



Victoria Government Gazette

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Radiation Act 2005

EXEMPTION FROM THE REQUIREMENT TO HOLD A USE LICENCE IN RESPECT OF A COMMERCIAL TANNING UNIT

1. In this Notice:
‘commercial tanning unit’ has the same meaning as in the Radiation Regulations 2007;
‘management licence holder’ means the management licence holder who is authorised to possess the particular commercial tanning unit that is operated by the user;
‘tanning unit’ has the same meaning as in the Radiation Regulations 2007;
‘the Act’ means the **Radiation Act 2005**;
‘use’ has the same meaning as in the Act.
2. I, Dr John Carnie, delegate of the Secretary to the Department of Human Services, hereby revoke the Notice of exemption from the requirement to hold a use licence in respect of a tanning unit made on 1 February 2008 and published in the Government Gazette on 1 February 2008.
3. I hereby give Notice under section 16(1)(b) of the Act that I have exempted the class of 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. I am satisfied that the use of a radiation source specified in this Notice will not pose a significant risk to the health or safety of any person or the safety of the environment.

Class of persons

4. This exemption from the requirement to hold a use licence applies to all individuals who use a commercial tanning unit and who have participated in the training described in paragraph 18 of this Notice.

Radiation use

5. This exemption applies to the use of a commercial tanning unit.

Terms, conditions and limitations

Assessment of client's skin

6. Before exposing a client to ultraviolet radiation from a commercial tanning unit, the user must assess whether the client has skin type 1, skin type 2, skin type 3, skin type 4, skin type 5 or skin type 6.
7. In this Notice:
‘skin type 1’ means skin which always burns and never tans (pale white skin);
‘skin type 2’ means skin which always burns easily and tans minimally (white skin);
‘skin type 3’ means skin which burns moderately and tans uniformly (light brown skin);
‘skin type 4’ means skin which burns minimally and always tans well (moderate brown skin);
‘skin type 5’ means skin which rarely burns and tans profusely (dark brown skin);
‘skin type 6’ means skin which never burns (deeply pigmented dark brown to black skin).

Supervision

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

SPECIAL

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 commercial tanning unit.
10. The user must not expose a person who is less than 18 years of age to ultraviolet radiation from a commercial tanning unit.
11. Clause 10 does not apply if, prior to exposing the client to ultraviolet radiation from a commercial tanning unit, the user had seen an evidence of age document of the client indicating that the client is at least 18 years of age. The term '**evidence of age document**' has the same meaning as in the **Tobacco Act 1987**.
12. The user must not expose a client to ultraviolet radiation produced by a commercial tanning unit unless the client has completed the consent form shown in the Appendix to this Notice.
13. Clause 12 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.

Minimum interval between consecutive exposures

14. Before exposing a client to ultraviolet radiation from a commercial tanning unit, the user must ask the client if he or she has previously been exposed to ultraviolet radiation from a tanning unit within the previous 48 hours.
15. 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 commercial tanning unit.

Determination of maximum exposure time

16. The user must determine and control the maximum period of time a client is exposed to ultraviolet radiation from a commercial tanning unit, which must be less than the period of time that would be sufficient to cause erythema (mild reddening) in the skin of an individual with the client's skin type. This determination must be made in accordance with the procedure implemented by the management licence holder.

Protective eyewear

17. The user must not expose a client to ultraviolet radiation from a commercial tanning unit unless the client wears protective eyewear throughout the tanning session.

Training

18. The user must have participated in training on:
 - a) how to correctly operate a commercial tanning unit;
 - b) how to determine a person's skin type;
 - c) how to use exposure schedules (a written notice that specifies the maximum exposure time that is recommended for persons with skin type 2, skin type 3, skin type 4, skin type 5 and skin type 6);
 - d) how to comply with the procedure implemented by the management licence holder to determine the maximum period of time a client with skin type 2, skin type 3, skin type 4, skin type 5 or skin type 6 may be exposed to ultraviolet radiation from a commercial tanning unit without causing erythema (mild reddening) to the client's skin;
 - e) the risks associated with exposure to ultraviolet radiation;
 - f) which people are at increased risk of harm from exposure to ultraviolet radiation from a tanning unit;
 - g) the emergency procedures that should be followed in the event that a client has an adverse reaction to exposure to ultraviolet radiation;

- h) the types and wavelengths of ultraviolet radiation that are emitted by commercial tanning units; and
- i) the requirements imposed by this Notice.

Commencement

- 19. This Notice (except paragraph 2) comes into operation on 1 February 2009.
- 20. Paragraph 2 of this Notice comes into operation on 31 January 2009.

Dated 20 January 2009

DR JOHN CARNIE
 Chief Health Officer
 Department of Human Services

Appendix
 CLIENT CONSENT FORM

Please carefully read the following information:

- 1. Exposure to ultraviolet radiation such as from a tanning unit contributes to the skin ageing process and may cause skin cancer.
- 2. People with fair skin who are unable to tan will not be allowed to undergo exposure to a commercial tanning unit.
- 3. Intentional exposure to a tanning unit should be avoided for 48 hours before and after sunlight or tanning unit exposure.
- 4. Protective eyewear must be worn at all times while undergoing exposure to a commercial tanning unit. You must not read while the commercial tanning unit is in operation.
- 5. There is additional risk, and tanning unit exposure is not recommended if you—
 - (a) have ever been treated for solar keratoses or skin cancer;
 - (b) have a large number of moles, freckles and/or naevi;
 - (c) have a history of frequent childhood sunburn;
 - (d) burn easily;
 - (e) 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 aged 18 years or over, acknowledge that the trained operator has made an assessment of my skin type, and have carefully read and fully understand the above information and choose to undergo ultraviolet exposure in this establishment.

Signed:Date:

Name of establishment:



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