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PERTH: MONDAY, 16th AUGUST

[1965

AGRICULTURAL PRODUCTS ACT, 1929-1964.

Department of Agriculture,
Perth, 6th August, 1965.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Agricultural Products Act, 1929, as amended, has been pleased to make the regulations set out in the schedule hereunder.

F. L. SHIER,
Acting Director of Agriculture.

Schedule. Regulations.

1. In these regulations, the Agricultural Products Act Regulations published in the *Government Gazette* on the 21st January, 1938, as amended from time to time thereafter, are referred to as the principal regulations.

2. The principal regulations are amended by substituting for Part II, comprising regulations 6 to 16 inclusive, a Part and a Schedule to that Part as follows:—

Part II.—Eggs.

6. (1) In this Part of these regulations, unless the context otherwise requires, the expression—

“Board” means the Western Australian Egg Marketing Board constituted under the Marketing of Eggs Act, 1945 (as amended);

“clean” means clean in the opinion of an inspector or reasonably free from dirt or foreign matter or stain;

“Director” means Director of Agriculture;

“eggs” means hen eggs and duck eggs produced in Western Australia to be sold or intended for sale for human consumption in Western Australia or in any other State of the Commonwealth, and includes hen eggs and duck eggs imported into Western Australia and which are to be sold or intended for sale in Western Australia;

“First Quality hen eggs” means hen eggs the shells of which are either unwashed

or washed or wiped with a damp cloth, or dry cleaned over an area exceeding 50 per cent. of the surface

and are

clean, uncracked and reasonably free from stain and which are not thin or misshapen

and which eggs, when candled, appear to be free from blood spots, and the yolks of which are translucent or faintly visible, the whites of which are translucent and firm and the air cells of which are slightly tremulous and are not more than one-quarter of an inch in depth;

"Second Quality hen eggs" means hen eggs which do not fall within the description of First Quality hen eggs but which are fit for human consumption;

"First Quality duck eggs" means duck eggs the shells of which are unwashed and clean, uncracked and reasonably free from stain and which are not thin or misshapen and which eggs, when candled, appear to be free from blood spots, and the yolks of which are translucent or faintly visible, the whites of which are translucent and firm, and the air cells of which are slightly tremulous and are not more than one-quarter of an inch in depth;

"Second Quality duck eggs" means duck eggs which do not fall within the description of First Quality duck eggs, but which are fit for human consumption;

"Schedule" means Schedule to this Part of these regulations.

(2) For the purposes of these regulations any egg which contains meat or a blood spot or which, in the opinion of an inspector, is not fit for human consumption shall be deemed to be unfit for human consumption.

7. (1) All eggs shall be graded and packed and marked or branded in accordance with the provisions of this Part of these regulations.

(2) The provisions of subregulation (1) of this regulation do not apply to eggs prior to being sold to the Board or to the holder of a permit granted under paragraph (a) of subsection (3) of section 23 of the Marketing of Eggs Act, 1945, but apply to those eggs if they are sold or intended for sale by the Board or a holder of a permit so granted, and to all other eggs as defined in regulation 6 of these regulations.

8. Hen eggs shall be graded as follows:—

- (i) Grade 1 (a) which shall be known as "First Grade 24 oz. Hen" and which shall consist of First Quality Hen eggs each of which weighs not less than 2 ounces;
- (ii) Grade 1 (b) which shall be known as "First Grade 21 oz. Hen" and which shall consist of First Quality hen eggs each of which weighs not less than $1\frac{3}{4}$ ounces but less than 2 ounces;
- (iii) Grade 1 (c) which shall be known as "First Grade 18 oz. Hen" and which shall consist of First Quality hen eggs each of which weighs not less than $1\frac{1}{2}$ ounces but less than $1\frac{3}{4}$ ounces;
- (iv) Grade 2 which shall be known as "Second Grade Hen" and which shall consist of First Quality hen eggs each of which weighs less than $1\frac{1}{2}$ ounces, and of Second Quality hen eggs.

