



Australian Capital Territory

# Consumer Protection Legislation Amendment Act 2019

A2019-2

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Australian Capital Territory

# Consumer Protection Legislation Amendment Act 2019

**A2019-2**

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An Act to amend legislation about consumer protection, and for other purposes

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Consumer Protection Legislation Amendment Act 2019*.

### 2 Commencement

- (1) Section 7 and part 3 commence 6 months after this Act's notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) The remaining provisions commence on a day fixed by the Minister by written notice.

*Note 1* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

*Note 2* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

### 3 Legislation amended

This Act amends the *Eggs (Labelling and Sale) Act 2001* and the *Fair Trading (Fuel Prices) Act 1993*.

*Note* This Act also amends the *Animal Welfare Act 1992* (see sch 1).

### 4 Eggs (Labelling and Sale) Regulation 2019—sch 2

- (1) The provisions set out in schedule 2 are taken, on the commencement of this section, to be a regulation made under the *Eggs (Labelling and Sale) Act 2001*, section 8.

- (2) The regulation—
- (a) is taken to be notified under the [Legislation Act](#) on the day this Act is notified; and
  - (b) commences on the commencement of this section; and
  - (c) is not required to be presented to the Legislative Assembly under the [Legislation Act](#), section 64 (1); and
  - (d) may be amended or repealed as if it had been made under the [Eggs \(Labelling and Sale\) Act 2001](#), section 8.
- (3) This Act is taken to be an amending law for the [Legislation Act](#), section 89 (Automatic repeal of certain laws and provisions) despite this section not being a provision mentioned in section 89 (12), definition of *amending law*.

## Part 2 Eggs (Labelling and Sale) Act 2001

### 5 Dictionary Section 3, note 1

*omit*

section 5 (What are the *egg labelling requirements*)

*insert*

section 5 (What are the *egg labelling requirements*?)

### 6 Sections 5 and 6

*substitute*

#### 5 What are the *egg labelling requirements*?

- (1) For this Act, a reference to the *egg labelling requirements* means conspicuously displaying on the packaging for the eggs—
  - (a) a statement that the eggs are—
    - (i) free-range eggs; or
    - (ii) barn eggs; or
    - (iii) cage eggs; or
    - (iv) aviary eggs; and
  - (b) if the eggs are free-range eggs—the stocking density for the hens that laid the eggs.
- (2) A labelling requirement under subsection (1) is *conspicuously displayed* if the requirement is in standard type of at least 6mm high.

**6 Labelling of packaged eggs for sale**

A person commits an offence if the person—

- (a) sells packaged hen eggs; and
- (b) the eggs are not labelled in accordance with the egg labelling requirements.

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

**7 Free-range eggs—retail display  
Section 7B (2) (a)**

*substitute*

- (a) the display must have a sign containing the following statement: ‘THESE ARE FREE-RANGE EGGS. The ACT Government supports a free-range stocking density of 1 500 hens or less per hectare.’; and

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

*omit*

**9 Dictionary, new definition of *aviary eggs***

*insert*

***aviary eggs*** means eggs laid by hens kept in conditions stated in the regulation.

**10 Dictionary, definition of *barn egg***

*omit*

**11 Dictionary, new definition of *barn eggs***

*insert*

***barn eggs*** means eggs laid by hens kept in conditions stated in the regulation.

**12 Dictionary, definition of *cage egg***

*omit*

**13 Dictionary, new definition of *cage eggs***

*insert*

***cage eggs*** means eggs laid by hens kept in conditions stated in the regulation.

**14 Dictionary, definition of *code***

*omit*

**15 Dictionary, definition of *egg labelling requirements***

*substitute*

***egg labelling requirements***—see section 5 (What are the *egg labelling requirements*?).

**16 Dictionary, definition of *free-range egg***

*omit*



**17 Dictionary, new definition of *free-range eggs***

*insert*

*free-range eggs* means eggs laid by hens kept in conditions stated in the regulation.

**18 Dictionary, new definition of *stocking density***

*insert*

*stocking density*, for hens, means the maximum number of hens per hectare that have access to an outdoor range on any day during the laying cycle.

## Part 3 Fair Trading (Fuel Prices) Act 1993

### 19 New section 5A

*insert*

#### 5A Price display requirements

- (1) A person commits an offence if the person—
  - (a) uses a price board to display the price of a specified fuel sold by the person; and
  - (b) displays on the price board—
    - (i) a discounted fuel price; or
    - (ii) a fuel price that is lower than the price at the corresponding fuel pump.

Maximum penalty: 20 penalty units.

- (2) In this section:

***price board*** means a board, sign or other notice in relation to a service station that—

- (a) displays information regarding the price of types of fuel for sale by retail at the service station; and
- (b) is visible to a person passing the service station.

