

## National Director's Message – Judie Kay



Registrations have now opened for the ACEN National Conference 2012 which will be held at Deakin Waterfront Campus from 31 – 2nd October preceded by workshops on

Tuesday 30th and the Research Symposium in Melbourne at Victoria University on 29th October. The Deakin Campus is in Geelong, right on Port Philip Bay, and will provide a fantastic location and picturesque backdrop to what will be a great conference. Indications already are that, in addition to the many Australians planning to attend from across the country, we can expect various international visitors attracted by its reputation as a high quality conference. Remember that ACEN members will receive a significant discount in registration for the conference. The next conference won't be until 2014 so make sure you are there next year. Abstracts close on 31st January ( more details below).

As you may be aware the long awaited Final Report for the Higher Education Base Funding Review was released last week. The report is available on the Department of Education, Employment and Workplace Relations website at: <http://www.deewr.gov.au/BaseFundingReview>

ACEN provided a submission outlining the additional costs and resources required for implementing WIL programs in Australia. The ACEN submission to this review is on the ACEN website [www.acen.edu.au/projects](http://www.acen.edu.au/projects) There are a number of references to WIL in the report and material presented by ACEN and other sources is included in the final report. ACEN members will be interested in Recommendation 8 of the report which recommends that the Federal Government develops an ongoing cost measurement system to collect data on internal and external costs associated with WIL to inform future funding policy. We now wait to see the federal Government response to the report In collaboration with NAGCAS (National Graduate Careers Advisory Services) ACEN has also been active in relation to another important issue by seeking further clarification regarding the implications of Fair Work Australia and WIL in Australia. The response from Senator Evans is included later in the newsletter and will be of interest to many ACEN members.

ACEN recently held an AGM and the minutes are available on the ACEN website. At this meeting ACEN modified the membership categories with the major change being to introduce a new category, Institutional Limited to provide membership for example to TAFE Colleges. Also at the AGM Pamela Struthers of Murdoch University was elected as ACEN Treasurer. I would like to warmly welcome Pamela to the National Executive. At the same time we say goodbye and a heartfelt thank you to Matthew Campbell who has done a fantastic job as Treasurer. Matthew will be continuing to be active in the NSW ACEN chapter but has stepped down from the National Executive.

I would like to take this opportunity, on behalf of the ACEN National Executive, to wish everyone a very happy and relaxing festive season. We look forward to working with you to further WIL in Australia in 2012. ACEN has a range of plans including the next round of student scholarships, support for research into WIL, a range of state based events and later in the year the bi-annual National Conference and Research Symposium. Make it your new year's resolution to become active in your ACEN State Chapter !!

## 2012 Student WIL Scholarship

Details of the 2012 WIL Student Scholarships will be sent out shortly (and be added to the ACEN website). Three scholarships of \$1,000 each will be available to students at universities that are ACEN members.

## ACEN National Conference 2012



## Call for papers

The organising committee of the 2012 Australian Collaborative Education Network (ACEN) National Conference, *Collaborative Education: Investing in the Future*, invites abstracts and proposals to be

presented at the conference on 29 October - 2 November, in Geelong, Victoria.

Presentations may take the following forms:

#### **Research Papers**

Full-refereed papers presenting either completed empirical research or theoretical explorations (max 2500 words). Presentations, including questions, extend to 30 minutes.

#### **Showcase / Best Practice / Topical Issues**

Concise refereed papers, non-refereed abstract only, presenting analysis of case study exemplars of practice or emerging issues and research (max. 1500 words). Presentations extend to 15 minutes.

#### **Posters**

Non-refereed presentations of relevant research or practice to be displayed during conference with presentation during designated combined session (presentation size A2).

#### **Roundtable discussion**

Focused 60-minute discussion around an identified issue. Proposals should be presented in not more than 500 words, with identification of convenor's and panel's expertise and interest. Discussions must be developed within a problem-based learning approach with active participation of attendees.

#### **Symposia**

A thematic 90-minute presentation, which may be either a collection of three (3) related research papers, or a negotiated workshop style presentation. Proposal should extend to not more than 750 words.

