

# POSITION P A P E R

ON THE REGULATION OF  
THE HAIRDRESSING INDUSTRY  
IN WESTERN AUSTRALIA



HAIRDRESSERS REGISTRATION  
BOARD OF WA



# Hairdressers Registration Board of Western Australia response to the Position Paper entitled

## *The regulation of the Hairdressing industry in Western Australia*

This is the Hairdressers Registration Board's (HRB) response to the recommendations contained in Section 6 of the Department of Consumer and Employment Protection's (DOCEP) position paper on the regulation of the hairdressing industry in WA.

The HRB strongly supports the retention of the Hairdressers Registration Act and Regulations but concurs that the current legislation is antiquated and needs to be amended to reflect the recommendations contained in this response to the position paper on the regulation of the hairdressing industry in WA.

The HRB recommends that the legislative framework currently regulating the hairdressing industry needs to be streamlined and brought into the 21st century. A number of HRB recommendations have already been submitted to DOCEP and focus on the streamlining and modernisation of the industry, whilst maintaining the professional integrity of industry standards and protection of consumers.

Early in 2006 the HRB was asked to consider the review proposed by DOCEP to the current Act and Regulations. An immeasurable amount of time was spent by the Chair, Registrar and HRB staff in order to offer practical solutions and recommendations to modernise and simplify the current Act and Regulations that would protect individuals and consumers as well as the hairdressing industry. Many of these recommendations have been included in DOCEP's position paper.

*Although HRB agrees with some of the DOCEP position paper's recommendation's, we strongly believe that certain processes undertaken to ensure those entering the industry in Western Australia for the first time are not only qualified to do so, but are also workplace competent, have been overlooked. Had the HRB been consulted prior to the production of the position paper, DOCEP may have better understood the reason why these aforementioned processes are required to be enforced.*

### APPLICATION OF THE ACT

At present, the Act provides for the application of the Act to be extended to any area of the State on proclamation by the Governor. It is proposed that this power be transferred to the Regulations.

There are no current or planned proposals to extend the application of the Act to other areas within the State. Following the implementation of the proposed model, this position may be re-considered. However, before any decision is made in this regard, stakeholders across the State will be fully consulted.

The HRB has no objections at this stage to maintaining the current jurisdiction; however in 2005 the HRB requested the Minister to extend the jurisdiction to the entire state to eliminate any question of discrimination as per the recommendations made by the National Competition Council (NCC) for compliance with the National Competition Policy (NCP).

### REGISTRATION

#### Registration Process

- a) All hairdressers currently registered in Western Australia will remain registered.
- b) The Commissioner will establish an advisory committee to advise on appropriate qualifications, training and experience to become a registered hairdresser in this State. The HRB considers it essential to have the expertise of an advisory committee. It is HRB's view that such a committee should include one member from government and one member from the non-government training sector, two practicing hairdressers, one hairdressing employer, one consumer representative and an independent chair.
- c) Persons seeking to become a hairdresser will be required to apply to the Commissioner for registration. The Commissioner, after advice from the advisory committee that the applicant meets the minimum standard (a like form of training to that of a WA apprentice) required, will proceed with the registration. In addition we propose to continue to extend reciprocity with all states and territories of Australia and New Zealand for applicants who have completed a like form of training.
- d) The Commissioner will have the power to refuse to register a person when aware of past misconduct that renders the person unfit to be registered.

If an overseas applicant has adequate experience, the HRB whilst their application for registration is being processed, grants, under the supervision of the salon principal, an **authority to work**. We propose that this practice be continued.

## Assessment Process

The HRB recommends the following procedure to be vital to the maintenance of standards within the industry and the protection of consumers.

Theory and Practical examinations need to be conducted for those applicants that do not have a like form of training to that of a WA apprentice. Both interstate and overseas applicants have various forms and lengths of training that are not equivalent to our standards in WA. The HRB believes that the need for applicants to be able to demonstrate their skills is vital not only for the protection of WA hairdressers' qualifications but importantly for consumers. A one hour theory examination and a 4 hour practical exam is of little inconvenience to the applicant. It is HRB's very strong view, particularly because of the severe shortage of hairdressers in WA, that it would be fair and just to encourage them by allowing applicants to demonstrate their skill levels by undertaking a theory and practical examination.

