



Government of Western Australia
Department of Training
and Workforce Development

TAFE college Governing council handbook

November 2022

The Department of Training and Workforce Development would like to acknowledge the Public Sector Commission of Western Australia for their assistance in producing the governing council handbook.

All Public Sector Commission resources referenced below are available on the Public Sector Commission website at publicsector.wa.gov.au

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This document is available in alternative formats upon request

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Message from the Minister

TAFE colleges are the cornerstone of the public training system in Western Australia offering vocational education and training (VET) to more than 100,000 people every year. The VET training provided by TAFE colleges leads to the jobs that industry and business needs to drive our economy.

It is vital that TAFE colleges are well governed and have the highest standards of governance to enable them to deliver what the Government, industry, students and the taxpayers of Western Australia expect from a publicly funded service.

Governing councils are by legislation the highest level of decision making within a TAFE college. Considered and ethical decision making within a well understood framework helps maintain the trust that the training system will deliver skills the community needs to underpin the Western Australian economy and enrich the lives of its members.

The success of your college is greatly influenced by decisions you make and the strategic directions you set in response to government policy. It is critical that the governing council is effective and efficient and ensures that quality systems and processes are in place to underpin decisions. It is your governing council's role to lead your college's success through its actions.

As a Member of the governing council, you must be aware of and adhere to the highest standards of accountability and compliance to public sector standards. You are in a position to influence the outcomes for many people and your actions must be of the highest standards to make sure those outcomes are positive and offer quality and value for money.

I commend the TAFE college Governing council handbook to you as a useful and necessary resource to assist you in realising the objectives of the state funded training system through your college.

I wish you every success in your role and remind you that the Department of Training and Workforce Development or Public Sector Commission is available if you need additional information or support.



Hon Sue Ellery MLC
Minister for Education and Training

SUE ELLERY MLC

MINISTER FOR EDUCATION AND TRAINING

Overview

This handbook is designed to provide governing council members of Western Australia's TAFE colleges with information and tools necessary to meet their legislative, policy, accountability, and governance responsibilities.

It also provides information on the State's VET system, Commonwealth and State priorities, and details the role of key stakeholders who are involved in achieving high quality training and workforce development outcomes for the State.



Importantly the manual identifies:

- the role, structure and composition of a governing council;
- the level of governing council involvement in the strategic direction of the TAFE college;
- the obligations of the governing council to undertake duties specified under the *Vocational Education and Training Act 1996* (VET Act); and
- a range of tools or templates to assist governing councils in undertaking these duties.

A glossary of acronyms is provided at **Appendix 1**.

Overview of responsibilities

The Minister for Education and Training (the Minister) has the ability to control and direct TAFE colleges to ensure a coordinated service delivery across the State. The Minister also has the power to establish TAFE colleges as considered necessary for the provision of VET under Sections 8 and 9 of the VET Act.

The Department of Training and Workforce Development (the Department) is the public sector agency established to assist the Minister in the administration of the VET Act and its subsidiary legislation.

Both the Department and TAFE colleges must comply with the *Public Sector Management Act 1994*. As such, each operates within the Western Australian public sector legislative framework.

All TAFE colleges are managed by governing councils as required under Section 39 of the VET Act.



Section 1

Governance for public sector boards and committees

1.1 Public sector boards and committees

There are almost 300 government boards within Western Australia that vary in size, scope and purpose. The Department of the Premier and Cabinet is responsible for maintaining a list of these boards on the *State Government Boards and Committees Register*.

There are several types of boards, including:

- trading boards;
- governing boards;
- policy, review or specialist boards;
- regulatory, registration, appeal or quasi-judicial boards;
- stewardship boards; and
- advisory or consultative boards.

Governing council members sit on governing boards, which govern the operation of TAFE colleges. Governing boards are statutory bodies that have their functions and powers set out in their enabling legislation.

TAFE college governing councils are delegated authority to govern under Section 42 of the VET Act.

1.2 Good corporate governance practices

By employing good corporate governance practices, governing councils are able to effectively perform their function and comply with their obligations.

Good corporate practices include:

- building and adhering to a governance framework;
- demonstrating accountable and ethical behaviour at all times;
- maintaining effective stakeholder relationships
- integrating transparency into processes and planning;
- meeting strategic and business planning obligations;
- reporting on and evaluating obligations; and
- preparing and reviewing key documents and policies.

For further information on public sector boards and committees, visit [wa.gov.au/organisation/public-sector-commission/governance-of-wa-government-boards-and-committees](https://www.wa.gov.au/organisation/public-sector-commission/governance-of-wa-government-boards-and-committees)



Section 2: Governing council

2.1 Introduction

The governing council is the governing body of the TAFE college and has the authority to perform the functions of the organisation and govern its operations and affairs. Each TAFE college is required to have a governing council under Section 39 of the VET Act.

The governing council ensures that local industry and the community have direct input into the strategic development of TAFE colleges. Members have the opportunity to contribute expertise to a significant public training enterprise and participate in the growth and development of a vital community and State resource.

The effectiveness of each TAFE college is influenced by the efficiency of its governing council. The governing council is responsible for ensuring that clear management, effective decision making and governance frameworks are in place and functioning for the TAFE college. It is imperative that each governing council member understands both the nature of their responsibilities as well as the organisational and policy making structures that exist within the TAFE college.

2.2 Functions of the governing council

Section 42 of the VET Act stipulates that the governing council:

- is the governing body of the TAFE college with authority in the name of the TAFE college to perform the functions of the TAFE college and govern its operations and affairs;
- may do all things necessary or convenient to be done for, or in connection with, the performance of its functions;
- may perform its functions in another State or a Territory if that is necessary or convenient for the performance of the function of the TAFE college; and
- in performing its functions, must ensure that the courses, programs and services are responsive to, and meet the needs of students, industry and the community.

The functions of a college are outlined in Section 37 of the VET Act.

The governing council, as the TAFE college, is responsible in Division 2 of the VET Act for the strategic plan and annual business plans, by-laws, delegations, and TAFE college employees. The governing council is also responsible for:

- overseeing and governing the general operations and performance of the organisation;
- developing and approving the strategic directions of the organisation;
- ensuring that there is proper scrutiny of expenditure and closely monitoring the financial health of the TAFE college;
- ensuring the delivery of VET programs and the provision of related services to students and clients;
- ensuring the organisation performs its functions, as set out in the VET Act; and
- ensuring training programs and services that are provided are responsive to, and meet the needs of students, industry and the community.

The governing council, as the governing body, is accountable for the performance of the organisation. There is a critical distinction between governance and management, with the governing council usually formally delegating its authority to the managing director for the day-to-day management of the organisation, its students, staff and programs as well as financial, physical and other resources.

Section 45 of the VET Act provides that a governing council may delegate the performance of any or all of its functions under the Act to the managing director. The governing council cannot, however, delegate its accountability and must take whatever steps it believes are necessary to ensure that the TAFE college meets all of its obligations.

Subject to a few procedural differences in relation to the chairperson and the deputy chairperson all governing council members are equal in terms of their status, their terms of appointment and the functions they perform.

Governing council responsibilities are outlined in Part 5, Division 2 and Schedule 1 of the VET Act, which is available on the Western Australian Legislation website at legislation.wa.gov.au/legislation/statutes.nsf/law_a858.html

2.3 Appointments



TAFE colleges are set up as statutory corporations managed by individual TAFE college governing councils as stipulated under Section 39 of the VET Act. The TAFE college governing council is the highest level of decision making within the TAFE college, and consists of:

- a chairperson and deputy chairperson;
- the managing director of the TAFE college; and
- no less than six, or more than 10, other members.

Managing directors are voting members of the governing council as stipulated in Section 39(2) of the VET Act. Managing directors, as government employees, must seek permission from the Minister regarding membership to an additional board, whether remunerated or not.

2.3.1 Term of appointment

Members are appointed for a term of up to three years. At the end of the three-year term, members are eligible for re-appointment.

2.3.2 Appointment to governing council

Members are appointed to the governing council by the Minister and endorsed by Cabinet. Recommendations are made to the Minister via the governing council chairperson. All governing council members, including those wishing to reapply, must be appointed using the same process.

If a person is currently bankrupt or has at any time been convicted of an indictable offence, then, by virtue of item 1(1) Schedule 1 of the VET Act, that person should not be appointed, or if appointed, should cease as a governing council member. Indictable offences in the State of Western Australia are those which are the more serious offences. Fraud, generally speaking, would be an indictable offence. The governing council is responsible for ensuring probity checks are undertaken when appointing governing council members.

The Department coordinates the appointment process through the Office of the Director General. Questions regarding the recruitment and appointment of governing council members should be directed to TAFEGoverningCouncils@dtwd.wa.gov.au

2.3.3 Vacation of office

A position on the governing council will be vacant if:

- the term of the member expires;
- the member resigns by written notice addressed to the Minister;
- the member is, according to the *Interpretation Act 1984*, a bankrupt or a person whose affairs are under insolvency laws;
- the member is convicted of an indictable offence; or
- the appointment of the member is terminated by the Minister.

The Minister may, at his or her discretion, terminate the appointment of a member at any time.

2.3.4 Interim vacancies

As specified under Section 14.5 of the *Cabinet Handbook*, if a governing council member resigns before the expiry of their term, the replacement member can only be appointed for the remainder of the original term:

2.4 Formal governing council meetings



The governing council must meet with sufficient frequency to discharge its responsibilities in accordance with the requirements of the VET Act.

The governing council should determine the frequency of meetings in its council terms of reference.

2.4.1 Quorum and meetings

The quorum for a meeting is no less than half the total number of members, or a number determined by the Minister if voting is to occur and some members cannot be present due to a conflict of interest.

While these members are absent from the meeting, a new quorum will have to be calculated.

For provisions relating to governing council meetings refer to Schedule 1 of the VET Act, which is available on the Western Australian Legislation website at legislation.wa.gov.au/legislation/statutes.nsf/law_a858.html

2.4.2 Meeting agenda

An agenda acts as a general schedule of items that set out what needs to be accomplished during a meeting.

The Public Sector Commission has developed resources for boards and committees on how to use agendas effectively, and how to structure agendas and guidelines related to circulating an agenda.

A checklist to assist with preparing a meeting agenda is provided on the following page.

Meeting agenda checklist

The governing council agenda identifies the:

- meeting date, location & time;
- attendees and absentee members;
- items to be addressed;
- responsible member to lead discussion for each item;
- purpose of each item, i.e. discussion, to confirm, note or vote;
- outstanding actions;
- other business; and
- details of next meeting.

The content of agenda is:

- strategically important;
- focused on decision making;
- allocated enough time for a robust debate;
- reflective of the range of the Council's responsibilities;
- structured to allow all members to participate; and
- circulated in advance to members.

