

**Guidelines issued by the Department of Education and
Training Victoria
for Registered Training Organisations and Employers
in relation to Post-Secondary Students
undertaking Practical Placements (Updated Practical
Placement Guidelines)
as at 10 April 2017**

These guidelines are to be read in conjunction with the relevant provisions of the *Education and Training Reform Act 2006* and replace the *Amended Guidelines for Registered Training Organisations (2011) and Employers in relation to students of technical and further education undertaking practical placements*.

These guidelines do not apply to the work experience or training placement of:

- international students undertaking a post-secondary education course
- post-secondary students of training organisations regulated by the Australian Skills and Qualifications Authority (ASQA). However, they provide **information to ASQA regulated training organisations** on insurance coverage for their post-secondary students undertaking practical placements in Victoria.

1. Definitions

The following definitions apply for the purposes of these guidelines:

‘ASQA’ means the Australian Skills and Qualifications Authority.

‘Department’ means the Department of Education and Training Victoria.

‘Employer’ means a person or organisation hosting a post-secondary student on a practical placement.

‘Employ’ and ‘Employment’ refer to the engagement of a post-secondary student to undertake a Practical Placement. There is no requirement that a contract of employment be in place with the post-secondary student for the purposes of employment laws at common law or under statute.

‘ETRA’ means the *Education and Training Reform Act 2006* (Vic).

‘Practical placement’ refers to the placement of a student of an RTO with an employer pursuant to a practical placement agreement under section 5.4.14 of ETRA.

‘Practical placement payment order’ refers to an order of the Secretary of the Department that post-secondary students undertaking a practical placement are not required to be paid for their work on that placement. A copy of the practical placement order is at **Attachment A**.

‘Post-secondary student’ means a student enrolled in a post-secondary education course of an RTO including a person who is not beyond the age of compulsory school attendance.

‘RTO’ means a vocational education and training organisation or further education organisation registered by the VRQA as a training organisation under section 4.3.16 of ETRA or a training organisation treated as being registered on the National Register under section 4.3.14 of ETRA.¹

‘VRQA’ means the Victorian Registration and Qualifications Authority.

2. Application

These guidelines apply to RTOs registered with the VRQA and employers in relation to their obligations in arranging practical placements.

3. Purpose

The purpose of these guidelines includes:

- to assist RTOs and Employers to meet their obligations with respect to arranging practical placements, including clarifying their responsibilities.
- to clarify the insurance coverage for post-secondary students of ASQA registered training organisations undertaking practical placements in Victoria.

4. Practical placement agreements

In order for a post-secondary student’s work experience or training with an employer to be considered a Practical Placement for the purposes of ETRA, there **must be an agreement in writing between the RTO and the employer** about the placement of the post-secondary student.

If a post-secondary student is placed for work experience or training **with a written practical placement agreement** between a VRQA regulated RTO and the Employer, that arrangement will be considered a practical placement for the purposes of ETRA and **the post-secondary student will be eligible to make a claim under the Department’s workers’ compensation insurance policy** if they are injured in the course of the work experience or training.

Post-secondary students of an **ASQA regulated RTO** will **not** be eligible to make a claim under the Department’s workers’ compensation insurance policy if they are injured in the course of the work experience or training. These students may, however, be covered by the Department’s other insurance arrangements.

In addition to the relevant details of the RTO, employer and post-secondary student, a written practical placement agreement should also include:

¹ Section 4.3.14 is relevant in respect of training organisations registered with the Training Accreditation Council of Western Australia with a post-secondary student undertaking a Practical Placement in Victoria.

- the course of study with the RTO and the relevant skills required as part of that course to be developed, reinforced and/or assessed during the practical placement
- the start and finish dates and the total length of the practical placement expressed as hours, and the maximum hours per week
- clarification that the post-secondary student is not required to be paid for the practical placement (see practical placement payment order),
- the signatures of the employer and the RTO as parties to the practical placement agreement
- the signature of the post-secondary student as acknowledgement of their agreement to participate in the practical placement.

A voluntary best practice model practical placement agreement is at (**Attachment B**). All RTOs and employers are encouraged to use this model agreement as a starting point for their practical placement agreements.

The original signed agreement should be securely filed by the RTO and a copy given to both the employer and the post-secondary student.

The VRQA or the Department may request a copy of the agreement.

