

2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice, Consumer Affairs and Road Safety)

Consumer Protection Legislation Amendment Bill 2018

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Consumer Protection Legislation Amendment Bill 2018

A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Consumer Protection Legislation Amendment Act*
4 *2018*.

5 **2 Commencement**

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

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

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

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

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

18 **3 Legislation amended**

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

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

22 **4 Eggs (Labelling and Sale) Regulation 2018—sch 2**

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

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- 7 (d) may be amended or repealed as if it had been made under the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

1 **Part 2** **Eggs (Labelling and Sale)**
2 **Act 2001**

3 **5 Dictionary**
4 **Section 3, note 1**

5 *omit*
6 section 5 (What are the *egg labelling requirements*)
7 *insert*
8 section 5 (What are the *egg labelling requirements*?)

9 **6 Sections 5 and 6**

10 *substitute*

11 **5 What are the *egg labelling requirements*?**

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

1 **6 Labelling of packaged eggs for sale**

2 A person commits an offence if the person—

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

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

7 both.

8 **7 Free-range eggs—retail display**

9 **Section 7B (2) (a)**

10 *substitute*

- 11 (a) the display must have a sign containing the following statement:
- 12 ‘THESE ARE FREE-RANGE EGGS. The ACT
- 13 Government supports a free-range stocking density of
- 14 1 500 hens or less per hectare.’; and

15 **8 Conditions under which hens are kept**

16 **Schedule 1**

17 *omit*

18 **9 Dictionary, new definition of *aviary eggs***

19 *insert*

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

21 regulation.

- 1 **10 Dictionary, definition of *barn egg***
- 2 *omit*
- 3 **11 Dictionary, new definition of *barn eggs***
- 4 *insert*
- 5 *barn eggs* means eggs laid by hens kept in conditions stated in the
- 6 regulation.
- 7 **12 Dictionary, definition of *cage egg***
- 8 *omit*
- 9 **13 Dictionary, new definition of *cage eggs***
- 10 *insert*
- 11 *cage eggs* means eggs laid by hens kept in conditions stated in the
- 12 regulation.
- 13 **14 Dictionary, definition of *code***
- 14 *omit*
- 15 **15 Dictionary, definition of *egg labelling requirements***
- 16 *substitute*
- 17 *egg labelling requirements*—see section 5 (What are the *egg*
- 18 *labelling requirements*?).
- 19 **16 Dictionary, definition of *free-range egg***
- 20 *omit*

1 **17 Dictionary, new definition of *free-range eggs***

2 *insert*

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

5 **18 Dictionary, new definition of *stocking density***

6 *insert*

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

1 **Part 3** **Fair Trading (Fuel Prices)**
2 **Act 1993**

3 **19** **New section 5A**

4 *insert*

5 **5A** **Price display requirements**

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

13 Maximum penalty: 20 penalty units.

- 14 (2) In this section:

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

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

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

21 *insert*

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

1 **21 Dictionary, definition of *retail price***

2 *substitute*

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

1 **Schedule 1** **Animal Welfare Act 1992—**
2 **Consequential amendment**

3 (see s 3)

4 **[1.1] Section 9A (3), definition of *appropriate accommodation***

5 *substitute*

6 ***appropriate accommodation***, for laying fowls kept by a person,
7 means accommodation that is in accordance with, or an improvement
8 on, the conditions stated in the *Eggs (Labelling and Sale)*
9 *Regulation 2018* in relation to—

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

13 *Note* Aviary eggs, barn eggs and free-range eggs are defined in the *Eggs*
14 *(Labelling and Sale) Act 2001* as eggs laid by hens kept in conditions
15 stated in the *Eggs (Labelling and Sale) Regulation 2018*.

1 **Schedule 2** **New Eggs (Labelling and Sale)**
2 **Regulation**
3 (see s 4)



Australian Capital Territory

4 **Eggs (Labelling and Sale)**
5 **Regulation 2018**
6 **Subordinate Law SL2018–**
7 made under the
8 [Eggs \(Labelling and Sale\) Act 2001](#)

9 **1** **Name of regulation**
10 This regulation is the *Eggs (Labelling and Sale) Regulation 2018*.

1 **2 Dictionary**

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

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

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

9 **3 Notes**

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

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

13 **4 Aviary eggs—Act, dict, def aviary eggs**

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

16 (a) the hens are kept in a shed;

17 (b) the hens have the freedom and capacity to socialise, to move
18 freely within the shed, to stretch, perch, nest, dust bathe, flap
19 wings and fly;

20 (c) the hens have adequate perching facilities and nests available to
21 birds on a number of levels within the shed to accommodate the
22 needs of all hens;

23 (d) half the housing is kept under litter;

24 (e) the stocking level and other requirements for deep litter systems
25 under the code with the allowance of a number of additional
26 levels of nesting and perching space are complied with.

-
- 1 **5 Barn eggs—Act, dict, def *barn eggs***
- 2 The following conditions are prescribed for keeping hens that lay
- 3 barn eggs:
- 4 (a) the hens are kept in a shed;
- 5 (b) the hens have the freedom and capacity to socialise, to move
- 6 freely within the shed, to stretch, perch, nest, dust bathe, flap
- 7 wings and fly;
- 8 (c) the hens have adequate perching facilities and nests available to
- 9 birds within the shed to accommodate the needs of all hens;
- 10 (d) half the housing is kept under litter;
- 11 (e) the stocking level and other requirements for deep litter systems
- 12 on a single level under the code are complied with.
- 13 **6 Cage eggs—Act, dict, def *cage eggs***
- 14 The following conditions are prescribed for keeping hens that lay
- 15 cage eggs:
- 16 (a) the hens are kept in cages;
- 17 (b) the hens do not have access to litter, perch or nest; and
- 18 (c) the stocking level and other requirements for cage systems under
- 19 the code are complied with.
- 20 **7 Free-range eggs—Act, dict, def *free-range eggs***
- 21 (1) The following conditions are prescribed for keeping hens that lay
- 22 free-range eggs:
- 23 (a) the hens have meaningful and regular access to an outdoor range
- 24 during daylight hours during the laying cycle; and
- 25 (b) the hens have the ability to roam and forage on the outdoor
- 26 range; and

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

14 **8 Disapplication of Legislation Act, s 47 (6)**

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

16 *Note* The code is accessible at www.publish.csiro.au.

1 Dictionary

2 (see s 2)

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

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

- 6 • daylight
- 7 • prescribed.

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

- 12 • aviary eggs
- 13 • barn eggs
- 14 • cage eggs
- 15 • free range eggs
- 16 • hen
- 17 • must
- 18 • stocking density.

19 *code* means the *Model Code of Practice for the Welfare of Animals:*
20 *Domestic Poultry*, made by the Animal Welfare Committee of the
21 Standing Committee on Agriculture and Resource Management, as in
22 force from time to time.

23 *Note* The code is accessible at www.publish.csiro.au.

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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