

HAIRDRESSERS REGISTRATION (AMENDMENT AND EXPIRY) BILL 2010

Second Reading

Resumed from 1 July.

HON LJILJANNA RAVLICH (East Metropolitan) [5.33 pm]: I rise in support of the Hairdressers Registration (Amendment and Expiry) Bill 2010. I do so with some sadness; this bill has been in this place on a number of occasions and on a number of occasions the Hairdressers Registration Act has survived, but on this occasion I do not think that that will be the case. The purpose of the bill is quite simple; to remove the requirement for hairdressers to be registered and to wind up the Hairdressers Registration Board and subsequently repeal the Hairdressers Registration Act.

At a broad level the government has made a determination that it wants to reduce red tape, and in doing so it has identified that the Hairdressers Registration Board is one of those boards for the chop. The abolition of the Hairdressers Registration Board will assist in the reduction of red tape for those who work in the hairdressing industry and it will provide greater skills mobility, if we like, particularly at a time—which we are not in at the moment, but perhaps the government can foresee the future—when the economy recovers and skill shortages are upon us again. I must say that the hairdressing industry seems to be divided on this bill.

On 24 June 2010 this bill was introduced into the Legislative Council. Today, this bill is being debated in the Legislative Council and as part of that debate we need to acknowledge that this is legislation that has been in force for quite some time, since the Hairdressers Registration Act was introduced in 1946. However having said that, 1946 was a long time ago and since then we have seen a range of consumer protection, education, training and occupational health and safety laws enacted to provide a sufficient regulatory environment for the hairdressing industry, just as they provide a sufficient regulatory environment for all industries. In fact, in this state, with the exception of the hairdressers, plumbers and electricians are the only trade occupations that are licensed.

Hon Adele Farina interjected.

Hon LJILJANNA RAVLICH: They are registered; they are not licensed as such in the sense of strictly being a licensed occupation. In other words, if people do not have a licence to carry out the functions of a plumber, clearly they cannot do plumbing work, whether it is in the commercial sector of the building and construction industry, the housing sector of the industry or servicing the homes of mums and dads and so on and so forth. Likewise, since 1946 we have had that same requirement for hairdressers. I think it is fair to say that these licensing requirements are born out of the need to ensure that there are proper protections for people who work in those industries and that there are proper protections for the consumers of the services and skills provided by the people in that industry. I was thinking about hairdressers. I thought that, yes, it is bad when people get a bad haircut and it is unacceptable when perhaps the blow-dryer is a bit too hot and burns a sensitive scalp. Of course, these days all sorts of things are done with hair, such as hair extensions. I do not really know but that does not seem to be a big risk to me because it involves tying on bits of extra hair to a person's existing hair, so it is probably not a great threat. Then I thought of the beauty industry. The beauty industry is interesting because a person does not need a licence to be a beautician. Really, when we think about wax, there is a lot of waxing that goes on in this country and in Western Australia in particular.

Hon Max Trenorden: In Brazil as well!

Hon LJILJANNA RAVLICH: Can members think of anything more dangerous than hot wax while somebody is having a Brazilian! I did not want to go there! Who yelled that out? Hon Max Trenorden took us there—there is always one smart Alec in every lot!

Hairdressers have argued for quite some time that there are risks associated with what can go wrong in a hairdressing salon. However, when we compare it with what can go wrong in other human services-type occupations, they do not match up. I would say that the risks in the beauty industry, for example, are considerably higher, yet that industry has not been regulated and it certainly has not been licensed, to the best of my knowledge. It is a good case in point.

We have a recognition that times have changed since 1946. I know that when I was Minister for Education and Training, for example, and we did a lot of work on freeing up the training system and moved from a time-served to a competency-based training system, it was put to me that electricians and plumbers should also perhaps move to a competency-based system as opposed to a time-served system. I personally thought that that was not appropriate, because the integrity of those trades needs to be preserved at all cost, and the best way of doing that is to ensure that it is mandatory for them to complete four full years of training. Because of the risks associated with those trades, there was no change in that respect. Likewise, I believe that they will remain licensed

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occupations for a long time to come, and I hope they do. However, I want to get back to the substance of this debate.

We also find that, given the changes since 1946, the current regime in Western Australia is inadequate because it does not apply to all areas of the state. For example, a person needs to be licensed in the metropolitan area and in the south west to cut hair and undertake the activities of a hairdresser. However, a person can work up in the north west of this state, and that person does not need to have a licence. So there is an inconsistency there.

Western Australia is the only state or territory that has a separate registration scheme for hairdressers and a statutory board to administer that scheme. Therefore, repealing the Hairdressers Registration Act would reduce red tape by removing barriers to entry into the industry, it would reduce the cost to small businesses, and it would assist in addressing skills shortages when they emerge. I know that 2007, for example, was a very difficult year because of skill shortages across all industry sectors, and certainly we were importing skilled hairdressers from other countries. That is how dire the situation had become.

I want to spend a bit of time addressing the issue about the level of complaints within the hairdressing industry. There is a view out there that thousands and thousands of things go wrong in hairdressing salons and that there are huge numbers of complaints. Certainly, our advice is that that is not the case. In fact, last year only 34 complaints were recorded with the consumer protection division of the Department of Commerce. I think it is probably an underestimation; I think that a lot of people who are not satisfied with a haircut—for example, they might have had a nip of the ear or whatever it may be—or who have had a reaction to chemicals et cetera do not make a complaint. I believe that there is probably a lot of under-reporting, but, by the same token, I do not think that there are huge numbers of complaints to consumer protection.

I took the time to go to the Hairdressers Registration Board so that I could satisfy myself about what sort of complaints and prosecutions we were dealing with, for example. In 2010, the record of prosecutions from the Hairdressers Registration Board for WA showed that only two were recorded. That is all I found. Maybe there are some somewhere else; I do not know. If we go back to the record of prosecutions from the Hairdressers Registration Board for WA for 2009, there was a total of seven prosecutions. If we say that, on average, there were 30 or 40 complaints and seven prosecutions, we have a pretty amazing legislative framework to govern the industry for those sorts of adverse outcomes. When we look at prosecutions for 2008, we see that there is only one. When there are prosecutions, the fines or the legal costs imposed are not huge sums of money. They are amounts of \$600, \$800, \$1 000 and so on. That allayed some of the concerns that I had about the complaints and the number of prosecutions that followed from those complaints.

Under the new arrangements, it is not that people who are dissatisfied will not have a place to which to take their complaints. Under the proposal, consumer protection will be able to assist consumers who are unable to resolve a complaint with their hairdresser. They will do that under the consumer protection laws, which really are there for all industry sectors. The fact is that if people are dissatisfied with anyone who provides a service to them, be it a mechanic or anyone else, the same thing applies; they can take that complaint to Consumer Protection.

I will deal with apprenticeships. I know it has been said that if we get rid of the Hairdressers Registration Board, people will be able to do a six-week hairdressing qualification and operate as a hairdresser. Currently, they can do that anyway up in the north of the state. I have some sympathy for the argument that that level of regulation should probably happen at the employer level, as it does currently with all other occupational groups. For example, someone running a steel fabrication operation does not need to be a steel fabricator to be the owner of the operation, but if that person is smart, he will employ fully qualified sheet metal workers or appropriate tradespeople to work within his business, because, quite clearly, if he does not hire people with the appropriate qualifications and expertise, it is just not going to be good for business. Therefore, I believe that that part of the equation should be solved by market processes. Hairdressing apprenticeships will still stand. A hairdressing apprenticeship is a competency-based apprenticeship in this state. It certainly does not have to be done over a four-year term. Any people who have the competencies, the skills and the understanding to work their way through the national skills framework and can meet all the requirements of each of the modules in the hairdressing trade can clearly complete a hairdressing apprenticeship within two and a half years or three years or even less if they are absolutely expert at it.

I want to quickly touch on the differing views within the industry. There is no doubt that this is an issue that has divided the industry to some extent. However, on the whole, many people to whom I have spoken are of the view that they pay their registration fee on an annual basis and they really do not get much for their money. As small business people, many of them see it as a cost impost. There are therefore those people on that side of the argument. On the other side of the argument a group of people regard the Hairdressers Registration Board as giving the industry status and as keeping the industry free from backyard operators and adhering to the standards

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that are set, and so on and so forth. It is very much a divided issue. I have to say, on balance, that I believe more people who work in the industry want the Hairdressers Registration Board to go—because they feel they have not had much support from it—compared with those who want it retained. There are even people who believe the Hairdressers Registration Board can be quite punitive in the way it deals with owners of hairdressing salons.

I will quickly present both sides of the argument. I will read an article from the *Busselton Dunsborough Times* dated 2 July 2010 headed “Red tape chop backed” with the subheading “Hairdressers support bill to cut regulations”. The story was written by Natalie Brown and states —

Busselton hairdressers have added weight to a Parliamentary debate to scrap a regulations body in the hope of drawing more staff to the region.

Vasse MLA Troy Buswell, argued in favour of a bill to abolish the Hairdressers Registration Board, which he introduced when he was Minister for Commerce, to reduce red tape and make hiring staff easier for regional areas such as Busselton.

Mr Buswell said his own hairdresser, Amanda Hudson of Busselton’s The Barber Shop raised the issue with him several times because the need for registration with the board meant staff from other states or overseas could not easily be hired.

That is because, of course, under the Hairdressers Registration Board they could not work in Western Australia until they had their qualifications verified and they were allowed to do so. For some people that took weeks or months, depending on the regularity and frequency with which the board met. Clearly, in that case, there was a strong case to get rid of the board.

Another article in the *South Western Times* dated Thursday, 29 July 2010 headed “Plan alarms hairdressers” reads —

The South West hairdressing industry fears deregulation will lead to an increased risk of chemical burns, “hack” haircuts and under-qualified people working on unsuspecting clients.

The Hairdressers Registration (Amendment and Expiry) Bill 2010 is set to go through the Senate and if it is passed the Hairdressers Registration Board, which sets minimum standards for registration in WA, will end.

In WA, hairdressers must complete a two-to-three year apprenticeship to receive a Certificate III in Hairdressing which could be drastically reduced without the regulatory board.

I have to say that it is not the role of the Hairdressers Registration Board to set the training competencies or the way in which those competencies are achieved; they are specified under the Vocational Education and Training Act. I do not believe the Hairdressers Registration Board has any jurisdiction over hairdressers.

I am therefore satisfied that time has moved on and that there are sufficient safety mechanisms for the industry in the proposals in this bill. The bill will essentially wrap up the Hairdressers Registration Board. The occupation will be no longer a licensed occupation and will join all the other unlicensed occupations operating in the state.

I understand that all the hairdressers who are concerned and even those who are not concerned will be notified when fees are payable in January 2011—closer to the time. As I understand it, the obligation for hairdressers to pay the fees then will depend on whether the law has been passed and the administrator has started to wind up the board. However, I can ask a bit more about that if we move into the committee stage of the bill.

There are issues about what happens to the board’s funds. Should this proposal proceed and should this legislation be passed, I understand that funds will be used to pay off the board’s liabilities and to meet any ongoing commitments. As far as the roles and obligations of hairdressers are concerned, they will need to continue to comply with the requirements of the Fair Trading Act 1987, the Consumer Affairs Act 1971—which will provide protections there—the Hairdressing Establishment Regulations 1972 and the Occupational Safety and Health Act 1984, amongst other laws relating to the operations of a small business in the state. In terms of the legal requirements of operating a safe business within the state, the proprietors of hairdressing salons will be dealt with as any other proprietor of a business is dealt with. I have already covered the issue of apprenticeships.

