



# **Education (Work Experience) Act 1996**

**Reprinted as in force on 1 July 2005**

**Reprint No. 2B**

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# Information about this reprint

This Act is reprinted as at 1 July 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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 2005]

**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 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 the agricultural college under the *Agricultural College Act 2005* or a TAFE institute under the *Vocational Education, Training and Employment Act 2000*—the college or institute; and
  - (g) if the student is enrolled in a training organisation registered under the *Vocational Education, Training and Employment Act 2000*—the organisation; 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**

### **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 other State educational institution, or a home education place—the ministerial corporation; 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 or other State educational institution, a home education place, or a non-State school—the ministerial corporation; 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 *Workplace Health and Safety Act 1995*;
  - (b) 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,<sup>1</sup> 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;
  - (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

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<sup>1</sup> *Vocational Education, Training and Employment Act 2000*, section 89 (Restricted callings)

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

***educational establishment*** see section 5.

***home education*** means instruction to which the *Education (General Provisions) Act 1989*, section 115(2)(a)(i)<sup>2</sup> applies.

***home education place*** means a place where home education is provided.

***international educational institution***, see the *Education (General Provisions) Act 1989*, section 144.

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

***ministerial corporation*** means the corporation sole of the Minister established under the *Education (General Provisions) Act 1989*.

***non-State school*** means a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

***other non-school based education*** means instruction to which the *Education (General Provisions) Act 1989*, section 115(2)(a)(ii) applies.

***parent*** includes a guardian and every person who is liable to maintain or has the actual custody of a child.

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2 *Education (General Provisions) Act 1989*, section 115 (Dispensation from compliance with compulsory enrolment and attendance provisions)

## Schedule (continued)

***person with a disability*** means a person to whom the *Disability Services Act 1992* applies.<sup>3</sup>

***principal***, of an educational establishment, means the person in charge of the establishment.

***State educational institution***, see the *Education (General Provisions) Act 1989*, section 2(1).

***State school***, see the *Education (General Provisions) Act 1989*, section 2(1).

***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.

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3 *Disability Services Act 1992*, section 5—

**5 Disabilities covered by this Act**

- (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.

## 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 1 July 2005. 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 edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

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
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	

## 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

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)

## 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

**Requirement for workers' compensation**

s 8 amd 1996 No. 75 s 535 sch 2; 2003 No. 27 s 622 sch 5

**Protection from liability**

s 9 amd 2000 No. 20 s 29 sch 3; 2001 No. 60 s 219 sch 2

**Work experience in restricted callings**

s 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 **“home education”** amd 2004 No. 53 s 2 sch

def **“international educational institution”** sub 2004 No. 53 s 2 sch

def **“law”** amd 1999 No. 33 s 747 sch 3

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

def **“State educational institution”** sub 2004 No. 53 s 2 sch

def **“State school”** sub 2004 No. 53 s 2 sch