

Section E: Policy – Education Act

Education Act 1958
Act No. 6240/1958

Part IVA—Workplace Learning

s. 64L

PART IVA—WORKPLACE LEARNING

Pt 4A
(Heading and
ss 64L–64S)
inserted by
No. 8659 s. 2.

Pt 4A
(Heading)
substituted by
No. 82/2003
s. 3.

64L. Definitions

S. 64L
inserted by
No. 8659 s. 2.

In this Part unless inconsistent with the context or subject-matter—

"arrangement" means a work experience arrangement or a structured workplace learning arrangement;

S. 64L def. of
"arrange-
ment"
amended by
Nos 28/1989
s. 4, 121/1993
s. 18(e),
substituted by
Nos 47/1996
s. 5(a),
82/2003
s. 4(a).

"child" means a person under the age of 15 years;

"factory" means factory within the meaning of the **Labour and Industry Act 1958**;

"law" includes an employment agreement under Part 2 of the **Employee Relations Act 1992**;

S. 64L def. of
"law"
substituted by
No. 2/1990
s. 7(1)(p),
amended by
No. 47/1992
s. 25(2)(a),
substituted by
No. 83/1992
s. 184(Sch. 6
item 6.1),
amended by
Nos 82/1994
s. 13(Sch. 2
item 2),
59/1996
s. 10(Sch. 2
item 6).

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<p>S. 64L def. of "prescribed" repealed by No. 60/1997 s. 3.</p>	<p>* * * * *</p>
<p>S. 64L def. of "principal" inserted by No. 47/1996 s. 5(b).</p>	<p>"principal", in relation to a school registered under Part III, includes the principal or person in charge of that school;</p>
<p>S. 64L def. of "school" amended by No. 47/1996 s. 5(c).</p>	<p>"school" includes any State school and any school registered under Part III;</p> <p>"school year", in respect of any school, means that portion of the year beginning with the first school day of that year and ending with the last school day of that year;</p>
<p>S. 64L def. of "structured workplace learning arrangement" inserted by No. 82/2003 s. 4(c).</p>	<p>"structured workplace learning arrangement" means an arrangement for structured workplace learning made under section 64LC;</p>
<p>S. 64L def. of "work experience arrangement" inserted by No. 47/1996 s. 5(d).</p>	<p>"trade" includes process, trade, business and occupation and any branch or branches thereof;</p> <p>"work experience arrangement" means an arrangement made under section 64LB;</p>
<p>S. 64L def. of "work placement arrangement" inserted by No. 47/1996 s. 5(d), repealed by No. 82/2003 s. 4(b).</p>	<p>* * * * *</p>

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"young person" means a person of or over the age of 15 years and under the age of 21 years.

64LA. Application

- (1) The provisions of this Part relating to work experience arrangements apply to a student at a TAFE college or a university with a TAFE division who is in a course of study which is or is equivalent to the eleventh or twelfth year of secondary education as if the student were a pupil at a school.
- (2) In this section **"TAFE college"** and **"university with a TAFE division"** have the same meaning as in the **Vocational Education and Training Act 1990**.

S. 64LA
inserted by
No. 62/1994
s. 62,
amended by
No. 47/1996
s. 6.

64LB. Work experience arrangements

- (1) A pupil at a school may be placed with an employer for obtaining work experience as part of the pupil's education if the principal or head teacher of the school has made an arrangement in writing with the employer about the placement of the pupil with the employer.
- (1A) A work experience arrangement may be made under sub-section (1) in respect of a child only if the principal or head teacher is satisfied that—
 - (a) the health, education and moral and material welfare of the child will not suffer from the proposed arrangement; and
 - (b) the child is fit to be engaged in the proposed work experience; and
 - (c) the child will not be subjected to any form of exploitation in the course of the proposed work experience; and

S. 64LB
inserted by
No. 47/1996
s. 7.

S. 64LB(1A)
inserted by
No. 81/2003
s. 56(1).

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- (d) the proposed work experience is not prohibited employment within the meaning of the **Child Employment Act 2003**.

Note: Section 64M(4) contains further restrictions on the making of work experience arrangements for certain types of employment.

- (2) A work experience arrangement under subsection (1) may be made with an employer in another State or Territory—
- (a) if that State or Territory is declared by Order of the Governor in Council to be a reciprocating State or Territory for the purposes of this section; or
- (b) if the principal or head teacher is satisfied that it is appropriate that the arrangement should be made.
- (3) A work experience arrangement under subsection (1) may be made in respect of a pupil of or over the age of 21 years in the circumstances set out in a Ministerial Order made under section 64S.

S. 64LB(3)
inserted by
No. 60/1997
s. 4,
substituted by
No. 82/2003
s. 5.

S. 64LB(4)
inserted by
No. 60/1997
s. 4,
repealed by
No. 82/2003
s. 5.

S. 64LC
(Heading)
inserted by
No. 82/2003
s. 6(1).

S. 64LC
inserted by
No. 47/1996
s. 7.

S. 64LC(1)
amended by
No. 97/2000
s. 37(Sch. 1
item 2).

64LC. Structured workplace learning arrangements

- (1) A pupil of a school who is over the age of 15 years and undertaking a course of study accredited by the Victorian Qualifications Authority may be placed with an employer for

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training as part of that course of study if the principal or head teacher of the school, the employer, the pupil and, if the pupil is under the age of 18 years, the parent of the pupil have made an arrangement about the placement of the pupil with the employer.

- (2) A person must not make an arrangement under this section if the arrangement would include any period of placement at a skills or training centre that is not operated by the employer or is not under the direct control of the employer. **S. 64LC(2) amended by No. 82/2003 s. 6(2)(a).**
- (3) An arrangement for structured workplace learning may be made with an employer in another State or Territory— **S. 64LC(3) amended by No. 82/2003 s. 6(2)(b).**
- (a) if that State or Territory is declared by Order of the Governor in Council to be a reciprocating State or Territory for the purposes of this section; or
- (b) if the principal or head teacher of the school is satisfied that it is appropriate that the arrangement should be made.

