



Australian Capital Territory

Unclaimed Money Act 1950

A1950-15

Republication No 7

Effective: 22 December 2005 – 20 December 2010

Republication date: 22 December 2005

Last amendment made by A2005-60

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Unclaimed Money Act 1950* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 December 2005. It also includes any amendment, repeal or expiry affecting the republished law to 22 December 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Unclaimed Money Act 1950

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Australian Capital Territory

Unclaimed Money Act 1950

An Act relating to unclaimed assets in the hands of liquidators of companies, unclaimed amounts held by companies, unclaimed superannuation benefits and unclaimed amounts held in retirement savings accounts

Part 1 Preliminary

1 Name of Act

This Act is the *Unclaimed Money Act 1950*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*approved deposit fund*, for part 4 (Unclaimed superannuation benefits)—see section 16.' means that the term 'approved deposit fund' is defined in that section for part 4.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

2A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

3 Declaration of corresponding law

(1) The Minister may declare that a law of a State or another Territory is a law that corresponds with this Act.

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Part 2 Unclaimed assets in hands of liquidators

4 Unclaimed assets in hands of liquidator

- (1) A liquidator of a company who—
 - (a) has in his or her hands or under his or her control any amount (including a dividend) that has remained unclaimed for longer than 6 months from when the amount became payable; or
 - (b) after making a final distribution, has in his or her hands or under his or her control any unclaimed or undistributed amount arising from the property of the company;must pay that amount to the Territory.
- (2) The Supreme Court may, at any time, on the application of the public trustee, by order, direct a liquidator to submit to the court an account of any unclaimed or undistributed amounts in his or her hands.
- (3) If the Supreme Court makes an order under subsection (2), it may, by its order, give directions about—
 - (a) the verification of the account; and
 - (b) the auditing of the account; and
 - (c) the payment by the liquidator to the Territory of unclaimed or undistributed amounts.
- (4) A liquidator who makes a payment to the Territory in accordance with subsection (1) or in accordance with an order under subsection (2) must give the public trustee particulars of—
 - (a) the amount paid; and
 - (b) the name of the company concerned; and

- (c) the name of the person who appears, from the records of the company, to be entitled to the amount to which the payment relates.
- (5) If a liquidator pays an amount to the Territory in accordance with subsection (1) or in accordance with an order made under subsection (2), the liquidator is discharged from liability to anyone in relation to the amount.

5 Payments to people entitled

- (1) Anyone claiming to be entitled to any amount paid to the Territory under this part may apply to the Supreme Court for an order for payment to the person of any amount owing to the person, and the court, if satisfied that the person claiming is entitled to the amount, must make an order for payment of the amount to the person.
- (2) On the making of an order under subsection (1) for payment of an amount to a person, or if the Minister is otherwise satisfied that a person is entitled to an amount paid to the Territory under this part, the Minister must pay the amount to the person.
- (3) The provisions of this section do not, except as expressly declared in this Act, deprive anyone of any other right or remedy to which the person is entitled against the liquidator or anyone else.

Part 3 Unclaimed amounts payable by companies

6 Application—pt 3

- (1) This part applies to an amount payable by a company—
 - (a) to a person in his or her capacity as a member of the company; or
 - (b) in relation to deposits with, or securities of, the company.
- (2) For this part, an amount to which this part applies is an *unclaimed amount* if—
 - (a) at least 6 years have elapsed since the day the amount became payable; and
 - (b) during the 6-year period, the company did not receive a request from a person entitled to the amount that the amount be paid to the person or someone else.

7 Register of unclaimed amounts to be kept

- (1) If, in a year, any amounts payable by a company have become unclaimed amounts, the company must, not later than 31 January in the next year, enter particulars of the amounts in an alphabetical register kept for the year by the company at its head or principal office in the ACT.

Note If a form is approved under s 35 for the register, the form must be used.

- (2) The company must, on payment or tender of a fee of 20 cents, allow anyone to inspect, at that head or principal office during the hours when the company transacts its ordinary business, all registers kept by the company under this section.

- (3) If a company pays an amount entered in a register kept by the company under this section to the person entitled to the amount, the company may delete from the register the entry relating to the amount.

