



Australian Capital Territory

# **Eggs (Labelling and Sale) Act 2001**

**A2001-83**

**Republication No 5**

**Effective: 26 August 2019**

Republication date: 26 August 2019

Last amendment made by [A2019-2](#)

## About this republication

### The republished law

This is a republication of the *Eggs (Labelling and Sale) Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 August 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 26 August 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Eggs (Labelling and Sale) Act 2001

## Contents

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	Page
1 Name of Act	2
3 Dictionary	2
4 Notes	2
5 What are the <i>egg labelling requirements</i> ?	2
6 Labelling of packaged eggs for sale	3
7 Cage eggs—retail display	3
7A Barn eggs—retail display	4
7B Free-range eggs—retail display	5
8 Regulation-making power	6
<b>Dictionary</b>	<b>7</b>
<b>Endnotes</b>	
1 About the endnotes	9

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R5  
26/08/19

Eggs (Labelling and Sale) Act 2001  
Effective: 26/08/19

contents 1

## Contents

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		Page
2	Abbreviation key	9
3	Legislation history	10
4	Amendment history	11
5	Earlier republications	12



Australian Capital Territory

# Eggs (Labelling and Sale) Act 2001

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An Act about the labelling and sale of hen eggs, and for other purposes

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**1 Name of Act**

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

**3 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*egg labelling requirements*—see section 5 (What are the *egg labelling requirements*?).' means that the expression 'egg labelling requirements' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

**4 Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

**5 What are the *egg labelling requirements*?**

- (1) For this Act, a reference to the *egg labelling requirements* means conspicuously displaying on the packaging for the eggs—
  - (a) a statement that the eggs are—
    - (i) free-range eggs; or
    - (ii) barn eggs; or
    - (iii) cage eggs; or
    - (iv) aviary eggs; and
  - (b) if the eggs are free-range eggs—the stocking density for the hens that laid the eggs.

- (2) A labelling requirement under subsection (1) is *conspicuously displayed* if the requirement is in standard type of at least 6mm high.

## **6 Labelling of packaged eggs for sale**

A person commits an offence if the person—

- (a) sells packaged hen eggs; and
- (b) the eggs are not labelled in accordance with the egg labelling requirements.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **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. Birds are continuously housed in cages within a shed.**’; 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 50 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 marking on the edge of the shelf so that the marking 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.
- (5) Subsection (3) (b) does not apply if the total length of shelf on which hen eggs of any kind are displayed for sale is less than 2m.

**Example**

A retailer displays cage eggs, barn eggs and free-range eggs for sale on shelves that are stacked above one another, each kind of eggs on a different shelf. The display of each kind of egg takes up 1m of shelf length. The total length of shelf on which eggs are displayed is 3m. Subsection (3) (b) applies to the retailer.

**7A Barn eggs—retail display**

- (1) A person who displays barn 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 BARN EGGS. Birds in barn systems are free to roam within a shed which may have more than 1 level. The floor may be based on litter and/or other material such as slats or wire mesh.’; 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 50 point.

- (3) If the person displays barn eggs and other hen eggs for retail display, the display of barn eggs must be separate from the display of the other eggs so that a person at or near the display can easily identify the eggs to which the sign mentioned in subsection (2) relates.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

## **7B Free-range eggs—retail display**

- (1) A person who displays free-range 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 FREE-RANGE EGGS. The ACT Government supports a free-range stocking density of 1 500 hens or less per hectare.’; 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 50 point.
- (3) If the person displays free-range eggs and other hen eggs for retail display, the display of free-range eggs must be separate from the display of the other eggs so that a person at or near the display can easily identify the eggs to which the sign mentioned in subsection (2) relates.

- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

## **8 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- Executive
- may (see s 146)
- must (see s 146)
- person (see s 60)
- Territory law.

