

**FACTORIES AND SHOPS (HAIRDRESSERS)
AMENDMENT ACT.**

Act No. 21, 1950.

**George VI,
No. 21, 1950.**

An Act to provide for the licensing of hairdressers; to constitute a Hairdressers Council and to define its powers, authorities, duties and functions; for these and other purposes to amend the Factories and Shops Act, 1912-1948; and for purposes connected therewith. [Assented to, 15th May, 1950.]

BE

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BE it enacted by the King's Most Excellent Majesty, **No. 21, 1950.**
by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Factories and Shops (Hairdressers) Amendment Act, 1950." Short title, citation and commencement.

(2) The Factories and Shops Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Factories and Shops Act, 1912-1950.

(3) This Act shall except where otherwise expressly provided commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Factories and Shops Act, 1912-1948, is amended— Amendment of Act No. 39, 1912.

(a) by omitting from Part VI the heading "Division 5.—Licensing of hairdressers" and by inserting in lieu thereof the heading "Division 5.—Teachers of the Trade of Hairdressing"; Heading. Division 5, Part VI.

(b) by inserting next after the same Division the following new Division:— New Division 5A.

DIVISION 5A.—Licensing of Hairdressers.

117A. In this Division unless the context or subject matter otherwise indicates or requires— Definition.

"Apprentice" means apprentice within the meaning of the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

"Council" means the Hairdressers Council constituted under this Act.

"Division" means Division of this Part of this Act.

"Hairdresser" means a person engaged in—

- (a) arranging, dressing, curling, waving, cleansing, cutting, trimming, shaving, singeing, bleaching,

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bleaching, tinting, colouring or otherwise treating the hair or beard of any person, whether by hand, or by any mechanical or electrical apparatus or appliances; or

(b) massaging, cleansing or stimulating the scalp, face or neck of any person, whether with the use of cosmetic, antiseptic or similar preparations, or of tonics, lotions, or cream or otherwise; or

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

and "hairdressing" shall have a corresponding meaning.

"License" means a license or any renewal thereof issued pursuant to this Division.

"Licensee" means a person who is the holder of a license.

"Member" means member of the Council.

"Trainee apprentice" means trainee apprentice within the meaning of the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

"Under Secretary" means the Under Secretary of the Department of Labour and Industry and Social Welfare.

**Exemption
from appli-
cation of
Act.**

117B. Nothing in this Division shall extend or apply to any legally qualified medical practitioner or nurse or physiotherapist when engaged in the practice of his profession, or an apprentice or a probationer for apprenticeship or trainee apprentice engaged in hairdressing under the direct personal control and supervision of a hairdresser licensed under this Division.

117c.

117c. (1) (a) There shall be constituted a Hairdressers Council which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Division.

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Constitution
of Council.

(b) The Council shall consist of five members appointed by the Governor.

(c) Of the members so appointed—

- (i) one shall be the person for the time being holding the office of Under Secretary;
- (ii) two shall be representatives of the employers in the industry or calling of hairdressing;
- (iii) two shall be representatives of the employees in the industry or calling of hairdressing.

(d) The member referred to in subparagraph (i) of paragraph (c) of this subsection shall be the Chairman of the Council.

(e) If the member referred to in subparagraph (i) of paragraph (c) of this subsection is unable to attend any meeting of the Council he may appoint an officer of his Department to attend and act for him at such meeting and for all purposes such officer when so acting shall be deemed to be the Chairman of the Council.

(2) Subject to this Division the members, other than the Chairman, shall hold office for a term of five years and shall be eligible for re-appointment from time to time upon the expiration of their term of office.

(3) Members shall be entitled to receive such remuneration or fees for their services as may be fixed from time to time by the Governor.

Each member shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

(4)

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(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as a member, be subject to the provisions of any such Act during his term of office.

(5) A member, other than the Chairman, shall be deemed to have vacated his office if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1949;
- (d) resigns his office by writing under his hand addressed to the Governor; or
- (e) is removed from office by the Governor.

(6) On the occurrence of a vacancy in the office of a member, a person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(7) In the case of the illness or absence of a member, other than the chairman, the Governor may appoint a deputy to act in the place of such member during his illness or absence.

