

HE301*

Radiation Safety Act 1975

Radiation Safety (General) Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Radiation Safety (General) Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Radiation Safety (General) Regulations 1983*.

4. Regulation 3 amended

Regulation 3(1) is amended by inserting in the appropriate alphabetical positions —

“

“**solarium**”, in relation to a sun-tanning unit, means the premises, or the part of the premises, in which the sun-tanning unit is used or operated;

“**sun-tanning unit**” means an electronic product that —

- (a) is capable of producing ultraviolet radiation between 100 nm and 400 nm wavelength;
- and

- (b) is designed to produce tanning of human skin; and
- (c) is provided for tanning the skin of a person —
 - (i) for a fee or reward; or
 - (ii) as part of providing a service for a fee or reward.

”.

5. Regulation 7 amended

- (1) Regulation 7(1) is amended by deleting “subregulation (2), microwave ovens, lasers” and inserting instead —

“

subregulations (2) and (3), microwave ovens, lasers, sun-tanning units

”.

- (2) After regulation 7(2) the following subregulation is inserted —

“

- (3) An exemption under section 6 is granted, in relation to a sun-tanning unit, from the following provisions —

- (a) section 25, except in relation to the operation or use of a sun-tanning unit;
- (b) section 27;
- (c) section 29(1)(a);
- (d) section 29(1)(b), to the extent to which that paragraph relates to particulars of a licence or exemption referred to in 29(1)(a).

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6. Part V Division 3 inserted

After regulation 56 the following Division is inserted in Part V —

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Division 3 — Sun-tanning units

57A. Terms used in this Division

In this Division —

“**registrant**”, in relation to a sun-tanning unit, means a person in whose name registration is effected —

- (a) of the solarium where the sun-tanning unit is used or operated; or
- (b) of the sun-tanning unit;

“**skin type 1**” means fair skin that always burns and never tans when exposed to ultraviolet radiation and is often accompanied by red hair and freckles.

57B. Registrants not to operate or use sun-tanning units in certain circumstances

A registrant shall not allow a sun-tanning unit to be operated or used for tanning the skin of a person —

- (a) who is under 18 years of age; or
- (b) whose skin type is skin type 1.

57C. Circumstances in which operation and use of sun-tanning units permitted without licence

A person operating or using a sun-tanning unit is exempt for the purposes of section 25 if —

- (a) the person is —
 - (i) a registrant; or
 - (ii) a person acting under the direction and general supervision of a registrant;
 and
- (b) the conditions, restrictions and limitations imposed on the registration of the solarium and the sun-tanning unit are complied with in relation to the operation or use; and
- (c) the operation or use is not for tanning the skin of a person referred to in regulation 57B(a) or (b).

7. Part VII inserted

After Part VI the following Part is inserted —

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Part VII — Transitional provisions

60. Provisions relating to the *Radiation Safety (General) Amendment Regulations 2008*

(1) In this regulation —

“**amending regulations**” means the *Radiation Safety (General) Amendment Regulations 2008*;

“**commencement day**” means the day on which regulation 5 of the amending regulations comes into operation;

“**registration period**”, in relation to a sun-tanning unit, means the period beginning on the commencement day until —

- (a) the expiry of 14 days after the commencement day; or
- (b) if, within the 14 days, an application has been made under section 28 for registration of the solarium relating to the sun-tanning

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unit — notice of the Council's decision
whether to grant or refuse the application is
given to the applicant,

whichever happens first.

- (2) A person who, immediately before the commencement day, was the owner of the solarium relating to a sun-tanning unit is to be taken to have complied with section 28(2) if the application for registration of the solarium is made within 14 days after the commencement day.
- (3) A person who, immediately before the commencement day, was the owner of a sun-tanning unit is to be taken to have complied with section 28(2) if the application for registration of the unit is made within 14 days after the commencement day.
- (4) In addition to the exemption granted under regulation 57C, a person operating or using a sun-tanning unit that, immediately before the commencement day, was in operation or use is also exempt for the purposes of section 25 during the registration period, if the operation or use is not for tanning the skin of a person referred to in regulation 57B(a) or (b).

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.