

Approved for Reprint, 7th May, 1971.

WESTERN AUSTRALIA.

HAIRDRESSERS REGISTRATION.

10° and 11° Geo. VI., No. LXI.

No. 61 of 1946.¹

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 31 of 1953, assented to 18th December, 1953;

No. 21 of 1965,² assented to 1st October, 1965;

No. 42 of 1968, assented to 8th November, 1968;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to provide for the Registration of Hair-
dressers and for other purposes.**

[Assented to 24th January, 1947.]

BE it enacted—

1. This Act may be cited as the *Hairdressers Registration Act, 1946-1968*, and shall come into operation on a day to be fixed by proclamation.¹

Short title
and com-
mencement.
Amended by
No. 42 of
1968, s. 1.
cf. Vic., No.
4396, s. 1.

¹ Proclaimed to come into operation on 1st March, 1948. See *G.G.* 21/11/47, p. 2128.

² Proclaimed to come into operation on 17th December, 1965. See *G.G.* 17/12/65, p. 4293.

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Interpre-
tation.

cf., *ibid.* s.2.
Amended by
No. 21 of
1965, s. 3.

2. 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, 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.

Application
of Act.
Repealed
and
re-enacted
by No. 21 of
1965, s. 4.

3. (1) Subject to subsection (2) of this section, this Act applies only within twenty-five miles 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 specified.¹

(3) A proclamation made under this section may be cancelled or from time to time varied by subsequent proclamation.

¹ See *Gazettes*—5/5/66, p. 1094; 19/3/66, p. 2237; 28/4/67, p. 1057; and 14/7/67, p. 1809.

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-application of Act to medical practitioners, nurses or masseurs.
Ibid. s. 4.

(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.

Non-application of Act to students and apprentices.

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.

Appointment of Hairdressers Registration Board.
Ibid. s. 5.

(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 hairdressing) 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.;

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- (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.

Provision in case of failure of submission of appointees.

(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.

Removal of members from office.

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

Tenure of office of members.

(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.

Chairman to preside at meetings.

(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.

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.

(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.

Filling vacancies.

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

Acts of Board during vacancy.

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

Quorum.

(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.

Payment of members for services and expenses.

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.

Board not to represent the Crown.

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

Power and duties of Board.

Ibid. s. 6. Amended by No. 31 of 1953, s. 2.

(a) in respect of each prescribed class of hair-dressing—

(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) to suspend the registration of any person under this Act and to annul such suspension;

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- (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.

Appointment
of registrar,
officers, etc.

(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 examiners.

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.

Examiners
fees.

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

Protection
of members.

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.

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.

(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*.

Register to be gazetted.

(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.

Supplementary lists.

(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.

Published copies and lists to be read together.

(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.

Evidence.

(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.
 Amended by
 No. 21 of
 1965, s. 5.

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) [*Repealed by No. 21 of 1965, s. 5.*]
- (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 three of this Act, 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 five years immediately preceding the date he so applies, and he so applies within a period of twelve months next following the date of the application of this Act to that area; or

- (ii) during any continuous period that is less than five years preceding the date he so applies and has passed such examination as the Board prescribes.

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) 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.
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.

(2) [*Repealed by No. 21 of 1965, s. 6.*]

(3) [*Repealed by No. 21 of 1965, s. 6.*]

(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 two dollars ten cents 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.

Application of fees.

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
report.

(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.
Amended by
No. 21 of
1965, s. 7;
No. 113 of
1965, s. 8.

15. (1) From and after the expiration of a period of six 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 of any prescribed class of hairdressing in contravention of this section shall be liable to a penalty of not more than one hundred dollars.

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.
Amended by No. 21 of 1963, s. 8; No. 42 of 1968, s. 3.

- (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

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- (c) who before or after registration, was or has been convicted of an offence that in the opinion of the Board, renders him unfit to practise as a hairdresser; or
- (d) who, for any other reason, is in the opinion of the Board, no longer a fit and proper person to practise as a hairdresser;

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 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) Before cancelling or suspending the registration of any person pursuant to this section 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.

(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.

Appeal from decision of Board.

(6) Such stipendiary magistrate shall entertain, inquire into and decide upon the appeal by way of rehearing, 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.

Power to Stipendiary Magistrate.

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.

Powers of Board in conducting investigations.
Ibid. s. 14.

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 and badge of registration issued to such person under this Act.

Return of certificate.
Ibid. s. 15.
Amended by No. 31 of 1953 s. 4; No. 113 of 1965, s. 8.

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

(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.

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.
Amended by No. 113 of 1965, s. 8.

(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 twenty dollars.

Penalty in cases not otherwise provided for.

(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 twenty dollars.

Appeal against conviction.

(3) In any conviction under this Act notwithstanding that the penalty imposed does not exceed the sum of ten dollars the person convicted may appeal under the appropriate provisions of the Justices Act, 1902-1936,¹ and all the provisions of the said Act shall, subject to this section of this Act, apply accordingly.

Proceedings under this Act.
Ibid. s. 17.

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

Power to make regulations.
Ibid. s. 22.
Amended by No. 31 of 1953, s. 5; No. 21 of 1965, s. 9.

21. 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;
- (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;

¹ Now Justices Act, 1902-1968.

- (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.