Any deputy appointed under this subsection whilst acting as such deputy shall have the immunities and may exercise and discharge all the powers, authorities, duties and functions of the member in whose place he acts.

(8) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Council by or under this Division, the Council may, with the approval of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(9)!

(9) Any three members, one of whom shall be the Chairman, shall constitute a quorum for the purposes of any meeting of the Council, and any duly convened meeting at which a quorum is present shall be capable of exercising and performing any of the powers, authorities, duties and functions conferred and imposed on the Council by this Division. No. 21, 1950.

(10) At any meeting of the Council the decision of the majority of the members present and voting at such meeting shall be the decision of the Council.

If at any meeting of the Council the voting on any matter is equal, the Chairman shall have a second or casting vote.

(11) No act or proceeding of the Council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

(12) The Council shall cause minutes of its proceedings and decisions at formal meetings to be kept.

(13) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings shall, subject to this section and to any regulations made under this Act in relation thereto, be as determined by the Council.

(14) The office of a member of the Council shall not for the purposes of the Constitution Act, 1902, or any Act amending or replacing that Act, be deemed to be an office or place of profit under the Crown.

117D. (1) The Council shall, in addition to any other powers, authorities, duties and functions conferred or imposed on it by or under this Act, have power to— Functions
of
Council.

- (a) investigate and make recommendations to the Minister in respect of special measures necessary to improve methods of

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of hairdressing, standards of hygiene and sanitary conditions in premises used in connection with the trade or calling of hairdressing;

- (b) recommend to the Minister standards of efficiency necessary for persons engaged in the trade or calling of hairdressing;
- (c) recommend to the Minister measures necessary to regulate and control conditions under which hairdressers may carry on their trade or calling;
- (d) consider and recommend to the Minister any amendment of existing legislation and proposals for future legislation which in its opinion are necessary and desirable in respect of any matters relating to the regulation and control of the hairdressing industry.

(2) The Council shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to the hairdressing industry which may be referred to the Council by the Minister.

Licensing
of hair-
dressers.

117E. (1) No person shall, after the expiration of six months from the commencement of the Factories and Shops (Hairdressers) Amendment Act, 1950, for fee, gain or reward act as a hairdresser unless he is the holder of a hairdresser's license granted under this Division.

(2) An application for a license shall be made to the Under Secretary, shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(3) A license shall, subject to this Division, remain in force for a period of one year from the date of the issue thereof and may upon payment of the prescribed fee be renewed from time to time for a like period.

117F.

117F. (1) The Under Secretary may—

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- (a) grant any application for a license either unconditionally or subject to such terms and conditions as the Under Secretary may impose;
- (b) cancel any license or suspend any license for such period as he may determine;
- (c) during the currency of a license vary the terms and conditions thereof or impose additional terms and conditions therein.

Grant, refusal, cancellation, etc., of licenses.

(2) Any applicant for a license or the holder of any license who is dissatisfied with any terms and conditions imposed by the Under Secretary under paragraph (a) of subsection one of this section or with any determination of the Under Secretary under paragraph (b) or (c) of that subsection, as the case may be, may require the Under Secretary to state in writing the grounds for the imposition of such terms and conditions or such cancellation, suspension or variation, as the case may be.

The Under Secretary shall forthwith furnish to the applicant or the holder of the license, as the case may be, the statement referred to in this subsection.

(3) Any applicant for or holder of a license who is dissatisfied as aforesaid may appeal against the imposition of any terms and conditions or any such determination to a district court. The district court shall thereupon determine the matter of the appeal and its determination shall be final and shall be given effect to by the Under Secretary.

117G. (1) Any person who, within a period of six months from the commencement of the Factories and Shops (Hairdressers) Amendment Act, 1950, applies to be licensed as a hairdresser under this Act, shall be entitled to be

Qualifications for licenses.

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be licensed if the Under Secretary is satisfied that such person was, at any time within a period of two years immediately preceding the commencement of the Factories and Shops (Hairdressers) Amendment Act, 1950, bona fide acting for fee, gain or reward as a hairdresser otherwise than as an apprentice or trainee apprentice.

