



Australian Capital Territory

University of Canberra Amendment Act 2005

A2005-36

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2005 136B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

University of Canberra Amendment Act 2005

A2005-36

An Act to amend the *University of Canberra Act 1989*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

2005 136B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *University of Canberra Amendment Act 2005*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *University of Canberra Act 1989*.

**4 Constitution of council
Section 11 (1) (b)**

omit

5 Section 11 (1)

renumber paragraphs when Act next republished under Legislation Act

6 Section 11 (2)

substitute

- (2) If the council considers that it is necessary to appoint extra members of the council to enable the council to exercise its functions efficiently, the council may appoint up to 3 people as members of the council.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

7 New section 11 (6)

insert

- (6) The maximum period that a person can be a member of the council is 12 years (whether consecutive or not) unless the council otherwise decides to extend the maximum period for the person.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

8 Section 12

substitute

12 Qualifications for membership of council

- (1) A person is not qualified to become or remain a member of the council if the person—
- (a) is under 18 years old; or
 - (b) is disqualified from managing corporations under the Corporations Act, part 2D.6 (Disqualification from managing corporations); or
 - (c) is convicted, in the ACT, of an offence punishable by imprisonment for at least 1 year; or
 - (d) is convicted outside the ACT, in Australia or elsewhere, of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year.
- (2) Disqualification under subsection (1) (c) or (d) ends on the later of the following:
- (a) 5 years after the date of the person's conviction;
 - (b) 5 years after the date of the person's release from prison.

9 New section 12A

insert

12A Duties of members of council

- (1) In exercising the functions of a member of the council, a council member must—
 - (a) act always in the best interests of the university as a whole; and
 - (b) act honestly and for a proper purpose; and
 - (c) exercise reasonable care and diligence.
- (2) Also, a member of the council—
 - (a) must avoid conflicts of interest; and
 - (b) must disclose to the council, in accordance with section 14 and the statutes, any conflict between the member's interests and the university's interests; and
 - (c) must not improperly use the member's position, or information obtained because of the member's position, to—
 - (i) gain an advantage for the member or someone else; or
 - (ii) cause detriment to the university or someone else.
- (3) The duty under subsection (1) (a) must be observed in priority to any duty a member may owe to those electing or appointing the member.
- (4) The council may, by resolution passed by $\frac{2}{3}$ of the members of the council for the time being, remove a council member from office if the member fails to comply with a duty under subsection (1) or (2).

**10 Disclosure of interests of members
Section 14 (1) and (3)**

omit

a direct or indirect pecuniary interest

substitute

an interest

**11 Vacation of office
Section 15 (1)**

omit

(other than the vice-chancellor)

12 New section 15 (1) (ab)

insert

(ab) is removed from office under section 12A (4) (Duties of members of council); or

13 Section 15 (1) (e)

omit

14 Section 15 (1)

renumber paragraphs when Act next republished under Legislation Act

**15 Chancellor
New section 24 (3)**

insert

(3) A person is not eligible to be appointed as the chancellor if the person is disqualified from managing corporations under the

Corporations Act, part 2D.6 (Disqualification from managing corporations).

**16 Deputy chancellor
Section 24A (1)**

omit

or another person

**17 Vice chancellor and president
New section 25 (4)**

insert

- (4) A person is not eligible to be appointed as the vice-chancellor if the person is disqualified from managing corporations under the Corporations Act, part 2D.6 (Disqualification from managing corporations).

**18 Statutes
Section 40 (2) (e) (iii)**

omit

pecuniary interests

substitute

interests

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 June 2005.

2 Notification

Notified under the Legislation Act on 26 August 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the University of Canberra Amendment Bill 2005, which was passed by the Legislative Assembly on 18 August 2005.

Clerk of the Legislative Assembly

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