

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

HAIRDRESSERS (MISCELLANEOUS) AMENDMENT ACT 2001

No. 1 of 2001

[Assented to 22 March 2001]

An Act to amend the Hairdressers Act 1988.

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 4—Interpretation
4. Insertion of ss. 4A and 4B
 - 4A. Recognition by Commissioner of a qualified person
 - 4B. Appeals

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Hairdressers (Miscellaneous) Amendment Act 2001*.
- (2) The *Hairdressers Act 1988* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended—

- (a) by inserting before the definition of "hairdressing" the following definition:

"Commissioner" means the Commissioner for Consumer Affairs;;

- (b) by striking out the definition of "hairdressing" and substituting the following definition:

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

- (c) by striking out the definition of "qualified person" and substituting the following definition:

"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;;

- (d) by striking out the definition of "unqualified person".

Insertion of ss. 4A and 4B

4. The following sections are inserted after section 4 of the principal Act:

Recognition by Commissioner of a qualified person

4A. (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.

Appeals

4B. (1) An applicant for a determination may appeal to the Administrative and Disciplinary Division of the District Court against a determination of the Commissioner refusing the application.

(2) Subject to subsection (4), an appeal must be instituted within one month of the making of the determination appealed against.

(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 instituting an appeal runs from the time at which the applicant receives the written statement of those reasons.