64LD. Orders about structured workplace learning

- (1) The Minister may make Orders about the work placement of pupils or any class of pupils with employers for training. **S. 64LD (Heading) inserted by No. 82/2003 s. 7(1).**
- (2) Without limiting the generality of sub-section (1) an Order may provide for— **S. 64LD inserted by No. 47/1996 s. 7.**
- (a) the circumstances in which and the requirements which must be satisfied before structured workplace learning arrangements can be entered into; **S. 64LD(2)(a) amended by No. 82/2003 s. 7(2).**
- (ab) without limiting the generality of paragraph (a), requiring pupils to undertake training in occupational health and safety relevant to the workplace where they will be **S. 64LD(2)(ab) inserted by No. 82/2003 s. 7(3).**

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employed under a structured workplace learning arrangement before the arrangement can be entered into;

S. 64LD(2)(b)
amended by
No. 82/2003
s. 7(2).

(b) the maximum number of structured workplace learning hours or days that a pupil can be employed for under a structured workplace learning arrangement;

S. 64LD(2)(c)
amended by
No. 82/2003
s. 7(2).

(c) the hours of the day in which a pupil can work under a structured workplace learning arrangement;

S. 64LD(2)(e)
amended by
No. 82/2003
s. 7(2).

(d) the maximum number of pupils who can be employed by an employer at any time;

S. 64LD(2)(f)
amended by
No. 82/2003
s. 7(2).

(e) the circumstances in which a structured workplace learning arrangement can be varied, suspended or cancelled;

S. 64LD(2)(g)
amended by
No. 82/2003
s. 7(2).

(f) the minimum rate of payment for a pupil employed under a structured workplace learning arrangement;

(g) any other terms and conditions for structured workplace learning arrangements including structured workplace learning arrangements referred to in section 64LC(3) with employers in other States or Territories.

S. 64M
inserted by
No. 8659 s. 2.

64M. Certain laws etc. not to apply where employment is to gain work experience

(1) Subject to this Part any Act or law relating to the prohibition or regulation of the employment of children or young persons shall not apply to the employment of a child or young person who is a pupil at a school and—

S. 64M(1)(a)
substituted by
No. 82/2003
s. 8(1).

(a) who is of or over 14 years of age; and

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- (b) who with the written consent of a parent is employed pursuant to a work experience arrangement.
- (2) Where any Act or law prohibits the employment or regulates the working conditions in any specified trade—
- (a) of persons of less than or not more than a specified age expressed as a number of years; or
- (b) of females—
- then sub-section (1) shall not be taken to permit the employment of any person contrary to that Act or law.
- (3) For the avoidance of doubt, a permit under Division 2 of Part 2 of the **Child Employment Act 2003** is not required for the employment of a child in accordance with a work experience arrangement, except as provided by sub-section (4).
- (4) A work experience arrangement authorising the employment of a child in a factory or in a class of employment declared to be dangerous employment under sub-section (5) cannot be made unless—
- (a) the child is of or over 14 years of age; and
- (b) a permit has been issued under Division 2 of Part 2 of the **Child Employment Act 2003** in respect of the proposed employment.
- S. 64M(1)(b) amended by No. 47/1996 s. 8(a).
- S. 64M(3) amended by Nos 9427 s. 6(1)(Sch. 5 item 50), 2/1990 s. 7(1)(q), 47/1996 s. 8(a), 46/1998 s. 7(Sch. 1), substituted by No. 81/2003 s. 56(2).
- S. 64M(4) amended by No. 9427 s. 6(1)(Sch. 5 item 50), substituted by No. 45/1990 s. 112, repealed by No. 80/1997 s. 55(Sch. 1 item 3), new s. 64M(4) inserted by No. 81/2003 s. 56(2).

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S. 64M(5)
amended by
Nos 9993
s. 14(a)(b),
2/1990
s. 7(1)(r),
47/1996
s. 8(b),
60/1997
s. 5(1)(2)(a)(b),
82/2003
s. 8(2)(a)(b),
substituted by
No. 81/2003
s. 56(2).

- (5) The Minister, by order published in the Government Gazette, may declare any class of employment to be dangerous employment if, in the Minister's opinion, there is a higher than usual risk of a child being exposed to the risk of physical injury in employment of that class.

S. 64M(5A)
inserted by
No. 81/2003
s. 56(2).

- (5A) The Minister, by order published in the Government Gazette, may from time to time amend or revoke an order made under subsection (5).

S. 64M(6)
amended by
No. 47/1996
s. 8(a).

- (6) Where in respect of any trade the working conditions of young persons are regulated but the employment or working conditions of children are not specifically prohibited or regulated, a child may be employed in that trade pursuant to a work experience arrangement so long as the working conditions are those applicable to a young person.

S. 64MA
(Heading)
inserted by
No. 82/2003
s. 9(1).

64MA. Arrangements for pupils from interstate

S. 64MA
inserted by
No. 9993
s. 19(1).

S. 64MA(1)
amended by
Nos 121/1993
s. 18(f),
47/1996
s. 9(a)(b).

- (1) The Principal or head teacher of a school conducted in a reciprocating State or Territory may in writing—

S. 64MA(1)(a)
inserted by
No. 47/1996
s. 9(a).

- (a) make a work experience arrangement with an employer in Victoria with a view to providing a pupil at the school with work experience in Victoria as part of the pupil's education; or

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- (b) make a structured workplace learning arrangement with an employer in Victoria with a view to providing a pupil over the age of 15 years at the school with training in Victoria as part of the pupil's education.
- (2) Subject to sub-section (3), the provisions of this Part shall apply to and in relation to—
- (a) a pupil in respect of whom an arrangement is made under sub-section (1) in all respects as if the pupil were a pupil at a State school or a registered school in Victoria; and
- (b) a principal or head teacher who makes an arrangement under sub-section (1) in all respects as if the principal were a principal or head teacher of a State school or a registered school in Victoria.
- (3) Section 64LB(1A) does not apply to a work experience arrangement under sub-section (1).
- (4) For the purposes of this section, a reference in this Part to—
- (a) an "**arrangement**" includes a reference to a work experience arrangement or a structured workplace learning arrangement under sub-section (1);
- (b) a "**school**" includes a reference to a school conducted in a reciprocating State or Territory;
- (c) a "**principal or head teacher**" includes a reference to the principal or head teacher at such a school;

S. 64MA(1)(b) inserted by No. 47/1996 s. 9(b), amended by No. 82/2003 s. 9(2).

S. 64MA(2)(b) amended by No. 121/1993 s. 18(g).

S. 64MA(3) amended by Nos 2/1990 s. 7(1)(q), 47/1996 s. 9(c), substituted by No. 81/2003 s. 56(3).

S. 64MA(4)(a) amended by Nos 47/1996 s. 9(d), 82/2003 s. 9(2).

S. 64MA(4)(c) amended by No. 121/1993 s. 18(h).

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S. 64MA(4)(d)
amended by
No. 82/1997
s. 13(b).

