

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Caroline Le Couteur)

Eggs (Cage Systems) Legislation Amendment Bill 2009

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Eggs (Cage Systems) Legislation Amendment Bill 2009

A Bill for

An Act to amend legislation about the keeping of hens in cage systems and the display of cage eggs

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Eggs (Cage Systems) Legislation Amendment Act 2009*.

2 Commencement

(1) The following provisions commence on the day after this Act's notification day:

- (a) section 3;
- (b) sections 6 to 10;
- (c) section 13.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) The following provisions commence on 1 January 2010:

- (a) section 11;
- (b) section 14.

(3) The following provisions commence on 1 January 2011:

- (a) section 4;
- (b) section 5;
- (c) section 12.

Part 2 Animal Welfare Act 1992

3 Legislation amended—pt 2

This part amends the *Animal Welfare Act 1992*.

4 New section 9A

insert

9A Cage system hens

A person commits an offence if the person keeps hens in a cage system.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

5 Exception—approved code of conduct New section 20 (aa)

before section 20 (a), insert

(aa) section 9A (Cage system hens);

6 New section 109A

in part 10, insert

109A Banning cage systems etc—national approach

(1) The Minister must take all reasonable steps to promote a permanent ban by the Territory and the States on the keeping of poultry in cage systems.

(2) The Minister must take all reasonable steps to improve the living conditions for poultry under the model code.

- 1 (3) Reasonable steps for subsection (2) include, but are not limited to,
2 the Minister promoting—
- 3 (a) a comprehensive review of the model code to begin as soon as
4 possible; and
- 5 (b) the enactment by the Territory and the States of legislation to
6 make the guidelines for keeping poultry in the model code
7 enforceable; and
- 8 (c) revised definitions of key terms in the model code such as
9 ‘cage systems’, ‘barn systems’ and ‘free range systems’ to
10 improve the welfare of poultry.
- 11 (4) Within 5 sitting days after 1 July each year, the Minister must
12 present a report to the Legislative Assembly on the steps taken
13 under subsections (1) and (2) in the previous financial year.
- 14 (5) In this section:
- 15 *model code* means the *Model Code of Practice for the Welfare of*
16 *Animals: Domestic Poultry*, 4th edition, made by the Animal
17 Welfare Committee of the Primary Industries Ministerial Council.
- 18 *Note* The model code is accessible at www.publish.csiro.au.

19 **7 Dictionary, note 2**

20 *insert*

- 21 • State

22 **8 Dictionary, new definitions**

23 *insert*

24 *cage*—see the *Eggs (Labelling and Sale) Act 2001*, schedule 1,
25 item 1.

26 *cage system* means the system for keeping hens in cages.

- 1 **9 Repeal of Animal Welfare (Amendment) Act 1997**
- 2 The *Animal Welfare (Amendment) Act 1997* (A1997-45) is repealed.

Part 3 Eggs (Labelling and Sale) Act 2001

10 Legislation amended—pt 3

This part amends the *Eggs (Labelling and Sale) Act 2001*.

11 Section 7

substitute

7 Cage eggs—retail display

- (1) A person who displays cage eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

- (2) For subsection (1)—

- (a) the display must have a sign containing the following statement:

‘THESE ARE CAGE EGGS. In the ACT it will be illegal under the *Animal Welfare Act 1992* to keep hens in a cage system after 1 January 2011. Hens kept in a cage system live in mesh cages that have minimum size requirements of 40cm in height and floor space per bird less than the size of an A4 page.’; and

- (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and

- (c) the statement on the sign must be printed in—

- (i) a colour that contrasts with the background colour of the sign; and

- (ii) Arial bold typeface in a size not less than 55 point.

- (3) If the person displays cage system eggs and other hen eggs for retail display, the display of cage system eggs must—
- (a) be separate from the display of the other eggs; and
 - (b) have a red border marking that can be seen easily by a person at or near the display of cage system eggs.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

12 Section 7

substitute

7 Cage eggs—retail display

- (1) A person who displays cage eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).
- Maximum penalty: 50 penalty units.
- (2) For subsection (1)—
- (a) the display must have a sign containing the following statement:

‘THESE ARE CAGE EGGS. In the ACT it is illegal under the *Animal Welfare Act 1992* to keep hens in a cage system. However, eggs produced in a cage system can be imported into the ACT from interstate and sold. Hens kept in a cage system live in mesh cages that have minimum size requirements of 40cm in height and floor space per bird less than the size of an A4 page.’; and
 - (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and

- 1 (c) the statement on the sign must be printed in—
2 (i) a colour that contrasts with the background colour of the
3 sign; and
4 (ii) Arial bold typeface in a size not less than 55 point.
5 (3) If the person displays cage eggs and other hen eggs for retail
6 display, the display of cage eggs must—
7 (a) be separate from the display of the other eggs; and
8 (b) have a red border marking that can be seen easily by a person
9 at or near the display of cage eggs.
10 (4) For subsection (1), it does not matter whether the eggs were
11 produced in, or imported into, the ACT.

12 **13 Conditions under which hens are kept**
13 **Schedule 1, item 1, column 2**

14 *omit*
15 battery

16 **14 Dictionary, new definitions**

17 *insert*
18 **cage**—see schedule 1, item 1.
19 **cage egg** means an egg laid by a hen kept in a cage.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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