

**Packaging** for eggs means anything that completely or partly encloses, contains or packs the eggs. This may include a carton or box in which eggs are packed.

**Stocking density** for hens means the maximum number of hens per hectare that have access to an outdoor range across the laying cycle. The stocking density is framed as a ‘maximum’ stocking density because the number of hens that are raised as part of a flock may vary over time. Therefore, to be compliant with the labelling and display requirements, producers will not need to state their precise stocking density as at a point in time.

The term access is used in relation to the outdoor range, so non-accessible portions of the outdoor range are not intended to be included in the calculation of the number of hens per hectare.

### Section 5 - Application

This section provides that the Information Standard applies to packaging of eggs for wholesale or retail sale, and eggs that are displayed for retail sale without packaging. This application restricts the labelling requirements of section 8 to packaging containing eggs for sale. It also restricts the application of the display requirements of section 9 to where eggs without packaging are displayed for retail sale.

The application provision makes it clear that the Information Standard only applies to the sale of eggs, including for non-retail sale, and the information that is provided in connection with the sale of eggs. The Information Standard does not require eggs to be produced according to any minimum standards, but requires eggs labelled or otherwise represented as free range to meet the conditions set out in section 7 if they are to be represented as free range at the point of sale.

### Section 6 – Inconsistency of State and Territory laws

This section provides that the Information Standard does not operate to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with the provisions of Part 2, which relate to labelling and display requirements.

## **Part 2 – Free range egg labelling and display requirements**

### Section 7 – Meaning of the term free range

Subsection 7(1) provides that eggs are free range eggs for the purposes of this standard if they meet a two limb test:

- the first limb requires that the eggs are laid by hens that had meaningful and regular access to an outdoor range during daylight hours across the laying cycle; and
- the second limb requires that the hens that laid the eggs were subject to a stocking density of 10,000 hens or less per hectare.

### *Meaningful and regular access*

The definition is access based so that producers are not required to ensure that hens go outside during daylight hours every day across the laying cycle but are required to provide conditions which encourage access to and use of the range. Where the indoor environment in which the laying hens are kept when not on the outdoor range impedes, prevents or discourages the hens from accessing that range, then the hens will not have meaningful and regular access to the range.

In determining whether the hens have meaningful access, paragraph 7(2)(b) requires regard to be had to the extent to which hens are able to roam, forage and display natural behaviours on the outdoor ranges to which they have access. This does not preclude other relevant factors from being considered. For example, if the outdoor range was poorly maintained or configured in a way that adversely affected the hens' experience on the outdoor range, or led to the hens' sickness, then access may not be considered meaningful.

The requirement that access must be regular suggests that access is not intended to be absolute. However, the intention is that hens must be able to regularly or routinely access an outdoor range during daylight hours across the laying cycle.

Paragraph 7(2)(a) provides that in determining whether the hens that laid the eggs had meaningful and regular access, occasions when hens were prevented from accessing the outdoor range may be disregarded where:

- the hens were undergoing nest box training;
- the weather conditions endangered the safety or health of the hens; or
- the hens would have been exposed to predators; or
- the hens were being medicated or otherwise cared for; or
- there were exceptional circumstances that prevented the hens from accessing the range.

What constitutes exceptional circumstances is a question of fact, but may include other circumstances in which the hens were endangered or where it would be adverse to the welfare of the hens if they accessed the range.

The use of the term 'occasions' implies that access may not be permanently or routinely denied for any of the reasons listed in that paragraph. These 'occasions' are intended to be a carve-out which relaxes the requirement when intervening circumstances, such as weather conditions or exposure to predators, are present.

### *Stocking density of 10,000 hens or less per hectare*

Eggs that are laid by hens subject to a stocking density of 10,000 hens or less per hectare, while on the outdoor range to which the hens have access across the laying cycle. This is not intended to include any other area in which the hens may be kept.