Having said all of that and although I am saddened, I think the time has come for us to move on. Therefore, having made those comments, we will be supporting the legislation.

HON ALISON XAMON (East Metropolitan) [5.57 pm]: I rise to speak on behalf of the Greens (WA). We will not be supporting this legislation; a position that I understand is consistent with previous discussions around the future of hairdressing regulation. I understand that this is not a new issue and that it has been around for more than 20 years. I am aware that there has been considerable debate about the future of hairdressing regulation in this state; in particular whether Western Australia should continue with the Hairdressers Registration Board. I

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also understand that the Hairdressers Registration Act, which was formed in 1946, is well overdue for amendment; there is no disagreement about that from any sector. Certainly the hairdressing associations, hairdressers themselves and others whom I have spoken to are all of one mind in saying that there is an urgent need to look at the issue of regulation for hairdressers and to look at an upgrade of the act governing hairdressing. Having said that, I know that reviews have been conducted, discussion papers have been written and previous bills have come before this Parliament. I am disappointed that this bill is seeking to get rid of the lot—which is a fairly easy road to take—rather than perhaps following what the majority of industry members appear to want; that is, to review the legislation and to maintain some form of regulation of the hairdressing industry. As I said, this is not a new issue, but I am disappointed that we have come to the point of looking only at removing regulation in its entirety.

I received a letter today that I assume was not addressed to me only but was sent to all members of the Legislative Council. I therefore make the assumption that every member has received the same letter from the Master Ladies' Hairdressers' Industrial Union of Employers of WA.

Sitting suspended from 6.00 to 7.30 pm

Hon ALISON XAMON: Before the break I was drawing members' attention to a letter that I received today, which I understand other members have also received, from the Master Ladies' Hairdressers' Industrial Union of Employers of WA. The letter has some pretty strong words in it and raises some very considerable concerns about what the union maintains is the lack of appropriate consultation between this government and some of the peak hairdressing bodies regarding the decision to fully deregulate the hairdressing industry. The letter states that the three peak industry bodies representing hairdressing in Western Australia—Master Ladies' Hairdressers' Industrial Union of Employers of WA, International Hairstylists Society, and Intercoiffure—have not been consulted about the full implications of deregulation. I have been made aware that when those organisations were consulted in previous years by previous governments, they consistently said that they did not want to go down the path of fully deregulating the industry but that they were looking very strongly at reforming the industry.

There was a suggestion that the hairdressing industry was split on the issue of whether it should be deregulated. I draw members' attention to a report from December 2007 by Gerard Daniels titled "Training, Registration and Legislation: Survey and Analysis". It is made clear on page 3 of that report that 84 per cent of hairdressers believe that registration is important from the industry's perspective and that 61.7 per cent believe it is very important. As far as I am aware, this is the only clear data that indicates exactly where the industry stands on this issue. If other data is available, it can be drawn to my attention. It is clear that the decision to deregulate the industry is not supported by the industry itself, which is of great concern to me. The issue of deregulating the hairdressing industry has been around for more than two decades. I personally became aware of it just over 12 months ago when it was brought to my attention by my hairdresser, Steve Blanco. I give a shout out to him; he is a terrific guy. He raised his concerns with me and asked me whether I would look into it and contact the Hairdressers Registration Board of Western Australia on behalf of not only him, but also those in his salon. He was not a salon owner then, but he is now. At that time, he had responsibility for a number of hairdressers and apprentices under his supervision. He raised quite a few concerns, which have been echoed to me by people from the industry groups.

During the winter recess I, and I believe other members, was asked by the Master Ladies' Hairdressers' Industrial Union of Employers of WA to attend a public meeting it was holding in Nedlands. When I say "a public meeting", it was a meeting that was open to all hairdressers to talk about the implications of deregulation. I went to that meeting, which was held at about 7.30 pm and was attended by about 100 people, most of whom were hairdressers. The depth of feeling in that room was quite considerable. People were not aware of who I was. Because I have such fabulous hair, when I walked in they all assumed that I was a hairdresser! I can understand why they made that mistake. I stayed at the meeting for an hour and listened to what the hairdressers had to say. It became very apparent that over the years there had been some concerns about the board and some of its operations. There were concerns also about the new hair industries such as African braiding, and I will get back to that in a moment. However, when it came to the crunch and people were presented with the option of having either all or nothing, they were absolutely adamant that they would rather have the existing regime, as flawed as they believed it was, than go down the path of deregulation. They were absolutely unequivocal about that; no-one spoke in opposition to it. I heard the hairdressers at the meeting trying to negotiate their way through the parliamentary process. They asked what it meant for the bill to be in the Legislative Council and what the second reading means. Some people were helping guide them through that process. I was concerned to hear about the level of rage and disempowerment they felt. They believed that it was quite easy for the government to target their industry because they are hardly unionised at all.

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The last figure I heard was that just 26 out of the almost 10 000 hairdressers were members of a union. That is a reminder of why people should join a union. I am aware that a lot of them are very isolated. Most of them work in a business with just one, two or three people in the salon. Therefore, it is very difficult to get joint action. It was clear that when they got together, their voice was absolutely united. We saw an example of that last Tuesday when about 100 hairdressers were on the steps of Parliament and presented 3 500 letters of concern to give to the Minister for Commerce expressing their grave concern about this bill and going down the path of deregulation. That is quite a feat. As I said, these people are not used to working collectively and do not ordinarily engage in the political process in that way. It is indicative of the fact that they are not used to having to operate at this level that we did not see a public show from them until the situation got to this point. The legislation had already gone through the Legislative Assembly, yet they closed their salons and took time off. They are small business people and they came out in the middle of the day, in the middle of the week, to stand on the steps of Parliament and ask the Parliament to reconsider this bill and the decision to go down the path of deregulation.

I am led to believe that neither the Premier nor the Minister for Commerce have met with representatives from the Master Ladies' Hairdressers' Industrial Union of Employers of WA. I think that that is very concerning, considering the implications of this bill. The association in its letter said that this was a most disgraceful example of a government not communicating with the industry and the small business employers that it purports to support and represent. Those are pretty harsh and damning words.

I return now to the concerns that were raised with me. Obviously, there is a lot of concern about the issue of consumer protection. People are concerned that by simply removing the Hairdressers Registration Board and all the protections it affords, the government is taking away a valuable service for consumers. The main concerns that I have heard expressed, particularly by hairdressers, are about having their expertise considerably undercut. Until now hairdressers in Western Australia have maintained the highest standards of hairdressing training in Australia. That has been really valuable to them because it is recognised nationally and internationally. For example, some Western Australian hairdressers may decide to go on a cruise ship to do hairdressing. Apparently that is quite an attractive option for a lot of hairdressers, particularly younger people who do not have children to look after. They like working on cruise ships because it is a bit of a working holiday, and Western Australian-trained hairdressers are picked up like that, because it is recognised that we have the highest standards in Australia; people know Western Australian-trained hairdressers.

This is something that is really valuable to them, and they do not want to lose it. What they are really distressed about is that by going down the path of deregulation, the standards that they worked really hard for will be diminished. We have hairdressers who have trained for four years, and they are already upset enough that it has gone down to three years. The idea that they will now be competing with hairdressers coming into the industry who may have had as little as three months' training is devastating for them. They feel that their industry is being decimated around their ears.

As I say, I am not suggesting for one second that there was not a need for reform. I am aware, for example, that there have been efforts by the Hairdressers Registration Board, even fairly recently, to try to make some amendments to the existing act around new areas of hairdressing that have come into this state; I am talking about things like African braiding. However, all its efforts to try to address this and to say, "We need more flexibility around the act and standards in terms of how we actually deal with different types of hairdressing," have basically been obstructed. Instead, it has just been told that the government is going to get rid of the whole lot. I know that the board has been trying very hard for quite a while to make some changes to the Hairdressers Registration Act 1946. I know that it was trying to include different classes of hairdressing and that it wanted to alter the regime for inspections. It wanted to make sure that the fines were reflective of today's rates. It wanted to have employers be approved by the board before apprenticeships were validated. It wanted to deal with provisions around salon owners, and it really needed to get the jurisdiction issues sorted out, because the way that the jurisdictions are currently defined in the act is a bit of an anachronism. It wanted to deal with wholesalers and suppliers and back fees, and it wanted a mechanism to deal with changes of details. It also wanted the State Administrative Tribunal to be able to conduct hearings. These are the things the board has been pushing for, but the government has consistently stood in its way.

I know that the abolition of the board might, in the view of the government, reduce red tape; that was one of the reasons given in the second reading speech for going down this path. However, the reality is that it is going to cost Western Australian taxpayers. This regime was funded by industry, and it is actually not that much money. Speaking as a lawyer and considering the sorts of fees that I had to pay to be registered as a lawyer, I can assure members that they are not even comparable. The reality is that hairdressers got certainty of standards from industry funding, and that is the price one pays for having registration. They did not want to lose that.

I note the comment made by Hon Ljiljanna Ravlich, who spoke before me, that the level of complaints about hairdressing is low. She referred to 34 complaints that had been made to the Department of Consumer and

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Employment Protection. I agree; that is a low figure. By the same token, over the same period of time, the Hairdressers Registration Board undertook 2 500 visits to hair salons. Maybe there is a direct correlation between the number of visits and that level of regulation, and the low number of complaints.

By removing the board we are basically looking to pick up all the expertise contained within that board—there is quite a high level of expertise—and simply transferring the cost to the taxpayer for hairdressers to be governed by the Department of Consumer and Employment Protection. I do not see how that is advantageous to us. It just means that we are going to be charging taxpayers for a regime that is less effective, instead of the industry funding its own regulation. I think that that is a move in the wrong direction if we want to ensure that the industry meets its own costs.

I am also concerned about the impact that abolishing the board will have on training and apprenticeships. Where is the incentive now for students to complete their apprenticeships if they are going to be competing against people who have trained for only three months? The industry is highly critical of the current institutional short course training delivery. It maintains that the graduates that are being produced are simply not workplace competent. Its concern is that these people are not competent to be performing hairdressing on consumers. The industry is very concerned that by going down this path, we will have semi-skilled graduates with substandard competency levels, which will reduce trade standards considerably. Hairdressers take quite a lot of pride in their expertise and their industry. They have achieved trade qualifications and they are really impressed with the current training processes. They have indicated that they think that even three years is not enough to train a hairdresser in the full range of competencies that are actually required, let alone three months. We also know that apprenticeship wages are already really low. The concern is that if we abolish the board, an apprentice who may have already done more than two years of study could conceivably end up working alongside someone from another state who has gained a certificate III qualification after as little as three or four months of training. The apprentice would get paid a fraction of the wage received by the co-worker. Where is the equity in that? In effect, that apprentice has received far more training than the interstate certificate III-qualified hairdresser.

I am also concerned that nothing will replace the important role that the Hairdressers Registration Board has played in the industry in the area of mediation and negotiation of consumer complaints. Effective dispute resolution is important for consumers and really important for the industry, and the board has played a very important role in enforcing standards and maintaining the integrity of the industry. I would like to know whether what is proposed will replace the role the board has played.

