

Review Aug 1989

STATUTORY RULES 1989

NO.

EGG INDUSTRY ACT 1989

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

BARRY ROWE
MINISTER FOR AGRICULTURE AND RURAL AFFAIRS

Clerk of the Executive Council

EGG INDUSTRY REGULATIONS 1989

PART 1 - PRELIMINARY

Title

1. These Regulations may be cited as the Egg Industry Regulations 1989.

Commencement

2. These Regulations come into operation on 31 October 1989.

Objectives

3. The objectives of these Regulations are to-
 - (a) prescribe procedural matters relating to quotas, licences and permits, the appointment of producer agents and the vesting and delivery of eggs and payments to producers; and
 - (b) prescribe requirements for the grading, testing, marking and stamping of eggs; and
 - (c) prescribe standards of quality of eggs and egg products; and
 - (d) prescribe certain fees payable under the Act.

Authorising Provision

4. These Regulations are made under Section 137 of the Egg Industry Act 1989.

Definitions

5. In these Regulations -
'Act' means the Egg Industry Act 1989.

PART 2 - QUOTA

Notice of Transfer of Hen Quota

6. The prescribed form of notice under Section 56(3) of the Act for the transfer of the whole or any part of a hen quota is the Form in Schedule 1.

Lease of Hen Quota

- 7.(1) The prescribed form of notice under Section 57(2) (a) of the Act for the lease of the whole or any part of a hen quota is the Form in Schedule 2.
- (2) The prescribed form of notice under Section 57(2) (b) of the Act for the variation or termination of a lease of the whole or any part of a hen quota is the Form in Schedule 3.

PART 3 - LICENCES AND PERMITS TO OWN AND KEEP HENS

Fee for Certificate of Hen Quota

8. The prescribed fee under Section 59 (3) of the Act for a certificate specifying a person's hen quota is the fee set out in item 1 of Schedule 4.

Fee for Licence

9. The prescribed fee for an application for a licence under Section 69(2) of the Act is the fee set out in item 2 of Schedule 4.

Conditions of Licence

10. For the purposes of Section 70 of the Act, the following are prescribed conditions of a licence:
- (a) The holder of the licence must keep records in the form of and containing the information set out in Schedule 5;
- (b) The records must contain-
- (i) the matters set out in columns 1 and 2 of Part A of Schedule 5 and be made within two days of the supply or disposal of pullets or hens; and

- (ii) the matters set out in column 3 of Part A of Schedule 5 and be made for each calendar month, not later than the last day of the month; and
 - (iii) as to the matters set out in Part B of Schedule 5, as requested by the Board;
- (c) A copy of the required records referred to in sub-paragraph (b) (i) and (ii) must be forwarded to the Board no later than 14 days after the end of each month to which it relates;
 - (d) The holder of a licence who keeps both "Free Range" hens and caged or other intensely housed hens on the one property or on an adjoining property must keep separate weekly records as to the matters set out in Part B of Schedule 5;
 - (e) The records must be kept for a period of two years after they are made.

Variation of a Licence

- 11. The prescribed fee under Section 71 of the Act for an application for variation of a licence is the fee set out in item 3 of Schedule 4.

Transfer of Licence

- 12. The prescribed fee under Section 75(2) of the Act for an application for transfer of a licence the fee set out in item 4 of Schedule 4.

Application for Permit

- 13. The prescribed fee for an application for a permit under Section 76(2) of the Act is the fee set out in item 5 of Schedule 4.

Variation of Permit

- 14. The prescribed fee under Section 78 of the Act for a variation of a permit is the fee set out in item 6 of Schedule 4.

PART 4 - PRODUCER AGENTS

Application for Appointment

- 15. The prescribed form of application for appointment as a producer agent under Section 87 of the Act is the form in Schedule 6 and must be accompanied by the fee set out in item 7 of Schedule 4.

Conditions of Appointment

- 16. For the purposes of Section 89 of the Act, the following are prescribed conditions of appointment as a producer agent:
 - (a) A producer agent must test, grade, stamp and mark eggs in accordance with the requirements of these regulations;
 - (b) A producer agent must apply the appropriate industrial award to any person employed by that producer agent to grade, test, stamp, mark or pack eggs.

Use of Board's Brands

17. A producer agent who applies for approval under Section 89(4) to use one of the brands of the Board must pay the fee set out in item 8 of Schedule 4.

