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## HAIRDRESSERS' REGISTRATION ACT 1975

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## HAIRDRESSERS' REGISTRATION

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 No. 23 of 1975  
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**AN ACT to provide for the regulation of the business of hairdressers, including the licensing of premises for the carrying on of such a business and the registration of persons carrying out hairdressing operations for remuneration, and to repeal the Ladies' Hairdressers and Beauty Culturists Act 1939.**

[23 May 1975]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

### PART I

#### PRELIMINARY

**1—(1)** This Act may be cited as the *Hairdressers' Registration Act 1975*. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

## Repeals.

**2**—(1) The *Ladies' Hairdressers and Beauty Culturists Act 1939* is repealed.

(2) Section 37 of the *Podiatrists Registration Act 1974* is repealed.

## Interpretation.

**3** In this Act, unless the contrary intention appears—

“ Board ” means the Hairdressers' Advisory Board established under this Act;

“ business ” means the business of a hairdresser;

“ certificate ” means a manager's certificate or operator's certificate, as the context requires;

“ hairdressing operation ” means—

(a) arranging, dressing, curling, waving, cleansing, cutting, trimming, shaving, singeing, bleaching, tinting, colouring, or other treatment of the hair of any person, whether by hand or by any mechanical or electrical apparatus or appliance;

(b) massaging, cleansing, or stimulating the scalp, face, or neck of any person, whether by the use of cosmetic, antiseptic, or similar preparations, or of tonics, lotions, or cream or otherwise, when carried out on the premises of a hairdresser; or

(c) carrying out any beauty treatment on the premises of a hairdresser;

“ licence ” means a licence granted under section 8 in respect of premises at which the business of a hairdresser is carried on;

“ licensed ” means licensed under this Act;

“ manager's certificate ” has the meaning assigned to that expression by section 6 (1);

“ operator's certificate ” has the meaning assigned to that expression by section 7 (1);

“ panel of examiners ” means the panel of examiners referred to in section 10 (4);

“ permit ” means a permit granted under section 17;

“ prescribed class ”, in relation to hairdressing operations, means a class of those operations prescribed by section 4;

“ remuneration ” includes fee, reward, salary, and wages;

“ Secretary ” means the Secretary for Labour.

**4** The following classes of hairdressing operations are prescribed as the classes of hairdressing operations for the purposes of this Act, namely:—

Classes of hairdressing operations.

- (a) Male hairdressing operations;
- (b) Female hairdressing operations; and
- (c) Male and female hairdressing operations.

## PART II

### THE HAIRDRESSERS' ADVISORY BOARD

**5**—(1) There shall be established a board to be known as the Hairdressers' Advisory Board.

Establishment of the Hairdressers' Advisory Board.

(2) The functions of the Board are—

- (a) to give advice to the Secretary on any matter in respect of which this Act provides for its giving advice to him;
- (b) to give advice and to make recommendations to the Secretary on other matters relating to the administration of this Act, both at the request of the Secretary and on its own initiative; and
- (c) to take part in the conduct of examinations for certificates under sections 10 and 11.

(3) The Board shall consist of the Secretary who shall be the chairman of the Board and 7 other members appointed by the Minister, of whom—

- (a) two shall be persons appointed to represent the Master Ladies' Hairdressers Association of Tasmania;
- (b) two shall be persons appointed to represent the Tasmanian Master Hairdressers' Association;
- (c) one shall be a person appointed to represent employees in the hairdressing trade;
- (d) one shall be an officer of the Division of Technical and Further Education of the Education Department; and
- (e) one shall be an officer of the Department of Health Services.

(4) If an association referred to in paragraph (a) or paragraph (b) of subsection (3) ceases to exist or ceases to exist under the name specified in the appropriate paragraph, the Minister may, by order, declare that this section shall have effect as if a reference to that association were a reference to an association specified in the order, and, on the coming into force of that order, this section has effect accordingly.

(5) A member of the Board who is an officer of the Division referred to in subsection (3) (d) shall be a person who appears to the Minister to have substantial experience as an instructor in the hairdressing trade.

(6) A member of the Board who is appointed under—

(a) paragraph (a) or paragraph (b) of subsection (3) shall be appointed by the Minister from 4 persons nominated by the association referred to in the appropriate paragraph; or

(b) paragraph (c) of that subsection shall be appointed by the Minister from 2 persons nominated by an association of the employees referred to in that paragraph.