The board has also been really good at providing very specific industry advice and support, including advice on occupational safety and health matters. I have received a number of newsletters circulated by the hairdressers board, which are regularly displayed in salons and easily accessible, and they are very specific to issues that may arise for hairdressers. What is being proposed to replace those sorts of matters? If it is intended that the Department of Commerce will be producing newsletters, that will be done on the taxpayer's buck, whereas it used to be funded by the industry.

Concern has been shown about the ongoing monitoring and/or licensing of hairdressers. There will be no way of ascertaining and checking whether people from overseas or interstate are qualified, and individual salon owners are unlikely to have the capacity or expertise to adequately check the qualifications of people applying to work in their salons who have gained hairdressing qualifications from interstate or overseas. Up until now, the board has taken on that role and has been able to assess the differing standards. It has been able to bring people in and determine whether they have those competencies and are fit to undertake hairdressing in this state. It has been put to me that that has not served as an impediment to qualified hairdressers, and there has been a regime whereby an interim licence can be provided for people to do hairdressing until such time as their competencies have been assessed and determined. In cases of people having been deemed not to be competent, yes, they have not been allowed to practise hairdressing. That, surely, is a good thing, because people should not be hairdressing unless they know what they are doing. I realise comments were made in the other place about it only being a week between a good and a bad haircut—nice! That is absolutely not true, and I notice that whenever it is said to women they look a little bit more concerned because we are not all out there getting buzz cuts.

Hon Robyn McSweeney: It's at least three weeks!

Hon ALISON XAMON: Those of us who have had poor haircuts, or maybe a really dodgy 1980s perm, are aware that there is more to hairdressing than simply one week between cuts. Seriously, hairdressers deal with quite potent chemicals when colouring, straightening or perming hair, and that must be monitored quite closely. It is blasé to dismiss it as just being an issue of haircuts. In the past month or so I have received emails with quite a few photographs of horror stories, and I have heard horror stories from overseas and the like. I am not suggesting that that will be happen all over the place if we go down this path, but it highlights that this industry

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can potentially have negative implications if people are practising and using chemicals without adequate training.

I do not accept the argument that consumers will simply be able to determine who is a good hairdresser and who is not. At the moment we have the luxury, if members like—it appears to be a luxury but I would say that it should not be a luxury, it should be an accepted standard—of being able to walk into any hairdresser and expect there to be at least a basic level of competency and training.

Hon Ljiljanna Ravlich: And expect to come out beautiful!

Hon ALISON XAMON: And expect to come out beautiful!

Hon Ljiljanna Ravlich: And expect to come out blonde!

Hon ALISON XAMON: And, obviously, in my case that occurs on every occasion!

But there is a concern that we are losing that protection because we are losing that regime. To be honest, I have never thought to look at my hairdressers' qualifications because I have never needed to. But now that is effectively what we are asking of people; we are asking people to go into a hairdresser and say, basically, "Show us your qualifications. Are you three-month trained; are you three-year trained; are you four-year trained; how long have you been doing this?" I do not think that consumers are trained to do that, or expect to have to do that. I think that consumers, particularly in Western Australia, have come to expect that there will be a minimum standard of hairdressing when they go into any salon, but we are going to remove that protection, which I think is very concerning.

In some ways hairdressers have been a bit of an easy target, not just because of the nature of the industry being largely "un-unionised"—I say "un-unionised" because I do not think it has ever really been unionised, so it has not been de-unionised—but also because it is disparate in its locations. Also the nature of the demographic is that hairdressers are largely women, and there is a fair degree of turnover with, apparently, people coming in and out of the industry around having children. It seems to me that it is actually picking them off in a pretty major way. This is the one trade that women dominate, and now they will lose that, and I do not think that that is a positive. I think this legislation takes a trade with a hard-earned qualification and minimum trade wages, all of which have been hard fought for by an industry dominated by women, and completely undermines everything that it stands for.

The term "hairdresser" has meant something in Western Australia, particularly for people working in the industry, and we are talking about a lot of people. There are over 10 000 registered hairdressers, and 1 600 apprentices are currently enrolled in training—it is considered to be one of the largest apprenticeship trades in Australia. It is very unfortunate that we have decided to go down this path contrary to what the industry wants.

I will talk a little about what the industry has told me it wants. It really wants the government to go back to the table on this one and not just pursue the path of deregulation. It wants to consider some sort of licensing or self-regulation regime, or something. I am aware that, apparently, last week the Premier commented on radio that he would be prepared, post the passage of this bill, to consider sitting down with industry leaders and talking about some self-regulation regime. I would be really interested to know whether the Minister for Commerce can shed any further light on that. I know that people from the industry are keen to hear what that actually means. We know that this could proceed in many different ways. I certainly hope, at the very least, that we can have some firm undertakings from this government that, should this bill be passed, it is prepared to sit down with the industry to talk about where to go from here to maintain some minimum standards, and not just say, "There you go, you're all on your own now; don't worry, the Department of Commerce will look after you and your industry." They want more, they expect more and they are demanding more. Ultimately, the Greens (WA) are unable to support the lowering of hairdressing industry standards in Western Australia. That position is consistent with the position that we have taken on other bills in this place in the past fortnight. If we want to improve the regimes for professional industry standards, it is more important that the standards of other states are brought into line with the standards in Western Australia. We do not want to constantly diminish our improved standards by bringing WA's standards down to the level of those of the other states. I understand that the push for this change has largely come from the Council of Australian Governments, but that push has gone in the wrong direction. It would have been much better if we had stood our ground and insisted that the other states raise their standards to match our standards rather than simply allowing our industry to be undermined. We do not want to undo all the good work that has been done in the hairdressing industry, which is utterly contrary to the wishes of those in the industry.

I urge members to support WA hairdressers and consumers and to not support this bill.

Discharge of Order and Referral to Standing Committee on Legislation — Motion

Hon Ljiljanna Ravlich; Hon Alison Xamon; Hon Norman Moore; Hon Kate Doust; Hon Giz Watson; Hon Matt Benson-Lidholm; Hon Adele Farina; Hon Max Trenorden

Hon ALISON XAMON: I move —

That the Hairdressers Registration (Amendment and Expiry) Bill 2010 be discharged from the notice paper and referred to the Standing Committee on Legislation.

By way of explanation, I argue that a considerable amount of discussion needs to occur with industry about the full implications of this legislation. I note that the standing orders that relate to the referral of such bills to the Standing Committee on Uniform Legislation and Statutes Review were suspended. I voted against that motion, but I was outnumbered. During the winter recess I have had further opportunity to hear from those in the industry. The concern is considerable and it would be well worth looking at the full implications of deregulation and of looking at other ways forward before we decide whether the bill should be passed.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [8.04 pm]: The government does not support the motion to discharge the Hairdressers Registration (Amendment and Expiry) Bill 2010 from the notice paper and refer it to the Standing Committee on Legislation. It is rather interesting that this has happened; I have a serious sense of *deja vu*! In 1996, or thereabouts, I introduced a bill that was sent to a committee. The committee recommended abolition, but the house did not vote for that, which I thought was quite strange. The notion that somehow or other this issue has not been considered in any great detail and that there has been no consultation is completely contrary to what Hon Alison Xamon said in her speech. She told us that this issue has been around for 20 years, which is has. It has been the subject of parliamentary debates, parliamentary committee reports and all sorts of examination and consideration. There is no doubt in the mind of the government—and, I suspect, the opposition—that the time has come to make a decision. We have had plenty of time to consider the issues. It is the view of the government—and, based on the comments made by Hon Ljiljanna Ravlich, the view of the opposition—that Parliament must make a decision about this issue. I argue that that decision should be to proceed with the bill. There is no need for further inquiry into this matter, because it has been inquired into more than most other issues.

I have some notes about the consultation process that governments have gone through over time. The notes indicate that there has been significant consultation and that there is no need for further parliamentary inquiry. In July 2006, a position paper titled “Regulation of the Hairdressing Industry in Western Australia” was released. A wide variety of stakeholders were provided an opportunity to comment on the matter. Those who commented included registered hairdressers, training providers, hairdressing industry associations, government agencies, unions—the whole works. The position paper proposed the abolition of the Hairdressers Registration Board and sought the transfer of the issues relating to consumer protection to the consumer protection agencies in government. Submissions closed in October 2006. Fifty submissions covering a variety of views were received. Many expressed concern about the board’s activities and many supported its abolition. However, that was not the unanimous view of the world. Indeed, unanimous views are rarely achieved. The board itself did not support its abolition. I know some people who have been involved in the board over time and I understand their point of view. Some associations strongly opposed the abolition, including the Master Ladies’ Hairdressers’ Industrial Union of Employers of Western Australia, which represents about 16 per cent of salon owners, which is not an overwhelming group representing the industry in total; Intercoiffure, a group of 12 to 15 salon owners; and the International Hairstylists Society, which is another small group of salon owners. Many hairdressers were concerned that the board was not doing enough for them, that it was simply a money-making machine and that it did not serve a useful purpose. The Shop, Distributive and Allied Employees Association of WA —

Hon Kate Doust: A great union!

Hon NORMAN MOORE: That is a matter of judgement, but on this occasion it got it right. It represents employees and it supported the abolition of the board and the transfer of the regulatory role to the Commissioner for Consumer Protection. That was the view of the union involved with this particular industry. We are all concerned to ensure that the apprenticeship system continues, that hairdressers are properly qualified and that the abolition of the board does not change the apprenticeship system. Indeed, there is no question that most people who go into hairdressing do the course, become qualified hairdressers and provide the sort of service that customers want. The market has a significant effect on the choices that people make. It seems to me that if a hairdresser does a bad job, people go somewhere else to have their hair done. That is what people do when they receive bad service in other service industries—they go somewhere else.

Coming back to the motion moved by Hon Alison Xamon to refer the bill to the Standing Committee on Legislation, this bill does not need any further consultation. As Hon Alison Xamon said, the issue has been around for at least 20 years and has been in and out of Parliament several times. It is the most reviewed and consulted issue that I can think of. The time has come for us to make a decision about the future of this organisation. I will respond to the other matters raised by members, assuming that this bill does not go to the committee, when I sum up the second reading debate. The government opposes the motion.

Hon Ljiljana Ravlich; Hon Alison Xamon; Hon Norman Moore; Hon Kate Doust; Hon Giz Watson; Hon Matt Benson-Lidholm; Hon Adele Farina; Hon Max Trenorden

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.09 pm]: The opposition will not support the motion to refer the Hairdressers Registration (Amendment and Expiry) Bill 2010 to a committee. I agree with the Leader of the House on this occasion. I know from experience that there has been extensive consultation across the industry over a lengthy period. When I was a union official with the Shop, Distributive and Allied Employees Association of WA, we had involvement with the Hairdressers Registration Board, and although we might have had one view in 1996, we have certainly rapidly come to the view that now is the time for the board to go. I know that a lot of activity occurred during the period that Labor was in government, and perhaps if there had not been a change of government, this bill might have been brought forward a lot earlier because it had been to cabinet for sign-off. Although we are quite happy to debate this bill in the chamber, I seek the opportunity, once we have dealt with this motion, to make a contribution to the second reading debate because I would like to speak to a number of the matters raised by Hon Alison Xamon. On the flipside of some of her comments, there is a hunger in the industry for this board to go, and I am quite happy to articulate some of those views when I get the opportunity. However, we feel that there has been extensive consultation. Although this board might have been relevant in 1946—I am sure that Hon Norman Moore remembers bringing it into the house in 1946, so it must be really good to see a bill go out as well —

Hon Alison Xamon: He had black hair then!

