



Western Australia

Health (Miscellaneous Provisions) Act 1911

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



# 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. For provisions that have not yet come into operation see the uncommenced provisions 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)		

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

Citation	Published	Commencement
<i>Health Regulations Repeal Regulations (No. 3) 2024</i> r. 3(c)	SL 2024/67 1 May 2024	4 Jun 2024 (see r. 2(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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