**Abstracts, for all papers, and presentation proposals are to be submitted not later than 31 January, 2012.**

**Papers for review to be submitted by 31 May, 2012.**

Presenters should consider their presentation within the proposed conference themes of:

- Future directions in assessment in WIL including e-portfolios
  - Challenges and innovation in the design and delivery of WIL
  - Emerging technologies and their impact on WIL
  - Shaping stakeholder partnerships for future WIL success including service and community based learning
  - Impacts of WIL on graduate outcomes and employability
  - Showcasing collaborations with industry
- High quality papers may be invited to submit a special issue publication of the Asia-Pacific Journal of Cooperative Education (APJCE) or the Journal of Cooperative Education and Internships (JCEI).

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## **In the (ABC) News**

'The rising phenomenon of unpaid internships' broadcast on Radio National on Dec 10, 2011

In today's competitive job market, unpaid internships appear to be on the rise. Businesses are calling for more qualified graduates and universities are incorporating 'work integrated learning' into their courses. The idea is that both student and business get something out of the exchange. But where is the line between experience and exploitation? And who polices it?

Guest were

- Zanna Bytheway, Executive Director of Job Watch, Employment Rights Legal Centre in Victoria
- Jenny Lambert, Director of Employment, Education and Training at the Australian Chamber of Commerce and Industry
- Jenna Price, Journalism lecturer, tutor and coordinator of the internships program at the University of Technology, Sydney

[Listen here](#)

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## **DEEWR Higher Education Base Funding Review**

### **FINAL Report October 2011**

See the report at

<http://www.deewr.gov.au/HigherEducation/Policy/BaseReview/Pages/default.aspx>

ACEN is quoted in the report – see the national Director's Report

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## **CAFCE Conference July/August 2012**



ACEN members we invite you to include the CAFCE National Conference held in Whistler, BC from July 29 to August 1, 2012 in with your summer travel. With a theme of "Higher Learning. Hire Aspirations.", informative and inspiring conference sessions will delve into sustainability, engaging our stakeholders, teaching and learning, and technology.

Join us in beautiful Whistler, BC and register here:

[www.cafce2012.com/regform.html](http://www.cafce2012.com/regform.html)

**Extra Early Bird:** Register before January 31 2012 to receive a discounted non member rate of \$650

**Submitting Workshop Proposals:** The initial deadline for proposal submission is December 15, 2011.

We also invite you to submit a proposal for presentations, panel discussions, and workshops from co-op educators, students, employers, and researchers. Based on feedback from previous conferences, we are looking for proposals that relate to the following themes:

- Sustainability \* the green economy and co-operative education; changing and growing our programs in an ever-changing world; taking care of ourselves as professionals
  - Engaging Our Stakeholders \* employer and student expectations; understanding the millennial generation and working with different generations; how employers can maximize co-operative education within their business and/or human resources strategies; working with diverse communities; situating co-operative education within institutional priorities and strategies
  - Teaching and Learning \* instructional skills; reflective learning; effective teaching aids; learning styles
  - Technology \* effects and uses in communications, marketing, learning and teaching, client relations management, trends
- Please consider sharing your knowledge and passion with co-op educators and employers to help us inspire, inform, connect, and reach new heights. The attached form will help guide your proposal submission on the type of information we are requiring.

The **initial** deadline for proposals submissions is December 15, 2011. To support registrations at the extra early bird rate, our intent is to let presenters know whether their proposals has been accepted within a month.

For more information on presenting at CAFCE 2012, please contact Helen Kobrc at [program@cafce2012.com](mailto:program@cafce2012.com) or visit <http://www.cafce2012.com/program.html>.

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## Upcoming Events



### International Events

#### January 11, 2012

ASET International Placement and Collaboration Network - University of Huddersfield

Inaugural One Day Conference 'Sharing and Learning from Peers.'

[More](#)

#### June 20-22, 2012

#### WACE's 9th International Conference on Cooperative & Work-Integrated Education.

"Where East Meets West and Theory Meets Practice". Hosted by Bahcesehir University Istanbul, Turkey.

[More](#)

#### July 29-Aug 1, 2012

CAFCE National Conference, "Higher Learning. Hire Aspirations." Whistler, BC.

