

Western Australia

Hairdressers Registration Act 1946

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Hairdressers Registration Act 1946

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Hairdressers Registration Act 1946

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

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 ¹.

2. Interpretation

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

“**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* ², that relates to hairdressing;

“**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.

[Section 2 amended by No. 21 of 1965 s. 3.]

3. Application of Act

- (1) Subject to subsection (2), this Act applies only within 25 miles³ from the General Post Office at Perth.
- (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 specified⁴.
- (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.]

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)

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 —
 - (a) a Chairman (not pecuniarily interested in hairdressing) who shall be appointed by the Governor; and
 - (b) 4 other persons, all appointed by the Governor, of whom each shall be a person who has had at least 3 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 4 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) 2, 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.
- (4a) The Governor shall appoint a person to be deputy of the Chairman of the Board but a person shall not be appointed as deputy of the Chairman of the Board if he has a pecuniary interest in a business of hairdressing.
- (4b) The Governor on the nomination of the respective body or employees on whose nomination pursuant to subsection (4) the member was appointed, shall appoint a person having the requisite qualifications as provided in subsection (3)(b) to be deputy of that member.

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- (4c) The deputy of a member is entitled, in the event of the absence of the member of the Board from a meeting thereof, to attend that meeting and, when so attending, shall be deemed to be a member and, if he is the deputy of the Chairman of the Board, shall be deemed to be the Chairman of the Board.
- (5) If any of the bodies aforesaid does not within 14 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 a deputy of a member or members or deputies of members of the Board.
- (6) The Governor may at any time remove any member of the Board any deputy of a member of the Board.
- (7) No person shall be appointed a member of the Board for more than 3 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.
- (8) The Chairman of the Board shall preside at any meeting thereof at which he is present and in his absence therefrom the deputy of the Chairman if present at that meeting shall preside thereat and where both the Chairman and his deputy are absent from a meeting of the Board, the members thereof who are present at that meeting shall appoint one of such members to act as chairman thereat.
- [(9) repealed]*
- (10) If any member of the Board is absent without permission of the Board from 4 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.

- (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.
- (12) During the vacancy in the Board the continuing members (subject to there being a quorum) may act as if no vacancy existed.
- (13) A quorum of the Board shall consist of not less than 3 members and question arising at any meeting of the Board shall be determined by a majority of the valid votes of members present at that meeting.
- (14) The several members of the Board and their deputies shall be paid for their services as members of the Board and deputies of members of the Board, such fees as are prescribed, and in addition the Board may reimburse any such member or deputy for any reasonable amount of expenses actually incurred by him in attending meetings of the Board.

[Section 5 amended by No. 66 of 1972 s. 2.]

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. Power and duties of Board

- (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 and badges of registration;

[(b), (c) deleted]

- (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 Health⁵ 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.

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

8. Appointment of examiners

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. Examiners fees

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

10. Protection of members

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.

11. Hairdressers 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) repealed]

- (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.]

12. Who may be registered

- (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]

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- (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.]

13. No registration unless prescribed fees paid

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

14. Fees and expenses

- (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) and (3) repealed]

- (4)(a) 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.
- (b) Where the Board suspends the registration of a person pursuant to this section such suspension shall be annulled if —
 - (i) the fee as prescribed together with an additional fee of \$2.10 is paid to the Board; and
 - (ii) 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.
- (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.

[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.]

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.]

s. 14B

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. Unregistered persons, etc.

- (1) From and after the expiration of a period of 6 months after the application of this Act to any area of the State —
- (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 —

in that area 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

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of any prescribed class of hairdressing in contravention of this section shall be liable to a penalty of not more than \$100.

- (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.

[Section 15 amended by No. 21 of 1965 s. 7; No. 113 of 1965 s. 8.]

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.
- (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.
- (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) repealed]

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

16A. Application for review

- (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.]

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. Return of certificate

- (1) Every person whose registration has been suspended or cancelled shall, within 14 days from the notification of the order to such person, surrender to the Board every certificate and badge of registration issued to such person under this Act.
- (2) On failure to do so without reasonable excuse such person shall be liable to a penalty not exceeding \$20.
- (3) The suspension or the cancellation of the registration of any such person shall be effectual notwithstanding such failure to surrender the certificate and the badge.

[Section 18 amended by No. 31 of 1953 s. 4; No. 113 of 1965 s. 8; No. 55 of 2004 s. 475.]

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. Suspension of registration by State Administrative Tribunal

- (1) Where the State Administrative Tribunal makes an order against a hairdresser and payment is not made in accordance with the order or the order is otherwise not complied with or is breached, the State Administrative Tribunal may suspend the person's registration until the payment is made, or for such period or

upon such event occurring as the State Administrative Tribunal thinks fit.

- (2) The power conferred on the State Administrative Tribunal by subsection (1) is in addition to, and does not derogate from, the powers conferred on it by the *State Administrative Tribunal Act 2004*.

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

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;
 - (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) repealed]

[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 —

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- (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.]

Notes

¹ 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 ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<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
Reprint of the <i>Hairdressers Registration Act 1946</i> approved 7 May 1971 (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)
Reprint 2: The <i>Hairdressers Registration Act 1946</i> as at 7 March 2003 (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>	59 of 2004	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. 57⁷</i>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in

this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 142 ⁶	59 of 2004 (as amended by No. 2 of 2008 s. 77(13))	23 Nov 2004	To be proclaimed (see s. 2)
<i>Criminal Law and Evidence Amendment Act 2008</i> s. 77(13) ⁸	2 of 2008	12 Mar 2008	To be proclaimed (see s. 2)

- ² Repealed by the *Industrial Arbitration Act 1979* s. 4 which is now called the *Industrial Relations Act 1979*.
- ³ i.e. 40 kilometres.
- ⁴ 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.
- ⁵ Under the *Health Legislation Amendment Act 1984* the former Commissioner of Public Health is now called the Commissioner of Health.
- ⁶ On the date as at which this compilation was prepared, the *Courts Legislation Amendment and Repeal Act 2004* s. 142, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

142. Other amendments to various Acts

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

Schedule 2 cl. 22 reads as follows:

Schedule 2 — Other amendments to Acts

22. Hairdressers Registration Act 1946

s. 16(5)	Delete “a stipendiary magistrate” and insert instead — “ the Magistrates Court ”.
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s. 16(6)	Delete “Such stipendiary magistrate” and insert instead — “ The Magistrates Court, constituted by a magistrate, ”. Delete “he” and insert instead — “ it ”. Delete “his” in the 2 places where it occurs and in each place insert instead — “ its ”.
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⁷ 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.

⁸ On the date as at which this compilation was prepared, the *Criminal Law and Evidence Amendment Act 2008* s. 77(13) had not come into operation. It reads as follows:

“

77. Courts Legislation Amendment and Repeal Act 2004 amended

- (1) The amendments in this section are to the *Courts Legislation Amendment and Repeal Act 2004*.
- (13) Schedule 2 clauses 1 to 42 and 44 to 51 are repealed.

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