



# **Eggs (Cage Systems) Legislation Amendment Bill 2009**

## **EXPOSURE DRAFT**

**Consultation period: 24 April - 5 June 2009**



**The ACT Greens are calling for public submissions on the exposure draft of the Eggs (Cage Systems) Legislation Amendment Bill 2009.**

**The exposure draft of the bill is available at**  
**[http://www.legislation.act.gov.au/ed/db\\_34441/default.asp](http://www.legislation.act.gov.au/ed/db_34441/default.asp)**

**Consumers, retailers, industry and any other interested members of the community are encouraged to comment on this draft bill.**

**How to Make a Submission**

**Email:** LECOUTEUR@parliament.act.gov.au

Please put “CAGE EGG BILL SUBMISSION” in the title of your email.

**Mail:** Cage Egg Bill Submission  
C/o Caroline Le Couteur MLA  
GPO Box 1020  
Canberra ACT 2601

Please include your name and organisation (if any) with all submissions.

**The closing date for submissions is close of business 5 June 2009.**



## Overview of the Bill

The Eggs (Cage System) Legislation Amendment Bill 2009 proposes to outlaw the cruel practice of keeping hens for egg production in a cage system, often called ‘battery cage farming’. This method of egg production has already been banned by many countries, including The Netherlands, Sweden, Finland, Switzerland, Germany, Austria, and Norway. The European Union is phasing out battery cage production and the systems will be totally banned in the EU by 2012. The US State of California also voted last year to ban the cages.

It is widely recognized that hens kept in caged systems suffer chronically.<sup>1</sup> The RSPCA describes their living conditions like this:

*Unable to express their natural behaviours, battery farmed hens are unarguably the most compromised of all farm animals. They live their year long lives standing on a wire mesh floor and in less space than the size of an A4 piece of paper. Caged hens can't preen their feathers, stretch out or flap their wings, perch, roost, dust, bathe, forage for food or satisfy their natural urge to lay eggs in a nest.<sup>2</sup>*

The Greens believe that all animals deserve respect and a good quality of life and that farm animals such as hens should not be exploited and abused for the production of food, especially when more humane alternatives are available. We believe that cruelty to animals is unacceptable in our society. ACT residents have shown their support for these principles. A survey commissioned in September 2005 found that 84.6% of surveyed ACT residents thought it was cruel to keep hens in battery cages and 73% supported banning the practice.<sup>3</sup>

The Eggs (Cage System) Legislation Amendment Bill does three things:

1. Makes it illegal to keep hens in a cage system in the ACT from 2011
2. Requires retail cage eggs to be displayed separately from other eggs, and with descriptive signage
3. Requires the responsible ACT Government Minister to advocate at the National level for better welfare conditions for poultry.

These changes can be made independently of each other so that, for example, if cage egg production is not made illegal, the changes to retail egg display can still be made.

The bill makes it illegal to keep hens in a cage system in the ACT from 1 January 2011. This phase-out period of approximately 18 months provides time for cage egg producers to modify

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<sup>1</sup> For example, a list of statements by animal welfare scientists and experts is available at this web address: <http://www.hsus.org/web-files/PDF/farm/HSUS-Synopsis-of-Expert-Opinions-on-Battery-Cages-and-Hen-Welfare.pdf>

<sup>2</sup> RSPCA, ‘Why Serve Cage-Free Eggs?’ (<http://www.choosewisely.org.au/serve-cage-free-eggs.htm>)

<sup>3</sup> Survey conducted by Orima Research via telephone interviews with 350 randomly selected Canberra residents aged at least 18 years.



their production systems at minimal cost. Currently there is one producer of cage eggs in the ACT: Pace Farms, which owns Parkwood Farm in West Macgregor. According to details provided to the National Pollutant Inventory, Parkwood has 14 employees.<sup>4</sup> Pace pays \$486 *per annum* to the ACT for the Parkwood site. It ships eggs it produces to Minchinbury in NSW for packing and distribution. Parkwood's facilities were built in the early 1980s and are now fully depreciated.<sup>5</sup>

Although the Bill would prevent battery cage farming in the ACT, it cannot prevent cage eggs being imported from other jurisdictions and sold, because of the Commonwealth *Mutual Recognition Act 1992*.

