GOVERNMENT OF WESTERN AUSTRALIA

TAFE WA

Ministerial Guidelines

International Commercial Activities of TAFE Colleges

TWD/D26/0193167

Ministerial Guidelines for International Commercial Activities of TAFE Colleges

These Guidelines are issued by the Minister for Skills and TAFE to the Western Australian TAFE colleges under section 13 of the *Vocational Education and Training Act 1996* and must be followed by Governing Councils and colleges pursuant to section 13 (4) of the VET Act.

CITATION

These Guidelines may be cited as the *Guidelines for International Commercial Activities of TAFE Colleges 2026.*

APPLICATION OF THESE GUIDELINES

These Guidelines are mandatory and apply to the functions of TAFE colleges and their Governing Councils in relation to international commercial activities undertaken by a college.

Dated this 16 day of 10 2026

HON AMBER-JADE SANDERSON MLA
MINISTER FOR SKILLS AND TAFE

Ministerial Guidelines for International Commercial Activities of TAFE Colleges

1. Background

The *Vocational Education and Training Act 1996* authorises the Minister to enter into commercial activities, contracts and arrangements with overseas organisations.

Section 7A of the VET Act establishes a body corporate (the corporation):

s7A(1) The body corporate called the "Minister for Training", established previously under this Act, continues under the name "VET (WA) Ministerial Corporation".

s7A(4) VET (WA) Ministerial Corporation is to be governed by the Minister.

Section 7B of the VET Act provides the status and purpose of the corporation.

Section 7 of the VET Act provides for the Execution of documents under the VET (WA) Ministerial Corporation:

s7B(2)(a) The corporation has power to enter into any contract that the Minister, under this Act, has the power to enter into.

Section 8 of the VET Act provides for Functions of the Minister:

s8(1)(d) to enter into commercial activities both within Australia and overseas, to generate revenue for, and otherwise benefit, the State training system.

Section 9 of the VET Act provides for Powers of the Minister:

s9(2)(i) enter into contracts and arrangements with overseas organisations for the provision of vocational education and training related services.

Section 10 of the VET Act authorises the Minister to delegate performance of the Minister's functions:

s10(1) Subject to subsection 2, the Minister may, by instrument of delegation, and either generally or as otherwise provided in the instrument, delegate to –

(a) the chief executive;
(b) a governing council or an interim governing council; or
(c) the managing director of a college or a person in charge of any other vocational education and training institution,

the performance of any of the Minister's functions under this Act.

The *Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)* requires a State or Territory to notify the Commonwealth Minister for Foreign Affairs if the entity proposes to enter, or enters, a foreign arrangement.

The Commonwealth Minister for Foreign Affairs may make a declaration that a foreign arrangement is invalid and unenforceable, required to be varied or terminated, or not in operation.

s(6)(2) A foreign arrangement is an arrangement between:
(a) a State/Territory entity; and
(b) a foreign entity
whether or not the entities are also a party to the arrangement.

s9(1) An arrangement is any written arrangement, agreement, contract, understanding or undertaking:
(a) whether or not it is legally binding; and
(b) whether or not it is made in Australia; and
(c) whether it is entered before, on or after the commencement day.

2. Definitions

In these Guidelines, unless the contrary intention appears –

‘arrangement’ with an overseas organisation under section 9(2)(i) of the VET Act means any written arrangement, agreement, contract, understanding or undertaking, whether legally binding or non-binding, as defined under section 9 of the FR Act. This includes but is not limited to documents such as memoranda of understanding, letters of intent and non-disclosure agreements.

‘binding international commercial contract’ means a legally enforceable contract or agreement entered into with an overseas organisation under section 9(2)(i) of the VET Act.

‘business case’ means a case to proceed to sign a contract or arrangement with an overseas organisation referred to in Stage 2 of these Guidelines.

‘business proposal’ means a proposal to initiate a contract or agreement with an overseas organisation referred to in Stage 1 of these Guidelines.

'college' or **‘TAFE college’** means a college established under section 35 of the VET Act.

‘core foreign arrangement’ under section 10(2) of the FR Act is an arrangement between:
- a core State or Territory entity (Australian States and Territories, and their governments, departments, and agencies); and
- a core foreign entity (a foreign country, its national government, or a department or agency of that national government).

‘corporation’ means the VET (WA) Ministerial Corporation under section 7 of the VET Act.

‘DEED’ means the Department of Energy and Economic Diversification.

‘Department’ means the Department of Training and Workforce Development.

‘foreign entity’ is a foreign country, national government of a foreign country, a department or agency, a province/State/Territory/region/council of the country, or a university located in a foreign country as defined in section 8 of the FR Act.

‘FR Act’ means the *Foreign Relations (State and Territory Arrangements) Act 2020* (Commonwealth) and includes updates, amendments or replacements as issued from time to time.

‘Guidelines’ means these *Ministerial Guidelines for International Commercial Activities of TAFE Colleges*.

‘initial scoping discussions’ means informal, exploratory discussions undertaken by a college to assess feasibility, capability, market interest or strategic alignment, and which do not, by themselves, create legal or financial obligations.

‘international commercial activity’ means any proposal for a college to enter into a contract, agreement or arrangement with an overseas organisation for the provision of vocational education and training or related services under section 9(2)(i) of the VET Act.

‘Minister’ means the Western Australian Minister for Skills and TAFE.

‘Minister for Foreign Affairs’ means the Commonwealth Minister for Foreign Affairs.

‘non-binding arrangement’ means a document such as a memorandum of understanding, letter of intent or letter of comfort that does not create legally enforceable obligations.