(2) Any person who applies to be licensed under this Act as a hairdresser shall be entitled to be licensed if the Under Secretary is satisfied that such person has completed the prescribed course of training and passed the prescribed examinations or is otherwise qualified to be licensed.

(3) Any person whose application for a license under this Division is refused by the Under Secretary may appeal to a district court. The district court shall thereupon determine the matter of the appeal and its determination shall be final and shall be given effect to by the Under Secretary.

Offences.

117H. Any person, who is guilty of an offence against this Division or who contravenes or fails to comply with the terms and conditions of any license, shall be liable to a penalty not exceeding fifty pounds.

Regulations.

117I. (1) Regulations may be made under this Act:—

- (a) prescribing the forms of applications and forms of licenses;
- (b) requiring licensees to keep records and registers as prescribed;
- (c) requiring licenses and other prescribed documents to be exhibited and regulating the manner of exhibition;
- (d) prescribing the fees to be paid on applications for licenses;

(e)

- (e) prescribing the course of training to be completed by applicants for licenses and the qualifications the possession of which shall entitle a person to be licensed; No. 21, 1950.
- (f) providing for the establishment of a Hairdressers Examination Board;
- (g) relating to the powers, authorities, duties and functions of the Hairdressers Examination Board;
- (h) prescribing the fees to be paid for examinations for licenses for hairdressers;
- (i) relating to any matter the subject of a recommendation made by the Council under paragraphs (a) (b) and (c) of subsection one of section 117D of this Act in so far as such regulations are necessary to give effect to such recommendation and provision with respect to that matter is not made under any other Act or regulations made thereunder.

(2) The provisions of section one hundred and twenty-eight of this Act shall apply to and in respect of regulations under this section.

- (c) by omitting from section one the sub-heading "Division 5—Licensing of Hairdressers—s. 117" and by inserting in lieu thereof the following sub-headings:—"Division 5—Teachers of the Trade of Hairdressing—s. 117: Division 5A—Licensing of Hairdressers—ss. 117A—117I." Sec. 1.
(Division into Parts).

3. The Factories and Shops Act, 1912-1948, is further amended—

- (a) (i) by inserting in subsection three of section one hundred and five after the words "butchers' shops" the words "hairdressers' shops";

Further amendment of Act No. 39, 1912. Sec. 105. (Closing times for shops, etc.)

(ii)

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(ii) by inserting next after subsection (3A) of the same section the following new subsection:—

(3B) The opening and closing times for hairdressers' shops situate in a shopping district whether or not employees are employed therein shall on each week day be such times as may be fixed by any award for the time being in force under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, for the commencing and cessation of the ordinary hours of work by employees in hairdressers' shops in such district.

Sec. 107.
(Matters to be dealt with in awards.)

(b) (i) by inserting in paragraph (a) of section one hundred and seven after the words "butchers' shops" the words "hairdressers' shops";

(ii) by inserting in paragraph (b) of the same section after the words "butchers' shops" the words "and hairdressers' shops";

New sec. 109A.

(c) by inserting next after section one hundred and nine the following new section:—

Penalty for opening hairdresser's shop before opening time.

109A. If any hairdresser's shop situate within any shopping district is open on any week day before the opening time fixed by or under this Act for such day in respect of such hairdresser's shop the shopkeeper of the hairdresser's shop or any person acting or apparently acting in the management of the shop shall be guilty of an offence against this Part of this Act.

Further amendment of Act No. 39, 1912. Subst. sec. 117.

Teachers of trade of hair-dressing.

4. (1) The Factories and Shops Act, 1912-1948, is further amended by omitting section one hundred and seventeen and by inserting in lieu thereof the following section:—

117. No person shall, for fee, gain or reward, teach or undertake to teach any person the trade of hairdressing.

This

This section shall not apply to or in respect of— No. 21, 1950.

- (a) the teaching of the trade of hairdressing by a hairdresser licensed under Division 5A of this Part of this Act to any person employed by such hairdresser under conditions prescribed by an award made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, in respect of the trade or calling of hairdressing;
- (b) any person engaged in the teaching of hairdressing under the direction, control or supervision of the Department of Technical Education.

(2) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette. Such date shall be a date not earlier than the date appointed pursuant to subsection three of section one of this Act.