(d) a "**pupil**" includes a reference to a child or young person within the meaning of this Part who is a pupil at such a school;

S. 64MA(4)(e)
amended by
No. 121/1993
s. 18(i).

(e) a "**teacher**" includes a reference to a teacher or the principal or head teacher at such a school;

S. 64MA(4)(f)
inserted by
No. 47/1996
s. 9(e).

(f) a "**work experience arrangement**" includes a reference to a work experience arrangement under sub-section (1)(a);

S. 64MA(4)(g)
inserted by
No. 47/1996
s. 9(e),
amended by
No. 82/2003
s. 9(2)(3).

(g) a "**structured workplace learning arrangement**" includes a reference to a structured workplace learning arrangement under sub-section (1)(b).

(5) In this section, "**reciprocating State or Territory**" means another State or Territory of the Commonwealth which is declared by Order of the Governor in Council to be a reciprocating State or Territory for the purposes of this Part.

S. 64N
inserted by
No. 8659 s. 2.

64N. Conditions of employment

S. 64N(1)
amended by
No. 47/1996
s. 10(1).

(1) The employment of pupils pursuant to work experience arrangements shall be subject to the following conditions—

S. 64N(1)(a)
substituted by
No. 8766
s. 2(a),
amended by
No. 60/1997
s. 6(1)(a)(i)(ii).

(a) a pupil shall not be employed pursuant to the provisions of this Part for more than 40 days during any school year nor more than 10 days during any school term;

S. 64N(1)(b)
substituted by
No. 60/1997
s. 6(1)(b).

(b) the principal or head teacher of a school may make a work experience arrangement with an employer for the placement of a particular pupil with that employer for specified periods during a school year;

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- (c) an employer must not at any time employ more than the number of pupils that employers are permitted to employ by an Order made under section 64S;
- (d) the period of employment in respect of any arrangement shall not exceed a total of 10 days; and
- (e) the full period in respect of the employment shall be a period falling within the school year.
- (1A) A structured workplace learning arrangement must—
- (a) be in writing and set out—
- (i) details of the accredited course of study; and
- (ii) the skills and competencies that the pupil is expected to obtain during the structured workplace learning; and
- (iii) the total number of days or hours that the pupil will be employed by the employer; and
- (iv) the period of employment under the structured workplace learning; and
- (v) the name of the employer or a person authorised by the employer to make structured workplace learning arrangements, the trading or operating name of the employer and the address of the work place where the pupil will be employed; and

S. 64N(1)(c) amended by No. 8766 s. 2(b)(i)(ii), substituted by No. 82/2003 s. 10(2).

S. 64N(1)(d) amended by No. 60/1997 s. 6(1)(c).

S. 64N(1A) inserted by No. 47/1996 s. 10(2), amended by No. 82/2003 s. 10(1).

S. 64N (1A)(a)(ii) amended by No. 82/2003 s. 10(1).

S. 64N (1A)(a)(iv) amended by No. 82/2003 s. 10(1).

S. 64N (1A)(a)(v) amended by No. 82/2003 s. 10(1).

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S. 64N
(1A)(b)
amended by
No. 82/2003
s. 10(1).

(b) be signed by the principal or head teacher of the pupil's school, the employer or a person authorised by the employer to make structured workplace learning arrangements, the pupil and, if the pupil is under the age of 18 years, the parent of the pupil.

S. 64N(1B)
inserted by
No. 47/1996
s. 10(2),
amended by
No. 82/2003
s. 10(1).

(1B) A structured workplace learning arrangement must not provide for any period of employment exceeding one calendar year.

S. 64N(2)
amended by
No. 47/1996
s. 10(3).

(2) A work experience arrangement—

(a) may be varied or amended by a further arrangement; and

S. 64N(2)(b)
amended by
No. 121/1993
s. 18(j).

(b) may be cancelled at any time by notice in writing—

(i) given by the employer to the principal or head teacher of the school; or

(ii) given by the principal or head teacher of the school to the employer.

S. 64N(3)
amended by
No. 60/1997
s. 6(2),
substituted by
No. 82/2003
s. 10(3).

(3) The Principal or head teacher of a school may suspend the operation of a condition in subsection (1)—

(a) to allow a pupil to be employed under a work experience arrangement for more than 10 days but not exceeding 15 days during any school term;

(b) to allow the period of employment of that pupil to exceed a total of 10 days but not to exceed a total of 15 days during any school term in respect of the arrangement—

if authorised to do so by Ministerial Order under section 64S and subject to any terms or conditions required by Ministerial Order under section 64S.

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- (4) The Minister or an officer of the Department thereunto authorized in writing by the Minister may suspend the operation of all or any of the conditions of employment set forth in paragraphs (a), (b), (d), and (e) of sub-section (1) with respect to any pupil with a disability or impairment. **S. 64N(4)** inserted by **No. 9195 s. 3**, amended by **Nos 9351 s. 7(a)**, **82/1998 s. 8(1)**.
- (5) A suspension made under sub-section (4)— **S. 64N(5)** inserted by **No. 9195 s. 3**.
- (a) shall be in writing signed by the Minister or the authorized officer; **S. 64N(5)(a)** amended by **No. 9351 s. 7(b)**.
- (b) may be given with respect to any specified pupil or any specified group or class of pupils; **S. 64N(5)(b)** amended by **No. 82/1998 s. 8(2)(a)(b)**.
- (c) may be for a specified time or indefinitely; and
- (d) may be varied or revoked by the Minister or the authorized officer (as the case requires). **S. 64N(5)(d)** amended by **No. 9351 s. 7(c)**.

64O. Duty of care

- (1) A school or the principal, head teacher or teacher of a school does not have and is not to be deemed to have a duty relating to the care or control of a pupil of the school while that pupil is employed— **S. 64O** inserted by **No. 8659 s. 2**, amended by **Nos 121/1993 s. 18(k)**, **47/1996 s. 11**, substituted by **No. 82/2003 s. 11**.
- (a) under an arrangement; or
- (b) as an apprentice under a training agreement under Part 5 of the **Vocational Education and Training Act 1990** if the training for the pupil under that agreement has been approved or endorsed by the principal or head teacher of the school.

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- (2) An action does not lie against a school or the principal, head teacher or teacher of a school because of a breach of a duty referred to in subsection (1).

S. 64P
inserted by
No. 8659 s. 2,
repealed by
No. 9136
s. 3(4).

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S. 64Q
inserted by
No. 8659 s. 2.

64Q. Payment

S. 64Q(1)
amended by
Nos 28/1989
s. 5(a),
47/1996
s. 12(1)(a)(b).

- (1) The minimum rate of payment payable to a pupil employed pursuant to the arrangement shall, notwithstanding anything to the contrary in any Act or law—

S. 64Q(1)(a)
inserted by
No. 47/1996
s. 12(1)(a),
amended by
No. 60/1997
s. 7.

- (a) in the case of a work experience arrangement, be the minimum rate of payment fixed under section 64S; or

S. 64Q(1)(b)
inserted by
No. 47/1996
s. 12(1)(b),
amended by
No. 82/003
s. 12.

- (b) in the case of a structured workplace learning arrangement, be the minimum rate of payment fixed under section 64LD.

