

## HAIRDRESSERS REGISTRATION.

10° and 11° GEO. VI., No. LXI.

No. 61 of 1946.

AN ACT to provide for the Registration of Hairdressers  
and for other purposes.

[Assented to 24th January, 1947.]

BE it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of Western  
Australia, in this present Parliament assembled, and by  
the authority of the same, as follows:—

1. This Act may be cited as the *Hairdressers Regis-  
tration Act, 1946*, and shall come into operation on a day  
to be fixed by proclamation.

Short title  
and com-  
mencement.  
cf. Vic., No.  
4396, s. 1.

2. In this Act, unless inconsistent with the context or  
subject matter—

Interpreta-  
tion.  
cf., *ibid* s. 2.

“apprentice” includes any worker as defined in  
section six of the Industrial Arbitration Act,  
1912-1941, who is under the age of twenty-one  
years and has completed an apprenticeship of  
four years, but has not been granted a special  
certificate as provided by subclause (c) of clause  
eight of Award No. 27 of 1945 made by the Court  
of Arbitration under the said Act;

“Board” means the Hairdressers Registration  
Board of Western Australia constituted under  
this Act;

“hairdressing” or the “practice of hairdressing” means the dressing, curling, waving, cleansing, cutting, shaving, trimming, singeing, bleaching, tinting, colouring of the hair or beard of any person by any other person, whether with or without the aid of any apparatus, appliance, preparation or substance, for fee, reward, salary, wages or other remuneration or consideration by whomsoever paid or payable, whether engaged full time or part time;

“hairdresser” means a person registered under this Act in respect of any prescribed class or classes of hairdressing;

“medical practitioner” means legally qualified medical practitioner;

“Register” means the Register under this Act.

Application  
of Act.  
*Ibid.* s. 3.

3. This Act shall apply only within a radius of twenty-five miles from the General Post Office at Perth.

Non-applica-  
tion of Act  
to medical  
practitioners,  
nurses or  
masseurs.  
*Ibid.* s. 4.

4. (1) Nothing in this Act shall extend or apply to, or in any manner affect, the practice of his profession by or any rights or privileges of any medical practitioner, or *bona fide* nurse or masseur.

Non-applica-  
tion of Act to  
students and  
apprentices.

(2) Nothing in this Act shall be construed as prohibiting or rendering unlawful the practice of hairdressing by any person who is learning such practice, either as a student in the Perth Technical College at Perth, or as an apprentice under the direct personal control and supervision of a hairdresser registered under this Act in respect of the appropriate prescribed class of hairdressing.

Appointment  
of Hair-  
dressers  
Registration  
Board.  
*Ibid.* s. 5.

5. (1) For the purpose of this Act there shall be a Board (to be called the Hairdressers Registration Board of Western Australia) appointed by the Governor and constituted as hereinafter provided.

(2) The Board shall have perpetual succession and a common seal and shall be capable of suing and being sued.

(3) The Board shall consist of—

Constitution  
of Board.

- (a) a Chairman (not pecuniarily interested in hair-dressing) who shall be appointed by the Governor; and
- (b) four other persons, all appointed by the Governor, of whom each shall be a person who has had at least three years' experience either as a principal or as an employee (other than as an apprentice) in any business in the practice of hairdressing.

(4) Of the four other persons so appointed—

- (a) one shall be nominated by the Master Gentlemen's Hairdressers' Association of W.A. Union of Employers, Perth;
- (b) one shall be nominated by the Metropolitan Ladies Hairdressers' Industrial Union of Employers of W.A.;
- (c) two, one of whom shall be nominated by the female employees and one nominated by the male employees of the Metropolitan Hairdressers and Wigmakers Employees' Union of Workers.

(5) If any of the bodies aforesaid does not within fourteen days after receipt of a request in writing from the Minister submit to the Minister a nominee as aforesaid, the Governor may without such submission appoint any otherwise eligible person or persons (as the case may require) to be a member or members of the Board.

Provision in  
case of failure  
of submission  
of appointees.

(6) The Governor may at any time remove any member of the Board.

Removal of  
members  
from office.

(7) No person shall be appointed a member of the Board for more than three years, but subject to this Act any person appointed a member of the Board shall upon the expiration of the period for which such person is so appointed, be eligible for re-appointment if then qualified.

Tenure of  
office of  
members.

(8) At any meetings of the Board the Chairman, or in his absence any member elected by the members present to act as chairman at such meeting, shall preside, and in case of an equality of votes the vote shall be declared in the negative.

Chairman to  
preside at  
meetings.

Where equality of votes at election of acting chairman.

