

TASMANIA

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**EGG LABELLING AND SALE BILL 2013**

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**CONTENTS**

1. Short title
  2. Commencement
  3. Interpretation
  4. Non-application of Act
  5. Types of egg production system
  6. Packaging requirements for eggs produced in Tasmania
  7. Obligations of retailers of eggs
  8. Infringement notices
  9. Regulations
  10. Administration of Act
- Schedule 1 – Specified Statement



# EGG LABELLING AND SALE BILL 2013

*(Brought in by the Minister for Corrections and Consumer Protection, the Honourable Nicholas James McKim)*

## A BILL FOR

### An Act to regulate the labelling and sale of eggs

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### 1. Short title

This Act may be cited as the *Egg Labelling and Sale Act 2013*.

#### 2. Commencement

This Act commences on a day to be proclaimed.

#### 3. Interpretation

In this Act –

*barn system* – see section 5(2);

*cage system* – see section 5(1);

*Code* means –

- (a) the *Model Code of Practice for the Welfare of Animals: Domestic Poultry* published by PISC, as in

*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 3

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force and as amended, or substituted, from time to time; or

- (b) such other code or document that is prescribed for the purposes of this definition;

***egg*** means an egg that is laid by a hen;

***egg production system*** means –

- (a) a cage system; or
- (b) a barn system; or
- (c) a free-range system; or
- (d) a system as otherwise prescribed in the regulations;

***free-range system*** – see section 5(3);

***hen*** means a domestic fowl of the species *gallus gallus*;

***PISC*** means the Primary Industries Standing Committee of the Standing Council on Primary Industries, as established or recognised by the Council of Australian Governments;

***regulations*** means regulations made, and in force, under this Act;

***sell*** includes –

- (a) to barter, offer or attempt to sell; and

*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 4

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- (b) to receive for sale; and
- (c) to have in possession for sale;  
and
- (d) to display for sale; and
- (e) to cause or permit to be sold or  
offered for sale; and
- (f) to send, forward or deliver for  
sale; and
- (g) to dispose of by any method for  
valuable consideration; and
- (h) to dispose of to an agent for sale  
on consignment; and
- (i) to sell for the purpose of resale;  
and
- (j) to otherwise deal with an egg as  
prescribed in the regulations.

**4. Non-application of Act**

This Act does not apply to –

- (a) eggs sold by an association, within the  
meaning of the *Associations  
Incorporation Act 1964*, whether  
incorporated or unincorporated; and
- (b) eggs sold by a person, if –
  - (i) either alone or in association with  
others, the person keeps, or

*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 5

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causes or allows to be kept, not more than 20 hens; and

- (ii) the eggs are produced by those hens.

**5. Types of egg production system**

- (1) A cage system means a system of egg production that –
  - (a) at a minimum, meets the standards set out in the Code for cage systems in relation to the following matters:
    - (i) cage design and systems;
    - (ii) cage conditions and life;
    - (iii) stocking levels; and
  - (b) meets any other requirements prescribed in the regulations for cage systems.
- (2) A barn system means a system of egg production that –
  - (a) at a minimum, meets the standards set out in the Code for non-cage systems in relation to the following matters:
    - (i) housing design and systems;
    - (ii) housing conditions and life;
    - (iii) stocking levels; and

- (b) meets any other requirements prescribed in the regulations for barn systems.
- (3) A free-range system means a system of egg production that –
  - (a) at a minimum, meets the standards set out in the Code for both non-cage systems and free-range systems in relation to the following matters:
    - (i) range, and housing, design and systems;
    - (ii) range, and housing, conditions and life;
    - (iii) stocking levels; and
  - (b) meets any other requirements prescribed in the regulations for free-range systems.

**6. Packaging requirements for eggs produced in Tasmania**

- (1) A person must not sell eggs that have been produced in Tasmania unless the eggs are correctly packaged.

Penalty: Fine not exceeding 50 penalty units.

- (2) For subsection (1), eggs are correctly packaged if the packaging –
  - (a) specifies the name of the egg production system, under which the eggs were

*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 7

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produced, in characters that are at least 6 millimetres high; and

- (b) displays the word “egg” or “eggs” preceding or following the name of the egg production system under which the eggs were produced.