S. 64Q(2)
amended by
No. 8766 s. 3.

- (2) Where the arrangement is for employment with an organization which is engaged wholly or mainly in an educational, charitable, or community welfare service not conducted for profit, then, where the pupil determines that the whole of his payment will be donated back to the organization, and the written consent of his parent is obtained so to do, the determination of the pupil to donate back the payment and the consent of his parent may be stated in the arrangement.

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- (3) A department of the Commonwealth government or a body established pursuant to a Commonwealth Act that employs a pupil pursuant to an arrangement is not required to make any payment to the pupil, despite anything to the contrary in this or any other Act or in any law, award or employment agreement.
- S. 64Q(3) inserted by No. 28/1989 s. 5(b), amended by No. 83/1992 s. 184(Sch. 6 item 6.2).
- (3A) If the Minister is satisfied that a structured workplace learning arrangement is for the employment of a pupil or a category of pupils in a skills or training centre conducted by an employer on a not for profit basis, the Minister may determine that the employer is not required to make any payment to a pupil or a member of the category of pupils referred to in the determination in respect of any period of employment in that centre.
- S. 64Q(3A) inserted by No. 47/1996 s. 12(2), amended by No. 82/003 s. 12.
- (3B) If the Minister makes a determination under sub-section (3A) the employer is not required to make any payment to the pupil or the member of the category of pupils referred to in the determination in respect of any period of employment in the skills or training centre despite anything to the contrary in this or any other Act or in any law, award or employment agreement.
- S. 64Q(3B) inserted by No. 47/1996 s. 12(2).
- (4) In the circumstances set out in sub-sections (3), (3A) and (3B), for the purposes of the **Accident Compensation Act 1985**, payment at the minimum rate under sub-section (1) shall be deemed to be payable to the pupil.
- S. 64Q(4) inserted by No. 28/1989 s. 5(b), amended by No. 47/1996 s. 12(3).
- * * * * *
- S. 64R inserted by No. 8659 s. 2, amended by Nos 47/1992 s. 25(2)(b), 47/1996 s. 13, repealed by No. 60/1997 s. 8.

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S. 64S
inserted by
No. 8659 s. 2,
substituted by
No. 60/1997
s. 9.

64S. Orders about work experience arrangements

- (1) The Minister may make Orders about the placement of pupils with employers for obtaining work experience as part of a pupil's education.
- (2) Without limiting the generality of sub-section (1) an Order may provide for—
 - (a) the number of pupils which an employer or class of employer is permitted to employ under a work experience arrangement;
 - (b) the minimum rate of payment payable to a pupil employed under a work experience arrangement;
 - (c) the hours of the day in which a pupil can work under a work experience arrangement;
 - (d) any other terms and conditions for work experience arrangements including work experience arrangements referred to in section 64LB(2);
 - (e) the circumstances under which the principal or head teacher of a school can make work experience arrangements about the placement of pupils of or over the age of 21 years with an employer;
 - (f) the terms and conditions under which the principal or head teacher of a school can make work experience arrangements about the placement of pupils of or over the age of 21 years with an employer;
 - (g) requiring that work experience arrangements cannot be made for a pupil who is a child unless the following persons have provided a check about any criminal record of that person to the principal or head teacher—
 - (i) the employer; and

S. 64S(2)(d)
amended by
No. 82/2003
s. 13(a).

S. 64S(2)(e)
inserted by
No. 82/2003
s. 13(b).

S. 64S(2)(f)
inserted by
No. 82/2003
s. 13(b).

S. 64S(2)(g)
inserted by
No. 82/2003
s. 13(b).

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- (ii) any other person who will have direct supervision or control of the pupil during the placement if the supervision or control will not be directly supervised by another person;
- (h) requiring pupils to undertake occupational, health and safety training before undertaking work experience;
- (i) requiring that the Principal or head teacher ensures that he or she or a teacher at the school contacts a pupil at least once during the time the pupil is placed with an employer for work experience.

S. 64S(2)(h)
inserted by
No. 82/2003
s. 13(b).

S. 64S(2)(i)
inserted by
No. 82/2003
s. 13(b).

64T. Transitional

S. 64T
inserted by
No. 81/2003
s. 57.

This Part, as amended by section 56 of the **Child Employment Act 2003**, applies to work experience arrangements entered into or proposed to be entered into after the commencement of that section 56 and this Part, as in force immediately before that commencement, continues to apply to work experience arrangements entered into before that commencement.

EDUCATION ACT 1958

MINISTERIAL ORDER NO. 23 STRUCTURED WORKPLACE LEARNING ARRANGEMENTS

The Minister for Education and Training makes the following Order:

Part 1 – Preliminary

1 **Title**

This Ministerial Order may be cited as **Ministerial Order No. 23 Structured Workplace Learning Arrangements**.

2 **Authorising provisions and commencement**

This Order is made under sections 64LD and 84 of the **Education Act 1958**, and comes into operation on the 19 day of April, 2004.

3 **Purpose**

The purpose of this Ministerial Order is to:

- (a) revoke and replace Ministerial Order No 17; and
- (b) provide an operational framework for the provision of structured work place learning for pupils.

4 **Revocation of Ministerial Order No 17 – Work Placement Arrangements**

Ministerial Order No 17 – Work Placement Arrangements is hereby revoked on and from the date upon which this Ministerial Order No 23 comes into operation, and from that date Structured Workplace Learning arrangements will be governed by the provisions of this Ministerial Order No. 23.

5. **Definitions and interpretation**

(1) In this Order, unless inconsistent with the context or subject matter, the following definitions apply:

Accredited course of study means a course of study accredited by the Victorian Qualifications Authority.

Accredited Occupational Health and Safety means training in occupational health and safety which is part of an accredited course of study undertaken by the pupil.

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An Educational Authority	means: (a) the State of Victoria, in respect of a State School; (b) the proprietor of a school, in respect of a school which is not a State School
Act	means the Education Act 1958
Arrangement	means a structured workplace learning arrangement made under section 64LC of the Act
Department	means Department of Education & Training
Parent	has the meaning given to that term in section 3 of the Act
Principal	includes : (a) a person appointed to a designated position as principal of a State School; (b) in relation to a school other than a State School, the principal or person in charge of that school
School year	in respect of any school, means that portion of the year beginning with the first school day of that year and ending with the last school day of that year.
State School	has the meaning given to that term in section 3 of the Act.

