

Queensland



# **EDUCATION (WORK EXPERIENCE) BILL 1995**

Queensland



**EDUCATION (WORK EXPERIENCE)  
BILL 1995**

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**1995**

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**A BILL**

**FOR**

**An Act regulating work experience given to students as part of their  
education**

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**The Parliament of Queensland enacts—**

1

## **PART 1—PRELIMINARY**

2

### **Short title**

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1. This Act may be cited as the *Education (Work Experience) Act 1995*.

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### **Commencement**

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2. This Act commences on a day to be fixed by proclamation.

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## **PART 2—INTERPRETATION**

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### *Division 1—Location of definitions*

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### **Definitions and dictionary**

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**3.(1)** The dictionary in the schedule defines particular words used in this Act.<sup>1</sup>

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**(2)** Definitions found elsewhere in the Act are signposted<sup>2</sup> in the dictionary.

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- (3)** Division 2 of this part defines a key term used in this Act.

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<sup>1</sup> In some Acts, definitions are contained in a dictionary that appears as the last schedule and forms part of the Act—*Acts Interpretation Act 1954*, section 14(4).

<sup>2</sup> The signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the Act and tell the reader where these definitions can be found. For example, the definition ‘“educational establishment” see section 4’ tells the reader that the term “educational establishment” is defined in section 4.

**Division 2—Meaning of key term****Educational establishment**

**4.(1)** An “**educational establishment**” for a student, is—

- (a) if the student is enrolled in a State educational institution within the meaning of the *Education (General Provisions) Act 1989*—the institution; and
- (b) if the student is enrolled in a non-State school within the meaning of the *Education (General Provisions) Act 1989*—the school; and
- (c) if the student is receiving instruction under guidelines approved by the Governor in Council at a place mentioned in the *Education (General Provisions) Act 1989*, section 58(2)(a)(i)<sup>3</sup>—the place; and
- (d) if a student mentioned in the *Education (General Provisions) Act 1989*, section 58(2)(a)(ii), is receiving instruction in a range of subjects acceptable to the Minister—the entity providing the instruction; and
- (e) if the student is enrolled in an international educational institution within the meaning of the *Education (General Provisions) Act 1989*, section 75—the institution; and
- (f) if the student is enrolled in a State institute within the meaning of the *Vocational Education, Training and Employment Act 1991*—the college; and
- (g) if the student is enrolled in a vocational education and training establishment within the meaning of the *Vocational Education, Training and Employment Act 1991*—the establishment; and
- (h) if the student is enrolled in a university within the meaning of the *Higher Education (General Provisions) Act 1993*—the university; and
- (i) if the student is enrolled with an entity prescribed under a regulation to be an educational establishment—the entity.

<sup>3</sup> Section 58 (Dispensation from compliance with compulsory enrolment and attendance provisions)

(2) However, an “**educational establishment**” does not include an institution, school, place, entity, college, establishment or university mentioned in subsection (1) if it is prescribed under a regulation not to be an educational establishment.

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### **PART 3—ADMINISTRATION**

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#### **Work experience may be arranged**

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5.(1) A student’s educational establishment may make an arrangement with a person for the person to give the student work experience (the “**arrangement**”).

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(2) An arrangement must be in writing.

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#### **Principal to approve arrangement**

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6.(1) An arrangement may be made only with the approval of the principal of the student’s educational establishment.

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(2) The principal may approve an arrangement only if, in the principal’s opinion, the proposed work experience provider is suitable to give work experience.

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(3) The principal may delegate the principal’s power under subsection (2) to another officer of the educational establishment.

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#### **Requirement for workers’ compensation**

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7.(1) A student must not start a work experience placement until the student’s educational establishment has entered into a suitable contract of insurance with the board under the *Workers’ Compensation Act 1990*.

