

2007

**LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

ANIMAL WELFARE AMENDMENT BILL 2007

EXPLANATORY STATEMENT

**Circulated by authority of
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Member for Molonglo**

EXPLANATORY STATEMENT

This explanatory statement relates to the Animal Welfare Amendment Bill 2007 as introduced into the ACT Legislative Assembly.

OVERVIEW

The purpose of this Bill is to ban the keeping of hens in a battery cage system in the ACT.

SECTION NOTES

Sections 1 and 2 are formal clauses that deal with: the short title of the Bill and its commencement.

Section 3 notes that this Bill amends the *Eggs (Labelling and Sales) Act 2001* and repeals the *Animal Welfare (Amendment) Act 1997* which is an uncommenced Act relating to the production and sale of battery caged eggs as well as the labelling of all eggs sold in the ACT.

Section 4 provides for an offence if persons keep hens for egg production, poultry carcass production or both and keep the hens in a battery cage system. The clause provides a maximum penalty of 100 penalty units, imprisonment for 1 year or both.

Section 5 amends the Act, section 20, to provide that keeping hens in battery cages will be an offence even if that conduct is included in a code of practice.

Section 6 omits the *Eggs (Labelling and Sale Act) 2001*, section 7. Section 7 makes it an offence to sell eggs in the ACT that have been produced by a hen kept in a way that is an offence in the ACT, or would have been an offence in the ACT if the hen was kept in the ACT. By making it an offence to keep hens in battery cages, section 7 makes it an offence to sell eggs produced by hens kept in battery cages in the ACT or elsewhere. Section 7 is therefore in conflict with the Mutual Recognition Act, and unenforceable in relation to an interstate producer.

Section 7 repeals the *Animal Welfare (Amendment) Act 1997*.