‘non-core foreign arrangement’ is an arrangement between a core and non-core entity, or between two non-core entities as defined in the FR Act.

‘**non-core foreign entities**’ include:

- Local governments, and Australian public universities.
- A foreign province, state, self-governing territory, region, local council, municipality or other political subdivision of a foreign country (including its governments, departments, agencies), an authority of a foreign country established for a public purpose, and a foreign university that does not have institutional autonomy.

Corporations that operate on a commercial basis are not within scope of the Foreign Relations Scheme.

‘out of scope arrangement’ includes all other arrangements not included under core or non-core foreign arrangements, typically those entered into with private or non-government entities.
‘overseas organisation’ means a foreign entity as defined in section 8(1) of the FR Act and any organisation or entity that is not an Australian organisation.

‘TAFE International Western Australia’ or **‘TIWA’** means the institute established under section 57 of the VET Act and the *TAFE International WA Order 1997* (as amended in 2002 and 2011).

‘VET Act’ means the *Vocational Education and Training Act 1996* and amendments as introduced from time to time. In these Guidelines, unless the contrary intention appears, a term that is used in the VET Act and in these Guidelines has the same meaning as is given to the term in the VET Act.

Also, the interpretation provisions of the latest version of the General Conditions of Contract (Part B of the Request Conditions and General Conditions of Contract) (a Department of Treasury and Finance document) (mutatis mutandis) apply to and govern the interpretation of these Guidelines.

3. Relevant legislation or authority (as issued or updated)

- *Vocational Education and Training Act 1996*
- *VET (WA) Ministerial Instrument of Delegation (colleges)*
- *VET (WA) Ministerial Instrument of Authorisation (colleges)*
- *Minister’s Statement of Expectations for TAFE Colleges*
- *Ministerial Guidelines for TAFE College Strategic Plans and Annual Business Plans*
- *Ministerial Guidelines for Commercial Activities of TAFE Colleges*
- *Financial Management Act 2006*
- *Public Sector Management Act 1994*
- *Treasurer’s Instructions*
- *Department of Treasury and Finance Costing and Pricing of Government Services*
- *Australian Foreign Relations (State and Territory Arrangements) Act 2020*
- *Auditor General for Western Australia, June 2001, Report on Public Universities and TAFE colleges. 2000 Annual Reporting Cycle. Report No. 5*
- *Western Australian Government Risk Management Guidelines*
- *Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers - Premier's Circular 2021/02*
- *Standards for Registered Training Organisations 2025*

4. Scope

TAFE colleges enter into contracts and arrangements with overseas organisations to:

- support economic growth and diversification;
- support future industry and local economic development;
- support Invest and Trade Western Australia and Sister State Agreement priorities;
- deliver positive social impacts for the community and local communities; and
- provide innovative and responsive training solutions developed and delivered in partnership with industry, employers and TAFE colleges.

These Guidelines apply to activities where a TAFE college enters into commercial or non-commercial vocational education and training and related services under section 9(2)(i) of the VET Act. Services may be provided within Australia or overseas. Commonwealth requirements under the FR Act may apply to activities involving services delivered within Australia or overseas.

International commercial activities of a TAFE college must be conducted in accordance with the college's strategic plan and the college's annual business plan approved by the Minister in accordance with the *Ministerial Guidelines for TAFE College Strategic Plans and Annual Business Plans*.

The Minister has retained the power to enter into contracts and arrangements with overseas organisations under the VET Act through the VET (WA) Ministerial Instrument of Delegation (colleges). A college must seek approval from the Minister prior to entering into a contract or arrangement with an overseas organisation.

5. TAFE College Governing Council

A college's Governing Council must ensure the TAFE college conducts international commercial activities which are:

- approved by the Minister in accordance with the *Ministerial Guidelines for TAFE College Strategic Plans and Annual Business Plans*;
- progressed in compliance with the *VET (WA) Ministerial Instrument of Delegation (colleges)* and *VET (WA) Ministerial Instrument of Authorisation (colleges)*;
- in compliance with these *Ministerial Guidelines for International Commercial Activities of TAFE Colleges*;
- in compliance with the *Ministerial Guidelines for Commercial Activities of TAFE Colleges*;
- approved by the Minister before entering into contracts, agreements or arrangements with overseas organisations under section 9(2)(i) of the VET Act;
- approved by DEED before entering into proposed contracts or agreements in accordance with the FR Act and these Guidelines;
- supported by legal and other advice when deciding to undertake international commercial contracts, agreements or arrangements as and where necessary;

- consistent with risk management practices as set out in the *Treasurer's Instructions* and any other requirements of public sector entities; and
- consistent with Department of Treasury and Finance *Costing and Pricing Government Services*.

6. Approval for International Commercial Activities

A college's contracts and arrangements with overseas organisations are to be consistent with:

- State Government priorities;
- the Minister's Statement of Expectations for TAFE Colleges;
- a college's approved strategic plan under section 43 of the VET Act; and
- a college's approved annual business plan under section 44A of the VET Act.

Endorsement from the college's Governing Council and approval from the Minister is required to proceed with any international opportunities, arrangements, contracts and agreements before signing. Requirements a college must follow are outlined in Stage 1 and Stage 2, and summarised in **Attachment A.**

6.1 ANNUAL BUSINESS PLAN

A college must include proposed contracts and arrangements with overseas organisations in the draft annual business plan for the year that begins on the following 1 January in accordance with the *Ministerial Guidelines for TAFE College Strategic Plans and Annual Business Plans.*

Contracts and arrangements with overseas organisations must be endorsed by the college's Governing Council and must follow the requirements outlined in **Attachment A**.

