

NORTHERN TERRITORY OF AUSTRALIA  
CHARLES DARWIN UNIVERSITY AMENDMENT ACT 2005

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Act No. 31 of 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 31 of 2005

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## AN ACT

to amend the *Charles Darwin University Act*

[Assented to 26 August 2005]  
[Second reading 30 June 2005]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Charles Darwin University Amendment Act 2005*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act amended**

This Act amends the *Charles Darwin University Act*.

**4. Amendment of section 9 (Composition of Council)**

Section 9(5) –

*omit*

**5. Amendment of section 10 (Terms of office)**

(1) Section 10 –

*omit*

Subject to

*insert*

(1) Subject to

(2) Section 10, at the end –

*insert*

(2) Subject to this section, a person referred to in subsection (1) may be re-appointed or re-elected as a member of the Council.

(3) A person referred to in subsection (1) cannot be re-appointed or re-elected as a member of the Council if, as a result, the person will hold the office for a continuous period of more than 12 years.

(4) If at least two-thirds of the members of the Council agree at a meeting of the Council that subsection (3) should not apply to a person, the person may be re-appointed or re-elected despite that, because of the subsection, the person would not be eligible to be re-appointed or re-elected.

**6. New section 10A**

After section 10 –

*insert*

**10A. Duties of members of Council**

(1) A member, when exercising a power or performing a function of the office –

- (a) must act solely in the interests of the University and not as a delegate or representative of a particular constituency; and
- (b) must act in good faith, honestly and for a proper purpose; and
- (c) must exercise appropriate care and diligence; and
- (d) must not use his or her office to improperly gain an advantage (either for the member or another person); and
- (e) must disclose and avoid conflicts of interest.

(2) In this section –

"member" means a member of the Council appointed or elected under section 9(1).

**7. Amendment of section 11 (Vacation or termination of office)**

(1) Section 11(1)(j) –

*omit, substitute*

(j) the member is disqualified from acting as a Director of a company or managing corporations under Part 2D.6 of the Corporations Act 2001.

(2) Section 11(2) –

*omit, substitute*

(2) Subject to subsection (2A), the Council may terminate a member's appointment if it is satisfied that the member has not carried out his or her duties under section 10A.

(2A) The Council can only exercise its power under subsection (2) if at least two-thirds of the members of the Council agree at a meeting that the member has not carried out his or her duties under section 10A.

**8. Amendment of section 38 (Budget and financial information)**

Section 38(2) –

*omit*

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