2.4.3 Minutes of meetings

Minutes are important material to maintain as official records, and must be kept in accordance with the requirements of the [State Records Act 2000](#).

The State Records Act 2000 is available on the Western Australian Legislation website at legislation.wa.gov.au/legislation/statutes.nsf/law_a2037.html

The Public Sector Commission has developed resources for boards and committees that include tips on writing minutes effectively and detail the role of minutes as a communication tool.

Meeting minutes checklist

Governing council minutes include:

- meeting date, location and time;
- attendees and absentee members;
- notes against each item;
- actions against each item that detail the responsible member and timeframes for completion;
- meeting opening and closing times; and
- a sign off section for the chair.

To access detailed board meeting templates, visit the Public Sector Commission's Governance Manual for Western Australian Government Boards and Committees at wa.gov.au/government/publications/governance-manual-western-australian-government-boards-and-committees

2.5 Roles and responsibilities

2.5.1 Chairperson

The chairperson is the presiding officer of the governing council and is responsible for ensuring that:

- members act in accordance with the VET Act and fulfil their roles as governing council members;
- the TAFE college adheres to the *Financial Management Act 2006*;
- the governing council meets with sufficient frequency to discharge its responsibilities in accordance with the requirements of the VET Act;
- the TAFE college is performing all of the functions required by legislation and is acting in good faith;
- the TAFE college has a workable strategic plan, which addresses both short term and long term needs;
- the council develops and maintains good relationships with the Minister, the Department, industry groups, key stakeholders and the community;
- the delegation for granting leave of absences to members is correctly adhered to;
- the managing director achieves the outcomes identified in the managing director's Performance Agreement; and
- the chairperson participates in formal governing council chair meetings with the Minister.

2.5.2 Governing council members

Governing council members have a duty to act in the best interests of the organisation as a whole and not for any particular group or section, even though they may contribute the view of a particular group to the debate.

Members have a duty to comply with the governing council's rules and regulations and to act honestly in the discharge of their duties.

Some examples of activities which Members are required to contribute to are:

- the formation and review of the TAFE college's strategic plan and the annual business plan;
- reviewing and approving the annual budget as well as the *Delivery and performance agreement*;
- participating in governing council meetings and sitting on standing committees of the governing council;
- representing the governing council at internal and external events, meetings and forums;
- reading reports and researching topics concerning the organisation; and
- undertaking projects on topics and issues concerning the TAFE college.

A description of a governing council member's responsibilities, and commonly required skillsets and experience, is provided on the Department's TAFE college governance webpage at dtwd.wa.gov.au/training-providers-and-schools/vet-governance – under the *Nomination committees* heading.

Governing councils should refer to this description when undertaking succession planning or developing their skills matrix.

2.5.3 Executive officer or council secretary

The executive officer, or council secretary, is usually a senior TAFE college staff member that provides direct support to the governing council.

Under the direction of the chairperson, support officer duties may include:



- providing administrative support through taking meeting minutes, circulating agendas and liaising with governing council members;
- assisting in the induction of newly appointed governing council members; and
- ensuring effective information flow within the governing council, between the governing councils and any standing committees, and between the governing council and the Minister.

For further information about the role and responsibilities of board and committee members, refer to the Public Sector Commission's information about governance of WA Government boards and committees at wa.gov.au/organisation/public-sector-commission/governance-of-wa-government-boards-and-committees

2.5.4 Statement of expectation

Governing council members should be aware that the Minister has issued a Ministerial 'statement of expectations'. This statement clarifies government policies and priorities relevant to the work of the council, and gives appropriate consideration to the responsibilities of the governing council and its level of independence in accordance with the VET Act.

This is in addition to the State Training Plan that colleges must be consistent with.

Statement of expectation checklist

A statement of expectation may include (but is not limited to) details about:

- the category and role of the board;
- regulatory independence (where applicable);
- compliance activities, including reporting and legislative frameworks;
- key government policies and objectives; and
- stakeholder engagement and management.

The current Ministerial Statement of Expectations is included in the Ministerial Guidelines for Strategic Plans.

The college annual business plan should include responses to the Ministerial statement of expectations.

2.6 Standing committees

The governing council can establish standing committees as required. Committees of the council can consider certain issues and functions in detail and then report back to the council with any recommendations.

The council approves the committee membership and appoints the chairperson of each committee, by taking into account the needs of the committee and the experience of the members.

Standing committees need to be established with:

- a specific charter, with clear terms of reference;
- delegations which do not undermine existing delegations;
- procedures for making and recording agendas and minutes, and reporting to the governing council; and
- a clear expectation that governing council responsibilities are not to be compromised by the activities of any standing committee, and that significant issues will be reported to the governing council.

Note: Subcommittees are not generally eligible for remuneration.

2.6.1 Audit committees

Audit committees assist governing councils in considering the manner in which audit is managed by the council and the TAFE college, while also ensuring that councils meet their legislative requirements for rigorous audit frameworks. In some cases, audit committees can also fill the combined role of audit and risk, considering audit and risk frameworks and processes, and making recommendations to the governing council.

Treasurer's Instruction 1201 *Internal Audit* outlines requirements relating to audit committees, including the requirement that the audit committee is independently chaired by a suitably qualified person who is not employed within the agency. The Treasurer's Instruction confirms that an independent board member is permitted to be the audit committee chair. This includes suitably qualified appointed governing council members.

Summary of audit committee responsibilities

Audit committees responsibilities include (but are not limited to) the following.

- **Financial reporting:**
 - appropriateness of accounting policies & disclosure requirements; and
 - reviewing the integrity of governing council and TAFE college reporting.
- **External audit:**
 - appointment and remuneration, scope of work, independence requirements, reviewing performance of external auditors; and
 - significant audit findings/recommendations.
- **Internal audit:**
 - charter, authority and resources, and scope of work;
 - internal audit effectiveness and relationships with auditors; and
 - responses to internal audit recommendations.
- **Performance oversight:**
 - training needs;
 - maintaining financial literacy; and
 - annual performance evaluation of audit committee.
- **Regulatory, compliance and ethical matters:**
 - effectiveness of system in ensuring compliance with legislation, regulations, Treasurer's Instructions, Circulars, Code of Conduct and other policies and processes.
- **Communication and reporting:**
 - updates and recommendations to the governing council; and
 - reports to the governing council and other central stakeholders.
- **Risk management (if applicable):**
 - understanding of key risk areas and effectiveness of controls; and
 - fraud detection and prevention.

2.6.2 Nomination committees

Governing councils should establish a nomination committee to formulate a policy for governing council member composition, renewal and evaluation. Recommendations to the Minister on appointment(s) to the governing council should take in to account the particular needs of the TAFE college and the environment in which they operate, as well as building on the existing strength of the governing council. *Premier's Circular 2022/02: State Government Boards and Committees* includes broad policy in relation to diversity and the representation of women on government boards and committees.

Premier's Circulares are available on the Department of the Premier and Cabinet website at [wa.gov.au/organisation/department-of-the-premier-and-cabinet/premiers-circulars](https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/premiers-circulars)

The Minister has provided information to assist committee members in effectively fulfilling their responsibilities in relation to the nomination process. The information can be found on the Department's website under the *Nomination committees* heading at dtwd.wa.gov.au/training-providers-and-schools/vet-governance.

Questions regarding the recruitment and appointment of members should be directed to the Department at TAFEGoverningCouncils@dtwd.wa.gov.au

2.7 Confidentiality and professional behaviour

A governing council code of conduct may place obligations on council members to:

- never disclose any information about the TAFE college that is not already in the public domain without the proper authority to do so;
- ensure confidentiality on governing council matters;
- maintain the privacy of governing council members and TAFE college employees and never release information to third parties outside of the governing council unless permission has been given; and
- only provide public comment on governing council issues when they are called upon and authorised to do so.

2.8 Public comment

As a member of the community, each member has the right to make public comment and enter into debate on political and social issues. There are circumstances however in which public comment is inappropriate, unless authorised by the governing council.



For example, if:

- there is an implication that the public comment, although made in a private capacity, could be taken as an official comment on TAFE college policy and programs; or
- the member is directly involved in advising or directing the implementation or administration of TAFE college policy or programs, and public comment could compromise the member's ability to do so.

Governing councils should consider delegating this area of responsibility to the managing director as part of their responsibility for day-to-day TAFE college management.

2.9 Representing the governing council

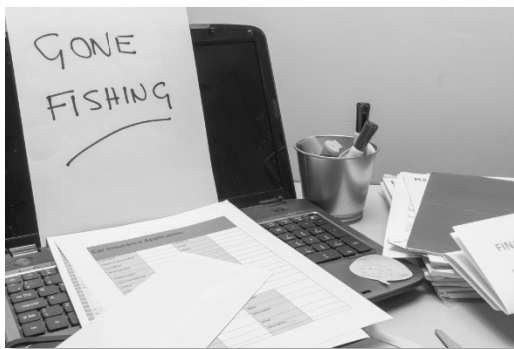
Governing council members should be aware that, as members of the peak governing body for the TAFE college, they are required to act in a way that promotes and maintains the reputation of the TAFE college when representing the governing council of that TAFE college at events or functions.

2.10 Access to independent professional advice

The governing council may access independent professional advice to ensure that it is fulfilling all of its obligations.

All committees of the governing council have access to independent professional advice on the same basis as the governing council.

2.11 Leave of absences by governing council members



The Minister has delegated to the governing council chair the power to grant leave of absences for members.

The delegation is limited to granting periods of absence up to three months and a record of the leave of absence must be sent to the Minister within two weeks of the leave approval.

Requests for chair absences must be sent to the Minister.

The Minister's Instrument of Delegation (Governing councils) No.1 of 2017 can be found on the Department's website in the TAFE college governance section at dtwd.wa.gov.au/training-providers-and-schools/vet-governance

Section 3: Operational requirements

3.1 Governance

In general, boards are responsible for ensuring good governance of a public sector body. As such, a board must ensure effective systems and processes are in place to shape, enable and oversee the body's management.



Governing councils operate in a legislative and public policy environment that provides frameworks for accountability, governance, management, policy development and service delivery.

An understanding and effective application of these frameworks is critical to maintaining the trust placed in a governing council, and in each member of the council.

3.1.1 Public Sector Commission governance framework for boards

The Public Sector Commission has developed seven principles for good governance for boards which, while not mandatory, have been created with the expectation that all boards within the public sector commit to implementing good governance practice.

These seven principles were developed through extensive consultation with public sector bodies and boards. The principles are as follows.

Principle 1: Clear roles and responsibilities

There is clarity regarding the roles and responsibilities of the board, individual members, the managing director and the Minister.

Appropriate instruments are established that describe the responsibilities of the board collectively and of individual members, conforming to the public sector principles in Part 2 of the *Public Sector Management Act 1994*. Processes exist to ensure these are known and understood.

