

Western Australia

**Hairdressers Registration (Amendment and
Expiry) Act 2010**

As at 25 Aug 2010

No. 29 of 2010

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Hairdressers Registration (Amendment and Expiry) Act 2010

No. 29 of 2010

An Act to amend the *Hairdressers Registration Act 1946* and for related purposes.

[Assented to 25 August 2010]

The Parliament of Western Australia enacts as follows:

1. Short title

This is the *Hairdressers Registration (Amendment and Expiry) Act 2010*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Hairdressers Registration Act 1946*.

4. Long title amended

In the long title delete “**to provide for**” and insert:

relating to

5. Section 2 amended

- (1) In section 2 delete the definition of *Register*.
- (2) In section 2 insert in alphabetical order:

administrator means the person for the time being appointed to administer the affairs of the Board under section 5(4);

CEO means the chief executive officer of the Department;

Department means the Department principally assisting the Minister in the administration of this Act;

final report means the report made under section 23(1)(a);

register means the register under this Act;

winding-up commencement means the coming into operation of the *Hairdressers Registration (Amendment and Expiry) Act 2010*, other than sections 1 and 2.

6. Section 5 amended

- (1) In section 5(1) delete “Australia) appointed by the Governor and constituted as hereinafter provided.” and insert:

Australia).

- (2) Delete section 5(3) to (14) and insert:

- (3) On the winding-up commencement, without affecting the continuity of the legal identity of the Board, the Board ceases to be constituted by persons appointed by the Governor.
- (4) The CEO is to appoint a person to administer the affairs of the Board, and may revoke the appointment of any person so nominated and appoint another person instead.
- (5) The administrator, in the name of the Board, is to perform the functions of the Board.

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7. Section 7 amended

Delete section 7(1) and insert:

- (1A) After the winding-up commencement —
- (a) the purpose of the Board is to wind up its affairs so that this Act can expire under section 24; and
 - (b) the powers and duties conferred on the Board by this Act are limited to those necessary for or conducive to that purpose.
- (1) Subject to this Act the powers and duties of the Board shall be to do any act or exercise any power or perform any duty necessary for carrying the provisions of this Act into effect.

Note: The heading to amended section 7 is to read:

Powers and duties of the Board

8. Sections 8 and 9 deleted

Delete sections 8 and 9.

9. Section 10 amended

In section 10:

- (a) delete “A member of the Board” and insert:

The administrator

- (b) delete “the member” and insert:

the administrator

Note: The heading to amended section 10 is to read:

Protection of administrator

10. Section 11 amended

Before section 11(1) insert:

- (1A) Despite anything in this Act, after the winding-up commencement the Board is to make no entry in the register.

11. Section 12 amended

Before section 12(1) insert:

- (1A) Despite anything in this Act, a person is not entitled to be registered under this Act after the winding-up commencement.

12. Section 14 amended

(1) Before section 14(1) insert:

- (1A) Despite anything in this Act, no fees become payable under this section after the winding-up commencement.
- (1B) Despite anything in this Act, any fee paid under subsection (1) before the winding-up commencement is to be repaid by the Board as soon as is reasonably practicable after the winding-up commencement if, at the time of the winding-up commencement —
- (a) in the case of a fee paid by a candidate for examination, the examination has not been held; or
 - (b) in the case of a fee paid by an applicant for registration, the application has not been determined; or

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- (c) in the case of a fee paid by an applicant for a certificate, the certificate has not issued.

- (2) In section 14(5) delete “effect.” and insert:

effect, including the remuneration and expenses of the administrator.

13. Section 15 deleted

Delete section 15.

14. Section 16 amended

Before section 16(1) insert:

- (1AAA) Despite anything in this Act, after the winding-up commencement the Board is not to make an allegation under subsection (1a).

15. Section 16A amended

Before section 16A(1) insert:

- (1A) Despite anything in this Act, after the winding-up commencement a person cannot apply to the State Administrative Tribunal for a review of a decision of the Board.

16. Section 18 deleted

Delete section 18.

17. Section 18B deleted

Delete section 18B.

18. Sections 22, 23 and 24 inserted

After section 21 insert:

22. Winding up

As soon as reasonably practicable after the winding-up commencement, the Board is to wind up its affairs and in particular, but without limiting what may be done to wind up its affairs, the Board is to —

- (a) bring to a conclusion any proceedings to which it is a party; and
- (b) apply its assets, together with any money in hand, in —
 - (i) discharging its liabilities, including its liabilities under section 14(1B); and
 - (ii) transferring any assets which remain after the discharge of liabilities (*residual assets*) to the State to be administered in the Department, or realising residual assets and causing the proceeds, together with any moneys in hand, to be credited to the Consolidated Account.

23. Final report

- (1) As soon as reasonably practical after the Board is satisfied that the winding up of its affairs is concluded, it is to —
 - (a) make and submit to the Minister a report of its proceedings for the period beginning on the day after the last day of the period for which it has

last made a report under section 14C, and ending on the day on which the winding up of its affairs is concluded (the *final period*); and

- (b) deliver to the CEO all records and information in its possession or under its control.

(2) The final report —

- (a) is to include the details specified in section 14C(1a); and

- (b) is to be accompanied by —

- (i) financial statements in respect of the final period prepared in compliance with section 14A; and

- (ii) an auditor's report on the financial statements prepared in compliance with section 14B.

(3) The Minister must cause copies of the final report submitted under subsection (1), and of the accompanying financial statements and auditor's report, to be laid before each House of Parliament, or dealt with under subsection (4), within 14 days after the Minister receives them.

(4) If —

- (a) at the commencement of the period referred to in subsection (3) a House of Parliament is not sitting; and

- (b) the Minister is of the opinion that the House will not sit during that period,

the Minister must transmit copies of the final report, financial statements and auditor's report to the Clerk of the House.

- (5) A copy of a report or statement transmitted to the Clerk of a House under subsection (4) is to be regarded as having been laid before that House.
- (6) The laying of a copy of a report or statement that is to be regarded as having occurred under subsection (5) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the copy.

24. Act to expire

- (1) When the Minister is satisfied that —
 - (a) the Board has wound up its affairs; and
 - (b) there is no reason for this Act to continue,the Minister is to publish a notice in the *Gazette* stating that the Minister is satisfied as to those matters, and that the Act expires at the end of the day on which the notice is published.
- (2) This Act expires as stated in a notice published under subsection (1).