(9) If at any election of a member to act as chairman there is an equality of votes it shall be decided by lot which of the members obtaining an equal number of votes shall so act.

Vacating office.

(10) If any member of the Board is absent without permission of the Board from four consecutive meetings of the Board or becomes bankrupt or compounds with his creditors or is convicted of any indictable offence or becomes insane or is removed or resigns or dies his seat shall thereupon become vacant and every such vacancy shall be deemed to be an extraordinary vacancy.

Filling vacancies.

(11) On the occurrence of any vacancy in the Board the Governor may appoint a person to fill the vacancy; and any person appointed to fill an extraordinary vacancy shall hold office only for the remainder of the term for which his predecessor was appointed.

Acts of Board during vacancy.

(12) During the vacancy in the Board the continuing members (subject to there being a quorum) may act as if no vacancy existed.

Quorum.

(13) A quorum of the Board shall consist of not less than three members.

Payment of members for services and expenses.

(14) The several members of the Board shall be paid for their services as members thereof such fees as are prescribed, and in addition the Board may reimburse any member for any reasonable amount of expenses actually incurred by him in attending meetings of the Board.

Board not to represent the Crown.

6. The Board shall not, except in relation to any matter in which the Board is expressly authorised by the Governor to act on behalf of the Crown, be the agent or servant or the representative of the Crown.

Power and duties of Board.  
*Ibid.* s. 6.

7. (1) Subject to this Act the powers and duties of the Board shall be—

(a) in respect of each prescribed class of hairdressing—

(i) to hold examinations and to submit to the Minister a panel of persons for appointment as examiners;

(ii) to decide upon the places where and the days and times on and at which examinations are to be held; and

(iii) to issue or cancel certificates of registration;

- (b) to suspend the registration of any person under this Act and to annul such suspension;
- (c) to cancel the registration of any person under this Act and to annul such cancellation;
- (d) to take proceedings for offences against this Act or any regulation;
- (e) generally, to do any other act or exercise any other power or perform any other duty necessary for carrying the provisions of this Act into effect; and
- (f) to recommend to the Commissioner of Public Health standards of hygiene and sanitation to be observed in premises where hairdressing is practised.

(2) The Board—

- (a) may appoint a registrar and such officers and servants as are necessary for the purposes of the Board;
- (b) may pay to any person so appointed such salary or remuneration as the Board thinks fit; and
- (c) may remove any person so appointed.

Appointment of registrar, officers, etc.

8. The Minister shall from time to time appoint examiners who shall be members of the staff of the Technical College or of the panel of persons nominated by the Board for appointment as examiners.

9. The Board shall pay to the examiners such fees as the Minister may from time to time direct.

10. A member of the Board shall not be personally liable for any act done in good faith by the Board or by the member acting as such.

Protection of members.

11. (1) The Board shall cause to be kept a register of hairdressers of the several prescribed classes (to be called the Register of Hairdressers) which shall be in the prescribed form and contain the prescribed particulars.

Hairdressers register. *Ibid.* s. 7.

(2) The entry in the register shall in each case indicate the qualifications or other matters in virtue of which the entry was made.

Entries.

Register to be gazetted.

(3) The Board shall in the month of February in the year one thousand nine hundred and forty-seven and thereafter in the month of February in every year in which the Minister so directs cause a copy of the register corrected to the thirty-first day of December then last past to be published in the *Government Gazette*.

Supplementary lists.

(4) In the month of February in every year in which a copy of the register is not published the Board shall publish in the *Government Gazette* a supplementary list showing all alterations, additions, revisions and removals made in the register during the twelve months ended on the thirty-first day of December then last past.

Published copies and lists to be read together.

(5) Every supplementary list so published shall be deemed to be part of the last published copy of the register and such last published copy shall be read and construed as subject to every such list.

Evidence.

(6) Any copy of the register or of any such supplementary list published aforesaid shall be *prima facie* evidence of the facts therein stated and the absence (in respect of any prescribed class of hairdressing) of the name of any person from such published copy shall be *prima facie* evidence that such person is not or was not (as the case may be) registered under this Act in respect of such prescribed class.

(7) A certificate that any person is or is not or was not registered under this Act in respect of any such prescribed class shall, if signed by the registrar, be *prima facie* evidence of the facts therein stated.

Who may be registered.  
*Ibid.* s. 8.