6.2 NEW INTERNATIONAL COMMERCIAL ACTIVITY DEVELOPED DURING A YEAR

A college may propose new contracts and arrangements with overseas organisations after the college's annual business plan has been approved by the Minister.

New proposed contracts and arrangements with overseas organisations must be endorsed by the college's Governing Council and approved by the Minister, and must follow the requirements outlined in **Attachment A**.

A college must gain the Minister's approval for all new proposed contracts and arrangements with overseas organisations prior to:

- notifying DEED of the college's intention to propose to enter a foreign arrangement; and
- entering into a contract or arrangement with an overseas organisation.

New proposed contracts and arrangements developed during a year, and not already included in a college's Annual Business Plan approved by the Minister, must be submitted in accordance with the process outlined under Stage 1 and Stage 2 and summarised at section 10 of these Guidelines.

6.3 NOTIFICATION TO THE DEPARTMENT OF ENERGY AND ECONOMIC DIVERSIFICATION

The Department of Energy and Economic Diversification (DEED) coordinates Western Australia's reporting to the Commonwealth in relation to overseas contracts and arrangements in scope of the FR Act. Where a college proposes to move beyond initial internal scoping discussions and commence formal negotiations with a foreign entity, the college must engage with DEED and provide a brief outline of the business proposal.

This early engagement supports timely advice and coordination ahead of any required Commonwealth notification or approval. DEED can be contacted at foreignarrangements@deed.wa.gov.au.

Following the Minister's approval, a college must notify DEED:

- if it proposes to enter a foreign arrangement; and
- after it enters into a foreign arrangement.

7. Foreign Relations (State and Territory) Act 2020

The FR Act provides a framework through which the Commonwealth oversees certain arrangements entered into by State and Territory governments and their entities with foreign entities, to ensure those arrangements are consistent with Australia's foreign policy and national interests.

The FR Act applies to arrangements with foreign governments and their associated entities, including public vocational and higher education institutions. For the purposes of the FR Act, an arrangement may be legally binding or non-binding and includes instruments such as memoranda of understanding, letters of intent and non-disclosure agreements.

For the purposes of the FR Act:

- a foreign entity includes a foreign country, a national government, a department or agency of a foreign national government, and sub-national government bodies and public universities located in a foreign country.
- an arrangement means any written or oral understanding or commitment, whether legally binding or non-binding, including any variations to such arrangements.

Arrangements are classified as core foreign arrangements or non-core foreign arrangements, which determines whether Commonwealth approval or notification is required.

Under the FR Act:

- State and Territory governments are required to notify the Commonwealth of existing and proposed arrangements with foreign entities;
- in some cases, approval from the Commonwealth Minister for Foreign Affairs is required before negotiations commence and before an arrangement is entered into.
- arrangements subject to the FR Act are recorded on a public register maintained by the Commonwealth.

The FR Act requires approval from the Commonwealth Minister for Foreign Affairs prior to entering into negotiations or forming binding commitments with foreign governments and their associated entities, including public vocational and higher educational institutions.

8. Proposal to enter into a contract or arrangement with an overseas organisation

Contracts and arrangements with overseas organisations are progressed in two stages:

Stage 1: initial scoping, due diligence and approval to proceed with a proposed contract or arrangement with an overseas organisation; and

Stage 2: negotiation, approval and execution of a contract or arrangement with an overseas organisation.

A college may undertake initial scoping discussions prior to seeking the Minister's approval. Initial scoping discussions are intended to support information gathering and preliminary due diligence and may include assessing the nature and scope of a potential opportunity, the suitability and standing of a prospective partner, commercial and delivery viability, and whether the opportunity warrants further development.

Initial scoping discussions do not involve negotiations, commitments or agreements, and may or may not result in a business proposal progressing to a business case or approval submission.

8.1 STAGE 1 – PROGRESSING A PROPOSED CONTRACT OR ARRANGEMENT WITH AN OVERSEAS ORGANISATION

Following initial scoping discussions, if a college decides to progress negotiations with an overseas organisation, the college must provide DEED with a brief outline of the business proposal via email at foreignarrangements@deed.wa.gov.au using the template in **Attachment A**. DEED will provide the college with advice on the arrangement classification (core, non-core, or out-of-scope) and coordinate the appropriate FR Act processes.

To progress a proposed contract or arrangement, the college must prepare a business proposal, which includes appropriate due diligence and risk assessment, and seek endorsement from the Governing Council.

Due diligence and risk assessment should be conducted in line with the college's risk appetite and sections 9.2 and 9.3 of these Guidelines. A college may also seek legal advice from the SSO during Stage 1; however, this is not mandatory at this stage.

Following Governing Council endorsement, the college must seek the Minister's approval prior to entering formal negotiations to progress a contract or arrangement with an overseas organisation.

To seek the Minister's approval, the college must submit the following documents in accordance with the process outlined at section 10 and summarised in Attachment A:

- a Ministerial briefing signed by the Managing Director to progress the contract or arrangement;
- business proposal documentation endorsed by the college's Governing Council Chair;
- completed FRA template (for core arrangements only); and
- supporting documents where appropriate, such as email advice from DEED, **and/or** preliminary legal advice from the State Solicitor's Office.

Attachment A provides an overview of approval requirements and templates.

For core arrangements, following the Minister's approval, the college must submit the Minister-approved FRA template to DEED, who will seek Commonwealth approval for negotiations to commence. The Commonwealth consideration process may take up to 30 working days and DEED will notify the college of the outcome. The college may continue to undertake non-binding, without prejudice negotiations while Commonwealth approval is being sought.

