



New South Wales

Truth in Labelling (Free-range Eggs) Bill 2011

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to regulate the labelling of eggs by:

- (a) prohibiting the sale of eggs as free-range eggs or barn eggs unless certain requirements in relation to the eggs and the laying fowl that produce the eggs have been complied with, and
- (b) requiring eggs that are not free-range eggs or barn eggs to be labelled as cage eggs and prohibiting the use of any words or images in advertising or packaging of the eggs that suggests the laying fowl that produce the eggs are not kept in cages.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 makes it an offence to advertise, package or label eggs that are for sale as free-range, or use images or other means to suggest that the eggs are free-range, unless the requirements set out in the clause with respect to the eggs and the laying fowl that produce the eggs are complied with. The maximum penalty is 500 penalty units (currently, \$55,000) for a corporation and 50 penalty units (currently, \$5,500) or 6 months imprisonment or both for an individual.

Clause 5 makes it an offence to advertise, package or label eggs that are for sale as barn eggs, or use images or other means to suggest that the eggs are barn eggs, unless the requirements set out in the clause with respect to the laying fowl that produce the eggs are complied with. The maximum penalty is 500 penalty units (currently, \$55,000) for a corporation and 50 penalty units (currently, \$5,500) or 6 months imprisonment or both for an individual.

Clause 6 creates the following offences in relation to eggs that cannot lawfully be advertised, packaged or labelled as free-range or barn eggs (*non-complying eggs*):

- (a) a person must not, in any advertising, packaging or labelling of non-complying eggs that are for sale, use any words, images or other means to suggest that the laying fowl that produce the eggs are not kept in cages,
- (b) a person must not package non-complying eggs for sale, unless the package is labelled with the words “cage eggs” in letters that are at least 10 mm high,
- (c) a person must not, in any packaging or labelling of non-complying eggs, make a positive claim in relation to the production of the eggs in letters that are more than 6 mm high.

The maximum penalty for these offences is 500 penalty units (currently, \$55,000) for a corporation and 50 penalty units (currently, \$5,500) or 6 months imprisonment or both for an individual.

Clause 7 provides that the regulations may establish a scheme for the accreditation of persons who keep laying fowl for the production of free-range eggs.

Clause 8 provides for proceedings for offences under the proposed Act or regulations made under that Act to be dealt with summarily before the Local Court.

Clause 9 is a general regulation-making power.



New South Wales

Truth in Labelling (Free-range Eggs) Bill 2011

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New South Wales

Truth in Labelling (Free-range Eggs) Bill 2011

No. , 2011

A Bill for

An Act to define, and to regulate the labelling of, free-range eggs.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Truth in Labelling (Free-range Eggs) Act 2011</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Definitions	6
(1) In this Act:	7
<i>fowl</i> means a domesticated chicken (<i>Gallus gallus</i>).	8
<i>laying fowl</i> means any fowl being bred, kept or used for the purpose of commercial egg production.	9 10
(2) Notes included in this Act do not form part of this Act.	11
4 Requirements for free-range eggs	12
(1) A person must not advertise, package or label eggs that are for sale as free-range, or use images or other means to suggest that the eggs that are for sale are free-range, unless the requirements of this section with respect to the eggs and the laying fowl that produce the eggs are complied with.	13 14 15 16 17
Maximum penalty: In the case of a corporation, 500 penalty units, or, in any other case, 50 penalty units or imprisonment for 6 months, or both.	18 19
(2) Laying fowl must be kept in the following conditions:	20
(a) when fully feathered, fowl must have easy access to a range area during daylight hours in accordance with any requirements specified in the regulations,	21 22 23
(b) the range area must have shade, shelter and palatable vegetation and must be capable of continued production of vegetation,	24 25
(c) the range density must not exceed:	26
(i) for the 4-year period immediately following the commencement of this Act—1,500 fowl per hectare, and	27 28
(ii) following that period—750 fowl per hectare,	29
(d) the stocking density in a shed (measured over a single horizontal plane, length by width) must not exceed:	30
(i) 10 fowl per square metre, for up to 1,000 fowl, or	31 32
(ii) 9 fowl per square metre, for up to 2,000 fowl, or	33
(iii) 8 fowl per square metre, for up to 3,000 fowl, or	34

