

## Hairdressers Bill 2003

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to prohibit unqualified people from acting as hairdressers.

At present, Part 6 of the *Shops and Industries Act 1962* requires hairdressers to be licensed and prevents people from employing or engaging unlicensed hairdressers. The scheme under Part 6 also provides that only the TAFE Commission can run hairdressing courses.

This Bill removes the licensing system and the prohibition on employing or engaging unlicensed hairdressers and allows other trainers to provide training in hairdressing. However, the Bill continues to prevent unqualified people from hairdressing by specifying the qualifications required to act as a hairdresser for fee, gain or reward.

This Bill arises as a result of the departmental review of Part 6 of the *Shops and Industries Act 1962*, conducted in the context of a National Competition Policy review.

#### Outline of provisions

##### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

##### Part 2 Hairdressers must be qualified

**Clause 3** prohibits an unqualified individual from acting as a hairdresser for fee, gain or reward.

**Clause 4** explains that an individual is **qualified to act as a hairdresser** if the individual has the qualifications required by the proposed section. An individual who has what is known as a Certificate III in Hairdressing is qualified to act as a hairdresser. That certificate forms part of the National Hairdressing Training Package developed by the National Wholesale, Retail and Personal Services Industry Training Council, endorsed by the National Training Quality Council (established by the Australian National Training Authority) and placed on the National Training Information Service. In addition, an individual who held a licence under Part 6 of the *Shops and Industries Act 1962* is taken to be qualified under the proposed Act, as are hairdressers from interstate or overseas who have their qualifications recognised.

##### Part 3 Miscellaneous

**Clause 5** provides that the proposed prohibition on an unqualified individual acting as a hairdresser does not apply to apprentices, health care professionals and certain other individuals.

**Clause 6** makes it clear that nothing in the proposed Act affects the *Apprenticeship and Traineeship Act 2001*.

**Clause 7** provides for the service of a notice on an individual suspected of acting as a hairdresser without qualifications. Such a notice would require the individual to give information or provide documents regarding his or her qualifications.

**Clause 8** provides for proceedings for offences under the proposed Act to be dealt with summarily before a Local Court and that proceedings for offences may be instituted only by the Minister or a person authorised by the Minister.

**Clause 9** empowers the Governor to make regulations under the proposed Act.

**Clause 10** is a formal provision that gives effect to the amendments to the *Shops*

*and Industries Act 1962* set out in Schedule 1. Those amendments remove the licensing requirements under that Act, the requirement that only the TAFE Commission can run hairdressing courses and references to those requirements elsewhere in that Act.

**Clause 11** repeals the *Hairdressing Regulation 1997* as a consequence of the repeal of the licensing requirements under the *Shops and Industries Act 1962*.

**Clause 12** provides for the review of the proposed Act.

**Schedule 1 Amendment of Shops and Industries Act 1962**

Schedule 1 amends the *Shops and Industries Act 1962* to remove the licensing requirements under that Act, the requirement that only the TAFE Commission can run hairdressing courses and references to those requirements elsewhere in that Act.