



ANNO VICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 82 of 1978

**An Act to enable certain students to obtain work experience
as part of their education**

[ASSENTED TO 15TH DECEMBER, 1978]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Student Education (Work Experience) Act 1978*.

2. Commencement. This Act shall commence on a day to be fixed by Proclamation.

3. Interpretation. (1) In this Act, unless the contrary intention appears—

“arrangement” means arrangement in writing made by the principal of a school with a work experience person or body with a view to providing a student at the school with work experience as part of his education;

“the Corporation” means the Corporation within the meaning of the *Education Act 1964–1974*;

“law” includes any award, agreement or determination made pursuant to the provisions of the *Industrial Conciliation and Arbitration Act 1961–1976*;

“the Minister” means the Minister within the meaning of the *Education Act 1964–1974*;

“parent” has the meaning it has in the *Education Act 1964–1974*;

“school” means—

(a) a State secondary school or a State special school;

(b) a secondary school or special school that is not a State school but at which secondary education or special education is provided that, in the opinion of the Minister, is the equivalent of secondary education or special education provided at a State school;

(c) an institution, a training centre or other place prescribed by the regulations to be a school for the purposes of this Act;

“student” means a person who is of or over the age of 14 years and who is enrolled in a school;

“work experience person or body” means a person, a company, a business, an association, a Local Authority, a department of the Government of the State, a statutory authority or body or any other body able, in the opinion of the principal of a school making an arrangement, to provide work experience for students.

(2) For the purposes of this Act—

(a) “secondary education” is secondary education within the meaning of Division III of Part III of the *Education Act 1964–1974*; and

(b) “special education” is special education within the meaning of Division IV of Part III of the *Education Act 1964–1974*.

(3) Where an institution, a training centre or other place is prescribed to be a school pursuant to the provisions of this Act—

(a) the superintendent, manager or other person in charge thereof shall be deemed to be the principal of a school; and

(b) persons therein, being persons of a class in respect of which the institution, training centre or other place exists, who are of or over the age of 14 years shall be deemed to be students enrolled in a school,

for the purposes of this Act.

4. Non-application of certain laws where students are to obtain work experience. (1) Subject to this Act, any Act or law relating to the prohibition or regulation of the employment of children or other persons who are under the age of 21 years shall not apply in any case where a student, with the written consent of a parent, is provided with work experience pursuant to an arrangement.

(2) Where any Act or law prohibits the employment or regulates the working conditions in any specified trade, calling, process, business or occupation or any branch thereof—

- (a) of persons of less than or not more than a specified age expressed as a number of years;
- (b) of females;
- (c) of persons not possessing qualifications specified in that Act or law,

subsection (1) shall not be taken to permit the doing of any act or thing by any person contrary to that Act or law.

5. Provisions of Part XI of No. 42 of 1965 not affected. Nothing contained in this Act shall prejudice or affect the operation of the provisions of Part XI of the *Children's Services Act 1965-1977*.

6. Work experience in apprenticeship trades or callings. Where a student is or is to be provided with work experience in a trade or calling to which the *Apprenticeship Act 1964-1974* applies, the provisions of section 21 (1) of that Act shall not apply to the provision of that work experience so long as the total period of the engagement in work experience by that student in any school term does not exceed 10 days.

7. Work experience in factories and shops. (1) In this section, each of them the terms "factory" and "shop" has the meaning assigned to it in the *Factories and Shops Act 1960-1975*.

(2) Without derogating from the provisions of section 45 of the *Factories and Shops Act 1960-1975*, an arrangement may be made to provide a student with work experience in a factory provided that—

- (a) where the student has not attained the age of 15 years, the consent of the Director-General of Education or of any officer of the Department of Education authorized by the Director-General in that behalf either generally or in the particular case to the arrangement is first had and obtained;
- (b) the total period of the engagement in work experience by the student in any school term does not exceed 10 days.

(3) Without derogating from the provisions of section 46 of the *Factories and Shops Act 1960-1975*, an arrangement may be made to provide a student with work experience in a shop provided that the total period of the engagement in work experience by that student in any school term does not exceed 10 days.

8. Conditions of work experience. (1) The providing of students with work experience pursuant to arrangements shall be subject to the following conditions, that is to say—

- (a) an arrangement shall be made only with the written consent of a parent of the student in question;
- (b) a student shall not be provided with work experience for more than 30 days during any school year and shall not be provided with work experience for more than 10 days during any school term;
- (c) a student shall not be provided with the same type of work experience more than once in any school year by the same work experience person or body;

- (d) a work experience person or body shall not at any time provide with work experience more than the permitted number of students;
 - (e) the period of work experience in respect of any arrangement shall not exceed a total of 10 days;
 - (f) the full period in respect of the work experience shall be a period falling within the school year;
 - (g) a student during work experience shall not work at any time outside, or for any period in excess of, the ordinary working hours for the performance of the work in question or in any way contrary to the conditions provided for in awards or industrial agreements that are applicable to employees in the trade, calling, process, business or occupation in question;
 - (h) a student shall not be paid for any work performed by him in connexion with the work experience with which he is provided.
- (2) In this section—
- (a) “school year”—
 - (i) in the case of a school referred to in paragraph (a) or (b) in the meaning of the term “school” in section 3, means, in respect of the school in question, that portion of the year beginning with the first school day of that year and ending with the last school day of that year;
 - (ii) in the case of an institution, a training centre or other place referred to in paragraph (c) in the meaning of the term “school” in section 3, means such portion of the year as is prescribed, either generally or with respect to a particular institution, training centre or other place as aforesaid or, in the absence of any such prescription, means that portion of the year beginning with the first school day of that year and ending with the last school day of that year applicable in the case of a State secondary school;
 - (b) “the permitted number of students” occurring in subsection (1) (d) means, in respect of any work experience person or body, the number of students that he or it is permitted to provide with work experience as prescribed.

9. Party to an arrangement not an employer. A work experience person or body who or that is a party to an arrangement shall not be taken to be the employer of a student who is provided with work experience pursuant to that arrangement.

10. Workers’ compensation. Where a student is—

- (a) one enrolled in a State secondary school or a State special school; or
- (b) a person who is deemed to be a student enrolled in a school for the purposes of this Act pursuant to section 3 (3),

an arrangement shall not be made unless the Corporation has first entered into an insurance contract with the Workers’ Compensation Board of Queensland as provided for by the regulations for the time being made under the *Workers’ Compensation Act 1916–1978* in accordance with the provisions of such regulations relating to students, enrolled or deemed to be enrolled as aforesaid, as the case may be, being provided with work experience pursuant to an arrangement; and for the purposes of entering into such insurance contract the Corporation shall be taken to be the employer of any such student.

11. Protection of employers from liability. (1) An arrangement shall not be made in respect of any student unless the Corporation has first entered into an insurance contract with the State Government Insurance Office (Queensland) indemnifying the work experience person or body providing a student with work experience pursuant to an arrangement against all sums for which, in respect of accidental injury to such student, he or it may become legally liable by way of damages arising under circumstances creating a legal liability in that work experience person or body to pay damages in respect of that injury.

(2) The amount payable under the insurance contract by way of indemnity in respect of any claim or action arising out of injury as aforesaid shall not exceed \$500 000 or such other sum as is prescribed.

12. Regulations. The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to—

- (a) prescribing institutions, training centres or other places to be schools for the purposes of this Act;
- (b) matters required or permitted to be prescribed;
- (c) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.