

NORTHERN TERRITORY OF AUSTRALIA

UNIVERSITY (INTERIM ARRANGEMENTS) ACT

No. 60 of 1980

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THE NORTHERN TERRITORY OF AUSTRALIA

No. 60 of 1980

AN ACT

To establish an Interim Senate and a Planning Authority for a
University in the Territory and for related purposes

[Assented to 22 December 1980]

BE 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 University (Interim Arrangements)
Act 1980.

2. DEFINITIONS

In this Act, unless the contrary intention appears -

"Authority" means the University Planning Authority;

"Interim Chancellor" means the Interim Chancellor appointed under
section 3;

"Interim Senate" means the University Interim Senate, if any,
established in pursuance of section 4;

"Planning Vice-Chancellor" means the Planning Vice-Chancellor
appointed under section 10(1) and includes the Assistant
Planning Vice-Chancellor while, under section 9, he
constitutes the Authority;

"University" means the University to be established in the
Territory.

3. APPOINTMENT OF INTERIM CHANCELLOR

The Administrator shall, by notice in the Gazette, appoint a
person to be the Interim Chancellor.

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4. INTERIM SENATE

(1) The Administrator may, by notice in the Gazette, establish a body to be known as the University Interim Senate.

(2) The Interim Senate shall consist of the Interim Chancellor, the Planning Vice-Chancellor and such other members, being not less than 4, as the Administrator, in the notice referred to in sub-section (1) or by subsequent notice in the Gazette, appoints.

(3) A member of the Interim Senate appointed under sub-section (2) may resign his office by notice in writing to the Minister.

(4) The Interim Senate is a statutory body within the meaning and for the purposes of the Remuneration (Statutory Bodies) Act.

5. MEETINGS AND PROCEDURES

(1) As soon as practicable after the Interim Senate is established, the Minister shall, by notice to the members, call a meeting of the Interim Senate.

(2) Subject to sub-section (1), the Interim Senate shall meet at such times and places as the Interim Chancellor considers necessary for carrying out its functions.

(3) The Interim Chancellor shall preside at all meetings of the Interim Senate at which he is present but, if he is absent from a meeting, the members present shall appoint one of their number to preside at the meeting.

(4) Not less than half the number of members of the Interim Senate constitute a quorum at a meeting of the Interim Senate.

(5) Subject to sub-section (6), questions arising at a meeting of the Interim Senate shall be determined by a majority of the votes of the members present.

(6) The Interim Chancellor or, in his absence, the member presiding shall have a deliberative vote on all questions before a meeting of the Interim Senate and, in the event of an equality of votes on any question, shall also have a casting vote.

(7) The Planning Vice-Chancellor shall, at each meeting of the Interim Senate, report on the activities of the Authority since the preceding meeting or, in the case of the meeting referred to in sub-section (1), since the commencement of the Act, and shall keep the Interim Senate informed on plans and proposals being developed by the Authority for the development of the University and research activities under the auspices of the University.

(8) Subject to this section, the Interim Senate shall determine the procedures to be followed at or in connection with its meetings.

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6. FUNCTIONS OF INTERIM SENATE

The functions of the Interim Senate are -

- (a) to consider and advise the Minister and the Authority, and make recommendations, on such matters relating to the establishing of and the academic and other standards to apply to the University as may be referred to it by the Minister or the Authority or which it considers should be the subject of such advice and recommendations; and
- (b) to carry out such other functions in relation to the University as requested by the Minister.

7. POWERS OF INTERIM SENATE

The Interim Senate has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

8. ESTABLISHMENT OF AUTHORITY

(1) There is hereby established an authority by the name of the University Planning Authority.

(2) The Authority -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall assume that it was duly affixed.

9. COMPOSITION OF AUTHORITY

(1) The Authority shall consist of the Planning Vice-Chancellor or where the Planning Vice-Chancellor is, for any reason, absent from duty and an Assistant Planning Vice-Chancellor has been appointed under section 10(1), the Authority shall consist of the Assistant Planning Vice-Chancellor during that absence from duty of the Planning Vice-Chancellor.