**7. Obligations of retailers of eggs**

- (1) In this regulation –

*relevant sign*, for an egg production system, means a sign that sets out the specified statement for that egg production system –

- (a) in characters not less than 30 millimetres high; and
- (b) in a colour that is in sharp contrast to the background colour of the sign; and
- (c) using the upper-case and lower-case lettering as shown in the specified statement;

*specified statement* means the statement –

- (a) as specified in Schedule 1 for the egg production system used to produce the eggs on display; or
- (b) as otherwise prescribed in the regulations.



*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 7

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- (2) A person must not display eggs for sale unless the relevant sign, for the egg production system used to produce the eggs for sale, is displayed in a prominent position that allows the relevant sign to be seen, and easily read, by a person at or near the display of eggs.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person must not display for sale eggs produced under one egg production system with eggs produced under another egg production system unless –

(a) the relevant sign for each egg production system used to produce the eggs is displayed; and

(b) the eggs are –

(i) grouped according to the egg production system used to produce the eggs; and

(ii) separated into the groups of eggs under subparagraph (i) by red markings on the edge of the display to indicate where one group of eggs ends and another commences.

Penalty: Fine not exceeding 50 penalty units.

- (4) Subsection (3)(b)(ii) does not apply to a display of eggs if the total length of the display surface for the eggs is less than 2 metres.

*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 8

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- (5) For the avoidance of doubt, this section applies to all eggs that are displayed for sale in Tasmania, regardless of where the eggs are packaged or produced.

**8. Infringement notices**

- (1) In this section –

*infringement offence* means an offence against this Act or the regulations that is prescribed by the regulations to be an infringement offence.

- (2) An authorized officer, within the meaning of the *Consumer Affairs Act 1988*, may issue and serve an infringement notice on a person if he or she reasonably believes that the person has committed an infringement offence.
- (3) An infringement notice may not be served on an individual who has not attained the age of 16 years.
- (4) An infringement notice –
- (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
  - (b) is not to relate to more than 3 offences.
- (5) The regulations –
- (a) may prescribe, for infringement offences, the penalties payable under infringement notices; and

- (b) may prescribe different penalties for bodies corporate and individuals.

## **9. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
  - (a) provide for a label that may be used to indicate compliance with this Act; and
  - (b) specify the form and content of a label referred to in paragraph (a), or that the form and content may be determined or approved by a person or body as specified in the regulations, and the circumstances in which the label may be applied or used; and
  - (c) modify the Code for the purposes of its application under this Act; and
  - (d) specify any additional requirements for an egg production system, including the stocking levels.
- (3) Without limiting subsection (2)(c), the regulations may provide that the Code applies under this Act as if an amendment to the Code had not taken effect.
- (4) The regulations may be made so as to apply differently according to matters, limitations or

*Egg Labelling and Sale Act 2013*  
*Act No. of*

s. 9

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restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

- (5) The regulations may authorise any matter to be from time to time determined, applied, approved or regulated by any person or body specified in the regulations.
- (6) The regulations may –
  - (a) provide that a contravention of any of the regulations is an offence; and
  - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.
- (7) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any standards, rules, codes or specifications whether the standards, rules, codes or specifications are published or issued before or after the commencement of this Act.
- (8) A reference in subsection (7) to standards, rules, codes or specifications includes a reference to an amendment of those standards, rules, codes or specifications whether the amendment is published or issued before or after the commencement of this Act.

**10. Administration of Act**

Until provision is made for this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Corrections and Consumer Protection; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

*Egg Labelling and Sale Act 2013*  
*Act No. of*

**sch. 1**

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**SCHEDULE 1 – SPECIFIED STATEMENT**

Section 7(1)

1. The specified statement for a cage system is as follows:

These eggs are produced by birds which are continuously housed in cages within a shed.

2. The specified statement for a barn system is as follows:

These eggs are produced by birds which are free to roam within a shed that may have more than one level. The floor may be based on litter and/or other materials such as slats or wire mesh.

3. The specified statement for a free-range system is as follows:

These eggs are produced by birds which are housed in sheds but have access to an outdoor range.