



New South Wales

# Truth in Labelling (Free-range Eggs) Bill 2011

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments.*



New South Wales

## **Truth in Labelling (Free-range Eggs) Bill 2011**

Act No     , 2011

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

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Truth in Labelling (Free-range Eggs) Act 2011</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Definitions</b>	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
<b>4 Requirements for free-range eggs</b>	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 conditions that meet the requirements (if any) specified in the regulations for the purposes of this section.	20 21
(3) Eggs produced by the laying fowl must be candled and handled in accordance with any requirements specified in the regulations.	22 23
(4) This section does not prevent laying fowl being fed natural pigments to enrich the colour of egg yolks.	24 25
<b>5 Requirements for barn eggs</b>	26
(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.	27 28 29 30
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.	31 32
(2) Laying fowl must be kept in the following conditions:	33
(a) fowl must be kept in conditions that meet the requirements (if any) specified in the regulations for the purposes of this section,	34 35

(b)	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 <i>Prevention of Cruelty to Animals Act 1979</i> .	1 2 3 4
	<b>Note.</b> Division 3 of Part 2A of the <i>Prevention of Cruelty to Animals (General) Regulation 2006</i> contains provisions relating to laying fowl in non-cage housing and includes specific requirements for nests and stock density.	5 6 7 8
<b>6</b>	<b>Sale of eggs that are not free-range or barn eggs</b>	9
(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.	10 11 12 13
	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.	14 15
(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.	16 17 18
	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 20
(3)	In this section:	21
	<b><i>non-complying eggs</i></b> means eggs that, under this Act, cannot lawfully be advertised, packaged or labelled as free-range eggs or barn eggs.	22 23
<b>7</b>	<b>Accreditation of producers of free-range eggs</b>	24
(1)	The regulations may establish a scheme for the accreditation of persons who keep laying fowl for the production of free-range eggs.	25 26
(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.	27 28 29
<b>8</b>	<b>Proceedings for offences</b>	30
	Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.	31 32
<b>9</b>	<b>Defence</b>	33
	It is a defence to a prosecution for an offence under this Act if the defendant establishes that the defendant:	34 35
(a)	did not know, and could not reasonable be expected to have known, of the contravention, and	36 37
(b)	had taken all reasonable steps to prevent the contravention.	38

<b>10 Regulations</b>	1
(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.	2 3 4 5
(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).	6 7 8 9 10
(3) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.	11 12
(4) A regulation must not be made for the purposes of section 4 or 5 unless the Minister is satisfied that the provisions of the regulation are consistent with the <i>Model Code of Practice for the Welfare of Animals Domestic Poultry</i> , 4th Edition, published by the Primary Industries Standing Committee or any document that replaces that code.	13 14 15 16 17