PART 5 - VESTING AND DELIVERY OF EGGS

Exceptions to Vesting

18. Eggs which a producer requires and uses for the production of live chickens are eggs required by a producer for a prescribed purpose for the purposes of Section 93 of the Act.

Acceptance of Delivery of Eggs to Board

19. Eggs which are not leaking are eggs of the prescribed quality for the purposes of Section 95(2) of the Act.

Certificate of Receipt of Eggs

20. The prescribed form of certificate of receipt under Section 95(3) of the Act is the form in Schedule 7.

Conditions on Exemptions

21. The condition that a producer must enter into an agreement with the Board in relation to any exempt sales to pay to the Board such amounts as are determined by the Board in respect of the costs and expenses referred to in Section 103(3) (b) of the Act is a prescribed condition for the purposes of Section 97(4) of the Act.

Notice of Encumbrance or Claim of Ownership of Eggs

22. The prescribed form of notice under Section 100 (3) of the Act is the form in Schedule 8.

Notice of Encumbrance from Producer

23. The prescribed form of notice under Section 101 of the Act is the form in Schedule 9.

PART 6 - PAYMENTS TO PRODUCERS

Prescribed Period

24. For the purposes of Section 103 (1)(c) of the Act, the prescribed period in respect of which final payments may be made to producers is the period commencing on 1 July each year and ending on 30 June in the next following year.

PART 7 - GRADING AND QUALITY CONTROL

Quality Standards For Eggs

- 25.(1) The standards for the quality of eggs are-
- (a) "A" class eggs-
- (i) have shells that-

- (a) are clean, uncracked, and free from stain;
- (b) are not thin or mis-shapen; and
- (c) when candled, must be free from blood and meat spots mould and rot; and
 - (ii) have yolks which are translucent or but faintly visible; and
 - (iii) have whites which are translucent and firm; and
 - (iv) have air cells which are not more than 0.5 cm in depth; and
 - (v) are 43 grams or more in weight; and
 - (vi) are not leaking; and
 - (vii) are not fertile.
- (b) "B" Class eggs are eggs which do not conform to all "A" Class standards in that-
 - (i) the shells are-
 - (A) mishapen; or
 - (B) rough; or
 - (ii) they may be less than 43 grams in weight; or
 - (iii) they are fertile;
- (c) "C" Class eggs are eggs which do not conform to "A" Class or "B" Class standards but are not useless and which may be used for the manufacture of egg products in accordance with the regulations.
- (d) "Useless" egg are eggs which are-
 - (i) leaking; or
 - (ii) affected by mould or rot; or
 - (iii) dirty; or
 - (iv) contain blood or meat spots;and must not be used for human consumption.

Stamping and Marking of Eggs as to Quality

- 26.(1) "A" Class eggs must be stamped with a blue mark in the shape of a circle and inside the circle there may be placed such symbols as the Board may determine for the purpose of denoting the date, the location, and the person who stamped the eggs.
- (2) "B" Class eggs must be stamped with a green mark in the shape of a circle and inside the circle there may be placed such symbols as the Board may determine for the purpose of denoting the date, the location and the person who stamped the eggs.
- (3) "C" Class eggs must be marked with a red mark.

Quality Standards for Egg Products

27. The standards for the quality of egg products are that they must conform to the Food Standards Regulations 1987.

Prescribed Names

28. For the purposes of Section 107 (3) of the Act the prescribed name for-
- (a) "A" Class eggs is "First Quality"; and
- (b) "B" Class eggs is "Second Quality"; and
- (c) "C" Class eggs is "Manufacturing Quality"; and
- (d) eggs which have been produced in accordance with the requirements of Schedule 10 is "Free Range".

Exemption

29. Regulations 25 and 27 do not apply to eggs sold by a person who owns or keeps not more than 50 hens, where the eggs or egg products are for a private or domestic use.

Sale of Eggs in Containers

- 30.(1) A person must not pack or sell or offer for sale eggs in a container unless-
- (a) the outside of the container; or
- (b) a label or ticket affixed to the outside of the container is legibly marked with the information required by sub-regulation (2); or
- (2) The information required to be exhibited on the outside of the container is as follows:
- (a) the particulars, statements, information or words required under sections 82F of the Weights and Measures Act 1958; and
- (b) the statement required under Regulation 68(2) (b) of the Weights and Measures Regulations 1975; and

(c) the prescribed quality name.

