

Hairdressers Registration (Amendment and Expiry) Bill 2010

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Western Australia

LEGISLATIVE ASSEMBLY

Hairdressers Registration (Amendment and Expiry) Bill 2010

A Bill for

An Act to amend the *Hairdressers Registration Act 1946* and for related purposes.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Hairdressers Registration (Amendment and Expiry)*
3 *Act 2010*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on a day fixed by proclamation.

9 **3. Act amended**

10 This Act amends the *Hairdressers Registration Act 1946*.

11 **4. Long title amended**

12 In the long title delete “**to provide for**” and insert:

13

14 **relating to**

15

16 **5. Section 2 amended**

17 (1) In section 2 delete the definition of *Register*.

18 (2) In section 2 insert in alphabetical order:

19

20 *administrator* means the person for the time being
21 appointed to administer the affairs of the Board under
22 section 5(4);

23 *CEO* means the chief executive officer of the
24 Department;

25 *Department* means the Department principally
26 assisting the Minister in the administration of this Act;

1 *final report* means the report made under
2 section 23(1)(a);
3 *register* means the register under this Act;
4 *winding-up commencement* means the coming into
5 operation of the *Hairdressers Registration (Amendment*
6 *and Expiry) Act 2010*, other than sections 1 and 2.
7

8 **6. Section 5 amended**

9 (1) In section 5(1) delete “Australia) appointed by the Governor and
10 constituted as hereinafter provided.” and insert:

11
12 Australia).
13

14 (2) Delete section 5(3) to (14) and insert:

15
16 (3) On the winding-up commencement, without affecting
17 the continuity of the legal identity of the Board, the
18 Board ceases to be constituted by persons appointed by
19 the Governor.

20 (4) The CEO is to appoint a person to administer the
21 affairs of the Board, and may revoke the appointment
22 of any person so nominated and appoint another person
23 instead.

24 (5) The administrator, in the name of the Board, is to
25 perform the functions of the Board.
26

s. 7

1 **7. Section 7 amended**

2 Delete section 7(1) and insert:

3

4 (1A) After the winding-up commencement —

5 (a) the purpose of the Board is to wind up its
6 affairs so that this Act can expire under
7 section 24; and

8 (b) the powers and duties conferred on the Board
9 by this Act are limited to those necessary for or
10 conducive to that purpose.

11 (1) Subject to this Act the powers and duties of the Board
12 shall be to do any act or exercise any power or perform
13 any duty necessary for carrying the provisions of this
14 Act into effect.

15

16 Note: The heading to amended section 7 is to read:

17 **Powers and duties of the Board**

18 **8. Sections 8 and 9 deleted**

19 Delete sections 8 and 9.

20 **9. Section 10 amended**

21 In section 10:

22 (a) delete “A member of the Board” and insert:

23

24 The administrator

25

26 (b) delete “the member” and insert:

27

28 the administrator

29

30 Note: The heading to amended section 10 is to read:

31 **Protection of administrator**

1 **10. Section 11 amended**

2 Before section 11(1) insert:

3

4 (1A) Despite anything in this Act, after the winding-up
5 commencement the Board is to make no entry in the
6 register.

7

8 **11. Section 12 amended**

9 Before section 12(1) insert:

10

11 (1A) Despite anything in this Act, a person is not entitled to
12 be registered under this Act after the winding-up
13 commencement.

14

15 **12. Section 14 amended**

16 (1) Before section 14(1) insert:

17

18 (1A) Despite anything in this Act, no fees become payable
19 under this section after the winding-up commencement.

20 (1B) Despite anything in this Act, any fee paid under
21 subsection (1) before the winding-up commencement is
22 to be repaid by the Board as soon as is reasonably
23 practicable after the winding-up commencement if, at
24 the time of the winding-up commencement —

25 (a) in the case of a fee paid by a candidate for
26 examination, the examination has not been
27 held; or

28 (b) in the case of a fee paid by an applicant for
29 registration, the application has not been
30 determined; or

1 **17. Section 18B deleted**

2 Delete section 18B.

3 **18. Sections 22, 23 and 24 inserted**

4 After section 21 insert:

5

6 **22. Winding up**

7 As soon as reasonably practicable after the winding-up
8 commencement, the Board is to wind up its affairs and
9 in particular, but without limiting what may be done to
10 wind up its affairs, the Board is to —

- 11 (a) bring to a conclusion any proceedings to which
12 it is a party; and
- 13 (b) apply its assets, together with any money in
14 hand, in —
- 15 (i) discharging its liabilities, including its
16 liabilities under section 14(1B); and
- 17 (ii) transferring any assets which remain
18 after the discharge of liabilities
19 (*residual assets*) to the State to be
20 administered in the Department, or
21 realising residual assets and causing the
22 proceeds, together with any moneys in
23 hand, to be credited to the Consolidated
24 Account.

25 **23. Final report**

26 (1) As soon as reasonably practical after the Board is
27 satisfied that the winding up of its affairs is concluded,
28 it is to —

- 29 (a) make and submit to the Minister a report of its
30 proceedings for the period beginning on the day
31 after the last day of the period for which it has

s. 18

- 1 last made a report under section 14C, and
2 ending on the day on which the winding up of
3 its affairs is concluded (the *final period*); and
4 (b) deliver to the CEO all records and information
5 in its possession or under its control.
- 6 (2) The final report —
- 7 (a) is to include the details specified in
8 section 14C(1a); and
9 (b) is to be accompanied by —
- 10 (i) financial statements in respect of the
11 final period prepared in compliance
12 with section 14A; and
13 (ii) an auditor's report on the financial
14 statements prepared in compliance with
15 section 14B.
- 16 (3) The Minister must cause copies of the final report
17 submitted under subsection (1), and of the
18 accompanying financial statements and auditor's
19 report, to be laid before each House of Parliament, or
20 dealt with under subsection (4), within 14 days after
21 the Minister receives them.
- 22 (4) If —
- 23 (a) at the commencement of the period referred to
24 in subsection (3) a House of Parliament is not
25 sitting; and
26 (b) the Minister is of the opinion that the House
27 will not sit during that period,
- 28 the Minister must transmit copies of the final report,
29 financial statements and auditor's report to the Clerk of
30 the House.

1 (5) A copy of a report or statement transmitted to the Clerk
2 of a House under subsection (4) is to be regarded as
3 having been laid before that House.

4 (6) The laying of a copy of a report or statement that is to
5 be regarded as having occurred under subsection (5) is
6 to be recorded in the Minutes, or Votes and
7 Proceedings, of the House on the first sitting day of the
8 House after the Clerk receives the copy.

9 **24. Act to expire**

10 (1) When the Minister is satisfied that —
11 (a) the Board has wound up its affairs; and
12 (b) there is no reason for this Act to continue,
13 the Minister is to publish a notice in the *Gazette* stating
14 that the Minister is satisfied as to those matters, and
15 that the Act expires at the end of the day on which the
16 notice is published.

17 (2) This Act expires as stated in a notice published under
18 subsection (1).
19

20