### 20 Dictionary, new definition of *discounted fuel price*

*insert*

***discounted fuel price***, of a specified fuel, means the price per litre payable on the sale of the fuel by retail after any discount is applied.

**21 Dictionary, definition of *retail price***

*substitute*

***retail price***, of a specified fuel, means the price per litre payable on the sale of the fuel by retail without any discount applied.

## Schedule 1      Animal Welfare Act 1992— Consequential amendment

(see s 3)

### [1.1]      Section 9A (3), definition of *appropriate accommodation*

*substitute*

***appropriate accommodation***, for laying fowls kept by a person, means accommodation that is in accordance with, or an improvement on, the conditions stated in the *Eggs (Labelling and Sale) Regulation 2019* in relation to—

- (a) aviary eggs; or
- (b) barn eggs; or
- (c) free-range eggs.

*Note*      Aviary eggs, barn eggs and free-range eggs are defined in the [Eggs \(Labelling and Sale\) Act 2001](#) as eggs laid by hens kept in conditions stated in the *Eggs (Labelling and Sale) Regulation 2019*.

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## Schedule 2      New Eggs (Labelling and Sale) Regulation

(see s 4)



Australian Capital Territory

## Eggs (Labelling and Sale) Regulation 2019

Subordinate Law SL2019–

made under the

[Eggs \(Labelling and Sale\) Act 2001](#)

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### 1      Name of regulation

This regulation is the *Eggs (Labelling and Sale) Regulation 2019*.

## 2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

## 3 Notes

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

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## 4 Aviary eggs—Act, dict, def *aviary eggs*

The following conditions are prescribed for keeping hens that lay aviary eggs:

- (a) the hens are kept in a shed;
- (b) the hens have the freedom and capacity to socialise, to move freely within the shed, to stretch, perch, nest, dust bathe, flap wings and fly;
- (c) the hens have adequate perching facilities and nests available to birds on a number of levels within the shed to accommodate the needs of all hens;
- (d) half the housing is kept under litter;
- (e) 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 are complied with.

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**5 Barn eggs—Act, dict, def *barn eggs***

The following conditions are prescribed for keeping hens that lay barn eggs:

- (a) the hens are kept in a shed;
- (b) the hens have the freedom and capacity to socialise, to move freely within the shed, to stretch, perch, nest, dust bathe, flap wings and fly;
- (c) the hens have adequate perching facilities and nests available to birds within the shed to accommodate the needs of all hens;
- (d) half the housing is kept under litter;
- (e) the stocking level and other requirements for deep litter systems on a single level under the code are complied with.

**6 Cage eggs—Act, dict, def *cage eggs***

The following conditions are prescribed for keeping hens that lay cage eggs:

- (a) the hens are kept in cages;
- (b) the hens do not have access to litter, perch or nest; and
- (c) the stocking level and other requirements for cage systems under the code are complied with.

**7 Free-range eggs—Act, dict, def *free-range eggs***

- (1) The following conditions are prescribed for keeping hens that lay free-range eggs:
  - (a) the hens have meaningful and regular access to an outdoor range during daylight hours during the laying cycle; and
  - (b) the hens have the ability to roam and forage on the outdoor range; and

- (c) a stocking density of 10 000 hens or less is complied with.
- (2) However, the requirements under subsection (1) do not apply if hens are prevented from accessing an outdoor range for 1 or more of the following reasons:
- (a) the hens are undergoing nest box training;
  - (b) risk to the health or safety of the hens caused by weather conditions;
  - (c) exposure to predators;
  - (d) the hens are being given medical treatment;
  - (e) exceptional circumstances posing significant risk to the health or safety of the hens.
- (3) For subsection (2), the total period of time for which access to the outdoor range is prevented must not be unreasonable.

## **8 Disapplication of Legislation Act, s 47 (6)**

The [Legislation Act](#), section 47 (6) does not apply to the code.

*Note* The code is accessible at [www.publish.csiro.au](http://www.publish.csiro.au).



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## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- daylight
- prescribed.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Eggs (Labelling and Sale) Act 2001* (see [Legislation Act](#), s 148). For example, the following terms are defined in the *Eggs (Labelling and Sale) Act 2001*, dict:

- aviary eggs
- barn eggs
- cage eggs
- free range eggs
- hen
- must
- stocking density.

*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.

*Note* The code is accessible at [www.publish.csiro.au](http://www.publish.csiro.au).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 29 November 2018.

**2 Notification**

Notified under the [Legislation Act](#) on 26 February 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Consumer Protection Legislation Amendment Bill 2019, which originated in the Legislative Assembly as the Consumer Protection Legislation Amendment Bill 2018 and was passed by the Assembly on 14 February 2019.

Clerk of the Legislative Assembly

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