For non-core and out-of-scope arrangements, Stage 1 Commonwealth approval is not required. Following Ministerial approval of the business proposal, the college may proceed with drafting the arrangement.

8.2 STAGE 2 – DEVELOPMENT AND EXECUTION OF A CONTRACT OR ARRANGEMENT WITH AN OVERSEAS ORGANISATION

Following Ministerial approval under Stage 1 and, for core arrangements, Commonwealth approval for negotiations to commence, a college may progress full negotiations with the overseas organisation on a without prejudice and non-binding basis.

The college must not sign a contract or arrangement on behalf of the VET Ministerial Corporation without approval from:

- the Minister in accordance with the *VET (WA) Ministerial Corporation Instrument of Authorisation (colleges)*; and
- DEED, following consultation with the Commonwealth under the FR Act.

Prior to seeking the Minister's approval to sign a contract or arrangement with an overseas organisation, the college must:

- obtain legal advice from the State Solicitor's Office and attach a copy to the Ministerial Briefing note;
- include in the full business case information about how key risks associated with the contract or arrangement will be managed.

To seek the Minister's approval, the college must submit the following documents in accordance with the process outlined at section 10:

- a Ministerial briefing signed by the Managing Director;
- a full business case, endorsed by the college's Governing Council, which includes alignment with the scope of these Guidelines at section 4;
- final draft contract or arrangement;
- completed FRA template (for core and non-core arrangements); and
- an email from the SSO confirming that the contract or arrangement meets all legal requirements.

For out-of-scope arrangements, following Ministerial approval, the college may proceed to finalise and execute the arrangement.

For core and non-core arrangements, following the Minister's approval to sign, the college must submit the final draft contract or arrangement, and FRA template to DEED (with a copy to the Department) for submission to the Commonwealth at least two weeks before the expected signing of the contract or arrangement, or within a timeframe agreed with DEED. For non-core arrangements, this step is limited to notifying the Commonwealth of the arrangement and does not require Commonwealth approval.

The Commonwealth's consideration of the draft contract or arrangement may take up to 30 working days. DEED will notify the college of the Commonwealth's decision.

Following Commonwealth approval, the college's Governing Council can sign the contract or arrangement in accordance with the *VET (WA) Ministerial Instrument of Authorisation (colleges)*.

For both core and non-core arrangements, the college must submit the signed copy of the contract or arrangement, along with an updated FRA template, to DEED (with a copy to the Department) within five days of both parties signing the contract or arrangement. DEED will notify the Commonwealth of the signed contract or arrangement and add it to the Foreign Arrangements Scheme Public Register.

The approval and execution steps outlined in this section are operationalised through the process and templates set out in **Attachment A**.

8.3 APPROVAL TO VARY CONTRACTS AND ARRANGEMENTS

The FR Act applies to material variations of arrangements the same way it applies to arrangements, and a college is required to provide notice to vary a foreign arrangement in the same way as it is required to give a notice of a business proposal to enter a foreign arrangement.

Material variations require approval from the Minister and DEED in consultation with the Commonwealth under the FR Act.

Minor variations, such as administrative updates, changes to contact details, or non-substantive timing adjustments, do not require Ministerial approval.

Ministerial approval is also required to vary other contracts and arrangements with overseas organisations not covered by the FR Act. Templates in **Attachment A** can be varied as appropriate for use in this instance.

8.4 APPROVAL FOR RELATED OVERSEAS TRAVEL

International travel by college staff must be approved by the Minister, in accordance with the *Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers - Premier's Circular 2021/02*, or its replacement document.

All international travel applications must include a Ministerial briefing. The travel application and Ministerial briefing are to be submitted to the Minister for approval, via the Department, at least six weeks prior to the intended departure date.

The Ministerial briefing should include the reference number of the Minister’s approval of the relevant full business case, where applicable. Colleges must use the Ministerial briefing and international travel application templates provided by the Department.

A post-travel report must be submitted to the Minister within six weeks of the travel return date.

9. Considerations for Proposals and Decisions related to contracts and arrangements with overseas organisations

9.1 DUE DILIGENCE

A college must assess available information regarding the suitability of the proposed overseas contracting or agreement party, the business opportunity and the proposed terms of the intended vocational education and training and related services to be provided.

9.2 RISK MANAGEMENT

Risk management is an important issue to be addressed by a TAFE college when negotiating contracts and arrangements with overseas organisations. A college should undertake a risk assessment for contracts and arrangements in line with the college's risk appetite approved by its Governing Council.

The Auditor General recommends that TAFE colleges:

- determine whether they have the necessary authority before entering into any arrangement;
- ensure that all arrangements are subject to proper business planning or cost benefit analysis;
- ensure that all arrangements include clearly detailed objectives and outcomes, and where necessary performance measures;
- obtain legal advice as to the most appropriate form of agreement;
- ensure that all arrangements are appropriately monitored to ensure that contractual conditions are complied with and outcomes are achieved; and
- maintain appropriate records of all arrangements.

TAFE colleges must comprehensively address risk management for commercial activities. Colleges should refer to:

- *Treasurer's Instructions*;
- *Western Australian Government Risk Management Guidelines.*

TAFE colleges should also consider:

- Commonwealth Department of Foreign Affairs and Trade Travel advice;
- commercial/financial risks;
- legal/contract risks;
- reputational risks;
- quality, compliance and academic risks;
- project risks; and
- country/sovereign risks.

9.3 LEGAL ADVICE

A college should seek legal advice and assistance sooner rather than later to progress a contract or arrangement with an overseas organisation (perhaps even before embarking on any planned course of action).

