



Education (Work Experience) Act 1996

Current as at 1 July 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, 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.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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 1 July 2013]

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—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
 - (d) if the student is enrolled in an international educational institution—the institution; or
 - (e) if the student is enrolled in the agricultural college under the *Agricultural College Act 2005*—the college; or
 - (f) if the student is enrolled in a registered training organisation within the meaning of the *Vocational Education, Training and Employment Act 2000*—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*.

[s 9]

(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 \$10000000 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.

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- (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 *Vocational Education, Training and Employment Act 2000*, section 89, 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 *Vocational Education, 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;

[s 13]

- (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.

international educational institution see the *Education (General Provisions) Act 2006*, section 414.

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

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.

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 1 July 2013. 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
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	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 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 3237 0466 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
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

Reprint No.	Amendments to	Effective	Reprint date
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	

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)
 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

Endnotes

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

date of assent 4 April 2006
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2006 (2006 SL No. 160)

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)

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; 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

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 callingss 11 sub 2000 No. 23 s 293 sch 2
amd 2003 No. 63 s 60 sch**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
def *law* amd 1999 No. 33 s 747 sch 3
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
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

7 Forms notified or published in the gazette

Lists of forms are no longer included in reprints. Now see the separate forms document published on the website of the Office of the Queensland Parliamentary Counsel at <www.legislation.qld.gov.au> under Information—Current annotations. This document is updated weekly and the most recent changes are marked with a change bar.

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