

VOCATIONAL EDUCATION AND TRAINING ACT 1996

**MINISTER'S INSTRUMENT OF DELEGATION (COLLEGES)
No 1 of 2023**

Made by the Minister for Training and Workforce Development under s 10 of the *Vocational Education and Training Act 1996* This instrument hereby –

- (a) revokes the delegation of functions and powers cited as the *Minister's Instrument of Delegation No 1 of 2017 (Colleges)* made on 1 November 2017, and
- (b) delegates the function conferred on the Minister for Training and Workforce Development under the provision of the *Vocational Education and Training Act 1996* specified in column 1 of the Schedule to the delegate described in column 2 against that item of the Schedule, subject to the conditions, limitations and restrictions (if any) as are specified in column 3 of the Schedule

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

Governing Council has the same meaning as in the Act

Managing Director has the same meaning as in 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 Delegation (Colleges) No 1 of 2023*

Dated this 13 day of March 2023



**HON SIMONE MCGURK MLA
MINISTER FOR TRAINING; WATER; YOUTH**

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No 1 of 2023

	Column 1	Column 2	Column 3
Item	Legislative Reference for relevant powers of Minister (VET Act s.9(1)) and Transaction	Delegated	Conditions and Limitations (Delegated officers must ensure compliance with relevant Treasurer's Instructions, Premier's Circulars, Commissioner's Instructions and Government /Departmental policies and procedures)
1	s 9 (2) (c) The negotiation of, and decision making in respect of contracts relating to acquiring, holding, improving, developing or disposing of land and other property of any kind, for and on account of the State, for the purposes of the VET Act	Governing Council	<p>Land</p> <ul style="list-style-type: none"> • Colleges are unable to enter into negotiations in relation to land <p>Buildings</p> <ul style="list-style-type: none"> • Where an improvement and/or development is included in the approved Asset Investment Plan, the College can negotiate and make decisions in respect of contracts • Colleges are restricted to improving and developing buildings subject to the <i>Public Works Act 1902</i> and the <i>Procurement Act 2020</i> • For improvements and/or developments not included in the approved Asset Investment Plan the College must <ul style="list-style-type: none"> ○ contact the Training Infrastructure and Management branch prior to commencing negotiations to discuss the required protocols, and ○ complete a Treasury business case for all projects valued at more than \$1 million <p>Other property</p> <ul style="list-style-type: none"> • Colleges must adhere to whole of government policy in relation to all other property <p>Colleges are expected to monitor the use of this power through internal audit</p>
2	s 9 (2) (f) The negotiation of, and decision making in respect 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	<p>TAFE Colleges are limited to the negotiations and decision making for 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 negotiate and make decisions for 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>Colleges are expected to monitor the use of this power through internal audit</p>