Queensland

Education (Work Experience) Act 1996

Current as at 1 March 2017
# 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;
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

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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.

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**Education (Work Experience) Act 1996 No. 9**  
Date of assent: 9 May 1996  
Sections 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  
Commemorated on date of assent

**WorkCover Queensland Act 1996 No. 75** ss 1–2, 535 sch 2  
Date of assent: 12 December 1996  
Sections 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  
Sections 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  
Sections 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  
Sections 1–2 commenced on date of assent  

**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  
Sections 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
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

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