

Queensland



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

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

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1992

A BILL

FOR

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

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BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

PART 1—PRELIMINARY

Short title

Clause1. This Act may be cited as the *Vocational Education and Training (Industry Placement) Act 1992*.

Commencement

Clause2. This Act commences on a day to be fixed by proclamation.

Object of Act

Clause3. The object of this Act is to provide for industry placement of students in structured vocational education and training programs.

Definitions

Clause4. 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*;

“**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

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(c) a special education unit administered by the department that deals with matters arising under the <i>Education (General Provisions) Act 1989</i> ; or	1 2 3
(d) a State college within the meaning of the <i>Vocational Education, Training and Employment Act 1991</i> ; or	4 5
(e) a rural training school within the meaning of the <i>Rural Training Schools Act 1965</i> ; or	6 7
(f) an approved training organisation recognised under section 3.1 of the <i>Vocational Education, Training and Employment Act 1991</i> ; or	8 9 10
(g) any other person or body prescribed by regulation for the purposes of this definition;	11 12
“Commissioner for Training” has the same meaning as in the <i>Vocational Education, Training and Employment Act 1991</i> ;	13 14
“Council” means the State Training Council established under the <i>Vocational Education, Training and Employment Act 1991</i> ;	15 16
“director” means the person in charge (by whatever name called) of a college;	17 18
“disability” has the same meaning as in the <i>Disability Services Act 1992</i> ;	19
“industry placement” has the meaning given by section 8;	20
“industry placement person” has the meaning given by section 9;	21
“industry placement student” has the meaning given by section 10;	22
“law” includes an award, industrial agreement or determination made under the <i>Industrial Relations Act 1990</i> ;	23 24
“student” means an individual who is enrolled in a college and is—	25
(a) 15 years of age or more; or	26
(b) 14 years of age and approved by the Council;	27
“vocational placement agreement” has the meaning given by section 11;	28
“vocational training agreement” has the meaning given by section 12.	29

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Act binds Crown

Clause 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

Clause 6.(1) Any Act or law (other than the *Anti-Discrimination Act 1991*) relating to the prohibition or regulation of the employment of persons who are under 21 years of 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”

Clause 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”

Clause 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”

Clause 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”

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

Meaning of “vocational placement agreement”

Clause 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. 1

Meaning of “vocational training agreement” 2

Clause 12.(1) A “**vocational training agreement**” is a written agreement 3
made between a student and an industry placement person for the industry 4
placement of the student under an approved training scheme that is for more 5
than 240 hours. 6

(2) A vocational training agreement must— 7

(a) contain the prescribed particulars; and 8

(b) be approved by the Council. 9

PART 3—INDUSTRY PLACEMENT 10

**Restriction on industry placement under an approved training 11
scheme that is for more than 240 hours** 12

Clause 13. Subject to section 16, the industry placement of a student under 13
an approved training scheme that is for more than 240 hours is subject to 14
the following conditions— 15

(a) the industry placement must take place under a vocational training 16
agreement; 17

(b) the Industrial Relations Commission must have made an order 18
under section 14 that applies to the student. 19

**Fixing of rates of pay and terms of employment by Industrial 20
Relations Commission** 21

Clause 14.(1) An authorised person may apply to the Industrial Relations 22
Commission for an order that fixes, in relation to an industry placement 23
under an approved training scheme that is for more than 240 hours— 24

(a) the appropriate rate of wage payable to an industry placement 25

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- 1
- student; and
- 2
- (b) other terms of employment of an industry placement student.
- 3
- (2) The authorised person may include in the application an approved training scheme in which the authorised person does not have an interest. 4
- 5
- (3) The Council and any other authorised person may make submissions to the Commission on the application. 6
- 7
- (4) The Commission may fix a rate of wage by reference to any 1 or more of the following— 8
- 9
- (a) a rate of wage payable under an award or industrial agreement to a classification of employee that the Commission considers appropriate; 10
- 11
- (b) a percentage of such a rate; 12
- 13
- (c) the stage of training of an industry placement student; 14
- 15
- (d) such other factors as the Commission considers appropriate, including factors submitted by the Council. 16
- 17
- (5) The Commission may fix other terms of employment by reference to any 1 or more of the following— 18
- 19
- (a) terms of an award or industrial agreement in relation to a classification of employee that the Commission considers appropriate; 20
- 21
- (b) terms prescribed by the *Industrial Relations Act 1990*; 22
- 23
- (c) such other factors as the Commission considers appropriate, including factors submitted by the Council. 24
- 25
- (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. 26
- 27

Conditions of industry placement 28

Clause 15.(1) Industry placement is subject to the following conditions— 29

- (a) if a student is under 18 years—an industry placement may be 30

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made only with the written consent of the student’s parent or guardian;	1 2
(b) a student must not be provided with unpaid industry placement for more than 240 hours under a single approved training scheme;	3 4 5
(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;	6 7 8
(d) an industry placement person must not, at any time, provide more than the permitted number of students with industry placement;	9 10
(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.	11 12 13 14 15
(2) In subsection (1)(d)—	16
“permitted number” of students means the number—	17
(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	18 19 20 21
(b) if the Commissioner for Training considers that special circumstances exist—the number approved by the Commissioner.	22 23 24
Students with disabilities	25
Clause 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.	26 27 28
(2) The Council must not act in a way that is inconsistent with the <i>Anti-Discrimination Act 1991</i> .	29 30

Amendment and cancellation of agreements	1
Clause 17.(1) A vocational placement agreement—	2
(a) may be amended by a further vocational placement agreement; and	3 4
(b) may be cancelled at any time by written notice given—	5
(i) by the industry placement person to the director; or	6
(ii) by the director to the industry placement person.	7
(2) A vocational training agreement—	8
(a) may be amended by a further vocational training agreement; and	9
(b) may be cancelled by the Council on its own initiative or on application by—	10 11
(i) the industry placement student; or	12
(ii) the industry placement person; or	13
(iii) the director of the student’s college.	14
(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.	15 16 17
Party to an unpaid industry placement not an employer	18
Clause 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.	19 20
Workers’ compensation	21
Clause 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 <i>Workers’ Compensation Act 1990</i> .	22 23 24
Protection from liability	25
Clause 20.(1) The college attended by a student who is the subject of an	26

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unpaid industry placement must obtain the following indemnity insurance cover—	1 2
(a) cover for the industry placement person providing the industry placement against—	3 4
(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	5 6 7
(ii) loss of or damage to the industry placement person’s property caused by the student during the industry placement;	8 9 10
(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.	11 12 13 14 15
(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.	16 17 18

PART 4—MISCELLANEOUS 19

Delegation 20

Clause 21. The Council may delegate its powers under this Act to the Commissioner for Training or any director. 21
22

Regulations 23

Clause 22. The Governor in Council may make regulations for the purposes of this Act. 24
25

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Amendment of Anti-Discrimination Act 1991

Clause 23.(1) The *Anti-Discrimination Act 1991* is amended as set out in subsection (2).

(2) Section 4 (definition “**work**”, after paragraph (e))—

insert—

‘(ea) work under an industry placement under the *Vocational Education and Training (Industry Placement) Act 1992*;’.