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Crown Law Department,
Perth, 25th January, 1965.

THE undermentioned regulations made under the provisions of the Health Act, 1911, and amended from time to time prior to the 1st December, 1964, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

HEALTH ACT, 1911.

TOXIC AND HAZARDOUS SUBSTANCES REGULATIONS.

Published in the *Government Gazette* on the 16th April, 1957, and incorporating the amendments thereto published in the *Government Gazette* on the 1st July, 1957, the 5th March, 1958, the 30th December, 1963 and the 15th October, 1964; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice, dated 25th January, 1965.

HEALTH ACT, 1911

Toxic and Hazardous Substances Regulations.

- Citation. 1. These regulations may be cited as the Toxic and Hazardous Substances Regulations.
- Interpretation. 2. In these regulations, unless the context otherwise requires—
 Amended by G.G. 5/3/58, p. 447.
 “hazardous substance” means any substance specified in Schedule C and includes any substance, article or thing which contains as an ingredient a substance so specified;
 “paint” includes any substance used or intended for use by application, as a colouring or protective coating to any surface, and any substance used in the composition of paint;
 “soluble lead” means any compound of lead which is used in the composition of paint and which, after the paint is freed as far as possible in accordance with the treatment prescribed in subregulation (2) of regulation 7 from the water, turpentine, oil, varnish, size or other adhesive or water-proofing substance with which it is mixed, dissolves when the residual substance of the paint is treated in accordance with the provisions of paragraph (c) of subregulation (2) of regulation 7;
- Schedule A. “toxic substance” means any substance specified in Schedule A and includes any substance, article or thing which contains as an ingredient a substance so specified.
- Application. 3. These regulations shall apply and have effect in the districts specified in Schedule B to these regulations.
- Use and sale of lead nipple shield prohibited. 4. A person shall not use, or sell or give to any other person for use by that other person any nipple shield of which lead or any compound of lead is a component.
- Possession, manufacture, etc., of paint containing soluble lead subject to requirements in Reg. 6. 5. On and after the 1st January, 1958, a person shall not have in his possession, manufacture, sell or distribute for sale or otherwise to any other person, any paint which contains soluble lead unless the requirements specified in regulation 6 are complied with.
- Amended by G.G. 1/7/57, p. 2182.
- Requirements relating to paint containing soluble lead. 6. (1) The paint referred to in regulation 5 of these regulations shall be kept or packed in suitable containers or packages which shall be labelled as follows:—
 (a) If the paint contains one per centum of soluble lead, or more, but does not contain more than five per centum of soluble lead, a label bearing the statement—
 This Paint contains
SOLUBLE LEAD NOT MORE THAN 5%
 printed thereon shall be securely affixed to the outside of the container or package in which the paint is kept or packed.
 (b) If the paint contains more than five per centum of soluble lead, a label bearing the statement—
 This Paint contains
SOLUBLE LEAD MORE THAN 5%
 printed thereon shall be securely affixed to the outside of the container or package in which the paint is kept or packed.
- Sub. by G.G. 1/7/57, p. 2182.

(2) If the paint contains soluble lead which is less than one per centum of the contents, a label bearing the statement—

LEAD FREE

printed thereon may be affixed to the outside of the container or package in which the paint is kept or packed.

(3) (a) The statements referred to in paragraphs (a) and (b) of subregulation (1) of this regulation, and, if a label is affixed in accordance with subregulation (2) of this regulation the statement in that label, shall be incorporated in the main face label of the container or package or printed on a sticker which shall be securely attached to the label or outside of the container or package in a prominent position.

(b) The statements referred to in paragraph (a) of this subregulation shall be printed in bold face sans serif letters, but the measurement of the letters contained in the passages—

“SOLUBLE LEAD NOT MORE THAN 5%,” “SOLUBLE LEAD MORE THAN 5%” and “LEAD FREE”

shall be as follows:—

- (i) If the paint is kept in containers of under one pint capacity—not less than 8 points.
- (ii) If the paint is kept in containers of a capacity of one pint or more but less than one quart—not less than 10 points.
- (iii) If the paint is kept in containers of a capacity of one quart or more, but less than two quarts—not less than 12 points.
- (iv) If the paint is kept in containers of a capacity of two quarts or more—not less than 30 points.

Method of
ascertaining
soluble lead
content of
paint.

7. (1) For the purpose of ascertaining whether and in what proportions soluble lead is contained in any paint, the paint shall be subjected to the treatment prescribed in subregulation (2) of this regulation.

(2) (a) If the paint is mixed with water, turpentine, oil, varnish, size, or other adhesive or water-proofing substance, it shall first be freed from that substance by drying or by treatment with ether, petroleum spirit, alcohol, water or other neutral solvent or solvents.

(b) If the residual substance so obtained contains insoluble varnish material, size or other similar material which cannot be removed except by the action of reagents which affect the other constituents of the residual substance, the proportion of that varnish material, size or other material shall be ascertained by suitable means and deducted from the weight of the residual substance referred to in this paragraph so that the percentage of soluble lead found to be present in that substance freed as far as reasonably possible from moisture, varnish material, size or other similar material could be calculated or ascertained.

