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## GEORGII VI REGIS.

A.D. 1939.

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### No. 29 of 1939.

An Act to provide for the registration of hairdressers,  
and for other purposes.

[Assented to 14th December, 1939.]

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament  
thereof, as follows:

#### PART I.

#### PART I.

#### PRELIMINARY.

1. This Act may be cited as the "Hairdressers Registration Act, 1939". Short title.
2. This Act shall come into force upon a day to be fixed by proclamation. Commencement.
3. The provisions of this Act are arranged as follows:— Arrangement of Act.
  - PART I.—Preliminary.
  - PART II.—The Hairdressers Registration Board of South Australia.
  - PART III.—Registration of hairdressers.
  - PART IV.—Miscellaneous.
4. In this Act— Interpretation.  
Cf. Vic. 4306,  
1936, s. 2.

"apprentice" means a person whom another person has agreed in writing to teach or to instruct in hair-dressing, whether that is or is not the sole purpose of the agreement:

"board" means the Hairdressers Registration Board of South Australia constituted under this Act:

PART I.

“hairdressing” and “the practice of hairdressing” mean—

(a) the arranging, dressing, curling, waving, cleansing, cutting, shaving, trimming, bleaching, tinting, colouring, singeing, removing, destroying, or other treatment of the hair or beard of any person by any other person for reward, whether by hand or by any mechanical or electrical apparatus or appliances or by tonics, lotions, or creams; the massaging, cleansing, stimulating, or beautifying of the scalp, face, or neck of any person by any other person for reward, whether by hand or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams or by any mechanical or electrical apparatus or appliances; and the making for reward of all classes of hair for human wear:

(b) any branch or any combination of branches of the aforesaid operations:

“Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Crown:

“register” means the register of hairdressers under this Act.

Exemptions.  
Cf. Vic. 4396,  
1936, s. 4.

5. Nothing in this Act shall extend or apply to or in any manner affect the practice of his profession by or any rights or privileges of any legally qualified medical practitioner or registered pharmaceutical chemist, or the practice of massage by any masseur, or the practice of any person registered under the Nurses Registration Act, 1920-1938.

PART II.

## PART II.

## THE HAIRDRESSERS BOARD OF SOUTH AUSTRALIA.

Appointment  
of the board.  
Cf. Vic. 4396,  
1936, s. 5.

6. (1) There shall be a board to be called the Hairdressers Registration Board of South Australia, which shall be constituted as hereinafter provided.

(2) The members of the board shall be appointed by the Governor.

(3) The board shall consist of—

(a) a person (not pecuniarily interested in hairdressing) appointed by the Governor to be chairman of the board; and

- (b) four persons, appointed by the Governor, of whom each shall be a person who has had at least five years' experience whether as a principal or as an employee (other than an apprentice) in any business in the practice of hairdressing.
- (4) Of the four persons so appointed—
- (a) two shall be nominated by the committee of management of the Master Hairdressers' Association of South Australia, Incorporated, one of whom shall be experienced in men's hairdressing and the other of whom shall be experienced in women's hairdressing :
- (b) two shall be nominated by the committee of management of the Australian Hairdressers, Wigmakers and Hairworkers Employees Federation, South Australian Branch, one of whom shall be experienced in men's hairdressing and the other of whom shall be experienced in women's hairdressing.
- (5) When a vacancy occurs on the board, whether by the expiration of a member's term of office or otherwise, the Governor shall appoint a member to fill the vacancy. If the member whose seat has become vacant was a person nominated as provided by subsection (4), the person to fill the vacancy shall be nominated in the same manner as his predecessor was nominated.
- (6) Notice of the appointment of any member shall be published in the *Government Gazette*, and the notice so published shall be *prima facie* evidence that the member was duly nominated and appointed.
7. If either of the bodies aforesaid does not within fourteen days after the receipt of a request in writing from the Minister submit to the Minister nominations as aforesaid, the Governor may without such nominations appoint any otherwise eligible person or persons (as the case may require) to be a member or members of the board.
8. (1) A member shall be appointed for a term of three years : Term of office.  
 Provided that—
- (a) a member appointed to fill a vacancy caused otherwise than by a retirement of a member on the expiration of his term of office shall be appointed only for the unexpired portion of the term of the member in whose place he is appointed ; and
- (b) any retiring member shall hold office until his successor is appointed.

