

Queensland



EDUCATION (WORK EXPERIENCE) ACT 1996

**Reprinted as in force on 2 January 2002
(includes amendments up to Act No. 60 of 2001)**

Reprint No. 1E

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Information about this reprint

This Act is reprinted as at 2 January 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



EDUCATION (WORK EXPERIENCE) ACT 1996

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EDUCATION (WORK EXPERIENCE) ACT 1996

[as amended by all amendments that commenced on or before 2 January 2002]

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

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Education (Work Experience) Act 1996*.

2 Commencement

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

PART 2—INTERPRETATION

Division 1—Location of definitions

3 Definitions and dictionary

(1) The dictionary in the schedule defines particular words used in this Act.

(2) Definitions found elsewhere in the Act are signposted in the dictionary.

(3) Division 2 defines key terms used in this Act.

*Division 2—Meaning of key terms***4 Work experience arrangements etc.**

(1) A “**work experience arrangement**” is an arrangement made between a student’s educational establishment and a person (the “**work experience provider**”) under which the person will provide experience (“**work experience**”) to the student as part of the student’s education.

(2) However, an arrangement made by a university or university college is not a work experience arrangement if—

- (a) it is for the provision of experience to a student enrolled in a course at the university or university college; and
- (b) the experience is a mandatory or assessable part of the course.

5 Educational establishment

(1) A student’s “**educational establishment**” is—

- (a) if the student is enrolled in a State school or other State educational institution—the institution; and
- (b) if the student is enrolled in a non-State school—the school; and
- (c) if the student is receiving home education at a place—the place; and
- (d) if a student is receiving other non-school based education—the entity providing the education; and
- (e) if the student is enrolled in an international educational institution—the institution; and
- (f) if the student is enrolled in an agricultural college under the *Agricultural Colleges Act 1994* or a TAFE institute under the *Training and Employment Act 2000*—the college or institute; and
- (g) if the student is enrolled in a training organisation registered under the *Training and Employment Act 2000*—the organisation; and
- (h) if the student is enrolled in a university—the university; and
- (i) if the student is enrolled with an entity prescribed under a regulation to be an educational establishment—the entity.

(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.

PART 3—ADMINISTRATION

6 Work experience may be arranged

(1) An educational establishment may make work experience arrangements for its students.

(2) A work experience arrangement must be in writing.

7 Principal to approve arrangement

(1) A work experience arrangement may be made for a student only with the approval of the principal of the student’s educational establishment.

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

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

8 Requirement for workers’ compensation

(1) A student must not start a work experience placement until the responsible body has entered into a suitable contract of insurance with WorkCover Queensland under the *WorkCover Queensland Act 1996*.

(2) In subsection (1)—

“**responsible body**” means—

- (a) if the student’s educational establishment is a State school or other State educational institution, or a home education place—the ministerial corporation; or
- (b) in any other case—the student’s educational establishment.

9 Protection from liability

(1) A student must not start a work experience placement until the insuring body has entered into a contract of insurance indemnifying the student and the 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.

(2) The maximum amount payable under the contract of insurance for a claim for injury or damage arising out of work experience is \$10 000 000 plus an amount directly attributable to any GST payable in relation to a supply made because of the settlement of the claim.

(3) In this section—

“insuring body” means—

- (a) if the student’s educational establishment is a State school or other State educational institution, a home education place, or a non-State school—the ministerial corporation; or
- (b) in any other case—the student’s educational establishment.

10 Certain laws not to apply to work experience placements

(1) A student on work experience is taken not to be the employee of the work experience provider and the provider is taken not to be the employer of the student.

(2) In particular, a law prohibiting employment or regulating working conditions does not apply to work experience.

(3) However, the following laws apply to work experience as if the student were an employee or worker and the work experience provider were an employer—

- (a) the *Workplace Health and Safety Act 1995*;
- (b) a law that prohibits the employment, or regulates the working conditions, of persons who do not have particular qualifications.

11 Work experience in restricted callings

(1) The *Training and Employment Act 2000*, section 89,¹ does not apply to work experience in restricted callings.

(2) In this section—

“**restricted calling**” means a calling declared to be a restricted calling under the *Training and Employment Act 2000*, section 89(1).

12 Conditions of work experience

(1) The following conditions apply to work experience—

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

(2) Subsection (1)(b) does not apply to a student who is not in an adult’s care and control.

(3) Despite subsection (1)(d), a principal may approve, for a student who is a person with a disability, work experience for more than 30 days in a year.

(4) For subsection (1)(e), the permitted number of students is—

- (a) the number equal to the number of full-time employees of the work experience provider; or

¹ *Training and Employment Act 2000*, section 89 (Restricted callings)

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

13 Regulation-making power

The Governor in Council may make regulations under this Act.

PART 4—TRANSITIONAL AND SAVINGS

14 References to repealed Act

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.

