
HEALTH

HE301*

HEALTH ACT 1911

HEALTH (GARDEN SOIL) REGULATIONS 1998

Made by the Governor in Executive Council.

Citation

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

Commencement

2. These regulations come into operation on 1 July 1998.

Interpretation

3. 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**” means a written notice as set out in Schedule 1.

Application

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

Garden soil declared hazardous

5. Garden soil is declared to be a hazardous substance.

Warning notice on packaged garden soil

6. (1) A person who sells garden soil in a package must ensure that a warning notice 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.

Warning notice to be given to purchaser of unpackaged garden soil

7. (1) A person who sells garden soil other than in a package must ensure that a warning notice 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.

Warning notice at a place where unpackaged garden soil is sold

8. (1) A person who sells garden soil other than in a package must ensure that a warning notice 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.

Warning notice not required for plants in garden soil

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

Offences and penalties

10. 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 NOTICE

[reg. 4]

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.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
