



Victoria Government Gazette

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Radiation Act 2005

NOTICE OF EXEMPTION UNDER SECTION 16 FROM THE REQUIREMENT TO HOLD A USE LICENCE IN RESPECT OF A TANNING UNIT

1. In this Notice:
'management licence holder' has the same meaning as in the Act;
'tanning unit' has the same meaning as in the Radiation (Tanning Units Amendment) Interim Regulations 2007;
'the Act' means the **Radiation Act 2005**;
'use' has the same meaning as in the Act.
2. I, Fran Thorn, Secretary to the Department of Human Services, being satisfied that the radiation use specified in this Notice will not pose a significant risk to the health or safety of any person or the safety of the environment, hereby give Notice under section 16(1)(b) of the Act that I have exempted the class of natural persons specified in this Notice from the requirement to hold a use licence in respect of the use of a radiation source specified in this Notice, subject to the terms, conditions and limitations specified in this Notice.

Class of persons

3. This exemption from the requirement to hold a use licence applies to all natural persons who use a tanning unit in the course of their work and who have received the training described at paragraph 24 of this Notice.

Radiation use

4. This exemption applies to the use of a tanning unit.

Terms, conditions and limitations

Assessment of client's skin

5. Before exposing a client to ultraviolet radiation from a tanning unit, the user must assess whether a client has skin type 1, skin type 2, skin type 3 or skin type 4.
6. In this Notice:
'skin type 1' means fair skin which always burns and which does not tan after exposure to ultraviolet radiation. People with skin type 1 often have red hair and freckled skin;
'skin type 2' means fair skin which nearly always burns after exposure to ultraviolet radiation and tans slightly after repeated exposure to ultraviolet radiation;
'skin type 3' means dark skin that seldom burns after exposure to ultraviolet radiation and increasingly tans after repeated exposures;
'skin type 4' means dark skin that tans deeply and quickly after exposure to ultraviolet radiation and hardly ever burns after exposure to ultraviolet radiation.
7. The user must ask the client if she or he has been exposed to ultraviolet radiation from a tanning unit within the previous 48 hours.

Supervision

8. The user must supervise a client's exposure to ultraviolet radiation from a tanning unit. In this Notice, supervision requires that the user be within earshot of the client at all times but does not require the user to be constantly in the same room as the client.

Restrictions on who can be exposed to ultraviolet radiation from a tanning unit

9. The user must not expose a client who has skin type 1 to ultraviolet radiation from a tanning unit.

SPECIAL

10. The user must not deliberately expose himself or herself to ultraviolet radiation from a tanning unit for the purpose of obtaining a tan.
11. The user must not expose a person who is less than 16 years of age to ultraviolet radiation produced by a tanning unit.
12. The user must not expose a client who is at least 16 years of age but less than 18 years of age to ultraviolet radiation produced by a tanning unit unless the client's parent or guardian has signed and dated the consent form shown in the Appendix to the Notice.
13. Clause 12 does not apply if the client's parent has signed and dated the form set out in the Appendix to this Notice within the last 12 months and the user knows or reasonably believes that his or her employer has retained that form.
14. Clause 12 does not apply if, prior to exposing the client to ultraviolet radiation from a tanning unit, the user had seen an evidence of age document of the client indicating that the client is of or over the age of 18 years. The term '**evidence of age document**' has the same meaning as in the **Tobacco Act 1987**.
15. The user must not expose more than one person to ultraviolet radiation from a tanning unit at any one time.
16. The user must not expose a client to ultraviolet radiation produced by a tanning unit unless the person has completed the client consent form shown in the Appendix to this Notice.
17. Clause 16 does not apply if the client has signed and dated the form set out in Appendix to this Notice within the last 12 months and the user knows or reasonably believes that his or her employer has retained that form.

Initial exposure limits

18. Before exposing a client to ultraviolet radiation from a tanning unit, the user must ask the client if he or she has previously been exposed to radiation from a tanning unit.
19. If the client reports that she or he has not previously been exposed to radiation from a tanning unit, the user must not expose the client to ultraviolet radiation that exceeds the maximum initial exposure time specified by the management licence holder for a person with the client's skin type.

Minimum interval between consecutive exposures

20. If the client reports that he or she has been exposed to ultraviolet radiation from a tanning unit within the previous 48 hours, the user must not expose the client to ultraviolet radiation from a tanning unit.

Determination of maximum exposure time

21. The user (not the client) must control the length of time a client is exposed to ultraviolet radiation from a tanning unit.

Protective goggles

22. The user must not expose a client to ultraviolet radiation produced by a tanning unit unless the client wears protective goggles throughout the tanning session.
23. In this Notice '**protective goggles**' means goggles that comply with the following requirements:
 - a) the spectral transmittance of the goggles does not exceed 0.1 percent for the wavelength range 180 nanometres to 315 nanometres;
 - b) the total transmittance of the goggles does not exceed 1 percent for the wavelength range 315 nanometres to 400 nanometres; and
 - c) when worn, the goggles form a secure seal against the skin surrounding the eyes such that transmission of light to the eyes from all directions is filtered by the goggles.

Training

- 24. The user must have participated in training on:
 - a) how to determine a person’s skin type;
 - b) how to use the exposure schedule provided by the management licence holder who is authorised to possess the particular tanning unit the user is operating; and
 - c) which people are at increased risk of harm from exposure to ultraviolet radiation from a tanning unit.

Claims that must not be made

- 25. The user must not claim or distribute promotional materials that claim exposure to ultraviolet radiation from a tanning unit is safe or free from risk.

This Notice comes into effect on 1 February 2008.

Dated 1 February 2008

FRAN THORN
Secretary
Department of Human Services

APPENDIX

CLIENT CONSENT FORM

Please read carefully the following information:

- 1. Exposure to ultraviolet radiation such as from a sun-tanning unit contributes to the skin ageing process and may cause skin cancer.
- 2. People with fair skin who are unable to tan must not use a sun-tanning unit.
- 3. Intentional sun-tanning unit exposure should be avoided for 48 hours before and after sunlight or sun-tanning unit exposure.
- 4. Protective goggles must be worn at all times while undergoing sun-tanning unit exposure. You must not read while the sun-tanning unit is in operation.
- 5. There is additional risk, and sun-tanning unit exposure is not recommended if –
 - (a) you have ever been treated for solar keratoses or skin cancer; or
 - (b) you have ever suffered from an abnormal reaction, or allergy, to light.
- 6. There may be further risk if you are pregnant, taking certain medications by mouth or applying medications or certain cosmetics to the skin.

If there is any doubt in your mind in relation to any of the particulars described in Items 2, 5 and 6 above, consult your doctor before undergoing any ultraviolet exposure.

I am over the age of 18, and I,....., have carefully read and fully understand the above information and choose to undergo ultraviolet exposure in this establishment.

Signed: Date:.....

Name of establishment:
.....

Parent or guardian consent (if age between 16 and 18):
.....

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