9. Duck eggs shall be graded as follows:—

- (i) Grade 1, which shall be known as "First Grade Duck" and which shall consist of First Quality duck eggs each of which weighs not less than $1\frac{1}{4}$ ounces;
- (ii) Grade 2 which shall be known as "Second Grade Duck" and which shall consist of First Quality duck eggs each of which weighs less than $1\frac{1}{4}$ ounces, and of Second Quality duck eggs.

10. (1) An egg shall be deemed to be not graded in accordance with the provisions of this Part of these regulations unless it is marked or branded on its large end or marked or branded on its side by an officer of the Department of Agriculture appointed for the purpose by the Director, or by a person approved by the Director, with the appropriate brand prescribed for its grade in subregulation (3) of this regulation.

(2) A person who operates a grading floor for the purpose of grading eggs or who grades eggs in any other manner shall grade them according to the quality and grades specified in regulations 8 and 9 of these regulations and shall cause them to be marked or branded as required by subregulation (1) of this regulation.

(3) (a) The brand prescribed for First Grade 24 oz. Hen eggs shall be substantially in the form of Figure 1 (a) or (b), as the case requires.

(b) The brand prescribed for First Grade 21 oz. Hen eggs shall be substantially in the form of Figure 2 (a) or (b), as the case requires.

(c) The brand prescribed for First Grade 18 oz. Hen eggs shall be substantially in the form of Figure 3 (a) or (b), as the case requires.

(d) The brand prescribed for First Grade Duck eggs shall be substantially in the form of Figure 4 (a) or (b), as the case requires.

(e) The brand prescribed for Second Grade Hen and Second Grade Duck eggs shall be substantially in the form of Figure 5 (a) or (b), as the case requires.

(f) Where hen eggs are offered or to be offered for sale after being held in cold storage in their natural state, the brand prescribed—

(i) for First Grade 24 oz. Hen eggs shall be substantially in the form of Figure 6 (a) or (b), as the case requires;

(ii) for First Grade 21 oz. Hen eggs shall be substantially in the form of Figure 7 (a) or (b), as the case requires;

(iii) for First Grade 18 oz. Hen eggs shall be substantially in the form of Figure 8 (a) or (b), as the case requires.

(g) Where hen eggs are offered or to be offered for sale after being oil processed whether or not they are held in cold storage after being so processed, the brand prescribed—

(i) for First Grade 24 oz. Hen eggs shall be substantially in the form of Figure 9 (a) or (b), as the case requires;

(ii) for First Grade 21 oz. Hen eggs shall be substantially in the form of Figure 10 (a) or (b), as the case requires;

(iii) for First Grade 18 oz. Hen eggs shall be substantially in the form of Figure 11 (a) or (b), as the case requires.

(h) Each brand must conform to the description relating to its respective figure as set out in the Schedule.

11. (1) (a) A person who seeks approval as a grader shall make application in writing to the Director.

(b) An application made by the Board on behalf of a person to whom a permit is issued or to be issued under section 23 of the Marketing of Eggs Act, 1945 (as amended) shall be deemed to have been made by that person.

(2) (a) The Director may for sufficient reason grant or refuse an application made under subregulation (1) of this regulation and may, before granting an application, require the applicant or the Board to furnish any particulars relevant to the application as the Director deems necessary.

(b) Upon the grant of an application referred to in subregulation (1) of this regulation, the Director shall issue or cause to be issued a certificate of approval in writing to the applicant and cause a memorandum thereof to be entered in a register or book to be kept in the Department of Agriculture for the purpose.

(3) (a) A certificate of approval issued under subregulation (2) (b) of this regulation to a person or firm being the holder of a permit granted under section 23 of the Marketing of Eggs Act, 1945, as amended, shall remain valid and in force until the permit lapses or is cancelled, but a certificate of approval so issued to any other person or body shall remain valid and in force until the 31st day of December of the year in which the certificate is issued.

