
Garden soil regulation review

Overview

The key focus of this review is to obtain feedback on the most effective option for managing the public health risk associated with commercial packaged and bulk garden soils in Western Australia.

Commercial garden soils which include packaged potting mixes and bulk soil supplies have been associated with a number of cases of Legionnaires' disease in WA, as a result of exposure to the bacteria *Legionella longbeachae*. This public health risk is currently managed under the **Health (Garden Soil) Regulations 1998**

<https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1553_homepage.html> (Garden Soils Regulations), which requires warning labels to be included on packaged materials or for signage to be displayed in prominent locations at bulk soil suppliers.

The **Garden Soil Regulation Review Discussion Paper** reviews the management of this public health risk to determine the best option for WA in the future.

It is important that you read the discussion paper prior to completing the survey.

The survey should take approximately 15 minutes to complete.

You do not have to comment on all the questions, and can focus on those areas that are important to you.

You can read the **survey questions** here prior to completing the online survey.

Why we are consulting

In the lead up to stage 5 of implementation of the **Public Health Act 2016** <<https://health.us7.list-manage.com/track/click?u=bbc68d42eff51a06d25cb71db&id=7a3547c786&e=20844c296a>> in WA, WA Health must review the Garden Soil Regulations to determine whether this public health risk must continue to be regulated under the framework provided by the Public Health Act, or whether the risks can be effectively managed through an alternative approach such as other State legislation, a guideline or a local law.

This paper identified two options for consideration for WA:

Option A: Enable the industry to self-regulate by providing an industry guideline.

Option B: Develop new regulations to manage public health risks associated with garden soils

You also have the opportunity to provide feedback on alternative options that may not have been considered as part of this review.

Introduction

The questions below relate to your personal information and who you represent. This information helps WA Health to ensure we have consulted with the right people.

Your details will be included in the consultation summary report unless you indicate that you would like your response to be confidential.

The summary report will be made available on WA Health's website.

1 What is your name?

Name (Required)

2 What is your email address?

Email (Required)

3 Please indicate who you represent?

(Required)

Please select only one item

- Local government State government Industry representative
 Member of the public Other

4 What is the name of the organisation you represent? If you are a member of the public please type 'public'.

(Required)

5 Would you like this response to be confidential?

(Required)

Please select only one item

No Yes

Preferred option

The Garden Soil Regulation Review Discussion Paper considers two options for WA.

- **Option A:** Enable the industry to self-regulate by providing an industry guideline.
- **Option B:** Develop new regulations to manage public health risks associated with garden soils

The consultation process also enables you to identify alternative options that have not been considered as part of this review.

6 Please indicate your preferred option for managing the public health risk associated with commercial packaged and bulk garden soils.

(Required)

Please select all that apply

Option A - Enable the industry to self-regulate. Provide an industry guideline.

Option B - Develop new regulations to manage the public health risk associated with garden soils

None of these options

7 Based on your answer to the previous question, please explain why this is your preferred option.

Option 1 - Guideline

Option 1 discusses the development of an industry guideline for commercial packaged and bulk garden soils. Such a document would:

1. provide an overview of the risks of garden soils and Legionnaires' disease
2. include example templates for warning label requirements for packaged and bulk garden soil suppliers in accordance with current Australian Standards

A guideline would assist industry to comply with 'acceptable practices' to ensure they are complying with the general public health duty under the *Public Health Act 2016*.

The general public health duty requires that:

A person must take all reasonable and practicable steps to prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by the person.

In essence, we all have a legal responsibility to protect other people from harm.

If a person is found to breach the general duty by putting other people's health at risk, further enforcement action can be taken under the Public Health Act.

- 8** If option 1 is your preferred option, do you have any suggestions on the information that should be included in an industry guideline? Including links to useful resources to consider?

Option 2 - New regulation

Option 2 considers the potential to draft a new regulation. A new regulation would:

1. specify current warning label requirements for packaged and bulk garden soils in accordance with the relevant Australian Standards
2. provide for the issuing of infringement notices for non-compliance by local government authorised officers
3. specify roles and responsibilities of local government enforcement agencies. These would be limited.

9 If option 2 is your preferred option, do you have any suggestions on what should or should not be included in regulation? Please share links or other useful resources that should be considered.

Option 2 suggestions

Alternative options

Do you have any suggestions for alternative options that have not been considered in the discussion paper?

10 Please provide details of any alternative options below. Please explain your ideas by providing examples of complaints, case studies, data or other useful evidence.

alternative options

Additional comments

11 Do you have any other comments about minimising the public health risk related to commercial garden soils in WA?

A large, empty rectangular box with a thin black border, intended for the respondent to provide their comments on minimizing public health risks from commercial garden soils in Western Australia.