Principle 2: Expertise and diversity

Board members have the necessary skills, experience and knowledge to enable the board to collectively fulfil its role.

Consideration is given to optimising a gender balance and to other forms of diversity relevant to the role and function of the board.

Principle 3: Strategic focus

The board sets the overall strategic direction of the public sector body and monitors performance against the intended outcomes.

Principle 4: Managed risks

The board ensures that an appropriate system of risk oversight and internal controls are in place to enable effective identification and management of risk.

Principle 5: Effective controls

The board has a system in place to ensure that there is a flow of information to the board (and public sector body) that supports effective policy and coordinated decision making.

Control systems are in place to ensure accountability to relevant oversight bodies and to external stakeholders. The integrity of financial statements and other key reports is safeguarded.



Principle 6: Ethical decisions

The board, together with the CEO (or Chairperson), sets the tone for ethical and responsible decision making throughout the public sector body.

Decision-making is informed, consistent, balances the requirements of multiple stakeholders and is responsible and ethical.

The public interest and the public sector Code of Ethics are actively applied as the benchmark for individual conduct and open and accountable governance.

Principle 7: Effective operations

The board ensures that it manages its business efficiently and effectively, within the limits of the statutory functions and power of the public sector body, to enable it to fulfil its role.

The board undertakes both informal and formal reviews of performance on a regular basis and has appropriate board succession planning in place.

For more information about the good governance principles, including resources to support boards in establishing good governance systems, visit wa.gov.au/organisation/public-sector-commission/governance-of-wa-government-boards-and-committees

3.2 Reporting and continuous improvement

All Western Australian public sector entities are required to comply with governance reporting requirements outlined under legislation, subsidiary instruments, instructions, codes and policies.

Reporting is a key aspect of good governance practice and serves as a tool to ensure financial and performance accountability. It also plays an important role in continuous improvement by providing standards by which to judge performance and prepare manageable recommendations for implementation.

Governing councils share a range of specific reporting requirements with Western Australian government agencies, including other public sector boards and committees. These include:

- ensuring the annual report is compliant with the Public Sector Commission's annual reporting framework;
- overseeing strategic and business plans;
- providing audit outcomes;
- ensuring external audit recommendations are implemented (eg; Office of the Auditor General);
- overseeing risk management and fraud prevention (via standing committees of the governing council);
- providing Section 40 financial estimates;
- developing the managing director's performance agreement with the managing director and responsible Minister; and
- signing off on delivery and performance agreements on behalf of the Institute.

To access Public Sector Commissioner's Circulars visit the Public Sector Commission website at wa.gov.au/government/document-collections/public-sector-commissioners-circulars

3.3 Terms of reference

Governing councils should develop a terms of reference to identify the role, composition and processes related to key council activities.

Terms of reference checklist

The terms of reference outline the:

- roles and responsibilities of the Minister, chairperson, non-executive board members, managing director and secretary (if applicable) in relation to the council;
- structure of the council, including:
 - minimum and maximum size as aligned to the VET Act,
 - composition (for example; required skills and expertise and level of independence),
 - necessary committees (for example; audit, nomination)
- process for board meetings, including:
 - frequency of meetings
 - quorums and resolutions
- obligations and mechanisms to ensure stewardship, accountability and transparency:
 - code of conduct
 - public interest disclosures
 - access to advice
- process for nomination, appointment and retirement of board members; and
- non-negotiable obligations that governing councils must take responsibility for, including the TAFE college strategic and business plans, the annual report, the managing director's performance agreement and the *Delivery and performance agreement*.

A governing council terms of reference exemplar is provided at **Appendix 2**

3.4 Policies and processes

The *Conduct guide for public sector boards and committees* identifies several supporting policies and processes to assist board members to exercise their governing duties. Policies and processes should be defined and regularly reviewed as identified below.

1. How to raise a grievance regarding board matters, including an alternative to raising the matter with the chairperson in the event the matter relates to the chairperson
2. Reporting misconduct
3. Internal and external communication channels for the Minister's office, staff, the media and other stakeholders (consistent with roles) should be identified and respected
4. Policies for conflicts of interest and 'related party' transactions should be developed. Registers of standing conflicts of interest and 'related party' transactions should be maintained; processes for declaring and minuting disclosures, recording standing conflicts of interest and quarantining papers are established
5. The expectations to attend and prepare for board meetings should be clearly articulated
6. Appropriate insurance, including directors' and officers' liability Insurance for board members
7. Use of agency facilities and resources.

3.5 Risk management

The Public Sector Commission has developed guidelines for boards to meet Treasurer Instruction requirements under the *Financial Management Act 2006*, and assist in the development of suitable risk management policies and practices.

Where appropriate, boards should also develop and update continuity plans to ensure recovery from business disruption. Risk management systems should use risk reporting, internal audits, codes of ethics and succession plan processes.

Developing a risk management framework checklist

In developing a framework for managing risk, a governing council should consider:

- core purpose, vision, mission and values;
- strategic direction, goals, required outcomes and deliverables as defined by legislation, ministerial directives, terms of reference etc.;
- organisational planning, reporting and management processes;
- roles, responsibilities and communication strategies;
- a program of review to ensure that the framework aligns with organisational management practices; and
- organisational governance structures and the integration of the management of risk into these structures.

The governing council can define how risks are to be managed through the development of:

- risk management policies;
- risk management procedures which define how risk management processes are integrated into the planning, delivery, monitoring and reporting activities of the governing council;
- risk reference tables which define consequence and likelihood, and acceptable levels of risk;
- risk management implementation strategy that details how policies and procedures are to be communicated and implemented; and
- a risk register tool to facilitate recording, managing, reporting and use of risk information.

Checklist

- Key risks have been identified
- Comprehensive control measures are in place to manage identified risks
- Frameworks, procedures and processes are consistent and transparent
- Strategies are in place to communicate processes and procedures to staff
- Risk management is incorporated at all levels of the TAFE college

3.6 Fraud prevention

Fraud can be broadly categorised as dishonestly obtaining a benefit, or causing a loss, by deception or other means, and can be external or internal.



Consequences range from financial and material loss, which can impact on the governing council's ability to deliver services as well as its capacity to function effectively, to loss of community confidence in the governing council, the TAFE college, the Department and the wider public sector.

Fraud prevention has shifted from a compliance focus and is now considered a core element of good governance practice. Well-designed risk management processes and rigorous codes of conduct are the most effective method of fraud control in public sector boards and committees.

Fraud detection and prevention checklist

As public sector boards and committees use public resources and funds of the State, it is critically important that board members use these resources effectively, economically, and only for the purposes of board business.

A code of conduct assists in fraud management by defining:

- member conduct expectations related to fraudulent or corrupt behaviour;
- how to report suspected breaches; and
- the requirement of members to abide by risk management plans, corruption resistance policies and accountability requirements.

Fraud prevention policies and frameworks address:

- the use of credit cards and incurring expenditure;
- use of resources and equipment (i.e. electronics, stationary);
- travel and accommodation;
- provision of hospitality and entertainment; and
- engaging consultants or contractors.

Fraud prevention strategies are identified, implemented and evaluated in all business areas, including (but not limited to):

- administrative;
- finance;
- procurement;
- information Technology (IT);
- human Resources; and
- specific programs or projects.

3.7 Governing council evaluation

The governing council, like all boards, should evaluate their own performance as outlined in Principle 7 of the Public Sector Commissions' governance framework. At a minimum, a formal board evaluation should occur every second year, or in other situations where it may be appropriate to conduct an earlier evaluation, such as when a chairperson changes or a dysfunctional board dynamic emerges.

An evaluation of governing council performance can include (but is not limited to):

- its performance against the requirements outlined in this handbook;
- the performance of its individual committees; and
- the performance of individual members.

The council will then make appropriate revisions as agreed by the governing council.

Additionally, in consultation with colleges the Department has developed a *TAFE college governance maturity self-assessment tool* that has been contextualised for governing councils and colleges. A copy is available on the Department's website at dtwd.wa.gov.au/training-providers-and-schools/vet-governance.

An online survey version of the tool has also been developed and is available from the Department; please email tpg@dtwd.wa.gov.au.

An example template for self-assessment of governing council members is provided at **Appendix 3**

An example governing council evaluation template is provided at **Appendix 4**

Evaluating governing council performance checklist

Governing council performance can be evaluated through a range of methods, including:

- informal discussions;
- confidential discussions with the chair;
- self-assessment surveys;
- peer review and evaluation;
- external review;
- facilitated discussions on specific governance issues and trends; and
- interviews.

Checklists and evaluation templates should be regularly reviewed to ensure that they accurately reflect current and emerging areas of governing council focus.

Evaluations should:

- provide for honest, genuine and constructive feedback;
- identify real opportunities for improvement; and
- result in recommendations with a clear process of implementation and evaluation.

For further information on evaluating board performance, visit the Public Sector Commission at wa.gov.au/government/publications/governance-manual-western-australian-government-boards-and-committees

3.8 Code of Conduct

People from all over Western Australia serve on government boards, often as volunteers. An appointment to a board carries with it responsibilities and obligations. People chosen as committee members should understand their responsibilities. These responsibilities are set out in a code of conduct. The code of conduct sits beneath the code of ethics and translates the principles of the code of ethics into actions and commitments for individual board members.

The governing council should have a code of conduct in place that sets out its responsibilities and provides the parameters within which it can undertake its role as the highest decision making authority in the TAFE college.

The code of conduct should be based on the principles of the *Western Australian Code of Ethics*, which applies across government, and on the council's governance charter. Codes of conduct must address the seven conduct areas specified in *Commissioner's Instruction No.8 – Codes of conduct and integrity training*, as listed below.



1. Personal behaviour
2. Communication and official information
3. Fraudulent or corrupt behaviour
4. Use of public resources
5. Record keeping and use of information
6. Conflicts of interest and gifts and benefits
7. Reporting suspected breaches of code

A sample structure of a code of conduct is available on the WA Government website at wa.gov.au/government/document-collections/code-of-conduct-requirements-the-western-australian-government-sector

3.9 Conflict of interest and pecuniary interest

All members must declare, in writing, all interests that they have in matters being considered by the governing council or a special committee. Interests may directly conflict, or be perceived to conflict, with the governing council member's public duty as a governing council member. Interests may include private investments, relationships with family and friends, voluntary work, other board positions and membership of other groups.

If a governing council member is present at a meeting and believes that they may have a conflict of interest in a matter, the member must immediately disclose the nature of the conflict of interest before the matter is considered or discussed.

It is equally as important that the governing council keep accurate records of direct or perceived conflicts of interest for transparency, alongside the management strategies that the governing council has put in place to manage the conflict of interest.

