
HAIRDRESSERS' REGISTRATION AMENDMENT ACT 1979

TABLE OF PROVISIONS

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|---|--|
| <ul style="list-style-type: none">1. Short title.2. Commencement.3. Principal Act.4. Amendment of section 3 of Principal Act (Interpretation).5. Amendment of heading to Part II of Principal Act.6. Amendment of section 5 of Principal Act (Establishment of Hairdressers' Registration Advisory Board).7. Amendment of headings of Part III of Principal Act.8. Amendment of section 6 of Principal Act (Prohibition against carrying on business on unlicensed premises, &c.).9. Amendment of section 7 of Principal Act (Prohibition against unregistered operators).10. Amendment of section 8 of Principal Act (Grant of licences).11. Insertion in Principal Act of new sections 9A and 9B.<ul style="list-style-type: none">9A—Interpretation.9B—Kinds of certificates of registration. | <ul style="list-style-type: none">12. Substitution of section 10, and insertion of new section 10A, of Principal Act.<ul style="list-style-type: none">10—Grant of masters' certificates.10A—Grant of principals' certificates.13. Amendment of section 13 of Principal Act (Grant of hairdressers' certificates).14. Amendment of section 14 of Principal Act (Revocation of certificates).15. Substitution of section 15 of Principal Act.<ul style="list-style-type: none">15—Master, &c., to be in attendance at licensed premises.16. Amendment of section 17 of Principal Act (Permits to carry on business at unlicensed premises).17. Amendment of section 21 of Principal Act (Service of notices).18. Amendment of section 22 of Principal Act (Regulations).19. Repeal of section 23 of Principal Act (Transitory provisions).20. Transitional provisions.Schedule 1—Transitional provisions. |
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HAIRDRESSERS' REGISTRATION AMENDMENT

No. 51 of 1979

AN ACT to amend the Hairdressers' Registration Act 1975 for the purpose of changing the name of the Board established under that Act to the Hairdressers' Registration Advisory Board, altering the constitution of that Board, changing the classes of certificates of registration that may be granted under that Act, and for related and other purposes.

[Royal Assent 28 November 1979]

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:—

1—This Act may be cited as the *Hairdressers' Registration Amendment Act 1979*. Short title.

2—(1) This section and sections 1, 3, 16, 19, 20, and Schedule 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Sections 4, 5, and 6 shall commence on such date as may be fixed by proclamation.

(3) Sections 7 to 15, 17, and 18 shall commence on such date as may be fixed by proclamation.

Principal Act.

3—In this Act, the *Hairdressers' Registration Act 1975** is referred to as the Principal Act.

Amendment of
section 3 of
Principal Act
(Interpre-
tation).

4—Section 3 of the Principal Act is amended as follows:—

(a) by inserting "Registration" in the definition of "Board" after "Hairdressers'";

(b) by omitting the definition of "certificate" and substituting the following definitions:—

"certificate" means a master's certificate, principal's certificate, or hairdresser's certificate, as the context requires;

"hairdresser's certificate" has the meaning assigned to that expression by section 9B (c);

(c) by omitting the definitions of "manager's certificate", "operator's certificate", and "panel of examiners" and substituting the following definition:—

"master's certificate" has the meaning assigned to that expression by section 9B (a);

(d) by inserting after the definition of "prescribed class" the following definition:—

"principal's certificate" has the meaning assigned to that expression by section 9B (b);

Amendment of
heading to
Part II of
Principal Act.

5—The heading to Part II of the Principal Act is amended by inserting "REGISTRATION" after "HAIRDRESSERS'".

Amendment of
section 5 of
Principal Act
(Establishment
of the
Hairdressers'
Registration
Advisory
Board).