Hon KATE DOUST: He probably did.

Although the board might have been relevant then—it was a very important board to represent those women working in the industry at that time—its relevance has passed. I believe that a number of government agencies and departments can provide a similar level of service to those who work in the industry, to those who employ workers in the industry and to consumers. I am happy to go through that in more detail during the second reading debate. At this point we do not support the motion to refer this bill for further inquiry as we believe there has been enough discussion across industry. I note with interest that it has been only in the past week or so that the Greens (WA) have jumped on the bandwagon to take up this issue.

Hon Alison Xamon: That's not true!

Hon KATE DOUST: It has been a very interesting surprise, given that this conversation about the future of the board has been ongoing for a number of years. I cannot recall in the short period that I have been in this place the Greens ever standing and saying that the board should be retained.

Several members interjected.

Hon KATE DOUST: On this occasion, we will not support the referral of this bill to a committee. We think that the discussion can be had in this chamber. It is well and truly time for a firm decision to be made on the future of this board. We oppose the referral motion, but I look forward to making further comments during the second reading debate.

HON GIZ WATSON (North Metropolitan) [8.12 pm]: I just need to put the record straight on that matter. An inaccuracy has been recorded. The Labor Party and the Greens (WA) opposed the abolition of the Hairdressers Registration Board; in fact, it was the first bill that we ever successfully blocked in this place. I think it was in 1998.

Hon Kate Doust: I said that it was while I have been in this place.

Hon GIZ WATSON: I am sorry. Was the member not here in 1998?

Hon Kate Doust: No.

Hon GIZ WATSON: I beg the member's pardon. She might not know that then.

Hon Kate Doust: I did not go back; I was talking about my period here.

Hon GIZ WATSON: I will just enlighten the member about that bit of history before she arrived in this place. It was a magnificent moment when that bill was defeated by the combined forces. It is actually the Labor Party that has taken a different view at this point. We have been quite consistent, not in suggesting that there is nothing wrong with the board, but on the principle of supporting the board and the need for regulation. I support the motion to refer the bill to a committee.

Question put and negatived.

Second Reading Resumed

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.14 pm]: Unfortunately, when I came into the chamber tonight, I thought I had brought in the right file, but I did not, so my very detailed

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speech on the Hairdressers Registration (Amendment and Expiry) Bill 2010, which I had been looking forward to giving, is now going to be slightly different.

Hon Simon O'Brien: Speak from the heart, like Julia, without notes.

Hon KATE DOUST: I will speak from the heart.

Hon Simon O'Brien: Move forward.

Hon KATE DOUST: I will if the member stops talking. I do not need his assistance tonight.

The Hairdressers Registration Board was a relevant board in 1946. It was set up to provide assistance and support to the women who worked in the industry. It was predominantly a female industry at the time.

Hon Alison Xamon: It still is.

Hon KATE DOUST: Yes, it is still, but a lot of men work in the industry as well. As time moved on, things changed. We need to put this in context. This is not a board that has coverage of the whole of the state. I am sure that Hon Ljiljanna Ravlich went through all the technical details. Unfortunately, I was not in the chamber to hear her comments. The board's jurisdiction is a small area surrounding the metropolitan area. I think it extends out to about 40 or 60 kilometres. It picks up Kalgoorlie, Geraldton, Greenough, I think, and parts of the south west. It does not cover the whole state; it covers a small part of the state. If it covers only a small part of the state, what has been happening everywhere else, because there are hairdressers working in Karratha, Esperance and many other parts of the state? There are a lot of things that we can go without in our lives, but not many people can go without a haircut. Hairdressers play an important role in our community. I am just looking at Hon Jon Ford's beard; I am sure that it sees a hairdresser from time to time!

The board would have fulfilled a certain function over a period. Hon Norman Moore told us how he was very keen to move it on in the 1990s. I understand the reasons that that bill was blocked, and the reference that Hon Giz Watson has made. When I was with the union in 1996, we were very concerned at that point that the board should remain because we thought it was an opportunity to revitalise it and change the way it operated to put more of a focus on research and development to build up the industry. Unfortunately, that has not happened.

Hon Norman Moore: You just wanted to knock us off then.

Hon KATE DOUST: No, we did not. That has not happened in the way that we would have liked. In fact, in the past few years, the Shop, Distributive and Allied Employees Association of WA has withdrawn its members from the board. It always had two representatives on the board, and it withdrew those members because it did not see that the board was operating in the manner it should for the industry. It also worked out that at some point it would be wound up. A number of other industries that no longer have boards are dealt with by other agencies. If people make a complaint about their customer service, they will go to the consumer protection department and lodge a complaint. The same thing applies with other industries. I do not think that plumbers or painters have boards. There are a number of industries that do not have boards. The Hairdressers Registration Board has become an anachronism of what it was. As time has moved on and people's needs have changed, the board has become irrelevant.

Issues have been raised about some of the horror jobs that have been performed. That has happened under the board's watch, so I do not think that there is a lot of difference between having a board and not having a board. An enormous amount of misinformation has been put out in the hairdressing industry over the past few weeks. I think the Master Ladies' Hairdressers' Industrial Union of Employers of WA has been putting out this misinformation. Quite frankly, the association is scaring a number of the people who work in the industry about how things might change. The only thing that will change is that the board will not be there. Hairdressers will still need to be qualified in accordance with national standards. A person will not get a job if that person does not have qualifications. If a person does not have qualifications and something goes wrong in the chair, and if that person is not covered by insurance, the employer will be liable to be sued. Employers will not employ anyone who does not have the correct qualifications. That is just the way it is now and that is the way it is going to continue to be. It is always going to be the case. In fact, removing the board will enable more people to be employed in the industry in this state. From the complaints made to my office over the past few years, I have found that the board had been restrictive about who can work in Western Australia. Even people who have the appropriate qualifications from another state or from overseas have been required to sit another examination, at a very hefty fee, before they could set foot in a salon in Western Australia; and if they were working in a salon, their employer could be prosecuted and fined.

A number of people came to me in 2008 and I took up a range of issues with the then minister, Hon Sheila McHale, about people who were being precluded from working in the industry in this state, even though some of them had a number of qualifications. I remember one woman who came into my office and told me how she had

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been trained in the United Kingdom and had worked extensively in the industry for many, many years and had come to Australia—I think she was one of these people who came out on a visa when we were seeking hairdressers to come here because we did not have enough of them—but now the board was refusing to let her work in Western Australia despite all her qualifications. I jokingly asked, “Who trained you, Vidal Sassoon?” She said, “Actually, yes.” I had always thought that that kind of training should open doors, not close them. I have taken up a number of these problems based on similar complaints.

Another hairdressing salon not far from my electorate office—I think it was called Morgans, on Albany Highway—unfortunately is no longer operating, but as well as being an extensive training provider, it also provided a service to cancer patients. The particular problem that was raised with me related to the woman who managed the reception desk and was also the staff manager. When clients came in about hair pieces and wigs, this woman would take them into another room, not to do any fitting or cutting, but to help them with colour and style—that was it. She did not do any fitting or cutting, so she was not doing any hairdressing. Her clients were essentially getting the same level of service that they would get if they went into one of the cut-price salons one sees in some of the shopping centres, where one can buy the product and then get a hair cut—they are guiding clients to a product. She was not a hairdresser and she was not operating in that mode of work, but she was threatened with prosecution, as was her employer, simply because she was taking these cancer patients into a room and offering them a service of choosing a wig, hairpiece or a particular colour. We took that issue up. African braiding is an issue that a number of members in this place have had to take up. I thought that it was dreadful that these women were being prevented from providing a traditional service to their community, and I really wish I had my notes because I had a couple of beautiful quotes from people in the industry about why they were not going to let people practise that style of hairdressing. I have taken the view that if people are properly qualified, they should be allowed to work in the industry.

I know that a lot of the hairdressers I have spoken to were very concerned that the actions of the board as it has been operating for the past few years were preventing people from coming into the industry at a time when there has been a shortage of employees. I know that there are a number of hairdressing salons around my electorate office—five or six—and I know that Hon Robyn McSweeney frequents one of them regularly. I know that each of these hairdressers has had difficulty attracting staff, and part of that was because of the constraints of the board—the hoops that the board was expecting these people to go through, even though they were formally qualified. Removing the board does not demean the value of the work or the qualifications of hairdressers; people are still going to have to stump up and provide their formal qualifications. The guarantee is that the employer will not put them on if they are not qualified. They do not want to face the risk of being sued, because they will not be covered by insurance if the person is not qualified. That is a piece of misinformation that needs to be clarified. I know that the Department of Commerce has provided an excellent article, which I encourage the minister to put out publicly because it debunks all of these myths that have been put out recently by the master ladies hairdressers association about what will happen to them if the board goes. I do not know whether the minister has a copy of that article, but it is well and truly worth putting out there. I have been panning it out to hairdressers and saying “Read this!” It debunks a lot of the stuff that is being put out, and if the people who had turned up to the rally had had this document to read, it might have clarified for them what is actually going to happen.

The types of complaints that have been made have been about the operation of the board, and the fact that a lot of people feel they have been targeted by the board indicates that a lot of the complaints have come down to personality, and people feel quite threatened. Some people have left the industry because they have decided that enough is enough and they felt so constrained by the board. In fact, in 2008 a large sector of the industry decided to form a new organisation. I went to its launch in Cannington at Volona Nominees. These people are well organised, and I hope that they are continuing. Everyone at that launch was frustrated with having to deal with the board, and each of them could cite their own negative experience of dealing with the board.

I know about the industry from my own family. My sister is a hairdresser who did her apprenticeship more than 20 years ago and has suffered some of the ill-effects of being a hairdresser with loss of smell from dealing with all the heavy chemicals. We know there are issues from working with carcinogenic chemicals in hair dyes, which is something hairdressers have to deal with. One of the things I look forward to with the removal of the board—because I do not believe it has been proactive on the ground in promoting occupational health and safety and there are certainly no safety reps elected or trained in the industry—and putting the industry under the umbrella of the Department of Commerce is that there would be more enthusiasm to encourage people in the industry to get more active in the area of occupational health and safety. I would be very surprised if there were many material safety data sheets provided in salons. I challenge Hon Alison Xamon to go out and find those, because I do not think they are present when hairdressers are trained to deal with chemicals. On the plus side for hairdressers, there are opportunities to improve on the occupational health and safety conditions and training that they currently do not have. One of the concerns that I have—I do not know whether it has been raised with the

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minister—relates to the finances of the board. Members in the industry have been paying their fee—I cannot remember whether it is six monthly or annually—but I know the one thing that the board was diligent in pursuing was its fee. There must be an amount of money remaining and I would like to know what the government intends doing with the money. Is the government going to feed that back into the industry in some way or is it going to go into government coffers? I know that there are another six months of collecting fees before the board is wound up. I do not know whether the minister has any information on where that money will go or what its purpose will be, but I will be interested in finding out.

The issue of union rates was raised. I say to Hon Alison Xamon that it is a really difficult industry to organise. I know that from my own experience. It is not just because they are women. I have organised groups comprising predominantly women.

Hon Alison Xamon: It is because they are disparate.

