

## EXPLANATORY STATEMENT

Issued by the authority of the delegate of the Assistant Minister for Regional Development and Territories and Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development

*Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021*

***Norfolk Island (Service Delivery (Queensland) Work Experience) Rules 2022***

### Authority

The *Norfolk Island (Service Delivery (Queensland) Work Experience) Rules 2022* (the Rules) is made under subsection 7(2) of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* (the Ordinance).

Subsection 7(2) of the Ordinance provides that the Commonwealth Minister with responsibility for the Territory of Norfolk Island may, by legislative instrument, make Rules necessary or convenient for supporting the delivery of service to Norfolk Island under an arrangement between the Commonwealth and Queensland.

The Commonwealth Minister may, in writing, delegate the Minister's powers to make Rules to the Secretary or Deputy Secretary of the Department of Infrastructure, Transport, Regional Development.

### Purpose

The Australian and Queensland governments signed the Intergovernmental Partnership Agreement on State Service Delivery to Norfolk Island (IGA) on 26 October 2021 to transition responsibility for state-level education service provision from NSW to Queensland from 1 January 2022.

Queensland is providing government school education services to the Norfolk Island Central School. This includes management and administration, teacher staffing, professional development and support, the delivery of curriculum learning programs and associated services.

These Rules adopt and make changes to the *Education (Work Experience) Act 1996 (Qld)* (the Qld Act) so that Norfolk Island Central School students can participate in work experience programs and insurance can be issued under the Queensland Government Insurance Fund to cover work experience arrangements. The Rules are confined to the Qld Act and work experience arrangements for the Norfolk Island Central School.

The Rules also make technical amendments by removing references to non-state schools and home education places. Currently, on Norfolk Island, there is one state school; however, should the need arise, there is the capacity to amend the Rules to allow for both non-state schools and home education places.

The Rules:

- set out the premises and places in which a student may be provided with work experience under a work experience arrangement including at premises and places outside Norfolk Island;
- remove references to other forms of schooling (non-state, home education, enrolment in a registered training organisation, university or an entity prescribed under a regulation to be an educational establishment) and substitute the following: “is, for a student enrolled in a State school, the school”;
- remove the definition of *responsible body* and substitute the following: “*responsible body* means the chief executive (education)”;
- provide that a contract of insurance may be entered into by the insuring body with the Queensland Government Insurance Fund; and
- make technical amendments so that the Rules are fit for purpose to operate on Norfolk Island.

### **Consultation**

The Queensland Government has been actively involved in the development of the *Norfolk Island (Service Delivery (Queensland) Work Experience) Rules 2022*. Queensland officials are also undertaking their own engagement with Norfolk Island stakeholders, with a particular focus on the teachers, students and parents of the Norfolk Island Central School.

### **Other**

The Rules are made by a delegate of the Minister, in accordance with subsection 7(6) of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021*.

The Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Rules commences the day after the core instrument is registered.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Norfolk Island (Service Delivery (Queensland) Work Experience) Rules 2022***

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Rules**

These Rules adopt and make changes to the *Education (Work Experience) Act 1996 (Qld)* (the Qld Act) so that Norfolk Island Central School students can participate in work experience programs and be insured under the Queensland Government Insurance Fund. The Rules are confined to the Qld Act and work experience arrangements for the Norfolk Island Central School.

The Rules also make technical amendments by removing references to non-state schools and home education places. Currently, on Norfolk Island, there is one state school; however, should the need arise, there is capacity to amend the Rules to allow for both non-state schools and home education places.

The Rules commence the day after the instrument is registered.

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- make technical amendments so that the Rules are fit for purpose to operate on Norfolk Island.

#### **Human rights compatibility assessment**

The legislative instrument will not engage or impact any human rights and freedoms recognised or declared by any of the international instruments specified in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*. Therefore, it is assessed as being compatible with human rights, pursuant to section 9(2) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Delegate of the Assistant Minister for Regional Development and Territories and  
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development  
The Hon Nola Marino MP**

## **ATTACHMENT—NOTES ON CLAUSES**

### **Section 1—Name**

This clause provides that the title of the Rules is the *Norfolk Island (Service Delivery (Queensland) (Work Experience)) Rules 2022*.

### **Section 2—Commencement**

This clause provides for the Rules to commence the day after the instrument is registered.

### **Section 3—Authority**

This clause provides that the Rules is made under Subsection 7(2) of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021*.

### **Section 4—Adoption of the *Education (Work Experience) Act 1996 (Qld)* as a law of the Territory**

This clause provides that the *Education (Work Experience) Act 1996 (Qld)*, as in force from time to time, is adopted as a law of the Territory, with the modifications set out in Schedule 1 to the core instrument, until the end of 31 December 2026. Copies of the legislation are freely available on the [QLD legislation website](#).

### **Section 5—Repeal of this instrument**

This clause provides that the instrument is repealed at the start of 1 January 2027.

## **Schedule 1—Modifications**

Schedule 1 contains modifications to the *Education (Work Experience) Act 1996 (Qld)* to confine the operation of the Act only to work experience arrangements made in connection with students at the Norfolk Island Central School.

### **Item 1 – Modification of section 4**

Item 1 adds subsection 4(2A) to clarify that a Norfolk Island Central School student can be provided with a work experience placement including at premises and places outside Norfolk Island.

### **Item 2 – Modification of section 5**

Item 2 is a technical amendment given that the Norfolk Island Central School is the only school on Norfolk Island, being a state school for the purposes of the *Education (Work Experience) Act 1996 (Qld)*.

### **Item 3 – Modification of subsection 8(2)**

Item 3 is a technical amendment given that a home education place under the *Education (Work Experience) Act 1996 (Qld)* does not apply to Norfolk Island.

### **Item 4 – Modification of subsection 9(3)**

Item 4 provides that the chief executive (education) can enter into contracts of insurance with the Queensland Government Insurance Fund relating to a work experience arrangement for a Norfolk Island Central School student. This insurance coverage would also extend to work experience undertaken outside the Territory of Norfolk Island.

Item 5 – Modification of Schedule (dictionary)

Item 5 is a technical amendment to the dictionary definitions as the following do not apply to services delivery arrangements on Norfolk Island:

- *enrolled in an educational establishment;*
- *home education;*
- *home education place;*
- *law;*
- *non-State school.*

Currently, on Norfolk Island, there is one state school; however, should the need arise, there is the capacity to amend the Rules to allow for these definitions to be re-introduced.