



Education (Work Experience) Act 1996

Current as at 1 March 2017



Queensland

Education (Work Experience) Act 1996

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Education (Work Experience) Act 1996

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 registered higher education provider is not a work experience arrangement if—
 - (a) it is for the provision of experience to a student enrolled in a course provided by the registered higher education provider; and
 - (b) the experience is a mandatory or assessable part of the course.
- (3) In this section—

registered higher education provider see the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

5 Educational establishment

- (1) A student's *educational establishment* is—
 - (a) if the student is enrolled in a State school—the school; or
 - (b) if the student is enrolled in a non-State school—the school; or
 - (c) if the student is registered for home education—the home education place; or
 - (e) if the student is enrolled in the Queensland Agricultural Training Colleges under the *Queensland Agricultural Training Colleges Act 2005*—the college; or
 - (f) if the student is enrolled in a registered training organisation within the meaning of the *National*

Vocational Education and Training Regulator Act 2011 (Cwlth)—the organisation; or

- (g) if the student is enrolled in a university—the university;
or
 - (h) 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 *Workers' Compensation and Rehabilitation Act 2003*.
- (2) In subsection (1)—
responsible body means—
 - (a) if the student's educational establishment is a State school or a home education place—the chief executive (education); 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, a home education place or a non-State school—the chief executive (education); 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 *Work Health and Safety Act 2011*;
 - (b) the *Child Employment Act 2006*, section 8A;
 - (c) 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 *Further Education and Training Act 2014*, section 64, 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 *Further Education and Training Act 2014*, section 64(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;

[s 13]

- (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
 - (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

chief executive (education) means the chief executive of the department in which the *Education (General Provisions) Act 2006* is administered.

educational establishment see section 5.

enrolled in an educational establishment, for a student, includes being registered for home education under the *Education (General Provisions) Act 2006*.

home education see the *Education (General Provisions) Act 2006*, section 205.

home education place means the usual place home education is provided.

law includes a decision within the meaning of the *Industrial Relations Act 2016*.

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

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

person with a disability means a person who has a disability within the meaning of the *Disability Services Act 2006*, section 11.

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

State school see the *Education (General Provisions) Act 2006*, schedule 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.

1 Index to endnotes

- 2 Key
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2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-------------|---------------------------------------|---------------|----------------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amd | = amendment | prov | = provision |
| t | | | |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renu | = renumbered |
| | | m | |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro | = retrospectively |
| | |) | |
| notf | = notified | rv | = revised version |
| d | | | |
| num | = numbered | s | = section |

| Key | Explanation | Key | Explanation |
|---------------|---------------------------|--------------|--|
| 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 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| | | m | |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Reprint No. | Amendments to | Effective | Reprint date |
|--------------------|------------------------------------|------------------|---------------------|
| 1 | 1996 Act No. 65 1996 Act No. 75 | 1 February 1997 | 3 February 1997 |

| Reprint No. | Amendments to | Effective | Reprint date |
|----------------------|----------------------------|-------------------|-----------------------|
| 1A | 1999 Act No. 33 | 1 July 1999 | 27 July 1999 |
| 1B | 2000 Act No. 20 | 1 July 2000 | 21 July 2000 |
| 1C | 2000 Act No. 23 | 28 September 2000 | 11 October 2000 |
| 1D | 2001 Act No. 60 | 21 September 2001 | 28 September 2001 |
| 1E | 2001 Act No. 60 | 1 January 2002 | 2 January 2002 |
| Reprint No. | Amendments included | Effective | Notes |
| 1F | 2003 Act No. 27 | 1 July 2003 | |
| 1G | 2003 Act No. 63 | 1 January 2004 | R1G withdrawn, see R2 |
| 2 | — | 1 January 2004 | |
| 2A | 2004 Act No. 53 | 29 November 2004 | |
| 2B | 2005 Act No. 20 | 1 July 2005 | |
| 2C | 2006 Act No. 12 | 1 July 2006 | |
| 2D | 2006 Act No. 39 | 30 October 2006 | R2D withdrawn, see R3 |
| 3 | — | 30 October 2006 | |
| 3A | 2007 Act No. 23 | 14 June 2007 | |
| 3B | 2007 Act No. 53 | 9 November 2007 | |
| 3C | 2011 Act No. 18 | 1 January 2012 | |
| 3D | 2012 Act No. 11 | 29 June 2012 | |
| Current as at | Amendments included | Notes | |
| 1 July 2013 | 2013 Act No. 27 | | |

| Current as at | Amendments included | Notes |
|----------------------|--|--------------|
| 1 July 2014 | 2006 Act No. 12 (amd 2014 Act No. 12) 2014 Act No. 4 2014 Act No. 25 | |
| 7 November 2014 | 2014 Act No. 62 | |
| 1 March 2017 | 2016 Act No. 63 | |

4 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)
amending legislation—

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))

Workers' Compensation and Rehabilitation Act 2003 No. 27 ss 1–2(2), 622 sch 5

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (see s 2(2))

Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch

date of assent 13 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2004 (2003 SL No. 293)