8 Notice of particulars of register to be given to public trustee

- (1) This section applies if, under section 7 (1), particulars of unclaimed amounts have been entered in a register kept by a company for a year.
- (2) The company must prepare a written notice setting out the particulars entered in the register for the year.
- (3) Not later than 31 March in the next year, the company must—
- (a) give the notice, verified by a statutory declaration made by an officer of the company, to the public trustee; and
 - (b) publish a notice in a newspaper circulating in the ACT—
 - (i) stating that it holds unclaimed amounts for the previous year; and
 - (ii) explaining how people can find out details of the amounts and claim them.

Note If a form is approved under s 35 for a provision of this subsection, the form must be used.

9 Failure to compile and publish register

- (1) A company must not fail to comply with any of the provisions of section 7 or section 8.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence arising out of a failure to comply with section 7 (1) that, in relation to the amount in

question, the defendant complied with a corresponding law that applied in relation to the amount.

- (3) It is a defence to a prosecution for an offence arising out of a failure to comply with section 8 that, in relation to the register in question, the defendant complied with a corresponding law that applied in relation to the register.

10 Payment of unclaimed amounts to Territory

- (1) This section applies if—
- (a) particulars of an unclaimed amount have been entered in a register kept by a company under section 7 (Register of unclaimed amounts to be kept); and
 - (b) the amount has not been paid by the company to the person entitled to it within 1 year after the day the company gave the notice to the public trustee under section 8 (3) (a) that included particulars of the amount.
- (2) The company must pay the amount to the Territory not later than 1 month after the end of the 1-year period.
- (3) On payment of the amount to the Territory, the company is relieved from all further liability for the amount.

11 Failure to pay unclaimed amounts

- (1) A company must not fail to pay any amount to the Territory as required by this part.
- Maximum penalty: 100 penalty units.
- (2) It is a defence to a prosecution for an offence against subsection (1) that, in relation to the amount in question, the defendant complied with the requirements of a corresponding law that applied in relation to the amount.

13 Payment of unclaimed amounts to claimants

- (1) A person who claims to be entitled to an amount paid to the Territory in accordance with section 10 may apply to the Supreme Court for an order under this section.
- (2) If, on an application made under subsection (1), the Supreme Court is satisfied that the applicant is entitled to an amount paid to the Territory in accordance with section 10, the court must make an order declaring that the applicant is entitled to the amount.
- (3) The Territory must pay a person an amount that was paid to the Territory under section 10 if—
 - (a) the Minister is satisfied that the person is entitled to the amount; or
 - (b) the Supreme Court has declared under subsection (2) that the person is entitled to the amount.

15 Pt 3 does not apply to certain unclaimed amounts

This part does not apply to an amount that is required by a law in force in the ACT to be dealt with in a way different from the way provided by this part.

Part 4 Unclaimed superannuation benefits

16 Definitions—pt 4

In this part:

approved deposit fund—see the Commonwealth Act, section 10 (1).

Commonwealth Act means the *Superannuation Industry (Supervision) Act 1993* (Cwlth).

eligibility age—see the Commonwealth Act.

fund means an approved deposit fund or a regulated superannuation fund to which this part applies under section 17.

regulated superannuation fund—see the Commonwealth Act, section 19.

unclaimed amount means an amount that is an unclaimed amount under section 18 (1) or (2).

17 Application—pt 4

- (1) This part applies to an approved deposit fund or regulated superannuation fund if—
 - (b) the trustee of the fund is a corporation that has its registered office in the ACT; or
 - (c) the trustee of the fund is an individual and the principal place the trustee carries on business as trustee is in the ACT; or
 - (d) for an exempt public sector superannuation scheme—the principal place where the fund is administered is in the ACT; or

(e) if there is more than 1 trustee of the fund and paragraph (b) or (c) applies to at least 1 of the trustees—the principal place where the fund is administered is in the ACT.

(2) In this section:

corporation—see the Corporations Act, section 57A.

exempt public sector superannuation scheme—see the Commonwealth Act, section 10 (1).