(2) The establishment of the Authority shall not be affected by reason of there being a vacancy in the office of the Planning Vice-Chancellor.

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10. APPOINTMENT OF PLANNING VICE-CHANCELLOR, &c.

(1) The Administrator shall, by notice in the Gazette, appoint a person to be the Planning Vice-Chancellor and may, in like manner, appoint another person to be the Assistant Planning Vice-Chancellor.

(2) Subject to sub-section (3), the Planning Vice-Chancellor and the Assistant Planning Vice-Chancellor, if any, hold office on such terms and conditions, and shall be paid such remuneration, expenses and allowances, as the Administrator determines.

(3) Where, immediately before his appointment as Planning Vice-Chancellor or Assistant Planning Vice-Chancellor, a person was an employee within the meaning of the Public Service Act, the terms and conditions of his appointment and his remuneration shall be not less favourable than those applicable or that payable to him immediately before his appointment as Planning Vice-Chancellor or Assistant Planning Vice-Chancellor, as the case may be.

11. FUNCTIONS OF AUTHORITY

The functions of the Authority are -

- (a) to formulate plans for the development of the University in the Territory;
- (b) to prepare estimates of the number of students likely to attend the University and the courses for which they are likely to enrol as students, the accommodation and equipment requirements for the University and the recurrent and capital costs of the University during its various stages of development, for submission to the Minister and the Tertiary Education Commission established by the Tertiary Education Commission Act 1977 of the Commonwealth;
- (c) to formulate plans for the development of research activities under the auspices of the University having particular regard to the needs of the Territory and the geographical location of the Territory;
- (d) to establish and maintain liaison with the Tertiary Education Commission and such other interested Commonwealth, State and Territory authorities and bodies, and such universities and other tertiary education institutions, as it thinks fit in relation to the academic and physical planning of the University;
- (e) subject to section 12(3), to make such appointments, including appointments to offices and positions in the University, on terms and conditions approved by the Minister and to take such action as appears to it necessary to ensure the supply of adequate academic and administrative staff and assistance for the operation of the University;

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- (f) to execute plans approved by the Minister for the development of the University within the limits of the finances available for that purpose;
- (g) to make recommendations to the Minister on the form of legislation required to establish the University; and
- (h) to do such other things as directed by the Minister or as it considers necessary or convenient for or in relation to the establishment of the University.

12. POWERS OF AUTHORITY

(1) The Authority has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

(2) Without limiting the generality of sub-section (1) but subject to sub-section (3), the Authority has power to enter into contracts for the provision to the University or to the Authority on behalf of the University of goods and services and for the engaging of academic and other staff for the University.

(3) The Authority shall not appoint a person to an office or position in the University, or authorize a course of study to be offered in the University except on, and in accordance with, the recommendation of the Interim Senate.

13. STAFF

(1) Subject to sub-section (2) and to the directions of the Minister, the Authority may, on such terms and conditions as it thinks fit, employ such persons as it thinks necessary for the purposes of the Authority.

(2) The Authority may, by agreement with the Public Service Commissioner, employ an employee within the meaning of the Public Service Act in the business of the Authority.

(3) In relation to persons employed in pursuance of sub-section (2), the Planning Vice-Chancellor has all the powers of, or exercisable by, a Departmental Head under the Public Service Act and regulations and those employees shall continue to be employees within the meaning of that Act as if they were employed in a department for which the Planning Vice-Chancellor is responsible.

14. CONSULTANTS MAY BE ENGAGED

The Authority may engage consultants and may make arrangements to be provided with such advice as it thinks fit.

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15. INDEMNITY

No action, claim or demand lies, or shall be commenced or allowed, by or in favour of a person against the Planning Vice-Chancellor or Assistant Planning Vice-Chancellor or person who has been the Planning Vice-Chancellor or Assistant Planning Vice-Chancellor in respect of any act, matter or thing done by him in good faith in the exercise or purported exercise of a power or performance of a function under this Act or for the purpose of giving effect to the provisions or objects of this Act while, under section 9, he constituted the Authority.
