



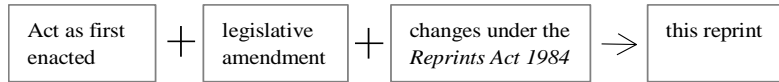
Western Australia

Hairdressers Registration Act 1946

Reprint 2: The Act as at 7 March 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Hairdressers Registration Act 1946

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 7 February 2003

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

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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.

- (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) 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 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.]

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*]
 - (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.]

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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.
- (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.]

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 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

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

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

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 by order of the Board 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.

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- (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.]

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 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 \$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) In any conviction under this Act notwithstanding that the penalty imposed does not exceed the sum of \$10 the person convicted may appeal under the appropriate provisions of the *Justices Act 1902*, and all the provisions of the said Act shall, subject to this section of this Act, apply accordingly.

[Section 19 amended by No. 113 of 1965 s. 8.]

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

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- (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.]

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Notes

- ¹ This reprint is a compilation as at 7 February 2003 of the *Hairdressers Registration Act 1946* and includes the amendments made by the other written laws referred to in the following table. This table also contains information about any previous 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) | | | |

- 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.

