



Australian Capital Territory

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

**A2001-83**

**Republication No 4**

**Effective: 1 January 2010 – 25 August 2019**

Republication date: 1 January 2010

Last amendment made by [A2009-31](#)

## 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 1 January 2010. It also includes any amendment, repeal or expiry affecting the republished law to 1 January 2010.

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 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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Eggs (Labelling and Sale) Act 2001

## Contents

	Page
1 Name of Act	2
3 Dictionary	2
4 Notes	2
5 What are the <i>egg labelling requirements</i>	3
6 Labelling of egg packages	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

R4  
01/01/10

Eggs (Labelling and Sale) Act 2001  
Effective: 01/01/10-25/08/19

contents 1

## Contents

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<b>Schedule 1</b>	<b>Conditions under which hens are kept</b>	Page 7
<b>Dictionary</b>		9
<b>Endnotes</b>		
1	About the endnotes	11
2	Abbreviation key	11
3	Legislation history	12
4	Amendment history	12
5	Earlier republications	13



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***

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 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.

## **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	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 code with the allowance of a number of additional levels of nesting and perching space.

**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>
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)

*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.

***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.

***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*).

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

***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

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

## 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)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **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

#### **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



**Dictionary**

dict

am [A2002-30](#) amdt 3.242; [A2007-39](#) amdt 3.34def **barn egg** ins [A2009-31](#) s 6def **cage egg** ins [A2009-31](#) s 6def **free-range egg** ins [A2009-31](#) s 6**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.

Republication No and date	Effective	Last amendment made by	Republication for
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>

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