



New South Wales

Hairdressers Act 2003 No 62

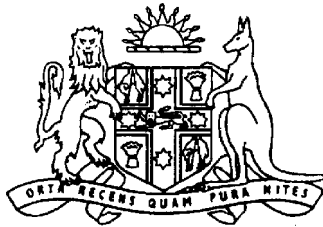
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New South Wales

Hairdressers Act 2003 No 62

Act No 62, 2003

An Act to prohibit unqualified individuals from acting as hairdressers; to amend the *Shops and Industries Act 1962*; and for other purposes.

Section 1 Hairdressers Act 2003 No 62

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Hairdressers Act 2003*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Part 2 Hairdressers must be qualified

3 Hairdressers must be qualified

An individual must not act as a hairdresser for fee, gain or reward unless the individual is qualified to act as a hairdresser.

Maximum penalty: 20 penalty units.

4 When is an individual “qualified to act as a hairdresser”?

(1) For the purposes of this Act, an individual is *qualified to act as a hairdresser* if any one or more of the following applies to the individual:

- (a) the individual has been awarded an authorised qualification by an authorised provider,
- (b) the Vocational Training Tribunal has determined under section 36 of the *Apprenticeship and Traineeship Act 2001* that the individual is adequately trained to pursue the recognised trade vocation of hairdressing (because the individual has qualifications obtained elsewhere than in New South Wales),
- (c) the Vocational Training Tribunal has determined under section 37 of the *Apprenticeship and Traineeship Act 2001* that the individual is adequately trained to pursue the recognised trade vocation of hairdressing (because the individual has acquired the competencies of the recognised trade vocation),
- (d) the individual has at any time held, or been taken to have held, a licence under Part 6 (Regulation of the hairdressing trade) of the *Shops and Industries Act 1962*, other than a licence limited to carrying out beauty treatment only.

(2) In this section:

authorised provider means an education or training provider that is:

- (a) registered under the *Vocational Education and Training Accreditation Act 1990*, or
- (b) licensed, registered or otherwise approved under an Act of another State or Territory to conduct vocational courses,

in relation to an authorised qualification.

Section 4 Hairdressers Act 2003 No 62

Part 2 Hairdressers must be qualified

authorised qualification means:

- (a) the set of nationally endorsed standards and qualifications for recognising and assessing skills known as “(WRH30100) Certificate III in Hairdressing”, or
- (b) if the Certificate III in Hairdressing is no longer nationally endorsed, the qualifications prescribed by the regulations.

Part 3 Miscellaneous

5 Prohibition on unqualified hairdressers does not apply to apprentices, health care professionals or certain others

Section 3 does not apply to:

- (a) an apprentice (within the meaning of the *Apprenticeship and Traineeship Act 2001*) who acts as a hairdresser when under the direct control and supervision of an individual who is qualified to act as a hairdresser, or
- (b) any individual who acts as a hairdresser when engaged in the practice of his or her profession as a legally qualified medical practitioner, nurse or physiotherapist or other health care professional, or
- (c) any individual who acts as a hairdresser when providing care for elderly or disabled people, or
- (d) any individual who acts as a hairdresser in such other circumstances as may be prescribed by the regulations.

6 Apprenticeship and Traineeship Act 2001 not affected

The operation of the *Apprenticeship and Traineeship Act 2001* is not affected by this Act.

7 Information and documents may be required

- (1) If an authorised officer has reason to believe that an individual is acting as a hairdresser but is not qualified to do so, the authorised officer may serve on that individual a notice requiring the individual to do either or both of the following for the purpose of determining whether the individual is in fact qualified:
 - (a) to produce specified documents for inspection or copying at any place nominated in the notice,
 - (b) to provide the information specified in the notice.
- (2) An individual who, without reasonable excuse, fails to comply with a notice served on the individual under this section within the time specified in the notice is guilty of an offence.

Maximum penalty: 20 penalty units.

- (3) In this section, ***authorised officer*** means an officer of a Government Department who is authorised by the Minister for the purposes of this section.

8 Proceedings for offences

- (1) Proceedings for an offence under this Act may be dealt with summarily before a Local Court.
- (2) Proceedings for an offence under this Act may be instituted only by the Minister or by a person duly authorised by the Minister in that behalf, either generally or in a particular case.

9 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

10 Amendment of Shops and Industries Act 1962 No 43

The *Shops and Industries Act 1962* is amended as set out in Schedule 1.

11 Repeal of Hairdressing Regulation 1997

The *Hairdressing Regulation 1997* is repealed.

12 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Amendment of Shops and Industries Act 1962

(Section 10)

- [1] Part 6 Regulation of the hairdressing trade**
Omit the Part.
- [2] Section 144 Regulations**
Omit “, permits and licences” from section 144 (1) (c).
- [3] Section 145 Proceedings**
Omit “Part 4 or 6 or the regulations under those Parts” from section 145 (1) (a2).
Insert instead “Part 4 or the regulations under that Part”.
- [4] Section 148 Evidentiary provisions**
Omit “, permit or licence” wherever occurring in section 148 (1) (a) and (b).
- [5] Section 148 (1) (a)**
Omit “, boiler, or pressure vessel,”.
- [6] Section 148 (1) (a)**
Omit “or permit” wherever occurring.
- [7] Section 148 (1) (b)**
Omit “, boiler, or pressure vessel”.
- [8] Section 148 (1)**
Omit “, permits, or licences”.
- [9] Section 148 (1)**
Omit “permit, licence,”.
- [10] Section 151 Penalty for forging certificates and false declaration**
Omit “, permit, or licence” wherever occurring.

[11] Section 151

Omit “in any application for a hairdresser’s licence or”.

[12] Section 152 Penalty for destroying notices etc

Omit “, permit, licence”.

[13] Section 152A Performance of Director-General’s functions

Omit “Part 2, 4 or 6” from section 152A (1).

Insert instead “Part 2 or 4”.

[Second reading speech made in—
Legislative Assembly on 17 October 2003
Legislative Council on 29 October 2003]

BY AUTHORITY