

Queensland



EDUCATION (WORK EXPERIENCE) BILL 1996

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**EDUCATION (WORK EXPERIENCE)
BILL 1996**

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1996

A BILL

FOR

**An Act regulating work experience provided to students as part of
their education**

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

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1. This Act may be cited as the *Education (Work Experience) Act 1996*.

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Commencement

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

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PART 2—INTERPRETATION

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Division 1—Location of definitions

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Definitions and dictionary

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3.(1) The dictionary in the schedule defines particular words used in this Act.¹

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(2) Definitions found elsewhere in the Act are signposted² in the dictionary.

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- (3)** Division 2 defines key terms used in this Act.

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¹ In some Acts, definitions are contained in a dictionary that appears as the last schedule and forms part of the Act—*Acts Interpretation Act 1954*, section 14(4).

² Signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the Act and tell the reader where these definitions can be found. For example, the definition ‘“educational establishment” see section 5’ tells the reader that the term “educational establishment” is defined in section 5.

Division 2—Meaning of key terms

Work experience arrangements etc.

4. 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.

Educational establishment

5.(1) A student’s “**educational establishment**” is—

- (a) if the student is enrolled in a State school or other State educational institution—the institution; and
- (b) if the student is enrolled in a non-State school—the school; and
- (c) if the student is receiving home education at a place—the place; and
- (d) if a student is receiving other non-school based education—the entity providing the education; and
- (e) if the student is enrolled in an international educational institution—the institution; and
- (f) if the student is enrolled in a State college under the *Vocational Education, Training and Employment Act 1991*—the college; and
- (g) if the student is enrolled in a vocational education and training establishment under the *Vocational Education, Training and Employment Act 1991*—the establishment; and
- (h) if the student is enrolled in a university—the university; and
- (i) 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	1
Work experience may be arranged	2
6.(1) An educational establishment may make work experience arrangements for its students.	3 4
(2) A work experience arrangement must be in writing.	5
Principal to approve arrangement	6
7.(1) A work experience arrangement may be made for a student only with the approval of the principal of the student’s educational establishment.	7 8
(2) The principal may approve the arrangement only if, in the principal’s opinion, the work experience provider is suitable to provide work experience.	9 10 11
(3) The principal may delegate the principal’s power under subsection (2) to an officer or employee of the educational establishment.	12 13
Requirement for workers’ compensation	14
8.(1) A student must not start a work experience placement until the responsible body has entered into a suitable contract of insurance with the Workers’ Compensation Board under the <i>Workers’ Compensation Act 1990</i> .	15 16 17 18
(2) In subsection (1)—	19
“responsible body” means—	20
(a) if the student’s educational establishment is a State school or other State educational institution, or a home education place—the ministerial corporation; or	21 22 23
(b) in any other case—the student’s educational establishment.	24
Protection from liability	25
9.(1) A student must not start a work experience placement until the insuring body has entered into a contract of insurance indemnifying the	26 27

Education (Work Experience)

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. 1
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(2) The maximum amount payable under the contract of insurance for a claim for injury or damage arising out of work experience is \$5 000 000. 4
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(3) In this section— 6

“insuring body” means— 7

(a) if the student’s educational establishment is a State school or other State educational institution, a home education place, or a non-State school—the ministerial corporation; or 8
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(b) in any other case—the student’s educational establishment. 11

Certain laws not to apply to work experience placements 12

10.(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. 13
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(2) In particular, a law prohibiting employment or regulating working conditions does not apply to work experience. 16
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(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— 18
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(a) the *Workplace Health and Safety Act 1995*; 21

(b) a law that prohibits the employment, or regulates the working conditions, of persons who do not have particular qualifications. 22
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Work experience in apprenticeship callings 24

11. The *Vocational Education, Training and Employment Act 1991*, section 78,³ does not apply to work experience in an apprenticeship calling. 25
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³ Section 78 (Restrictions on employing persons under 21 in an apprenticeship calling)

Conditions of work experience

12.(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;
- (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.

Regulation-making power

13. The Governor in Council may make regulations under this Act.

PART 4—TRANSITIONAL, REPEAL AND SAVINGS 1**References to repealed Act** 2

14. 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. 3
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Repeal 6

15. The *Education (Student Work Experience) Act 1978* is repealed. 7

Arrangements to continue 8

16.(1) An arrangement under the *Education (Student Work Experience) Act 1978* in force immediately before the commencement of this section is taken to be an arrangement under this Act. 9
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(2) This section expires 3 months after it commences. 12

SCHEDULE	1
DICTIONARY	2
section 3	3
“educational establishment” see section 5.	4
“home education” means instruction to which the <i>Education (General Provisions) Act 1989</i> , section 58(2)(a)(i) ⁴ applies.	5 6
“home education place” means a place where home education is provided.	7
“international educational institution” see <i>Education (General Provisions) Act 1989</i> , section 75.	8 9
“law” includes a decision within the meaning of the <i>Industrial Relations Act 1990</i> .	10 11
“ministerial corporation” means the corporation sole of the Minister established under the <i>Education (General Provisions) Act 1989</i> .	12 13
“non-State school” see <i>Education (General Provisions) Act 1989</i> , section 3.	14 15
“other non-school based education” means instruction to which the <i>Education (General Provisions) Act 1989</i> , section 58(2)(a)(ii) applies.	16 17
“parent” includes a guardian and every person who is liable to maintain or has the actual custody of a child.	18 19

⁴ Section 58 (Dispensation from compliance with compulsory enrolment and attendance provisions)

“ person with a disability ” means a person to whom the <i>Disability Services Act 1992</i> applies. ⁵	1 2
“ principal ”, of an educational establishment, means the person in charge of the establishment.	3 4
“ State educational institution ” see <i>Education (General Provisions) Act 1989</i> , section 3.	5 6
“ State school ” see <i>Education (General Provisions) Act 1989</i> , section 3. ⁶	7
“ student ” means an individual who is at least 14 years old, and is enrolled in an educational establishment.	8 9
“ work experience ” see section 4.	10
“ work experience arrangement ” see section 4.	11
“ work experience placement ” means a period for which work experience is provided.	12 13
“ work experience provider ” see section 4.	14

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⁵ *The Disability Services Act 1992*, section 5 provides—

Disabilities covered by this Act

5.(1) This Act applies to a person with a disability—

- (a) that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of impairments; and
- (b) that results in—
 - (i) a substantial reduction of the person’s capacity for communication, social interaction, learning or mobility; and
 - (ii) the person needing support.

(2) The disability must be permanent or likely to be permanent.

(3) The disability may be, or may not be, of a chronic episodic nature.’.

⁶ A State school includes a State secondary or special school.