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Harmful Gases, Vapours, Fumes, Mists, Smokes and Dust Regulations
1945

[Extract from the *Victoria Government Gazette*, No. 21,
dated 7th February, 1945.]

Health Acts.
DEPARTMENT OF HEALTH, VICTORIA.
COMMISSION OF PUBLIC HEALTH.

*At the Executive Council Chamber, Melbourne, the
sixth day of February, 1945.*

PRESENT:

The Lieutenant-Governor, as Deputy for His Excellency the
Governor of Victoria.

Mr. Hyland
Mr. Oldham

Mr. Tuckett.

HARMFUL GASES, VAPOURS, FUMES, MISTS, SMOKES AND
DUSTS REGULATIONS 1945.

WHEREAS the presence of certain gases, vapours, fumes, mists, smokes or dusts in excessive quantities in the air inhaled by persons is likely to endanger or impair the health of such persons: And whereas such gases, vapours, fumes, mists, smokes or dust may be manufactured produced or used in various processes or occupations: And whereas such manufacture production or use may endanger or impair the health of persons engaged in such processes or in such occupations or of other persons: And whereas it is necessary in order to safeguard the public health and the health of persons engaged in such processes and in such occupations that the quantities of such gases, vapours, fumes, mists, smokes, or dusts in the air inhaled by persons shall be limited to quantities which will not endanger or impair health: And whereas it is provided amongst other things by section 95 of the *Health Act* 1928 as re-enacted by section 10 of the *Health Act* 1941 that the Governor in Council may make regulations safeguarding the public health and the health of persons engaged in such processes and occupations as are likely to endanger or impair health: Now therefore by virtue of and pursuant to such powers and all other powers enabling him in that behalf the Lieutenant-Governor, as deputy for His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby make the Regulations following (that is to say):—

1. These Regulations may be cited as the Harmful Gases, Vapours, Fumes, Mists, Smokes and Dusts Regulations 1945 and shall come into operation upon publication thereof in the *Government Gazette*.
2. These Regulations shall not apply to any processes or occupations carried on or performed in any premises or part of any premises, building, house, ship, yard or place of any kind owned occupied or used by the Commonwealth of Australia.
3. In these Regulations, unless inconsistent with the context or subject-matter—

“Concentration” in the case of gases or vapours means the volume of the gas or vapour in one million volumes of air containing the gas or vapour; and in the case of fumes,

mists, smokes, or dusts, unless otherwise stated, means the number of milligrams of the substance present in one cubic metre of air or the number of particles of greatest dimension less than 10 microns in one cubic foot of air, as the case may be. In the case of cadmium, lead, manganese and mercury, the amounts set out under the heading of Column Three of the Schedule to these Regulations refer to the element itself or to the amount of the element in any of its compounds. In the case of chromic acid, chromates and bichromates the amounts set out under the heading of Column Three of the said Schedule refer to milligrams of chromic acid anhydride (CrO_3) per cubic metre.

(NOTE.—1 micron = one thousandth part of a millimetre.)

"Respirator" means a device covering or partly covering the face by means of which any or all of the following types of matter namely gases, vapours, fumes, mists, dusts and smokes are removed from the air breathed by the wearer.

"Suction Exhaust Apparatus" means an arrangement of hood and ducts through which by means of a power-driven fan air is drawn from the vicinity of the apparatus or process in relation to which it is installed.

"Distant Breathing Apparatus" means an arrangement of face mask equipped with the necessary valves and fitted with a hose connected in such a way and of such a length that the distal end of the hose may be placed in fresh air uncontaminated by any gas, vapour, fume, mist, smoke or dust which may be in the vicinity of the wearer thereof.

"Positive Pressure Air Mask" means an arrangement of face mask or hood and a hose connected thereto through which fresh air may be supplied to the wearer by a compressed air cylinder or compressor.

Words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular, unless the contrary as to gender or number is expressly provided.

4. (1) (a) An occupier of any premises or part of any premises in which the substances set out in Column One of the Schedule to these Regulations are manufactured, produced or used; and

(b) an employer of any person employed by him in or on any premises, building, house, ship, yard or place of any nature in which the substances set out in Column One of the said Schedule are manufactured, produced or used—

shall not cause or allow concentrations of the said substances in excess of the quantities set out in Columns Two, Three and ~~Four~~ respectively of the said Schedule (as the case may be) to be present in the air likely or liable to be inhaled by persons operating or using any equipment or apparatus in any way engaged upon or carrying out any process or by persons in the vicinity of such equipment or apparatus or the place where the process is being carried on or performed.

