

Serial 8

Batchelor Institute of Indigenous Tertiary Education Amendment Bill 2005

Mr Stirling

**A BILL
for
AN ACT**

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



1110



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

Act No. [] of 2005

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2005

AN ACT

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

[Assented to [] 2005]
[Second reading [] 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

Batchelor Institute of Indigenous Tertiary Education Amendment Act 2005

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.