3.9.1 Disclosure

If there is either a pecuniary interest or a conflict of interest, the conflicted member must declare the interest and abstain from voting unless an exception relates to that interest. The member must remain outside the meeting room and outside visual or hearing distance, whilst any vote is taken.

3.9.2 Lobbyists

Where a governing council member is a registered lobbyist and there is potential for conflict of interest this matter must be declared. The obligations on government representatives when dealing with registrants and lobbyists must be in accordance with the *Integrity (Lobbyists) Act 2016*

The Public Sector Commissioner's Instruction No.16 Government representatives contact with registrants and lobbyists – visit wa.gov.au/government/publications/commissioners-instruction-no-16-government-representatives-contact-registrants-and-lobbyists

3.9.3 Fines

A council member who has a personal interest in a matter being considered or about to be considered by the governing council, but who does not disclose this interest, is liable for a fine of \$10,000 (as per Schedule 1 of the VET Act).

Strategies to manage conflicts of interest checklist

Governing councils can effectively manage conflicts of interest through a combination of strategies. The '6 Rs' developed by the Integrity Coordinating Group can assist in finding a practical solution that is compliant with legislative requirements and the council's operating environment.

- **Record/Register:** Recording a conflict of interest in a register is an important first step, but this does not necessarily resolve the conflict.
- **Restrict:** At times, it may be appropriate to restrict your involvement in the matter. For example, refrain from taking part in debate about a specific issue, abstain from voting on decisions, and/or restrict access to information relating to the conflict of interest.
- **Recruit:** If it is not practical to restrict your involvement, an independent third party may need to be engaged to participate in, oversee, or review the integrity of the decision making process.
- **Remove:** Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible or appropriate.
- **Relinquish:** Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with your public duty. This may refer to shares, or membership of a club or an association.
- **Resign:** Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

3.10 Gifts and hospitality

Governing council members should adhere to governing council code of conduct policies and procedures related to the declaration and management of gifts and hospitality.



As a general guide, governing council members must declare gifts or other benefits such as fees, favours, rewards, gratuities or any form of remuneration which may place them under an actual, potential or perceived obligation to other organisations or individuals who have interests with those of the governing council.

In determining whether the gift, benefit or hospitality can be accepted, the governing council should consider both the financial value of the gift, the relationship between the giver and the receiver, and the context in which the gift, benefit or hospitality was offered to assess if acceptance implies preferential treatment in any current or future interaction. To ensure transparency, the value of any gift, benefit or hospitality should be recorded in a governing council gifts register.

Gifts, benefits and offers of hospitality checklist

Member conduct expectations in relation to gifts, benefits and offers of hospitality are outlined in the code of conduct or in a policy that includes:

- clear definitions of each term and examples of each;
- the procedure for declining, returning, transferring, declaring and disposing of gifts, benefits and offers of hospitality;
- the procedure for offering gifts (if relevant);
- further information on declaration forms or gift, benefits and hospitality registers;
- specification of who is responsible for oversight, assessment and reporting in relation to gifts, benefits and hospitality processes and provides contact information; and
- further information on relevant policies and legislation.

3.11 Sponsorship

Sponsorship must comply with Department of Finance procurement policies and the WA Public Sector Code of Ethics. Event sponsorship should be carefully considered to ensure it is related to business operations and that there is a direct benefit to training.

The Department of Finance has published *Sponsorship in Government Guidelines: A handbook* to assist public authorities. To access the sponsorship guidelines and other useful information, visit wa.gov.au/government/publications/sponsorship-government-guidelines

3.12 Induction and training

All new governing council members should complete an induction program coordinated by the managing director and the chairperson. The program should familiarise new members with the governing council's business, operations, finances and facilities.

Induction checklist

Governing council member induction should provide information about the following.

- Good governance principles and standards
- Members' legal and fiduciary duties;
- The public sector, including:
 - organisational structure, core operations, reporting requirements and compliance obligations;
 - the strategic environment, both state and federal, and recent trends and issues; and
 - common terms and acronyms.
- The governing council, including:
 - the role of the board and terms of reference;
 - board structure and standing committees;
 - the code of conduct and key policies;
 - board procedures, including meeting frequency, quorum, absences and remuneration;
 - fraud prevention and risk management frameworks;
 - annual planning and reporting calendar; and
 - procedures for managing conflicts of interest.
- Resources, including public sector commission webpages and documents.

For further information to assist in the induction of board members, visit wa.gov.au/government/publications/governance-manual-western-australian-government-boards-and-committees

3.12.1 Accountable and ethical decision making training

Governing council members will be required to abide by the policies and procedures of the governing council code of conduct. Induction programs should focus on the roles and responsibilities of council members and the council terms of reference. They should also provide training related to the code of conduct and other relevant policies such as conflict of interest, gifts and hospitality, fraud and corruption, and complaints and misconduct.

Governing council members will also be required to participate in Accountable and Ethical Decision Making training, as required by Public Sector Commissioner's Instruction No.8 – Codes of conduct and integrity training.

3.13 Professional development

The governing council considers the training needs of all members annually and determines the appropriate professional development sessions required for each member. Training needs may also be identified through the process of continually evaluating governing council performance.

Members are expected to undertake professional development to keep up to date with changes in legislation, industry trends and financial requirements. The TAFE college will bear the cost of reasonable governing council approved professional development. The governing council chairperson should ascertain funding requirements and make the managing director aware of funding needs.

3.14 Remuneration

Section 63 of the VET Act includes provision for remuneration and allowances for governing council members. *Premier's Circular 2022/02* confirms that fees may not be paid to full-time government officers sitting on government boards and committees.



As a guide, an individual should not receive sitting fees from more than two State Government boards or committees.

Governing council members are remunerated for full attendance at formal governing council meetings. This does not include sub-committee meetings unless the sub-committee has been approved for remuneration by Cabinet.

Public Sector Commission guidelines for remuneration for Government Boards and Committees confirm that government board and committee members may be reimbursed for travel expenses incurred when travelling to and from meetings for business of the board, however, this does not include time taken in travel.

The term 'government officer' includes any person who is employed on the public payroll that is employed in a government (Commonwealth or state-funded) organisation. This includes:

- local government employees;
- current and retired judicial officers;
- current non-academic employees of public academic institutions; and
- both current Members of Parliament and former Members of Parliament for whom less than 12 months has passed since sitting in Parliament.

Part-time public servants, elected local government councillors and university academics¹ are eligible for fees when sitting on State Government boards and committees. Part time public servants are eligible for remuneration for membership on State Government boards and committees if:

- it is clearly demonstrated to the satisfaction of the relevant Minister that the part time public servant's board or committee work will happen in their own time; and
- potential conflicts of interest will be appropriately managed.

Section 201 of the Public Sector Management Act 1994 requires public sector employees to obtain the prior permission of their employing authority to engage in activities unconnected with their functions. (see legislation.wa.gov.au/legislation/statutes.nsf/law_a647.html)

¹ A university academic is defined as someone who is engaged primarily for the purpose of providing educational services and not administrative or other services.

Remuneration rates for governing councils

As set out by the Public Sector Commissioner, the following rates apply for attendance by council members at formal council meetings.

Chairperson	*\$22 738 per annum	
Deputy chairperson	*\$682 full day	*\$443 half day
Members	*\$591 full day	*\$384 half day

*current as of 1 August 2016.

'Full day' is over four hours' duration. 'Half day' is under four hours' duration.

TAFE colleges have funds available to support the good functioning of the governing council and/or for the purposes specified under the VET Act.

3.14.1 Payment arrangements

Remuneration payments to governing council members are made by the TAFE college. The sitting fee is paid directly to the bank account of the governing council chairperson on a fortnightly basis, and following meetings for governing council members.

Governing council members are required to complete the necessary payroll and employee commencement requirements in order to be paid.

Governing council members are eligible to receive the appropriate amount of superannuation; however they are not considered Department employees as they are appointed directly by the Minister.

3.14.2 Payment of remuneration fees to a charity



Governing council members that elect to donate their remuneration to charity must first accept the entitlement, pay the relevant tax and then donate the money to a charity of their choosing.

Individual tax advice should be sought.

Section 4: Governing Council planning

The governing council is required to ensure that the following plans are in place, and are regularly reviewed and evaluated.

4.1 The strategic plan and annual business plan



Under Sections 43 and 44A of the VET Act, TAFE colleges are required to provide the Minister with a draft strategic plan and the annual business plan by 1 September of each year until otherwise notified by the Minister in writing.

The Minister has issued Guidelines that provide information about what should be included in these plans.

Guidelines are available on the Department's website at dtwd.wa.gov.au/training-providers-and-schools/vet-governance

4.1.1 Strategic plan

The strategic plan must:

- outline medium to long term objectives (including economic and financial);
- identify operational targets and how the targets will be achieved;
- align current State and Commonwealth Government policies and key strategic priorities and/or documents with the regional requirements of Western Australia's diverse population;
- be consistent with the State Training Plan; and
- outline any other matters that are prescribed.

4.1.2 The annual business plan

The annual business plan must outline the VET activities to be undertaken by the TAFE college, which are aligned to:

- the current State Training Plan;
- workforce development plans;
- Commonwealth and State Government priorities;
- TAFE college strategic plans; and
- needs of the market and the community;
- other functions of the TAFE college that it plans to perform in the year; and
- any other matters that are prescribed.

4.1.3 Submission of plans

TAFE colleges are required to submit their draft strategic plan and annual business plan to the Minister as required by the VET Act.

4.1.4 Approval of plans

The Minister may approve a draft plan received from a TAFE college, or refuse to approve it and require the TAFE college to amend the draft or prepare another plan.

4.1.5 Amendments to plans

The TAFE college can only change its strategic plan and/or annual business plan:

- once the plan has been approved; and
- with the Minister's approval to make amendments.

Requests to amend plans should be forwarded to the Minister via the Department.

4.2 Operational plan

Operational planning translates the broad and overarching objectives and strategies into operational objectives and actions, with defined responsibilities and performance indicators. It is coordinated and integrated with other organisational processes including budget development and resource allocation.

The operational plan is linked to the TAFE college's strategic plan and annual business plans in that it helps to realise the goals and objectives identified in those plans.

Operational plans are developed annually by the directorates, branches and business units of TAFE colleges and are subject to regular revision throughout the year.

4.3 Managing director's performance agreement

The managing director's performance agreement provides an opportunity for a governing council to:

- incorporate performance expectations and targets relating to reporting and administrative support; and
- capture the governing council's expectation that the managing director will:
 - strive to meet compliance obligations associated with effective and efficient management and administration of the TAFE college; and
 - contribute to sector-wide initiatives.

The timing and procedures related to a managing director's performance agreement are detailed in the Public Sector Commission's publication *Approved Procedure 8 – Timing and assessment of CEO performance agreements*.

