

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY
CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE 1987
ORDINANCE NO. 7 OF 1987

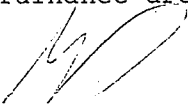
ISSUED BY AUTHORITY OF THE MINISTER OF STATE FOR TERRITORIES

The Co-operative Societies Ordinance 1939 (the Principal Ordinance) provides for the control of the operations of co-operative societies in the ACT, with a view to protecting the interests and investments of members.

The Co-operative Societies (Amendment) Ordinance 1987 amends the Principal Ordinance to give effect to an undertaking to the Senate Standing Committee on Regulations and Ordinances arising out of its consideration of the Co-operative Societies (Amendment) Ordinance (No. 2) 1986.

The amending Ordinance provides for an appeal to the Administrative Appeals Tribunal from certain decisions of the Registrar of Co-operative Societies concerning the approval of valuers of property.

Details of the amending Ordinance are outlined in the Attachment.



CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE 1987

Section 1 cites the short title of the Ordinance as the Co-operative Societies (Amendment) Ordinance 1987.

Section 2 defines "Principal Ordinance" for the purposes of the Ordinance as the Co-operative Societies Ordinance 1939.

Section 3 amends section 14C of the Principal Ordinance -

Paragraph 3(a) amends sub-section 14C(1) of the Principal Ordinance by removing the reference to a person who has been previously approved by the Registrar, that approval not having been withdrawn, and replaces it with a reference to a person who is approved by the Registrar under sub-section 14C(2) of the Principal Ordinance.

Paragraph 3(b) omits sub-section 14C(2) of the Principal Ordinance and substitutes a new sub-section 14C(2) which provides that the Registrar may approve a person for the purposes of sub-section 14C(1) subject to such conditions as the Registrar thinks fit.

Paragraph 3(c) amends sub-section 14C(3) by omitting the words "this section" and substituting the words "sub-section (2)".

Paragraph 3(d) amends sub-section 14C(3) of the Principal Ordinance by omitting the words "Forty dollars" and substituting the amount "\$40".

Section 4 amends section 80A of the Principal Ordinance to allow for more extensive review by the Administrative Appeals Tribunal of decisions made by the Registrar. Sub-sections 14C(2) and 14GA(2) provide that the Registrar may approve a person as a valuer to value a property tendered as security to a registered building society or a registered credit society, and impose conditions on such an approval. New paragraphs 80A(a) to 80A(c) provide that appeals may be made to the Administrative Appeals Tribunal on decisions of the Registrar that:

- . refuse to approve a person under sub-sections 14C(2) or 14GA(2);
- . include a particular condition in such an approval; or
- . revoke such an approval.

New paragraphs 80A(d) and 80A(e) continue to allow for an appeal to the Administrative Appeals Tribunal if the Registrar refuses the consent necessary for a society to act under sections 25 and 37A of the Principal Ordinance.

Section 5 amends section 80B of the Principal Ordinance -

Paragraph 5(a) amends section 80B of the Principal Ordinance by omitting sub-section (1) and substituting a new sub-section which provides that where the Registrar makes a decision referred to in section 80A, he shall give notice in writing to the persons and/or society whose interests are affected by the decision, setting out the decision and reasons for the decision.

Paragraph 5(b) amends sub-section 80B(2) of the Principal Ordinance by removing specified references to a statement and replacing them with references to a notice.

Paragraph 5(c) amends sub-section 80B(2) of the Principal Ordinance by omitting the word "adversely" in order to conform with the Administrative Appeals Tribunal Act.

Paragraph 5(d) amends sub-section 80B(3) of the Principal Ordinance by removing the reference to a statement and replacing it with a reference to a notice.