

LEGISLATIVE ASSEMBLY

Read 1^o 29 October 1980

(Brought in by Mr Ramsay and Borthwick)

A BILL

To amend the *Hairdressers Registration Act*
1958 and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Hairdressers Registration (Amendment) Act* 1980. Short title.

(2) In this Act the *Hairdressers Registration Act* 1958 is called the Principal Act.

Principal Act
No. 6267.
Reprinted to
No. 7659.
Subsequently
amended by
Nos. 8427,
8460, 8696 and
9427.

10 (3) This Act shall come into operation on a day or days to be fixed by the proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

2. Section 3 (1) of the Principal Act shall be amended as follows:

Amendment of
No. 6267 s. 3.

15 (a) For the definition of "Apprentice" there shall be substituted the following definition;

"Apprentice" means apprentice within the meaning of section 3 of the *Industrial Training Act* 1975;

(b) In the definition of “Hairdressing” or the “practice of hairdressing” the words “or the practice of hairdressing” shall be repealed;

(c) After the definition of “Prescribed” there shall be inserted the following definition: 5

“Principal” includes the proprietor or the person in charge of any school of hairdressing or of the business of hairdressing conducted in any shop;

(d) After the definition of “Register” there shall be inserted the following definition: 10

“Registrar” means the registrar or deputy registrar of the Board.

Amendment of
No. 6267 s. 4.

3. In section 4 (1) of the Principal Act for the words “registered masseur” there shall be substituted the words “registered physiotherapist”. 15

Amendment of
No. 6267 s. 5.

4. (1) In section 5 (2) (ba) of the Principal Act for the words “the Apprenticeship Commission of Victoria” there shall be substituted the words “the Industrial Training Commission of Victoria”.

(2) In section 5 (3) (b) of the Principal Act after the words “Master Ladies’ Hairdressers” there shall be inserted the word “Hairworkers”. 20

(3) In section 5 (14) of the Principal Act for the word “prescribed” there shall be substituted the words “fixed from time to time by the Governor in Council”.

Amendment of
No. 6267 s. 6.

5. In section 6 (2) (a) of the Principal Act for the words “and such” there shall be substituted the words “a deputy registrar and such inspectors”. 25

Amendment of
No. 6267 s. 7.

6. For section 7 (7) of the Principal Act there shall be substituted the following sub-sections:

“(3) Any copy of the register shall be prima facie evidence of the facts stated in the register and the absence (in respect of any prescribed class of hairdressing) of the name of a person from such a register shall be prima facie evidence that the person is not or was not registered under this Act, as the case may be. 30

(4) A certificate signed by the Registrar stating that a person is or is not or was or was not registered under this Act shall be prima facie evidence of the facts stated in the certificate.”. 35

Amendment of
No. 6267 s. 10.

7. (1) Section 10 (2) of the Principal Act shall be amended as follows:

(a) In paragraph (a) for the expression “\$10” there shall be substituted the expression “\$30”; 40

(b) In

(b) In paragraph (b) for the expression "\$3" there shall be substituted the expression "\$20";

(c) In paragraph (c) for the expression "\$2" there shall be substituted the expression "\$10".

5 (2) Section 10 (4) of the Principal Act shall be amended as follows:

(a) For the expression "\$5" (where first occurring) there shall be substituted the expression "\$10" and for the expression "\$15" there shall be substituted the expression "\$30";

10 (b) For the expression "\$1 in the case of an employé and not exceeding \$5 in the case of a principal or teacher" there shall be substituted the words "one-half of the prescribed fee".

8. In section 10 of the Principal Act after sub-section (8) there shall be inserted the following sub-section:

Amendment of
No. 6267 s. 10.

15 "(9) The Minister shall cause such report to be laid before both Houses of Parliament as soon as practicable."

9. Section 11 of the Principal Act shall be amended as follows:

Amendment of
No. 6267 s. 11.

(a) In sub-sections (1), (2) and (3) (a) for the words "engage in" there shall be substituted the word "perform";

20 (b) In sub-section 3 (b) for the word "practise" there shall be substituted the word "perform";

(c) In sub-section (4)—

(i) for the words "engages in" there shall be substituted the word "performs"; and

25 (ii) for the expression "\$100" there shall be substituted the expression "\$200".

10. Section 11A of the Principal Act shall be amended as follows:

Amendment of
No. 6267 s. 11A.

(a) In sub-section (1) the words "in a newspaper or other publication" shall be repealed;

30 (b) after sub-section (2) there shall be inserted the following sub-section:

40 "(3) In any proceedings for an offence against sub-section (1) or (2) any person who appears to the satisfaction of the court to have advertised his willingness to undertake hairdressing or to have authorized such advertisement shall, unless he satisfies the court that he did not advertise or authorize the advertisement or he had no knowledge of such advertisement, be deemed to have advertised his willingness to undertake hairdressing."

