

## VOCATIONAL EDUCATION AND TRAINING ACT 1996

### VET (WA) MINISTERIAL CORPORATION INSTRUMENT OF AUTHORISATION (COLLEGES) NO. 1 OF 2017

The VET (WA) Ministerial Corporation (Corporation) hereby revokes the VET (WA) Ministerial Corporation Instrument of authorisation (Colleges) No. 1 of 2016.

Under section 7(5) of the Act, the Corporation **AUTHORISES**:

- (a) each person for the time being occupying a Position listed in column 2 against an item of the Schedule; and
- (b) each body listed in column 2 against an item of the Schedule,

to sign on behalf of the Corporation any document evidencing or effecting or in connection with a transaction of the kind listed in column 1 of that item of the Schedule subject to the conditions, limitations and restrictions (if any) specified in column 3 of that item of the Schedule.

This instrument may be cited as the *Vocational Education and Training Act 1996* VET (WA) Ministerial Corporation Instrument of Authorisation (Colleges) No. 1 of 2017.

In this instrument, unless the context otherwise requires:

**Act** means the *Vocational Education and Training Act 1996*.

**Asset Investment Plan** means the plan attached to the State budget papers.

**Corporation** means the VET (WA) Ministerial Corporation continued under section 7A of the Act.

**College** has the same meaning as in the Act.

**Commercial Revenue** means revenue raised by the college that is not public funding.

**Department** means the Department of the Public Service principally assisting the Minister to administer Part 2 of the Act.

**Minister** has the same meaning as in the Act.

**Other Property** means equipment, services and facilities.

**Position** means a position within the College.

**Schedule** means the Schedule attached to and forming part of this instrument.

**VET** means vocational education and training.

Reference to this instrument includes the Schedule.

Unless the context otherwise requires, terms used in this instrument which have a defined meaning in the Act have the same meaning when used in this instrument.

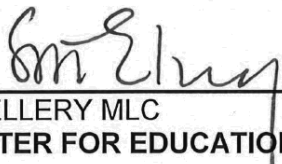
This instrument may be cited as the *Vocational Education and Training Act 1996 Minister's Instrument of Authorisation (Colleges) No 1 of 2017*.

Dated this 7<sup>th</sup> day of November 2017.

The common seal of the  
VET (WA) Ministerial  
Corporation was hereto  
duly affixed in the presence  
of Sue Ellery MLC  
Minister for Education and Training;



Common seal

  
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SUE ELLERY MLC  
MINISTER FOR EDUCATION AND TRAINING

**VOCATIONAL EDUCATION AND TRAINING ACT 1996**  
**VET (WA) MINISTERIAL CORPORATION INSTRUMENT OF AUTHORISATION (COLLEGES)**  
**No 1 of 2017**

	Column 1	Column 2	Column 3
Item	Legislative Reference for relevant powers of Corporation (VET Acts 7B(2)) Transaction	Authorised	Conditions and Limitations (Authorised officers must ensure compliance with relevant Treasurer's Instructions, Premier's Circulars, Commissioner's Instructions and Government /Departmental policies and procedures)
1	s.8 (1) (d) The execution of contracts on behalf of the Corporation to enter into commercial activities overseas, to generate revenue for, and otherwise benefit the State training system.	Contracts must be executed by the Governing Council Chair and one other Governing Council member	<p>A college can only execute a contract for commercial activities overseas where specifically agreed to by the Minister.</p> <p>If approved by the Minister the College can:</p> <ul style="list-style-type: none"> <li>• execute contracts on behalf of the VET (WA) Ministerial Corporation; or</li> <li>• submit the contract to TAFE International Western Australia for execution of the contract by the Chief Executive under the VET (WA) Ministerial Corporation.</li> </ul> <p>Colleges are expected to monitor the use of this authorisation through internal audit.</p>
2	s.9 (2) (c) The execution of contracts on behalf of the Corporation relating to acquiring, holding, improving, developing or disposing of other property of any kind, for and on account of the State, for the purposes of the VET Act.	Governing Council  Managing Director	<p>Contracts where the value of the contract is in the approved Asset Investment Plan can be executed by the Governing Council or Managing Director.</p> <p>Land</p> <ul style="list-style-type: none"> <li>• Colleges are unable to execute contracts in relation to land.</li> </ul> <p>Buildings</p> <ul style="list-style-type: none"> <li>• Colleges are restricted to improving and developing buildings subject to the Public Works Act 1902 and the State Supply Commission Act 1991.</li> <li>• Where an improvement and/or development is included in the approved Asset Investment Plan the College can execute contracts of behalf of the VET (WA) Ministerial Corporation.</li> <li>• For improvements and/or developments not included in the approved Asset Investment Plan the College must: <ul style="list-style-type: none"> <li>○ Contact the Training Infrastructure Management branch prior to commencing negotiations to discuss the required protocols; and</li> <li>○ Complete a Treasury business case for all projects valued at more than \$1 million.</li> </ul> </li> </ul> <p>Other Property</p> <ul style="list-style-type: none"> <li>• Colleges must adhere to whole of government policy in relation to all other property.</li> </ul> <p>Colleges are expected to monitor the use of this authorisation through internal audit.</p>

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Item	Legislative Reference for relevant powers of Corporation (VET Acts 7B(2)) Transaction	Authorised	Conditions and Limitations (Authorised officers must ensure compliance with relevant Treasurer's Instructions, Premier's Circulars, Commissioner's Instructions and Government /Departmental policies and procedures)
3	s.9 (2) (f) The execution of contracts on behalf of the Corporation to authorise by lease, licence or other arrangement the use for commercial, community or any other purpose of any land, buildings, equipment, facilities or services used or provided for or in connection with the provision of VET, as long as the use for such purposes does not detract from the provision of VET.	Governing Council  Managing Director	<p>TAFE Colleges are limited to the execution of contracts to lease out college land and facilities where the total contract value is up to \$500 000 including the cost of outgoings and the contract period is less than twelve (12) months including former and subsequent contracts.</p> <p>TAFE Colleges can execute contracts to lease in external facilities when the funding source is commercial revenue.</p> <p>The Department must be consulted regarding all other leasing in arrangements for external facilities.</p> <p>Prior to executing a contract the College must ensure that:</p> <ul style="list-style-type: none"> <li>- a due diligence report has been undertaken;</li> <li>- advice has been sought from the State Solicitor's Office; and</li> <li>- an exit strategy has been developed which includes how the College will make good the premises/equipment and how this will be funded;</li> <li>- if the College is leasing out premises what arrangements are in place for the property to be handed over in good order.</li> <li>- The Department must be consulted regarding all non-commercial revenue funded contracts.</li> </ul> <p>Colleges are required to provide Training Infrastructure Management with a copy of all leases, licenses or arrangements.</p> <p>Colleges are expected to monitor the use of this authorisation through internal audit.</p>
4	s.9 (2) (i) The execution of contracts (on behalf of the Corporation) with overseas organisations for the provision of VET and related services.	Contracts must be executed by the Governing Council Chair and one other Governing Council member	<p>All overseas activities must be approved by the Minister.</p> <p>The College can then:</p> <ul style="list-style-type: none"> <li>• execute contracts on behalf of the VET (WA) Ministerial Corporation; or</li> <li>• submit the contract to TAFE International Western Australia for execution of the contract by the Chief Executive under the VET (WA) Ministerial Corporation.</li> </ul> <p>Colleges are expected to monitor the use of this authorisation through internal audit.</p>