## Registration Fees

A renewal fee will be payable annually.

Currently registration fees are payable annually and it is HRB's view that this should continue. It is HRB's experience that of all renewal notices that are sent out, approximately fifteen percent are returned marked "return to sender". A minority of hairdressers fail to advise HRB when their address/place of employment or other details change. Given the obvious necessity to have accurate and up-to-date records for the purpose of registration, DOCEP's proposal to move to tri-annual billing is, in HRB's view, flawed as it would require significant additional administrative costs in order to follow-up on the returns that may occur after a three year period.

HRB is currently able to minimise this situation either by utilising the HRB's regular salon inspection process to automatically update all individual personal registration records or by contacting the last known employer.

In addition, the proposal for tri-annual registration fees is likely to cause financial hardship to many hairdressers, particularly new applicants who, under DOCEP's proposal, will be liable for a larger fee at the commencement of their registration.

**The HRB supports a reduction in annual registration fees provided the integrity of the registration compliance process is not jeopardised.**

## The Register of Hairdressers

A register of hairdressers will continue to be available for members of the public to check whether a hairdresser is registered. The register can currently be accessed at [www.hrb.org.au](http://www.hrb.org.au) or by contacting any one of the HRB's staff.

## PRINCIPALS IN HAIRDRESSING ESTABLISHMENTS

The HRB supports the retention of principals and believes that the role of a principal in a hairdressing establishment has been fundamentally misinterpreted.

A principal is required for the following reasons:

- a) The principal is the legally identified point of contact for HRB inspectors when carrying out compliance checks.
- b) The principal has a responsibility for the supervision of each apprentice in a hairdressing establishment.

- c) The principal is responsible for the day-to-day management of the hairdressing practices in the hairdressing establishment pertaining to customers, staff, occupational safety and health compliance, resolution of complaints.

## PENALTIES

Penalties to deter unqualified persons from practicing as hairdressers to be increased from \$100 to \$3,000.

## COMPLIANCE

The Commissioner will be able to apply to the SAT for the cancellation of the registration of a hairdresser where the Commissioner, in consultation with the advisory committee, is of the opinion that the person is not fit and proper to carry on business as a hairdresser (eg. if a person had committed a serious criminal offence or obtained registration by fraud or misrepresentation).

Registered hairdressers will be required to notify Consumer Protection if they have been found guilty of any indictable offence.

The Act will also be amended to provide for penalties to be applied to owners/managers of salons who employ unregistered persons.

## Compliance Checks

Compliance checks on **commercial, mobile and home occupation** hairdressing establishments are effective and essential. They:

- a) protect consumers
- b) ensure that unregistered hairdressers do not practice hairdressing
- c) ensure that those hairdressers that have worked hard to obtain their trade qualifications and/or established a business are protected from unqualified operators practicing hairdressing.

DOCEP's proposal to conduct compliance checks only when a complaint is made against a hairdressing establishment or an individual is viewed as a retrograde step that will seriously undermine the protection of consumers, jeopardise the accuracy of and the ability to maintain the register of hairdressers.

It is HRB's experience that many hairdressers do not voluntarily apply for registration or maintain their registration and it is only by compliance checks that such hairdressers are found.

For example since February 2005, of the 1201 hairdressing establishments inspected, 13.5% of hairdressers employed in those establishments were found to be unregistered. Regular compliance checks on hairdressing establishments must be maintained.

## TRANSFER OF ASSETS AND STAFF

Arrangements to transfer HRB staff and assets to DOCEP will be made following proper consultation with the staff and the hairdressing industry.

## CONCLUSIONS

Our proposed position will serve not only to reduce the financial impact of regulating the hairdressing industry but also continue to support a high level of consumer protection and maintain the professional standards that are currently experienced in the industry.



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