Hon KATE DOUST: Yes, they are disparate and they are small business. That is the case here in Western Australia. It is not necessarily the same in other states, which have quite proactive organisations. I do not believe that in removing this board, which in my view has become dysfunctional as it has not provided the level of service or benefit to the hairdressing industry that it was established to do, there are a range of other government departments that can provide better service to both industry workers and customers as it stands now. There are some issues that hairdressers have concerns about. Again, I am not sure whether that was raised earlier. The whole beauty sector is ever-evolving. There are parts of that sector for which there is no training and regulation. Hon Alison Xamon may have referred to one part of that industry, but one area that has been raised with me is that of false fingernail technicians. There is absolutely no regulation of that part of the industry, no training is required and they are cash jobs. There are all sorts of negative health impacts from that work.

Hon Alison Xamon: Hon Max Trenorden was concerned about waxing.

Hon KATE DOUST: Was he? His own or somebody else's?

The DEPUTY PRESIDENT (Hon Max Trenorden): I would be concerned about my own!

Hon KATE DOUST: Okay. I do not know anything about that side of the industry, and I probably do not want to go there.

Hon Ljiljanna Ravlich: Take us there, honourable member.

Hon KATE DOUST: I do not think I will take the honourable member there!

Another area is mobile hairdressing. Again, mobile hairdressing already exists. People are required to be qualified. I do not think the government will move totally away from these areas. This is an area in which there is the opportunity to do more research, develop codes of practice, provide better and more expansive training, and perhaps open up the industry and bring in more people. It is very hard to encourage people to work as a hairdresser in the north west and country areas. It is a vital industry and one that we should be encouraging people to go into. I do not think that having a board or not having one will make much difference at this time.

In summing up, all I really want to say is that the time has come for the board to go. The opposition fully supports this legislation. I look forward to the ultimate expiry and repeal of the board. It is certainly well and truly past its use-by date. Given that the board is restricted to only a certain area of the state, it is time to remove it. There are other opportunities that the industry can develop both within government departments and externally. If the board were to remain in its current form, I do not think the industry would grow. The major players have a really negative view of the board. When Sheila McHale was the minister, we took several of the major employers in the hairdressing industry to see her to put their case about what should happen to the board. Each of them was extremely vocal and articulate about the need to remove the board, because in their view it was not effective, it was not delivering, it was not doing its job and it was a very narrowly focused organisation. The people who are still trying to hang on to the board are trying to hang on to something that happened in the past. There needs to be great change.

I do not believe the removal of the board will cause the degree of angst in the industry that Hon Alison Xamon thinks it will cause. It will not cause difficulties with wage arrangements or working conditions, and it will certainly not lower the standards required for people to work in the industry. People will still need to be qualified to get a job, because if they are not qualified, they will not be covered by insurance and employers will not put them on. At the end of the day, employers have to look after themselves. They expect high standards. They will not put a customer in a chair to have his or her hair cut or coloured by an unqualified person. Operators of hairdressing salons, barber shops or whatever else people go to will not place themselves in a position in which they risk being sued. That belief is based on my experience of dealing with the industry, both from organising in the industry; of dealing with a range of industry players, be they large employers or the employers and workers

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in and around my own electorate; or from talking to my sister, who has worked in the industry for more than 20 years. The simple fact is that the industry will not take the risk. People will not be allowed to do the job unless they are fully qualified. Having or not having a board will not change that.

Even though it has taken a couple of years, it is great that this bill is finally here. The people to whom I have been talking in the industry, as well as those in hairdresser training, well and truly welcome this change. I congratulate the government on finally bringing in this legislation. I look forward to this happening. I know the parts of the industry to which I have been talking certainly look forward to it. I encourage the minister to get information out into the sector so that we can get rid of the misinformation that has been put about, particularly by the Master Ladies' Hairdressers' Industrial Union of Employers of WA and other interested parties attached to the board. The government needs to debunk those myths and to clarify that people will still have jobs, that they will continue to be required to have qualifications and to improve their qualifications, and that it is a vibrant industry that the government is keen to promote and secure.

HON MATT BENSON-LIDHOLM (Agricultural) [8.35 pm]: I will make a few observations, given that the opposition will support the bill. I acknowledge the very enlightened comments of Hon Ljiljanna Ravlich and Hon Kate Doust. There was probably never much chance of me becoming a hairdresser, but listening to Hon Kate Doust's comments about losing one's sense of smell —

Hon Kate Doust: It was my sister.

Hon MATT BENSON-LIDHOLM: It was the member's sister. I am saying that in the overall scheme of things, losing one's ability to smell is not something that I particularly enjoy the thought of.

Hon Norman Moore: Especially for winemakers.

Hon MATT BENSON-LIDHOLM: Yes. I want to put a few concerns on the record. I, like most members, have been fielding questions and concerns from a number of constituents on this bill. I want to put on the record the concerns of an acquaintance of mine and of a person who runs a business down on the south coast in my home town of Albany. Those two people are basically seeking an assurance that their hard work, their investments, their businesses and the future of the industry are guaranteed by this legislation. I acknowledge in particular a lady by the name of Kim Drowley, who runs the businesses Vic Park Barbers and Underground Hair Studio. If members will bear with me for a minute or two, I will read an email from her. I ask the Leader of the House to respond to a few of these issues, as I am sure that would suit the needs of this businesswoman. In her email she says —

Dear Matt,

Before parliament on the 10th of August is a bill to deregulate the hairdressing industry, I am in opposition to this as I feel it will seriously harm our standard in hairdressing, at this point in time the training required to become qualified in both Ladies and Men's hairdressing has been cut down from 4 years each to combining the two apprenticeships and cramming it all into 3 years. As a trainer and employer of apprentices this puts too much pressure on both the apprentice and myself in trying to teach so much in only 3 years and be able to turn out into the workforce a competent and well rounded hairdresser and with deregulation of our industry the word is that an apprentice will only have to study for 3 months, alarm bells are ringing loud and clear. The system that we have in place at the moment allows me as an employer peace of mind that any person that I wish to employ has come from a system of training to a high standard in place for not only the apprentices but any other person from overseas wanting to join our fraternity and that they will have been assessed and passed exams so that we are all at the same high standard. In other countries where deregulation is in there is a marked difference in the way a hairdresser is paid, for example a colourist only with 3 years experience in relation to a cutting specialist with 10 years experience would have a different charge level in the salon and would be paid at different rates, is the award going to change as well to reflect this or does all that change as well??? Do I need to employ 3 different people with varying skill sets to do the work that one person can do currently. I can only see that this will harm our reputation as the best trained all-round hairdressers in Australia. Please put my objections to this bill forward to whom it may concern.

Kim goes on to write about a meeting that was held on 27 July and then she suggests that she is rather looking forward to seeing me for my next haircut. As members can probably guess, that is not too far away!

In summary, Kim Drowley and my contacts on the south coast are saying that they want to know whether the Leader of the House can allay their fears. The many other professionals and small business owners who have no doubt expressed their concerns, particularly to the Greens (WA), likewise want reassurance that the industry will

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go ahead with this government bill. As I said, I did not want to speak for any great length of time. The concerns expressed by Kim Drowley are the ones that I would like the Leader of the House to give some consideration to.

HON ADELE FARINA (South West) [8.40 pm]: While noting that the opposition is supporting the Hairdressers Registration (Amendment and Expiry) Bill 2010, I will outline some concerns that have been raised with me about it, in particular, the deregulation of the industry. I have received strong representation from a number of hairdressers who oppose the bill and the deregulation of the industry but I have received no representation from anyone who is supporting either the bill or the deregulation of the industry. What concerns me most is that I am yet to hear a reasonable argument about why we are moving to deregulate the hairdressing industry. The then Minister for Commerce, in his second reading speech in the other place, said that the bill was about reducing red tape, addressing the skills shortage and assisting the mobility of labour within Western Australia and across the country. The minister also said that a review of the hairdressing industry in WA found that the existing law was outdated and inadequate.

I would like to address each of those so-called justifications in turn and talk about some of the issues. In relation to reducing red tape, hairdressers are required to be licensed in order to practise. There is not a lot of red tape involved in obtaining a licence if a hairdresser has been trained in Western Australia and has the necessary qualifications to practise. Hon Ljiljanna Ravlich said that only two other trades need to be registered: plumbers and electricians. I am not sure about that; I thought there were more, but I am prepared to accept Hon Ljiljanna Ravlich's views on this because, as a former minister for these matters, I am sure that she knows better than I do. A range of professions are required to register to obtain a licence to practise, including doctors, lawyers, nurses and builders, to name just a few. It is not as though this is a unique process. The registration process for me when I practised as a lawyer was not oppressive. I needed to fill out a form and pay the fee and my liability insurance.

Hon Alison Xamon interjected.

Hon ADELE FARINA: I had no objection to any of that and it was not oppressive. I do not believe that the licensing of hairdressers is an oppressive process either. It is probably somewhat similar, assuming someone has the qualifications to practise. Understandably, if someone either has not obtained the necessary qualifications, or has not obtained them in Western Australia, the licensing process might be a little more complicated or take a little longer because that person is then required to show that he or she has the requisite qualifications. I have heard no evidence from the government that this process is overly onerous for hairdressers. If that is the case, I invite the government to present the evidence that there is a lot of red tape involved in the licensing of hairdressers. I am not satisfied that the red tape justification is an issue in the industry. Certainly no-one has raised it with me.

No evidence has been presented in support of the proposition that the skills shortage in the hairdressing industry is a result of the unnecessary red tape requiring hairdressers to be licensed. Let us examine this more closely. There has been a statewide shortage of hairdressers, yet there is no requirement under the law for hairdressers to be licensed to practise in the north of the state. It is difficult for me to accept the argument that the need to license hairdressers has caused the skills shortage in the hairdressing industry, because there has been a shortage of hairdressers right across the state. Hairdressers in Perth and the South West need to be registered but they do not need to be registered in the North West. Therefore, that argument does not wash.

My concern, and that of many in the industry, is that the removal of the requirement for hairdressers to be registered will lead to an increase in the number of unqualified people holding themselves out to be hairdressers and a resultant increase in the number of injuries caused to clients. There will also be a deskilling of the industry and a worsening of the skills shortage in the industry. Why would a hairdressing salon take on and put an apprentice through the three years of training that is required when, if this bill passes, they will be able to employ someone who has done a six-week course either interstate or overseas? I am concerned about the opportunities that will exist in this state for 15-year-old girls and boys to take on a hairdressing apprenticeship when the cheaper option would be for a hairdressing salon to take on a hairdresser from the eastern states or overseas who has obtained a six-week or three-month qualification. How does this bill protect employment opportunities for Western Australian children and ensure that they get the training, qualifications and experience needed so that one day they can own and operate their own successful hairdressing business, and not crash and burn through a lack of experience and training? In my view, the bill cheapens the Western Australian hairdressing qualification. Why undergo a three-year trade qualification when one can obtain a qualification in six weeks? What message does that send to those who are midway through their apprenticeship about the value of their apprenticeship? It is my view that the concern that standards in the industry will drop as a result of this bill are justified for the reasons that I have stated.