6—Section 5 of the Principal Act is amended as follows:—

(a) by inserting in subsection (1) "Registration" after "Hairdressers'";

(b) by omitting from paragraph (a) of subsection (2) "him;" and substituting "him; and";

(c) by omitting from paragraph (b) of that subsection "initiative; and" and substituting "initiative.";

(d) by omitting paragraph (c) of that subsection;

(e) by omitting from subsection (3) "7" and substituting "6";

(f) by omitting paragraphs (a) and (b) of that subsection and substituting the following paragraphs:—

(a) one shall be a person appointed to represent the Master Ladies' Hairdressers Association of Tasmania;

- (b) one shall be a person appointed to represent the Tasmanian Master Hairdressers' Association;
- (g) by omitting from paragraph (d) of that subsection "Department; and " and substituting "Department;";
- (h) by omitting from paragraph (e) of that subsection "Services." and substituting "Services; and ";
- (i) by inserting after that paragraph the following paragraph:—
 - (f) one shall be an officer of the Apprenticeship Commission of Tasmania.
- (j) by omitting from subsection (6) (a) "4" and substituting "2".

7—Part III of the Principal Act is amended as follows:—

- (a) by omitting the heading to that Part and substituting the following heading:—

Amendment of
headings of
Part III of
Principal Act.

LICENSING OF PREMISES AND REGISTRATION OF MASTERS, PRINCIPALS, AND HAIRDRESSERS

- (b) by omitting the heading to Division I and substituting the following heading:—

Division I—General prohibitions in respect of businesses, masters, principals, and hairdressers

- (c) by omitting the heading to Division III and substituting the following heading:—

Division III—Certificates of registration

8—Section 6 of the Principal Act is amended as follows:—

- (a) by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

(b) in the case of—

- (i) a business in which both male and female hairdressing operations are carried out, the business is in charge of a person holding a master's certificate; or

Amendment of
section 6 of
Principal Act.
(Prohibition
against carrying
on business on
unlicensed
premises, &c.).

- (ii) a business in which only male hairdressing operations or only female hairdressing operations are carried out, the business is in charge of a person holding a principal's certificate authorizing him to be in charge of such a business.

(b) by omitting subsection (2) and substituting the following subsections:—

(2) A person shall not be in charge of the business of a hairdresser in which—

(a) both male and female hairdressing operations are carried out, unless he is the holder of a master's certificate; or

(b) only male hairdressing operations or only female hairdressing operations are carried out, unless he is the holder of a principal's certificate authorizing him to be in charge of such a business.

Penalty: \$100.

(2A) Subsections (1) (b) and (2) do not apply to the business of a hairdresser during a period in respect of which there is in force an exemption granted under section 15 (3) to the holder of the licence in respect of the premises at which the business is carried on if, during that period, any terms and conditions to which the exemption is subject are complied with.

Amendment of
section 7 of
Principal Act
(Prohibition
against
unregistered
operators).

9—Section 7 of the Principal Act is amended as follows:—

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) (a) “an operator's” and substituting “a hairdresser's”;
- (c) by omitting paragraph (a) of subsection (3);
- (d) by omitting from paragraph (b) of that subsection “an operator's” and substituting “a hairdresser's”;
- (e) by omitting paragraph (a) of subsection (4) and substituting the following paragraph:—
 - (a) the holder of a master's certificate or principal's certificate; or
- (f) by omitting from that subsection “an operator's” and substituting “a hairdresser's”.

10—Section 8 (4) (b) of the Principal Act is amended as follows:—

Amendment of section 8 of Principal Act (Grant of licences).

(a) by omitting “manager” and substituting “master or principal”;

(b) by omitting the words “hairdressing operations or”.

11—After section 9 of the Principal Act, the following sections are inserted in Division III of Part III:—

Insertion in Principal Act of new sections 9A and 9B.

9A—In this Division—

Interpretation.

“Department” means the Education Department;

“examination” means an examination conducted by officers of the Department.

9B—The following kinds of certificates of registration may be granted under this Act:—

Kinds of certificates of registration.

(a) a certificate (in this Act referred to as “a master’s certificate”) authorizing the holder to be in charge of a business in which both male and female hairdressing operations are carried out;

(b) a certificate (in this Act referred to as “a principal’s certificate”) authorizing the holder to be in charge of a business in which only the class of hairdressing operations specified in the certificate, being either male hairdressing operations or female hairdressing operations, is carried out;

(c) a certificate (in this Act referred to as “a hairdresser’s certificate”) authorizing the holder to carry out the class of hairdressing operations specified in the certificate.

12—Section 10 of the Principal Act is repealed and the following sections are substituted:—

Substitution of section 10, and insertion of new section 10A, of Principal Act.