9.4 COMMERCIAL ACTIVITY COSTING AND PRICING

A college must ensure contracts and arrangements with overseas organisations are developed in accordance with Department of Treasury and Finance *Costing and Pricing of Government Services*.

9.5 EVALUATION

A college should evaluate completed contracts and arrangements with overseas organisations and maintain appropriate records of outcomes and lessons learned.

10. Approval for New Contracts and Arrangements with Overseas Organisations During a Year

A college may progress new contracts and arrangements with overseas organisations during a year as per the requirements outlined in the *Ministerial Guidelines for TAFE College Strategic Plans and Annual Business Plans*.

For all new contracts and arrangements with overseas organisations, a college must submit its Ministerial briefing, Governing Council endorsed business proposal or business case and supporting documents to the Department by email to international@dtwd.wa.gov.au.

11. Role of the Department of Training and Workforce Development

The Department assists the Minister to administer the VET Act and subsidiary legislation and is the System Manager for the TAFE sector.

The Department will:

- maintain oversight of international commercial activities across the TAFE System;
- liaise with DEED on FR Act requirements;
- obtain advice on the State Government's strategic trade and investment priorities and foreign arrangements;
- provide advice, coordination and recommendations to colleges on inbound foreign delegation visits and outbound trade missions by liaising with DEED; and
- maintain a register of international commercial activities for the WA TAFE sector.

TAFE colleges are required to provide information to the Department as requested from time to time.

On receipt of new proposed international commercial activity during a year the Department will:

- review a college's Governing Council endorsed full business case and supporting documents;
- where further information is required, work collaboratively with the college's Managing Director; and
- advise the Minister as to whether the proposed contract or arrangement with an overseas organisation meets the requirements set out in these Guidelines and any other requirements.

ATTACHMENT A

Process for WA TAFE colleges to enter into contracts and arrangements with overseas organisations

Templates are provided as operational guidance and are to be applied in a manner proportionate to the scale, stage and nature of the proposed international activity.

PROCESS FOR WA TAFE COLLEGES TO PROGRESS CONTRACTS AND ARRANGEMENTS WITH OVERSEAS ORGANISATIONS
as required under the *Foreign Relations (State and Territory Arrangements) Act 2020* and coordinated by the Department of Energy and Economic Diversification (DEED).

***Initial Scoping Discussions – A TAFE College may progress high-level, informal, non-binding discussions with a foreign entity to determine whether a proposed contract or arrangement with an overseas organisation is feasible.**

STAGE 1 – Proposed International Commercial Activity Governing Council endorsement and Ministerial approval required

COLLEGE engages with DEED to briefly outline proposal **(TEMPLATE 1)** to commence negotiations with a foreign entity (cc DTWD)
DEED will provide advice on the trade and investment aspects of the program

Develop business proposal documentation (TEMPLATE 2), including **proportionate due diligence and risk assessment**, and submit to COLLEGE **Governing Council** for endorsement

Begin here for **VARIATIONS** to a contract

COLLEGE submits endorsed business proposal, MBN **(TEMPLATE 3,** for CORE include **TEMPLATE 5)** via DTWD (TIWA) to **Minister for Skills and TAFE**

Minister for Skills and TAFE responds to DTWD

DTWD forwards response to COLLEGE

STAGE 2 – Negotiated contract or arrangement with an overseas organisation

Federal approval (CORE Arrangements only)

CORE ARRANGEMENTS** (with national government entity) CORE	NON-CORE ARRANGEMENTS** (with sub-national government entity)	ARRANGEMENTS** OUT OF SCOPE (generally with private companies)
Upon Ministerial approval, COLLEGE submits FRA template (**TEMPLATE 5) and any supporting documentation** to DEED (cc DTWD) within a timeframe agreed with DEED prior to the commencement of formal negotiations		
DEED seeks **Federal Minister for Foreign Affairs'** approval to commence negotiations***		
Federal Minister for Foreign Affairs responds to DEED within 30 working days*** (discussions may be required)		
DEED provides response to COLLEGE (cc DTWD)		
Upon approval from the **Federal Minister for Foreign Affairs**, negotiations commence		

COLLEGE drafts arrangement

COLLEGE seeks SSO advice on legal aspects of the draft arrangement

COLLEGE submits **MBN**, full business case (**TEMPLATE 4**), FRA template (**TEMPLATE 5**), draft arrangement and SSO email advice via DTWD (TIWA) to **Minister for Skills and TAFE**

Minister for Skills and TAFE responds to DTWD and DTWD forwards response to COLLEGE

COLLEGE sends **draft arrangement** and **TEMPLATE 5** to DEED (cc DTWD) at least 2 weeks before the expected signing date, or such other timeframe as agreed with DEED	COLLEGE sends **final arrangement** and **TEMPLATE 5** to DEED (cc DTWD) at least 2 weeks before the expected signing date, or such other timeframe as agreed with DEED	COLLEGE finalises the arrangement and is signed by all parties.
DEED seeks **Federal Minister for Foreign Affairs** approval to sign the arrangement** (discussion may be required)	DEED notifies the **Federal Minister for Foreign Affairs** of the arrangement**	
Federal Minister for Foreign Affairs responds to DEED within 30 working days***		
DEED provides response to COLLEGE (cc DTWD)		

Contract or arrangement signed

Arrangement signed by parties****

COLLEGE sends copy of signed arrangement and updated **TEMPLATE 5** to DEED **within 5 days of signing** (cc DTWD)

DEED notifies the **Federal Minister for Foreign Affairs** of the signed arrangement***

Federal Minister for Foreign Affairs adds the arrangement to the Foreign Arrangements Scheme Public Register***

