

South Australia

Hairdressers Act 1988

An Act to prohibit the practice of hairdressing by unqualified persons; to repeal the *Hairdressers Registration Act 1939*; and for other purposes.

Contents

1	Short title
3	Repeal and vesting
4	Interpretation
4A	Recognition by Commissioner of a qualified person
4B	Right of review
5	Hairdresser must be qualified
6	Summary proceedings
7	Evidentiary provision
8	Regulations

Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Hairdressers Act 1988*.

3—Repeal and vesting

- (1) The *Hairdressers Registration Act 1939* is repealed.
- (2) On the commencement of this Act, the assets and liabilities of the Hairdressers Registration Board of South Australia vest in the Minister.
- (3) The Minister will discharge those liabilities out of the proceeds from those assets and will apply the surplus proceeds (if any) towards promoting the interests of the profession of hairdressing in such manner as the Minister thinks fit.

4—Interpretation

In this Act, unless the contrary intention appears—

Commissioner means the Commissioner for Consumer Affairs;

hairdressing means the cutting, colouring, setting, or permanent waving or other treatment of a person's hair;

prescribed qualifications—

- (a) in the case of a person who was, as at 30 June, 1988, required to be registered under the repealed Act—means registration under that Act on that day; and
- (b) in any other case—means qualifications declared by regulation to be prescribed qualifications;

qualified person means—

- (a) a person who holds prescribed qualifications; or
- (b) a person who it has been determined by the Commissioner under section 4A has qualifications, training or experience that the Commissioner considers appropriate to carry on the practice of hairdressing,

and ***unqualified person*** has a corresponding meaning;

the repealed Act means the *Hairdressers Registration Act 1939* repealed by this Act;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

4A—Recognition by Commissioner of a qualified person

- (1) The Commissioner may, on application under this section, determine that the applicant has qualifications, training or experience that the Commissioner considers appropriate to carry on the practice of hairdressing.
- (2) An application must be made in the manner and form approved by the Commissioner.
- (3) For the purposes of making a determination on an application under this section, the Commissioner may require that—
 - (a) records or information be provided by the applicant in support of the application; and
 - (b) all or any part of the application, or any supporting records or information, be verified by statutory declaration.

4B—Right of review

- (1) An applicant for a determination may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of a determination of the Commissioner refusing the application under section 4A.
- (2) Subject to subsection (4), an application for review must be made within 1 month of the making of the determination by the Commissioner.
- (3) The Commissioner must, if so required by the applicant, state in writing the reasons for the Commissioner's determination to refuse the application.
- (4) If the reasons of the Commissioner are not given in writing at the time of making the determination and the applicant (within one month of the making of the determination) requires the Commissioner to state the reasons in writing, the time for making an application for review runs from the time at which the applicant receives the written statement of those reasons.

5—Hairdresser must be qualified

- (1) An unqualified person who carries on the practice of hairdressing for fee or reward is guilty of an offence.

Penalty:

For a first offence—\$1 000.

For a second or subsequent offence—\$4 000.

- (2) A person who employs an unqualified person to carry on the practice of hairdressing is guilty of an offence.

Penalty:

For a first offence—\$1 000.

For a second or subsequent offence—\$4 000.

- (3) This section does not prevent the employment by a qualified person of a person who is undertaking an apprenticeship in hairdressing.

6—Summary proceedings

The offences constituted by this Act are summary offences.

7—Evidentiary provision

An allegation in a complaint for an offence against this Act that a specified person was, as at 30 June, 1988, required to be registered under the repealed Act but was not so registered as at that day will, in the absence of proof to the contrary, be taken to be proved.

8—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) In particular those regulations may—
- (a) exempt, or provide for the exemption of, conditionally or unconditionally, any person or class of persons from all or any of the provisions of this Act;
 - (b) regulate, restrict or prohibit the practice of a prescribed branch of hairdressing by persons of a prescribed class;
 - (c) prescribe penalties not exceeding \$500 for breach of any regulation.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1988	35	<i>Hairdressers Act 1988</i>	21.4.1988	1.1.1989: s 2
2001	1	<i>Hairdressers (Miscellaneous) Amendment Act 2001</i>	22.3.2001	16.2.2003 (<i>Gazette 13.2.2003 p581</i>)
2019	14	<i>Statutes Amendment (SACAT) Act 2019</i>	11.7.2019	Pt 13 (ss 93 to 95)—2.12.2019 (<i>Gazette 21.11.2019 p3928</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 4		
Commissioner	inserted by 1/2001 s 3(a)	16.2.2003
hairdressing	substituted by 1/2001 s 3(b)	16.2.2003
qualified person	substituted by 1/2001 s 3(c)	16.2.2003
Tribunal	inserted by 14/2019 s 93	2.12.2019
<i>unqualified person</i>	<i>deleted by 1/2001 s 3(d)</i>	<i>16.2.2003</i>
ss 4A	inserted by 1/2001 s 4	16.2.2003
ss 4B	inserted by 1/2001 s 4	16.2.2003
s 4B(1) and (2)	substituted by 14/2019 s 94(1)	2.12.2019
s 4B(4)	amended by 14/2019 s 94(2)	2.12.2019

Transitional etc provisions associated with Act or amendments

Statutes Amendment (SACAT) Act 2019, Pt 13

95—Transitional provisions

- (1) A right of appeal under section 4B of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (3) In this section—

principal Act means the *Hairdressers Act 1988*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

Historical versions

16.2.2003