



Australian Capital Territory

Eggs (Labelling and Sale) Act 2001

A2001-83

Republication No 3

Effective: 27 December 2007 – 31 December 2009

Republication date: 27 December 2007

Last amendment made by A2007-39

Authorised by the ACT Parliamentary Counsel

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 27 December 2007. It also includes any amendment, repeal or expiry affecting the republished law to 27 December 2007.

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):

- 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 does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Eggs (Labelling and Sale) Act 2001

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Australian Capital Territory

Eggs (Labelling and Sale) Act 2001

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

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*

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 ACT.

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*.

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.

column 1 item	column 2 relevant expressions	column 3 conditions under which the hens that produced the eggs are kept
3	aviary	<p>Hens are kept in a shed—</p> <ul style="list-style-type: none">(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 code with the allowance of a number of additional levels of nesting and perching space.
4	free range	<p>Hens are kept—</p> <ul style="list-style-type: none">(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)

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
- Territory law.

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.

Endnotes

1 About the endnotes

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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

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

3 Legislation history

Eggs (Labelling and Sale) Act 2001 No 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)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Animal Welfare (Amendment) Act 1997, section 2

s 9 om LA s 89 (3)

Dictionary

dict am A2002-30 amdt 3.242; A2007-39 amdt 3.34

Endnotes

5 Earlier republishings

5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	10 March 2002
2	A2002-30	24 September 2002

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