

VICTORIA.



ANNO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 6818.

An Act to Safeguard the Public from the Effects caused by or arising out of any Dangerous Substance or Irradiating Apparatus.

[12th December, 1961.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Health (Dangerous Substances) Act 1961*. Short title.

(2) The *Health Act 1958* is in this Act called the Principal Act. Principal Act No. 6270.

2. (1) In the Table in section one of the Principal Act in the portion relating to Division 2 of Part V, after the expression "Dangerous Trades," there shall be inserted the expression "Dangerous Substances,". Amendment of s. 1.

(2) For the heading preceding section one hundred and six of the Principal Act there shall be substituted the following heading :— New heading to Part V. Division 2.

" DIVISION 2.—DANGEROUS TRADES, DANGEROUS SUBSTANCES, ETC."

3. In

Amendment of
s. 106.

3. In section one hundred and six of the Principal Act after the definition of "Dangerous trade" there shall be inserted the following definitions :—

" Dangerous
substance."

" Dangerous substance " includes any radio-active substance.

" Irradiating
apparatus."

" Irradiating apparatus " means apparatus capable of producing ionizing radiation.

" Radiation "
or " Ionizing
Radiation ".

" Radiation " or " Ionizing Radiation " means energy that is propagated in the form of X-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles, and includes :—

(i) " Primary radiation " which means radiation coming directly from a radio-active substance or irradiating apparatus ;

(ii) " Secondary radiation " which means radiation other than primary radiation that is emitted by any matter irradiated by primary radiation ;

(iii) " Scattered radiation " which means radiation which during passage through a substance has been deviated in direction, notwithstanding that it may have been modified by an increase in wave length, including—

(a) " Side scattered radiation ", that is radiation which is scattered in directions approximately at right angles to the direction of the primary beam ;

(b) " Back scattered radiation ", that is radiation which is scattered in directions approximately opposite to the direction of the primary beam ;

(iv) " Useful beam " which means that part of the primary and secondary radiation which passes through the aperture cone or other device for collimating the beam of radiation ;

(v) " Leakage radiation " which means all primary radiation except the useful beam ;

(vi) " Stray radiation " which means radiation not serving any useful purpose and includes leakage radiation and secondary radiation from irradiated objects—

but it does not include energy propagated by means of sound or radio waves or visible rays or infra red rays or ultra violet rays.

" Radiation
hazard."

" Radiation hazard " means the danger to health arising from exposure to ionizing radiation whether such

danger

danger is due to radiation arising from sources outside the human body or to radiation from radio-active substances within the body.

“Substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour and includes any article or compound whether it has or has not been subject to any artificial treatment or process.’ “Substance.”

4. Section one hundred and eight of the Principal Act shall be amended as follows :— Amendment of s. 108.

(a) For the expression “108.” there shall be substituted the expression “108. (1)”.

(b) After paragraph (e) of sub-section (1) there shall be inserted the following paragraphs :—

“(ea) Issuing, refusing to issue, cancelling renewing or varying licences by the Commission in respect of dangerous substances or irradiating apparatus and the conditions under which any such licence may be granted or remain in force ;

(eb) Inspecting any place keeping or suspected of keeping any dangerous substance or irradiating apparatus, testing any substance or apparatus found in that place and removing any substance for analysis or examination ;

(ec) Authorizing the Commission to direct that any person or class of persons who in the opinion of the Commission is or is likely to be exposed to a radiation hazard in the course of employment shall, prior to commencing employment, at any time or times or at such intervals of time during employment as required by the Commission and on termination of employment, be medically examined to determine the extent, if any, of the exposure to such hazard ;

(ed) Authorizing the Commission to determine the type and frequency of medical examinations to be held in examining persons exposed to or likely to be exposed to a radiation hazard and to keep records of the results of such examinations ;

(ee) Authorizing the Commission to exempt from any or all of the provisions of this Division or any regulations made under this Division any dangerous substance or irradiating apparatus which it considers to be without significant hazard and to permit the labelling of any substance or apparatus to indicate such exemption ;

(ef) Authorizing

- (ef) Authorizing the Commission to exempt from medical examination any person or class of persons who may otherwise be required pursuant to this Division or any regulations made under this Division to undergo such examination ;
- (eg) Imposing a penalty of not more than Three hundred pounds for the contravention of or failure to comply with the provisions of any regulation made pursuant to the provisions of this Division relating to any dangerous substance or irradiating apparatus and in the case of a continuing offence to a further daily penalty of not more than Ten pounds but so that the total amount of such penalty shall not exceed Five hundred pounds ;
- (eh) Prohibiting or controlling the possession or use of any dangerous substance or irradiating apparatus and the sale transport storage or disposal of any dangerous substance or generally safeguarding the public or any section of the public from any effects caused by or relating to any dangerous substance or irradiating apparatus.”
- (c) After sub-section (1) there shall be inserted the following sub-section :—

“(2) Any regulation which purports to have been made by the Governor in Council under the *Health Act 1958* as in force before the commencement of the *Health (Dangerous Substances) Act 1961* and which has not been specifically revoked, notwithstanding that it may have been beyond the power to make regulations in existence at the time at which it purports to have been made, shall, if such a regulation might validly be made under any provision of this Act, have after the said commencement the same force and effect as if it were made under that provision of this Act.”

Saving of
certain
existing
regulations.