

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Corbell)

Eggs (Labelling and Sale) Bill 2001

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Eggs (Labelling and Sale) Bill 2001

A Bill for

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

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

2001 135B

1 **1 Name of Act**

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

3 **2 Commencement**

4 (1) Section 9 commences immediately after the commencement of the
5 *Legislation (Consequential Amendments) Act 2001*, schedule 1,
6 part 19.

7 (2) The remaining provisions commence immediately after the
8 commencement of the *Food Act 2001*, section 4 (Dictionary).

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

11 **3 Dictionary**

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

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

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

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

24 **4 Notes**

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

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

1 **5 What are the egg labelling requirements**

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

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

11 **6 Labelling of egg packages**

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

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

16 **7 Hens kept contrary to law—sale of eggs**

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

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

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

24 **8 Regulation-making power**

25 The Executive may make regulations for this Act.

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

1 **9 Animal Welfare (Amendment) Act 1997, section 2**

2 *omit*

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

4 *substitute*

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

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

3 (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 code with the allowance of a number of additional levels of nesting and perching space.

Schedule 1 Conditions under which hens are kept

column 1 item	column 2 relevant expressions	column 3 conditions under which the hens that produced the eggs are kept
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.

Endnote

Penalty units

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