18 Unclaimed amounts for pt 4

(1) If—

- (a) a member of a fund has reached the eligibility age for an age pension; and
- (b) the trustee determines that, under the governing rules of the fund, a benefit (other than a pension or annuity) is immediately payable in relation to the member; and
- (c) the member has not applied to the trustee to have the amount of the member's benefits in the fund paid to the member; and
- (d) the trustee is unable to pay the benefits to the member because the trustee, after making reasonable efforts cannot find the member;

any amount payable to the member is an unclaimed amount.

(2) If—

- (a) a member of a fund has died; and
- (b) the trustee determines that, under the governing rules of the fund, a benefit (other than a pension or annuity) is immediately payable in relation to the member; and
- (c) the member had not applied to have the amount of the member's benefits in the fund paid to the member or has died after making such an application; and

- (d) the trustee is unable to pay the benefits in relation to the member because the trustee, after making reasonable efforts, cannot find a person to whom the trustee is required to pay those benefits;

any amount payable to the beneficiary is an unclaimed amount.

- (3) If—

- (a) subsection (1) (a), (b) and (c); or
(b) subsection (2) (a), (b) and (c);

are satisfied in relation to a member, the trustee must make reasonable efforts to find the member or beneficiary and pay the benefits to the member or beneficiary.

- (4) In this section:

beneficiary means a person to whom a trustee is required to pay benefits mentioned in subsection (2) (d).

19 Deeming age or sex

- (1) If the age of a member is unknown, for section 18, the member is taken to have been 18 years old at the time when the member's first contribution to the fund was made.
- (2) If the sex of a member is unknown, for section 18 the member is taken to be the sex for which the eligibility age is higher.

20 Statement of unclaimed amounts

- (1) The trustee of a fund must give to the Minister a statement of—
- (a) all unclaimed amounts in the fund as at the end of each half year starting with the half year ending on 30 June 1997; and
- (b) particulars relating to the payment of any unclaimed amounts mentioned in paragraph (a) that the trustee pays to a person

who is entitled to it between the end of the relevant half year and the day when the statement is given to the Minister.

Note If a form is approved under s 35 (Approved forms) for the statement, the form must be used.

- (2) A statement under subsection (1) must be given to the Minister on or before—
 - (a) for a half year ending on 30 June in a year—31 October in the year; and
 - (b) for a half year ending on 31 December in a year—30 April in the next year.
- (3) Despite subsection (2), on application by a trustee made before, on or after the day when a statement under subsection (1) is to be given to the Minister (the *relevant day*), the statement may be given to the Minister on or before the day (later than the relevant day) that the Minister decides in writing.
- (4) The trustee of a fund must not contravene subsection (1) or (2).

Maximum penalty (subsection (4)): 20 penalty units.

21 Payment of unclaimed amounts to Minister

- (1) If a trustee gives the Minister a statement under section 20 (1), the trustee must pay to the Minister an amount equal to the amount mentioned in the statement in accordance with section 20 (1) (a) less any amount mentioned in the statement in accordance with section 20 (1) (b).

Maximum penalty: 20 penalty units.

- (2) The Minister must pay any amount paid to the Minister under subsection (1) into the trust account.

22 Discharge of trustee from liability

On payment to the Minister of an amount as required by this part, the trustee of a fund is discharged from further liability in the trustee's capacity as trustee in relation to the amount.

23 Payment to person entitled

If—

- (a) any unclaimed amount has been paid to the Minister under this part; and
- (b) on application, the Minister is satisfied that, apart from this part and the Commonwealth Act, section 225, the applicant would have been paid that unclaimed amount by the trustee of a fund by whom it was paid to the Minister;

the Minister must pay that unclaimed amount to the applicant.

Note If a form is approved under s 35 (Approved forms) for an application, the form must be used.

24 Repayment of excess amounts

If the trustee of a fund, after paying an amount to the Minister under this part, satisfies the Minister that the amount paid exceeds the amount that would have been paid to the relevant person, the Minister must refund to the trustee the amount of the excess.

25 Register of amounts received by Minister

The Minister must keep a register that contains particulars of—

- (a) any unclaimed amount paid to the Minister by the trustee of a fund under this part; and
- (b) the member of the fund in relation to whom the unclaimed amount was payable.