(7) If an association authorized to nominate persons as mentioned in subsection (6) fails for one month to comply with a request by the Minister to do so, the Minister may appoint as a member of the Board any person instead of a person so nominated and that person may be appointed as if so nominated.

(8) The chairman of the Board, or, if he is absent, such one of the other members present as they may choose, shall preside at each meeting of the Board.

(9) The chairman or other person presiding at a meeting of the Board has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the Board, the matter stands adjourned to the next meeting of the Board.

(10) At any meeting of the Board, a quorum is constituted if at least half of the members are present.

(11) Subject to this section, the Board may regulate its own proceedings.

(12) Subject to the *Public Service Act* 1973, the members of the Board may be paid such remuneration and allowances as the Governor may determine.

(13) The members of the Board are not, as such, subject to the provisions of the *Public Service Act* 1973.

## PART III

LICENSING OF PREMISES AND REGISTRATION OF MANAGERS  
AND OPERATORS*Division I—General prohibitions in respect of businesses, managers,  
and operators*

**6**—(1) No person shall carry on at any premises, or hold out that there is carried on at any premises, the business of a hairdresser, unless—

- Prohibition against carrying on business on unlicensed premises and without registered manager.
- (a) those premises are licensed for the carrying on of that business; and
  - (b) a person holding a certificate of registration as a manager (in this Act referred to as “ a manager’s certificate ”) is in charge of that business.

Penalty: \$200, and a daily penalty of \$20.

(2) No person shall be in charge of the business of a hairdresser unless he is the holder of a manager’s certificate.

Penalty: \$100.

(3) This section does not apply to a business carried on under the authority of a permit.

**7**—(1) Subject to this section and to section 17, no person shall carry out a hairdressing operation for a remuneration or in expectation of receiving a remuneration, unless—

- Prohibition against unregistered operators.
- (a) he is the holder of a certificate of registration as an operator (in this Act referred to as “ an operator’s certificate ”); and
  - (b) he carries out that hairdressing operation at licensed premises.

Penalty: \$100.

(2) Subject to this section and to section 17, no person shall carry out a hairdressing operation of a prescribed class for a remuneration or in expectation of receiving a remuneration, unless—

- (a) he is the holder of an operator’s certificate authorizing him to carry out that class of hairdressing operations; and
- (b) he carries out that class of hairdressing operations at licensed premises.

Penalty: \$100.

(3) Subject to this section, no person who carries on the business of a hairdresser shall cause or allow a person in his employment—

- (a) to carry out a hairdressing operation, unless the other person is the holder of an operator's certificate; or
- (b) to carry out a hairdressing operation of a prescribed class, unless the other person is the holder of an operator's certificate authorizing him to carry out that class of hairdressing operations.

Penalty: \$200, and a daily penalty of \$20.

(4) Nothing in this section requires—

- (a) the holder of a manager's certificate; or
- (b) a person who is employed as an apprentice in the trade of hairdressing,

to hold an operator's certificate.

#### *Division II—Licensing of premises*

Grant of  
licences.

**8**—(1) Subject to this section, upon application in the prescribed manner and payment of the prescribed fee, the Secretary shall grant a licence for the carrying on of the business of a hairdresser at the premises that are specified in the licence as those at which that business may be carried on.

- (2) No fee is payable for a licence under subsection (1), if—
  - (a) the premises to which the licence relates are registered under the *Factories, Shops, and Offices Act 1965*; or
  - (b) an application for the registration of those premises under that Act is made at the same time as the application for the licence.

(3) Without prejudice to the following provisions of this section, the Secretary shall not grant a licence if he is satisfied that, in all the circumstances of the case, it would be contrary to the public interest for the licence to be granted.

- (4) The Secretary may refuse to grant a licence—
  - (a) if the person by whom business is to be carried on pursuant to the licence has been convicted of an offence in relation to the carrying on of the business of a hairdresser; or
  - (b) if the person who it is proposed will be the manager in charge of the business has been convicted of such an offence as is referred to in paragraph (a) or an offence in relation to the carrying out of hairdressing operations or a prescribed class of hairdressing operations.



(5) The Secretary shall not grant a licence unless he is satisfied that the premises in which it is proposed to carry on business pursuant to the licence comply, in relation to their design, construction, furnishing, and equipment, with such requirements as may be prescribed with respect to the carrying on of the business of a hairdresser.

**9**—(1) On an application being made in the prescribed manner by the holder of a licence, the Secretary shall revoke the licence. Revocation of licences.