[www.cafce2012.com](http://www.cafce2012.com)



### National Events

#### Practice-Based Education

#### Summit 2012 - Sydney

'Education for Practice, Work & Society'

3rd - 4th April 2012

The [Summit website](#) provides information on registration, venue, abstracts.

**Oct 29<sup>th</sup> – 2<sup>nd</sup> November, 2012:** ACEN National Conference "Collaborative Education: Investing in the Future". Geelong, Victoria.

[www.acen.edu.au/conference2012/](http://www.acen.edu.au/conference2012/)

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## Around the Grounds: Chapter Chair Updates



### Western Australia – Sonia Ferns

On Thursday 13 October ACEN WA held a workshop titled *ePortfolio for authentic assessment: an evidence base for employability skills*. Curtin University hosted this event which was facilitated by Jude Comfort who did a brilliant job. Thirty-eight participants attended the workshop and enjoyed a very interactive and collaborative session that focussed on the value of the ePortfolio as a tool for designing authentic assessment and showcasing employability skills. Feedback from attendees was very positive with the emphasis on networking, collaborative problem solving and practical solutions emerging as the highlights.

ACEN representatives from each of the WA universities met in October to begin planning the events for 2012. The plan is to hold a workshop on embedding WIL in the curriculum and another on exploring models of authentic assessment. These events promise to be great opportunities to share ideas with presenters who are experienced in the relevant fields.

Thirty media and public relations students from Murdoch University were on hand to assist the expected 1,000 domestic and international media when they arrived in Perth for CHOGM. The students were recruited to assist in the International Media Centre – a dedicated work space for journalists from throughout Australia and the Commonwealth.

Students from Murdoch's School of Media Communication and Culture wrote competitive applications to be chosen and gained invaluable experience in a range of tasks including assisting with press conferences, escorting media to events, and providing support to the host broadcaster and official photographer.

CHOGM was the largest gathering of world leaders in Australia's history and the students had a big job assisting with the significant media contingent.

Supporting the leaders of fieldwork education *Leading Fieldwork: Academic leadership for fieldwork coordinators* is an Australian Learning and Teaching Council funded project, which is now drawing to a close. The two-year project aimed to design, develop and trial an academic leadership program tailored to the fieldwork coordinator role. The rationale behind the project was to provide academic staff in this important area of work-integrated-learning the leadership competencies and capabilities to ensure excellent student learning experiences whilst on fieldwork placement.

As part of the study informing the leadership program design a survey of fieldwork coordinators at the two universities was undertaken. What emerged was that most had never been provided with any of the typical professional leadership development opportunities and most had no training prior to taking up their fieldwork coordination position. The leadership program titled "Academic Leadership for Fieldwork Coordinators" was piloted at the two partner universities—Curtin and Charles Sturt—and has received excellent feedback from participants.

Most participants are currently working action learning projects related to their fieldwork program as a consequence of taking part in the leadership development opportunity. The program resources, which have been modified slightly based on participant feedback, will be available for adoption and adaption in January, 2012, from the ACEN website. For more information on the project and/or the program resources (which will include a guide to facilitation and coordination) contact Associate Professor Sue Jones ([sue.jones@curtin.edu.au](mailto:sue.jones@curtin.edu.au)) or Dr Helen Flavell ([h.flavell@curtin.edu.au](mailto:h.flavell@curtin.edu.au)).



Curtin participants in the "Academic Leadership for Fieldwork Coordinators" program.



### VicTas - Dineli Mather

For information regarding the Vic/Tas activities contact Dineli Mather.

[dineli.mather@deakin.edu.au](mailto:dineli.mather@deakin.edu.au)



### Queensland - Dr Deborah Peach

On 9 September 2011 Queensland University of Technology (QUT) hosted an ACEN-Q forum on reflective writing. The video forum attracted 22 participants from QUT, University of Queensland, University of the Sunshine Coast, Southern Cross University, and Griffith to QUT Gardens Point campus and 12 video-conference participants beamed in from CQ University (Bundaberg, Mackay and Rockhampton) and James Cook University (Townsville and Cairns).

