

PROFESSIONAL PLACEMENT GUIDELINES

GOVERNING POLICY

These guidelines are made under the [Courses, Subjects, Awards and Programs Policy](#)

PURPOSE

This document provides guidelines on the paid and unpaid professional placements that can be offered or facilitated by the University and the process for managing approved activities. Faculties should read the options carefully and decide which model best suits the needs of their course, students and industry partners.

A placement is defined as an activity undertaken by a student with a host organisation as a compulsory component of a subject or course of the University. In some faculties, this may be described as a 'vocational placement', an 'internship', 'work experience', a 'studentship' or 'industry-based learning'.

Arrangements in which students are placed in a host organisation without enrolment in a course or subject and which either:

- attract a payment equivalent to at least the applicable minimum wage; or
- are regarded as voluntary

are encouraged, but are not covered by these guidelines as they are not facilitated or managed by the University.

Note that the University generally does not promote or endorse 'for fee' placement arrangements - that is, arrangements where students are asked to pay a fee to a private company in exchange for (primarily) unpaid placements in a variety of industries.

1. BACKGROUND

Deans must ensure that students are the primary beneficiaries of placements, not the host. Students in unpaid professional placements:

- (a) must not be required to undertake work that the host would normally pay someone to do;
- (b) should not be expected to complete unreasonably long unpaid placements. The Fair Work Ombudsman Fact Sheet states 'generally, the longer the period of placement, the more likely the person is an employee'.

Students are covered by the University's insurance where activities are undertaken with the prior knowledge and consent of the University and where the activity is undertaken as part of a student's course of study. Host organisations for which the University facilitates professional placements should have appropriate public liability insurance as a minimum.

In supervising the student, a host is required to meet their obligations under applicable legislation.

Paid and unpaid professional placements should only be offered and/or facilitated by the University in certain circumstances. In particular:

- there must be an agreement in place between the University and the organisation providing the work placement which sets out the details of the placement (including any financial arrangements). The University has a number of template agreements that should be used for this purpose;
- students must be enrolled in a subject which is part of their course of study;
- subjects must be set up following usual rules (e.g. have credit points and fees attached);
- students can be charged a tuition fee or student contribution amount for these subjects only if the subject is deemed to be supported by the University – i.e. all of the following are undertaken by the University:
 - there must be interaction between the supervisor and the student (which may include site visits) and ongoing monitoring of student work and progress; and
 - subjects must involve 'assessment of student learning and performance during the placement' (HESA Administration Guidelines, Chapter 5).

[The Fair Work Act 2009](#) (the Act) requires that students are paid at least the minimum wage for work experience undertaken within organisations unless the work is undertaken as an unpaid 'vocational' placement or is classified as a volunteer activity.

Refer to the Guidelines for Student Volunteering for more information:

https://staff.unimelb.edu.au/_data/assets/pdf_file/0016/2111461/volunteering-guidelines.pdf

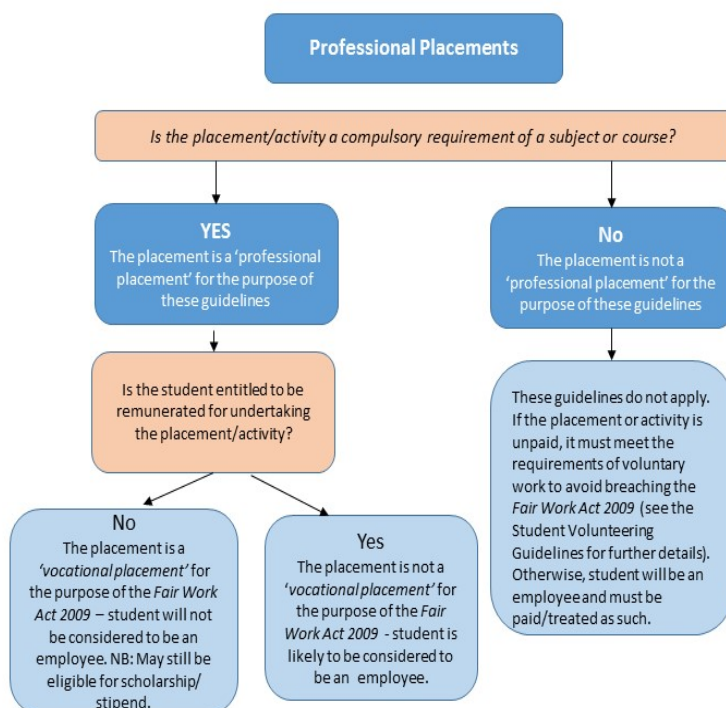
2. COMPLIANCE WITH THE FAIR WORK ACT 2009

Professional placements should only be offered or facilitated by the University where the activities are compliant with the Act. This means that:

- all unpaid professional placements must satisfy the definition of either a 'vocational placement' or 'volunteer activity' in order to be exempt from the requirement to pay the student a minimum wage (and provide other employment entitlements such as superannuation);
- all paid professional placements must involve students being paid at least the applicable minimum wage (and provided with associated employment entitlements).