5. Responsibilities of RTOs

The RTO is responsible for ensuring that the Practical Placement is a meaningful experience for the post-secondary student undertaking it.

The RTO is responsible for ensuring that the work experience undertaken by its post-secondary student on Practical Placement is:

- directly related to, and is at the appropriate skill level, for the training outcomes of the unit of competency or course it is providing
- useful for the vocational and employment outcomes of the course in which the student is enrolled.

It is recommended that the RTO ensures that the practical placement agreement with the employer reflects these requirements.

6. Duration of Practical Placement

The recommended **maximum** duration for a practical placement is 240 hours in total, with a maximum of 38 hours to be worked in any one week.

If, consistent with the relevant nationally accredited training package requirements, more than a total of 240 hours or 38 hours per week are required for any reason (e.g. by professional bodies or regulators), it is the responsibility of the RTO to justify that additional hours are required to meet the course outcomes for the post-secondary students(s). The RTO should have regard to the welfare of the post-secondary student.

RTOs should keep records detailing the reason for any decision to require the post-secondary student to undertake more than a total of 240 hours, or more than 38 hours per week, for the practical placement component of the course or unit of competency.

7. Rate of pay

By Order of the Secretary of the Department (practical placement payment order), post-secondary students undertaking a practical placement are **not required to be paid for the work on that placement**. This practical placement payment order came into effect on 1 January 2011.

While post-secondary students are not *required* to be paid for a practical placement, there is no prohibition on payment being made. However, before offering to make any payments, the relevant RTO and employer should seek professional advice on any implications that doing so might have under employment or industrial laws.

8. Insurance cover

The *Workplace Injury Rehabilitation and Compensation Act 2013* deems a post-secondary student undertaking a practical placement to be a ‘worker’ for workers’ compensation purposes, and deems the Department to be the employer of that post-secondary student (of VRQA registered RTOs only) in respect of the Employment under the Practical Placement agreement.

Accordingly, post-secondary students of **VRQA-regulated RTOs** who are injured while undertaking a practical placement may be eligible to make a claim under the **workers’ compensation** insurance policy held by the Department.

Post-secondary students of **ASQA-regulated training organisations** who are injured while undertaking a Practical Placement are not eligible to make a claim under the Department’s workers’ compensation insurance policy. However, they may be eligible to make a claim under **other insurance arrangements** the Department has in place if they are assessed as eligible by the Department’s workers’ compensation insurer. The quantum of any payment is limited to statutory benefits provided under the *Workplace Injury Rehabilitation Compensation Act 2013*.

How to make an insurance claim

Enquiries relating to practical placement insurance eligibility matters should be directed to the Department’s Workers’ Compensation Advisory on ph. 03 9637 2441.

If a post-secondary student is injured while undertaking a practical placement and wishes to make a claim for compensation, the following process should occur:

- The post-secondary student should complete and sign a Worker’s Injury [Claim Form](#), with the assistance of the employer and/or RTO, if necessary.
- The RTO should complete and sign the employer section of the Worker’s Injury [Claim Form](#) and an Employer Injury Claim [Report Form](#) (both forms), in consultation with the employer if necessary.

- The RTO should clearly mark on both forms ‘VRQA practical placement claim’ or ‘ASQA practical placement claim’ as appropriate. The employer scheme registration number of 1624618 and the employer’s reference number of 9573347 should be entered on both forms.
- The RTO should scan and email the Employer Injury Claim Report and Worker Injury Claim forms, any certificates of capacity, completed incident notification form, medical accounts and a certified copy of the practical placement agreement to Gallagher Bassett at: educlaims@gbtpa.com.au

All original documents to be forwarded to:

Gallagher Bassett
2/333 Collins Street
Melbourne 3001

All ongoing documentation (post submission of a new claim) relating to the claim should be emailed to Gallagher Bassett at:

educlaimscorporate@gbtpa.com.au

- The RTO should retain duplicates of all documents and create a secure workers’ compensation file.
- Gallagher Bassett will notify the Department (People Division) when they receive claims.