SCHEDULE**DICTIONARY**

section 3

“educational establishment” see section 5.

“home education” means instruction to which the *Education (General Provisions) Act 1989*, section 58(2)(a)(i)² applies.

“home education place” means a place where home education is provided.

“international educational institution” see *Education (General Provisions) Act 1989*, section 75.

“law” includes a decision within the meaning of the *Industrial Relations Act 1999*.

“ministerial corporation” means the corporation sole of the Minister established under the *Education (General Provisions) Act 1989*.

“non-State school” means a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

“other non-school based education” means instruction to which the *Education (General Provisions) Act 1989*, section 58(2)(a)(ii) applies.

“parent” includes a guardian and every person who is liable to maintain or has the actual custody of a child.

2 *Education (General Provisions) Act 1989*, section 115 (Dispensation from compliance with compulsory enrolment and attendance provisions)

Section 58 was renumbered as section 115 under the *Education (General Provisions) Act 1989*, section 85.

SCHEDULE (continued)

“**person with a disability**” means a person to whom the *Disability Services Act 1992* applies.³

“**principal**”, of an educational establishment, means the person in charge of the establishment.

“**State educational institution**” see *Education (General Provisions) Act 1989*, section 3.

“**State school**” see *Education (General Provisions) Act 1989*, section 3.⁴

“**student**” means an individual who is at least 14 years old, and is enrolled in an educational establishment.

“**work experience**” see section 4.

“**work experience arrangement**” see section 4.

“**work experience placement**” means a period for which work experience is provided.

“**work experience provider**” see section 4.

3 *Disability Services Act 1992*, section 5—

Disabilities covered by this Act

5.(1) This Act applies to a person with a disability—

- (a) that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of impairments; and
- (b) that results in—
 - (i) a substantial reduction of the person’s capacity for communication, social interaction, learning or mobility; and
 - (ii) the person needing support.

(2) The disability must be permanent or likely to be permanent.

(3) The disability may be, or may not be, of a chronic episodic nature.

4 A State school includes a State secondary or special school.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 January 2002. Future amendments of the Education (Work Experience) Act 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|--------|---|
| AIA | = Acts Interpretation Act 1954 | prev | = previous |
| amd | = amended | (prev) | = previously |
| amdt | = amendment | proc | = proclamation |
| ch | = chapter | prov | = provision |
| def | = definition | pt | = part |
| div | = division | pubd | = published |
| exp | = expires/expired | R[X] | = Reprint No.[X] |
| gaz | = gazette | RA | = Reprints Act 1992 |
| hdg | = heading | reloc | = relocated |
| ins | = inserted | renum | = renumbered |
| lap | = lapsed | rep | = repealed |
| notfd | = notified | s | = section |
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 1992 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|-----------------------|-------------------|
| 1 | to Act No. 75 of 1996 | 3 February 1997 |
| 1A | to Act No. 33 of 1999 | 27 July 1999 |
| 1B | to Act No. 23 of 2000 | 21 July 2000 |
| 1C | to Act No. 23 of 2000 | 11 October 2000 |
| 1D | to Act No. 60 of 2001 | 28 September 2001 |

5 List of legislation

Education (Work Experience) Act 1996 No. 9

date of assent 9 May 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 28 January 1997 (1997 SL No. 4)

as amended by—

Education (School Curriculum P–10) Act 1996 No. 65 ss 1–2, 52 sch 2

date of assent 9 December 1996

commenced on date of assent

WorkCover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2

date of assent 12 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 1997 (1996 SL No. 442)

Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3

date of assent 18 June 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 159)

GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3

date of assent 23 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2(4))

Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2

date of assent 27 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 28 September 2000 (2000 SL No. 248)

Education (Accreditation of Non-State Schools) Act 2001 No. 60 ss 1–2(1)(a), (c), (2), 218–219 schs 1–2

date of assent 21 September 2001

ss 1–2, 219 sch 2 commenced on date of assent (see s 2(1)(a), (c))

remaining provisions commenced 1 January 2002 (see s 2(2))

6 List of annotations**Work experience arrangements etc.**

s 4 amd 1996 No. 65 s 52 sch 2

Educational establishment

s 5 amd 2000 No. 23 s 293 sch 2

Requirement for workers' compensation

s 8 amd 1996 No. 75 s 535 sch 2

Protection from liability

s 9 amd 2000 No. 20 s 29 sch 3; 2001 No. 60 s 219 sch 2

Work experience in restricted callings

s 11 sub 2000 No. 23 s 293 sch 2

PART 4—TRANSITIONAL AND SAVINGS

pt hdg amd R1 (see RA s 7(1)(k))

Repeal

s 15 om R1 (see RA s 40)

Arrangements to continue

s 16 exp 28 April 1997 (see s 16(2))

SCHEDULE—DICTIONARY

def “law” amd 1999 No. 33 s 747 sch 3

def “non-State school” sub 2001 No. 60 s 218 sch 1