Faculties are advised to consider each activity they offer or facilitate in accordance with figure 1 below to determine compliance with the Act. Activities which are non-compliant with the Act should be ceased or modified.

Figure 1: Classification of Professional Placements



3. UNPAID PROFESSIONAL PLACEMENTS

An unpaid placement is a professional placement in relation to which the student is not entitled to receive any payment from the host organisation.

An unpaid professional placement is a 'vocational placement' for the purpose of the Act (and therefore exempt from the requirement to provide the student with a minimum wage and associated entitlements) if the following two requirements are satisfied:

- the placement/activity is a compulsory requirement of a course or subject; and
- the student is not entitled to be paid any remuneration for undertaking the placement/activity.

The potential consequences of an unpaid placement not falling within these exemptions under the Act is that the student is deemed to be an employee and is legally entitled to at least the minimum wage. The Fair Work Ombudsman has broad powers to investigate a complaint about an alleged contravention of the Act.

Although students undertaking a 'vocational placement' are not entitled to any remuneration in relation to the completion of the placement/activity, such students may be eligible to receive a stipend or scholarship (see discussion of stipends and scholarships below).

Students undertaking a 'vocational placement' do not have a legal obligation to render any service to the University or host organisation. However, if the student does not fulfill the requirements of the placement, the student will fail the relevant subject and/or not obtain the credit attached to the subject. A student's ongoing receipt of scholarship/stipend payments may also be made subject to the satisfaction of specified requirements/milestones.

Unpaid professional placements normally involve offering the placement as a 12.5-point subject, which may be available:

- As an elective to students in award courses at the University of Melbourne.
- On a cross-institutional basis to students in award courses at other Australian universities.
- Through CAP to any member of the public.

To manage the potential legal risks associated with facilitating unpaid placements, unless advised otherwise, faculties must enter a professional placement Letter Agreement with any host organisation with whom they facilitate a subject-based professional placement or studentship. A number of template Letter Agreements have been approved by Legal Services and can be signed by Deans. Further details on some common scenarios and details of how to manage the signing process are provided in Section 5 below.

Scholarships and stipends

Students completing an unpaid professional/vocational placement may be offered/awarded a scholarship or stipend by the University. Any such payment is provided to students at the discretion of the University and is not recompense or reward for services rendered to either the University or a host organisation.

Stipends/scholarships will generally be funded in whole or in part by amounts received from host organisations in exchange for the allocation of one or more students. Therefore, stipends/scholarships will not be offered in relation to all unpaid professional placements.

If stipends/scholarships are only available to some students undertaking a subject, or to only certain students at a host organisation, criteria for stipend eligibility must be clearly stated and a transparent selection process must be conducted.

In circumstances where a faculty/department intends to provide students with a scholarship/stipend, it should contact Melbourne Scholarships to arrange payments via Themis using the existing 'Studentship' process.

This will ensure the correct amount of tax is deducted from any payments.

Stipends/scholarships relating to placements are taxable regardless of a student's enrolment load. Students receiving Centrelink benefits should seek advice on how their benefits may be affected by stipend/scholarship income.

4. PAID PROFESSIONAL PLACEMENTS

A paid professional placement is a placement in relation to which the student is paid by the host organisation for the services provided as part of the placement. Students undertaking a paid placement will be employees of the host organisation and are entitled to the payment of wages and other benefits arising under the Act and/or any applicable industrial instrument. In this respect, students will be paid directly by the host organisation for the work performed.

Like unpaid professional placements, paid placements must form a compulsory part of the requirements for a course or subject and must comply with the other conditions outlined in section 2 above.

5. LETTER AGREEMENTS WITH EXTERNAL HOST ORGANISATIONS FOR PROFESSIONAL PLACEMENTS OR STUDENTSHIPS

Unless advised otherwise, faculties and graduate schools will need to enter into a professional placement Letter Agreement with any host organisation with whom they facilitate a subject-based professional placement or studentship.

