Food and Wine Festival.

All Australian residents aged 22-35 currently working in any area of expertise within the hospitality industry are welcome to apply. Applications are open until 4 May. To apply or obtain more information, click [here](#).

Call for SA industry leaders - Study grants now available to join an influential network



South Australia's Industry Leaders Fund invites industry leaders to apply for up to \$50,000 each to develop their professional potential and join an influential 122-member scholar network. The eight-year-old grant scheme supports individuals who can demonstrate leadership potential at work and in the community and are interested in sharing their knowledge and achievement with their industry.

The unique private sector fund assisted 19 scholars with \$237,000 worth of grants in 2017, helping them to attend programs at Harvard Business School, INSEAD, Melbourne Business School, the University of Adelaide, Stanford Graduate School of Business, the University of South Australia, IMD (Switzerland) and Said Business School (Oxford, UK).

Applicants must work in businesses located in the State and employ South Australians in jobs that could be located interstate or overseas.

Applications close 31 May 2018. For more information click [here](#), or contact Geoff Vogt on 8394 0016 or ceo@industryleaders.com.au.

Food & Beverage Development Fund – Applications now open for training



The Food and Beverage Development Fund provides financial support of up to \$10,000 per successful applicant to further skills and knowledge through training and education within South Australia's critically important food and beverage (including wine) industries.

To date, the fund has assisted 196 people who are now a step closer to realising their aspirations and achieving their full potential.

Applications will be accepted until 11 May 2018. To apply or obtain more information, click [here](#) or contact Carol Graham on 83629066.

Apply now for Churchill Trust fellowship



Applications are invited for the prestigious Churchill Trust fellowship, which provides an opportunity for Australians to travel overseas to conduct research in their chosen field that is not readily available in Australia. It also aims to reward proven achievement of talented and deserving Australians with further opportunity in their pursuit of excellence for the enrichment of Australian society.

No prescribed qualifications are required in order to apply for a Churchill Fellowship. The subject of the proposed project is limitless provided a benefit to Australia is evident and a willingness to share the research findings with the Australian community is displayed.

To apply or obtain more information, click [here](#).

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Succession Planning for Wineries

Succession Planning for Wineries is a webinar being held on 24 April with Will Taylor (Partner) and Nikki Owen (Special Counsel) the two presenters from Finlaysons (SAWIA's Wine Industry Partner).

The webinar will:

- Take you through what to expect when embarking on a family business succession project
- Outline some examples of common business structures and how they can be evolved when the business is transmitted to the next generation
- Consider some important "tips and traps" relating to succession on death
- Explain some recent useful law limiting inheritance claims in a family business context.

To register or obtain more information, click [here](#).

40 Under 40



Indaily has launched a new South Australian award program to find and recognise the next generation of business leaders.

To be known as 40 Under 40, the new award seeks to identify South Australia's younger business leaders and entrepreneurs who will help drive the state's economy into the future.

To nominate a rising South Australian business star, or obtain more information, click [here](#).

Other events (click on images)



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Dates for your diary

2018

- 10 April, **Brand Power Innovations & Trends Workshop**, Adelaide
 - 10 April, **Digital Marketing to Grow Your Wine Business in China**, Webinar
 - 12 April, **Marketing Luxury Brands**, Adelaide
 - 13-22 April, **Tasting Australia**, South Australia
 - 15-18 Apr, **Vinitaly**, Verona
 - 24 April, **Succession Planning for Wineries**, Webinar
 - 24-27 April, **Prowine Asia**, Singapore
 - 1-4 May, **Food & Hotel Seoul**, Korea
 - 14-16 May, **Shanghai Intn'l Wine & Spirits Exhibition**, Shanghai
 - 24-27 May, **World Wine Meetings**, Singapore
 - 29-31 May, **Vinexpo**, Hong Kong
 - 6-8 June, **Food & Hotel Myanmar**
 - 23-26 July, **Agribusiness & Primary Industry Leadership Summit**, Sydney
 - 18 Oct, **Wine Industry Impact Conference**, Adelaide
 - 13-15 Nov, **ProWine China**, Shanghai
 - 24 Nov, **Agriculture and Wine Investment Forum**, Adelaide
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www.winesa.asn.au

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