



# Education (Work Experience) Act 1996

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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
  - (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

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- (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;
  - (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;

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- (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.

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# 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 an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*.

**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.