Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Garden Soil) Regulations 1998

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Western Australia

Health (Miscellaneous Provisions) Act 1911

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** |
| --- | --- | --- |
| *Health (Garden Soil) Regulations 1998* | 17 Mar 1998 p. 1414‑15 | 1 Jul 1998 (see r. 2) |
| *Health (Garden Soil) Amendment Regulations 1998* | 1 Sep 1998 p. 4813‑15 | 1 Sep 1998 |
| **Reprint 1: The *Health (Garden Soil) Regulations 1998* 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