With regard to the justification for this bill in assisting the mobility of labour throughout Western Australia and the country, I accept that the bill will achieve this, but my question is: at what cost? It is interesting that the issue

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of mobility was also one of the driving forces behind the Health Practitioner Regulation National Law (WA) Bill, yet the solution for addressing that problem was the creation of a national regulation or registration scheme. That is now being mooted for the legal profession as well. In other industries mutual recognition laws have been used to facilitate the mobility of labour, yet in this case we have opted for the lowest common denominator option—deregistration—even though there have been calls in the eastern states for the regulation of the hairdressing industry.

The other argument that the government uses is that it made a pledge to review and rationalise the number of government boards and committees. The government has argued that the abolition of the Hairdressers Registration Board of WA is in line with its commitment to review and rationalise the number of government boards and committees. The government has not told the house that the government does not fund the Hairdressers Registration Board; it is self-funded from the industry through the licensing or registration of fees that are paid by hairdressers. It is of no consequence to the government whether this board exists because it is not funded by the government. Interestingly, from what the government has told us, as part of the implementation of this reform, the Department of Commerce will increase its monitoring and enforcement of fair trading and occupational safety and health legislation in the hairdressing industry. The result of the abolition of the Hairdressers Registration Board and the deregulation of the hairdressing industry will be an additional workload and cost to government and a further ballooning of the public service, as I am confident that additional staff will be needed to undertake the additional monitoring of the industry, as has been promised by the government. What is the sense in that? What is the financial and economic benefit to the state in doing this? I would be very interested to hear the Leader of the House answer those questions.

The government argues that the current legislation is outdated. I agree with the government 100 per cent on that; it is outdated. For more than 20 years the Hairdressers Registration Board has sought amendments to the legislation, particularly to extend its application throughout the state. However, successive ministers from both sides of politics have not enacted the amendments that are needed. I hardly think that we can use that as a justification for abolishing the board, when the board itself acknowledges that the legislation is outdated and has for years sought to put amendments through Parliament to make the legislation more relevant.

We had a bit of a laugh earlier about this not really being a safety issue, and that people do not really get hurt as a result of visiting their hairdresser. Thankfully, most of us do not, but there are some horror stories—I have seen some horrible photos—about injuries that can result from hairdressers who have not been adequately trained. It may seem particularly vain, but most women feel very sensitive about their hair. I can assure members that if any of them were to go to a hairdresser and chemicals were incorrectly used resulting in third-degree burns to the scalp and the permanent loss of hair to the portion of the scalp that was burnt, they would see things in a very different light. That is not an unusual story; it has happened. We should not take this issue too lightly and laugh it off.

Hon Nick Goiran: Is that happening despite the fact that there's registration?

Hon ADELE FARINA: It is happening in other states. The photos I saw were of incidents in other states, not Western Australia.

Hon Nick Goiran interjected.

Hon ADELE FARINA: That may well be the case; I do not know, and I do not know what part of Western Australia, if it has happened in Western Australia. There was one story I was told whereby something similar happened in Western Australia and the hairdresser was deregistered. As a consumer, I am actually comforted by the knowledge that that hairdresser is not out there practising any longer.

Hon Norman Moore interjected.

Hon ADELE FARINA: I would think that the people of Port Hedland would want to know why this and past governments have not enacted any amendments to the legislation to ensure that they have the same protections. All the arguments that have been presented support a review of the legislation and, in some areas, the need to strengthen the legislation. They also support a review of the board and changes to the way it operates, but there is nothing that I have heard that supports the deregulation of the industry.

Listening to the debate this evening, I am concerned that personal views have been formed about the board or certain members of the board that are leading the charge to deregulate the industry. If it is the government's view that the board is a problem, the government should address the problem and not deregulate the industry because there is a problem with the board.

Hon Kate Doust interjected.

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Hon ADELE FARINA: By interjection, I have just been told that the government is not proposing to deregulate the hairdressing industry; it is just getting rid of the board. If I have that wrong, I would welcome clarification from the government whether it is its intention to continue to license and register hairdressers, or whether this bill will get rid of the board and regulation of the hairdressing industry.

Hon Norman Moore: You're making this speech; I thought you would've known what the bill's about.

Hon ADELE FARINA: I do know what the bill is about, but I just heard an interjection that suggested that the industry would not be deregulated.

Hon Norman Moore: I can't help it if you take a different view from your colleague.

Hon ADELE FARINA: I would be interested to hear the government clarify that point of view for the record, and I would be happy for the Leader of the House to do so when he replies to the second reading debate. As far as I understand the bill—I have read it—it is proposing deregulation of the industry.

Hon Norman Moore: Quite right.

Hon ADELE FARINA: As Hon Alison Xamon said, the Gerard Daniels study showed that 84 per cent of industry members believed that registration was important from an industry perspective, and 61.7 per cent believed it was very important. There has been a fair bit of criticism of the board, and I do not find that at all unusual. In any situation in which there is a board or an association, there will be people who have some criticism of that board or association and people who feel that that board or association does nothing for them. On the other hand, there are those who are more active members and get a lot more out of boards and associations, so I do not know whether that criticism should be guiding our decision making here. However, if there are serious problems with the way in which the board functions, let us address those issues.

The issue of lack of consultation with the industry has been raised already, and there are different views about that. I find it very disappointing, though, that both the former and current Ministers for Commerce have refused to meet with the industry. I appreciate that there has been a fair bit of negotiation and discussion on this issue over the past 20 years, but that does not negate or reduce the requirement for a government to continue to consult, particularly with the industry, when it is proposing this sort of change. I think it is very disappointing that the government has not proceeded to do so.

Members have also said that we should not be too concerned about hairdressing salons employing people who are not qualified. The argument is that no employer would want to employ someone who is not qualified because the employer will be exposed to prosecution and the costs associated with that. The problem with that argument is that it assumes that a client would proceed down the very lengthy and costly path of legal litigation. The reality is that it is beyond the means of most people. We are kidding ourselves to suggest that that is the factor that is going to protect consumers and guide us through the marketplace on these issues. We have all experienced a bad haircut in our lifetime. I have certainly never reported one to the board; nor did I prosecute. I think the reality is that most people would not. I am not suggesting that that is what people would do in those circumstances, but when a client has a serious third-degree burn, the broader community should have the protection of knowing that that hairdresser will not be allowed to practise and to inflict that sort of injury on another client without the first client having to go through the courts to prosecute to give some public profile to the issue. The current system provides a level of protection that will be removed by this bill. I would like to know how the government proposes to deal with that. As a consumer, I welcome the fact that I can walk into a hairdressing salon and know that the people working there are qualified to do their job to the highest standards because of the standards that we have in this state.

I will conclude by reading the editorial from the *South Western Times*, dated 29 July 2010 headed "Changes spell danger for salon industry". It states —

Hairdressers in the South West have every right to be concerned about the deregulation of their industry.

They fear changes to the industry will have a direct and immediate impact on quality, and allow rogue operators to gain a foothold in the trade.

Measures that have long safeguarded the industry's quality will be dissolved, resulting in existing operators being threatened by a lowering of standards across the board.

The Hairdressers Registration Board ensures that the highest level of protection is available against unskilled, unqualified or underqualified people being able to work on unsuspecting clients.

Reduced qualifications increase the risk of injuries and errors and when chemicals are involved the impacts can be severe.

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Professionals, who have spent decades practising their trade, fear their qualifications will be devalued if low-skilled workers are able to just leap-frog through the theory.

The public places a great deal of trust in their hairdresser and without formal quality control and the right skills, this could be dangerous. Some say the difference between a bad hair cut and a good hair cut is one week.

This could be drastically increased if the person behind the scissors is allowed to be fast-tracked into the industry.

I reiterate to members that the representation I have received from people in the South West Region—consumers and people from the hairdressing industry—is that they have serious concerns about the Hairdressers Registration (Amendment and Expiry) Bill 2010 and the deregulation of the industry. I did not hear the radio interview that Hon Alison Xamon spoke about, during which the Premier seemed to give some undertaking that there would be some registration or licensing of the industry beyond the life of the current act when this bill passes through Parliament. That is news to me.

Hon Norman Moore: It's news to me, too.

Hon ADELE FARINA: I would certainly welcome the Leader of the House expanding on or clarifying that to the house.

Hon Norman Moore: I don't even know what you're talking about; sorry.

Hon ADELE FARINA: If the Premier did not say that, then put that on the record; if he has, perhaps an explanation of what he is proposing would be welcomed by members and the industry.

HON MAX TRENORDEN (Agricultural) [9.00 pm]: The National Party will be supporting the Hairdressers Registration (Amendment and Expiry) Bill 2010. I have listened to this debate, and I think it is a little sad. I have been a member of either this chamber or the other chamber for a lot of years and I have listened to debates about pharmacists, chiropractors, panelbeaters, electricians and motor mechanics. A long time ago I listened to a similar debate about motor mechanics, in which it was said that all the cars in Western Australia were going to be fixed in back garages, no-one would have any qualifications and we would all be dying on the streets. The same was said about panelbeating. A few years ago there was a similar debate in which it was said that all panelbeaters would be operating out of backyards, all cars would be worked on in unsafe conditions, chassis would be bent, and people would be dying on the streets.

Hon Alison Xamon: My next-door neighbours have a panelbeating industry in their backyard, but the council won't do anything about it.

Hon MAX TRENORDEN: The member should not say that in this place.

Hon Alison Xamon: There we go; it is in *Hansard*!

Hon MAX TRENORDEN: If that is the case, the member should have reported them.

Hon Alison Xamon: It absolutely is the case, and I have followed it through with complaints, but to no avail.

Hon Kate Doust: Does Hon Max Trenorden think the curtains will fade and the cows won't milk?

Hon MAX TRENORDEN: Hang on! Do not pick on the National Party's favourite subject!

This type of debate has been around for as long as I have been in politics. I have listened to both sides of this debate for a long time, and I have no doubt whatsoever that the majority of people want the board to go and this industry to move on. I have correspondence with me from the hairdressing, beauty and industry advisory service and the Master Ladies' Hairdressers' Industrial Union of Employers of WA, and they ask who will prevent international students from working and practising illegally while studying in Australia—it is the same argument I have heard before. I have listened to many women members of this house speak about how important their hair is to them—no male will ever argue that point. The fact is that women are very particular about it, and they will not let some person who they think is incompetent mess around with their hair, just like I will not let someone who is incompetent fix my car! It will just not be like that. This is not about the demons of the world tearing down the process! In Western Australia we have outstanding tradespeople, but at times we may have concerns that, because of the needs and pressures of having trained people, the length of training time may be shortened or people may try to mess around with processes, particularly in the building trades and so forth. But that is not the way to go, and it is not the intention of this bill. This bill will not enable someone to become a hairdresser in six weeks, although certain people may be trying to scare people into thinking that. That is not the intention of the bill.

Hon Robin Chapple interjected.

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Hon MAX TRENORDEN: It is a little sad that members of this house would think that the government would want the standards of this great state to slip that far, particularly in this industry where it is red hot. Talking about hairdressing, the hairdressing industry, and who likes which hairdresser is a common discussion around the dining room table. If hairdressers have a bad reputation, they are out of the door—no women will go in there! Men are a bit different; I go to a particular hairdresser—look at my hair, there is not much of it—and it takes much longer for me to have a haircut than it should do because the usual barber talk goes on longer than the cutting of hair. Men are not as particular about that as women, but women are red hot on this subject.

Hon Ljiljanna Ravlich: You've got a fabulous insight into women!

Hon Robyn McSweeney: Car engines and haircuts!