(b) The Director shall, at the time of issuing a certificate under subregulation (2) (b) of this regulation, allot a serial number, which shall be known as the grading license number, to be used on egg brands in accordance with these regulations.

(c) The serial number shall be an integral part of the Certificate of Approval.

(4) (a) The Director may in his discretion at any time revoke a Certificate of Approval issued under subregulation (2) (b) of this regulation by a notice in writing to that effect signed by the Director and sent to the holder of the Certificate at his address as shown on his application for approval.

(b) Upon receipt of the notice, the holder of the Certificate shall cease to be a person approved by the Director for the purposes of subregulation (1) of regulation 10 of these regulations.

(5) A Certificate of Approval so issued is personal to the person to whom it is issued and is not transferable.

(6) The Director shall allot to the Board such grading license numbers as he deems necessary for allocation to officers or employees of the Board who are employed in the grading of eggs and may delegate to the Board authority to allocate the numbers to such officers or employees of the Board as the Board considers competent to grade eggs in accordance with these regulations.

(7) An officer or employee of the Board who is so allocated a number shall be deemed to be a person approved by the Director for the purposes of subregulation (1) of regulation 10 of these regulations.

(8) For the purposes of these regulations eggs graded and branded by an officer or employee of the Board who is so allocated a number, shall be deemed to be graded and marked or branded by the Board in accordance with these regulations.

(9) The Board shall upon request in writing by the Director, supply any information required by him regarding the allocation of numbers referred to in subregulation (6) of this regulation.

12. (1) Every package containing eggs, whether for disposal wholesale or retail, shall be legibly marked on the outside either directly on the package or on a wrapper or label attached thereto in a clear and conspicuous manner the name and address of the person, persons, body or marketing or other authority by whom or which the eggs were packed.

(2) Where a package referred to in subregulation (1) of this regulation is not so marked, the contents of the package shall be deemed not to be packed as prescribed.

13. (1) Eggs which have not been marked or branded in accordance with these regulations shall not be packed in the same package as eggs so marked or branded.

(2) Eggs whether intended for cold storage or not shall not be packed in any package which is unclean or which is contaminated by contact or otherwise with any deleterious substance.

(3) Eggs which are wholly or partially washed or wiped with a damp cloth, or eggs which are dry cleaned over an area exceeding fifty per cent. of their surface shall be deemed to be washed.

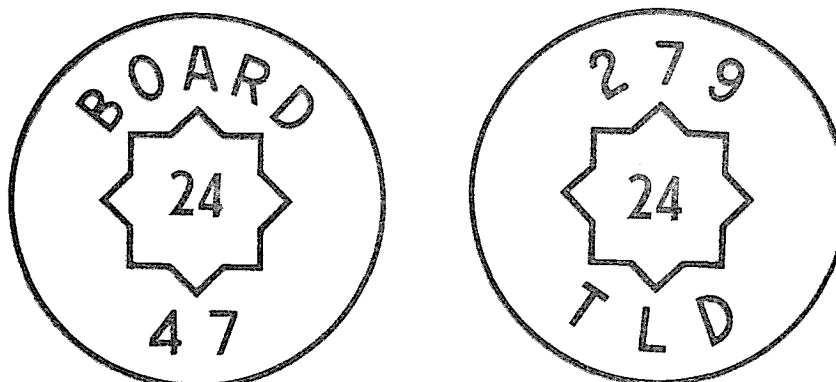
14. Notwithstanding the provisions of paragraphs (f), (g) and (h) of regulation 10 (3) of these regulations, eggs graded, packed and branded for export in conformity with any law of the Commonwealth and in accordance with the requirements of the Commonwealth Department of Trade shall be deemed to comply with the provisions of those paragraphs.