For examples of performance agreements and templates, visit the Public Sector Commission at wa.gov.au/organisation/public-sector-commission/ceo-performance-management-process

4.4 Delivery and performance agreement

The *Delivery and performance agreement* (DPA) sets out contract conditions including training delivery targets and funding levels to enable delivery of publicly subsidised training by TAFE colleges.



The DPA consists of the following documents.

1. The Agreement
2. The general provisions for the purchase of training services from TAFE colleges.



The Department negotiates the DPA with the TAFE colleges on an annual basis prior to the start of the calendar year.

Outcomes are negotiated by variables relating to State Government initiatives, Commonwealth / State agreements, priorities established by the State Training Board in the State Training Plan, the Department's strategic plan, and also relating to meeting the strategic objectives of the TAFE colleges.

The TAFE colleges are provided with two opportunities in the calendar year (May and September) to review and modify the delivery targets.

Following conclusion of the calendar year, TAFE college's delivery achievements are measured against DPA delivery targets and a funding reconciliation takes place in March to ensure accountability of public funding.

4.5 Commercial revenue and overseas activities

The *Ministerial guidelines: TAFE colleges commercial activities guidelines* outline what commercial activity a TAFE college can undertake.

The *Ministerial guidelines for international commercial activities of TAFE colleges* outline what commercial activities a TAFE college can undertake off-shore.

For more information on Ministerial guidelines visit the TAFE college governance section of the Department's website at dtwd.wa.gov.au/training-providers-and-schools/vet-governance

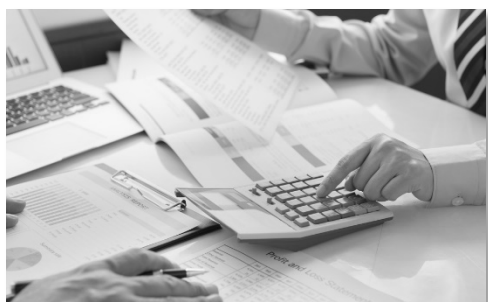
Section 5: Evaluating TAFE college performance

The operations of TAFE colleges are evaluated on an annual basis by a number of stakeholders including the Department, the Office of the Auditor General (OAG) and students participating in training provided by the TAFE college.

5.1 Internal audits

5.1.1 Financial responsibility and accountability

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulate the financial administration, audit and reporting of TAFE colleges and their operations.



The governing council is responsible for establishing and maintaining an effective internal audit function. Treasurer's Instruction 1201 *Internal Audit* outlines the requirements of internal audit functions.

TAFE colleges currently outsource their internal audit function to an external service provider. The governing council is to ensure that the preparation and submission of annual reports and annual budget estimates are completed in accordance with the *Financial Management Act 2006*

Governing councils must also ensure that the TAFE college's commitment under its *Delivery and performance agreement* and any other contractual arrangements are met.

The governing council will report the Auditor General's opinion in the TAFE college's annual report.

5.1.2 TAFE college annual budget estimates

Section 40 of the *Financial Management Act 2006* requires TAFE colleges to prepare and submit to the Minister annual estimates of their financial operations. Estimates are to be submitted for the following calendar year, plus three out-years. The annual budget estimates are more commonly referred to as 'Section 40s.' Actual results from the previous calendar year and an estimated actual result for the current calendar year are also to be submitted.

The Department provides analysis and recommendations to the Minister for consideration and works closely with the Department of Treasury and TAFE colleges to align the Section 40s with information recorded in Treasury's I.

Once approved, the estimates are then incorporated into the TAFE college's annual report which is to be tabled in Parliament by the Minister no later than 90 days from the end of the calendar year.

5.2 TAFE college annual report

In accordance with Section 61 of the *Financial Management Act 2006*, TAFE colleges must submit annual reports for the 12 month period from 1 January to 31 December of each calendar year. The annual report provides an overview of training delivery, financial operations and outcomes against key performance indicators and legislative requirements. Annual reports must be endorsed by the governing council, and validated by the OAG, prior to being submitted to the Minister.

Annual reports are tabled in Parliament by the Minister no later than 90 days from the end of the calendar year.

5.3 Office of the Auditor General

The role of the OAG is to audit the finances and key performance indicators of the Western Australian public sector. In undertaking this task, the OAG will scrutinise the public sector for potential instances of wastage, inefficiency or ineffectiveness, and report its findings to Parliament.

OAG reports should be submitted to governing council for review.

For more information visit the Office of the Auditor General website at audit.wa.gov.au.

5.4 The Corruption and Crime Commission



The Corruption and Crime Commission (CCC) is focused on helping public sector agencies minimise and manage misconduct, and improving the integrity of the public sector. It does this by working collaboratively with public sector agencies to increase their ability to effectively deal with misconduct.

For more information, visit the CCC website at ccc.wa.gov.au.

5.5 Satisfaction surveys



5.5.1 Student satisfaction survey

The *Student satisfaction survey* is administered by the Department and is conducted on an annual basis between September and November. The survey is administered by Wallis Social Research on behalf of the Department.

This survey gathers the views of current students on matters such as quality of teaching, assessment, learning and the services provided by the TAFE college.

Survey results are provided to TAFE colleges in March of each year.

Governing council should be provided with the results of this survey once it becomes available.

5.5.2 Student outcomes survey

The *Student outcomes survey* is administered by the National Centre for Vocational Education Research (NCVER) and is conducted annually. The data is collected from May to August. This survey gathers data about the employment and further study destinations of students who have completed a whole qualification or units of competency.

Survey reports are distributed in December.

The governing council should be provided with the results of this survey once it becomes available.



Section 6: Legal responsibilities

Governing councils and TAFE colleges have a legal and ethical relationship that requires trust on the part of the TAFE college and good faith, honesty and diligence on the part of the council members. Members owe legal and fiduciary duties to the TAFE college.

These duties include:

- acting with care and diligence;
- acting honestly and in good faith for the best interests of the TAFE college;
- acting for a proper purpose;
- appropriately managing conflicts of interest; and
- not making improper use of inside information, property or business opportunities.

In addition to the identified duties of a general nature, as the governing body of the TAFE college, governing councils are responsible for ensuring that the TAFE college complies with public sector statutory requirements including Premier's Circulars at wa.gov.au/organisation/department-of-the-premier-and-cabinet/premiers-circulars and Treasurer's Instructions at wa.gov.au/Treasurer's Instructions

As per Section 5 of the *Statutory Corporations (Liability of Directors) Act 1996*, governing council members are not personally liable for negligence or other civil actions as long as they have acted with loyalty and good faith in the performance of their functions.

To access the *Statutory Corporations (Liability of Directors) Act 1996* visit the Western Australian Legislation website at legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_933_homepage.html

6.1 Authorisations and delegations

6.1.1 Ministerial authorisations and delegations

Under Section 7(5) of the VET Act, the VET (WA) Ministerial Corporation may, by instrument of authorisation authorise persons, including governing council members and the managing director to sign documents on its behalf, either generally or subject to conditions or restrictions specified in the authorisation.

Under Section 10 of the VET Act the Minister may, by instrument of delegation, and either generally or as otherwise provided in the instrument, delegate the performance of any of the Minister's functions under the VET Act to:

- the chief executive;
- a governing council or an interim governing council; or
- the managing director of a TAFE college or a person in charge of any other vocational education and training institution.

The Minister cannot delegate any of the Minister's powers in relation to the appointment of members of the council. A person to whom a power has been delegated may sub-delegate that power to another person with the approval of the Minister, but not otherwise.

A governing council may sub-delegate a delegated power with the approval of the Minister but an authorisation from the VET (WA) Ministerial Corporation cannot be sub-delegated.

Regular compliance reviews of the application of the delegations and authorisations by colleges should be part of regular internal audit.

6.1.2 TAFE college delegations and sub-delegations

Under Section 45 of the VET Act, the governing council may delegate the performance of all or any of its functions to the managing director, except its power to make by-laws. The managing director may sub-delegate a function to a person employed by the TAFE college with the approval of the governing council but not otherwise.

Delegations and sub-delegations should be by way of a formal instrument which is considered at a meeting of the council and approved by resolution of the council.

6.2 Governing council by-laws

With the approval of the Minister, Section 44 of the VET Act allows the governing council to make by-laws for:

- the safe operation and efficient management of lands and facilities under the management or control of the TAFE college;
- regulating entry on to, use of and conduct on, those lands and facilities;
- providing disciplinary consequences and penalties not exceeding \$1,000 for breach of those by-laws; and
- proscribing:
 - the classes of membership and the conditions or qualifications for membership of a student association; and
 - the functions of a student association and other matters that are necessary or convenient for the effective performance of those functions.

6.3 Legislation



Governing councils, as the peak authorities, must adhere to the legislation governing TAFE colleges.

Relevant legislation includes (but is not limited to) the following.

- *Minimum Conditions of Employment Act 1993*
- *Work Health and Safety Act 2020*
- *Privacy Act 1988 (Cth)*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*
- *Auditor General Act 2006*
- *Civil Liability Act 2002*
- *Corporations Act 2001 (Cth) Part 2D.1*
- *Corruption, Crime and Misconduct Act 2003*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Integrity (Lobbyists) Act 2016*
- *State Records Act 2000*
- *Procurement Act 2020*
- *Statutory Corporations (Liability of Directors) Act 1996*
- *Vocational Education and Training Act 1996*

6.4 Ministerial directions and guidelines

There are general ministerial guidelines that public sector organisations are required to follow. There are also specific ministerial guidelines under Section 13 of the VET Act.

Ministerial directions are a form of delegated legislation, a term which covers legislation made under the authority of the Acts of Parliament. Delegated legislation includes regulations, rules, orders, declarations and by-laws. Delegated legislation is usually published in the Government Gazette and on government department websites.

VET Act guidelines relate to the functions of the State training system and stipulate the policy to be implemented and the procedures to be followed. Guidelines are to be followed by the body to which they are directed.

Ministerial directions and guidelines include the following.



General guidelines

- Premier's Circulars
- Department of Premier and Cabinet
- Treasurer's Instructions
- Department of Treasury
- Public Sector Commissioner's Circulars

VET Act Ministerial guidelines

- Strategic plans
- Annual business plans
- Commercial activities
- Offshore activities
- Governing Council leave

Ministerial guidelines are available on the Department's website at dtwd.wa.gov.au/training-providers-and-schools/vet-governance



Section 7: The Western Australian vocational education and training system

7.1 Vocational Education and Training Act 1996

The VET Act sets out the functions and powers of the Minister for Education and Training and provides for:

- a VET system for the State;
- the establishment and functions of the State Training Board and Training Accreditation Council;
- the establishment of TAFE colleges and other VET institutions; and
- the training of people, including apprentices, under training contracts with employers.