(c) The residual substance referred to in paragraph (b) of this subregulation having been dried and so treated shall be thoroughly mixed and continuously stirred for one hour at a temperature of 25 degrees centigrade and at a rate just sufficient to keep the whole of the pigment in continuous suspension with 500 grammes of an aqueous solution of hydrogen chloride containing 0.25 per centum of hydrogen chloride.

(d) The solution so obtained shall be allowed to stand for one hour and then filtered.

(e) The total amount of lead in this process dissolved in the 500 grammes of the aqueous solution and calculated as monoxide of lead, shall be taken as the amount of soluble lead compound in the half gramme of the dried residual substance and the percentage of the soluble lead shall be calculated accordingly.

Added by
G.G. 5/3/58,
p. 448.

7A. On and after the 15th day of April, 1958, a person shall not have in his possession for sale, sell or distribute for sale to any other person, any toy which is manufactured wholly or partly from any substance containing or made up from cellulose nitrate or material containing cellulose nitrate, including the substance known as celluloid or xylonite, unless the requirements specified in regulation 7B are complied with.

Added by
G.G. 5/3/58,
p. 448.

7B. (1) A toy referred to in regulation 7A shall bear a printed label clearly visible to the purchaser bearing the statement—

Warning

Celluloid

Highly Inflammable

printed thereon.

(2) The word "warning" in the statement referred to in sub-regulation (1) of this regulation shall be in sans serif capital letters of not less than eight points face measurement.

Added by
G.G. 30/12/63,
p. 4012.
Sub. by
G.G. 15/10/64,
p. 3529.

7C. (1) On and after the 1st day of January, 1965, a person shall not sell, hire, offer or expose for sale or hire, any refrigeration equipment in which methyl chloride is used.

(2) On and after the 1st day of September, 1967, a person shall not—

(a) add methyl chloride to any refrigeration equipment;
or

(b) replace any methyl chloride used in any refrigeration equipment with or by methyl chloride.

Penalty.

8. A person who commits a breach of any of these regulations commits an offence.

Penalty: Twenty Pounds.

Reg. 2.

Schedule A.

Toxic Substances.

Lead (including any compound of lead).

Reg. 3.

Schedule B.

Health Districts.

Municipal Districts.

Albany, Boulder, Bunbury, Carnarvon, Claremont, Cottesloe, Fremantle, Fremantle East, Fremantle North, Geraldton, Guildford, Kalgoorlie, Midland Junction, Narrogin, Nedlands, Northam, Perth, Subiaco, South Perth, York and Wagin.

Road Board Districts.

Albany, Armadale-Kelmscott, Ashburton, Augusta-Margaret River, Balingup, Bassendean, Bayswater, Belmont Park, Beverley, Black Range, Bridgetown, Brookton, Broome, Broomehill, Bruce Rock, Busselton, Canning, Capel, Carnamah, Chittering, Cockburn, Collie Coalfields, Coolgardie, Corrigin, Cranbrook, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dardanup, Darling Range, Denmark, Dowerin, Drakesbrook, Dumbleyung, Dundas, Esperance, Gascoyne-Minilya, Geraldton-Greenough, Gingin, Gnowangerup, Goomalling, Gosnells, Greenbushes, Halls Creek, Harvey, Irwin, Kalgoorlie, Katanning, Kellerberrin, Kojonup, Kondinin, Koorda, Kulin, Kununoppin-Trayning, Kwinana, Lake Grace, Laverton, Leonora, Mandurah, Manjimup, Marble Bar, Marradong, Meekatharra, Melville, Menzies, Merredin, Mingenew, Moora, Morawa, Mosman Park, Mt. Marshall, Mt. Magnet, Mukinbudin, Mullewa, Mundaring, Murchison, Murray, Nannup, Narembeen, Narrogin, Northam, Northampton, Nullagine, Nungarin, Nyabing-Pingrup, Peppermint Grove, Perenjori, Perth, Phillips River, Pingelly, Plantagenet, Port Hedland, Preston, Quairading, Rockingham, Roebourne, Serpentine-Jarrahdale, Shark Bay, Swan, Tableland, Tambellup, Tammin, Three Springs, Toodyay, Upper Blackwood, Upper Chapman, Upper Gascoyne, Victoria Plains, Wagin, Wandering, Wanneroo, West Arthur, West Kimberley, Westonia, Wickepin, Williams, Wiluna, Wongan-Ballidu, Woodanilling, Wyalkatchem, Wyndham, Yalgoo, Yilgarn and York.

Added by
G.G. 5/3/58,
p. 448.

Schedule C.

Hazardous Substances.

Amended by
G.G. 30/12/63,
p. 4012.

Substances containing or made up from cellulose nitrate or material containing cellulose nitrate, including the substance known as celluloid or xylonite, methyl chloride.