***aviary eggs*** means eggs laid by hens kept in conditions stated in the regulation.

***barn eggs*** means eggs laid by hens kept in conditions stated in the regulation.

***cage eggs*** means eggs laid by hens kept in conditions stated in the regulation.

***egg labelling requirements***—see section 5 (What are the *egg labelling requirements*?).

***free-range eggs*** means eggs laid by hens kept in conditions stated in the regulation.

***hen*** means a domestic fowl (*Gallus gallus*).

***packaging***, for hen eggs, includes any container or wrapper in or by which eggs are completely or partly enclosed, contained or packed.

***sell***, for hen eggs, includes—

- (a) barter, offer or attempt to sell; or
- (b) receive for sale; or
- (c) have in possession for sale; or
- (d) display for sale; or

- (e) cause or permit to be sold or offered for sale; or
- (f) send, forward or deliver for sale; or
- (g) dispose of by any method for valuable consideration; or
- (h) dispose of to an agent for sale on consignment; or
- (i) sell for the purpose of resale.

***stocking density***, for hens, means the maximum number of hens per hectare that have access to an outdoor range on any day during the laying cycle.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Eggs (Labelling and Sale) Act 2001 A2001-83**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
s 9 commenced 12 September 2001 (s 2 (1))  
remainder commenced 10 March 2002 (s 2 (2) and LA s 79)

as amended by

#### **Statute Law Amendment Act 2002 A2002-30 pt 3.20**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.20 commenced 17 September 2002

#### **Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.11**

notified LR 6 December 2007  
s 1, s 2 commenced 6 December 2007 (LA s 75 (1))  
sch 3 pt 3.11 commenced 27 December 2007 (s 2)

#### **Eggs (Cage Systems) Legislation Amendment Act 2009 A2009-31**

notified LR 24 September 2009  
s 1, s 2 commenced 24 September 2009 (LA s 75 (1))  
remainder commenced 1 January 2010 (s 2)

#### **Consumer Protection Legislation Amendment Act 2019 A2019-2 pt 2**

notified LR 26 February 2019  
s 1, s 2 commenced 26 February 2019 (LA s 75 (1))  
s 7 commenced 26 August 2019 (s 2 (1))  
pt 2 remainder commenced 26 August 2019 (s 2 (2) and LA s 79)

## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Dictionary

s 3 am [A2019-2](#) s 5

### What are the *egg labelling requirements*?

s 5 sub [A2019-2](#) s 6

### Labelling of packaged eggs for sale

s 6 sub [A2019-2](#) s 6

### Cage eggs—retail display

s 7 sub [A2009-31](#) s 4

### Barn eggs—retail display

s 7A ins [A2009-31](#) s 4

### Free-range eggs—retail display

s 7B ins [A2009-31](#) s 4  
am [A2019-2](#) s 7

### Animal Welfare (Amendment) Act 1997, section 2

s 9 om LA s 89 (3)

### Conditions under which hens are kept

sch 1 am [A2009-31](#) s 5  
om [A2019-2](#) s 8

### Dictionary

dict am [A2002-30](#) amdt 3.242; [A2007-39](#) amdt 3.34  
def *aviary eggs* ins [A2019-2](#) s 9  
def *barn egg* ins [A2009-31](#) s 6  
om [A2019-2](#) s 10  
def *barn eggs* ins [A2019-2](#) s 11  
def *cage egg* ins [A2009-31](#) s 6  
om [A2019-2](#) s 12  
def *cage eggs* ins [A2019-2](#) s 13  
def *code* om [A2019-2](#) s 14  
def *egg labelling requirements* sub [A2019-2](#) s 15  
def *free-range egg* ins [A2009-31](#) s 6  
om [A2019-2](#) s 16  
def *free-range eggs* ins [A2019-2](#) s 17  
def *stocking density* ins [A2019-2](#) s 18

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 10 Mar 2002	10 Mar 2002– 16 Sept 2002	not amended	new Act
R2 24 Sept 2002	17 Sept 2002– 26 Dec 2007	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R3 27 Dec 2007	27 Dec 2007– 31 Dec 2009	<a href="#">A2007-39</a>	amendments by <a href="#">A2007-39</a>
R4 1 Jan 2010	1 Jan 2010– 25 Aug 2019	<a href="#">A2009-31</a>	amendments by <a href="#">A2009-31</a>

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