(2) The Secretary may revoke a licence under this section—

- (a) if he is satisfied that the holder of the licence has obtained it by fraud or misrepresentation;
- (b) if the holder of the licence has been convicted of an offence against this Act; or
- (c) on any ground on which he could refuse to grant a licence.

*Division III—Managers' certificates and operators' certificates*

**10**—(1) Subject to this section, upon application in the prescribed manner and payment of the prescribed fee, the Secretary shall grant a manager's certificate to the applicant. Grant of managers' certificates.

(2) The Secretary may refuse to grant a manager's certificate if the applicant for the certificate has been convicted of an offence in relation to the carrying on of the business of a hairdresser or in relation to the carrying out of hairdressing operations or a prescribed class of hairdressing operations.

(3) The Secretary shall not grant a manager's certificate, unless he is satisfied that the applicant for the certificate—

(a) has—

- (i) successfully completed a trade course in hairdressing conducted by the Education Department that, to the satisfaction of the Secretary, is appropriate to the prescribed class of hairdressing operations carried out for the purposes of the business of which he will be in charge if he is granted the certificate;
- or
- (ii) such qualifications appropriate to that prescribed class of hairdressing operations as are, subject to subsection (4), deemed by the Secretary, on the advice of the Board, to be equivalent to the qualifications prescribed by sub-paragraph (i); and

(b) has had at least 2 years' experience in that prescribed class of hairdressing operations after completing the term of apprenticeship prescribed in respect of the hairdressing trade by or under the *Apprentices Act 1942*.

(4) For the purposes of subsection (3) (a) (ii), the Secretary may, if he considers it necessary, require an applicant for a manager's certificate to pass an examination in the appropriate class of hairdressing operations, being an examination conducted by a panel of examiners consisting of members of the Board and officers of the Education Department.

Grant of  
operators'  
certificates.

**11**—(1) Subject to this section—

(a) upon application in the prescribed manner for an operator's certificate to carry out a prescribed class of hairdressing operations; and

(b) upon payment of the prescribed fee,

the Secretary shall grant to the applicant an operator's certificate authorizing him to carry out that class of hairdressing operations.

(2) The Secretary shall not grant an operator's certificate unless he is satisfied that the applicant for the certificate—

(a) has successfully completed a trade course in hairdressing conducted by the Education Department that, to the satisfaction of the Secretary, is appropriate to the prescribed class of hairdressing operations that the applicant proposes to carry out pursuant to the certificate; or

(b) has such qualifications appropriate to that prescribed class of hairdressing operations as are, subject to subsection (3), deemed by the Secretary, on the advice of the Board, to be equivalent to the qualifications prescribed by paragraph (a).

(3) For the purposes of subsection (2) (b), the Secretary may, if he considers it necessary, require an applicant for an operator's certificate to pass an examination in the prescribed class of hairdressing operations that the applicant proposes to carry out pursuant to the certificate.

(4) An examination under subsection (3) shall be conducted by the panel of examiners.

**12**—(1) On an application being made in the prescribed manner by the holder of a manager's certificate or operator's certificate, the Secretary shall revoke the certificate. Revocation of certificates.

- (2) The Secretary may revoke a certificate under this section—
- (a) if he is satisfied that the holder of the certificate has obtained it by fraud or misrepresentation;
  - (b) if the holder of the certificate has been convicted of an offence against this Act; or
  - (c) in the case of a manager's certificate, on any ground on which he could refuse to grant the certificate.

*Division IV—Provisions applicable to licences and certificates*

**13**—(1) Before refusing to grant a licence or certificate, the Secretary shall serve on the person making application for the licence or certificate a notice of his intention so to do, specifying the grounds thereof. Procedure on refusal to grant licences and certificates.

(2) Before revoking a licence under section 9 (2) or a certificate under section 12 (2), the Secretary shall serve a notice on the holder of the licence or certificate of his intention so to do, specifying the grounds thereof.

(3) If, within 14 days after the service of a notice under subsection (1) or subsection (2), the person on whom the notice is served so requires, the Secretary shall not refuse to grant the licence or certificate to which the notice relates or revoke that licence or certificate, until he has given that person the opportunity of being heard by him, or some person authorized by him in that behalf.

**14**—(1) A person aggrieved by a decision of the Secretary to refuse to grant a licence or certificate, or to revoke a licence or certificate, may appeal to a magistrate. Appeals.

(2) An appeal under this section shall be made in the prescribed manner and within the prescribed time.