* Initial scoping discussions are **high-level, informal and non-binding discussions** undertaken solely to test interest and feasibility. These discussions do not involve commitments, negotiations, or agreement on commercial terms and may occur **prior to engagement with DEED or any approval processes**.
The term **"arrangement" covers both legally binding agreements and non-legally binding documents, including a **memorandum of understanding**, **contract**, **letter of intent**, or **non-disclosure agreement**.
A **"core foreign arrangement"** is an arrangement between a State or Territory entity (including a government, department, agency or public university) and a **foreign national government or national government agency**.
A **"non-core foreign arrangement"** is an arrangement between a State or Territory entity and a **foreign sub-national government entity**, such as a **state, province, city, regional authority or public university**.
An **"out-of-scope arrangement"** includes all other arrangements, typically those entered into with **private or non-government entities**.
*** Requirement of the ***Foreign Relations (State and Territory Arrangements) Act 2020***.
**** Arrangements are executed in accordance with applicable delegations under the *Vocational Education and Training Act 1996*, following Ministerial approval to proceed.

Acronyms: DTWD – Department of Training and Workforce Development**;** DEED – Department of Energy and Economic Diversification; SSO – State Solicitor's Office

TEMPLATES

NUMBER	APPLICABLE ARRANGEMENT	TYPE	AUDIENCE	PURPOSE
1	ALL	Email	Director, Investment and Trade Policy, Department of Energy and Economic Diversification (DEED)	Notify and seek advice prior to commencement of negotiations with a foreign entity
2	ALL	Business proposal	TAFE College Managing Director and Governing Council	Seek approval from the TAFE College Managing Director and endorsement from the Governing Council to proceed with the proposed contract or arrangement
3	ALL	Ministerial Briefing	Minister for Skills and TAFE	Seek State approval to proceed with the proposal, including engaging with the Commonwealth in accordance with the process chart
4	ALL	Full Business Case	TAFE College Governing Council	Seek approval from the TAFE College Managing Director and endorsement from the Governing Council to proceed to execute the contract or arrangement
5	CORE & NON-CORE FOREIGN ARRANGEMENTS	Table	Federal Minister for Foreign Affairs (via DEED)	**CORE arrangements:** Seek Commonwealth approval to commence negotiations and to sign the arrangement, as required under the *Foreign Relations (State and Territory Arrangements) Act 2020* **NON-CORE arrangements:** Notify the Commonwealth prior to signing the arrangement and after signing, as required under the *Foreign Relations (State and Territory Arrangements) Act 2020*

TEMPLATE 1: NOTIFY AND SEEK INITIAL ADVICE FROM DEPARTMENT OF ENERGY AND ECONOMIC DIVERSIFICATION (DEED)

Email to: Director, Investment and Trade Policy, Department of Energy and Economic Diversification (DEED)

Purpose: Notify and seek advice prior to the commencement of formal negotiations with a foreign entity.

TAFE Colleges are not required to consult DEED or seek Ministerial approvals for initial scoping discussions that are high-level and non-binding.

TO: Foreignarrangements@deed.wa.gov.au

FROM: xx TAFE College

SUBJECT: Potential international commercial activity - xx TAFE College

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xx TAFE College is considering progressing discussions with a foreign entity and seeks DEED's advice to determine the appropriate pathway under the *Foreign Relations (State and Territory Arrangements) Act 2020*.

The following information is to be provided to enable DEED to assess whether the proposed activity may constitute a CORE, NON-CORE, or out-of-scope arrangement.

If information is not yet known, please indicate "unknown".

Required Information

Nature and purpose of the proposed activity
– High-level description of the program, service or collaboration
– Onshore and/or offshore delivery
– Whether delivery, capacity-building, advisory, commercial, or partnership-based

Foreign entity details
– Name of foreign entity
– Country and jurisdiction
– Entity type (private company, sub-national government entity, or national government entity)

Parties involved
– Name of TAFE College(s)
– Name of foreign entity
– Any known third-party intermediaries or partners (if applicable)

Indicative scope of discussions
– Anticipated outcomes being explored (e.g. training delivery, system support, qualifications, exchanges)
– Whether discussions may lead to a written arrangement

Indicative timing
– Proposed timeframe to commence discussions
– Indicative duration of the proposed activity (if known)

Key contact
– Name
– Position
– Email
– Phone number

TEMPLATE 2: BUSINESS PROPOSAL WITH GOVERNING COUNCIL ENDORSEMENT

Purpose: Business Proposal for endorsement by Governing Council to seek approval from the **Minister for Skills and TAFE to proceed**.

This business proposal is to seek the Minister's approval to proceed with the proposed international activity. It is not the full business case (Template 4) which is required once all negotiations have been completed.

This is to be a brief summation of the college's intent to partner with an overseas organisation outlining all information available on the partnership. Note: Colleges may continue preliminary, non-binding scoping activities while awaiting Ministerial approval, but must not commence formal negotiations.

BRIEF SUMMARY

Provide a brief summary of the business proposal including:

SCOPE

- Parties to the proposal, including whether the other party is a private organisation, sub-national government, or national government entity if known.
- Location of the proposed delivery and whether services are to be delivered onshore and/or offshore.
- Proposed program or service/s to be delivered.

OBJECTIVES

- Intended benefits – strategic and economic.
- Target audience and indicative participant numbers.

RISKS

- Identified risks (refer to section 9.2).
- Assessment of those risks.
- Alignment with the college's risk appetite.
- Information about whether legal advice has been sought (refer to section 9.3).

ADVICE FROM DEPARTMENT OF ENERGY AND ECONOMIC DIVERSIFICATION (DEED)

Include a copy of the email advice to **DEED** from the college and any feedback on the initial information provided.