Proceedings on failure to nominate.  
 Cf. Vic. 4396, 1936, s. 4 (4).

## Hairdressers Registration Act, 1939.

(2) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for re-appointment.

## Casual vacancies.

9. (1) In addition to the retirement of members of the board by the expiration of their terms of office, the seat of a member shall become vacant on—

- (a) the death of the member or the member becoming a mental defective within the meaning of the Mental Defectives Act, 1935-1939 ;
- (b) the bankruptcy of the member or the execution by the member of a statutory deed of assignment for the benefit of his creditors ; or his compounding with his creditors for less than twenty shillings in the pound ;
- (c) the conviction of the member for an indictable offence ;
- (d) the resignation of the member by notice in writing, posted or delivered to the Minister ; or
- (e) the absence of the member from three consecutive meetings of the board without leave of the board.

(2) The Governor may at any time remove any member of the board.

## Chairman.

10. (1) At any meeting of the board the chairman or, in his absence, any member elected by the members present to preside at that meeting, shall preside. The person presiding at a meeting shall have a deliberative vote, and in case of an equality of votes shall also have a casting vote.

(2) If at any election of a member to preside at a meeting there is an equality of votes it shall be decided by lot which of the members obtaining an equal number of votes shall so act.

## Quorum.

11. Three members present at a meeting shall constitute a quorum of the board.

## Defects in appointment.

12. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if the said member had been duly appointed and was qualified and entitled to act and had acted as a member of the board, and as if the board had been properly and fully constituted.

13. (1) The board may appoint a registrar and such officers and servants as are necessary for the purposes of the board and may pay to any person so appointed such salary or remuneration as the board thinks fit.

Appointment of registrar and officers.

(2) The provisions of the Public Service Act, 1936-1938, shall not apply to any person appointed as aforesaid.

14. No matter or thing done or suffered by the board, or by any member, or the registrar, *bona fide* in the execution, or intended execution of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board, or any member, or the registrar, or any other person, or the Crown, to any liability in respect thereof.

Protection of board.

15. (1) The registrar shall, every year in the month of July, prepare a balance-sheet showing the income and expenditure of the board for the period of twelve months ended on the thirtieth day of the preceding month of June, and shall transmit the same to the Minister.

Annual balance-sheet and audit, and report.

(2) The accounts of the board shall, once at least in every year, be audited by the Auditor-General, who shall, in respect of those accounts, have all the powers which may be exercised by him under the Audit Act, 1921-1936, and any Act for the time being in force relating to the audit of public accounts. The report of the Auditor-General on any such audit shall be transmitted to the Minister.

(3) The board shall submit to the Minister an annual report of its proceedings.

16. The several members of the board shall be paid for their services as members thereof such fees as are prescribed; and in addition the board may reimburse any member for any reasonable amount of expenses actually incurred by him in attending meetings of the board.

Payment of members.  
Cf. Vic. 4396, 1936, s. 4 (14).

17. (1) Subject to this Act, the powers and duties of the board shall be—

General powers of the board.  
Cf. Vic. 4396, 1936, s. 6.

(a) in respect of each prescribed class of hairdressing—

(i.) to hold examinations and to appoint examiners :

(ii.) to decide upon the places where and the days and times on and at which examinations are to be held : and

(iii.) to issue certificates of registration ;

(b) to suspend the registration of any person under this Act and to annul such suspension ;

## Hairdressers Registration Act, 1939.

- (c) to cancel the registration of any person under this Act and to annul such cancellation ;
- (d) to take proceedings for offences against this Act or any regulations ; and
- (e) generally, to do any other act or exercise any other power or perform any other duty necessary for carrying the provisions of this Act into effect.

(2) Notwithstanding anything in this Act or any regulation under this Act, the powers and duties of the board shall not extend to any of the following matters :—

- I. The prices to be charged to members of the public by registered persons for services rendered in the practice of hairdressing :
- II. The fixing of the hours during which the premises of registered persons shall be open for business :
- III. The conditions of employment of persons engaged in the practice of hairdressing.

The board shall not in any manner whatsoever take any action in or intermeddle with any such matter.