12. (1) Any person who applies to be registered under this Act in respect of any prescribed class or classes of hairdressing shall be entitled to be so registered if and when he has satisfied the Board that he—

- (a) is a person of good character; and
- (b) has completed the appropriate prescribed course of training and passed the appropriate prescribed examinations; or
- (c) was *bona fide* engaged in Western Australia in the practice of hairdressing of that class or classes either as a principal or employee—

(i) at any time during the period of seven years immediately prior to the commencement of this Act and shall apply for registration within twelve months next following the date of the commencement of this Act; or

(ii) immediately prior to the commencement of this Act outside a radius of twenty-five miles from the General Post Office at Perth and has remained so engaged until the date of such application;

(d) has outside of Western Australia completed an appropriate course of training of a like standard as that prescribed in Western Australia and passes such examination (if any) as may be required by the Board.

(2) Members of the Defence Forces in the war which commenced on the third day of September, 1939, shall be entitled to be registered as provided in subsection one of this section until the expiration of twelve months from the commencement of this Act or twelve months from the date of ceasing to be a member, whichever is the later.

13. No person shall be registered under this Act unless such person has paid the prescribed fees.

No registration unless prescribed fees paid.  
*Ibid.* s. 9.

14. (1) Save as is provided in subsection (3) of this section there shall be paid to the Board by every candidate for examination and by every applicant for registration or for any certificate such fees as are prescribed.

Fees and expenses.  
*Ibid.* s. 10

(2) Such fees shall not exceed the sum of—

- (a) one pound one shilling for examinations;
- (b) two pounds two shillings for registration; and
- (c) ten shillings and sixpence for any certificate.

(3) In the case of an applicant for registration under subsection (1) of section twelve of this Act who at the time of such application is practising hairdressing as an employee, the fee for registration shall be five shillings, and the fee for the certificate of registration shall be two shillings and sixpence.

(4) There shall be paid to the Board during the month of January in each year by every person registered under this Act who is practising hairdressing as a principal in any business a fee of two pounds two shillings and by each and every person practising as an employee a fee of five shillings, and if any such person makes default in paying such fee the registration of such person may be suspended, but such suspension shall be annulled on

Annual fee.

payment of the annual fee together with such additional fee not exceeding one pound one shilling, or one shilling as the Board directs and on satisfactory explanation being given of such default.

**Application  
of fees.**

(5) All fees paid or recovered under this Act, shall be paid to the Board; and the Board shall apply such fees to the payment of expenses of the Board in carrying this Act into effect.

**Financial  
statement.**

(6) The Board shall as soon as practicable after the thirty-first day of December in each year publish a financial statement made up to that date showing the income and expenditure (including liabilities of the Board) during the preceding twelve months which statement shall be audited and reported upon and the Board shall pay for such inspection and report such amount as it thinks fit.

**Annual re-  
port.**

(7) The Board shall submit to the Minister an annual report of its proceedings, and such report shall include a copy of the financial statement, and a copy of such report shall be laid upon the Table of both Houses of Parliament within fourteen days if Parliament is then sitting, otherwise within fourteen days of the commencement of the next following session of Parliament.

**Unregistered  
persons, etc.  
*Ibid.* s. 11.**

15. (1) From and after the expiration of a period of six months after the commencement of this Act—

- (a) no person who is not registered under this Act shall be entitled to assume, take or use or shall assume, take or use (either alone or in combination with any other word or words or letters) the name or title of hairdresser or any name, title, addition or description implying that such person is registered under this Act or is qualified to practise hairdressing;
- (b) no person who is not registered under this Act shall practise hairdressing whether as principal or employee and whether under the name of a company or an association or institute or under any like name or title or otherwise; and
- (c) no person, whether registered under this Act or not shall—

(i) practise hairdressing of any prescribed class whether as principal or employee and whether under the name of a company or any association or institute or under any like name or title or otherwise; or

(ii) be entitled to assume, take or use or shall assume, take or use (either alone or in combination with any other words or word or letters) any name, title, addition or description implying that such person is registered under this Act in respect of such prescribed class of hairdressing or is qualified to practise hairdressing of such prescribed class—

unless such person is registered under this Act in respect of such prescribed class of hairdressing.

(2) Every person who knowingly assumes or takes or uses any such name or title or addition or description or practises hairdressing of any prescribed class of hairdressing in contravention of this section shall be liable to a penalty of not more than fifty pounds.

Disability of unregistered practitioner as to suing for fees.

(3) Save as otherwise expressly provided in this Act, no person who is not registered under this Act in respect of the appropriate prescribed class of hairdressing shall be entitled to recover in any Court any fee or charge for the performance of hairdressing of that prescribed class.

16. (1) The registration (whether in respect of one or more prescribed classes) of any person as a hairdresser under this act—

Cancellation of registration for fraud or on other grounds.  
*Ibid.* s. 13.