The session, facilitated by Michael Ryan, Faculty of Education, QUT, generated lively discussion at each site and also across the group. The forum showcased the ALTC-funded Project - Developing a Systematic, Cross-Faculty Approach to Teaching and Assessing Reflection in Higher Education – DRAW. This project, which is particularly relevant to WIL, has developed a systematic, cross-faculty approach to teaching and assessing reflection in higher education. The approach conceptualises the pedagogic field of higher education, to situate reflection as a key teaching and assessment element across courses and programs. As part of this field a model of reflective thinking (the 4Rs) was developed to frame student and course design and assessment purposes. The final project report is due out shortly and also see:

[www.qut.edu.au/research/research-projects/developing-reflective-approaches-to-writing-draw](http://www.qut.edu.au/research/research-projects/developing-reflective-approaches-to-writing-draw)

ACENQ is in discussions with NAGCAS Queensland about a joint forum in early 2012 focused on engaging employers - details to follow .

[d.peach@qut.edu.au](mailto:d.peach@qut.edu.au)



### SA / NT – Verity Kingsmill

For information regarding ACEN SA/NT activities contact Verity Kingsmill.

[verity.kingsmill@flinders.edu.au](mailto:verity.kingsmill@flinders.edu.au)



### NSW / ACT - Freny Tayebjee

The NSW/ACT Chapter of ACEN held a very successful forum on "Work Integrated Learning in the Curriculum" on 10 October at Macquarie

University. There were a number of excellent speakers including Professor Gail Whiteford (Macquarie University), Jackie Walkington & Anna Wilson (U Canberra), Prof Philip Jones (UNSW) and Dr Franziska Trede (CSU). Feedback from attendees was overwhelmingly positive on all counts, with 96.8% indicating that they were satisfied (or very satisfied) with the overall quality of the forum.

**Save the date:** The next forum is scheduled to be held on 14-15 May 2012 on "Ethical practices in WIL" at CSU Bathurst. More details will be available on the ACEN website in the next few weeks.

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## Articles / Resources

International Handbook on Cooperative & Work-Integrated Education: Inter-national Perspectives of Theory, Research and Practice (2nd Edition).  
Editors: RICHARD K. COLL and KARSTEN E. ZEGWAARD  
University of Waikato, Hamilton, New Zealand.



The second edition of the International Handbook for Cooperative Education builds on the first edition, and is intended to become a major resource for cooperative education professionals worldwide. As a comprehensive resource it will appeal to placement coordinators, faculty, researchers, students, and employers. A synopsis and order form is available from the WACE website. [www.waceinc.org/handbook.html](http://www.waceinc.org/handbook.html)

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## WACE Conference Papers

Have you visited the WACE publications page, it features full papers from selected WACE conferences from around the world.  
<http://www.waceinc.org/conferencepapers.html>

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## ACEN 2011 Institutional Members

Below is the list of ACEN member universities – with several more in the pipeline. An unlimited number of staff from these universities can register as individual members. If your university is a member, encourage your colleagues to register at:  
<http://www.acen.edu.au/join/>

- Australian Catholic University
- Bond University
- Central Queensland University
- Charles Darwin University
- Charles Sturt University
- Curtin University of Technology
- Deakin University
- Edith Cowan University
- Flinders University

- Griffith University
- James Cook University
- La Trobe University
- Macquarie University
- Monash University
- Murdoch University
- Queensland University of Technology
- RMIT University
- Southern Cross University
- Swinburne University of Technology
- University of Adelaide
- University of Canberra
- University of Melbourne
- University of New South Wales
- University of Newcastle
- University of Notre Dame
- University of South Australia
- University of Southern Queensland
- University of Sydney
- University of Tasmania
- University of Technology Sydney
- University of Western Australia
- University of Western Sydney
- Victoria University

The website will be updated periodically to show which universities have renewed and joined. If in doubt, contact [admin@acen.edu.au](mailto:admin@acen.edu.au)

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## ACEN Newsletter Contributions

Member contributions welcomed.

- articles
- upcoming events
- news
- photos
- member profile
- program profile
- job or voluntary opportunities
- new resources

Send to [admin@acen.edu.au](mailto:admin@acen.edu.au)



**Office of Senator Chris Evans**  
Leader of the Government in the Senate  
Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Ms Judie Kay  
National Director  
Australian Collaborative Education Network  
PO Box 14428  
MELBOURNE VIC 8001

Dear Ms Kay

Thank you for your letter of 17 October 2011 to Senator Chris Evans, Minister for Tertiary Education, Skills, Jobs and Workplace Relations concerning work experience under the *Fair Work Act 2009*. The Minister has asked me to reply on his behalf.