Several professional placement Letter Agreement templates are available for use by faculties and graduate schools for unpaid professional placements (including where the student undertaking the placement may be offered/awarded a scholarship or stipend by the University). They contemplate different arrangements in respect of intellectual property created during the course of the placement. The templates, and instructions for their use and signing, are available on the Legal Services website <https://staff.unimelb.edu.au/legal-audit-records-policies/legal-services-advice>

The Letter Agreements are intended to ensure that, in the case of each subject-based professional placement or studentship undertaken in a host organization, both the intent of the placement and the obligations of the University and the host organisation are clearly established and understood. In the case of unpaid placements, this includes ensuring that the arrangements satisfy the requirements of a 'vocational placement' under the Act.

The Letter Agreements have been approved by Legal Services and can be signed by Deans.

Please contact Legal Services for advice regarding agreements to go in place for any paid professional placement. There is no template available for use for paid professional placements. Agreements for paid professional placements will be drafted on a case-by-case basis.

The signing process for Letter Agreement templates for unpaid professional placements:

Placement coordinators must use the relevant professional placement Letter Agreement and complete the following steps:

- Complete the details specific to the professional placement as follows:
- Insert the name, address and contact information for the host organisation at the top of the first page;
- Insert the date;
- Insert the description of the professional placement, subject/course details, name of student(s); and
- Insert the date of the placement.
- Arrange for two copies of the letter agreement to be signed by the relevant Dean either in hard copy or electronically.
- Send both signed copies to the host organisation and ask for their authorised signatory to sign both copies either in hard copy or electronically.
- Request that the host organisation keep one fully signed copy and send the other back to the School.
- Upon receipt of their copy the School scans the agreement as a text searchable PDF (utilising Optical Character Recognition).
- If the School has TRIM, register the digital copy in TRIM and manage the hard copy in accordance with the digitisation plan issued for the records.
- If the School does not have TRIM, email the digital copy to records-services@unimelb.edu.au and send the University's hard copy to Records Services or a record storage process approved by Legal Services.

Examples of common scenarios:

The following points provide some additional guidance on how to arrange for finalisation of the Letter Agreements for unpaid professional placements for specific common scenarios:

Example 1:

You have several students from the same course or subject going to the same host organisation over the course of a year. You do not need to sign a letter agreement for each student for each semester. You can enter into a single letter agreement to cover all professional placements at the host organisation for the whole year. You would sign a new agreement for the following year.

Example 2:

You know that you will be sending a set number of students on professional placement during each semester but don't know (and won't know) the names of the students until immediately prior to the placement. Instead of specifying the names of the students you can insert in the "Re:" section, 'x number of students from [name of course/subject] during [insert year]'. Once you know the names of the students you should advise the host organisation of the names of students by email. They will need this information for access, supervision and orientation purposes.

FURTHER INFORMATION

For further advice regarding the Letter Agreements for unpaid professional placements, or for agreements for paid professional placements Email: legal-services@unimelb.edu.au Phone: 8344 2612

DEFINITIONS

compulsory requirement of a subject or course	Any task that must be completed in order to satisfactorily complete a subject or course. A placement may be a compulsory requirement of an elective subject.
paid professional placement	<p>A professional placement for which the student is paid by the host organisation for the services provided as part of the placement.</p> <p>Students undertaking a paid placement are employees of the host organisation and are entitled to the payment of wages and other benefits arising under the Fair Work Act and/or any applicable industrial instrument through the prior employment relationship. Students will be paid directly by the host organisation for the work performed.</p>
professional placement	An activity undertaken by a student with a host organisation as a compulsory requirement of a subject or course at the University. Professional placements may be paid or unpaid.
unpaid professional placement	<p>A professional placement in relation to which the student is not entitled to receive any payment from the host organisation. An unpaid professional placement is a 'vocational placement' for the purpose of the Act (and therefore exempt from the requirement to provide the student with a minimum wage and associated entitlements) if the following two requirements are satisfied:</p> <ul style="list-style-type: none">• the placement/activity is a compulsory requirement of a course or subject; and• the student is not entitled to be paid any remuneration for undertaking the placement/activity. <p>Although students undertaking a 'vocational placement' are not entitled to any remuneration in relation to the completion of the placement/activity, such students may be eligible to receive a stipend or scholarship.</p>