The Bill proposes to change the way that cage eggs can be displayed by retailers in the ACT. Retailers will need to display cage eggs separately from other eggs. Cage eggs will also be accompanied by a sign explaining that cage egg production is banned in the ACT, and that there are animal welfare concerns with this production method. The intention is to clearly inform consumers at the point of sale of which eggs come from a cage system. This will overcome the problems caused by the often confusing labeling on egg cartons. The sign also alerts consumers that the ACT is a jurisdiction that does not support cage egg production. Providing these changes at point of sale will be simple and cheap for retailers to implement.

The Bill also requires the responsible ACT Government Minister to take steps to promote a national ban on cage eggs. The intention is that other Australian jurisdictions will enact an equivalent ban on battery cage systems, eventually leading to the elimination of battery cage egg production in Australia. Other Australian jurisdictions have previously expressed a willingness to move away from cage systems, but no jurisdiction has acted. Enacting this Bill will make the ACT the leading jurisdiction and, in combination with diplomatic action by the Government and cooperation from businesses, will stimulate positive action in other States and Territories.

The Bill also recognises that other poultry housing systems also have adverse animal welfare impacts. It requires the Minister to promote improvements to the living conditions for poultry set under the national code (the Model Code of Practice for the Welfare of Animals: Domestic Poultry).

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<sup>4</sup> [http://www.npi.gov.au/cgi-bin/npireport.pl?proc=facility\\_report;instance=public;year=2007;loc\\_type=national;jur\\_fac\\_id=37788](http://www.npi.gov.au/cgi-bin/npireport.pl?proc=facility_report;instance=public;year=2007;loc_type=national;jur_fac_id=37788)

<sup>5</sup> The Australian Egg Industry Association estimates that the indicative economic life of equipment in the battery cage system is 20-25 years. See Productivity Commission, *Report on Battery Eggs Sale and Production in the ACT*, 1998, p69



## **Explanation of the Draft Bill and Discussion Questions**

The substantive sections of the Bill are described below, along with questions that you may wish to consider when making a submission.

### Section 2 - Commencement

This section sets the starting dates for the different parts of the legislation.

The sections of the Bill which require the Minister to begin working with other States and Territories to improve welfare conditions for poultry begin immediately after the Bill is passed.

The sections of the Bill which require retail cage eggs to be displayed separately and with signs (indicating the ban will begin from 2011) will begin 1 January 2010. This gives retailers time to prepare for the new display requirements.

The sections of the Bill which ban the production of eggs in a cage system begin from 1 January 2011. This gives the ACT's caged egg producer time to transition to a different production method. This should be sufficient time, as cage layer hens are slaughtered and restocked approximately once per year. Also from 1 January 2011, a different sign must accompany retail cage eggs, stating that cage egg production is banned, but they may still be imported.

**Question: What lead time is preferred for implementation of the different aspects of the legislation, and why?**

### Section 4 – Offence to keep hens in a cage system

This section makes it an offence to keep hens in a cage system, setting a penalty of a fine or imprisonment. This penalty is equivalent to the penalty for animal cruelty under the *Animal Welfare Act 1992*.

**Question:**  
**Should it be an offence to keep hens in a cage system?**  
**Is the penalty appropriate?**

### Section 5 – Exception - approved code of conduct

This section ensures that the offence of keeping hens in a cage system will operate, despite the fact that a code of practice currently deals with welfare of domestic poultry.



## Section 6 – Duty for Minister to Promote Ban etc

This section requires the Minister to take all reasonable steps to promote a permanent ban by States and Territories on the keeping of poultry in cage systems, and to take all reasonable steps to improve the living conditions for poultry under the Model Code. The Model Code is made by the Animal Welfare Committee of the Primary Industries Ministerial Council, which comprises representatives from all State and Territory Governments.