Please let me assure you that the *Fair Work Act 2009* (Fair Work Act) has not changed the long standing arrangements under which legal unpaid work experience can occur.

As did the *Workplace Relation Act 1996* before it, the Fair Work Act adopts the common law meaning of an employee. Under common law, the parties to an unpaid work experience arrangement intend a relationship where, in return for labour, the hirer provides training and on-the-job experience. The law does not allow such an arrangement to continue indefinitely. Conversely, if a person undertaking work experience is doing productive work that would otherwise be undertaken by a paid employee, the relationship is legally one of employment and the person is entitled to appropriate remuneration. Neither the Fair Work Act nor earlier legislation prevents parties from entering into genuine work experience arrangements.

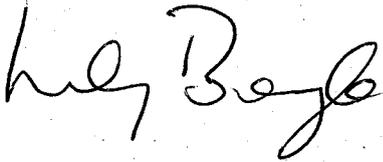
The Australian Government appreciates efforts to help students prepare for employment where those efforts are balanced with necessary protections for students and employers. As you have noted, the Fair Work Act allows authorised vocational placements. Authorised vocational placements provide students with opportunities to assess career choices, build networks and gain experience while also affording transparency in the identification of placements and accountability for their relevance to a student's course of study.

I have attached a fact sheet recently released by the Fair Work Ombudsman that provides information about unpaid work arrangements which may help clarify the issues taken into consideration when they examine work experience type arrangements. The fact sheet and other useful resources are available on the Ombudsman's website, [www.fwo.gov.au](http://www.fwo.gov.au).

I encourage you to contact the Fair Work Ombudsman if you would like to discuss particular arrangements. The Fair Work Infoline number is 13 13 94.

I trust that this information is helpful and thank you for bringing your concerns to the Minister's attention.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Boyle". The signature is written in a cursive, flowing style.

Dr Michael Boyle  
Chief of Staff

**11 NOV 2011**



Australian Government

# Fair Work

## OMBUDSMAN



## Internships, Vocational Placements & Unpaid Work

Employers are often approached by interested people (such as students) hoping to gain industry experience to aid them in their own career path. Sometimes unpaid work arrangements are entered into.

A common issue that can arise in these arrangements is whether or not an employment relationship has actually been created.

This fact sheet outlines some of the types of arrangements that can exist, the relationship between unpaid work and the relevant workplace laws and the problems that can sometimes occur. Each case will require a consideration of its own particular facts. Employers who fail to meet their obligations under the *Fair Work Act 2009* (FW Act) can face penalties of up to \$33,000 per breach.

### Vocational placements

The FW Act recognises formal work experience arrangements that are a mandatory part of an education or training course. These arrangements are referred to as vocational placements, and are defined as being:

- Undertaken as a requirement of an Australian based educational or training course, and
- Authorised under a law or an administrative arrangement of the Commonwealth, a State or Territory, and
- Undertaken with an employer for which a person is not entitled to be paid any remuneration.

If all of these criteria are met, the person will not be covered by the FW Act and is therefore not entitled to the minimum wage and other entitlements provided in the National Employment Standards and modern awards.

#### Example 1

*Katrina is in her third year of a nursing degree. A requirement for successful completion of her degree is to complete a minimum of 4 weeks work experience with a registered hospital in her state. Katrina approaches her local hospital as they have a pre-existing relationship with her university and have regular student placements. The arrangement is authorised under state law, and Katrina understands the placement is a learning exercise and she will not be paid. As the arrangement meets the definition of a vocational placement under the FW Act, Katrina would not be covered by the FW Act, and is therefore not entitled to receive remuneration.*

It's important to note that exclusion from coverage under the FW Act does not limit any obligations that may arise under other legislation, including workers compensation laws, OH&S, discrimination and other relevant laws.

### Work experience & internships

Unpaid work experience placements and internships that don't meet the definition of a vocational placement can be lawful in some instances. To be lawful, businesses need to ensure that the intern or work experience participant is not an employee.