TEMPLATE 3 BRIEFING TO MINISTER FOR SKILLS AND TAFE

Purpose: College briefing to seek **Ministerial approval**, via the **Department of Training and Workforce Development**, to progress the proposal and engage with the Commonwealth in accordance with the *Foreign Relations (State and Territory Arrangements) Act 2020*.

BACKGROUND

- The *Foreign Relations (State and Territory Arrangements) Act 2020* (the Act) provides the Commonwealth Government with oversight of State and Territory arrangements with foreign entities.
- The Department of Energy and Economic Diversification (DEED) is responsible for coordinating foreign arrangement matters on behalf of the Western Australian Government.
- The process requires initial consultation with DEED prior to the commencement of formal negotiations with a foreign entity. DEED provides advice on obligations under the Act and on relevant investment and trade considerations, including input from the appropriate overseas WA Investment and Trade Commissioner (where applicable).
- Approval and notification requirements under the Act depend on the type of foreign entity involved, as follows:
  - CORE foreign arrangements (with a foreign national government or national government agency) require Commonwealth approval prior to commencing negotiations and Commonwealth approval prior to signing the arrangement. Notification of the signed arrangement is also required.
  - NON-CORE foreign arrangements (with a foreign sub-national government entity) require Commonwealth notification prior to signing and after signing the arrangement.
  - Private entity arrangements are generally out of scope of the Act; however, DEED must confirm the classification of each arrangement.
- The *Ministerial Guidelines for International Commercial Activity of TAFE Colleges (2026)* have been updated to reflect requirements under the Act. The College has followed the processes outlined in these guidelines and associated templates.

CURRENT SITUATION

- X TAFE is considering entering into an international arrangement with [name of foreign entity], which is considered a [CORE / NON-CORE / private] foreign arrangement.
- [Brief description of the proposed arrangement – one to two dot points].
- X TAFE's Governing Council Chairperson has endorsed the business proposal (*Template 2*) at **Attachment 1**.
- X TAFE has consulted with DEED, which advised [insert summary of DEED advice].
- X TAFE is seeking the Minister's approval to proceed.
- Legal advice from the State Solicitor's Office (SSO) will be obtained on legal aspects of the draft arrangement following negotiations and prior to finalisation and signing, where required.

RECOMMENDATION

It is recommended that the Minister:

- Approves the College to continue development of the proposed international arrangement, as outlined; and
- Notes that, depending on the arrangement type:
  - CORE foreign arrangement – approves DEED seeking approval from the Federal Minister for Foreign Affairs to commence negotiations and subsequently seeking approval to sign the arrangement, and notifying the signed arrangement as required;

- NON-CORE foreign arrangement – approves DEED notifying the Federal Minister for Foreign Affairs prior to signing and after signing the arrangement, as required;
- Private entity foreign arrangement – approves the College commencing negotiations with the foreign entity; and

Note: In some cases, arrangements with private entities may be determined to be in scope of the Act. Where this occurs, DEED will advise the College of the required CORE or NON-CORE process.

- Signs the table at Attachment 2 (Template 5).

TEMPLATE 4: FULL BUSINESS CASE WITH COLLEGE GOVERNING COUNCIL ENDORSEMENT

Purpose: Business case to seek endorsement from the **TAFE College Governing Council prior** to submission to the **Minister for Skills and TAFE**.

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*A Business Case is not required for a renewed or renegotiated contract with the **same entity**; however, the remainder of the process outlined in this document still applies.*

BRIEF SUMMARY

Provide a concise summary of the proposal.

SCOPE

- Parties to the arrangement, including whether the other party is a private organisation, sub-national government, or national government entity.
- Location of delivery and whether services are to be delivered onshore and/or offshore.
- Program or service to be delivered.

OBJECTIVES

- Intended benefits – strategic and economic.
- Target audience and indicative participant numbers.

ALIGNMENT WITH STRATEGIC GOALS

- Alignment with the **TAFE College's Strategic Plan and Annual Business Plan**, and relevant **broader VET sector priorities**.

ALIGNMENT WITH GOVERNMENT PRIORITIES

- Alignment with relevant **State and Commonwealth Government priorities**, including strategies, policies and initiatives applicable to the vocational education and training sector.

ADVICE FROM DEPARTMENT OF ENERGY AND ECONOMIC DIVERSIFICATION (DEED)

- Include advice provided by **DEED** regarding obligations under the *Foreign Relations (State and Territory Arrangements) Act 2020*, and relevant **investment and trade considerations**, including input from the appropriate **WA Investment and Trade Commissioner** (where applicable).

KEY TIMELINES & APPROVALS

- Key stages and indicative timelines for developing the arrangement, including any **required approvals or notifications under the *Foreign Relations (State and Territory Arrangements) Act 2020***, depending on the type of arrangement (i.e. **out-of-scope, NON-CORE or CORE FOREIGN ARRANGEMENTS**).
- Key dates for the proposed commencement and delivery of services.

CONTRACT ARRANGEMENTS

- Proposed commencement and expiry dates of the arrangement.
- Options for extension or renewal (if applicable).
- Arrangements in place should an existing contract or approved business case expire prior to completion of negotiations.

FINANCIAL OVERVIEW

- Estimated costs to the business, including staffing and other resources required to deliver the service.
- Total anticipated expenditure and expected financial returns or benefits.

RISK ASSESSMENT

- Key assumptions underpinning the proposal.
- Previous experience with the foreign entity and/or similar services or activities.
- Potential impacts on other College operations or priorities.
- Identified risks (strategic, operational, financial, reputational and compliance) and proposed risk management and mitigation strategies, informed by proportionate due diligence.

