

AUSTRALIAN CAPITAL TERRITORY

Co-operative Societies (Amendment) Ordinance 1988

No. 40 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 30 June 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

GARY PUNCH
Minister of State for the Arts
and Territories

An Ordinance to amend the *Co-operative Societies Ordinance 1939*

Short title

1. This Ordinance may be cited as the *Co-operative Societies (Amendment) Ordinance 1988*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Co-operative Societies Ordinance 1939*.²

Transfer of engagements by direction

3. Section 38AA of the Principal Ordinance is amended by inserting in subsection (5) " , with the approval of the Minister," after "may".

(Ord. 21/88)—Cat. No.

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

Administrator

4. Section 58B of the Principal Ordinance is amended—

- (a) by omitting paragraphs (3) (b) and (c);
- (b) by inserting after subsection (3) the following subsection:

“(3A) The administrator of a society may, where the administrator is of the opinion that it is necessary in order to preserve the viability of the society, terminate—

- (a) any contract of employment with that society; and
- (b) any contract for the provision of secretarial or administrative services for that society.”; and
- (c) by inserting in subsection (12) “(other than an action for negligence)” after “action”.

Review of decisions

5. Section 80A of the Principal Ordinance is amended by adding at the end the following subsection:

“(2) Application may be made to the Administrative Appeals Tribunal for a review of a decision of an administrator to terminate a contract under subsection 58B (3A).”.

Notification of decisions

6. Section 80B of the Principal Ordinance is amended by omitting subsections (2) and (3) and substituting the following subsections:

“(2) Where an administrator makes a decision referred to in subsection 80A (2), the administrator shall cause notice in writing to be given to the person whose interests are affected by the decision setting out the decision and giving reasons for the decision.

“(3) A notice shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the decision relates; and
- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that a person whose interests are

affected by the decision may request a statement pursuant to section 28 of that Act.

“(4) The validity of the decision shall not be taken to be affected by a failure to comply with subsection (3).”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 13 July 1988.
2. No. 9, 1939 as amended to date. For previous amendments *see* Note 2 to No. 7, 1987 and *see also* Nos. 7, 8, 42 and 68, 1987.