Part 5 Unclaimed RSA money

26 Definitions—pt 5

In this part:

Commonwealth Act means the *Retirement Savings Accounts Act 1997* (Cwlth).

holder—see the Commonwealth Act, section 9.

RSA—see the Commonwealth Act, section 8.

RSA provider—see the Commonwealth Act, section 12.

unclaimed RSA money means an amount that, under the Commonwealth Act, part 8, as modified for the time being under that Act, part 15, is taken to be unclaimed money.

27 Application of pt 5

This part applies to an RSA provider that has its registered office in the ACT.

28 Statement of unclaimed RSA money

- (1) An RSA provider must give the Minister a statement of—
 - (a) all unclaimed RSA money held in RSAs provided by the RSA provider as at the end of each half year starting with the half year ending on 30 June 1998; and
 - (b) particulars relating to the payment of any unclaimed RSA money mentioned in paragraph (a) that the RSA provider pays to a person who is entitled to it between the end of the relevant half year and the day when the statement is given to the Minister.

Note If a form is approved under s 35 (Approved forms) for a statement, the form must be used.

- (2) A statement under subsection (1) must be given to the Minister on or before—
- (a) for a half year ending on 30 June in a year—31 October in the year; and
 - (b) for a half year ending on 31 December in a year—30 April in the next year.
- (3) Despite subsection (2), on application by an RSA provider made before, on or after the day when a statement under subsection (1) is to be given to the Minister (the *relevant day*), the statement may be given to the Minister on or before the day (later than the relevant day) that the Minister decides in writing.
- (4) An RSA provider must not contravene subsection (1) or (2).
Maximum penalty (subsection (4)): 20 penalty units.

29 Payment of unclaimed RSA money to Minister

- (1) If an RSA provider gives the Minister a statement under section 28 (1), the RSA provider must pay to the Minister an amount equal to the amount mentioned in the statement in accordance with section 28 (1) (a) less any amount mentioned in the statement in accordance with section 28 (1) (b).
Maximum penalty: 20 penalty units.
- (2) The Minister must pay any amount paid to the Minister under subsection (1) into the trust account.

30 Discharge of RSA provider from liability

On payment to the Minister of an amount as required by this part, an RSA provider is discharged from further liability in relation to the amount.

31 Payment to applicant

If—

- (a) any unclaimed RSA money has been paid to the Minister under this part; and
- (b) on application, the Minister is satisfied that, apart from this part and the Commonwealth Act, part 8, the applicant would have been paid that unclaimed RSA money by the RSA provider by whom it was paid to the Minister;

the Minister must pay that unclaimed RSA money to the applicant.

Note If a form is approved under s 35 (Approved forms) for an application, the form must be used.

32 Repayment of excess amount

If an RSA provider, after paying an amount to the Minister under this part, satisfies the Minister that the amount paid exceeds the amount that would have been paid to the person concerned, the Minister must refund to the RSA provider the amount of the excess.

33 Register of unclaimed RSA money received

The Minister must keep a register that contains particulars of—

- (a) any unclaimed RSA money paid to the Minister by an RSA provider under this part; and
- (b) particulars of the holder of each RSA in relation to which there is unclaimed RSA money.

34 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

35 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- Commonwealth
- Corporations Act
- individual
- Minister
- property
- public trustee
- Territory.

approved deposit fund; for part 4 (Unclaimed superannuation benefits)—see the Commonwealth Act, section 10 (1).

Commonwealth Act—

- (a) for part 4 (Unclaimed superannuation benefits)—see section 16; and
- (b) for part 5 (Unclaimed RSA money)—see section 26.

company means—

- (a) for part 2 (Unclaimed assets in hands of liquidators)—
 - (i) a body corporate that is a foreign company within the meaning of the Corporations Act, section 9; or
 - (ii) a body registered under the *Cooperatives Act 2002*; or
 - (iii) an association incorporated under the *Associations Incorporation Act 1991*; and
- (b) for any other provision of the Act—
 - (i) an entity mentioned in paragraph (a); and

