



# NORTHERN TERRITORY OF AUSTRALIA

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No. 79 of 1994

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## AN ACT

to amend the *Northern Territory University Act*

[Assented to 30 December 1994]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Northern Territory University Amendment Act 1994*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Northern Territory University Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

(1) Section 3 of the Principal Act is amended -

- (a) by omitting from subsection (1) the definitions of "Institute", "technical and further education" and "The University of Queensland";
- (b) by inserting in subsection (1), in their appropriate alphabetical order, the following:

"'Registrar' means the Registrar appointed under section 15A;

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'student' means a person enrolled as a student of the University;

'Vocational Education and Training Board' means the Vocational Education and Training Board established under section 24A;"; and

(c) by omitting subsection (2) and substituting the following:

"(2) A reference in this Act to the Chancellor, the Vice-Chancellor, the Registrar, the Chair of the Academic Board or the Chair of the Vocational Education and Training Board, includes a reference to a person for the time being acting in or performing the duties of the office in question."

5. FUNCTIONS OF UNIVERSITY

Section 5 of the Principal Act is amended -

(a) by omitting from paragraph (a) ", and make provisions for research";

(b) by inserting after paragraph (a) the following:

"(aa) to provide vocational education and training by way of a course of instruction which is, or is preparatory to, a course of a kind relevant to a trade, technical or other vocational occupation;";

(c) by omitting from paragraph (b) all words after "the Council" (first occurring) and substituting "thinks fit";

(d) by omitting from paragraph (c) all words after "higher education" and substituting ", vocational education and training or research, whether within or outside of Australia;";

(e) by inserting after paragraph (c) the following:

"(ca) to liaise with industry, trade, commerce, the community, professional organisations and training committees;

"(cb) to undertake research taking advantage of the human and physical resources of the University and where appropriate consider commercial exploitation of such research;"; and

(f) by omitting from paragraph (d) all words after "practical application" and substituting "as the Council thinks fit;".

6. COMPOSITION OF COUNCIL

Section 9 of the Principal Act is amended -

- (a) by omitting subsections (1), (2) and (3) and substituting the following:

of - "(1) Subject to this Part, the Council shall consist

- (a) the Vice-Chancellor;
- (b) the Chair of the Academic Board;
- (c) the Chair of the Vocational Education and Training Board;
- (d) the President of the student association established under section 26;
- (e) 11 persons appointed by the Administrator as follows:
  - (i) 2 persons with expertise or experience in matters relating to trade unions so appointed after consultation with trade unions;
  - (ii) 2 persons with expertise or experience in matters relating to business or industry so appointed after consultation with groups representative of business and industry; and
  - (iii) 7 persons so appointed as representing between them a broad range of community interests, including persons with expertise in education and vocational training, research and technology;
- (f) one person elected by and from the full-time higher education academic staff of the University;
- (g) one person elected by and from the full-time vocational education and training academic staff of the University;
- (h) one person elected by and from the full-time non-academic staff of the University;
- (j) one member of Convocation elected by Convocation; and
- (k) one student elected by the students.";

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(b) by omitting from subsection (4) "by the date referred to in section 11" and substituting "by the date determined from time to time by the Council in respect of that particular election"; and

(c) by omitting subsection (5).

7. TERMS OF OFFICE OF APPOINTED AND ELECTED MEMBERS

Section 10 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) Subject to this Part, a member of the Council elected pursuant to section 9(1)(f), (g), (h) or (j), holds office for a period of 3 years beginning on the next following 1 January after the election of the member."

8. VACATION OF OFFICE

Section 12 of the Principal Act is amended -

(a) by omitting "(1) A member of the Council other than those specified in subsection (2) vacates his office as a member" and substituting "A member of the Council vacates the member's office"; and

(b) by omitting subsection (2).

9. CHANCELLOR AND DEPUTY CHANCELLOR

Section 14 of the Principal Act is amended -

(a) by omitting from subsection (3) "The Chancellor" and substituting "Subject to subsection (5), the Chancellor"; and

(b) by omitting subsection (5) and substituting the following:

"(5) Where a vacancy occurs in the office of Chancellor or Deputy Chancellor otherwise than by the expiry of the term of office, the Council shall elect one of its members eligible under section 14(2) for the office to be the Chancellor or Deputy Chancellor, as the case may be, and the person so elected shall hold the office for the balance of the unexpired term of the member in whose stead the person is appointed."

10. NEW SECTION

The Principal Act is amended by inserting after section 15 the following:

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"15A. APPOINTMENT OF REGISTRAR

"(1) The Council shall appoint a person to be the Registrar of the University on such terms and conditions and with such functions and powers as it thinks fit.

"(2) The Registrar appointed under subsection (1) is the Secretary to the Council."

11. REPEAL

Part IV of the Principal Act is repealed.

12. NEW SECTION

The Principal Act is amended by inserting after section 24 the following:

"24A. VOCATIONAL EDUCATION AND TRAINING BOARD

"(1) There shall be a Vocational Education and Training Board of the University, the membership of which shall be prescribed by by-laws.

"(2) By-laws shall make provision for the election of a Chair and Deputy Chair of the Vocational Education and Training Board.