The Bill elaborates on the types of actions that constitute ‘reasonable steps’. There are a number of animal welfare concerns associated with egg production and the Model Code, and national cooperation is required in order to review the Model Code, strengthen the Code’s guidelines, and improve the standards for hens in other egg production systems.

The Bill requires the Minister to present a report to the Legislative Assembly once per year on how on the steps taken to fulfil these obligations.

**Questions: Are these requirements appropriate?  
Is it sufficient that the Minister should report to the Assembly once per year?  
Are there additional goals the Minister should promote with State and Territory counterparts?**

## Sections 8 and 14 - Definitions

The Bill defines ‘cage system’ by referring to the definition in the *Eggs (Labelling and Sale) Act 2001*. Cage system conditions are defined as:

‘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.’ (referring to the Model Code of Practice for the Welfare of Animals: Domestic Poultry).’

The intention is that egg production systems in the ACT will need to provide the freedoms and conditions of a ‘barn laid’ system as a minimum standard.

**Questions: Is the definition of ‘cage system’ appropriate?  
Will this definition ensure that chickens in the ACT are kept with space and freedoms at least equivalent to the ‘barn laid’ standard?**



## Sections 11-12 - Display of retail cage eggs (before and after the ban on cage egg production)

Section 11 makes it an offence to display cage eggs for retail sale except under certain circumstances. From 1 January 2010, retailers will have to display any cage eggs separate from other eggs. There must be a red vertical strip on the boundaries of the display to clearly demarcate it from shelves containing other eggs. There must be a clear sign with the eggs that says: ‘THESE ARE CAGE EGGS. In the ACT it will be illegal under the Animal Welfare Act 1992 to keep hens in a cage system after 1 January 2011. Hens kept in a cage system live in mesh cages 40cm high, with a floor area per bird that is less than the size of an A4 page.’

After 1 January 2011, once cage egg systems are banned, the display requirements remain the same, except the sign wording changes to read: ‘THESE ARE CAGE EGGS. In the ACT it is illegal under the Animal Welfare Act 1992 to keep hens in a cage system. However, eggs produced in a cage system can be imported into the ACT from interstate and sold. Hens kept in a cage system live in mesh cages 40cm high, with a floor area per bird that is less than the size of an A4 page.’

The intention is to make it clear to consumers which eggs come from a cage system. Although eggs are currently labeled with ‘cage’, ‘barn-laid’ or ‘free range’, these are small labels and cage egg cartons often contain other confusing labels such as ‘grain-fed’ or ‘vegetarian’. The sign will also alert consumers that the ACT is a jurisdiction that does not support cage egg production.

The Commonwealth *Mutual Recognition Act 1992* does not allow the ACT to require egg cartons imported from other states to be labeled in a particular way. However, it does allow the ACT to set the *manner* in which a product from interstate is sold – eg the ACT can require interstate cage eggs to be displayed separately, in a shelf, with a sign.

Under the Bill, retailers who do not display cage eggs according to the requirements can be fined.

**Questions: Is this a satisfactory way to display cage eggs?  
Would other alternatives be more effective?  
What would be the ideal information to include on the sign?  
Should more (or less) information be provided about cage production?  
Is the penalty appropriate?  
What will be the impact on retailers?**

## Section 13 – Schedule 1 - Carton labeling

This section amends the *Eggs (Labelling and Sale) Act 2001* so that eggs from the ACT must be labeled with the words ‘Cage Eggs’. Currently the *Eggs (Labelling and Sale) Act 2001* requires these eggs to be labeled with the words ‘Battery Cage Eggs’. Eggs sold in the ACT



are not being labeled 'Battery Cage Eggs'. It appears that cage eggs sold in the ACT come from interstate, mostly NSW.

**Questions: Is 'cage eggs' an appropriate label to place on egg cartons containing cage eggs?**

Additional comments

You may wish to include additional comments you have on the bill or broader issues of egg production and sale and animal welfare. Possible issues you may wish to comment on include:

- Production and consumer cost issues
- Environmental issues with intensive farming
- Poultry welfare issues in alternative hen housing systems
- Impacts on egg producers, especially Parkwood Farms in the ACT