(3) On the hearing of an appeal under this section, the magistrate (unless he dismisses the appeal) may quash the decision in respect of which the appeal is made, and may direct the Secretary to grant the licence or certificate to which the appeal relates, and the Secretary shall comply with any such direction.

(4) Subject to subsection (5), an appeal under this section shall be instituted, heard, and determined as prescribed.

(5) Upon the hearing of an appeal under this section, a magistrate may, if he thinks it just so to do, award costs to or against the appellant, and may assess the amount of those costs.

(6) The Minister shall pay to the appellant any costs awarded to the appellant under subsection (5), and any costs awarded against the appellant under that subsection may be recovered from him as a debt due to the Crown.

(7) The decision of a magistrate on the hearing of an appeal under this section is final and is not subject to appeal.

#### PART IV

##### PROVISIONS RELATING TO THE CARRYING ON OF BUSINESS

Manager, &c.,  
to be in  
attendance at  
licensed  
premises.

**15** Except as may otherwise be permitted by regulations made for the purposes of this section, business shall not be carried on on any licensed premises, unless the holder of a manager's certificate or a person who has the qualifications and experience that are required by section 10 (3)—

(a) is in attendance at those premises; and

(b) is exercising personal supervision over the persons employed thereat in the carrying out of hairdressing operations,

and, if this section is contravened in relation to the business carried on at any premises, the person carrying on the business and the holder of a manager's certificate who is in charge of that business are each guilty of an offence and liable to a penalty of \$200.

Regulations as  
to business  
of hairdressers.

**16**—(1) Subject to subsection (2), regulations under this Act may make provision for the regulation of the business of hairdressers, and, without prejudice to the generality of the foregoing provisions of this section, may—

(a) impose requirements with respect to the premises in which such a business is carried on, and the design, construction, furnishing, and equipment thereof;

(b) prohibit or restrict the use of those premises for any purpose other than the carrying on of such a business;

(c) impose requirements for the supply and use of protective clothing; and

(d) impose requirements with respect to the standards of hygiene and cleanliness to be observed in those premises in the carrying on of such a business and in the hairdressing operations carried out at those premises.

(2) Regulations shall not be made under paragraph (a) or paragraph (b) of subsection (1) in respect of premises in which business is carried on under the authority of a permit.

**17**—(1) The Secretary may, subject to subsection (2), grant to— Permits to carry on business at unlicensed premises.

- (a) the holder of a certificate; or
- (b) a person who he is satisfied has the qualifications for a certificate required by this Act and such experience as the Secretary deems appropriate,

a permit authorizing that person to carry on business personally at the premises specified in the permit (being premises other than licensed premises) and, in the course of that business, to carry out—

- (c) in the case of the holder of an operator's certificate, the same prescribed class of hairdressing operations that he is authorized to carry out pursuant to the certificate;
- (d) in the case of the holder of a manager's certificate, the same prescribed class of hairdressing operations carried out for the purposes of the business of which he is in charge pursuant to that certificate; or
- (e) in any other case, the prescribed class of hairdressing operations for which the Secretary considers that he has the appropriate qualifications and experience.

(2) A permit under this section—

- (a) shall be granted without the payment of a fee;
- (b) may be granted unconditionally or subject to such terms and conditions as are specified in the permit;
- (c) expires on such date (if any) as is specified in the permit; and
- (d) may be revoked at any time by the Secretary by a notice served on the person to whom it was granted.

(3) A person to whom a permit is granted under this section authorizing the carrying on of business at any premises shall ensure that, in relation to the carrying on of business pursuant to the permit, the terms and conditions specified in the permit are complied with.

Penalty: \$200.

## PART V

## MISCELLANEOUS

Offences by persons who do not hold authorities under this Act.

**18**—(1) No person shall take or use any name, title, addition, or description falsely implying, or shall otherwise pretend—

- (a) that he is carrying on business in licensed premises or under the authority of a permit;
- (b) that he is the holder of a certificate or permit; or
- (c) that he is the holder of a certificate or permit authorizing him to carry out a prescribed class of hairdressing operations.

Penalty: \$200.

(2) This section shall commence at the expiration of 6 months from the commencement of this Act.

Prohibition on teaching of business for remuneration.

**19**—(1) No person shall, for a remuneration or in expectation of receiving a remuneration, teach or undertake, or offer to teach, any other person the business of a hairdresser or a prescribed class of hairdressing operations.

Penalty: \$200, and a daily penalty of \$20.

(2) This section does not apply to—

- (a) the teaching given at a college or other educational institution maintained wholly or partly by the State; or
- (b) the teaching given at any occasional demonstration of a prescribed class of hairdressing operations.