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11. In

Amendment of
No. 6267 s. 14.

11. In section 14 of the Principal Act for the expression “sections fourteen to sixteen of the *Evidence Act* 1958” there shall be substituted the expression “sections 14, 15, 16, 20 and 20A of the *Evidence Act* 1958 and by any rules or orders made under section 20 (4) of that Act”.

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Amendment of
No. 6267 s. 16.

12. In section 16 (3) of the Principal Act after the expression “*Magistrates’ Courts Act* 1971” there shall be inserted the expression “and all the provisions of the said Act”.

Amendment of
No. 6267 s. 17.

13. Section 17 of the Principal Act shall be amended as follows:

(a) For the expression “(17)” there shall be substituted the expression “17 (1)”;

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(b) At the end of section 17 there shall be inserted the following sub-sections:

“(2) In and for the purposes of any legal proceedings under or arising out of this Act the following provisions shall apply where relevant:

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(a) No proof, until evidence is given to the contrary shall be required—

(i) of the due constitution of the Board or the membership thereof;

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(ii) of any order or direction to prosecute or of the particular or general appointment of an inspector or officer of the Board to take proceedings against any person;

(iii) of the power of any inspector or officer of the Board to prosecute;

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(iv) of the appointment of the registrar or any inspector or officer or servant of the Board;

(v) of the presence of a quorum at any meeting of the Board at which any order or direction is made or given or any act or matter is done or dealt with by the Board;

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(b) The production of any document whatever purporting to be a document issued by the Board and purporting to be certified by the Registrar of the Board to be a true copy thereof shall be deemed to be a true copy until the contrary is proved; and

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(c) The production of a copy of a document purporting to be confirmed minutes of a meeting of the Board and purporting to be certified by the Registrar to be a true copy thereof shall be evidence until the contrary be proved of the matters contained therein.”.

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14. The

14. The Principal Act shall be amended as follows:Amendment of
No. 6267 ss. 18
19 and 22.

(a) In section 18 (1) the expression "or of post-graduate training in hairdressing" shall be repealed;

(b) In section 18 (3)—

(i) for the expression "a fee of \$40" there shall be substituted the expression "a prescribed fee not exceeding \$250"; and

(ii) for the expression "\$10" there shall be substituted the expression "\$20";

(c) In section 19 (1) the expression "or of post-graduate training" shall be repealed;

(d) In sections 18 (2), 18 (3), 19 (1), 19 (4), 20 (1) (b) and (c) for the words "the owner or occupier" (wherever occurring) there shall be substituted the words "the Principal";

(e) In section 19 (5)—

(i) for the word "Wigmakers" there shall be substituted the word "Hairworkers"; and

(ii) after the words "Hairdressers Association" there shall be inserted the words "the Australian Hairdressers Wigmakers and Hairworkers Employees Federation (Victorian Branch)"; and

(f) In section 20 (3) and (4) for the word "Proprietor" (wherever occurring) there shall be substituted the word "Principal".

15. Section 21 of the Principal Act shall be amended as follows:Amendment of
No. 6267 s. 21.

(a) The words "publication and" shall be repealed;

(b) For the words "owners or occupiers" there shall be substituted the words "principals".

16. (1) Section 22 (1) of the Principal Act shall be amended as follows:Amendment of
No. 6267 s. 22.

(a) For the expression "The Board with the approval of the Governor in Council" there shall be substituted the expression "The Governor in Council on the recommendation of the Board";

(b) For paragraph (a) there shall be substituted the following paragraph:

"(a) regulating the proceedings of the Board;"

(c) Paragraph (c) shall be repealed;

(d) For

(d) For paragraph (f) there shall be substituted the following paragraph:

“(f) prescribing the functions and duties of inspectors for the purposes of this Act;” and

(e) In paragraph (i) the words “hygiene sanitation and” shall be repealed and after the word “and” (where second occurring) there shall be substituted the words “prescribing standards of hygiene sanitation and safety”. 5

(2) Section 22 (3) of the Principal Act shall be repealed.

Savings.

(3) All regulations made by the Board before the commencement of this section may be rescinded, revoked, amended or varied as if they were regulations made under section 22 of the Principal Act as amended by this Act and until repealed or revoked shall— 10

(a) continue in force;

(b) have the like force and effect and be dealt with and enforced as if they were regulations made under section 22 of the Principal Act as amended by this Act. 15

**Consequential
amendments
ss. 5, 8 and 10.**

17. The Principal Act shall be amended as follows:

(a) In section 5 (1) (c) the words “in the practice of” shall be repealed; 20

(b) In section 8 (2) (b) (ii) the words “the practice of” shall be repealed;

(c) In section 10 (4) for the word “practising” there shall be substituted the word “performing”.

