



Western Australia

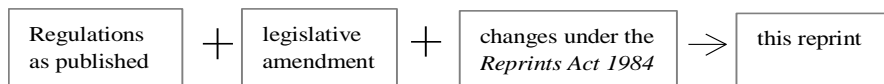
Health Act 1911

# **Health (Garden Soil) Regulations 1998**

**Reprint 1: The regulations as at 13 February 2004**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.





Western Australia

## Health (Garden Soil) Regulations 1998

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Reprinted under the  
*Reprints Act 1984* as  
at 13 February 2004

Western Australia

Health Act 1911

## Health (Garden Soil) Regulations 1998

### 1. Citation

These regulations may be cited as the *Health (Garden Soil) Regulations 1998*<sup>1</sup>.

### 2. Commencement

These regulations come into operation on 1 July 1998.

### 3. Interpretation

In these regulations —

“**garden soil**” means any composted organic material produced with or without soil made to be used in or around a house and includes potting mixes, composts, soil conditioners, mulches and soils for landscaping and general garden use;

“**package**”, in relation to garden soil, means anything that contains or surrounds the garden soil, whether or not the garden soil is completely enclosed;

“**warning notice 1**” means a written notice in the form set out in Schedule 1;

r. 4

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**“warning notice 2”** means a written notice in the form set out in Schedule 1.

*[Regulation 3 amended in Gazette 1 Sep 1998 p. 4814.]*

**4. Application**

These regulations apply to all districts as if they were local laws made under the Act.

**5. Garden soil declared hazardous**

Garden soil is declared to be a hazardous substance.

**6. Warning notice on packaged garden soil**

- (1) A person who sells garden soil in a package must ensure that warning notice 1 or warning notice 2 is printed on or adhered to the exterior surface of the package.
- (2) The warning notice must be written in letters that are —
  - (a) not less than 4.5 mm in height; and
  - (b) clearly visible against the background.

*[Regulation 6 amended in Gazette 1 Sep 1998 p. 4814.]*

**7. Warning notice to be given to purchaser of unpackaged garden soil**

- (1) A person who sells garden soil other than in a package must ensure that warning notice 1 or warning notice 2 is given to the purchaser before or upon the receipt of the garden soil by the purchaser.
- (2) The warning notice must be written in letters that are —
  - (a) not less than 3 mm in height; and
  - (b) clearly visible against the background.

*[Regulation 7 amended in Gazette 1 Sep 1998 p. 4814.]*



**8. Warning notice at a place where unpackaged garden soil is sold**

- (1) A person who sells garden soil other than in a package must ensure that warning notice 1 is clearly visible to any person entering or exiting the place from which the garden soil is sold.
- (2) The warning notice must be written in letters that are —
  - (a) not less than 50 mm in height; and
  - (b) clearly visible against the background.

*[Regulation 8 amended in Gazette 1 Sep 1998 p. 4814.]*

**9. Warning notice not required for plants in garden soil**

Nothing in these regulations requires warning notice 1 or warning notice 2 to be given in relation to the sale of a plant growing in a container of garden soil.

*[Regulation 9 amended in Gazette 1 Sep 1998 p. 4814.]*

**10. Offences and penalties**

A person who contravenes a provision of these regulations commits an offence and is liable to —

- (a) a penalty which is not more than \$1 000 and not less than —
  - (i) in the case of a first offence, \$100;
  - (ii) in the case of a second offence, \$200; and
  - (iii) in the case of a third or subsequent offence, \$500;
- and
- (b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

**Schedule 1 — Warning notices**

[r. 3]

**Warning notice 1**

**Health Warning**

Garden soils contain micro-organisms that may be harmful to your health.  
Always wear gloves, keep damp while in use, avoid inhaling the mix and  
wash your hands after use.

**Warning notice 2**

**Health Warning**

This product contains micro-organisms that may be harmful to your health.  
Avoid breathing dust or mists from this product.  
Wear gloves and keep product moist when handling.  
Wash hands immediately after use.

*[Schedule 1 inserted in Gazette 1 Sep 1998 p. 4814-15.]*



**Notes**

- <sup>1</sup> This reprint is a compilation as at 13 February 2004 of the *Health (Garden Soil) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

| <b>Citation</b>   | <b>Gazettal</b>           | <b>Commencement</b>   |
|---|---------------------------|-----------------------|
| <i>Health (Garden Soil) Regulations 1998</i>  | 17 Mar 1998<br>p. 1414-15 | 1 Jul 1998 (see r. 2) |
| <i>Health (Garden Soil) Amendment Regulations 1998</i>  | 1 Sep 1998<br>p. 4813-15  | 1 Sep 1998            |
| <b>Reprint 1: The <i>Health (Garden Soil) Regulations 1998</i> as at 13 Feb 2004</b> (includes amendments listed above) |                           |                       |