- (ii) a body corporate that is a company or recognised company within the meaning of the Corporations Act, section 9.

corresponding law means a law of a State or another Territory declared under section 3 (Declaration of corresponding law) to be a law that corresponds with this Act.

data processing device means any article or material (including a disk) from which information can be reproduced with or without the aid of any other article or device.

eligibility age, for part 4 (Unclaimed superannuation benefits)—see the Commonwealth Act.

fund, for part 4 (Unclaimed superannuation benefits)—see section 16.

half year means a period of 6 months ending on 30 June or 31 December.

holder, for part 5 (Unclaimed RSA money)—see the Commonwealth Act, section 9.

registered office—see the Corporations Act, section 9.

regulated superannuation fund, for part 4 (Unclaimed superannuation benefits)—see the Commonwealth Act, section 19.

RSA, for part 5 (Unclaimed RSA money)—see the Commonwealth Act, section 8.

RSA provider, for part 5 (Unclaimed RSA money)—see the Commonwealth Act, section 12.

trust account means the trust bank account maintained by the chief executive of the administrative unit responsible for administering this Act in accordance with the *Financial Management Act 1996*, section 51.

unclaimed amount—

- (a) for part 3 (Unclaimed amounts payable by companies)—see section 6 (2); and
- (b) for part 4 (Unclaimed superannuation benefits)—see section 16.

unclaimed RSA money, for part 5 (Unclaimed RSA money)—see section 26.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|-----------------------------------------------------|-------------------------------------------------------------------|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—*Unclaimed Moneys Ordinance 1950* No 15 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

It was renamed as the *Unclaimed Money Act 1950* by the *Justice and Community Safety Legislation Amendment Act 2005 (No 4)* A2005-52 (see amdt 1.145).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Unclaimed Money Act A1950-15

notified 21 December 1950 (Cwlth Gaz 1950 No 81)
commenced 21 December 1950

as amended by

Companies Ordinance 1954 Ord1954-14 sch 5

notified 20 August 1954 (Cwlth Gaz 1954 No 52)
commenced 1 October 1954 (s 2)

Companies Ordinance 1962 Ord1962-7 sch 1 pt 2

notified 21 June 1962 (Cwlth Gaz 1962 No 49)
commenced 1 July 1962 (s 2)

Ordinances Revision (Decimal Currency) Ordinance 1966 Ord1966-19 (as am by Ord1967-36)

notified 23 December 1966 (Cwlth Gaz 1966 No 109)
commenced 23 December 1966

Unclaimed Moneys Ordinance 1974 Ord1974-18

notified 30 April 1974 (Cwlth Gaz 1974 No 36)
commenced 30 April 1974

Unclaimed Moneys Ordinance (No 2) 1974 Ord1974-57

notified 31 December 1974 (Cwlth Gaz 1974 No 103G)
commenced 31 December 1974

Unclaimed Moneys (Amendment) Ordinance 1976 Ord1976-64

notified 7 December 1976 (Cwlth Gaz 1976 No S222)
commenced 7 December 1976

Ordinances Revision Ordinance 1977 Ord1977-65

notified 22 December 1977 (Cwlth Gaz 1977 No S294)
commenced 22 December 1977

Unclaimed Moneys (Amendment) Ordinance 1978 Ord1978-49

notified 28 December 1978 (Cwlth Gaz 1978 No S292)
commenced 28 December 1978

**Ordinances Revision (Companies Amendments) Ordinance 1982
Ord1982-38 s 32 and sch 4**

notified 30 June 1982 (Cwlth Gaz 1982 No S139)
commenced 1 July 1982 (s 2)

Unclaimed Moneys (Amendment) Ordinance 1982 Ord1982-51

notified 9 July 1982 (Cwlth Gaz 1982 No S149)
commenced 9 July 1982

Unclaimed Moneys (Amendment) Ordinance 1984 Ord1984-57

notified 26 October 1984 (Cwlth Gaz 1984 No S441)
commenced 26 October 1984

**Administrative Arrangements (Consequential Amendments)
Ordinance 1988 Ord1988-17**

notified 22 April 1988 (Cwlth Gaz 1988 No S114)
commenced 22 April 1988

Endnotes

3 Legislation history

Self-Government (Consequential Amendments) Ordinance 1989 Ord1989-38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
remainder commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989
No S164)