Under the VET Act the Minister delegates the responsibilities of governing the functions and operations of a TAFE college to governing councils. The Minister does so with the expectation that councils will adopt public sector best practice in accountability, good governance and strategic and operational frameworks.

In performing their responsibilities, governing councils must ensure that their actions, and their courses, programs and services, align with, and are responsive to, the VET Act and the fundamental elements of the WA VET system.

For more information on the [VET Act](#) and [VET Act Regulations](#) visit the Western Australian Legislation website at legislation.wa.gov.au/legislation/statutes.nsf/home.html

7.2 Fundamental elements of the VET system

7.2.1 Quality frameworks

The **Australian Qualifications Framework** (AQF – see aqf.edu.au) is a structure of endorsed qualifications that provide pathways through Australia's education and training system. The AQF is a key national policy instrument to protect the quality of Australian education and training wherever it is delivered.

The **Standards for Registered Training Organisations (RTOs) 2015** is the national set of standards which assures nationally consistent, high-quality training and assessment services for clients of Australia's VET system. See legislation.gov.au/Details/F2019C00503.

All registered training organisations (RTOs) must comply with national standards. This ensures the consistent delivery of high-quality training across Australia. RTO systems, processes and practises are audited regularly to ensure compliance against the standards.

7.2.2 Registered training organisations

RTOs are providers of nationally recognised training. Only RTOs can issue nationally recognised AQF qualifications.

RTOs include public providers, adult and communication education providers, private providers, community organisations, schools, higher education institutions, commercial and enterprise training providers, industry bodies and other organisations that meet registration requirements.

7.3 Key VET stakeholders

Stakeholders are integral to the success of the VET system in Western Australia. While there are a large number of stakeholders involved in the delivery of training, several are pivotal to the planning, coordination, monitoring, quality assurance, evaluation and purchasing of training services as outlined below.

7.3.1 Minister for Education and Training

The Minister is responsible for the VET sector in Western Australia, including TAFE colleges.

Division 1 of the VET Act sets out the functions and powers of the Minister. Section 8 of the VET Act outlines the functions of the Minister in relation to the VET sector in Western Australia, while Section 9 outlines the powers of the Minister.

In addition to commissioning and approving the State Training Plan, from time to time the Minister will:

- control, direct and coordinate the State training system;
- ensure as far as practicable that the needs identified in the State Training Plan are met by a combination of State and private training providers;
- promote the development of a competitive training market and facilitate commercial activities that are authorised by or under the VET Act; and
- enter into commercial activities both within Australia and overseas, to generate revenue for, and otherwise benefit, the State training system.

Under Section 10 of the VET Act, the Minister may also delegate the performance of Minister's functions, excluding the appointment of council members, to governing councils.

7.3.2 Department of Training and Workforce Development

The VET system in Western Australia is administered by the Department in its role as the State Training Authority.



Government of Western Australia
Department of Training
and Workforce Development

Established in October 2009, following a demerger of the Department of Education and Training, the Department operates in accordance with the *Public Sector Management Act 1994* and assists the Minister in the administration of the VET Act.

The Department contributes to the growth and prosperity of Western Australia by delivering workforce development strategies that create, sustain and retain a viable workforce to support current and future industry needs. The Department's vision is that *all Western Australians can be part of a skilled workforce to meet the economic and community needs of Western Australia*.

As the State Training Authority, the Department manages the investment of public resources to provide a quality training system delivered via a statewide network of TAFE colleges and private training providers.

For more information visit the Department's website at dtwd.wa.gov.au

7.3.3 State Training Board



The State Training Board (the Board) is a statutory body established in accordance with Part 3 of the VET Act.

The Board is the peak industry training advisory body to the Minister in Western Australia.

A key deliverable of the Board is to prepare a State Training Plan for the Minister's approval. The Plan identifies the training and skill development priorities for Western Australia's industries and guides the State Government's investment in training places under the Act.

The role of the Board is to provide high level expert advice to the Minister on matters relating to VET in the State, including:

- strategic directions, polices and priorities for the State's training system;
- the existence and anticipated supply and demand for skills in various industries;
- the establishment and variation of apprenticeships and traineeships;
- strategies to support industries experiencing or likely to experience skill shortages;
- the development of policy to improve links between specific industry developments and VET;
- the extent to which training services meet the current and future requirements of industry and the community, including the requirement for equal opportunity of access to those services; and
- emerging international, national, and State training issues and any other matters directed by the Minister.

The Board recognises and works collaboratively with various industry training advisory bodies, including industry training councils. The Board undertakes direct engagement with employers, peak industry associations, unions and training providers across WA.

For more information visit the State Training Board website at stb.wa.gov.au.

7.3.4 Industry training councils

In WA, industry training councils (ITCs) are contracted and funded by the Department of Training and Workforce Development. The State Training Board recognises ITCs as Industry Training Advisory Bodies under the VET Act.

The Training Council network consists of eight industry-specific ITCs and receives a wide range of input from key stakeholder representatives, including peak employer, employee and industry organisations and is responsible for providing:

- a leadership role in promoting training within industry areas, including strengthening partnerships between industry and the VET sector;
- industry advice regarding the development of strategic policy for VET delivered to secondary students;
- high level, strategic information and advice that informs the State Training Board on the training needs and priorities of industry in WA;
- market intelligence on skills supply and demand, in particular, current or emerging skills shortages and recommending training strategies to support industry skill development needs; and
- detailed advice regarding the establishment/variation of apprenticeships and traineeships.

For more information about training councils visit the State Training Board website at stb.wa.gov.au.

7.3.5 TAFE colleges

TAFE colleges are training institutes that have been established under Section 35 of the VET Act. Each TAFE college is a separate statutory authority as per Schedule 2 of the *Public Sector Management Act 1994*.



There are five TAFE colleges throughout Western Australia with over fifty campuses stretching from Esperance in the south to Wyndham in the north. The TAFE colleges form part of an integrated system.

Funded predominantly by the State Government, they offer VET training to more than 100,000 people each year. TAFE colleges are responsible for implementing the State Government's policy objectives for VET.

TAFE college	Region of Western Australia
<u>North Metropolitan TAFE</u>	North metropolitan area
<u>South Metropolitan TAFE</u>	South metropolitan area
<u>North Regional TAFE</u>	Kimberley and Pilbara regions
<u>Central Regional TAFE</u>	Wheatbelt area including Geraldton and Kalgoorlie
<u>South Regional TAFE</u>	South West region including Albany and Esperance

TAFE colleges provide:

- publicly funded VET in WA targeted to meet the State Government's economic and social development objectives in particular industry sectors and regional areas;
- skills recognition (recognition of prior learning);
- nationally recognised qualifications and accredited courses;
- apprenticeship and traineeship training;
- entry and bridging courses and qualifications leading into mainstream courses and qualifications;
- commercial training (fee for service) – including customised training, short courses, and training to international students; and
- Adult Community Education (ACE) courses (accredited and non-accredited training).



The planning, development, monitoring and reporting of publicly funded VET is negotiated with the Department and formalised through the *Delivery and performance agreement (DAP)* between the Department and the TAFE college.

While TAFE colleges may deliver higher education qualification on behalf of other training providers, all other higher education activity is subject to approval by the Minister via the strategic and business plans.

TAFE Managing directors

The managing director of a TAFE college, as a Chief Executive Officer, is appointed under Part 3, Division 2 of the *Public Sector Management Act 1994*. A managing director is appointed for a term not exceeding five years and is bound to act within the terms and conditions outlined in their performance agreement. It is the responsibility of the managing director to remain informed of, and ensure compliance with, all mandatory governance requirements (for example – legislative, contractual, Departmental policy, Circulars and Ministerial Directives).

Staff

TAFE colleges employ, manage and develop staff under a number of industrial awards and agreements. The relevant awards and agreements for the two main employee groups are as follows:

- lecturers are employed under the relevant *Western Australian TAFE Lecturers' General Agreement*; and
- administrative staff are employed under the current *Public Service and Government Officers General Agreement*.

TAFE colleges have a variety of business processes, systems and reporting mechanisms in place to plan, develop, implement, monitor, evaluate and acquit their VET activities.

7.3.6 Australian Skills Quality Authority



Australian Government
Australian Skills Quality Authority

ASQA became the national VET regulator in 2011 and provides audit and registration services for RTOs across Australia with the exception of Western Australia and Victoria.

Both WA and Victoria have not referred their VET regulatory control to the Commonwealth. In these States, regulation of RTOs is carried out by State authorities. RTOs registered and operating exclusively in WA only, or in WA and Victoria, remain under the jurisdiction of the Training Accreditation Council (TAC) and the *Standards for Registered Training Organisations (RTOs) 2015*.

If an RTO is multi-jurisdictional and operates in other States and Territories outside of Western Australia, it will be regulated by ASQA. Similarly, if an RTO in Western Australia is registered under the *Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)* it will be regulated by ASQA.

For more information refer to the ASQA website at asqa.gov.au.

7.3.7 Western Australia Training Accreditation Council



Training Accreditation Council
WESTERN AUSTRALIA

TAFE colleges in WA are regulated by TAC. TAC is Western Australia's State VET regulator and is responsible for quality assurance and recognition of VET services in Western Australia.

This includes:

- the registration of training providers and the accreditation of courses;
- the recognition of skills and qualifications; and
- providing policy advice to the State Training Board on recognition arrangements.

TAC is committed to being the national leader in the strategic management of the recognition and quality assurance of training, including associated policies, services and standards in the VET sector. It provides support for government, the State Training Board, industry training providers, and the community.

For more information, visit the TAC website at tac.wa.gov.au.



Section 8: State and Australian Government vocational education and training strategic directions

8.1 State Government strategic directions

8.1.1 State Training Plan

The State Training Plan identifies the Government's investment priorities for the WA training system. The State Training Board submits the plan to the Minister for approval on an annual basis. The plan is developed within the context of state and national VET policies and priorities, draws upon detailed economic and labour market trends and forecasts, and is informed by industry intelligence.

For more information on the State Training Plan, visit the State Training Board website at stb.wa.gov.au/stp2018-2021.

8.1.2 State priority occupation list

The Department produces the *State priority occupation list* (SPOL) annually, in consultation with key stakeholders including the State's nine industry training councils. The SPOL is a list of occupations rated according to their priority status for Western Australia.

The Western Australian Jobs, Education and Training Matrix (WAJET) was developed to enhance the Department's workforce planning function. The WAJET Matrix is used to develop the SPOL, which guides the State's annual training and workforce planning priorities. The WAJET is a key tool to progress skills priorities for election commitments and workforce projects, such as Defence, LNG Jobs Taskforce, Future Battery and Critical Minerals, Hydrogen and Social Assistance and Allied Health.