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(2) However, the Corporation must enter into the contract of insurance if the student’s educational establishment is—

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(a) a State educational institution within the meaning of the *Education (General Provisions) Act 1989*; or

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- (b) a place mentioned in the *Education (General Provisions) Act 1989*, section 58(2)(a)(i). 1  
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**Protection from liability** 3

**8.(1)** A student must not start a work experience placement until the student's educational establishment has entered into a contract of insurance indemnifying the student and the student's work experience provider against liability for personal injury or property damage, suffered by the student, the work experience provider or another person, arising out of the work experience. 4  
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**(2)** However, the Corporation must enter into the contract of insurance if the student's educational establishment is— 10  
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(a) a State educational institution within the meaning of the *Education (General Provisions) Act 1989*; or 12  
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(b) a non-State school within the meaning of the *Education (General Provisions) Act 1989*; or 14  
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(c) a place mentioned in the *Education (General Provisions) Act 1989*, section 58(2)(a)(i). 16  
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**(3)** The maximum amount payable under the contract of insurance for a claim for injury or damage arising out of work experience is \$5 000 000. 18  
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**Certain laws not to apply for work experience** 20

**9.(1)** A student on work experience is taken not to be the employee of the work experience provider giving the student work experience. 21  
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**(2)** A work experience provider is taken not to be the employer of the student to whom the provider is giving work experience. 23  
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**(3)** In particular, a law prohibiting employment or regulating working conditions does not apply for work experience. 25  
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**(4)** However, the following laws apply for work experience as if the student were an employee or worker and the work experience provider were an employer— 27  
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(a) the *Workplace Health and Safety Act 1995*; 30

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- (b) a law that prohibits the employment or regulates the working conditions of persons who do not have particular qualifications. 1  
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**Work experience in apprenticeship callings** 3

**10.** The *Vocational Education, Training and Employment Act 1991*, section 78<sup>4</sup>, does not apply for work experience in an apprenticeship calling. 4  
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**Conditions of work experience** 6

**11.(1)** The following conditions apply for work experience— 7

- (a) an arrangement must be made before a student starts a work experience placement; 8  
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- (b) if a student is a minor—the student’s parent must give written consent to the arrangement; 10  
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- (c) a work experience placement must finish in the year it started; 12
- (d) a student must not receive work experience for more than 30 days in a year; 13  
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- (e) a student’s work experience provider must not give work experience to more than the permitted number of students at the same time; 15  
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- (f) a work experience provider must not give work experience to a student at a time other than during the ordinary working hours of the place where the work experience is given; 18  
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- (g) a student must not be paid for work experience. 21

**(2)** Subsection (1)(b) does not apply to an independent student. 22

**(3)** Despite subsection (1)(d), a principal may approve, for a student with a disability, work experience for more than 30 days in a year. 23  
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**(4)** For subsection (1)(e), the permitted number of students is— 25

- (a) the number equal to the number of full-time employees of the work experience provider; or 26  
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<sup>4</sup> Section 78 (Restrictions on employing persons under 21 in an apprenticeship calling)

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- (b) if special circumstances exist—the number approved by the chief executive. 1  
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**Regulations** 3

12. The Governor in Council may make regulations under this Act. 4

**PART 4—REPEALS, SAVINGS AND TRANSITIONAL** 5**References to repealed Act** 6

13. In an Act or document, a reference to the *Education (Student Work Experience) Act 1978* may, if the context permits, be taken to be a reference to this Act. 7  
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**Repeal** 10

14. The *Education (Student Work Experience) Act 1978* is repealed. 11

**Arrangements to continue** 12

- 15.(1) An arrangement under the *Education (Student Work Experience) Act 1978* in force immediately before the commencement of this section is taken to be an arrangement under this Act. 13  
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- (2) This part expires 3 months after it commences. 16

<b>SCHEDULE</b>	1
<b>DICTIONARY</b>	2
section 3	3
<b>“arrangement”</b> see section 5.	4
<b>“board”</b> see <i>Workers’ Compensation Act 1990</i> .	5
<b>“Corporation”</b> see <i>Education (General Provisions) Act 1989</i> .	6
<b>“educational establishment”</b> see section 4.	7
<b>“independent student”</b> means a student who is not in an adult’s care and control.	8 9
<b>“law”</b> includes a decision within the meaning of the <i>Industrial Relations Act 1990</i> .	10 11
<b>“parent”</b> see <i>Education (General Provisions) Act 1989</i> .	12
<b>“principal”</b> means the person in charge of an educational establishment.	13
<b>“student”</b> means an individual who is—	14
(a) 14 or more; and	15
(b) enrolled in an educational establishment.	16
<b>“student with a disability”</b> means a student to whom the <i>Disability Services Act 1992</i> applies.	17 18
<b>“work experience”</b> means the experience a student is given under an arrangement.	19 20
<b>“work experience placement”</b> means the period for which work experience is given.	21 22
<b>“work experience provider”</b> means a person who gives a student work experience under an arrangement.	23 24