Penalty: 10 penalty units.

Sale of Eggs by Weight

31. A person who exposes or displays loose eggs for sale by total weight must display with the loose eggs a legible ticket containing the prescribed quality name of the loose eggs.

Penalty: 10 penalty units.

Misleading Stamping or Marking of Eggs

32. A person must not-

- (a) stamp or mark any egg so as to deceive or mislead any purchaser or intending purchaser of eggs; or
 (b) sell or have in possession, any egg upon which the mark in paragraph (a) appears.

Penalty: 10 penalty units.

Misleading Markings

- 33.(1) A person must not-

- (a) stamp or mark in a misleading manner-
 (i) any container of eggs for sale; or
 (ii) any ticket affixed to or placed on a container; or
 (iii) any ticket placed on or relating to any loose eggs for sale; or
 (b) in respect of any container of eggs or loose eggs, take any misleading action by way of addition, alteration, omission or removal of any marking or ticket.

Penalty: 10 penalty units.

- (2) For the purposes of this Regulation, 'misleading' means likely to mislead the purchaser or the public in any material particular regarding-

- (a) prescribed quality name of the eggs;
 (b) the place where, the date on which the circumstances or environment in which, or person by whom the eggs were produced.

Display of Eggs

34. A person must not display eggs for sale by retail in a position in which the eggs are exposed to the sun.

Penalty: 5 penalty unit.

PART 8 - MISCELLANEOUS MATTERS

Keeping of Records

- 35.(1) The prescribed form of records for the purposes of Section 132 of the Act is the form in Schedule 11.
- (2) A copy of each record must be forwarded to the Secretary of the Committee not later than fourteen days after the end of the month to which it relates.

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NOTICE OF TRANSFER OF HEN QUOTA

Details of Transferor

Name:
Address:
Principal Place of Business:
Licence No (If applicable):
Amount of Hen Quota held prior to transfer:

Details of Transferee

Name:
Address:
Principal Place of Business:

Details of Transfer

Amount of hen quota transferred:
Date transfer took place:
Full amount or value of consideration received:

Statutory Declaration

I declare that the above details are true and correct.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false Declaration punishable for wilful and corrupt perjury.

Declared at.....in the)
State of Victoria this.....)
day of19.....)

Before me.....)
(JUSTICE OF THE PEACE OR
COMMISSIONER FOR TAKING AFFIDAVITS OR A
PERSON WHO IS AUTHORIZED UNDER
SECTION 123B OF THE EVIDENCE ACT 1958)

.....
(SIGNATURE OF DECLARANT)

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NOTICE OF GRANT OF LEASE OF HEN QUOTA

Details of Lessor

Name:
Address:
Principal Place of Business:
Licence No. (If applicable):
Amount of hen quota held prior to transfer:

Details of Lessee

Name:
Address:
Principal Place of Business:

Details of Lease

Amount of hen quota leased:
Date of grant of lease:
Full amount or value of consideration received
or to be received:
Date when lease expires:

Statutory Declaration

I declare that the above details are true and correct.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false Declaration punishable for wilful and corrupt perjury.

Declared at.....in the)
State of Victoria this.....)
day of19.....)

Before me.....)
(JUSTICE OF THE PEACE OR
COMMISSIONER FOR TAKING AFFIDAVITS OR A
PERSON WHO IS AUTHORIZED UNDER
SECTION 123B OF THE EVIDENCE ACT 1958)

.....
(SIGNATURE OF DECLARANT)

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NOTICE OF VARIATION*/TERMINATION* OF LEASE

Details of Lessor

Name:
Address:
Principal Place of Business:
Licence No. (If applicable):
Amount of hen quota held prior to transfer:

Details of Lessee

Name:
Address:
Principal Place of Business:

Details of Lease

Amount of hen quota leased:
Date of grant of lease:
Date of notice of grant of lease:
Date of expiry of lease (as provided for in lease agreement):

*Details of variation

Details of variation made to lease:
Date on which variation took effect:

*Details of Termination

Details of termination:
Details of any changes to the consideration received or to be received resulting from the termination of the lease:
Date on which termination took effect:

Statutory Declaration

I declare that the above details are true and correct.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false Declaration punishable for wilful and corrupt perjury.