Hon MAX TRENORDEN: Women are red hot on this subject, and no incompetent hairdresser will get to the hair of my wife or daughter. I accept the contributions to the debate and I accept the passion of the contributions, but it will not be the case that when this bill passes—which it will—there will be a steep decline in the industry. It will not occur.

I cannot remember which member said in their contribution that they would like to see what will arise out of the ashes, and there will be a lot of people interested in that. Some of my close friends in the Town of Northam are hairdressers and they are waiting to see how the training processes will continue, but at the same time many women out there have been unfairly muscled by this board over the years.

The National Party is quite content to support this bill. We do not envisage a decline in the industry; we look forward to an improvement in the industry, and we wish to get rid of the distress that may have been caused due to the operations of this board, as some members have spoken about.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [9.07 pm] — in reply: This reminds me of a previous debate on the Dog Act, when everybody felt the need to have a say. Perhaps it is good that we are going to get rid of the Hairdressers Registration Board so that, hopefully, we do not have to have any more Dog Act-type debates.

I thank some of the opposition for their support of the bill. I thought that Hon Ljiljanna Ravlich and Hon Kate Doust provided a very comprehensive set of reasons why the Hairdressers Registration (Amendment and Expiry) Bill 2010 should be passed; indeed, Hon Kate Doust was quite adamant that the bill needed to be passed. I thought that her demolition of the Greens (WA) argument was very persuasive, to say the least.

Hon Robin Chapple interjected.

Hon NORMAN MOORE: Members raised a number of issues during their contributions to the second reading debate, and I want to go through them. One of the fundamental issues is what protection consumers will have once the Hairdressers Registration Board goes. I will indicate what sort of consumer law is available to people in the community to protect them from unscrupulous hairdressers, just as there are laws to protect us from unscrupulous motor mechanics, as Hon Max Trenorden indicated. I will go through a few of those, because I think it is fair and reasonable to acknowledge that when this bill passes it will not create a situation of there being no laws in the state to protect consumers of the hairdressing industry.

In keeping with section 40(1) of the Fair Trading Act 1987, the following warranty is implied when a hairdressing service is undertaken —

... services will be rendered with due care and skill and that any materials supplied in connection with those services will be reasonably fit for the purpose ...

Section 16 of the Consumer Affairs Act 1971 gives the consumer protection division of the Department of Commerce the power to investigate and take appropriate action in respect of complaints received from consumers—consumers do not necessarily have to go to court. Under section 17 of that act, the commission has the power to publish a statement to warn or provide information about, amongst other things, services supplied in an unsatisfactory or dangerous manner, and persons who supply, or are likely to supply, those services. The minister or the Commissioner for Consumer Protection could also seek an injunction against a hairdresser who has engaged, or is proposing to engage, in conduct that constitutes or would constitute a contravention of the Fair Trading Act. The Fair Trading Act and the Consumer Affairs Act provide the sort of protections that members have suggested are needed. There are civil remedies if people want to go down that path. A person who has suffered a loss or damage as the result of the failure of a hairdresser to comply with the requirements of the Fair Trading Act—for example, if chemicals are applied inappropriately—can seek damages under section 79 of the Fair Trading Act. For minor claims—that is, amounts of \$10 000 or under—a person can take action in the Magistrates Court. A person can also seek remedial orders through the Supreme or District Courts under section 77 of the Fair Trading Act. It should be noted that there is generally a low level of complaints about hairdressers

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in Australia. All the protections that are available to customers under the Consumer Affairs Act and the Fair Trading Act will continue to apply once the Hairdressers Registration Act is repealed. Those provisions are available now and will continue to be available when registration is no longer required.

With respect to work place safety, Worksafe has advised that under section 21 of the Occupational Safety and Health Act 1984, self-employed hairdressers or hairdressers who employ staff have a duty of care to ensure that the safety and health of persons not being employees, such as clients, are not adversely affected by the work undertaken by the employer and their employees or the self-employed person, or any hazard that arises or increases as a result of the work or the system of work used by the employer or self-employed person. Section 21A of the Occupational Safety and Health Act sets out a range of penalties that are applicable for breaches of section 21. Depending on the elements of the offence, the penalties range from a level 2 offence with a maximum of \$100 000 for an individual or \$200 000 for a corporation for a first offence and a maximum of \$125 000 for an individual and \$250 000 for a corporation for a subsequent offence. For a level 4 offence, the penalty is a maximum of \$250 000 and two years' imprisonment for an individual or \$500 000 for a corporation for a first offence, which is quite significant, and a maximum of \$312 500 and two years' imprisonment for an individual or \$625 000 for a corporation for a subsequent offence. There are significant penalties under the Occupational Safety and Health Act about the duty of care that is required by employers in their relationship with their clients.

A number of issues have been raised about training. The government is very supportive of the need for proper training. I will come back to the argument that was suggested earlier that employers engage people with poor training levels. There is a fundamental error in that view. Under the Vocational Educational and Training Act 1996, Western Australians seeking to be trained as a hairdresser must complete a certificate III in hairdressing. That certificate can be undertaken by an apprenticeship pathway for a nominal three full-time years. The bill before the house does not propose any changes to the VET act.

There are other laws that relate to health. Hairdressing establishments are required by law to comply with the Hairdressing Establishment Regulations 1972, which outline basic health and hygiene stands to prevent the spread of infectious diseases, such as hepatitis B and C and HIV-AIDS. Various state and federal awards relate to working conditions for employees. Those awards will continue to apply to anyone who is engaged in the hairdressing industry.

The point I am making is that a significant number of laws are already in place in Western Australia to protect the rights of individuals and employees and put obligations on employers and employees in the way that they carry out their affairs. It is also the government's intention that there still be a system whereby a person is required to train to be a hairdresser. To become a qualified hairdresser a person needs to do a nominal three-year apprenticeship. That provision will not change as a result of this bill.

Members asked which part of the state will be covered by the legislation. This is one of the fundamental arguments I put forward in support of the bill. At the moment the Hairdressers Registration Board Act applies only within 40 kilometres of the general post office of Perth, to the south west land division—which stretches from Kalbarri to Hopetoun in the south and east to just beyond Merredin—and within eight kilometres of the post office of Kalgoorlie, which is absurd. Only the south west of Western Australia and, for reasons that I do not understand—perhaps there was an important historical event in 1946—the area eight kilometres from the post office of Kalgoorlie are covered by this particular legislation. I was born in Kalgoorlie in 1945. Perhaps I was the reason that Kalgoorlie was included; I do not know. My mother may have given me a bad haircut! My mother was a hairdresser and did not do a bad job. Areas outside those areas in Western Australia are not covered by the Hairdressers Registration Board. I said to Hon Adele Farina by way of interjection that it is a good job that she does not live in Port Hedland. If she lived in Port Hedland and felt the need to go to a registered hairdresser, she would have to hop on an aeroplane or drive her car to the south west land division—or to Kalgoorlie, if she felt so inclined. Hairdressers in Port Hedland are not registered, because they are not required to be registered. However, I cannot imagine that a hairdresser in Port Hedland would employ someone who cannot do the job properly and who is not qualified. That is what is fundamental to this argument. There is no way that any self-respecting salon owner would employ someone who is not able to do the job. The quickest way to go out of business is to provide bad service. If employees are not qualified and cannot provide a good service, they will go out of business or the person who is not providing a good service will be retrenched. It seems to me that, similar to every other skill in life, one needs to be trained to implement that skill. People need to be trained in hairdressing to deliver a good service to clients. It is not only people outside the south west of Western Australia and Kalgoorlie who do not have registered hairdressers. Most of the other states of Australia do not have them either—and the world has not ended. It has been suggested that if this bill is passed, everyone's hair will be burnt or something like that. Members expressed extreme views about how terrible things will be. We have not seen photos of what has happened in other states, but I am advised by one of my colleagues that

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those sorts of things have happened with registered hairdressers. We cannot simply say that non-registered hairdressers are the ones who cause problems. Problems are caused by the individual who does the job whether or not that person is registered; if they make a mistake, they make a mistake. There is no evidence to suggest that more mistakes are made outside the south west of Western Australia than anywhere else in the country. I do not think that particular argument stacks up.

It is a bit ridiculous that the jurisdiction of the Hairdressers Registration Board covers only a small part of Western Australia. There are no more people outside the south west land division and outside the eight kilometres from the Kalgoorlie post office complaining about the quality of hairdressing services than are people anywhere else in the state. Indeed, for reasons that I am not quite sure of, all of my electorate is included in that part of the state where hairdressers do not need to be registered. I have never had one person from my electorate complain to me that he or she had had a bad hairdresser and that the hairdresser needed to be registered. That is the fact of the matter.

Hon Simon O'Brien: They are well coiffed in the Mining and Pastoral Region!

Hon NORMAN MOORE: Yes, they are; they are fine folk.

In respect of the finances of the organisation, it is expected that there could be about \$700 000 in total when the board is wound up, but the money will be needed to wind up the affairs of the board. The administrator that will be appointed will have to meet any liabilities, including staff costs or staff entitlements, as a result of the closure of the board, and liquidate any assets. Any residual funds under the bill will be transferred to the consolidated fund.

Hon Alison Xamon: Is the \$700 000 likely to cover those costs?

Hon NORMAN MOORE: I do not know yet. It will depend on how long it takes to wind up the board, how much revenue comes in in the meantime and things of that nature. I cannot indicate to the member exactly how much will be required. The view that the advisers have is that there will be enough money to cover those costs and there will be some left over, but I do not know how much. That is the problem.

The administrator must produce after the board's last annual report a final report, the financial statements and an auditor's report on the financial statements, and the reports must be given to the minister for tabling in Parliament. It will be a completely transparent process. If there is any money left over, it is my view that instead of it going into the consolidated fund for general expenditure, the Minister for Commerce should be encouraged to put the money into some program, whether it be scholarships or to assist, say, a hairdressers' association or something like that to get up and running and become an important organisation in the state. If there is a reasonable sum of money that can do a reasonable job, we could put that money into assisting the creation of a professional association of hairdressers to do the job that some people would like to see done in the future. I will raise that matter with the Minister for Commerce and see whether we cannot come up with some scheme for which that money could be used, if there is any left over once the liabilities have been met.

Hon Ljiljanna Ravlich mentioned that there have been very few prosecutions. I asked for some information on that matter. As the member pointed out, there were seven prosecutions in 2009. I thought I would find out what the prosecutions were for. Indeed, all of them were for contraventions of section 15 of the act, which in fact relates to unregistered persons practising hairdressing. The prosecutions did not relate to any action of a hairdresser that might have caused problems for the client; they were all about unregistered hairdressers operating. They are the only penalties that have been imposed.

Hon Kate Doust: You probably need to clarify that. Usually, they're qualified but they just haven't paid their fee to the board. That is usually the case.

Hon NORMAN MOORE: That may well be. Section 15 requires them to be registered, and the reason they were found guilty is basically that they breached section 15 of the act. Whether it was because they were not registered and were practising or whether they just did not pay their money —

Hon Kate Doust: My sister refused to register as a hairdresser because she didn't see the benefit of paying the money to the board.

Hon NORMAN MOORE: A lot of people have that view.

I went through the consultation process earlier. I think this bill has had more consultation and the future of this organisation has had more consideration than anything I know. As I said, when I was Minister for Employment and Training, I introduced a bill; and now, many years later, we might be on the verge of passing a bill to abolish the board.