One key issue in determining whether an employment contract has been formed is whether the parties intended to create a legally binding employment relationship.

When assessing whether the parties intended to form a legally binding employment relationship some key indicators would be:

- **Purpose of the arrangement.** Was it to provide work experience to the person or was it to get the person to do work to assist with the business outputs and productivity?
- **Length of time.** Generally, the longer the period of placement, the more likely the person is an employee
- **The person's obligations in the workplace.** Although the person may do some productive activities during a placement, they are less likely to be considered an employee if there is no expectation or requirement of productivity in the workplace
- **Who benefits from the arrangement?** The main benefit of a genuine work placement or internship should flow to the person doing the placement. If a business is gaining a significant benefit as a result of engaging the person, this may indicate an employment relationship has been formed. Unpaid work experience programs are less likely to involve employment if they are primarily observational
- **Was the placement entered into through a university or vocational training organisation program?** If so, then it is unlikely that an employment relationship exists.

## Example 2

A local council has advertised an internship program for university students interested in government processes. The internships have been advertised as voluntary and students are allowed to select the hours they spend at the council office over a 2 week period. As the council is careful to ensure that the role is mainly observational, there is no expectation that the students will perform productive work during their internship and the student is gaining the main benefit from the arrangement, it is unlikely to create an employment relationship.

## Example 3

Stuart recently completed a Bachelor of Journalism and is looking for work as a journalist. Stuart responds to an advertisement to write for his local paper on a full-time basis for 3 months as an 'unpaid intern' to try and gain experience and increase his chances of employment. Since Stuart had completed his degree and the placement was not a requirement of his course, it cannot be considered a vocational placement under the FW Act. The paper advises Stuart that he will be given specific tasks and deadlines to complete that will assist in the production of the paper and that this productive activity will take up the majority of his time. This suggests Stuart may have been engaged as an employee and entitled to remuneration.

If Stuart mainly observed how the newspaper operated for a few hours a week over 2 weeks and there was no expectation of productive work for the business, it is unlikely that he would be considered an employee.

Whether or not an employment relationship exists depends on the specific circumstances and any agreement reached between those concerned. Educational institutions and businesses should seek professional advice from their solicitor, chamber of commerce or industry association before entering into any such arrangement.

## Volunteering

A great deal of volunteer work is performed in the not-for-profit sector, which includes charity and community service organisations. People can offer their services voluntarily to assist in the not-for-profit organisation's goals.

However, a business and person can't simply characterise what is actually an employment relationship as volunteer work. All the relevant factors outlined above need to be considered.

## Unpaid trials

Trial work involves a person performing work (or 'trailing') at a place of business. If this is at the request of the employer or it is expected that the person will be performing productive activities, the person would normally be an employee in these circumstances and entitled to be paid as such.

If a work experience placement or internship is used to determine a prospective employee's suitability for a job, the person would be considered an employee for the trial period and should be paid as such. Similarly, probationary employees are paid for all hours worked.

While this does not prevent a person taking up employment after a genuine unpaid work experience or internship, each situation should be carefully considered to determine if the facts have given rise to an employment relationship.

## Further information

Vocational placements and work experience are not the same as formal placements such as apprenticeships and traineeships. For information on these types of placements, visit the [Apprenticeships and traineeships](#) section of [www.fairwork.gov.au](http://www.fairwork.gov.au).

The Fair Work Ombudsman has published fact sheets on many elements of the *Fair Work Act 2009* and employer obligations including modern awards, general workplace protections and unlawful discrimination. To access these fact sheets, as well as additional information and resources to help you understand your rights and obligations, visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94.

## Find out more

*About the Fair Work Ombudsman fact sheet*

*International students fact sheet*

*Minimum wages fact sheet*

### Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Monday to Friday, between 8.00am–6.00pm

Fair Work Australia website: [www.fwa.gov.au](http://www.fwa.gov.au)

FWA Help Line: 1300 799 675

Monday to Friday, between 9.00am–5.00pm

### Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

### Hearing & speech assistance

Call through the National Relay Service (NRS):

- For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94
- Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

**Fair Work Infoline: 13 13 94 [www.fairwork.gov.au](http://www.fairwork.gov.au)**