9. Enquiries

- Enquiries about these Guidelines, can be directed to the TAFE Course Line on 131 823, or emailed to tafe.courseline@edumail.vic.gov.au.
- Enquiries related to workers’ compensation insurance claims for post-secondary students on practical placements arranged by VRQA-regulated and ASQA-regulated RTOs should be directed to the:
Workers’ Compensation Advisory Service
ph: 03 9637 2441
email: workers.compensation.corporate@edumail.vic.gov.au

**ORDER ABOUT NON-PAYMENT FOR WORK
FOR POST-SECONDARY STUDENTS
ON PRACTICAL PLACEMENTS**

I, JEFF ROSEWARNE, Acting Secretary to the Department of Education and Early Childhood Development, hereby make an Order under section 5.4.20 of the *Education and Training Reform Act 2006* (the ETRA).

This Order comes into effect on and from 1 January 2011. It has no retrospective effect.

The Order is as follows:

A: I note that, pursuant to section 5.4.16 of the ETRA, the Governor in Council has fixed a minimum rate of payment of \$5 per day for students employed under a practical placement agreement, as defined in section 5.4.13 of ETRA.

And:

B: For the purposes of section 5.4.20 of ETRA in relation to Orders about non-payment for work, a class of student means students of a TAFE Provider. TAFE Provider, pursuant to section 5.4.13 of ETRA, means a body registered under section 4.3.10 (of the ETRA) by the Authority.

And:

C: In view of A above, and in accordance with the power available to me under section 5.4.20 of ETRA, I am satisfied that the class of student as defined in B above meet the conditions outlined in section 5.4.20 of ETRA and I hereby order that the class of student is not required to be paid the minimum rate of payment as described in A above.

And:

D: The Order made by the Acting Secretary of the Department of Education and Early Childhood Development on 24 January 1997 under section 91AB of the former Vocational Education and Training Act 1990 (the VET Order) is hereby formally revoked, with immediate effect.

And:

E: The Order contained herein replaces the VET Order.

Signed: JEFF ROSEWARNE

Date: 23 December 2010

Model Practical Placement Agreement between RTO and Employer

**A voluntary best practice form documenting a practical placement agreement
between an RTO and host employer**

RTO & PRACTICAL PLACEMENT DETAILS

Registered Training Organisation (RTO) name: _____

Training Organisation ID/ RTO Code: _____

RTO ACN or ABN: _____

Business address: _____ Postcode: _____

Telephone: _____ Email: _____

Student's unit of competency name: _____ Code: _____

Student's qualification name: _____ Code: _____

Skills relevant to unit or qualification to be developed/reinforced/assessed on practical placement
(if insufficient space, attach separate sheet): _____

Total practical placement hours required for unit/course: _____

Practical placement coordinator name: _____

EMPLOYER DETAILS

Employer (business) name: _____ Telephone: _____

Address for practical placement: _____ Postcode: _____

Workplace contact person: _____ Supervisor: _____

Activities the student will undertake (if insufficient space, attach separate sheet)

from (commencement date): _____ to (completion date): _____

Total hours: _____ Maximum hours per week: _____

Payment rate \$ 0 (default) per day (For further information, please refer to the Updated Practical Placement Guidelines and Order about non-payment for work for post-secondary students on practical placements available at [DN: insert hyperlink to this document on the education.vic.gov.au website])

RTO RESPONSIBILITIES

The RTO is responsible for:

1. Ensuring there is a written practical placement agreement between the RTO and the host employer (this agreement).
2. Ensuring that the work experience undertaken by the student on practical placement is:
 - directly related to, and is at the appropriate skill level, for the training outcomes of the unit of competency or course it is providing, and

- useful for vocation and employment outcomes of the course it is providing.
3. Ensuring that the maximum duration of its student's practical placement is 240 hours in total, and a maximum of 38 hours to be worked in any one week. If more than a total of 240 hours, or 38 hours per week is required, the RTO is responsible for justifying that additional hours are required to meet the course outcomes for the particular student concerned, having regard to the welfare of the student concerned.
 4. Keeping records detailing the reason for any decision to require its student to undertake more than a total of 240 hours or 38 hours per week, for the practical placement component of the course or unit of competency the student is undertaking.
 5. Securely filing the signed original of this agreement and giving a copy to both the employer and the student.
 6. Reading and understanding the *Department of Education and Training Updated Practical Placement Guidelines* {insert http:link}

EMPLOYER RESPONSIBILITIES

The employer:

1. Will discuss with the RTO the type of activities which the student will undertake on practical placement to ensure they are:
 - relevant and directly related to, and at the appropriate skill level, for the training outcomes of the unit of competency or course the student is undertaking, and
 - useful for the vocation and employment outcomes of the unit or course.
2. Will plan and carry out the student's program of activities in accordance with the considerations set out in paragraph 1.
3. Has read and understood the *Department of Education and Training Updated Practical Placement Guidelines* {insert http:link}.
4. Will consult with the practical placement coordinator if they consider it necessary to terminate the arrangement before the agreed practical placement end date.
5. Will nominate a supervisor (or supervisors) for the student.
6. Will comply with relevant occupational health and safety and workplace relations legislation and standards with respect to the student.
7. Will permit the RTO's practical placement coordinator or assessors to access the workplace and contact the student at any reasonable time during the practical placement.
8. Will ensure that the practical placement arrangement is not used as a substitute for the employment of employees or the engagement of contractors.
9. Will maintain the confidentiality of any health information that has been disclosed in relation to the student and will only disclose this information to another party if treatment is required for a known medical condition or in the case of a medical emergency.
10. Will notify the practical placement coordinator as soon as practicable if the student is absent, injured or becomes ill in the course of undertaking the practical placement.
11. In case of an emergency, the employer will contact the student's emergency contact person and the practical placement coordinator.

INSURANCE ARRANGEMENTS

VRQA regulated RTOs

Where there is a written practical placement agreement between a VRQA-regulated RTO and host employer under ETRA (this agreement), a post-secondary student injured while undertaking a practical placement may be eligible to make a claim under the workers' compensation insurance policy held by the Department. See the *Department of Education and Training Updated Practical Placement Guidelines* at {insert link}.

If the student is placed for work experience or training without a written practical placement agreement between the RTO and the employer, that arrangement will not be a valid practical placement under ETRA, and the post-secondary student will not be eligible to make a claim under the Department's workers' compensation insurance policy if injured in the course of the work experience or training.

ASQA regulated RTOs

Students of ASQA-regulated RTOs (with or without a written practical placement agreement) who are injured while undertaking a practical placement do not have access to workers' compensation, under the insurance policy held by the Department, however may be eligible to make a claim under other Departmental insurance arrangements. See the *Department of Education and Training Updated Practical Placement Guidelines* at {insert link}.

Public liability insurance covering this practical placement arrangement will be taken out by the _____ {insert RTO or the Employer}.

STUDENT DETAILS

Name _____
 Address _____
 _____ Postcode _____
 Tel (Home) _____ (Work) _____
 (Mobile) _____
 Emergency contact (name and telephone) _____

PRIVACY INFORMATION: The student information provided in this agreement is for the administration of practical placement arrangements only and is not to be used for any other purpose unless required by law.

SIGNATURES OF PARTIES TO THIS AGREEMENT

<p>RTO Representative</p> <p>Position/title: _____</p> <p>I _____, agree to take part in this practical placement agreement and understand and accept the RTO responsibilities outlined in this agreement.</p>	<p>Signature:</p>	<p>Date:</p>
<p>Employer Representative</p> <p>I _____ agree to take part in this practical placement agreement and understand and accept the employer responsibilities outlined in this agreement.</p>	<p>Signature:</p>	<p>Date:</p>

STUDENT ACKNOWLEDGEMENT

The student acknowledges that they:

- Agree to take part in this practical placement arrangement as part of their vocational training, and agree this does not constitute an employment relationship between the student and the employer.
- Will carry out all reasonable and lawful directions of the employer and perform their work to the best of their ability.
- Will comply with all reasonable workplace rules and requirements governing safety and behaviour.
- Will attend the workplace on each day at the agreed time.
- Will inform both the employer and the practical placement coordinator as soon as practicable if they are unable to attend work.
- Will promptly inform the employer and the practical placement coordinator of any accident, injury or incident that may occur.
- Will dress in accordance with workplace guidelines.
- Will inform the practical placement coordinator and employer of any necessary health information, including details of any known medical condition which may affect them and any medication or treatment which may be necessary.
- Will be responsible for their transport to and from the workplace.

<p>Student name:</p>	<p>Signature:</p>	<p>Date:</p>
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<p>Parent/Guardian (only required where the student is under 18 years of age)</p> <p>I _____ agree to my child taking part in this practical placement arrangement.</p>	<p>Signature:</p>	<p>Date:</p>
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