15. Eggs which are not graded or stamped in the manner prescribed by these regulations shall be deemed not to be graded as prescribed.

16. For the purposes of this Part of these regulations any notice or other communication in connection therewith if sent to the Officer in Charge, Poultry Branch, Department of Agriculture, shall be deemed to have been sent to the Director.

Schedule to Part II.
PRESCRIBED EGG BRANDS.

Figure 1.
First Grade 24 oz. Hen Eggs.



(a) If graded by Board.

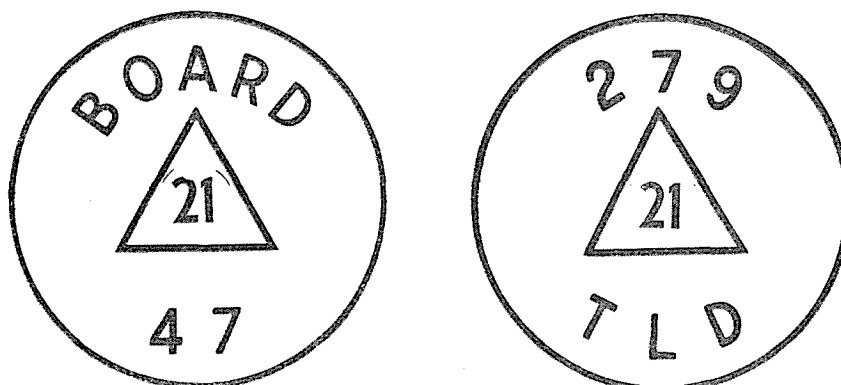
(b) If graded by a person other than Board.

Description.—The numerals “24” must be in heavy open face sans serif capital letters of eight point full face measurements enclosed within an eight pointed star. The apexes of the rays of the star shall be aligned in a line corresponding with the periphery of a circle with a diameter of 5/16ths of an inch and—

- (i) if graded by the Board, the brand must have the word “BOARD” above the star and the number denoting the grading license, number allotted to the officer or employee of the Board who graded the egg below the star (as in diagram (a) above);
- (ii) if graded by a person other than the Board, the brand must have the grading license number allotted to the person grading the egg above the star and the initials of the holder of the relevant certificate of approval below the star (as in diagram (b) above).

All the letters and numerals of the brand other than the numerals “24” must be in light open face sans serif capital letters of six point full face measurement and the entire brand must be enclosed in a single line circle 9/16ths of an inch in diameter.

Figure 2.
First Grade 21 oz. Hen Eggs.



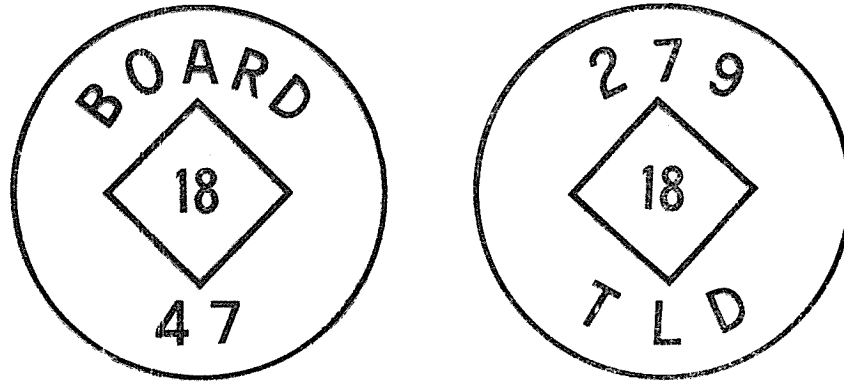
(a) If graded by Board.

(b) If graded by a person other than Board.

Description.—The numerals “21” must be in heavy open face sans serif capital letters of eight point full face measurement enclosed within an equilateral triangle, apex pointing up, having the sides 5/16ths of an inch in length. In all other respects the description relating to Figure 1 applies *mutatis mutandis*.

