



Government of Western Australia
Department of Commerce
Consumer Protection

EXPLANATORY MEMORANDUM

Hairdressers Registration (Amendment and Expiry) Bill 2010

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Overview of the Bill

The *Hairdressers Registration Act 1946* currently provides for the registration of hairdressers in certain areas of Western Australia and establishes a supervisory board, the Hairdressers Registration Board (Board), to administer the scheme.

The *Hairdressers Registration (Amendment and Expiry) Bill 2010* (Bill) amends the *Hairdressers Registration Act 1946* (Act) and provides for the winding up of the Board by an Administrator. The winding up of the Board commences upon proclamation of the amendment Act.

The Administrator, who is appointed by the Director-General of the Department of Commerce, steps into the shoes of the Board for the purpose of winding up its affairs. Tasks involved in winding-up the Board include liquidating assets, payment of liabilities, finalising accounts and preparing a final report.

At the winding-up commencement, the registration system for hairdressers ceases and it is no longer an offence to practise hairdressing without being registered.

When the Minister is satisfied that the Board has been wound up, the Bill provides for a notice to be published in the *Government Gazette* to repeal the Act.

- Clause 1 Sets out the short title of the Act.
- Clause 2 Provides for sections one and two of the Act to commence upon Royal Assent and the rest of the Act to commence on a day to be fixed by proclamation.
- Clause 3 Provides that this Act will amend the *Hairdressers Registration Act 1946*.
- Clause 4 Amends the long title of the Act to reflect that it will no longer provide for the registration of hairdressers but it will broadly deal with registration matters.
- Clause 5 Provides definitions for the terms required in relation to the winding up of the Board, including the term 'winding-up commencement'.
- Clause 6 Amends section five of the Act so that the Board is no longer to be constituted by persons appointed by the Governor. An Administrator, appointed by the Director General of the Department of Commerce will perform the functions of the Board.
- Clause 7 Amends section seven of the Act to limits the Board's powers and duties to those necessary for, and conducive to, the winding-up of the Board.
- Clause 8 Deletes sections eight and nine of the Act relating to the appointment and remuneration of examiners.
- Clause 9 Amends section ten of the Act to provide for the Administrator to be given the same level of legal protection as Board members had prior to the winding-up commencement when carrying out the statutory functions of the Board.
- Clause 10 Amends section 11 of the Act to allow the register of hairdressers to remain in existence as an historical record and clarifies that no entry is to be made to the register after the winding-up commencement.
- Clause 11 Amends section 12 of the Act to override the registration provisions and clarifies that no person is to be registered after the winding-up commencement.

- Clause 12 Amends section 14 of the Act to override the provisions relating to the payment of fees associated with the registration process and clarifies that no fees are payable after the winding-up commencement.
- Provides for the refund of fees in the following circumstances:
- the Board has not made a decision about registration prior to the winding-up commencement;
 - an exam has not been held prior to the winding-up commencement; or
 - a certificate has not been issued prior to the winding-up commencement.
- Clarifies that the costs associated with the employment of the Administrator are to be made from Board funds.
- Clause 13 Deletes section 15 of the Act so that it is no longer an offence to practice as a hairdresser without registration after the winding-up commencement.
- Clause 14 Amends section 16 of the Act to override the existing provisions about referring disciplinary matters to the State Administrative Tribunal (SAT). Prevents the Board from instituting any new disciplinary proceedings in the SAT after the winding up commencement and provides discretion regarding the methods that the Board can use to bring existing disciplinary matters to a conclusion.
- Clause 15 Amends section 16A of the Act to override the existing provisions relating to the review of Board registration decisions ('reviewable decisions').
- Provides that after the winding-up commencement, no new applications for a review of reviewable decisions can be made to the SAT, but existing applications may be pursued to conclusion.

- Clause 16 Deletes section 18 of the Act so that it is no longer an offence if every certificate and badge of registration issued has not been surrendered to the Board upon the suspension or cancellation of registration prior to the winding-up commencement.
- Clause 17 Deletes section 18B of the Act that empowers the SAT to suspend a person's registration to enforce an existing SAT order that has not been complied with, or has been breached.
- Clause 18 Inserts sections 22, 23 and 24 into the Act.

Section 22 of the Act provides for the matters that the Board would be expected to conclude in winding-up its affairs, including:

- concluding any proceedings;
- discharging its liabilities; and
- transferring tangible assets to the Department of Commerce and transferring liquidated assets and money in hand to the Consolidated Account.

Section 23 of the Act requires the Board to produce the following documents for the period between the Board's last annual report and the winding-up of the Board's affairs:

- a final report;
- financial statements; and
- an auditor's report on the financial statements.

The Administrator is required to give the reports to the Minister and deliver all records to the Department at the conclusion of the winding-up of the Board.

Within 14 days of receipt of the reports, the Minister is required to table the final report, including financial statements and auditor's report, before each House of Parliament or to the Clerk of the House if the House is not in session.

Section 24 of the Act provides that once the Minister is satisfied that the Board has been wound up and there is no reason for the Act to continue, the Minister is to publish a notice in the *Gazette* for the repeal of the *Hairdressers Registration Act 1946*.