

Western Australia

## **Hairdressers Registration Act 1946**

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## Hairdressers Registration Act 1946

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## **Hairdressers Registration Act 1946**

**An Act relating to the registration of hairdressers and for other purposes.**

*[Long title amended by No. 29 of 2010 s. 4.]*

### **1. Short title and commencement**

This Act may be cited as the *Hairdressers Registration Act 1946*, and shall come into operation on a day to be fixed by proclamation <sup>1</sup>.

### **2. Interpretation**

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

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

***apprentice*** includes a person who is entitled to a rate of pay prescribed for an apprentice under any award made under the *Industrial Arbitration Act 1912*<sup>2</sup>, that relates to hairdressing;

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

***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);

***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;

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

*[Section 2 amended by No. 21 of 1965 s. 3; No. 29 of 2010 s. 5.]*

**3. Application of Act**

- (1) Subject to subsection (2), this Act applies only within —
  - (a) the South West Division under the *Land Administration Act 1997*; and
  - (b) the area that is within 8 km of the Post Office at Kalgoorlie.
- (2) The Governor may from time to time, on the recommendation of the Minister and the Board, by proclamation declare that this Act shall apply, as from the date specified in the proclamation, to such other area or areas of the State as is or are so specified<sup>4</sup>.
- (3) A proclamation made under this section may be cancelled or from time to time varied by subsequent proclamation.

*[Section 3 inserted by No. 21 of 1965 s. 4; amended by No. 8 of 2009 s. 69.]*

**4. Non-application of Act to medical practitioners, nurses or masseurs**

- (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.
- (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.

**5. Appointment of Hairdressers Registration Board**

- (1) For the purpose of this Act there shall be a Board (to be called the Hairdressers Registration Board of Western Australia).
- (2) The Board shall have perpetual succession and a common seal and shall be capable of suing and being sued.
- (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.

*[(4a), (4b), (4c) deleted]*

- (5) The administrator, in the name of the Board, is to perform the functions of the Board.

*[(6)-(14) deleted]*

*[Section 5 amended by No. 66 of 1972 s. 2; No. 18 of 2009 s. 39; No. 29 of 2010 s. 6.]*

**6. Board not to represent the Crown**

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.

**7. Powers and duties of the Board**

(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.

(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.

*[Section 7 amended by No. 31 of 1953 s. 2; No. 55 of 2004 s. 471; No. 29 of 2010 s. 7.]*

**[8, 9.]** *Deleted by No. 29 of 2010 s. 8.]*

**10. Protection of administrator**

The administrator shall not be personally liable for any act done in good faith by the Board or by the administrator acting as such.

*[Section 10 amended by No. 29 of 2010 s. 9.]*



**11. Hairdressers register**

- (1A) Despite anything in this Act, after the winding-up commencement the Board is to make no entry in the register.
- (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.
- (2) The entry in the register shall in each case indicate the qualifications or other matters in virtue of which the entry was made unless the Board maintains some other permanent record, in readily available form, of those qualifications.
- (3) The Registrar shall, on inquiry by any person, inform him whether or not a hairdresser nominated by him is registered, and if the hairdresser is registered, the type of registration held.

*[(4)-(6) deleted]*

- (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.

*[Section 11 amended by No. 6 of 1975 s. 2; No. 29 of 2010 s. 10.]*

**12. Who may be registered**

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

- (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) Where this Act applies to any area of the State by virtue of a proclamation made pursuant to section 3, a person who desires to practice hairdressing of any prescribed class or classes of hairdressing in that area and who is not already registered under this Act in respect of the class or classes, may apply to be so registered in respect of the class or classes and shall be entitled to be 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) has been *bona fide* engaged in the State in the practice of hairdressing in the class or classes either as a principal or employee —
    - (i) during a continuous period of not less than 5 years immediately preceding the date he so applies, and he so applies within a period of 12 months next following the date of the application of this Act to that area; or
    - (ii) during any continuous period that is less than 5 years preceding the date he so applies and has passed such examination as the Board prescribes.

*[Section 12 amended by No. 21 of 1965 s. 5; No. 29 of 2010 s. 11.]*

**13. No registration unless prescribed fees paid**

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

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**14. Fees and expenses**

- (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
  - (c) in the case of a fee paid by an applicant for a certificate, the certificate has not issued.
- (1) 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.
- [(2) deleted]*
- (3) Every person registered under this Act shall pay to the Board during the month of January in each year, a registration fee as prescribed, and if any such person makes default in paying that fee the registration of that person may be suspended by the Board.
- (4) Where the Board suspends the registration of a person pursuant to this section such suspension shall be annulled if —
- (a) the fee as prescribed together with an additional fee of \$2.10 is paid to the Board; and
  - (b) the Board is satisfied with the explanation of that person as to the reason why the default occurred and the explanation is verified by statutory declaration, if so required by the Board.

