

**EXPLANATORY STATEMENT**

**AUSTRALIAN CAPITAL TERRITORY**

**CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE 1988**

**ORDINANCE NO. 40 OF 1988**

The Co-operative Societies Ordinance 1939 (the Principal Ordinance) regulates the activities of co-operative societies in the ACT.

The proposed Co-operative Societies (Amendment) Ordinance 1988 gives effect to undertakings given to the Senate Standing Committee on Regulations and Ordinances arising from its examination of the Co-operative Societies (Amendment) Ordinance (No.3) 1987.

The details of the proposed Ordinance are as follows:

Section 1 cites the short title of the proposed Ordinance as the Co-operative Societies (Amendment) Ordinance 1988.

Section 2 defines "Principal Ordinance" to mean the Co-operative Societies Ordinance 1939.

Section 3 amends section 38AA(5) of the Principal Ordinance to require the Registrar of Co-operative Societies to obtain Ministerial approval to revoke a direction given to a society pursuant to section 38AA(1)(a) of the Principal Ordinance.

Section 4 amends subsections 58B(3) and 58B(12) of the Principal Ordinance and inserts a new subsection 58B(3A) to remove the provisions automatically terminating secretarial, administrative and employment contracts and substitute a provision allowing the administrator to terminate such contracts only where he or she considers that it is necessary in order to preserve the viability of the society.

Paragraph 4(c) amends subsection 58B(12) to remove the administrator's immunity from an action for negligence.

Section 5 amends section 80A of the Principal Ordinance to allow an appeal to the Administrative Appeals Tribunal for a review of a decision of an administrator to terminate a contract under new subsection 58B(3A).

Section 6 amends section 80B to state the formal requirements of a notice in writing to be given to a person whose interests are affected by a decision of an administrator under subsection 80A(2). New subsection 80A(4) preserves the validity of such a decision when certain formal requirements of the prescribed notice have not been met.

**Issued by Authority of  
Minister of State for the  
Arts and Territories**