## PART III.

## PART III.

## REGISTRATION OF HAIRDRESSERS.

Hairdressers' register.  
Cf. Vic. 4396, 1936, s. 7.

**18.** (1) The board shall cause to be kept a register of hairdressers of the several prescribed classes (to be called the Register of Hairdressers) which shall be in the prescribed form and contain the prescribed particulars.

(2) The entry in the register shall in each case indicate the qualifications or other matters by virtue of which the entry was made.

Qualifications for registration.  
Cf. Vic. 4396, 1936, s. 8.

**19.** (1) Any person who, within twelve months after the commencement of this Act applies to be registered under this Act as a hairdresser in respect of any prescribed class of hairdressing, shall be entitled to be so registered if the board is satisfied—

- (a) that such person was at any time during the period of twelve months immediately prior to the commencement of this Act or was at any time during the period after such commencement terminating at the date of such application, *bona fide* engaged (whether in South Australia or elsewhere) in the practice of hairdressing of that class either as a principal or as an employee other than an apprentice ; and

(b) that such person has had (whether in South Australia or elsewhere) at least six months' *bona fide* experience as aforesaid at such class of hairdressing.

(2) Any person who applies to be registered under this Act in respect of any prescribed class of hairdressing shall be entitled to be so registered if the board is satisfied—

(a) that such person has completed the appropriate prescribed course of training and passed the appropriate prescribed examination; or

(b) that such person has been (whether in South Australia or elsewhere) for at least five years engaged in the practice of hairdressing of that class either as a principal or as an employee other than an apprentice.

20. No person shall be registered until he has paid to the board the prescribed fee.

Registration fees.  
Cf. Vic. 4396, 1936, s. 9.

21. (1) Save as is provided in subsection (3) of this section, there shall be paid to the board by every candidate for examination and by every applicant for registration or for any certificate such fees as are prescribed.

Fees.  
Cf. Vic. 4396, 1936, s. 10.

(2) Such fees shall not exceed the sum of—

(a) one pound one shilling for examination;

(b) one pound one shilling for registration; and

(c) ten shillings and sixpence for any certificate.

(3) In the case of an applicant for registration under subsection (1) of section 19 who at the time of such application is practising hairdressing as an employee, the fee for registration shall be five shillings, and no fee shall be charged for the certificate of registration.

(4) There shall be paid to the board during the month of January in each year by every person registered under this Act who is practising hairdressing as a principal in any business a fee of one pound one shilling and by every person who is practising hairdressing as an employee a fee of five shillings; and if any such person makes default in paying such fee the registration of such person may be suspended but such suspension shall be annulled on payment of the annual fee and on giving a satisfactory explanation of the default.

(5) No person shall be required to pay more than one fee for registration, or for a certificate, or as an annual fee by reason of the fact that he is at the time of the payment an applicant for registration or is registered (as the case may be) in respect of more than one prescribed class of hairdressing.

22. (1) Any person desiring to be registered shall submit to the board proof of the qualification upon which he relies.

(2) The board may require the attendance before it of the person applying to be registered, and may require the attendance of any other person.

Application for registration and proceedings thereon.

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(3) The board may examine any person upon oath, affirmation, or declaration, and for that purpose any member of the board may administer an oath, affirmation, or declaration.

(4) A summons issued by the board requiring the attendance of any person or the production of any documents, and signed by the registrar, shall have the same effect as a subpoena *ad testificandum* or *duces tecum*, as the case may be, issued out of the Supreme Court in a civil action; and obedience thereto, or non-observance thereof, or refusal to give evidence, shall be enforced or punished by a judge of the Supreme Court in chambers, in the same manner as in the case of disobedience or non-observance of a subpoena issued out of the said court, or refusal to give evidence before the said court.

(5) If not satisfied that the applicant is entitled to be registered the board may refuse the application or adjourn the same for further consideration.

Cancellation  
of registration  
for fraud or  
on other  
grounds.  
Cf. Vic. 4396,  
1936, s. 13.

**23.** (1) The registration (whether in respect of one or more prescribed classes) of any person as a hairdresser under this Act—

- (a) whose registration in respect of any such prescribed class has been obtained by fraud or misrepresentation; or
- (b) who has been convicted of any offence against this Act or any regulation thereunder, or any offence against the Industrial Code, 1920-1936,

may be cancelled or suspended by order of the board and upon the making of the order of cancellation or during the period specified in the order of suspension such person shall cease to be registered as a hairdresser: Provided that no such cancellation or suspension shall take effect until after the expiration of one month from the making of the order of cancellation or suspension or in the event of an appeal therefrom pursuant to section 25 until judgment is given on the appeal.