- (2) For the purposes of this Order, the expression "18 years of age" refers to the age of the pupil as at the date on which the pupil makes, varies or amends the Arrangement as the case may be.

Part 2 - Prerequisites For Arrangements

6 Course of study

A Structured Workplace Learning Arrangement for a pupil may only be made where a pupil undertakes structured on-the-job training during which he or she is expected to master a set of skills and competencies related to a course accredited by the Victorian Qualifications Authority and where the Arrangement is an appropriate means of training for a pupil to acquire skills and knowledge required by that course.

7 Requirements of Principal in relation to employers

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Prior to entering into an Arrangement, the Principal must ensure that the employer acknowledges, by completing the Employer Acknowledgement section of the Structured Workplace Learning Arrangement Form required by clause 17, to the Principal and the pupil and, if the pupil is under 18 years of age, a parent of the pupil, that:

- (1) if the placement is in Victoria - that the employer –
 - (a) understands and complies with the occupational health and safety requirements under applicable legislation (including the *Occupational Health and Safety Act 1985*) and standards as required by the Victorian WorkCover Authority; and
 - (b) will comply with those requirements and standards in respect of the engagement of the pupil under the Arrangement, as if the pupil were an employee of the employer;
- (2) if the placement is outside Victoria - that the employer –
 - (a) understands and complies with any standards established by the occupational health and safety authority relevant to that employer, or, if there are no standards or there is no relevant authority, that the employer complies with the occupational health and safety standards required by the legislation applicable to the employer; and
 - (b) will comply with the applicable standards and requirements in respect of the engagement of the pupils under the Arrangement, as if the pupil were an employee of the employer;
- (3) the pupil will be provided with -
 - (a) appropriate training and instruction by the employer in respect of occupational health and safety; and
 - (b) any equipment or clothing which is required or appropriate to comply with the employer's obligations as if the pupil were an employee of the employer, having taken into account the degree of experience in the work place and skill of the pupil;
- (4) the employer will permit access to the Principal, or his or her representative, to the work place at any reasonable time as agreed between the principal or his or her representative and the employer when the pupil is attending that work place as part of an Arrangement;
- (5) the employer will not use the Arrangement as a substitute for the employment of employees or the payment of appropriate wages;
- (6) the pupil will not be continuously engaged by the employer in a production or service capacity;

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- (7) the employer has nominated a supervisor of the pupil (who may be the employer or a person employed by the employer) who shall be responsible for carrying out the employer's obligations under the Arrangement;
- (8) the employer can and will provide adequate levels of supervision to ensure the welfare and safety of the pupil in a non discriminatory and harassment free working environment;
- (9) the employer will provide training and instruction to the pupil as required by the Arrangement;
- (10) the employer will not by engaging the pupil exceed the permitted number of structured workplace learning pupils in accordance with clause 13;
- (11) the employer acknowledges that each of the Educational Authority, the School, any teacher and the Principal -
 - (a) does not warrant or represent that the pupil has any particular skill or ability to carry out the functions required of the pupil by the employer in the course of the Arrangement; and
 - (b) has no duty as to the care or control of the pupil whilst the pupil is engaged at the workplace of the employer and/or under the supervision of the employer (or the supervisor appointed by the employer) under the Arrangement.

8 Requirements of Principal

- (1) Prior to entering into an Arrangement, the Principal must be satisfied that -
 - (a) the proposed placement will provide structured workplace learning suitable to the needs of the accredited course of study for which the Arrangement is proposed, within the time frame specified in that Arrangement and according to the capabilities of the pupil;
 - (b) the distribution of structured workplace learning days during the current calendar year under the proposed Arrangement, and any other Arrangements which have occurred or are likely to occur, does not disadvantage the pupil with regard to the balance of that pupil's educational program at his or her school;
 - (c) the pupil has the capability to undertake the structured workplace learning as specified within the Arrangement and to do so without exposing others in the workplace to any extraordinary risk;
 - (d) appropriate procedures for making and recording any of the assessments of the performance of the pupil under the arrangement which are required for the accredited course of study are established and are applied for the term of the Arrangement;
 - (e) both the employer and the nominated supervisor of the pupil in the work place are aware of his or her obligations to the pupil under an Arrangement;

- (f) appropriate arrangements have been made for the pupil to travel to and from the workplace;
- (g) the pupil has undertaken training in accredited occupational health and safety relevant to the workplace where the pupil will be employed under a structured workplace learning arrangement before the Arrangement can be entered into; and
- (h) the employer is provided with any necessary medical information that relates to the pupil undertaking Structured Workplace Learning, including any condition that could require treatment.

- (2) At least four (4) weeks prior to the pupil commencing the placement under an Arrangement the principal of a school, other than a State school, shall advise the employer of whether that school holds public liability insurance as set out in clause 9 of this Order.

9. **Public Liability Insurance**

Public liability insurance of at least \$10,000,000 cover, per event, in respect of any loss or damage which may be caused by any act or omission of the pupil whilst engaged under an Arrangement, must be held or taken out, prior to the pupil commencing a placement under the Arrangement:

- (a) when an Arrangement is entered into by a principal of a State school in respect of a State school pupil or a principal of a school conducted in a reciprocating State or Territory in respect of a pupil in a reciprocating State or Territory - by the Department, with the insured being the employer and the pupil;
- (b) when an Arrangement is entered into by a principal of a school other than a State school - either:
 - (i) by that school, with the insured being the school and the pupil; or
 - (ii) by the employer, with the insured being the employer and the pupil, if the principal of that school has advised the employer at least four (4) weeks prior to the pupil commencing the placement under the Arrangement that the school does not have public liability insurance as set out in clause 9.

10 **Arrangements with employers in other States and Territories**

In addition to the other requirements of the Principal under this Order, a Principal of a school must not enter an Arrangement pursuant to section 64LC(3)(b) of the Act unless the pupil and/or a parent of the pupil have made suitable insurance arrangements ensuring-

- (a) cover for the pupil for any injuries in the course of the Arrangement at least comparable to that applicable in Victoria to a pupil under the Accident Compensation Act 1985; and
- (b) that public liability insurance of at least \$10,000,000 cover per event in respect of any loss or damage which may be caused by any act or omission of the pupil whilst engaged under an Arrangement.