Figure 3.

First Grade 18 oz. Hen Eggs.



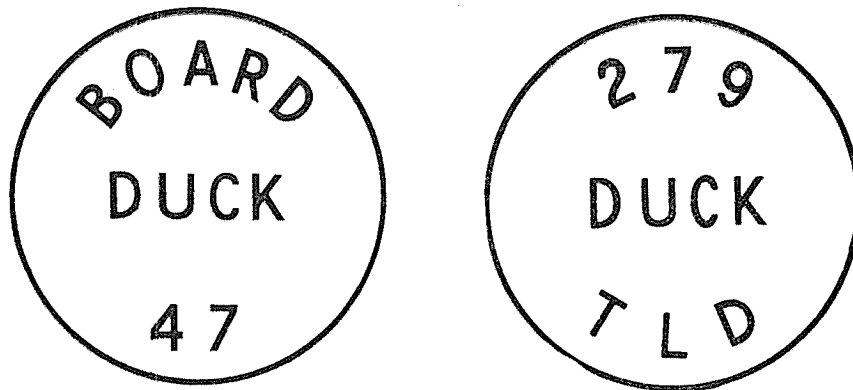
(a) If graded by Board.

(b) If graded by a person other than Board.

Description.—The numerals "18" must be in heavy open face sans serif capital letters of eight point full face measurement enclosed in a square shown diagonally the angles of which are aligned on a line corresponding with the periphery of a circle with a diameter of 5/16ths of an inch. In all other respects the description relating to Figure 1 applies *mutatis mutandis*.

Figure 4.

First Grade Duck Eggs.



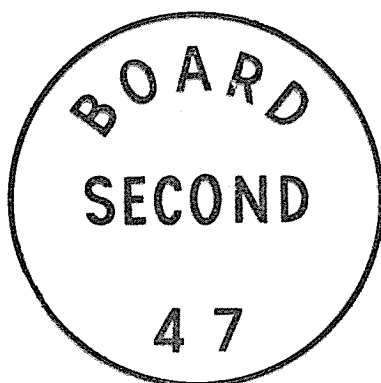
(a) If graded by Board.

(b) If graded by a person other than Board.

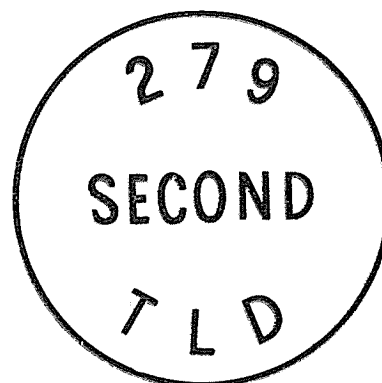
Description.—The description relating to Figure 1 applies *mutatis mutandis* except that in lieu of an eight pointed star enclosing the numerals "24" the word "DUCK" is substituted.

Figure 5.

Second Grade Hen and Second Grade Duck Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

Description.—The description relating to Figure 1 applies *mutatis mutandis* except that in lieu of an eight pointed star enclosing the numerals "24" the word "SECOND" is substituted.

Figure 6.

Chilled First Grade 24 oz. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

Description.—The description relating to Figure 1 applies *mutatis mutandis* except that—

- (i) if the egg is graded by the Board the word "CHILLED" must be substituted for the word "BOARD"; and
- (ii) if the egg is graded by a person other than the Board the word "CHILLED" must be substituted for the initials of the holder of the relevant Certificate of Approval.

Figure 7.

Chilled First Grade 21 oz. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

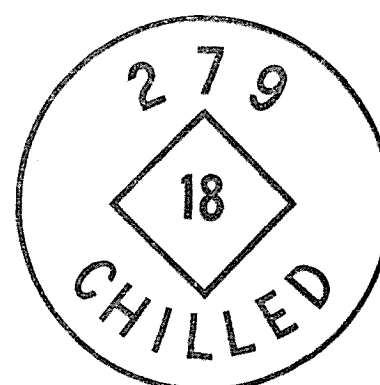
Description.—The description relating to Figure 2 applies *mutatis mutandis* with exceptions as in Figure 6.

