



Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Garden Soil) Regulations 1998

Health (Garden Soil) Regulations 1998

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Health (Garden Soil) Regulations 1998

1. Citation

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

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;

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

[Regulation 3 amended: 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: 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: 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: 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: 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: Gazette 1 Sep 1998 p. 4814-15.]

Notes

- ¹ 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

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

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
garden soil.....	3
package	3
warning notice 1.....	3
warning notice 2.....	3