10—(1) Subject to this section, upon application in the prescribed manner and payment of the prescribed fee, the Secretary shall grant a master’s certificate to the applicant.

Grant of masters’ certificates.

(2) The Secretary may refuse to grant a master’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 a prescribed class of hairdressing operations.

(3) Subject to subsection (4), the Secretary shall not grant a master's certificate unless he is satisfied that the applicant for the certificate—

(a) has successfully completed an apprenticeship in hairdressing under the *Apprentices Act* 1942 and one of the following:—

- (i) an apprenticeship trade course in hairdressing conducted by the Department;
- (ii) an apprenticeship trade course in female hairdressing and such additional training conducted by the Department as is deemed by the Secretary, on the advice of the Board, to provide appropriate qualifications in male hairdressing operations;
- (iii) such training conducted by the Department as is deemed by the Secretary, on the advice of the Board, to be equivalent to the qualifications prescribed by subparagraph (ii); and

(b) has—

- (i) had at least 2 years' experience in both male and female hairdressing operations after completing the term of the apprenticeship referred to in paragraph (a); or
- (ii) successfully completed a course in salon administration and a course in biology of hair and skin or in beauty culture, being courses conducted by the Department.

(4) The Secretary may grant a master's certificate to an applicant who has such qualifications and experience as are appropriate to a business in which both male and female hairdressing operations are carried out as are, subject to subsection (5), deemed by the Secretary, on the advice of the Board, to be equivalent to the qualifications and experience prescribed by subsection (3).

(5) For the purposes of subsection (4), the Secretary may, if he considers it necessary, require an applicant for a master's certificate to pass an examination in male and female hairdressing operations or either of those operations.

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

(2) The Secretary may refuse to grant a principal'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 a prescribed class of hairdressing operations.

(3) Subject to subsection (4), the Secretary shall not grant a principal's certificate unless he is satisfied that the applicant for the certificate—

(a) has successfully completed an apprenticeship in hairdressing under the *Apprentices Act* 1942;

(b) has, in the case of an application to be in charge of a business in which—

(i) only male hairdressing operations are carried out, successfully completed such training conducted by the Department as is deemed by the Secretary, on the advice of the Board, to provide qualifications that are appropriate to those operations; or

(ii) only female hairdressing operations are carried out, successfully completed an apprenticeship trade course in female hairdressing conducted by the Department; and

(c) has—

(i) had at least 2 years' experience in the appropriate class of hairdressing operations after completing the term of the apprenticeship referred to in paragraph (a); or

(ii) successfully completed courses of the kinds referred to in section 10 (3) (b) (ii) conducted by the Department.

(4) The Secretary may grant a principal's certificate to an applicant who has such qualifications and experience as are appropriate to the class of hairdressing operations carried out in the business of which he will be in charge as are, subject to subsection (5), deemed by the Secretary, on the advice of the Board, to be equivalent to the relevant qualifications and experience prescribed by subsection (3).

(5) For the purposes of subsection (4), the Secretary may, if he considers it necessary, require an applicant for a principal's certificate to pass an examination in the appropriate class of hairdressing operations.

Amendment of
section 13 of
Principal Act
(Grant of
hairdressers'
certificates).

13—Section 11 of the Principal Act is amended as follows:—

(a) by omitting from subsections (1) and (2) “an operator's”, wherever occurring, and substituting “a hairdresser's”;

(b) by omitting paragraph (a) of subsection (2) and substituting the following paragraph:—

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

(c) by omitting subsections (3) and (4) and substituting the following subsection:—

(3) For the purposes of subsection (2) (b), the Secretary may, if he considers it necessary, require an applicant for a hairdresser's certificate to pass an examination in the appropriate class of hairdressing operations.

Amendment of
section 14 of
Principal Act
(Revocation
of certificates).

14—Section 12 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “manager's certificate or operator's certificate” and substituting “certificate”;

(b) by omitting from subsection (2) (c) “manager's certificate” and substituting “master's certificate or principal's certificate”.

15—Section 15 of the Principal Act is repealed and the following section is substituted:—

Substitution of
section 15 of
Principal Act.