Part 3 - Limitations On Arrangements

11 Maximum number of days of arrangement

- (1) The number of structured workplace learning days or hours for a pupil in a calendar year shall be counted by adding all placement days or hours specified in each Arrangement for a pupil in that calendar year.
- (2) If no days or hours of structured workplace learning are specified in the accredited course of study, then the Principal shall determine an appropriate number of days or hours for the accredited course of study being undertaken by the pupil and that number of days or hours shall be included in the calculation of the maximum number of days or hours.
- (3) The number of days or hours for an Arrangement must not exceed the number of days or hours which –
 - (a) are set out in the relevant accredited course of study; or
 - (b) are set out by the Principal in approving an Arrangement where no days or hours are established by the relevant accredited course of study.
- (4) The number of days or hours for all Arrangements in respect of a pupil in a calendar year shall not exceed the number of days or hours which –
 - (a) are set out in the relevant accredited courses of study or are set out by the Principal in respect of the relevant accredited courses of study; and
 - (b) can be reasonably undertaken by the pupil within a calendar year.
- (5) The days or hours undertaken by a pupil in any one calendar year must occur during the school year as determined by the Minister, unless the Principal is satisfied that for the purposes of the relevant accredited course of study a placement outside the school year is necessary.

12 Hours of Structured Workplace Learning

- (1) Subject to sub-clause (2), a pupil on a structured workplace learning arrangement must not work –
 - (a) beyond the number of hours in a day which are normal working hours for a standard shift without overtime for the industry in which the employer is engaged;
 - (b) between 11.00 pm and 6.00 am;
 - (c) beyond a time which is ten hours before the start time of a placement day or a school day which the pupil is expected to attend.
- (2) A pupil may work beyond those hours specified in sub-clause (1) where the Principal determines in writing that working beyond those hours -
 - (a) is necessary for the purposes of the relevant accredited course of study; and
 - (b) is not detrimental to the welfare of the pupil.

13 **Determining the number of pupils who may be engaged by an employer**

- (1) Subject to this clause, an employer is not permitted to engage at any time more than one pupil for every three employees or part thereof at the workplace.
- (2) For the purposes of this clause the term “employees” shall include –
 - (a) all full time employees at the workplace;
 - (b) for any part time employees, the equivalent number of full time employees (by dividing the total weekly part-time hours by the number of hours in a full-time working week); and
 - (c) any sole proprietors, partners, consultants, contractors, casual employees or other person engaged in work at the workplace.
- (3) An employer may engage more than the permitted number of pupils allowed under sub-clause (1) where –
 - (a) the circumstances of a particular accredited course of study require the placement of a pupil in a particular work location when that placement would not be permitted under sub-clause (1); and
 - (b) the employer certifies that adequate supervision will be provided for all pupils with that employer; and
 - (c) the Principal is satisfied that exceeding the maximum number permitted under sub-clause (1) will not -
 - (i) be detrimental to the welfare of any pupil in that work location; and
 - (ii) lessen the acquisition of skills or knowledge by any pupil for the accredited course of study; and
 - (d) the Principal, or his or her representative, undertake to attend the work place as frequently as is reasonably practicable; and
 - (e) the number of pupils will not exceed one pupil for each employee.

Part 4 - General provisions concerning Arrangements

14 **Making and varying an Arrangement**

An Arrangement must be made, and may be varied or amended, in writing signed by each of the Principal, the employer, the pupil and, if the pupil is under 18 years of age, a parent of the pupil.

15 **Cancelling an Arrangement**

- (1) An Arrangement may be cancelled at any time by written notice from:
 - (a) the Principal;
 - (b) the employer;
 - (c) the pupil; or
 - (d) if the pupil is under the age of 18 years a parent of the pupil; sent to each of the other parties.

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- (2) A cancellation under paragraph (1) is effective immediately upon delivery by the notifier of the notice:
 - (a) in the case of a notice by the Principal - to the employer;
 - (b) in the case of a notice by the employer - to the pupil; or
 - (c) in the case of a notice by the pupil or a parent of the pupil - to the employer.
- (3) No reason or period of notice for cancellation is required.
- (4) An employer must not cancel an Arrangement under sub clause 15(1) prior to consulting the Principal unless in the circumstances it is not reasonable to require the employer to do so.

16 **Minimum rate of payment**

- (1) The minimum payment to a pupil engaged under an Arrangement shall be \$5.00 per day.
- (2) The minimum payment is not remuneration but is to reimburse the pupil for expenses such as daily travel and incidental costs incurred.

17. **Arrangement Form**

The Arrangement Form must be prepared in the form similar to and contain the information specified in the attachment to this Order.

Part 5 - Transitional

- 18 The revocation of Ministerial Order No 17 shall not, subject to this clause, affect the status, continuity, operation or effect of any Arrangement made or existing or continuing by or under the revoked Ministerial Order prior to that revocation. However, such Arrangement shall continue to exist as if made under this Ministerial Order only until the 12th July 2004.

Dated the day of 2004

Lynne Kosky, MP
Minister for Education and Training

Victorian Government Schools Reference Guide 4.9.3

4.9 Employment of Students

4.9.3 Structured Workplace Learning (SWL)

Sections 64 LC and 64 LD of Part IVA of the *Education Act* 1958 (the Act) refer to structured workplace learning of students of State and registered schools.

4.9.3.1 Instructions for Principals

In order to protect the interests of students and teachers, and to enable the Crown to exercise its responsibility for workplace compensation claims in connection with SWL, the following procedures must be followed.

All arrangements for SWL must be recorded on the Structured Workplace Learning Arrangement Form which is attached to Ministerial Order No.23. All sections of the form must be completed and signed before the SWL placement commences.

One copy is to be forwarded to the employer and one to the student or if the student is under 18 years, to the parent of the student. The original copy should be retained by the Principal. As there is no statutory limit on the length of delay in submitting claims for workplace compensation, SWL arrangement forms must be held for a period of at least five years in a bound register by the Principal of the school in which the student is enrolled.

This register is to be retained in sufficient detail to allow elaboration if a particular case is challenged at a later date. Remarks relating to the SWL (including claim number in event of injury and details of any injury or illness) should be included in the register with the relevant forms. Copies of all relevant medical certificates are to be retained at the school.

The Structured Workplace Learning Arrangement Form should be signed by the Principal (or Acting Principal) of the school.

Principals should ensure that the teachers arranging SWL for students are familiar with the conditions laid down in Part IVA of the *Education Act* 1958, sections 64L-64S and Ministerial Order No. 23. Failure to abide by these conditions infringes the Education Act 1958 and may render null and void the WorkCover provided under the Accident Compensation Act 1985.

