

Queensland



VOCATIONAL EDUCATION AND TRAINING (INDUSTRY PLACEMENT) ACT 1992

**Reprinted as in force on 18 August 2000
(includes amendments up to Act No. 20 of 2000)**

Reprint No. 1B

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 18 August 2000. 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.

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

Also see endnotes for information about—

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

Queensland



**VOCATIONAL EDUCATION AND
TRAINING (INDUSTRY PLACEMENT)
ACT 1992**

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*Vocational Education and Training (Industry
Placement) Act 1992*

VOCATIONAL EDUCATION AND TRAINING (INDUSTRY PLACEMENT) ACT 1992

[as amended by all amendments that commenced on or before 18 August 2000]

An Act to provide for industry placement of students in structured vocational education and training programs, and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Vocational Education and Training (Industry Placement) Act 1992*.

Commencement

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

Object of Act

3. The object of this Act is to provide for industry placement of students in structured vocational education and training programs.

Definitions

4. In this Act—

“**approved training scheme**” has the meaning given by section 7;

“**authorised person**” has the same meaning as in the *Vocational Education, Training and Employment Act 1991*;

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Placement) Act 1992*

“college” means—

- (a) a secondary school, or special school, that is a State school for the purposes of the *Education (General Provisions) Act 1989*; or
- (b) a secondary school, or special school, that is a non-State school for the purposes of the *Education (General Provisions) Act 1989*; or
- (c) a special education unit administered by the department that deals with matters arising under the *Education (General Provisions) Act 1989*; or
- (d) a State college within the meaning of the *Vocational Education, Training and Employment Act 1991*; or
- (e) a rural training school within the meaning of the *Rural Training Schools Act 1965*; or
- (f) an approved training organisation recognised under section 3.1 of the *Vocational Education, Training and Employment Act 1991*; or
- (g) any other person or body prescribed by regulation for the purposes of this definition;

“Commissioner for Training” has the same meaning as in the *Vocational Education, Training and Employment Act 1991*;

“Council” means the State Training Council established under the *Vocational Education, Training and Employment Act 1991*;

“director” means the person in charge (by whatever name called) of a college;

“disability” has the same meaning as in the *Disability Services Act 1992*;

“industry placement” has the meaning given by section 8;

“industry placement person” has the meaning given by section 9;

“industry placement student” has the meaning given by section 10;

“law” includes an award, industrial agreement or determination made under the *Industrial Relations Act 1990*;

“student” means an individual who is enrolled in a college and is—

- (a) 15 years of age or more; or

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(b) 14 years of age and approved by the Council;

“vocational placement agreement” has the meaning given by section 11;

“vocational training agreement” has the meaning given by section 12.

Act binds Crown

5. This Act binds the Crown in right of the State and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

Certain laws not to apply to students obtaining industry placement

6.(1) Any Act or law (other than the *Anti-Discrimination Act 1991*) relating to the prohibition or regulation of the employment of persons on the basis of their age does not apply to an industry placement student.

(2) However, if an Act or law prohibits the employment or regulates the working conditions of persons—

- (a) of less than, or not more than, a specified age expressed as a number of years; or
- (b) of a particular sex; or
- (c) who do not have particular qualifications;

in any process, business or occupation, or any branch of a process, business or occupation, subsection (1) does not permit a person to do anything contrary to that Act or law.

(3) Without limiting subsection (2) and despite section 18, the *Workplace Health and Safety Act 1989* applies to the industry placement of a student and, for that purpose—

- (a) the student is taken to be an employee; and
- (b) the relevant industry placement person is taken to be an employer.

(4) Section 3.10 of the *Vocational Education, Training and Employment Act 1991* does not apply to the industry placement of a student in an apprenticeship calling.

PART 2—BASIC CONCEPTS

Meaning of “approved training scheme”

7. An “**approved training scheme**” is a training scheme, approved by the Council, whose purpose is to meet that part of a college’s course curriculum that requires a student of the college to undertake 1 or more industry placements to satisfy the practical training and experience requirements of the course.

Meaning of “industry placement”

8. An “**industry placement**” is a placement, under an approved training scheme, of a student with an industry placement person for the purpose of providing practical training and experience as part of the student’s studies.

Meaning of “industry placement person”

9.(1) An “**industry placement person**” is a person, body, department or authority of the State or the Commonwealth, or local authority, that is approved by the director of a college to provide industry placement for a student.

(2) The director may approve an industry placement person only if, in the director’s opinion, the person, body, department or authority is suitable to provide industry placement for a student.

Meaning of “industry placement student”

10. An “**industry placement student**” is a student who is the subject of an industry placement.

Meaning of “vocational placement agreement”

11. A “**vocational placement agreement**” is a written agreement made between a director and an industry placement person for the industry placement of a student under an approved training scheme that is for 240 hours or less.

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Meaning of “vocational training agreement”

12.(1) A “**vocational training agreement**” is a written agreement made between a student and an industry placement person for the industry placement of the student under an approved training scheme that is for more than 240 hours.

- (2) A vocational training agreement must—
- (a) contain the prescribed particulars; and
 - (b) be approved by the Council.

PART 3—INDUSTRY PLACEMENT

Restriction on industry placement under an approved training scheme that is for more than 240 hours

13. Subject to section 16, the industry placement of a student under an approved training scheme that is for more than 240 hours is subject to the following conditions—

- (a) the industry placement must take place under a vocational training agreement;
- (b) the Industrial Relations Commission must have made an order under section 14 that applies to the student.

