

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.