



FACT SHEET 10

FACT SHEET FOR VOCATIONAL PLACEMENTS

The Training and Employment Act 2000 was proclaimed on 28 September 2000. It replaces two Acts, the Vocational Education, Training and Employment Act (1991) and the Vocational Education and Training (Industry Placement) Act 1992.

Within the new Act, Chapter 4, sections 107 to 132 deal with Vocational Placement. A “vocational placement” is a placement with a vocational placement person for the purpose of providing practical training and experience as part of the student’s studies.

There are two types of vocational placement:

1. A ‘short placement’ of no more than 240 hours per year (s117[1]). Students undertaking this type of placement will not be remunerated and are not employees.
2. A ‘long placement’ of more than 240 hours per year. (s118[7]). This attracts remuneration and will place the placement person and the student in an employer-employee relationship. A hearing before the Industrial Commission to set remuneration and other industrial benefits will be required.

VOCATIONAL PLACEMENT AGREEMENTS

The purpose of a vocational placement agreement is to define the parameters within which the vocational placement will occur so that all parties involved with the agreement have a clear understanding of their roles and responsibilities. This agreement is made between the Registered Training Organisation (RTO), the placement person and the student. To facilitate ease of use and consistency, an approved vocational placement agreement has been prepared.

The Training Recognition Council has a number of prescribed responsibilities. Under the Training and Employment Act 2000 it may inter alia:

- Recognise or not recognise vocational placement schemes for the purpose of the Act (s109)
- Approve the suspension of certain legislative conditions as they apply to a student with a disability (s121)
- Approve the cancellation of a vocational placement agreement (s123)

HOW TO APPLY FOR RECOGNITION OF A VOCATIONAL PLACEMENT SCHEME

Under Section 109 of the Act, vocational placement schemes are recognised by the Training Recognition Council. The purpose of a vocational placement scheme is to satisfy the practical training and experience requirements of a course by having students undertake one or more vocational placements.

Only RTOs as defined in the Act can have their proposed vocational placement schemes recognised under the conditions of this Act (s108). The Council, when considering a vocational placement scheme for recognition, requires the course containing the placement scheme to have been accredited or endorsed as part of a National Training Package.

When seeking recognition of a vocational placement scheme, RTOs should complete the form VPS01 and forward it to the address provided on page 1 of the form.

RTOs must not operate vocational placement schemes under the Act without having received written notification of recognition of the vocational placement scheme from the Council.

Commencement of vocational placements without requisite recognition will place the RTO, vocational placement students and employers at risk for the liability involved.

CHECKLIST FOR THE OPERATION OF VOCATIONAL PLACEMENTS:

RTOs sending students out on vocational placement must:

- Have a recognised vocational placement scheme (form VPS01 is provided for this purpose)(s108),
- Complete a vocational placement agreement for each student (s116),
- Have public liability insurance and workers' compensation cover in place for that vocational placement scheme (s125 & s124),
- Not arrange a vocational placement with a prohibited employer without the written authorisation of the council (s111b),
- Negotiate a training plan, signed by all parties, and a copy provided to all parties (s127 - 129),
- Be satisfied that the placement person can arrange and provide the facilities, range of work; supervision and training required under the training plan for that placement (s119),
- Ensure that they have operating procedures in place for vocational placements;
- Have an information system to record details of short vocational placements. (s117),
- Send agreements to the TRC to record details of long vocational placements. (s118); and
- Provide the placement person with a statement of the conditions that apply to the workers' compensation cover and the public liability insurance policy.

The 'placement person' (ie the employer) must:

- Not exceed the maximum number of students unless determined otherwise by the Chair, Training Recognition Council. The maximum number of students at a particular time is the equal to the number of suitably qualified individuals at the place of work,
- As far as is practicable ensure the health and safety of their employees and others in their workplace,
- Not accept students undertaking vocational placement without the prior approval of the Council in writing if the placement person is a Prohibited Employer (under the meaning of the Act); and
- If the vocational placement is for a period in excess of 240 hours in one year, then the agreement may only be entered into if an Industrial Relations Commission order exists in relation to a rate of pay and terms of employment.

The vocational placement student must comply with all reasonable directions given by the placement person (the employer.) while involved in vocational placement.

PUBLIC LIABILITY INSURANCE (s125),

The Training and Employment Act (2000) requires that each RTO provide protection in the form of an approved insurance policy. An approved insurance policy means an insurance policy that-

A Must indemnify the placement person:

In the case of an action for damages:

- By a student, for injury to the student, or loss of or damage to the student's property arising out of the vocational placement or,
- Brought by another person for injury to the person or loss of or damage to the persons property as a result of the vocational placement; and

Against loss of or damage to the placement person's property caused by the student in the placement; and

B. Must indemnify the student:

Against proceedings for damages by:

- The placement person or,
- An employee or agent of the placement person or,
- Another person.

For injury to a person or loss of or damage to property arising out of the placement and

C Must provide coverage for a single claim or action relating to an injury, loss or damage in an amount not less than \$10 000 000 excluding GST.

RTOs are advised to provide placement persons with a succinct statement outlining the conditions that apply to the public liability insurance policy, particularly policy exclusions.

WORKERS' COMPENSATION COVER (s124)

The Training and Employment Act (2000) requires that each RTO provide protection in the form of workers' compensation cover to students participating in unpaid vocational placements.

The WorkCover Queensland Act 1996, Section 24 provides for coverage of students under vocational placements.

RTOs must ensure that they have purchased the abovementioned policy before they commence operating unpaid vocational placements. RTOs bring into effect the protection of the Act once they have fulfilled these requirements.

Section 36 (4) of the WorkCover Queensland Regulations 1997 states: *A student has the same entitlements to compensation as a worker. However, students on unpaid vocational placements are not permitted to be insured for additional damages for injury (36 [7])*

CLAIMS PROCEDURE

In the case of injury to students and a claim against the Workers' Compensation Board, the RTO as the "employer" completes Workers' Compensation Form 3; the student, as the "employee", completes Workers' Compensation Form 4; and the medical practitioner attending to the student should complete Workers' Compensation Form 5.

RTOs must ensure that Forms 3 and 4 are clearly marked as a vocational placement workers' compensation claim.

RTOs should forward completed forms to the nearest Workers' Compensation Board office.

Vocational placement persons are to meet the reporting requirements set out in the Workplace Health and Safety Act 1989.