Fixing of rates of pay and terms of employment by Industrial Relations Commission

14.(1) An authorised person may apply to the Industrial Relations Commission for an order that fixes, in relation to an industry placement under an approved training scheme that is for more than 240 hours—

- (a) the appropriate rate of wage payable to an industry placement student; and
- (b) other terms of employment of an industry placement student.

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(2) The authorised person may include in the application an approved training scheme in which the authorised person does not have an interest.

(3) The Council and any other authorised person may make submissions to the Commission on the application.

(4) The Commission may fix a rate of wage by reference to any 1 or more of the following—

- (a) a rate of wage payable under an award or industrial agreement to a classification of employee that the Commission considers appropriate;
- (b) a percentage of such a rate;
- (c) the stage of training of an industry placement student;
- (d) such other factors as the Commission considers appropriate, including factors submitted by the Council.

(5) The Commission may fix other terms of employment by reference to any 1 or more of the following—

- (a) terms of an award or industrial agreement in relation to a classification of employee that the Commission considers appropriate;
- (b) terms prescribed by the *Industrial Relations Act 1990*;
- (c) such other factors as the Commission considers appropriate, including factors submitted by the Council.

(6) The rate of wage and other terms of employment fixed by the Commission are the minimum rate of wage payable, and other minimum terms applicable, to an industry placement student in relation to the industry placement concerned.

Conditions of industry placement

15.(1) Industry placement is subject to the following conditions—

- (a) if a student is under 18 years—an industry placement may be made only with the written consent of the student's parent or guardian;

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- (b) a student must not be provided with unpaid industry placement for more than 240 hours under a single approved training scheme;
- (c) an industry placement of 240 hours or less must start and finish within the academic year of the college attended by the student concerned;
- (d) an industry placement person must not, at any time, provide more than the permitted number of students with industry placement;
- (e) an industry placement student must not perform unpaid work for more than, or outside, the ordinary working hours for the performance of that work or in any way contrary to the terms provided for in awards or industrial agreements that are applicable to the workplace concerned.

(2) In subsection (1)(d)—

“permitted number” of students means the number—

- (a) equal to the maximum number of individuals, suitably qualified in the particular area covered by the industry placement who, from time to time, are in the full-time employment of the industry placement person; or
- (b) if the Commissioner for Training considers that special circumstances exist—approved by the Commissioner.

Students with disabilities

16.(1) The Council may suspend the operation of any conditions mentioned in section 13 or 15(1)(b), (c), (d) or (e) in relation to a student with a disability.

(2) The Council must not act in a way that is inconsistent with the *Anti-Discrimination Act 1991*.

Amendment and cancellation of agreements

17.(1) A vocational placement agreement—

- (a) may be amended by a further vocational placement agreement; and

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- (b) may be cancelled at any time by written notice given—
 - (i) by the industry placement person to the director; or
 - (ii) by the director to the industry placement person.

(2) A vocational training agreement—

- (a) may be amended by a further vocational training agreement; and
- (b) may be cancelled by the Council on its own initiative or on application by—
 - (i) the industry placement student; or
 - (ii) the industry placement person; or
 - (iii) the director of the student's college.

(3) Written notice of the cancellation of a vocational training agreement must be given to the industry placement student and to the industry placement person.

Party to an unpaid industry placement not an employer

18. An industry placement person that is a party to an unpaid industry placement of a student is taken not to be the employer of the student.

Workers' compensation

19. The college attended by a student who is the subject of an unpaid industry placement must provide the student with workers' compensation cover under the *WorkCover Queensland Act 1996*.

Protection from liability

20.(1) The college attended by a student who is the subject of an unpaid industry placement must obtain the following indemnity insurance cover—

- (a) cover for the industry placement person providing the industry placement against—

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- (i) proceedings for damages brought by the student for injury to the student, or loss of or damage to the student's property, arising out of the industry placement; and
 - (ii) loss of or damage to the industry placement person's property caused by the student during the industry placement;
- (b) cover for the student against proceedings for damages brought by the industry placement person, an employee or agent of the industry placement person, or another person for injury to a person, or loss of or damage to property, arising out of the industry placement.

(2) The maximum amount payable under a policy mentioned in subsection (1) in respect of a single claim or action relating to an injury, loss or damage is limited to \$2 000 000 excluding GST.

PART 4—MISCELLANEOUS

Delegation

21. The Council may delegate its powers under this Act to the Commissioner for Training or any director.

Regulations

22. The Governor in Council may make regulations for the purposes of this Act.

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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 18 August 2000. Future amendments of the Vocational Education and Training (Industry Placement) Act 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

Vocational Education and Training (Industry Placement) Act 1992

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	11 March 1993
1A	to Act No. 75 of 1996	14 March 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Vocational Education and Training (Industry Placement) Act 1992 No. 57

date of assent 7 December 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 29 January 1993 (1993 SL No. 13)

amended by—

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)

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))

7 List of annotations

Workers' compensation

s 19 amd 1996 No. 75 s 535 sch 2

Protection from liability

s 20 amd 2000 No. 20 s 29 sch 3

Amendment of Anti-Discrimination Act 1991

s 23 om R1 (see RA s 40)