(2) The cancellation or suspension of the registration of any person may at any time and for such reason as the board thinks fit by order of the board be annulled.

(3) Before cancelling or suspending the registration of any person the board shall—

- (a) send to such person by post by registered letter notice in writing of the complaint against him; and
- (b) hold full inquiry into the matter of the complaint and afford such person an opportunity of giving an explanation personally or in writing and of calling evidence.



**PART III.**

24. (1) Every person whose registration has been cancelled by order of the board shall within fourteen days from the notification of the order to such person surrender to the board every certificate issued to such person under this Act.

Return of certificate.  
Cf. Vic. 4396,  
1936, s. 15.

(2) On failure to do so without reasonable excuse such person shall be liable to a penalty of not more than ten pounds.

(3) The cancellation of the registration of any such person shall be effectual notwithstanding the failure to surrender the certificate.

25. (1) There shall be an appeal against any decision, ruling, order, or direction of the board. Every such appeal shall be to the Supreme Court, and shall be instituted within one month from the making or giving of the decision, ruling, order, or direction appealed against.

Appeal.  
Cf. Vic. 4396,  
1936, s. 13 (4).

(2) Subject as hereinafter mentioned, all proceedings on or in connection with any such appeal shall be conducted as if the appeal were an appeal against an order of a court of summary jurisdiction.

(3) Any notice or other document which, if the appeal were an appeal against an order of a court of summary jurisdiction, would be required to be served by the appellant on any person, may be served on the registrar and any such service shall be deemed in order.

26. The registrar shall from time to time strike out in the register the names of all registered persons who have died, and shall make such alterations and amendments in the register as the board from time to time directs, for the purpose of making the same an accurate record of the names, addresses, and qualifications of all persons for the time being registered.

Correction of register.

27. The register shall be kept in the office of the registrar, and shall at all times be open to inspection by any person on payment of the prescribed fee.

Inspection of register.

28. (1) The board shall in the month of January in the year one thousand nine hundred and forty-one and thereafter in the month of January in every year in which the Minister so directs, cause a copy of the register corrected to the preceding thirty-first day of December to be published in the *Government Gazette*.

Publication of register.  
Cf. Vic. 4396,  
1936, s. 7.

(2) In the month of January in every year in which a copy of the register is not published the board shall publish in the *Government Gazette* a supplementary list showing all alterations, additions, revisions, and removals made in the register during the twelve months ended on the preceding thirty-first day of December.

## Hairdressers Registration Act, 1939.

(3) Every supplementary list so published shall be deemed to be part of the last published copy of the register and such last published copy shall be read and construed as subject to every such list.

(4) Any copy of the register or any such supplementary list published aforesaid shall be *prima facie* evidence of the facts therein stated and the absence (in respect of any prescribed class of hairdressing) of the name of any person from such published copy shall be *prima facie* evidence that such person is not or was not (as the case may be) registered under this Act in respect of such prescribed class.

(5) A certificate that any person is or is not or was or was not registered under this Act in respect of any such prescribed class and purporting to be signed by the registrar shall be *prima facie* evidence of the facts therein stated.

## PART IV.

## PART IV.

## MISCELLANEOUS.

Unregistered  
person assum-  
ing the style of  
hairdresser, etc.  
Cf. Vic. 4396,  
1936, s. 11.

29. (1) From and after the expiration of a period of six months after the commencement of this Act—

- (a) no person who is not registered under this Act shall assume, take, or use (either alone or in combination with any other word or words or letters) the name or title of hairdresser, or any name, title, addition, or description implying that such person is registered under this Act;
- (b) no person, whether registered under this Act or not, shall assume, take, or use (either alone or in combination with any other word or words or letters) any name, title, addition or description implying that such person is registered under this Act in respect of such prescribed class of hairdressing, unless such person is registered under this Act in respect of such prescribed class of hairdressing.

(2) Every person who commits any contravention of this section shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

(3) Subject to subsections (1) and (2) of this section and section 32 nothing in this Act shall prevent any person from practising hairdressing.