"(3) The Vocational Education and Training Board -

- (a) may advise the Council or the Vice-Chancellor on any matter whatsoever relating to the University and, in particular, make recommendations with respect to instruction in vocational education and training (including examinations and assessments and awards relevant to those programs) deemed to be vocational education and training for the purposes of funding from the Commonwealth or the Territory;
- (b) shall report on any matter on which it is required to report by the Council or the Vice-Chancellor;
- (c) shall have such other powers and duties as are conferred or imposed on it by or under this Act; and
- (d) may regulate its own proceedings."

13. FEES AND CHARGES

Section 33 of the Principal Act is amended by adding at the end the following:

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"(4) The Council may defer the date at which a fee or charge is otherwise payable by a student if it considers that the payment of the fee or charge at the time at which the fee or charge is ordinarily due, would cause substantial hardship to the student."

### 14. NO DISCRIMINATION

Section 48 of the Principal Act is amended by inserting after "race," the words "sexual preference, colour, age, religion, mental or".

### 15. REPEAL

Part X of the Principal Act is repealed.

### 16. BY-LAWS

Section 49(2) of the Principal Act is amended -

(a) by omitting from paragraph (u) "student discipline; and" and substituting "student discipline;"

(b) by omitting from paragraph (w) "rules." and substituting "rules; and"; and

(c) by adding at the end the following:

"(y) the method of collection of those fees and charges determined by the Council under section 33."

### 17. REPEAL OF SCHEDULE 1

Schedule 1 of the Principal Act is repealed.

### 18. FURTHER AMENDMENTS

The Principal Act is further amended as provided in the Schedule.

## SCHEDULE

## Section 18

Provision	Amendment
	omit                      substitute
Section 6(2)(g)	"(in addition to the Institute of Technical and Further Education for which provision is made in Part IV)"

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Section 7(e)	"enrolled students"	"students"
Section 9(4)(a)	"he"	"the Minister"
Section 10(1)	"his"	"the member's"
Section 10(3)	"he"	"the member"
Section 11	the whole section	
Section 12(1)(a), (b) and (c)	"he" (wherever occurring)	"the member"
	"his" (wherever occurring)	"the member's"
Section 12(1)(d)	"he absents himself"	"the member is absent"
	"him"	"the member"
Section 12(1)(e)	the whole paragraph	"the member resigns the member's office by writing signed by the member and delivered to the Secretary to Council"
Section 12(1)(f)	"he"	"the member"
	"his"	"the member's"
	"that elected member"	"that elected member; or"
Section 12(1)(g) and (h)	the whole paragraphs	
Section 12(j)	"he"	"the member"
Section 13(1)	"his"	"the member's"
	"he" (twice occurring)	"the member"
Section 13(2)	"his"	"his or her"
Section 13(3)	the whole subsection	
Section 14(2)	"the Chairman of the Board of the Institute,"	
	"graduate"	
Section 14(4)	"the office of Chancellor is vacant	

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	or"	
	"his"	"the Chancellor's"
Section 15(4)	the whole subsection	
Section 16(1)	"he"	"the member"
	"his"	"the member's"
Section 16(2)	"he"	"the member"
Section 16(4)	"he"	"the member"
Section 18(1)	"his"	"the Chancellor's"
	"he"	"he or she"
Section 19(2)	"he"	"the person"
Part V	"PART V - ACADEMIC BOARD"	"PART V ACADEMIC BOARD, VOCATIONAL EDUCATION TRAINING BOARD"
Section 24(2)	"Chairman" (twice occurring)	"Chair"
Section 24(3)	"Subject to subsection (4), the Academic Board"	"The Academic Board"
Section 24(3)(a)	"degrees and other awards"	"awards relevant to those programs deemed to be higher education awards for funding purposes"
Section 24(4)	the whole subsection	
Section 27(2)	the whole subsection	
Section 27(3)	"technical and further education"	"vocational education and training"
Section 31	"The University"	"Subject to section 41, the University"
Section 33(3)	"him" (twice occurring)	"the student"
Section 35(2)	"the Institute"	"vocational education and training"
Section 38(3)(a)(ii)	"he"	"the Administrator"



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Section 39(2)	"he"	"the Treasurer"
Section 40(3)	"him" (twice occurring)	"him or her"
	"his"	"his or her"
Section 43(1)	"its or his powers"	"the Council's or the Vice- Chancellor's powers, as the case may be,"
Section 43(5)	"2 or more persons as constituting at the time the delegation takes effect"	
Section 45	", of the Council, or of the Board of the Institute,"	"or of the Council"
Section 45(a)	"him in his"	"the member in the member's"
Section 46	"he"	"the person"
Section 47	", of the Board of the Institute, or of a committee of either,"	"or of a committee of the Council"
	"Deputy Vice- Chancellor" (first occurring)	"Deputy Vice- Chancellor, the Registrar"
Section 47(a)	"the Board"	"of a committee of the Council"
Section 47(b) and (c)	"the Board, or of a committee of either"	"a committee of the Council"
Section 47(d)	"the Board, or of a committee of either"	"of a committee of the Council"
	"him"	"the person"
Section 47(e)	"the Board, or of a committee of either"	"of a committee of the Council"

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Section 47(f)	" , or of that section as applied by section 22(6) by a member of the Board or a committee of the Board"	
Section 49(4)(a)	"whether or not he"	"whether or not the owner"
Section 51(1)(b)	"\$20"	"\$100"

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