Declared at.....in the)
State of Victoria this.....)
day of19.....)

Before me.....)
(JUSTICE OF THE PEACE OR
COMMISSIONER FOR TAKING AFFIDAVITS OR A
PERSON WHO IS AUTHORIZED UNDER
SECTION 123B OF THE EVIDENCE ACT 1958)

.....
(SIGNATURE OF DECLARANT)

*Strike out if not applicable.

SCHEDULE 4 Regulations 8,9,11,12,13,14
15 and 17.

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PRESCRIBED FEES

<u>Item</u>	<u>Description</u>	<u>Prescribed Fee</u>
		\$
1.	Application for hen quota certificate.	32
2.	Application for licence to keep hens.	100
3.	Applicant for variation of licence.	100
4.	Application for transfer of licence.	253
5.	(a) Application for permit other than for exhibition purposes.	95
	(b) Application for a permit for exhibition purposes.	27
6.	Application for variation of permit .	95
7.	Application for appointment as producer agent.	567
8.	Application to use brand of Board.	32

SCHEDULE 5- (CONTINUED)

PART B

*RETURN OF EGGS PRODUCED AND MANNER OF DISPOSAL

*RETURN OF "FREE RANGE" EGGS PRODUCED AND MANNER OF DISPOSAL

Name and address of licensee.....
 Licence Number.....

From Date / / To / /	Number of *Eggs Produced *"Free Range" Eggs Produced (in dozens)	Disposed of		*Persons to Whom Disposed of *Persons to Whom Disposed of in the case of non-consumer sales (Name and Full Address) must be given in Each Case
		To Board (in dozens)	Otherwise (in dozens)	

Signature.....

Date.....

*STRIKE OUT THAT WHICH IS INAPPLICABLE.

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APPLICATION FOR APPOINTMENT AS PRODUCER AGENT

Details of Applicant

Name:
Address:
Principal Place and Name of
Business:
Licence No:

Details of Proposed Activities

Addresses of premises at which
activities to be undertaken:
Details of functions proposed to be
undertaken at each premises:
Maximum number of eggs proposed to be
graded over period of twelve months:

Date:

Signature of Applicant

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CERTIFICATE OF RECEIPT OF EGGS

Name & address of producer from whom received:
Quantity of eggs received:
Name & address of carrier of eggs received:
Date eggs received:

Date:

Signature of*: Authorized person of Board; or
Agent of Board; or
Producer Agent.

*Delete what is not applicable.

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NOTICE OF ENCUMBRANCE OR CLAIM OF OWNERSHIP

Details of Claimant

Name:
Address:

Details of Encumbrance

Nature of instrument of encumbrance:
Date of instrument:
Registered number of instrument:

Details of producer of eggs which are the subject of Claim

Name:
Address:

Details of Claim

Extent of claim(whether whole or part; if part only,
state what part is claimed):
Amount of principal claimed:

Date:

Signature of Claimant

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NOTICE OF ENCUMBRANCE FROM PRODUCER

Details of Producer

Name:
Address:
Licence No:

Details of Encumbrance

Nature of instrument of encumbrance:
Date of instrument:
Name and address of person to whom given:
Quantity of eggs to which encumbrance relates:
Date of delivery of eggs to which encumbrance relates:

Date:

Signature of Producer

SCHEDULE 10

Regulation 28(d)

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THE REQUIREMENTS FOR FREE RANGE HEN ENVIRONMENT

1. Hens must have access to an area in which to range during daylight hours. *Weather permitting*
2. The maximum stocking density is 300 birds per acre (750 per hectare).
3. The land where the hens are permitted to range must be capable of continued production of vegetation for food. If the land becomes barren an adequate alternative area must be provided and used on a rotational basis.
4. Hens must have permanent access to shade and protection, weatherproof shelter with adequate dry litter, food, fresh water, nesting boxes and perches.
5. Natural foods only are permitted. These may include grains, grain products, green feeds, meat by-products, natural sources of vitamins and minerals.
6. No synthetic yolk colourings are permitted. The use of natural xanthophylls such as maize, lucerne or other naturally-derived pigments is advisable.
7. Routine use of antibiotics or other medications is not permitted except on veterinary direction.
8. Induced moulting and the use of "polypeepers" are not permitted.
9. Beak trimming is not permitted.