4.9.3.2 Responsibilities of the Principal

Requirements of Principal in relation to employers

Prior to entering into an Arrangement, the Principal must ensure that the employer acknowledges, by completing the Employer Acknowledgement section of the Structured Workplace Learning Arrangement Form required by clause 17, to the Principal and the pupil and, if the pupil is under 18 years of age, a parent of the pupil, that:

- 1) if the placement is in Victoria - that the employer –
 - (a) understands and complies with the occupational health and safety requirements under applicable legislation (including the ***Occupational Health and Safety Act*** 1985) and standards as required by the Victorian WorkCover Authority; and
 - (b) will comply with those requirements and standards in respect of the engagement of the pupil under the Arrangement, as if the pupil were an employee of the employer;
- 2) if the placement is outside Victoria - that the employer –

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- (a) understands and complies with any standards established by the occupational health and safety authority relevant to that employer, or, if there are no standards or there is no relevant authority, that the employer complies with the occupational health and safety standards required by the legislation applicable to the employer; and
 - (b) will comply with the applicable standards and requirements in respect of the engagement of the pupils under the Arrangement, as if the pupil were an employee of the employer;
- 3) the pupil will be provided with -
 - (a) appropriate training and instruction by the employer in respect of occupational health and safety; and
 - (b) any equipment or clothing which is required or appropriate to comply with the employer's obligations as if the pupil were an employee of the employer, having taken into account the degree of experience in the work place and skill of the pupil;
- 4) the employer will permit access to the Principal, or his or her representative, to the work place at any reasonable time as agreed between the principal or his or her representative and the employer when the pupil is attending that work place as part of an Arrangement;
- 5) the employer will not use the Arrangement as a substitute for the employment of employees or the payment of appropriate wages;
- 6) the pupil will not be continuously engaged by the employer in a production or service capacity;
- 7) the employer has nominated a supervisor of the pupil (who may be the employer or a person employed by the employer) who shall be responsible for carrying out the employer's obligations under the Arrangement;
- 8) the employer can and will provide adequate levels of supervision to ensure the welfare and safety of the pupil in a non discriminatory and harassment free working environment;
- 9) the employer will provide training and instruction to the pupil as required by the Arrangement;
- 10) the employer will not by engaging the pupil exceed the permitted number of structured workplace learning pupils in accordance with clause 13;
- 11) the employer acknowledges that each of the Educational Authority, the School, any teacher and the Principal -
 - (a) does not warrant or represent that the pupil has any particular skill or ability to carry out the functions required of the pupil by the employer in the course of the Arrangement; and
 - (b) has no duty as to the care or control of the pupil whilst the pupil is engaged at the workplace of the employer and/or under the supervision of the employer (or the supervisor appointed by the employer) under the Arrangement.

Prior to entering into an Arrangement, the Principal must be satisfied that:

- the proposed placement will provide structured workplace learning suitable to the needs of the accredited course of study for which the Arrangement is proposed, within the time frame specified in that Arrangement and according to the capabilities of the pupil;

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- the distribution of structured workplace learning days during the current calendar year under the proposed Arrangement, and any other Arrangements which have occurred or are likely to occur, does not disadvantage the pupil with regard to the balance of that pupil's educational program at his or her school;
- the pupil has the capability to undertake the structured workplace learning as specified within the Arrangement and to do so without exposing others in the workplace to any extraordinary risk;
- appropriate procedures for making and recording any of the assessments of the performance of the pupil under the arrangement which are required for the accredited course of study are established and are applied for the term of the Arrangement;
- both the employer and the nominated supervisor of the pupil in the work place are aware of his or her obligations to the pupil under an Arrangement;
- appropriate arrangements have been made for the pupil to travel to and from the workplace;
- the pupil has undertaken training in accredited occupational health and safety relevant to the workplace where the pupil will be employed under a structured workplace learning arrangement before the Arrangement can be entered into
- the employer is provided with any necessary medical information that relates to the pupil undertaking Structured Workplace Learning, including any condition that could require treatment.

4.9.3.3 Structured Workplace Learning in other states

Reciprocal arrangements exist for students to undertake structured workplace learning in New South Wales and South Australia. These arrangements are primarily for students in those schools situated in regions adjoining the borders. Students should be encouraged to find work placements in their own state in preference to interstate placements. Interstate placement may only be arranged as a last resort i.e. in the judgement of the school principal that no suitable local placement exists and/or where there are special educational reasons for making such an arrangement.

New South Wales

Structured workplace learning for VET courses will only be considered subject to the following conditions:

- students are enrolled in schools in areas adjoining the Victoria/ NSW border
- the placement is a mandatory component of a course of study accredited by the Victorian Qualification Authority (VQA)
- responsibility for negotiation of the outcomes of the placement, assessment procedures, duty of care, supervision and checking that the workplace has identified and addressed any potential hazards and risks to the student **rests with the student's school in Victoria**
- placements are within the NSW school term. Exceptions might apply to allow completion of extended placements.
- students will not be paid for structured workplace learning in NSW
- placements will only be approved provided students from NSW are not disadvantaged
- host employers and parents/carers must be provided with the relevant NSW guides. See www.det.nsw.edu.au/vetinschools/schooltowork/index.htm
- students must complete the WorkCover NSW 5-6 hour training course, *OHS General Induction for Construction Work in NSW* if they are going to undertake any construction work, or renovation or repairs involving any of the building trades.

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Applications for structured workplace learning must be made four weeks in advance of the proposed starting date on the relevant proforma available on the following website www.waggad.det.nsw.edu.au Go to Vocational Education/Work Placement/Interstate Placements

Schools should first check the website and contact the following officer prior to sending applications:

The Vocational Education Consultant
NSW Dept of Education and Training
Wagga Wagga Office
PO Box 478
Wagga Wagga NSW 2650
Telephone (02) 6937 3895

South Australia

Victorian schools are required to use the *South Australian Workplace Learning Agreement Form* as no payment can occur for work placements in South Australia.

Schools wanting to place students with employers in South Australia should refer to the new Workplace Learning Guidelines 2004 which is now available at www.decs.sa.gov.au/futuresconnect/. A new Workplace Learning Agreement Form is also able to be downloaded from this site and must be used for any work placements occurring from January 1 2005.

Further information can be obtained from the Department of Education and Children's Services, phone 08 8226 1000, the Catholic Education Office, phone 08 8301 6600, or the Association of Independent Schools of South Australia phone 08 8179 1400.

Other States/Territories

In the case of structured workplace learning in other states and territories (apart from NSW and South Australia), a principal of a school can only enter an arrangement pursuant to section 64LC(3)(b) of the Act if:

- the principal is satisfied that it is appropriate for the arrangements to be made (the principal should be satisfied that it is in the interest of the student for the structured workplace learning to occur and also the physical and moral welfare of the student will be assured), and
- the student and/or the parent of the student have made suitable insurance arrangements ensuring:
 - ~ cover for the student for any injuries in the course of the arrangement at least comparable to that applicable in Victoria to a student under the *Accident Compensation Act 1985*.
 - ~ public liability insurance coverage of at least \$10 million cover per event in respect of any loss or damage which may be caused by any act or omission of the student whilst engaged under the Arrangement

Parents are at liberty to approach any insurance company to obtain details of insurance that will provide cover for the student comparable to that provided by the *Accident Compensation Act 1985*.