Powers of entry.

**20** An authorized officer for the purposes of the *Factories, Shops, and Offices Act 1965* may at any reasonable time enter and inspect licensed premises or premises in respect of which a permit granted under section 17 is in force.

Service of notices.

**21**—(1) A notice authorized or required to be served on any person under this Act may be so served—

- (a) by delivering it to him personally;
- (b) by leaving it at his usual or last-known place of abode or business with some person apparently over the age of 18 years who appears to be residing or employed thereat; or
- (c) by sending it by certified mail addressed to him at his usual or last-known place of abode or business.

(2) Without prejudice to the generality of the provisions of subsection (1), premises licensed for the carrying on of the business of a hairdresser shall, for the purposes of that subsection, be deemed to be the usual place of business of the person by whom the business is carried on therein and of the holder of a manager's certificate who is in charge of the business and of any holder of an operator's licence who is employed therein.

**22**—(1) The Governor may make regulations for the purposes Regulations. of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made for the purposes of this Act—

(a) may contain provisions for or with respect to—

(i) the examinations conducted by the panel of examiners for the purposes of sections 10 and 11; and

(ii) the panel of examiners and the respective representation on that panel of members of the Board and officers of the Education Department;

(b) may prescribe the fees payable by candidates for an examination referred to in paragraph (a) and the fees payable to the members of the panel of examiners for conducting such an examination; and

(c) may impose penalties for contraventions of the provisions thereof, not exceeding, in any case, \$250.

**23**—(1) Premises that were, immediately before the commencement of this Act— Transitory provisions.

(a) registered premises for the carrying on of the business of a ladies' hairdresser; or

(b) premises for the carrying on of the business of a men's hairdresser,

shall be deemed to be licensed premises for the purposes of this Act.

(2) A person who carries on business in licensed premises is not guilty of an offence if the person in charge of the business does not hold a manager's certificate during the prescribed period.

(3) A person who, immediately before the commencement of this Act, was in charge of the business of—

(a) a ladies' hairdresser that was carried on at registered premises; or

(*b*) a men's hairdresser,

is not guilty of an offence if he does not hold a manager's certificate while he is in charge of the business carried on in licensed premises during the prescribed period.

(4) A person who, immediately before the commencement of this Act, was carrying out hairdressing operations at registered premises or the premises of a men's hairdresser is not guilty of an offence if he does not hold an operator's certificate authorizing him to carry out hairdressing operations of a prescribed class while he is carrying out operations of that class at licensed premises during the prescribed period.

(5) A reference in section 15 to the holder of a manager's certificate shall, during the prescribed period, be construed as a reference to a person in charge of the business carried on in licensed premises.

(6) Subject to subsections (7) and (8), on the application by a person who, immediately before the commencement of this Act—

- (*a*) was in charge of the business of a ladies' hairdresser that was carried on in registered premises;
- (*b*) was in charge of the business of a men's hairdresser; or
- (*c*) was carrying out hairdressing operations at registered premises or the premises of a men's hairdresser (except in the course of his employment as an apprentice in the hairdressing trade),

the Secretary shall grant, without the payment of a fee and before the expiry of the prescribed period, a manager's certificate or operator's certificate, as the case may require, to the applicant, notwithstanding that he does not have the appropriate qualifications and experience required by section 10, in the case of a manager's certificate, or the appropriate qualifications required by section 11, in the case of an operator's certificate.

(7) An application under subsection (6)—

- (*a*) shall be in the form provided by the Secretary for that purpose; and
- (*b*) shall be lodged with the Secretary at least 3 months before the expiry of the prescribed period.



(8) A certificate granted pursuant to subsection (6)—

(a) in the case of—

(i) an operator's certificate, authorizes the holder to carry out hairdressing operations of the same prescribed class as he was carrying out; or

(ii) a manager's certificate, authorizes the holder to be in charge of the business of a hairdresser for the purposes of which hairdressing operations of the same prescribed class are carried out as were carried out for the purposes of the business of which he was in charge,

immediately before the commencement of this Act; and

(b) may be subject to such restrictions or terms and conditions as the Secretary, having regard to the holder's qualifications and experience immediately before that commencement, considers necessary or desirable.

(9) In this section—

“prescribed period” means the period of 6 months commencing on the commencement of this Act;

“registered premises” means premises that were registered under the *Ladies' Hairdressers and Beauty Culturists Act 1939*.