15—(1) 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—

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

- (a) in the case of a business in which both male and female hairdressing operations are carried out, the holder of a master's certificate or a person who has the qualifications and experience that are required by section 10 (3); or
- (b) in the case of a business in which only male hairdressing operations or only female hairdressing operations are carried out, the holder of a principal's certificate or a person who has the qualifications and experience that are required by section 10A (3),

is in attendance at those premises and is exercising personal supervision over the persons employed at those premises in the carrying out of those hairdressing operations.

(2) If subsection (1) is contravened in relation to the business carried on at any licensed premises, the person carrying on the business and the holder of a master's certificate or principal's certificate who is in charge of that business are each guilty of an offence and are each liable on summary conviction to a penalty not exceeding \$200.

(3) Subject to subsection (4), the Secretary may grant to the holder of a licence an exemption from the requirements of subsection (1) in relation to the business carried on at the premises to which the licence relates, if—

- (a) there is no person available who is qualified to hold the appropriate certificate, or who has the appropriate qualifications and experience, referred to in that subsection; and
- (b) the Secretary is satisfied that steps are being taken to obtain the services of a person who is so qualified or who has those qualifications and experience and that, during the period in respect of which the exemption is granted, the business will be in charge of a person holding a hairdresser's certificate appropriate to the class of hairdressing operations carried out at those premises.

(4) An exemption under subsection (3)—

- (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 exemption;
- (c) shall be for such period as is specified in the exemption; and
- (d) may be revoked at any time by the Secretary by a notice served on the holder of the licence to whom it is granted.

Amendment of section 17 of Principal Act (Permits to carry on business at unlicensed premises).

16—Section 17 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary may, subject to subsection (2), grant to—

- (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 out personally at the premises specified in the permit (being premises other than licensed premises) the same prescribed class of hairdressing operations that he is authorized or qualified to carry out, or to have charge of carrying out, under this Act.

Amendment of section 21 of Principal Act (Service of notices).

17—Section 21 (2) of the Principal Act is amended as follows:—

- (a) by omitting “manager’s certificate” and substituting “master’s certificate or principal’s certificate”;
- (b) by omitting “an operator’s licence” and substituting “a hairdresser’s certificate”.

Amendment of section 22 of Principal Act (Regulations).

18—Section 22 (2) of the Principal Act is amended as follows:—

- (a) by omitting paragraph (a) and substituting the following paragraph:—
 - (a) may contain provisions for or with respect to the examinations conducted by officers of the Education Department for the purposes of sections 10, 10A, and 11;

- (b) by omitting from paragraph (b) " and the fees payable to the members of the panel of examiners for conducting such an examination ".

19—Section 23 of the Principal Act is repealed.

Repeal of
section 23 of
Principal Act
(Transitory
provisions).

20—Schedule 1 has effect.

Transitional
provisions.

SCHEDULE 1

Section 20

TRANSITIONAL PROVISIONS

1—For the purposes of—

Interpretation.

- (a) clause 2, " proclaimed date " means the date fixed by proclamation under section 2 (2); and
- (b) clause 3 or 4, " proclaimed date " means the date fixed by proclamation under section 2 (3).

2—As soon as practicable after the proclaimed date the Board shall be reconstituted in accordance with the provisions of section 5 of the Principal Act (as amended by this Act).

Reconstitution
of the Board.

3—(1) A person who, immediately before the proclaimed date, holds a manager's certificate authorizing him to be in charge of the business of a hairdresser at which both male and female hairdressing operations are carried out shall, on that date, be deemed to be the holder of a master's certificate authorizing him to be in charge of that business.

Managers'
certificates.

(2) A person who, immediately before the proclaimed date, holds a manager's certificate authorizing him to be in charge of the business of a hairdresser at which only male hairdressing operations or only female hairdressing operations are carried out shall, on that date, be deemed to be the holder of a principal's certificate authorizing him to be in charge of that business.

4—A person who, immediately before the proclaimed date, holds an operator's certificate authorizing him to carry out a class of hairdressing operations shall, on that date, be deemed to be the holder of a hairdresser's certificate authorizing him to carry out that class of hairdressing operations.

Operators'
certificates.

