



**Australian Government**  
**Department of Agriculture**

# **AGREEMENT TO VARY STATUTORY FUNDING AGREEMENT 2015–2019**

Parties

**Commonwealth of Australia represented by the  
Department of Agriculture  
(ABN 24 113 085 695)**

and

**Wine Australia  
(ABN 89 636 749 924)**

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## AGREEMENT TO VARY STATUTORY FUNDING AGREEMENT 2015-2019

**BETWEEN** The **MINISTER FOR AGRICULTURE**, on behalf of the **COMMONWEALTH OF AUSTRALIA**, represented by the **DEPARTMENT OF AGRICULTURE**  
ABN 24 113 085 695, 18 Marcus Clarke Street, Canberra, ACT 2601  
(RDCGovernance@agriculture.gov.au) (**Commonwealth**)

**AND** **WINE AUSTRALIA** ABN 89 636 749 924, a statutory authority having its registered office at Industry House, Cnr Botanic and Hackney Roads, Adelaide SA 5000 (enquiries@wineaustralia.com) (**Wine Australia**)

(collectively, 'the parties')

### RECITALS

- A. The Australian Grape and Wine Authority was established under the *Australian Grape and Wine Authority Act 2013* to undertake the research and development and extension functions of the former Grape and Wine Development Corporation and regulatory, marketing and other functions of the Wine Australia corporation.
- B. Under the *Australian Grape and Wine Authority Amendment (Wine Australia) Act 2017* (AGWA Amendment Act) from 7 November 2017:
  - the Australian Grape and Wine Authority transitioned to become Wine Australia; and
  - the *Australian Grape and Wine Authority Act 2013* became the *Wine Australia Act 2013*; and
  - according to section 34 of that Act, 'a thing done by, or in relation to, the Australian Grape and Wine Authority before the transition time has effect, after the transition time, as if it had been done by, or in relation to, Wine Australia.'
- C. Section 35(1C) of the Wine Australia Act 2013 allows the Minister to enter into a funding agreement with Wine Australia.
- D. On 2 June 2015, the Commonwealth and Wine Australia entered into the Funding Agreement 2015-19 (the Agreement).
- E. The parties now wish to extend the term of this Agreement to 2 June 2020, to allow time for the parties to agree on the terms of a new agreement to replace this Agreement.

## Variation of the Agreement

### V1. DEFINED TERMS AND INTERPRETATION

V1.1 In this Variation:

- (a) a word or expression defined in the Agreement has the meaning given to it in the Agreement;
- (b) **Variation** means this variation of agreement, including all schedules and annexures to it; and
- (c) **Effective Date** means the day after the Variation has been signed by both parties (and where the parties have signed on different dates, it is the later of those dates).

### V2. AGREEMENT AND TERM

- V2.1 On 2 June 2015 the parties entered into the Funding Agreement 2015-19 (the Agreement).
- V2.2 With effect from the Effective Date, the Agreement is varied as set out in Schedule 1.
- V2.3 The parties affirm in all other respects the terms and conditions in the Agreement as varied by this Variation.
- V2.4 The parties acknowledge and agree that the Agreement as varied by the Variation is and continues to be in full force and effect.

### V3. COUNTERPARTS

- V3.1 This Variation may be executed in counterparts. All executed counterparts constitute one document.

## SCHEDULE 1 – VARIATION TO THE AGREEMENT

- Sch 1.1 Replace all references to 'AGWA' with 'Wine Australia'.
- Sch 1.2 In clause 1 delete the definition of 'Act' and replace it with:  
*'Act' means the Wine Australia Act 2013.*
- Sch 1.3 Delete clause 2.1 of the Agreement and replace it with:  
2.1 This Agreement commences and takes effect on the day following the Agreement Date and expires on 2 June 2020.

Sch 1.4 Add new clauses 4.5 and 4.6 in the following terms:

*“Independent review”*

4.5 Wine Australia must, at its own expense, ensure that an independent review of Board performance is completed by 1 May 2020. In facilitating this review, Wine Australia must:

- (a) agree with the Commonwealth, the terms of reference of the review of Board performance by 18 December 2019;
- (b) engage, in consultation with the Commonwealth, an independent organisation with demonstrated experience in good corporate governance practices to undertake the review of Board performance;
- (c) ensure the independent organisation engaged under clause 4.5(b) provides any drafts and/or final version of the review of Board performance simultaneously to the Commonwealth and Wine Australia.

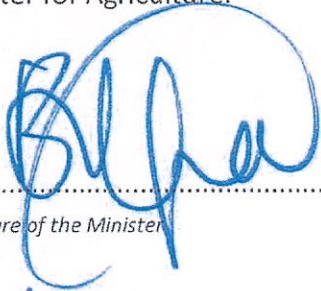
4.6 If requested by the Commonwealth, Wine Australia must consult with the Commonwealth as to the nature of any action required to implement the recommendations or findings of the review conducted under clause 4.5 and must take that action within a timeframe agreed with the Commonwealth.

Sch 1.5 In clause 12 (Review of Performance), delete the first reference to ‘six months’ from clause 12.1 and replace it with a reference to ‘18 months’.

## SIGNING PAGE

EXECUTED as an agreement

SIGNED for and on behalf of the  
**COMMONWEALTH OF AUSTRALIA**  
by Senator the Hon. Bridget McKenzie  
Minister for Agriculture:



.....  
*Signature of the Minister*

19/11/2019

.....  
*Date*

in the presence of:

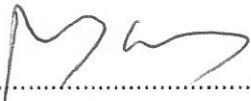


.....  
*Signature of the witness*

Amanda Roman

.....  
*Name of witness*

SIGNED for and on behalf of the  
**WINE AUSTRALIA ABN 89 636 749 924**  
by its duly authorised officer:



.....  
*Signature of officer*

ANDREAS LLARRI

.....  
*Name of officer*

CEO

.....  
*Position of officer*

30/11/2019

.....  
*Date*

in the presence of:



.....  
*Signature of witness*

Emma Clark

.....  
*Name of witness*