Figure 8.

Chilled First Grade 18 oz. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

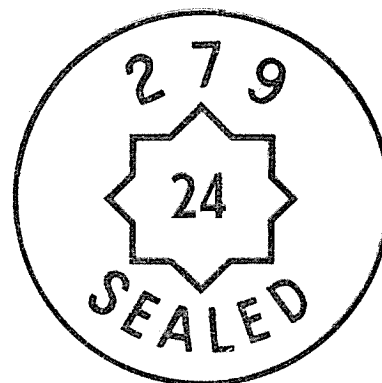
Description.—The description relating to Figure 3 applies *mutatis mutandis* with exceptions as in Figure 6.

Figure 9.

Sealed First Grade 24 oz. Hen Eggs.



(a) If graded by Board.

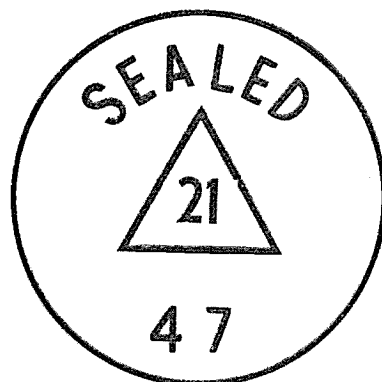


(b) If graded by a person other than Board.

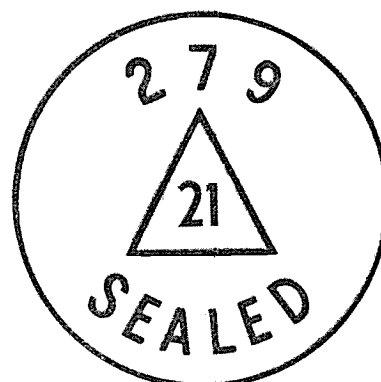
Description.—The description relating to Figure 6 applies *mutatis mutandis* except that in lieu of the word "CHILLED" the word "SEALED" is substituted.

Figure 10.

Sealed First Grade 21 oz. Hen Eggs.



(a) If graded by Board.

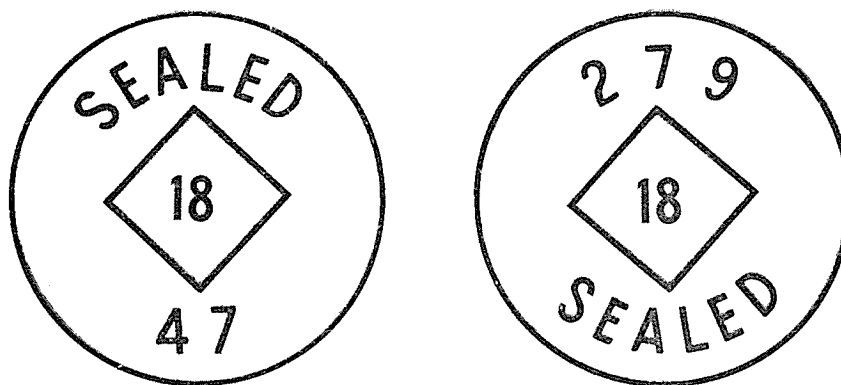


(b) If graded by a person other than Board.

Description.—The description relating to Figure 7 applies *mutatis mutandis* except that in lieu of the word "CHILLED" the word "SEALED" is substituted.

Figure 11.

Sealed First Grade 18 oz. Hen Eggs.



(a) If graded by Board.

(b) If graded by a person other than Board.

Description.—The description relating to Figure 8 applies *mutatis mutandis* except that in lieu of the word "CHILLED" the word "SEALED" is substituted.