4.9.3.4 WorkCover

Students on SWL are treated in the same way as other employees under WorkCover. WorkCover does not cover people travelling to and from work. All SWL students are covered under the Accident Compensation Act 1985.

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Employers of SWL students are not exempted from provision of suitable or pre-injury employment to the students or from obligations in relation to occupational health and safety, occupational rehabilitation, risk management programs, return to work plans and the nomination of return to work coordinators.

In the event of injury there are two forms to be completed and forwarded by schools to the Department of Education and Training's WorkCover authorised insurer:

- A worker claim for compensation form (blue)
 - The employer claim report form (green).
- Principals should also ensure that that the injury is recorded on CASES

Processes for lodging a WorkCover claim

When a student is injured during a SWL placement, the following procedures should be followed when lodging a WorkCover claim:

- the student is to complete and sign a Worker Claim for Compensation form (blue) with the assistance of employer and/or teacher;
- the employer is to complete and sign the bottom right hand corner of this form;
- the employer is to complete the WorkCover Employer's Claim Report (green) in full, sign and date both forms and forward to the principal of the student's school;
- the principal is to countersign and date both forms directly under the employer's signature;
- **the principal inserts the words " structured workplace learning student" in the top left hand area of both forms** and inserts the No 1624618 in the "Employer WorkCover number" box and insert No 9573347 in the Workplace WorkCover number box;
- the principal then forwards the originals of both forms together with the WorkCover medical certificate (if the student is claiming loss of wages from SWL or part time work), medical accounts and a copy of the DE&T Structured Workplace Learning Arrangement Form to CGU Workers Compensation (Vic) Ltd DE&T Team GPO 2090S Melbourne Vic 3001.
- the documents should be attached to the WorkCover Document Cover Sheet – which can be obtained from the WorkCover Management Kit on EduLibrary and the HR website: <http://www.eduweb.vic.gov.au/hrweb/safetyhw/claims/wrkexp.htm>
- these forms must be forwarded to CGU within 10 working days from when the employer receives the Worker Claim for Compensation form
- the principal should set up a claim file at the school retaining duplicates of both claim forms together with copies of certificates of capacity and medical accounts and hand the "worker's copy" of the Worker's Claim for Compensation form to the student; and
- if an employer is not registered under WorkCover, the above documentation should be sent to the Victorian WorkCover Authority.

WorkCover claim forms can be obtained from the post office, CGU (telephone 8630 1213), the school office or from the WorkCover Management Kit.

If the employer is registered under WorkCover, or is a self-insurer, both the forms and any necessary medical certificate must be posted to the Department of Education and Training's WorkCover authorised insurer (CGU)

If the employer is not registered under WorkCover, the forms and certificate should be sent to the Victorian WorkCover Authority.

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4.9.3.5 Placement of Victorian students in Commonwealth departments and instrumentalities

Victorian students are able to participate in structured workplace learning in Commonwealth government establishments provided that prior arrangements have been made with the particular Commonwealth government establishments.

The Commonwealth has not varied the conditions under which its program operates, and Victorian SWL students in Commonwealth establishments will not be paid. It is the responsibility of the school to explain this in clear and unequivocal terms to the student and the parent/guardian. If the student or the parent/guardian is not prepared to accept this condition, then it is their choice not to go to a Commonwealth placement.

Schools should complete the usual Structured Workplace Learning Arrangement Form. The line 'rate of pay—\$5 minimum' should be completed with the words 'Commonwealth establishment exempt from paying'.

In the event of an accident at work:

- the school should provide the employer with the WorkCover employer report form (at a Commonwealth work place they will not have their own supply.)
- the workplace should complete the form in the same way as do other employers and on the same basis; that is, the employer signs to verify the facts and the Principal of the school signs below
- the school should assist the student to complete the worker claim for compensation form and the words 'structured workplace learning student' should be clearly printed at the top left of both forms and also in the section relating to 'type of employment'.

It is the school's responsibility to forward the forms to the Victorian WorkCover Authority. This differs from the procedure with other employers because Commonwealth workplaces do not have an agent through which they can forward the claim.

4.9.3.6 Payment of students

The minimum rate of payment to students on SWL is \$5 a day (see 4.9.3.5 for arrangements in Commonwealth departments and instrumentalities).

If a placement is with an organisation which is engaged wholly or mainly in an educational, charitable or community welfare service not conducted for profit, which as a condition of engagement requires the student to donate back the payment, then the student and the parent of the student (if the student is under 18 years), can decide to donate back the payment to the organisation.

4.9.3.7 Taxation

If the student is paid the minimum rate of \$5 per day during the period of the structured workplace learning arrangement, the Australian Taxation Office will not require the student to have a tax file number or complete an income tax return, nor will the employer be required to issue a group certificate to the student at the end of the financial year.

However, if the student receives more than the minimum rate, this could affect the exemptions specified above.

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Where the student is under the age of 18, if the payment made to the student is less than \$120 per week, the employer will not be obligated to:

- make any withholding
- collect tax file number declarations
- issue payment summaries, and
- report payment details to the ATO.

Where the student is 18 and over, if the payment made to the student is \$10 or less per day, the employer will not be obligated to:

- make any withholding
- collect tax file number declarations
- issue payment summaries, and
- report such payments to the ATO.

4.9.3.8 Public Liability Insurance

When an Arrangement is entered into by a principal of a government school, it is the obligation of the Department of Education and Training to hold or take out public liability insurance to provide at least \$10 million cover per event. The persons to be insured are the student and the employer.

When an Arrangement is entered into by a principal of a non-government school, it is the obligation of that school to hold or take out public liability insurance to provide at least \$10 million cover per event. The persons to be insured are the student and the school.

When an Arrangement is entered into by a principal of a non-government school not covered by public liability insurance as set out in 2 above, and the employer is informed of this by the principal of that school at least 4 weeks prior to the commencement of the Arrangement, then the employer will be obliged to hold or take out public liability insurance to provide at least \$10 million cover per event for any loss or damage which may be caused by any act or omission of the student whilst engaged under the Arrangement. The persons to be insured are the student and the employer.

The principal will specify in the area provided on each Structured Workplace Learning Arrangement Form the type of coverage for the student.