

# Hairdressers Act 2003 No 62

[2003-62]



New South Wales

## Status Information

### Currency of version

Current version for 5 December 2019 to date (accessed 1 July 2024 at 1:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# Hairdressers Act 2003 No 62



New South Wales

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

## 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 a registered training organisation,
  - (b) (Repealed)
  - (c) a determination has been made 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 qualification** means—

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

**registered training organisation** has the same meaning as in the [National Vocational Education and Training Regulator Act 2011](#) of the Commonwealth.

### 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 investigator appointed under section 18 of the *Fair Trading Act 1987* or 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 the 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 (Repealed)

## 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 (Repealed)