**s. 14A**

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- (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, including the remuneration and expenses of the administrator.

*[Section 14 amended by No. 31 of 1953 s. 3; No. 21 of 1965 s. 6; No. 113 of 1965 s. 8; No. 42 of 1968 s. 2; No. 77 of 1987 s. 3; No. 19 of 2010 s. 51; No. 29 of 2010 s. 12.]*

**14A. Accounts**

- (1) The Board shall cause to be kept proper accounts and records of transactions and affairs of the Board and shall prepare financial statements in accordance with Australian Accounting Standards.
- (2) The financial statements shall be prepared on an accrual basis unless the Board determines otherwise.

*[Section 14A inserted by No. 77 of 1987 s. 3.]*

**14B. Audit**

The accounts and financial statements of the Board shall be audited at least once a year, at the expense of the Board, by an auditor appointed by the Board with the prior approval of the Minister.

*[Section 14B inserted by No. 77 of 1987 s. 3.]*

**14C. Annual report**

- (1) The Board shall on or before 30 June in each year make and submit to the Minister an annual report of its proceedings for the preceding year ending on 31 December together with a copy of the financial statements and the auditor's report.
- (1a) The Board's annual report is to include details of —
- (a) the number, nature, and outcome, of —
    - (i) investigations and inquiries undertaken by, or at the direction of, the Board; and
    - (ii) matters that have been brought before the State Administrative Tribunal under this Act;

- (b) the number and nature of matters referred to in paragraph (a) that are outstanding;
  - (c) any trends or special problems that may have emerged;
  - (d) forecasts of the workload of the Board in the year after the year to which the report relates; and
  - (e) any proposals for improving the operation of the Board.
- (2) The Minister shall cause a copy of each annual report, financial statements and auditor's report submitted under subsection (1) to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by the Minister.

*[Section 14C inserted by No. 77 of 1987 s. 3; amended by No. 55 of 2004 s. 472.]*

*[15. Deleted by No. 29 of 2010 s. 13.]*

**16. Cancellation of registration for fraud or on other grounds**

- (1a) The Board may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in subsection (1), against a hairdresser.
- (1AAA) Despite anything in this Act, after the winding-up commencement the Board is not to make an allegation under subsection (1a).
- (1) There is proper cause for disciplinary action against a hairdresser —
- (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; or
  - (c) who before or after registration, was or has been convicted of an offence that renders him unfit to practise as a hairdresser; or
  - (d) who, for any other reason is no longer a fit and proper person to practise as a hairdresser.

**s. 16A**

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- (1aa) If, in a proceeding commenced by an allegation under this section against a hairdresser, the State Administrative Tribunal is satisfied that proper cause exists for disciplinary action, the State Administrative Tribunal may cancel or suspend the hairdresser's registration.
- (2) Subject to subsection (3), a hairdresser whose registration has been cancelled or suspended may at any time apply to the Board for re-registration but where the registration of a person has been cancelled or suspended for a continuous period of eight years or more that person is not entitled to be registered again under this Act or to practise as a hairdresser until he has passed an examination prescribed by the Board.
- (3) If the registration of a hairdresser has been cancelled or suspended by an order made by the State Administrative Tribunal then the power of the Board under subsection (2) is to be exercised subject to the terms of that order.
- (4) Upon an order for the suspension or cancellation of the registration of any person being made by the State Administrative Tribunal, the Board may advertise such order.

*[(5), (6) deleted]*

*[Section 16 amended by No. 21 of 1965 s. 8; No. 42 of 1968 s. 3; No. 55 of 2004 s. 473; No. 29 of 2010 s. 14.]*

**16A. Application for review**

- (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.
- (1) A person aggrieved by a reviewable decision of the Board in relation to that person may apply to the State Administrative Tribunal for a review of the decision.
- (2) In subsection (1) —  
***person aggrieved*** means a person —

- (a) whose registration as a hairdresser is affected by a reviewable decision; or
- (b) who applies for registration;

**reviewable decision** means a decision of the Board —

- (a) refusing or suspending registration; or
- (b) granting registration on a condition or conditions.