(4) The Governor may by proclamation declare that subsections (1) and (2) of this section shall not apply to any part of the State specified in the proclamation, and whilst any such proclamation remains in force the said subsections shall not apply within the portion of the State so specified. The Governor may by proclamation revoke or vary any such proclamation.

30. Every person who—

(a) procures or attempts to procure a certificate under this Act by making or causing to be made or produced any false declaration, certificate or representation either in writing or otherwise; or

(b) wilfully makes or causes to be made any falsification in or in any manner relating to the register,

shall be guilty of an offence and liable to a penalty of not more than twenty pounds.

Penalties for obtaining certificates by false representations and for falsification of register.  
Cf. Vic. 4396, 1936, s. 12.

31. Save as otherwise expressly provided every person registered under this Act who—

(a) fails, neglects, or refuses to comply with any lawful order or direction of the board made pursuant to this Act or any regulation; or

(b) is guilty of a contravention of any regulation,

shall be guilty of an offence and liable to a penalty of not more than ten pounds.

Penalty for disobedience of order of board or breach of regulation.  
Cf. Vic. 4396, 1936, s. 16.

32. (1) No person shall directly or indirectly or by any pretence or device—

(a) require or permit any person to pay or give; or

(b) demand or receive from any person,

any premium, fee, gift, reward, bonus or consideration for teaching any person hairdressing.

(2) No person shall by advertisement or by any other means invite or solicit other persons to pay or give any premium, fee, gift, reward, bonus or consideration for teaching hairdressing.

Prohibition of receipt of fee, etc., for teaching hairdressing.  
Cf. Vic. 4396, 1936, s. 19.

**PART IV.**

(3) Every person who commits any contravention of the provisions of this section shall be guilty of an offence and liable to a penalty of not more than fifty pounds ; and where any such offence has been committed the person who pays or gives such premium, fee, gift, reward, bonus or consideration may recover the same in any court of competent jurisdiction as a debt payable by the person who received the same.

(4) Within one month of the commencement of this Act every person who has contracted to teach any person hairdressing or any class of hairdressing shall furnish to the board the prescribed particulars of the contract, and if required by the board shall produce the contract to the board.

(5) Notwithstanding the foregoing provisions of this section it shall be lawful for any person who has complied with the provisions of subsection (4) to carry out any such contract according to its terms.

Application  
of fees.

**33.** All fees and penalties paid or recovered under this Act shall be paid to the board ; and the board shall apply such fees and penalties to the payment of expenses connected with the examination of candidates and to the general expenses of the board in carrying this Act into effect.

Proceedings  
under this  
Act.

**34.** Any proceedings under this Act may be taken by any person authorized by the board either generally or in any particular case.

Power to  
make  
regulations.  
Cf. Vic. 4396,  
1936, s. 22.

**35.** The board with the approval of the Governor may make regulations for or with respect to—

- (a) regulating its own proceedings ;
- (b) prescribing for the purposes of this Act classes of hairdressing ;
- (c) prescribing the fees to be paid to members of the board but such fees shall not exceed the sum of one hundred pounds per annum for any member of the board other than the chairman ;
- (d) regulating, subject to this Act, the issue of certificates of registration under this Act and the conditions of admission to the register ;
- (e) prescribing in respect of the several prescribed classes of hairdressing the courses of training for persons desiring to be registered under this Act ;

- (f) regulating, subject to this Act, the admission to the register of persons who were at the commencement of this Act already engaged in the practice of hairdressing ;
- (g) regulating and supervising the conduct and prescribing the standard of examinations in respect of the several prescribed classes of hairdressing and the remuneration of examiners ;
- (h) prescribing subject to this Act the fees to be paid for examinations, certificates, and registration ;
- (i) prescribing standards of safety to be observed in the practice of hairdressing ;
- (j) providing for the inspection from time to time by authorized officers of the board of such premises ;
- (k) prescribing the particulars required to be given in any notice under this Act ;
- (l) prescribing the form of the register and of entries therein and particulars to be contained in the register ; and
- (m) generally, providing for anything necessary or convenient to be prescribed for carrying this Act into effect.

36. All proceedings for offences against this Act shall be disposed of summarily. Proceedings  
for offences.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.