

NORTHERN TERRITORY OF AUSTRALIA  
BATCHELOR INSTITUTE OF INDIGENOUS TERTIARY EDUCATION  
AMENDMENT ACT 2005

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Act No. 30 of 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 30 of 2005

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## AN ACT

to amend the *Batchelor Institute of Indigenous Tertiary Education 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 *Batchelor Institute of Indigenous Tertiary Education 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 *Batchelor Institute of Indigenous Tertiary Education Act*.

**4. Amendment of section 10 (Composition of Council)**

(1) Section 10(2) –

*omit*

20

*substitute*

22

- (2) Section 10(3)(k)(iv) –

*omit*

the Zone; and

*substitute*

the Zone;

- (3) Section 10(3)(m)(v) –

*omit*

the Zone.

*substitute*

the Zone;

- (4) After section 10(3)(m) –

*insert*

(n) a person with commercial expertise and financial expertise nominated by the Minister; and

(o) a person with financial expertise nominated by the Council.

**5. Amendment of section 13 (Request for nominations)**

- (1) Section 13(1) –

*omit*

(k) or (m)

*substitute*

(k), (m), (n) or (o)

- (2) Section 13(1)(a)(i) –

*omit*

(g) or (j)

*substitute*

(g), (j), (n) or (o)

- (3) Section 13(1)(a)(i) –

*omit*

the Minister or the Aboriginal Programs Employment Training Advisory Council

*substitute*

the Minister, the Aboriginal Programs Employment Training Advisory Council or the Council

**6. New section 17A**

After section 17 –

*insert*

**17A. Duties of members**

A member of the Council, when exercising a power or performing a function of the office –

- (a) must act always in the best interests of the Institute as a whole (with this obligation to be observed in priority to any duty the member may owe to those who elected or nominated him or her); 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.

**7. Amendment of section 18 (Vacation or termination of office of member)**

- (1) Section 18 –

*omit*

A member

*substitute*

- (1) A member
- (2) Section 18(h) –

*omit, substitute*

- (h) the member is disqualified from acting as a Director of a company or managing corporations under Part 2D.6 of the Corporations Act 2001; or
- (3) Section 18, at the end –

*insert*

(2) Subject to subsection (3), 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 17A.

(3) 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 17A.

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