For more information on the *State priority occupation list* visit the *Workforce development* section of the Department's website at dtwd.wa.gov.au/spol.

8.1.3 Priority training courses

Jobs and Skills WA – Government subsidised training

Jobs and Skills WA is the way the State Government, through the Department, prioritises its investment in training to focus on courses that help people to take up jobs that are, or will be, in high demand. Priorities include apprenticeships, traineeships, *Lower fees, local skills (LFLS)* courses and priority industry qualifications. Many other important courses are also subsidised under Jobs and Skills WA, including general industry training courses and foundation skills and equity courses.

Lower Fees, Local Skills

The LFLS initiative aims to stimulate training in job growth areas and support industry sectors that are important to the diversification of the WA economy. LFLS courses cover industry areas experiencing jobs growth, emerging industries, support economic diversification and target important sectors of the local economy including aged and disability care, METRONET and civil construction, building and construction, defence, hospitality and tourism, and agriculture. The maximum annual course fees students will pay for LFLS courses are capped at \$400 per year for concession students, jobseekers and youth up to 25 years, and \$1,200 per year for non-concession students.

Critical COVID-19 and Recovery skill sets

During 2020 and 2021 the State Government announced, free or low cost skills sets to respond to the State's immediate economic needs following the COVID-19 pandemic.

- Free Critical COVID-19 skills sets were established to enable businesses and workers to operate safely in a COVID-19 environment.
- Free or low cost Recovery Skills sets were established to engage skilled displaced workers, unskilled jobseekers, or youth to meet the immediate and emerging skill requirements.

For more information on the Lower fees, local skills and Critical COVID-19 and Recovery skill sets visit jobsandskills.wa.gov.au/skillsready

8.1.4 Skilled migration

The Commonwealth Government's Department of Home Affairs has responsibility for immigration policy. It also makes the final determinations on all applications for humanitarian, business and skilled visas (see immi.homeaffairs.gov.au/ for more information).



The Commonwealth Government allows each state and territory to nominate skilled migrants under a broad range of occupations, to meet their own local workforce needs. For more information see migration.wa.gov.au/services/skilled-migration-western-australia

As the lead agency on skilled migration, the Department advocates on behalf of the State through its representation on the Skilled Migration Officials Group and the Ministerial Advisory Council on Skilled Migration.

8.1.5 VET regional partnerships program

The VET Regional Partnerships Program provided an opportunity for regional TAFE colleges to invest in new and innovative long-term partnerships to create training and job opportunities in the community. In 2020–21, the regional TAFE colleges and Muresk Institute identified a further 13 VET Regional Partnerships.

8.1.6 Department of Training and Workforce Development Strategic Plan

The Department's strategic plan communicates its key high level objectives.

For more information on the strategic plan visit the *About us* section of the Department's website at dtwd.wa.gov.au

8.2 National context

The Department provides high-level strategic advice on Commonwealth and State Government policy in relation to VET and workforce development. This includes input to the National Cabinet, Skills Ministers and other national committees and groups. Skills Ministers have high-level policy responsibility for the national vocational education and skills system, including strategic policy development in the vocational education and training sector.

From 1 January 2023, new Industry Clusters will be responsible for ensuring qualifications are developed and updated, and training products are aligned with the needs of industry. The Industry Clusters will replace current industry engagement arrangements which include Industry Reference Committees and Skills Services Organisations.

The Department, as the State Training Authority, plays a pivotal role in ensuring that training package products are relevant to WA's workforce development and training needs. The Department also provides guidance on training package implementation; including the development of training package and WA nominal hours guides, and:

- consults with stakeholders and provides feedback on the review and development of training packages;
- provides policy input to the training package development process; and
- represents the training sector on training package review and development projects.

8.2.1 National Skills funding agreements

Key national funding agreements between the Commonwealth Government and Western Australia, covering various aspects of the VET system include:



The National Agreement for Skills and Workforce Development (NASWD), a Specific Purpose Payment agreement under the Intergovernmental Agreement on Federal Financial Relations, commenced January 2009, which provides approximately \$160 million annually to Western Australia.

The National Partnership JobTrainer Fund (September 2020 to June 2023) provides \$103.5 million from the Commonwealth, matched by State Government funding, for low or fee free training in full qualifications and short courses (skill sets) to youth and jobseekers.

National Cabinet has tasked Skills Ministers with negotiating a new long-term National Skills Agreement (commencing 1 January 2024) in accordance with a vision statement and guiding principles for longer-term vocational education and training reform.

- A 12-month Skills Agreement to deliver 180,000 Fee-Free TAFE places will commence in January 2023, subject to agreement between the Western Australian and Commonwealth Governments. The 12-month Skills Agreement confirms TAFE's central role in the VET sector, increases opportunities and workforce participation of priority groups, and addresses skills gaps in the economy while the longer-term National Skills Agreement is being developed.



8.2.2 National VET reform agenda



Key reforms are being progressed by Skills Ministers in the following areas:

- a new system for qualifications design and development;
- the quality of VET training and revised Standards for RTOs; and
- supporting the VET workforce.



Appendix 1: Glossary of terms

The Australian Qualifications Framework (AQF)	The AQF is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework. The AQF was introduced in 1995 to underpin the national system of qualifications in Australia encompassing higher education, vocational education and training and schools.
Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS)	AVETMISS is a national data standard which ensures consistency and accuracy of VET information and covers three national data collections: the National VET Provider Collection, the National Apprentice and Trainee Collection and the National Financial Data Collection. All RTOs need to collect and report AVETMISS data on all accredited training activity. NCVET collects AVETMISS information on behalf of the Commonwealth and State and Territory Governments.
Business plan	A plan which outlines the operational activities to be undertaken in the year. The business plan is a requirement of the VET Act and must be consistent with the State Training Plan and any Ministerial Guidelines issued regarding Strategic plans.
Corruption and Crime Commission (CCC)	CCC is an anti-corruption body that works to improve the integrity of the Western Australian public sector by assisting public sector agencies to minimise and manage misconduct.
National Cabinet	National Cabinet is the peak intergovernmental forum in Australia, comprising the Prime Minister, State Premiers and Territory Chief Ministers
Skills National Cabinet Reform Committee (Skills Committee)	National Cabinet established the Skills National Cabinet Reform Committee and tasked Skills Ministers to reform the VET sector to help Australian industry to be competitive, create jobs and attract investment. Skills Ministers also focus on major policy reforms that require Commonwealth-State collaboration and is responsible for skills development and national training arrangements. Membership of the Skills Committee comprises ministers from the Commonwealth, states and territories with portfolio responsibility for skills in their jurisdiction.
Commonwealth Register of Institutions (CRICOS)	The official Australian Government website that lists all Australian education providers, the courses offered by education institutions, and information about courses and registration for overseas students.
Delivery and performance agreement (DPA)	A formal agreement between the Department and TAFE college which specifies the agreed services and targets for the year



Department of Training and Workforce Development (the Department)	The Department is the State Training Authority for Western Australia, with a mission to provide leadership in workforce development and drive a responsible, flexible and quality VET system to meet the needs of industry, the community and the individual.
Group training organisation (GTO)	GTOs manage the employment and training of apprentices and trainees under contracted work-based arrangements for the purpose of hosting those apprentices and trainees out to other employers. .
Integrity Coordinating Group (ICG)	ICG promotes policy coherence and operational coordination in the ongoing work of Western Australia's core public sector integrity institutions.
Jobs and Skills Centre (JSC)	Western Australia's TAFE Jobs and Skills Centres are one-stop shops for careers, training and employment advice and assistance. Services are also provided to employers and business owners.
Managing director's performance agreement	The managing director's performance agreement is a statutory requirement under the <i>Public Sector Management Act</i> which outlines the managing director's key deliverables for the year.
Ministerial Guidelines: TAFE colleges commercial activities guidelines 2017	This document provides Ministerial Guidelines for TAFE colleges' commercial activities, and includes policy details for implementation.
Ministerial Guidelines: International commercial activities of TAFE colleges	This document is a framework to guide TAFE colleges' offshore commercial activities.
Minister's instrument of delegation (governing councils) No.1 of 2017	This document provides a delegation to governing council chairs to approve member's leave of absence for up to three months.
National Centre for Vocational Education Research (NCVER)	NCVER is a private company owned by the federal, state and territory ministers responsible for training. NCVER is contracted by the Department of Education, Skills and Employment to collect, manage, analyse, evaluate and communicate research and statistics for the Australian VET sector.
Office of the Auditor General (OAG)	The Auditor General's role is to audit the finances and activities of the Western Australian public sector. In undertaking this task, the Auditor General will scrutinise the public sector for potential instances of wastage, inefficiency or ineffectiveness, and report his findings to Parliament. The Auditor General reports directly to Parliament and acts independently in carrying out all his or her powers and duties.
Operational plan	A plan which outlines how the strategies and business plan objectives will be achieved at an operational level.



Public Sector Commission (PSC)	The Public Sector Commission provides leadership and expertise to the Western Australian public sector to enhance integrity, effectiveness and efficiency.
Recognition of prior learning (RPL)	RPL is an assessment process that considers a student's existing skills, knowledge and experience, and may result in gaining a complete qualification, or gaining credit for part of a qualification which can then be completed with additional training.
Registered training organisation (RTO)	An RTO is a training provider registered to deliver nationally recognised training. Only RTOs can deliver and issue nationally recognised AQF qualifications on scope of registration.
Registered Training Organisation Network (RTONet)	Registered training organisations can view their details through the State Training and Recognition System (STARS) by accessing RTONet. RTONet is a direct link to all systems within the Department of Training and Workforce Development through one gateway that shows all activities.
Standards for Registered Training Organisations	On 26 September 2014, the Council of Australian Governments (COAG) Industry and Skills Council agreed to new regulatory standards for training providers and regulators—the <u><i>Standards for Registered Training Organisations (RTOs) 2015</i></u> . The Standards are used to assure nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training system.
State Training Authority (STA)	The STA is the state or territory authority with the primary responsibility for VET in that jurisdiction. The STA for Western Australia is the Department of Training and Workforce Development.
State Training Plan	Section 21 (1) (a) of the <i>Vocational Education and Training Act 1996</i> requires the State Training Board to prepare, for the Minister's approval, a State Training Plan ('the Plan'). The Act defines the Plan as a 'comprehensive plan for the provision of vocational education and training in the State'.
Strategic plan	A plan which sets the strategic direction and identifies the college's medium to long term objectives and aligns them with State and Australian Government's priorities. The strategic plan is a requirement of the VET Act and must be consistent with the State Training Plan and any Ministerial guidelines issued regarding Strategic plans.
TAFE college	The five TAFE colleges of Western Australia, which deliver publicly funded VET training for the State.