(iv)	7 fowl per square metre, for up to 4,000 fowl, or	1
(v)	6 fowl per square metre, for over 4,000 fowl,	2
(e)	fowl must have permanent access to adequate shade and protection, weather-proof shelter with ventilation, adequate dry litter, food, fresh water, nesting boxes and perches in accordance with any requirements specified in the regulations,	3 4 5 6
(f)	if artificial light is used, the total period during which fowl are subjected to natural or artificial light (or both) must not exceed 16 hours in any 24-hour period,	7 8 9
(g)	fowl must be fed natural food only and may be fed vitamins and minerals only as required for the welfare of the fowl,	10 11
(h)	fowl may be given antibiotics only in accordance with directions from a veterinary practitioner,	12 13
(i)	reasonable attempts must be made to protect fowl from predators,	14
(j)	fowl must be transported in accordance with any requirements specified in the regulations,	15 16
(k)	the premises and land on which the fowl are kept must comply with any requirements relating to biosecurity specified in the regulations.	17 18 19
(3)	The following practices must not be engaged in with respect to laying fowl:	20 21
(a)	inducing moulting by not feeding,	22
(b)	toe trimming and using poly peepers,	23
(c)	beak trimming.	24
(4)	Eggs produced by the laying fowl must be candled and handled in accordance with any requirements specified in the regulations.	25 26
(5)	This section does not prevent laying fowl being fed natural pigments to enrich the colour of egg yolks.	27 28
5	Requirements for barn eggs	29
(1)	A person must not advertise, package or label eggs that are for sale as barn eggs, or use images or other means to suggest that the eggs that are for sale are barn eggs, unless the requirements of this section with respect to the laying fowl that produce the eggs are complied with.	30 31 32 33
	Maximum penalty: In the case of a corporation, 500 penalty units, or, in any other case, 50 penalty units or imprisonment for 6 months, or both.	34 35

- (2) Laying fowl must be kept in the following conditions: 1
- (a) fowl must be kept in barns and must have freedom and capacity to socialise, move freely within the barn, stretch, perch, nest, dust bathe, flap wings and fly, 2
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 - (b) at least half the floor area of a barn must consist of litter, 5
 - (c) fowl must be kept in accordance with any requirements in relation to laying fowl confined in non-cage housing that are imposed by or under the *Prevention of Cruelty to Animals Act 1979*. 6
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- Note.** Division 3 of Part 2A of the *Prevention of Cruelty to Animals (General) Regulation 2006* contains provisions relating to laying fowl in non-cage housing and includes specific requirements for nests and stock density. 10
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6 Sale of eggs that are not free-range or barn eggs 14

- (1) A person must not, in any advertising, packaging or labelling of non-complying eggs that are for sale, use any words, images or other means to suggest that the laying fowl that produce the eggs are not kept in cages. 15
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Maximum penalty: In the case of a corporation, 500 penalty units, or, in any other case, 50 penalty units or imprisonment for 6 months, or both. 19
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- (2) A person must not package non-complying eggs for sale, unless the package is labelled with the words “cage eggs” in letters that are at least 10 mm high. 21
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Maximum penalty: In the case of a corporation, 500 penalty units, or, in any other case, 50 penalty units or imprisonment for 6 months, or both. 24
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- (3) A person must not, on any packaging or labelling of non-complying eggs, make a positive claim in relation to the production of the eggs in letters that are more than 6 mm high. 26
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Maximum penalty: In the case of a corporation, 500 penalty units, or, in any other case, 50 penalty units or imprisonment for 6 months, or both. 29
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- (4) In this section: 31
non-complying eggs means eggs that, under this Act, cannot lawfully be advertised, packaged or labelled as free-range eggs or barn eggs. 32
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positive claim means a claim or statement to the effect that eggs have been produced in an ethical manner, in a manner that promotes the welfare of laying fowl or in a manner that protects or benefits the environment. 34
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7 Accreditation of producers of free-range eggs	1
(1) The regulations may establish a scheme for the accreditation of persons who keep laying fowl for the production of free-range eggs.	2 3
(2) The scheme may include provision for the regular inspection of premises in which laying fowl are kept for the production of free-range eggs.	4 5 6
8 Proceedings for offences	7
Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.	8 9
9 Regulations	10
(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	11 12 13 14
(2) The regulations may incorporate by reference, wholly or in part and with or without modification, any standards, rules, codes, specifications or methods, as in force at a particular time or as in force from time to time, prescribed or published by an authority or body (whether or not it is a New South Wales authority or body).	15 16 17 18 19
(3) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.	20 21