*[Section 16A inserted by No. 55 of 2004 s. 474; amended by No. 29 of 2010 s. 15.]*

#### **17. Powers of Board in conducting investigations**

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. Deleted by No. 29 of 2010 s. 16.]*

#### **18A. Surrender of registration or certificate**

Despite the surrender by a person of the person's registration, or a certificate issued to the person under this Act, this Act applies, for the purpose of enabling the person to be investigated or otherwise dealt with for a matter arising before the surrender, as if the registration or certificate had not been surrendered.

*[Section 18A inserted by No. 55 of 2004 s. 476.]*

*[18B. Deleted by No. 29 of 2010 s. 17.]*

#### **19. Penalty for disobedience of order of Board or breach of regulation**

- (1) Save as otherwise expressly provided, every person registered under this Act who —
  - (a) fails, neglects or refuses to comply with any lawful direction of the Board made pursuant to this Act or any regulation;

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(b) is guilty of a contravention of any regulations,  
shall be liable to a penalty of not more than \$20.

(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 \$20,

*[(3) deleted]*

*[Section 19 amended by No. 113 of 1965 s. 8; No. 55 of 2004 s. 477; No. 59 of 2004 s. 141.]*

**20. Proceedings under this Act**

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

**21. Power to make regulations**

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

- (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 and to deputies of members of the Board;
- (d) regulating subject to this Act the issue of certificates and badges 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.

*[Section 21 amended by No. 31 of 1953 s. 5; No. 21 of 1965 s. 9; No. 66 of 1972 s. 3.]*

## 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.

*[Section 22 inserted by No. 29 of 2010 s. 18.]*

**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.

*[Section 23 inserted by No. 29 of 2010 s. 18.]*

**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).

*[Section 24 inserted by No. 29 of 2010 s. 18.]*

**Notes**

- <sup>1</sup> This is a compilation of the *Hairdressers Registration Act 1946* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Hairdressers Registration Act 1946</i>	61 of 1946	24 Jan 1947	1 Mar 1948 (see s. 1 and <i>Gazette</i> 21 Nov 1947 p. 2128)
<i>Hairdressers Registration Act Amendment Act 1953</i>	31 of 1953	18 Dec 1953	18 Dec 1953
<i>Hairdressers Registration Act Amendment Act 1965</i>	21 of 1965	1 Oct 1965	17 Dec 1965 (see s. 2 and <i>Gazette</i> 17 Dec 1965 p. 4193)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Hairdressers Registration Act Amendment Act 1968</i>	42 of 1968	8 Nov 1968	8 Nov 1968
<b>Reprint of the <i>Hairdressers Registration Act 1946</i> approved 7 May 1971</b> (includes amendments listed above)			
<i>Hairdressers Registration Act Amendment Act 1972</i>	66 of 1972	31 Oct 1972	31 Oct 1972
<i>Hairdressers Registration Act Amendment Act 1975</i>	6 of 1975	9 May 1975	9 May 1975
<i>Acts Amendment (Financial provisions of regulatory bodies) Act 1987 s. 3</i>	77 of 1987	26 Nov 1987	1 Jan 1988 (see s. 2)
<b>Reprint 2: The <i>Hairdressers Registration Act 1946</i> as at 7 March 2003</b> (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i> <sup>6</sup>	59 of 2004 (as amended by No. 2 of 2008 s. 77(13))	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 57</i> <sup>7</sup>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 69	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 39	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Hairdressers Registration (Amendment and Expiry) Act 2010</i>	29 of 2010	25 Aug 2010	s. 1 and 2: 25 Aug 2010 (see s. 2(a)); Act other than s. 1 and 2: 1 Nov 2010 (see s. 2(b) and <i>Gazette</i> 26 Oct 2010 p. 5289)

<sup>2</sup> Repealed by the *Industrial Arbitration Act 1979* s. 4 which is now called the *Industrial Relations Act 1979*.

<sup>3</sup> i.e. 40 kilometres.

<sup>4</sup> See *Gazettes* — 6 May 1966 p. 1094; 19 August 1966 p. 2237; 28 April 1967 p. 1057; 14 July 1967 p. 1809 and 13 August 1971 p. 2970.

<sup>5</sup> Under the *Health Legislation Amendment Act 1984* the former Commissioner of Public Health is now called the Commissioner of Health.

<sup>6</sup> The *Courts Legislation Amendment and Repeal Act 2004* Sch. 2 cl. 22 was repealed by the *Criminal Law and Evidence Amendment Act 2008* s. 77(13).

<sup>7</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.