(a) whose registration in respect of any such prescribed class had been obtained by fraud or misrepresentation; or

(b) who has been convicted of any offence against this Act or any regulation thereunder, may be cancelled or suspended by order of the Board and upon the making of the order of cancellation or during the period specified in the order of suspension

such person shall cease to be registered as a hairdresser: Provided that no such cancellation or suspension shall take effect until after the expiration of one month from making of the order of cancellation or suspension or in the event of an appeal therefrom pursuant to subsection (5) of this section until judgment is given on such appeal.

(2) The cancellation or suspension of the registration of any person may at any time and for such reasons as the Board thinks fit by order of the Board be annulled.

(3) Before cancelling or suspending the registration of any person the Board shall—

(a) send to such person by post by registered letter, notice in writing of the complaint against him; and

(b) hold full inquiry into the matter of the complaint and afford such person an opportunity of giving an explanation personally or in writing.

(4) Upon an order for the suspension or cancellation of the registration of any person being made, the Board may advertise such order.

Appeal from  
decision of  
Board.

(5) Any person who feels aggrieved by any refusal of the Board to register such person or by any order of the Board cancelling or suspending the registration of such person may appeal therefrom to a stipendiary magistrate within one month after the notification to such person of such refusal, cancellation or suspension.

Power to  
Stipendiary  
Magistrate.

(6) Such stipendiary magistrate shall entertain, inquire into and decide upon the appeal, and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction; and his decision shall be final and conclusive.

Powers of  
Board in con-  
ducting in-  
vestigations.  
*Ibid.* s. 14.

17. For the purpose of conducting any investigation or inquiry authorised to be made under this Act, the Board shall have power to compel the attendance of witnesses and may administer oaths and affirmations.

18. (1) Every person whose registration has been suspended or cancelled by order of the Board shall, within fourteen days from the notification of the order to such person, surrender to the Board every certificate issued to such person under this Act.

Return of  
certificate.  
*Ibid.* s. 15.

(2) On failure to do so without reasonable excuse such person shall be liable to a penalty not exceeding ten pounds.

(3) The suspension or the cancellation of the registration of any such person shall be effectual notwithstanding such failure to surrender the certificate.

19. (1) Save as otherwise expressly provided, every person registered under this Act who—

Penalty for  
disobedience  
of order of  
Board or  
breach of  
regulation.  
*Ibid.* s. 16.

(a) fails, neglects or refuses to comply with any lawful order or direction of the Board made pursuant to this Act or any regulation;

(b) is guilty of a contravention of any regulations, shall be liable to a penalty of not more than ten pounds.

(2) Every person wilfully guilty of a contravention of any provision of this Act for which no penalty is expressly provided shall be liable to a penalty of not more than ten pounds.

Penalty in  
cases not  
otherwise pro-  
vided for.

(3) In any conviction under this Act notwithstanding that the penalty imposed does not exceed the sum of five pounds the person convicted may appeal under the appropriate provisions of the Justices Act, 1902-1936, and all the provisions of the said Act shall, subject to this section of this Act, apply accordingly.

Appeal  
against con-  
viction.

20. Any proceedings under this Act may be taken by any person authorised by the Board either generally or in any particular case.

Proceedings  
under this  
Act.  
*Ibid.* s. 17.

21. The Board with the approval of the Governor may make regulations for or with respect to—

Power to  
make regula-  
tions.  
*Ibid.* s. 22.

(a) regulating its own proceedings;

(b) prescribing for the purposes of this Act classes of hairdressing;

(c) prescribing the fees to be paid to members of the Board but such fees shall not exceed the sum of fifty pounds per annum for any member of the Board;

- (d) regulating subject to this Act the issue of certificates of registration under this Act and the conditions of admission to the register;
- (e) prescribing in respect of the several prescribed classes of hairdressing the course of training for persons desiring to be registered under this Act;
- (f) regulating subject to this Act the admission to the register of persons who were at the commencement of this Act already engaged in the practice of hairdressing;
- (g) regulating and supervising the conduct of examinations in respect of the several prescribed classes of hairdressing and the remuneration of examiners;
- (h) prescribing subject to this Act the fees to be paid for examinations, certificates and registration;
- (i) prescribing standards of safety to be observed in premises where hairdressing is practised;
- (j) providing for the inspection from time to time by authorised officers of the Board of premises where hairdressing is practised;
- (k) prescribing the particulars required to be given in any notice under this Act;
- (l) prescribing the form of the register and the particulars of the entries to be contained therein; and
- (m) generally, providing for anything necessary or convenient to be prescribed for carrying this Act into effect.