(2) Such occupier or employer shall install suction exhaust apparatus in connexion with any equipment, apparatus or process which would in the absence of such suction exhaust apparatus cause concentrations in excess of the quantities set out in Columns Two, Three or Four of the said Schedule (as the case may be) to be present in the air likely or liable to be inhaled by persons operating or using any such equipment or apparatus or by persons engaged upon or carrying out such process or by persons in the vicinity of such equipment or apparatus or the place where the process is being carried on or performed.

Provided however that in any case where it is impracticable to install such suction exhaust apparatus the said occupier or employer, for the purposes of complying with the foregoing provisions, shall install a suitable system of ventilation approved in writing by the Minister.

(3) (a) In any case where he is authorized so to do in writing by the Minister such occupier or employer, in lieu of installing suction exhaust apparatus or a suitable system of ventilation in accordance with the preceding clause of this regulation, shall provide respirators distant breathing apparatus or positive pressure air masks for use by all persons operating or using the equipment or apparatus, by all persons in any way engaged upon or carrying out the process concerned, or by all persons in the vicinity of the equipment or apparatus or of the place where the process is being carried on or performed.

(b) Every person so provided with a respirator distant breathing apparatus or positive pressure air mask shall use such apparatus or mask at all times when operating or using the equipment or apparatus in respect of which such provision is made, or when engaged upon or carrying out such process in respect of which such provision is made, or when in the vicinity of the said equipment or apparatus or of the place where the said process is being carried on or performed (as the case may be).

5. In any case where the length of time in which any of the respective persons referred to in the preceding regulation are operating or using any equipment or apparatus, or are in any way engaged upon or carrying out any process, or are in the vicinity of such equipment or apparatus or of the place where such process is being carried on or performed, is so short as not to endanger or impair the health of any of such persons the Minister may certify in writing for such period as he deems proper and advisable that it shall not be necessary for the said occupier or employer (as the case may be) to comply with these Regulations.

6. Where the installation of suction exhaust apparatus is required by these Regulations the intake hood of such apparatus shall be installed as nearly as practicable to the source at which the gases, vapours, fumes, mists, smokes or dusts enter the air.

7. Any person doing any act forbidden to be done, or failing to do any act directed to be done by these Regulations, shall be guilty of an offence against these Regulations and shall be liable to a penalty of not more than Twenty pounds and in the case of a continuing offence a further daily penalty of not more than Five pounds but so that the total of such penalties shall not exceed One hundred pounds.

SCHEDULE.

Column One. Substances.	Column Two. Volumes of Gas or Vapour per Million Volumes of Air.	Column Three. Milligrams of Substance per Cubic Metre of Air.	Column Four. Particles per Cubic Foot of Air.
Ammonia	100	..	..
Amyl Acetate	400	..	..
Aniline	2	..	..
Arsine	1	..	..
Benzene	50	..	..
Calcium	..	6.1	..
Butyl Acetate	400	..	..
Carbon Disulphide	10	..	..
Carbon Monoxide	70	..	..
Carbon Tetrachloride	25	..	..
Chlorine	1	..	..
Chloronaphthalene	..	1.5	..
Chromic Acid—	}	0.1	..
Chromate			
Bichromate	..	..	..
Dichlorobenzene	75	..	..
Dichloroethyl ether	15	..	..
Diethylmercury	0.01	..	..
Ether	400	..	..
Ethylene Dichloride	100	..	..
Formaldehyde	20	..	..
Gasoline (Petrol)	800	..	..
Hydrochloric Acid	10	..	..
Hydrogen Cyanide	20	..	..
Hydrogen Fluoride	3	..	..
Hydrogen Sulphide	20	..	..
Lead	..	0.15	..
Manganese	..	6	..
Mercury	..	0.1	..
Methanol	100	..	..
Monochlorobenzene	75	..	..
Nitrobenzene	1	..	..
Nitrous Oxides	10	..	..
Nitrous Fumes			
Ozone	0.2	..	..
Phosgene	1	..	..
Phosphine	2	..	..
Sulphur Dioxide	10	..	..
Tetrachlorethane	1.5	..	..
Tetrachlorethylene	200	..	..
Toluene	100	..	..
Trichlorethylene	200	..	..
Turpentine	200	..	..
Xylene; Coal Tar Naphtha	100	..	..
Zinc Oxide Fume	..	15	..
Chlorodiphenyl	..	1	..
Acrylonitrile	20	..	..
Asbestos	..	..	5,000,000

And the Honorable Ian Macfarlan, His Majesty's Minister of Health for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.