Hon Ljiljanna Ravlich; Hon Alison Xamon; Hon Norman Moore; Hon Kate Doust; Hon Giz Watson; Hon Matt Benson-Lidholm; Hon Adele Farina; Hon Max Trenorden

I will go through some of the comments made by members that may be of interest to the house. Hon Ljiljanna Ravlich gave a very good summary of the reasons that the board is no longer necessary. There have been very few complaints. She talked about the prosecutions, which I mentioned a moment ago. She talked about the consumer protection laws that will apply in the future for all service providers. She had some sympathy for the argument that the level of qualification resides with the employer; in other words, employers will make sure that the people they employ have the qualifications that are necessary to do the job. It is quite simple—the market will have a fair bit to do with how successful a business is and whether its employees can or cannot do a job properly. I cannot for the life of me imagine a hairdresser running a salon who would employ somebody who was unqualified and who could not deliver a good service. It would not take very long for that hairdresser to understand that that person could not do the job properly, and then that person would be out the door very quickly. Hon Ljiljanna Ravlich also mentioned that there will be a continuation of competency-based training through apprenticeships, and that hairdressers do not get much for their money from the board. She is of the view that the majority of hairdressers want the board to go. An argument is being put forward by members who support the abolition of the board that it has taken a long time for many people to get their applications for registration dealt with—sometimes weeks and sometimes months, depending on the circumstances. That is an impediment to people doing business and getting employed. It is not the board's role to set competencies. I agree with that. The training providers will decide whether somebody is competent to do the job because they provide the training and deliver the assessment of that particular training. The member asked what will happen to the board's funds, and I have mentioned that. We will try to come up with some way in which that money can be used in a manner that is productive for the industry.

Hon Alison Xamon did not have much enthusiasm for the bill. She made the comment, which I thought was interesting, that abolition is the easy road to take. I have to say to her that, after 20 years, it has not been all that easy! In fact, it has been extraordinarily difficult because this legislation has come and gone in Parliament several times. As I said earlier, it has been a very long time between when this bill was first thought about and now. It has not been the easy road; it has probably been the hard road. I have not received the letter that she talked about from the Master Ladies' Hairdressers' Industrial Union of Employers of WA. She talked about a lack of consultation, and we have already discussed that. She talked about a meeting in Nedlands attended by 100 people who were opposed to deregulation, but she then talked about there being 10 000 hairdressers. I do not know whether that was just a throwaway line. I do not know how many hairdressers there are, but there are certainly more than 100. It is quite probable that those who supported the abolition of the board would not turn up for the meeting anyway. There will be no change to consumer protection under this law. I have read through the different pieces of legislation that cover consumer protection. The member also talked about expertise undercut, which I thought was an interesting phrase. I am not quite sure how that relates to hairdressers, but perhaps it does.

I have made a note that the market will support good operators; people who can do the job properly will get the most clients. I have also made a note that there is no evidence of reduced standards in the deregulated parts of the state and no evidence of reduced standards in those parts of Australia that have deregulation. Hon Alison Xamon asked what would replace the board, and I have talked about the other acts that will cover consumer and other issues. There is no reason why employers will not check out the qualifications of employees who are seeking to be engaged by them. In every other industry in which employees are not licensed or registered, it is the duty of employers to ensure that if they want to employ people with qualifications, they have evidence that those people have qualifications. If a person wants a job, the employer would simply ask, "Are you qualified? Show me your qualifications." If that person is qualified, the employer would employ that person. I would not have thought that too many hairdressing salons would be happy to employ people without qualifications, because, as I said earlier, that salon would not last in business very long. The member also talked about horror stories. I have heard about those, but I do not know that there is evidence to suggest that vast numbers of people have been subjected to horror haircuts and other activities by hairdressers who are not registered.

Hon Alison Xamon said that these people are an easy target. Again, I go back to the 20 years it has taken to achieve this. It does not demonstrate that they have been an easy target at all; in fact, this board has been a very resilient organisation and has fought against governments of both persuasions for a very long time.

I have already mentioned that hairdressers' wages are covered by industrial awards and that has nothing at all to do with registration. Those award conditions will still apply, and any employers who do not meet the requirements of the various awards will find themselves in significant difficulties.

Hon Alison Xamon also mentioned talking to the industry in the future. I think that is a good idea. I have talked to the minister about that. It is incumbent upon the government, assuming that Parliament agrees to abolish the board, to sit down with the industry and say that this is the way forward, these are the laws that apply to protect hairdressing customers and hairdressers, and if there is any money left over, this is one way in which

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hairdressers might give some thought to putting in place an industry association that can be a self-regulating organisation, like many other professions have in our society. I am very keen to ensure we do that as a matter of course. The honourable member also said that somehow or other this relates to the Council of Australian Governments. COAG was not even born when the first effort to get rid of the Hairdressers Registration Board was made. It might have come on board ultimately as a result of the COAG process as it talked about deregulation and uniformity across the country, but the attempts to get rid of this commenced long before COAG.

Hon Alison Xamon: It is in the second reading speech.

Hon NORMAN MOORE: It is part of the COAG process now, but it was not something that the government dreamt up as a result of COAG. This side of politics thought about this in at least 1998, which I think was the year that we had a go last time. Hon Kate Doust did an excellent job in explaining to Hon Alison Xamon why the bill needs to be passed. She indicated to us that her union has removed its members from the board. She talked about the areas being covered by the board. She saw the board as a closed shop in a sense because of the capacity to exclude people from practising in the business who did not meet the requirements of the board. The issue of African braiding was raised by a couple of members. Hon Kate Doust also talked about a Department of Commerce flyer, which I have not been able to get a copy of.

Hon Kate Doust: I will flick you the email, if you like.

Hon NORMAN MOORE: I thank the honourable member. I will get one of those as I think it is worth having a look at. If education is important in this case, and I suspect it is, we should make information available to hairdressers as quickly as possible. Again, Hon Kate Doust raised the issue of the finances of the board, and I have discussed that already.

Hon Matt Benson-Lidholm wanted some assurance that the future of the industry is guaranteed. I would love somebody to guarantee my future!

Hon Matt Benson-Lidholm: I was seeking assurances on behalf of a constituent.

Hon NORMAN MOORE: I understand what the member is saying.

Hon Matt Benson-Lidholm: Certainly, in the minister's capable hands, having said what he has said, I am more than happy. I was speaking on behalf of a constituent.

Hon NORMAN MOORE: I cannot guarantee anything about anybody's future, including my own! As far as the government is concerned, based upon circumstances in other parts of the country, this is not going to be a disincentive to the industry. It is not going to undermine the industry's capacity to deliver good outcomes and employers will still employ qualified hairdressers and will still seek to be better than their competitors so that they make more money than other people. As Hon Ljiljanna Ravlich said, there are only two other occupations—I am not sure this is absolutely right, but I will take her word for it—where there are licensed persons—plumbers and electricians. There are many, many other trades in our community where there is no need to be registered or licensed and people carry out various activities. Hon Max Trenorden talked about unqualified mechanics working on people's cars. That can be a fairly dangerous business if they do not do the job properly. It is not likely that anyone will get somebody who is not qualified to look after their car, just as they are not likely to get somebody to cut their hair if they are not qualified to do so, that is, if one has the vaguest interest in how one's head will look after they have finished with it! I remember as a child when kids used to come to school whose dad put a bowl on their head and just cut the bit around the bottom, and they looked dreadful. However, that was the best they could do in places like Bullfinch, where we did not have a hairdresser.

I am glad that Hon Adele Farina is supporting the bill. I could have got the impression that she was not supporting the bill when I heard what she had to say, so I had to assume she was supporting the bill. Again, I make the point that hairdressing salons will not employ people who cannot do the job. If they do, they will find themselves in serious circumstances because people just will not go to them. The quickest way to go broke is to not deliver a service to one's customers. If someone needs to get somebody to work for them in a hairdressing salon, they need to get somebody who can do the job properly. That generally means that they are qualified. Indeed, any employer with half a brain will say they want to see someone's qualifications upfront before they employ them. If they have not got any, I suspect they will not be employed.

Hon Adele Farina is quite right: the board is not funded by the government so it is not a saving for the government, but it is a saving for the taxpayers, in a sense, because the consumers of hairdressing services are paying the hairdressers, who are then paying the board to administer their affairs. There is a cost to the consumers to fund the board.

Hon Adele Farina: I look forward to the reduction of cost in my next haircut.

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Hon Alison Xamon: The fees are minimal.

Hon NORMAN MOORE: The point I am trying to make is that there is a minimal saving for customers but a reasonable saving for hairdressers, who are currently paying the board and many of them believe that they do not get anything for their money. It is as simple as that. There was some suggestion by Hon Adele Farina that only non-registered hairdressers cause problems. That is not correct. People who are registered have caused problems for people's heads through perhaps chemicals and other things of that nature, just as non-registered hairdressers may do that. The member also talked about personalities and that somehow the government is getting rid of the board because we do not like some people on it. I do not even know who is on it. If there is some issue about personalities, the member should be more specific about who they are and why the government is trying to get rid of them. The only person I know who has anything to do with the Hairdressers Registration Board is a fellow named Les Marshall. I do not know whether he is still involved, but he was running it when I was the Minister for Training back in 1993. He was a pretty strident sort of a character, and I had some admiration for his determination. I do not know whether Hon Adele Farina thinks we are trying to get rid of the board because we want to get rid of Les. Is that what Hon Adele Farina means?

Hon Adele Farina: That is not what I said.

Hon NORMAN MOORE: Hon Adele Farina said that there may be a personality issue with people on the board and that we should just replace the people on the board, or words to that effect. If the member has a particular complaint, she might let us know, if not now, then at some other time.

This legislation provides that hairdressers will no longer need to be registered. That is what the bill does. There is some suggestion that the Premier has made some comment about there being some sort of regulation down the track. I have not heard that, and all I can assume is that he may have made some comment along the lines that it would be important for the industry to create some form of industry association that can look after the self-regulation of the industry, like the Law Society and many other professions that have their own industry associations that can, in fact, have a significant role in respect of qualifications and the way in which they go about doing their business. That is for the industry to decide, not for the government to decide. That is what I would be arguing if I were one of them. Indeed, there is a lot to be said for having industry associations that are self-regulated and that look after the fundamental standards of their industry. That may be what the Premier was suggesting, if he suggested anything—I do not know whether he did.

Hon Max Trenorden expressed his support and provided an interesting analogy that we would not get an unqualified mechanic to look after our cars, just as we would not get an unqualified person to cut our hair. That is about as good as one can get in the argument that this will not necessarily reduce standards. It is all about saying that we do not need to register people, but we still expect the vast majority to at least be qualified. The qualifications still exist and the need for apprenticeships is still there. Various other laws are in place to protect consumers and people employed in the industry. For all those reasons I trust the house will support the bill.

Question put and a division taken with the following result —

Ayes (24)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Kate Doust

Hon Phil Edman
Hon Sue Ellery
Hon Brian Ellis
Hon Adele Farina
Hon Jon Ford
Hon Nick Goiran

Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore

Hon Helen Morton
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (4)

Hon Robin Chapple

Hon Lynn MacLaren

Hon Giz Watson

Hon Alison Xamon (*Teller*)

Question thus passed.

Bill read a second time.