



Australian Capital Territory

# Eggs (Labelling and Sale) Act 2001

No 83 of 2001

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Australian Capital Territory

# Eggs (Labelling and Sale) Act 2001

No 83 of 2001

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

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*[Notified in ACT Gazette No. S66: 10 September 2001]*

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

## 1 Name of Act

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

## 2 Commencement

- (1) Section 9 commences immediately after the commencement of the *Legislation (Consequential Amendments) Act 2001*, schedule 1, part 19.
- (2) The remaining provisions commence immediately after the commencement of the *Food Act 2001*, section 4 (Dictionary).

*Note* The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2001*, s 75).

## 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***

For this Act, a reference to the *egg labelling requirements*, for hen eggs, means—

- (a) the packaging for the eggs displays the relevant expression in schedule 1 indicating the conditions under which the hens that produced the eggs are kept; and
- (b) the relevant expression is preceded or followed by the word ‘egg’ or ‘eggs’; and
- (c) the relevant expression is conspicuously displayed on the packaging in standard type of at least 6mm high.

## **6 Labelling of egg packages**

A person must not sell hen eggs unless the eggs are packaged in accordance with the egg labelling requirements.

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

## **7 Hens kept contrary to law—sale of eggs**

- (1) A person must not sell eggs produced by a hen kept in a way that is an offence against a Territory law or that would be an offence against a Territory law if the hen were kept in the Territory.

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

- (2) This section does not apply to the sale of a product in which hen eggs are an ingredient.

## **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*.

**9 Animal Welfare (Amendment) Act 1997, section 2**

*omit*

*Food Act 1992*, section 24A (1)

*substitute*

*Eggs (Labelling and Sale) Act 2001*, section 7 (1)

## Schedule 1 Conditions under which hens are kept

(see s 5)

column 1 item	column 2 relevant expressions	column 3 conditions under which the hens that produced the eggs are kept
1	battery cage	Hens are kept in cages—  (a) without access to litter, perch or nest; and  (b) in accordance with the stocking level and other requirements for cage systems under the code.
2	barn	Hens are kept—  (a) with the freedom and capacity to socialise, to move freely within the shed, to stretch, perch, nest, dust bathe, flap wings and fly; and  (b) with adequate perching facilities and nests available to birds within the shed to accommodate the needs of all hens; and  (c) with half the housing kept under litter; and  (d) in accordance with the stocking level and other requirements for deep litter systems on a single level under the code.
3	aviary	Hens are kept in a shed—  (a) with the freedom and capacity to socialise, to move freely within the shed, to stretch, perch, nest, dust bathe, flap wings and fly; and  (b) with adequate perching facilities and nests available to birds on a number of levels within the shed to accommodate the needs of all hens; and  (c) with half the housing kept under litter; and  (d) in accordance with the stocking level and other requirements for deep litter systems under the

**Schedule 1**      Conditions under which hens are kept

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<b>column 1 item</b>	<b>column 2 relevant expressions</b>	<b>column 3 conditions under which the hens that produced the eggs are kept</b>
		code with the allowance of a number of additional levels of nesting and perching space.
4	free range	Hens are kept—  (a) with continuous daytime access to outdoor runs; and  (b) with access at all times to indoor litter, perches and nests; and  (c) with adequate protection at all times from predators and the elements; and  (d) in accordance with the stocking level and other requirements for range systems under the code.



## Dictionary

(see s 3)

**code** means the *Model Code of Practice for the Welfare of Animals: Domestic Poultry*, made by the Animal Welfare Committee of the Standing Committee on Agriculture and Resource Management, as in force from time to time.

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

**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.

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## Endnote

### Penalty units

The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

*[Presentation speech made in Assembly on 22 August 2001]*

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