



Western Australia

Health (Miscellaneous Provisions) Act 1911

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

These regulations were repealed by the *Health Regulations Repeal Regulations (No. 3) 2024* r. 3(c) on 4 Jun 2024 (see SL 2024/67 r. 2(b)).



## Health (Garden Soil) Regulations 1998

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#### **Defined terms**



## Health (Garden Soil) Regulations 1998

### 1. Citation

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

### 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

This is a compilation of the *Health (Garden Soil) Regulations 1998* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

Citation	Published	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
<b>Reprint 1: The <i>Health (Garden Soil) Regulations 1998</i> as at 13 Feb 2004</b> (includes amendments listed above)		
<b>These regulations were repealed by the <i>Health Regulations Repeal Regulations (No. 3) 2024 r. 3(c)</i> on 4 Jun 2024 (see SL 2024/67 r. 2(b))</b>		

## Defined terms

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

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
garden soil.....	3
package .....	3
warning notice 1.....	3
warning notice 2.....	3

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