EVALUATION

A project evaluation and sign-off is required upon completion of the arrangement or when a new contract is being negotiated. An evaluation template is available in the *Ministerial Guidelines for Commercial Activities of TAFE Colleges*.

ENDORSEMENT

The business case must be endorsed by the TAFE College Governing Council and signed by the Governing Council Chairperson to proceed to the Department of Training and Workforce Development for progression to the Minister for Skills and TAFE.

Name: _____ Position: Governing Council Chairperson

Signed: _____ Dated: _____

TEMPLATE 5 NEW or AMENDED CORE FOREIGN ARRANGEMENTS

The template below is to be used **prior to commencing negotiations and prior to signing** new or amended **CORE foreign arrangements** (with **foreign national government entities**).
If you have any queries regarding this process, please contact the **Department of Energy and Economic Diversification (DEED)** at foreignarrangements@deed.wa.gov.au.

Prior to formal negotiation
Please complete this template and forward it to foreignarrangements@deed.wa.gov.au **within a timeframe agreed with DEED prior to the commencement of formal negotiations**.
DEED will use the information provided to seek the Australian Government's approval for negotiations to commence and will inform the College of the outcome.
The Commonwealth consideration process may take **up to 30 working days**.

Prior to signing (draft copy of arrangement required)
Please complete this template and forward it, together with a **draft copy of the arrangement**, to foreignarrangements@deed.wa.gov.au **at least 2 weeks before the expected signing date, or such other timeframe as agreed with DEED**.
DEED will use the information provided to seek the Australian Government's approval for the arrangement to be signed and will inform the College of the outcome.
The Commonwealth consideration process may take **up to 30 working days**.

After signing (signed copy of the arrangement required)
Please complete this template and forward it, together with a **signed copy of the arrangement**, to foreignarrangements@deed.wa.gov.au **within 5 days of signing**.

DEED will use the information provided to **notify the Australian Government of the signed arrangement**.

Title	New/ amendment	Australian parties	Foreign parties	Date	Purpose	Contacts	Subsidiary	Legal effect	Exclusions	Reason for Exclusion
Proposed title of the arrangement	*Indicate whether the arrangement is **new** or an **amendment** to an existing arrangement*	*Names of all Australian parties that are expected to sign the arrangement*	*Names of all foreign parties that are expected to sign the arrangement*	*Input the proposed dates of the arrangement .* *Signing date:* *Commencement date:* *End date (if any)*	*Proposed purpose and objectives of the arrangement*	*Name, position, email and phone number of the key WA Government contact for the arrangement*	*Title and parties of any proposed arrangements foreseen to be signed as a result of the prospective foreign arrangement. This could include arrangements between commercial entities.*	*Will the arrangement be:* *a. Legally binding under Australian law* *b. Legally binding under foreign law* *c. Not legally binding*	*Select whether any of the following information should be excluded from the public register:* a. *Title* b. *Parties to the arrangement* *c. Date of entry*	*If an exclusion is selected, select reason for exclusion:* a. *Commercially sensitive* b. *Could disclose information relevant to a meeting of the State's Cabinet* c. *Legal privilege* d. *Public interest* e. *National security* f. *Relates to negotiations*

APPROVED BY THE WESTERN AUSTRALIAN MINISTER FOR SKILLS AND TAFE

Name: **Signed:** **Dated:**

NEW OR AMENDED NON-CORE FOREIGN ARRANGEMENTS

This template is to be used **prior to signing** new or amended **NON-CORE foreign arrangements** (with **foreign sub-national government entities**).
If you have any queries regarding this process, please contact the **Department of Energy and Economic Diversification (DEED)** at **foreignarrangements@deed.wa.gov.au.**

Prior to signing
Please complete this template and forward it, together with a **draft copy of the arrangement**, to **foreignarrangements@deed.wa.gov.au** **at least 2 weeks before the expected signing date, or such other timeframe as agreed with DEED**.
DEED will use the information provided to **notify the Australian Government of the planned signing** of the arrangement, as required under the *Foreign Relations (State and Territory Arrangements) Act 2020*.

After signing
Please complete the template and forward it, together with a **signed copy of the arrangement**, to **foreignarrangements@deed.wa.gov.au** **within 5 days of signing**.

DEED will use the information provided to **notify the Australian Government of the signed arrangement**.

Title	New/ amendment	Australian parties	Foreign parties	Date	Purpose	Contacts	Subsidiary	Legal effect	Exclusions	Reason for Exclusion
Proposed title of the arrangement	*Indicate whether the arrangement is **new** or an **amendment** to an existing arrangement*	*Names of all Australian parties expected to sign arrangement*	*Names of all foreign parties expected to sign agreement*	*Proposed date of arrangement:* *a. Signing date* *b. Commencement date* *c. End date (if any)*	*Proposed purpose and objectives of the arrangement*	*Name, position, email and phone number of the key WA Government contact for the arrangement*	*Title and parties of any proposed arrangements foreseen to be signed as a result of the prospective foreign arrangement. This could include arrangements between commercial entities.*	*Will the arrangement be:* *a. Legally binding under Australian law;* *b. Legally binding under foreign law; or* *c. Not legally binding*	*Select whether any of the following information should be excluded from the public register:* *a. Title* *b. Parties to the arrangement* *c. Date of entry*	*If an exclusion is selected, select reason for exclusion:* *a. Commercially sensitive* *b. Could disclose information relevant to a meeting of the State's Cabinet* *c. Legal privilege* *d. Public interest* *e. National security* *f. Relates to negotiations*