Statute Law (Miscellaneous Provisions) Act 2004 No. 53

date of assent 29 November 2004

commenced on date of assent

Agricultural College Act 2005 No. 20 ss 1–2, 60 sch 1

date of assent 19 May 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2005 (2005 SL No. 116)

Disability Services Act 2006 No. 12 ss 1–2, 241 sch 1, 333 sch 2 (this Act is amended, see amending legislation below)

date of assent 4 April 2006

ss 1–2 commenced on date of assent

s 333 sch 2 commenced 1 July 2014 (2014 SL No. 95)

remaining provisions commenced 1 July 2006 (2006 SL No. 160)

amending legislation—

Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014 No. 12 ss 1–2, 73–74 (amends 2006 No. 12 above)

date of assent 9 April 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 95)

Education (General Provisions) Act 2006 No. 39 ss 1, 2(3), 512(1) sch 1

date of assent 11 August 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 30 October 2006 (2006 SL No. 247)

Industrial Relations Act and Other Legislation Amendment Act 2007 No. 23 ss 1, 2(2), pt 4

date of assent 28 May 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 14 June 2007 (2007 SL No. 116)

Vocational Education, Training and Employment and Other Legislation Amendment Act 2007 No. 53 ss 1, 30 sch

date of assent 9 November 2007

commenced on date of assent

Work Health and Safety Act 2011 No. 18 ss 1–2, 404 sch 4 pt 2 div 1

date of assent 6 June 2011

ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2012 (2011 SL No. 238)

Vocational Education and Training (Commonwealth Powers) Act 2012 No. 11 pt 1, s 43 sch pt 2

date of assent 27 June 2012
ss 1–2 commenced on date of assent
remaining provisions commenced on 29 June 2012 (see s 2)

TAFE Queensland Act 2013 No. 27 ss 1–2, 70 sch 1 pt 2

date of assent 3 June 2013
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2013 (2013 SL No. 108)

Agricultural College Amendment Act 2014 No. 4 ss 1–2(1), 44 sch 1

date of assent 19 February 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2014 (2014 SL No. 111)

Further Education and Training Act 2014 No. 25 ss 1–2, 223 sch 1 pt 2

date of assent 21 May 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2014 (2014 SL No. 102)

Education and Other Legislation Amendment Act 2014 No. 62 ss 1, 140 sch 1

date of assent 7 November 2014
commenced on date of assent

Industrial Relations Act 2016 No. 63 ss 1, 2(2), 1157 sch 6

date of assent 9 December 2016
ss 1–2 commenced on date of assent
s 1157 sch 6 commenced 1 March 2017 (2017 SL No. 24)

5 List of annotations

Work experience arrangements etc.

s 4 amd 1996 No. 65 s 52 sch 2; 2014 No. 25 s 223 sch 1 pt 2

Educational establishment

s 5 amd 2000 No. 23 s 293 sch 2; 2003 No. 63 s 60 sch; 2005 No. 20 s 60 sch 1, 2006 No. 39 s 512(1) sch 1; 2007 No. 53 s 30 sch; 2012 No. 11 s 43 sch pt 2; 2013 No. 27 s 70 sch 1 pt 2; 2014 No. 4 s 44 sch 1; 2014 No. 25 s 223 sch 1 pt 2; 2014 No. 62 s 140 sch 1

Requirement for workers' compensation

s 8 amd 1996 No. 75 s 535 sch 2; 2003 No. 27 s 622 sch 5; 2006 No. 39 s 512(1) sch 1

Protection from liability

s 9 amd 2000 No. 20 s 29 sch 3; 2001 No. 60 s 219 sch 2; 2006 No. 39 s 512(1) sch 1

Certain laws not to apply to work experience placements

s 10 amd 2007 No. 23 s 53; 2011 No. 18 s 404 sch 4 pt 2 div 1

Work experience in restricted callings

s 11 sub 2000 No. 23 s 293 sch 2

amd 2003 No. 63 s 60 sch; 2014 No. 25 s 223 sch 1 pt 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 *chief executive (education)* ins 2006 No. 39 s 512(1) sch 1

def *enrolled in an educational establishment* ins 2006 No. 39 s 512(1) sch 1

def *home education* amd 2004 No. 53 s 2 sch

sub 2006 No. 39 s 512(1) sch 1

def *home education place* sub 2006 No. 39 s 512(1) sch 1

def *international educational institution* sub 2004 No. 53 s 2 sch; 2006 No. 39 s 512(1) sch 1

om 2014 No. 62 s 140 sch 1

def *law* amd 1999 No. 33 s 747 sch 3; 2016 No. 63 s 1157 sch 6

def *ministerial corporation* om 2006 No. 39 s 512(1) sch 1

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

def *other non-school based education* amd 2004 No. 53 s 2 sch

om 2006 No. 39 s 512(1) sch 1

def *person with a disability* sub 2006 No. 12 s 241 sch 1

amd 2006 No. 12 s 333 sch 2 (amd 2014 No. 12 ss 73–74)

def *State educational institution* sub 2004 No. 53 s 2 sch

om 2006 No. 39 s 512(1) sch 1

def *State school* sub 2004 No. 53 s 2 sch; 2006 No. 39 s 512(1) sch 1