TAFE International Western Australia (TIWA)	TIWA is responsible for building and managing the international education and training business for the TAFE college network, the Department and the Department of Education, and provides policy advice on issues related to international business in the public education and training sector.
Training Accreditation Council (TAC)	TAC is Western Australia's State registering/course accrediting body and is responsible for quality assurance and recognition of VET services in Western Australia.
Vocational education and training (VET)	<p>VET is 'education and training for work' and part of a broader network in Australia that includes schools, universities, registered training organisations and adult and community education.</p> <p>Most VET is accredited by the State or national VET regulatory body.</p>
VET delivered to secondary students	VET delivered to secondary students studying towards the Western Australian Certificate of Education (WACE) to gain a partial or complete VET qualification.
Western Australian skilled migration occupation list (WASMOL)	The WASMOL comprises occupations eligible for skilled migration through nomination by the Western Australian Government.
State Priority Occupation List (SPOL)	The SPOL is a list of occupations rated according to their priority status for Western Australia.



Appendix 2: Terms of reference exemplar

NOTE: THIS IS AN EXAMPLE OF GOVERNING COUNCIL TERMS OF REFERENCE AND IS NOT A PRESCRIBED FORMAT FOR USE. ALL CONTENT MUST COMPLY WITH APPLICABLE LEGISLATION.

For further information on appropriate content for governing council terms of reference, please refer to section 3 of this handbook.

PURPOSE

These Terms of Reference set out the role, responsibilities, structure and processes of the governing council of [TAFE COLLEGE].

ROLES AND RESPONSIBILITIES

The role of the governing council, as the governing body of [TAFE COLLEGE], is to ensure that clear management, effective decision making and governance frameworks are in place and functioning for [TAFE COLLEGE].

The governing council is accountable to the Minister and broader Western Australia community for the performance of [TAFE COLLEGE]. In performing its role, the governing council aspires to excellence in governance standards.

This requires the council to work collaboratively as a team and meet on a regular basis.

The key responsibilities of the governing council are as follows.

- [FUNCTIONS AS PER SECTION OF THE VET ACT 1996];
- [RESPONSIBILITIES AS PER DIVISION 2 AND 3 OF VET ACT 1996]; and
- [OTHER RESPONSIBILITIES AS ALLOWED UNDER THE VET ACT 1996].

Chairperson

The Chairperson is the presiding officer of the governing council and is responsible for:

- [RESPONSIBILITIES OF CHAIR AS PER VET ACT 1996, *FINANCIAL MANAGEMENT ACT 2006* AND *AUDITOR GENERAL ACT 2006*]

Governing council members

Governing council members have a duty to comply with governing council rules and regulations and to act honestly in the discharge of their duties. Governing council members are responsible for:

- [RESPONSIBILITIES OF GOVERNING COUNCIL MEMBERS AS PER VET ACT 1996]

Managing director

The managing director of [TAFE COLLEGE] is delegated the responsibility of the day-to-day management of the college, its students, staff and programs as per Section 45 of the VET Act.

- [RESPONSIBILITIES OF MANAGING DIRECTOR]

Executive officer or council secretary (if applicable)

The executive officer, or council secretary, provides direct support to the governing council.

- [RESPONSIBILITIES OF EXECUTIVE OFFICER OR COUNCIL SECRETARY]



Governing council size and composition

As per Section 39 of the VET Act, the governing council of [TAFE COLLEGE] is to consist of:

- a) a chairperson and a deputy chairperson and not less than 6 or more than 10 members appointed by the Minister; and
- b) the managing director for the time being of the college.

Collectively, governing council members should have a broad range of skills, experience and knowledge to contribute to governing [TAFE COLLEGE].

The governing council of [TAFE COLLEGE] has identified the following as required skills and expertise for membership:

- [SKILLS, EXPERIENCE AND KNOWLEDGE IDENTIFIED THROUGH EVALUATION AND SKILLS MATRIX]

The governing council, through a Nomination Committee, will regularly review the composition of the Council having regard to optimising the skill mix of members, subject to approval by the Minister.

PROCESS FOR APPOINTMENT OF MEMBERS

Nomination of members

- [PROCESS AND PROCEDURES RELEVANT TO TAFE COLLEGES]

Appointment of members

- [PROCESS AND PROCEDURES RELEVANT TO TAFE COLLEGES]

Retirement of members

- [PROCESS AND PROCEDURES RELEVANT TO TAFE COLLEGES]

Vacation of office

Schedule 1 of the VET Act stipulates the circumstances by which the officer of a governing council member becomes vacant.

The Minister may, at his or her discretion, terminate the appointment of a member at any time.

STANDING COMMITTEES

The governing council has established standing committees to assist the Council in exercising its authority and meeting its obligations.

These standing committees are:

- [STANDING COMMITTEES]

The governing council may also establish ad hoc committees from time to time to consider matters of special importance. The council will determine the terms of reference for these committees, which will set out the roles and responsibilities of each committee and the parameters by which they will report to the governing council.

The council will also determine the membership and composition of both standing and ad hoc committees, having regard to workload, skills and experience.



GOVERNING COUNCIL MEETINGS

The governing council must meet with sufficient frequency to discharge its responsibilities in according with the requirements of the VET Act.

- [FREQUENCY OF MEETINGS]
- [AGENDAS AND MINUTES]
- [QUORUMS AND RESOLUTIONS]

GOVERNING COUNCIL PERFORMANCE

The governing council will undertake ongoing assessment and review of the performance of the governing council, the Council Chairperson and Council members, as required.

ETHICAL STANDARDS

Governing council members are expected to observe the highest standards of ethical behaviour.

Governing council members are to comply with the governing council Code of Conduct, and related policies and procedures.

- [CODE OF CONDUCT]
- [GIFTS, BENEFITS AND HOSPITALITY]
- [PUBLIC INTEREST DISCLOSURES]
- [ACCESS TO INDEPENDENT ADVICE]

CONFLICTS OF INTEREST

Governing council members are expected to avoid any action, position or interest that conflicts with an interest of the governing council, or gives the appearance of a conflict.

The governing council will record a register of declarations of interest and report them to the Council as necessary.

REVIEW OF TERMS OF REFERENCE

Governing council Terms of Reference will be reviewed every two years or as required.



Appendix 3: Governing council self-assessment template

LEGEND	
1	Insufficient
2	Acceptable
3	Standard
4	Substantial
5	Best practice

Date completed: _____ Starting month and year of membership: _____

		LOW → HIGH					
1 Please rank yourself on the following		1	2	3	4	5	Describe what would improve your ranking
a	My understanding of the strategic direction of [TAFE college] and business plan(s)						
b	My commitment to [TAFE college]						
c	My knowledge of issues and current developments in VET						
d	My understanding of my responsibilities as a governing council member						
e	My preparation for governing council meetings						
f	My participation at governing council meetings						
g	My understanding of [TAFE college]'s financial position and statements						
h	My engagement with others in the community to promote [TAFE college]						
i	My working relationship with other governing council members						



2 Please describe your attendance at governing council meetings this past year.

- I attended 100% of meetings I missed two meetings
 I missed one meeting I missed more than two meetings

3 I attended the following [TAFE college] events in the last 12 months:

-
-
-
-

4 Please describe your personal accomplishments for [TAFE college] over the last 12 months:

-
-
-
-

5 How satisfied are you with your most recent year of governing council service?

- Very unsatisfied Unsatisfied Satisfied Very satisfied

Please explain your answer and how your governing council service could be more satisfying

6 Are you satisfied with the professional development opportunities offered by [TAFE college]?

- Very unsatisfied Unsatisfied Satisfied Very satisfied

What additional professional development do you believe would assist you in your role?

7 What would you like to accomplish for [TAFE college] over the rest of your service?

8 What do you see as your future with the governing council of [TAFE college]? For example, do you wish to continue on with the governing council next year? Would you like to serve in a leadership role?



Appendix 4 Governing council evaluation template

For use by TAFE College governing council members to evaluate governing council performance.

LEGEND	
1	Strongly disagree
2	Disagree
3	Neither agree nor disagree
4	Agree
5	Strongly agree

Governing council activity		LOW → HIGH				
		1	2	3	4	5
1	The governing council understands the direction of State government and their relationship with the Minister.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	The governing council operates under a set of policies, procedures and guidelines with which all members are familiar.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Statements of [TAFE college]'s mission are well understood and supported by the governing council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Governing council presentations and discussions consistently reference the [TAFE college]'s mission statement and the strategic direction of government.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	The governing council reviews the [TAFE college]'s performance in carrying out stated objectives on a regular basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Newly elected governing council members receive adequate orientation to their role and what is expected of them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	The governing council is aware of their obligations under policy, accountability and strategic government frameworks, and reviews their performance to ensure those obligations are being effectively met.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	The governing council regularly reviews and evaluates the performance of the managing director.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	The governing council fully engages with, and drives the strategic planning process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	The governing council adequately oversees the financial performance and fiduciary accountability of [TAFE college].	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	The governing council receives regular financial updates and takes necessary steps to ensure the operations of [TAFE college] are sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Governing council meetings

		LOW → HIGH				
		1	2	3	4	5
1	There are standing committees of the governing council that meet regularly and report to the governing council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Governing council meetings are well attended, with near full turnout at each meeting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Each governing council meeting includes an opportunity for learning about [TAFE college] activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Each governing council includes robust and open discussion around significant issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Governing council members receive meeting agendas and supporting materials in time for adequate advance review.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Governing council meetings allow for sufficient time to be spent on significant or emerging issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Meetings are held with enough frequency to fulfil the governing council's duties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	The governing council maintains adequate minutes of each meeting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Communication is open and transparent between the governing council and TAFE college Executive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	TAFE college Executive support before, during, and after governing council meetings is effective.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Governing council membership

		LOW → HIGH				
		1	2	3	4	5
1	The governing council demonstrates appropriate industry knowledge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	The governing council makeup is diverse with experience, skills, ethnicity, gender, denomination and age groups as appropriate to meet [TAFE college] needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Governing council members have the appropriate qualifications to undertake Governing Council duties, such as financial literacy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Governing council members continually build upon their understanding of relevant governance, strategic and industry trends and issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Governing council members demonstrate integrity, credibility, active participation, an ability to handle conflict constructively, strong interpersonal skills, and a willingness to address issues proactively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Governing council members review their peers' performance regularly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Chairperson

		LOW	→ HIGH			
		1	2	3	4	5
1	The chairperson meets with the Minister frequently enough to fulfil their duties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	The chairperson evaluates governing council performance, and governing council member performance, on a regular basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	The chairperson assigns adequate time to address issues and queries raised by governing council members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	The chairperson effectively and appropriately leads and facilitates governing council meetings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	The chairperson is approachable, ethical, and discrete in all encounters with governing council members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	The chairperson has the appropriate knowledge and qualifications to effectively lead the governing council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>