

Queensland



# EDUCATION (STUDENT WORK EXPERIENCE) ACT 1978

**Reprinted as in force on 29 September 1994  
(includes amendments up to Act No. 16 of 1989)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 29 September 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- reorder definitions consistent with current legislative drafting practice (s 30)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit the enacting words (s 42A).

**Also see Endnotes for—**

- **details about when provisions commenced**
- **further information about editorial changes made in the reprint, including—**
  - **Table of changed names and titles**
  - **Table of changed citations and remade laws**
  - **Table of obsolete and redundant provisions.**

# Queensland



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## **EDUCATION (STUDENT WORK EXPERIENCE) ACT 1978**

[as amended by all amendments that commenced on or before 29 September 19942]

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

#### **Short title**

1. This Act may be cited as the *Education (Student Work Experience) Act 1978*<sup>3-7</sup>.

#### **Commencement**

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

#### **Interpretation**

3.(1) In this Act—

“**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 the student’s education.

“**law**” includes any award, agreement or determination made pursuant to the provisions of the *Industrial Relations Act 1990*.

“**parent**” has the meaning it has in the *Education (General Provisions) Act 1989*.

“**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

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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) a special education unit administered by the Department of Education;
- (d) a State college of technical and further education;
- (e) a State senior college;
- (f) an institution for the training of children, administered by the Department of Family Services, that is staffed by officers employed by that department;
- (g) 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.

**“the Corporation”** means the Corporation within the meaning of the *Education (General Provisions) Act 1989*.

**“the Minister”** means the Minister within the meaning of the *Education (General Provisions) Act 1989*.

**“work experience person or body”** means a person, a company, a business, an association, a local government, 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 the *Education (General Provisions) Act 1989*; and
- (b) **“special education”** is special education within the meaning of the *Education (General Provisions) Act 1989*.

(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.

### **Non-application of certain laws where students are to obtain work experience**

**4.(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 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, apprenticeship 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.

### **Provisions of Part 11 of Children's Services Act 1965 not affected**

**5.** Nothing contained in this Act shall prejudice or affect the operation of the provisions of Part 11 of the *Children's Services Act 1965*.

### **Work experience in apprenticeship callings**

**6.** Where a student is or is to be provided with work experience in an apprenticeship calling to which the *Employment, Vocational Education and Training Act 1988* applies, the provisions of section 40 of that Act shall not apply to the provision of that work experience.

### **Work experience in factories and shops**

**7.(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*.

**(2)** Without derogating from the provisions of section 45 of the *Factories and Shops Act 1960*, an arrangement may be made to provide a student with work experience in a factory provided that, 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 authorised by the Director-General in that behalf, either generally or in a particular case, is first had and obtained.

**(3)** Without derogating from the provisions of section 46 of the *Factories and Shops Act 1960*, an arrangement may be made to provide a student with work experience in a shop.

### **Conditions of work experience**

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

- (a) where a student is less than 18 years of age, 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;
- (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 full period in respect of the work experience shall be a period falling within the school year;
- (f) 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



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agreements that are applicable to employees in the trade, apprenticeship calling, process, business or occupation in question;

- (g) a student shall not be paid for any work performed by the student in connection with the work experience with which the student is provided.

(2) In this section—

(a) **“school year”**—

- (i) in the case of a school, unit or college referred to in paragraph (a), (b), (c), (d) or (e) 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 for the training of children referred to in paragraph (f), in the meaning of the term **“school”** in section 3—means, in respect of the institution 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 as determined from time to time by the Director-General, Department of Family Services;

- (iii) in the case of an institution, a training centre or other place referred to in paragraph (g) 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—

- (i) is equal to the maximum number of persons, other than apprentices who, from time to time, are in the full-time

employment of that work experience person or body; or

- (ii) is, in circumstances that are in the opinion of the Minister special circumstances, equal to the number of persons as may, from time to time, be approved by the Minister.

