



Australian Capital Territory

# Eggs (Cage Systems) Legislation Amendment Act 2009

A2009-31

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)





Australian Capital Territory

# **Eggs (Cage Systems) Legislation Amendment Act 2009**

**A2009-31**

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

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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

This Act commences on 1 January 2010.

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

## Part 2                      Eggs (Labelling and Sale)    Act 2001

### 3                      Legislation amended—pt 2

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

### 4                      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. 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.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**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. Birds in free-range systems are housed in sheds and have access to an outdoor range.’; 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.

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

*omit*

battery

**6 Dictionary, new definitions**

*insert*

**barn egg** means an egg laid by a hen kept in the conditions described in schedule 1, item 2, column 3.

**cage egg** means an egg laid by a hen kept in the conditions described in schedule 1, item 1, column 3.

**free-range egg** means an egg laid by a hen kept in the conditions described in schedule 1, item 4, column 3.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 August 2009.

**2 Notification**

Notified under the Legislation Act on 24 September 2009.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Eggs (Cage Systems) Legislation Amendment Bill 2009, which was passed by the Legislative Assembly on 16 September 2009.

Clerk of the Legislative Assembly

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