

EDUCATION (WORK EXPERIENCE) BILL 1996

EXPLANATORY NOTES

Short title of the Bill

Education (Work Experience) Bill 1996.

Objectives of the Legislation

This Bill regulates work experience provided to students as part of their education.

A review of the *Education (Student Work Experience) Act 1978* was undertaken as part of the *Systematic Review of Business Legislation and Regulations* program. That Act is repealed by the Bill.

There is a commitment to enabling students to obtain, as part of their education, work experience in an effective and efficient manner based on fairness for both employers and students.

Achieving the Objectives of the Legislation

A number of operational difficulties has been experienced in the administration of the *Education (Student Work Experience) Act 1978* since its enactment. Those difficulties have been addressed in the Bill by:

- stating that an arrangement must be made between an educational establishment and a work experience provider before work experience commences;
- recognising that there is a number of students below the age of 18 who are not in the care and control of their parents and are unable to obtain the required parental consent for work experience;
- recognising that students with a disability may require a longer period of time on work experience than the allowed 30 days in any one year;
- requiring the principal to approve whether a work experience provider is suitable to provide a work experience placement; and

- recognising that students desire the opportunity to be located on work experience during the vacation periods.

The Bill concurs with legislation enacted since 1989 which has had a direct effect on the operation of work experience, including for example:

Anti-Discrimination Act 1991

Disability Services Act 1992

Education (General Provisions) Act 1989

Higher Education (General Provisions) Act 1993

Industrial Relations Act 1990

Industrial Relations Reform Act 1994.

Vocational Education, and Training (Industry Placement) Act 1992

Vocational Education Training and Employment Act 1991

Workers' Compensation Act 1990

Workplace Health and Safety Act 1995

The Bill is also designed to ensure that universities and private vocational education and training establishments are able to involve their students in work experience under this legislation.

Alternatives

The alternatives include:

- not regulating work experience given to students as part of their education
- continuing to use the existing legislation.

Both alternatives are considered unsatisfactory because of the need to regulate and provide safeguards in respect of work experience arrangements in the context of current educational practice.

Estimated Costs for Government Implementation

There is no additional cost to Government in implementing this Bill.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

Consultation was conducted with a wide range of interests during the formulation of this Bill. These interests included:

- the School Industry Links Advisory Committee with representation from:
 - the ACTU (Qld Branch); Association of Independent Schools of Queensland; Gold Coast Independent Schools Guidance Association; Industrial Relations Education Committee; Queensland Catholic Education Commission; Queensland Small Business Corporation; Queensland Teachers' Union; Qld Industry Training Advisory Boards.
- Departments of Government, Queensland
- all State and non-State school work experience coordinators
- regional senior schooling advisers
- universities, agricultural colleges and TAFE institutes
- accreditation authorities

NOTES ON CLAUSES**PART 1 - PRELIMINARY**

Clause 1 sets out the short title of the proposed Act.

Clause 2 provides for the commencement of the Act.

PART 2 - INTERPRETATION***Division 1 - Location of definitions***

Clause 3 references the dictionary in the schedule and the definition of key terms. The key terms are defined in Division 2.

Division 2 - Meaning of key terms

Clause 4 defines “work experience arrangement” as an arrangement for the provision of work experience to students made between a student’s educational establishment and the work experience provider. This key term is used in clauses 6, 7, and 12 where the necessary requirements for making work experience arrangements are specified.

Clause 5 defines “educational establishment”. The definition has been broadened to include a variety of educational establishments. The relevant educational establishment, responsible for entering into contracts for workers’ compensation and contracts for protection from liability, is identified in clauses 8 and 9.

PART 3 - ADMINISTRATION

Clause 6 allows an educational establishment to arrange work experience for a student. The arrangement must be in writing.

Clause 7 stipulates the need for the principal or the principal’s delegate to approve the arrangement if the work experience provider is suitable.

Clause 8 requires the relevant educational establishment, as the responsible body, to enter into a contract of insurance with the Workers’ Compensation Board under the *Workers’ Compensation Act 1990*. The ministerial corporation is the responsible body for a State school or other State educational institution, or a home education place. “Ministerial corporation” is defined in the dictionary in the schedule to mean the corporation sole of the Minister established under the *Education (General Provisions) Act 1989*.

Clause 9 requires the relevant educational establishment, as the insuring body, to enter into a contract of insurance to indemnify the student and the work experience provider against liability for personal injury or property damage arising out of work experience. The maximum amount payable is \$5 000 000. The ministerial corporation is the insuring body for a State school or other State educational institution, a home education place, or a non-State school. “Ministerial corporation” is defined in the dictionary in the schedule to mean the corporation sole of the Minister established under the *Education (General Provisions) Act 1989*.

Clause 10 describes the relationship of this proposed Act with other law which prohibits or regulates the employment of persons. The work experience provider and the student are not to be taken to be in an employer/employee relationship so existing laws which regulate or prohibit employment do not apply. By way of example, under clause 10(2), the *Industrial Relations Reform Act 1994* will not apply as it is an Act which prohibits and regulates employment whereas the *Anti-Discrimination Act 1991* will still apply as that Act is not a law which aims to prohibit or regulate the employment of persons. However, any law to do with workplace health and safety or qualifications must apply. By way of example, under clause 10(3)(b), laws which require particular qualifications such as licensing of electricians must apply to restrict students undertaking tasks performed by an electrician.

Clause 11 states that the restrictions on employing persons under 21 in an apprenticeship calling do not apply to a student receiving work experience.

Clause 12 sets out the conditions which apply when providing work experience.

Clause 13 allows the Governor in Council to make regulations under the proposed Act.

PART 4 - TRANSITIONAL, REPEAL AND SAVINGS

Clause 14 provides that in statutes or documents reference to the *Education (Student Work Experience) Act 1978* is taken to be a reference to the *Education (Work Experience) Act 1996*.

Clause 15 repeals the *Education (Student Work Experience) Act 1978*.

Clause 16 is a transitional provision.