

# EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

## Eggs (Cage Systems) Legislation Amendment Bill 2009

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(Prepared by Parliamentary Counsel's Office)

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

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### **A Bill for**

An Act to amend legislation about the keeping of hens in cage systems and the display of cage eggs

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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 *Eggs (Cage Systems) Legislation Amendment Act 2009*.

### 2 Commencement

- (1) The following provisions commence on the day after this Act's notification day:

- (a) section 3;
- (b) sections 6 to 10;
- (c) section 13.

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

- (2) The following provisions commence on 1 January 2010:

- (a) section 11;
- (b) section 14.

- (3) The following provisions commence on 1 January 2011:

- (a) section 4;
- (b) section 5;
- (c) section 12.

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## Part 2                      Animal Welfare Act 1992

### 3                      Legislation amended—pt 2

This part amends the *Animal Welfare Act 1992*.

### 4                      New section 9A

*insert*

#### 9A                    Cage system hens

A person commits an offence if the person keeps hens in a cage system.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### 5                      Exception—approved code of conduct New section 20 (aa)

*before section 20 (a), insert*

(aa) section 9A (Cage system hens);

### 6                      New section 109A

*in part 10, insert*

#### 109A                Banning cage systems etc—national approach

- (1) The Minister must take all reasonable steps to promote a permanent ban by the Territory and the States on the keeping of poultry in cage systems

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- (2) The Minister must take all reasonable steps to improve the living conditions for poultry under the model code.
- (3) Reasonable steps for subsection (2) include, but are not limited to, the Minister promoting—
  - (a) a comprehensive review of the model code to begin as soon as possible; and
  - (b) the enactment by the Territory and the States of legislation to make the guidelines for keeping poultry in the model code enforceable; and
  - (c) revised definitions of key terms in the model code such as ‘cage systems’, ‘barn systems’ and ‘free range systems’ to improve the welfare of poultry.
- (4) Within 5 sitting days after 1 July each year, the Minister must present a report to the Legislative Assembly on the steps taken under subsections (1) and (2) in the previous financial year.
- (5) In this section:

*model code* means the *Model Code of Practice for the Welfare of Animals: Domestic Poultry*, 4th edition, made by the Animal Welfare Committee of the Primary Industries Ministerial Council.

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

## **7 Dictionary, note 2**

*insert*

- State

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**8 Dictionary, new definitions**

*insert*

*cage*—see the *Eggs (Labelling and Sale) Act 2001*, schedule 1, item 1.

*cage system* means the system for keeping hens in cages.

**9 Repeal of Animal Welfare (Amendment) Act 1997**

The *Animal Welfare (Amendment) Act 1997* (A1997-45) is repealed.

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## Part 3 Eggs (Labelling and Sale) Act 2001

### 10 Legislation amended—pt 3

This part amends the *Eggs (Labelling and Sale) Act 2001*.

### 11 Section 7

*substitute*

#### 7 Cage eggs—retail display

- (1) A person who displays cage eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

- (2) For subsection (1)—
- (a) the display must have a sign containing the following statement:  

‘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.’; and
  - (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and
  - (c) the statement on the sign must be printed in—
    - (i) a colour that contrasts with the background colour of the sign; and

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- (ii) Arial bold typeface in a size not less than 55 point.
- (3) If the person displays cage system eggs and other hen eggs for retail display, the display of cage system eggs must—
  - (a) be separate from the display of the other eggs; and
  - (b) have a red border marking that can be seen easily by a person at or near the display of cage system eggs.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

## **12 Section 7**

*substitute*

### **7 Cage eggs—retail display**

- (1) A person who displays cage eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

- (2) For subsection (1)—
  - (a) the display must have a sign containing the following statement:

‘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.’; and
  - (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and

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- (c) the statement on the sign must be printed in—
  - (i) a colour that contrasts with the background colour of the sign; and
  - (ii) Arial bold typeface in a size not less than 55 point.
- (3) If the person displays cage eggs and other hen eggs for retail display, the display of cage eggs must—
  - (a) be separate from the display of the other eggs; and
  - (b) have a red border marking that can be seen easily by a person at or near the display of cage eggs.
- (4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

**13 Schedule 1, item 1, column 2**

*omit*

battery

**14 Dictionary, new definitions**

*insert*

*cage*—see schedule 1, item 1.

*cage egg* means an egg laid by a hen kept in a cage.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2009.

**2 Notification**

Notified under the Legislation Act on 2009.

**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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