### **Approval of arrangements**

**8A.** An arrangement shall be made—

(a) in respect of—

- (i) a State secondary school or a State special school; or
- (ii) 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; or
- (iii) a special education unit administered by the Department of Education; or
- (iv) an institution, a training centre or other place prescribed by the regulations to be a school for the purposes of this Act;

only with the approval of the Director-General of Education or of any officer of the Department of Education authorised by the Director-General in that behalf either generally or in the particular case;

(b) in respect of—

- (i) a State college of technical and further education;
- (ii) a State senior college;

only with the approval of the chief executive, Department of Employment, Vocational Education and Training or of any officer authorised by the chief executive in that behalf either generally or in the particular case;

- (c) in respect of an institution for the training of children administered by the Department of Family Services, which is staffed by officers employed by that Department—only with the approval of the chief executive, Department of Family Services or of any

officer authorised by the chief executive in that behalf either generally or in the particular case.

### **Notification of approvals**

**8B.** For the purposes of sections 10 and 11, and at least 14 days prior to the commencement of any arrangement, any arrangement approved pursuant to section 8A(b) or (c) shall be notified in writing to the Director-General of Education by those persons charged by this Act with approving such arrangements.

### **Party to an arrangement not an employer**

**9.** 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.

### **Workers' compensation**

**10.** Where a student is—

- (a) one enrolled in a State secondary school or a State special school; or
- (b) one enrolled in a special education unit administered by the Department of Education; or
- (c) one enrolled in a State college of technical and further education; or
- (d) one enrolled in a State senior college; or
- (e) one who is in an institution for the training of children administered by the Department of Family Services and staffed by officers employed by that Department; or
- (f) 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 as provided for by the regulations for the time being made under the *Workers'*

*Compensation Act 1990* 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.

### **Protection of employers from liability**

**11.(1)** An arrangement shall not be made in respect of any student unless the Corporation has first entered into an insurance contract 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, the student 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 \$2 000 000 or such other sum as is prescribed.

### **Regulations**

**12.** 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.

**ENDNOTES****1 Index to 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 29 September 1994. Future amendments of the Education (Student Work Experience) Act 1978 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

**3 List of legislation****Education (Student Work Experience) Act 1978 No. 82**

date of assent 15 December 1978

commenced 3 December 1979 (proc pubd Gaz 10 November 1979 p 1081)

as amended by—

**Student Education (Work Experience) Act Amendment Act 1989 No. 16**

date of assent 30 March 1989

commenced on date of assent

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### Short title

s 1            amd 1989 No. 16 s 2(1)

### Interpretation

s 3            def “school” amd 1989 No. 16 s 4

### Non-application of certain laws where students are to obtain work experience

s 4            amd 1989 No. 16 s 5

### Work experience in apprenticeship callings

s 6            sub 1989 No. 16 s 6

### Work experience in factories and shops

s 7            amd 1989 No. 16 s 7

### Conditions of work experience

s 8            amd 1989 No. 16 s 8

### Approval of arrangements

s 8A          ins 1989 No. 16 s 9

### Notification of approvals

s 8B          ins 1989 No. 16 s 9

### Workers’ compensation

s 10          amd 1989 No. 16 s 10

### Protection of employers from liability

s 11          amd 1989 No. 16 s 11

**5 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES  
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Director-General (or a similar title)	chief executive	see Reprints Act 1992 s 29, example 27
local authority	local government	Local Government Act 1993 s 755(1)(a)

**6 Table of changed citations and remade laws**TABLE OF CHANGED CITATIONS AND REMADE LAWS  
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Education Act 1964	Education (General Provisions) Act 1989	—
Industrial Conciliation and Arbitration Act 1961	Industrial Relations Act 1990	Industrial Relations Act 1990 s 617A
Workers' Compensation Act 1916	Workers' Compensation Act 1990	Workers' Compensation Act 1990 s 11.13

**7 Table of obsolete and redundant provisions**TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to Queensland implied	Acts Interpretation Act 1954 s 35