Legislation after becoming Territory enactment

Unclaimed Moneys (Amendment) Act 1990 A1990-28

notified 24 August 1990 (Gaz 1990 No S57)
ss 1-3 commenced 24 August 1990 (s 2 (1))
remainder commenced 3 September 1990 (s 2 (2))

Registrar-General (Consequential Provisions) Act 1993 A1993-64 sch 1

notified 6 September 1993 (Gaz 1993 No S172)
s 1, s 2 commenced 6 September 1993 (s 2 (1))
sch 1 commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

Statute Law Revision Act 1995 A1995-46 sch

notified 18 December 1995 (Gaz 1995 No S306)
commenced 18 December 1995 (s 2)

Unclaimed Moneys (Amendment) Act 1997 A1997-34

notified 30 June 1997 (Gaz 1997 No S180)
commenced 30 June 1997 (s 2)

Unclaimed Moneys Act 1998 A1998-1

notified 30 April 1998 (Gaz 1998 No S113)
s 9, s 10 taken to have commenced 30 June 1997 (s 2 (2))
remainder commenced 30 April 1998 (s 2 (1))

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 398

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 398 commenced 12 September 2001 (s 2 and see Gaz 2001
No S65)

**Justice and Community Safety Legislation Amendment Act 2002
A2002-27 pt 16**

notified LR 9 September 2002
s 1, s 2 commenced 9 September 2002 (LA s 75)
pt 16 commenced 7 October 2002 (s 2 (2))

Cooperatives Act 2002 A2002-45 amdt 6.8

notified LR 5 December 2002
s 1, s 2 commenced 5 December 2002 (LA s 75 (1))
amdt 6.8 commenced 5 June 2003 (s 2 and LA s 79)

**Justice and Community Safety Legislation Amendment Act 2003
A2003-2 pt 19**

notified LR 3 March 2003
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))
pt 19 commenced 31 March 2003 (s 2 (2))

**Justice and Community Safety Legislation Amendment Act 2005
(No 4) A2005-60 sch 1 pt 1.27**

notified LR 1 December 2005
s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))
sch 1 pt 1.27 commenced 22 December 2005 (s 2 (4))

4 Amendment history

Title

title sub A1998-1 s 4
am A2005-60 amdt 1.144

Name of Act

s 1 am Ord1974-18
sub A2005-60 amdt 1.145

Dictionary

s 2 orig s 2 om Ord1977-65
(prev s 3) am Ord1954-14 sch 4
sub Ord1962-7 sch 1 pt 2; Ord1974-18 s 2
am Ord1984-57 s 3
renum A2001-44 amdt 1.4121
defs reloc to dict A2005-60 amdt 1.148
sub A2005-60 amdt 1.149
def **Registrar** ins A1990-28 s 4
om A1993-64 sch 1

Endnotes

4 Amendment history

Notes

s 2A ins A2005-60 amdt 1.149

Declaration of corresponding law

s 3 orig s 3 renum as s 2 A2001-44 amdt 1.4121
ins A2001-44 amdt 1.4122

Registrar

s 3AA ins A1990-28 s 5
om A1993-64 sch 1

Seal of office

s 3AB ins A1990-28 s 5
om A1993-64 sch 1

Delegation by the Treasurer

s 3A ins Ord1974-18 s 2
am Ord1974-57 s 2; Ord1982-51 s 2; Ord1988-17 sch 2;
Ord1989-38 sch 1
om A2003-2 s 86

Unclaimed assets in hands of liquidator

s 4 sub Ord1974-18 s 3
am Ord1976-64; Ord1978-49; Ord1982-38 sch 4; Ord1982-51
s 2; Ord1984-57 s 4; Ord1989-38 sch 1; A1990-28 s 6;
A1993-64 sch 1; A2002-27 s 78; A2005-60 amdt 1.150,
amdt 1.151

Payments to people entitled

s 5 am Ord1974-18 s 4; Ord1982-51 s 2; Ord1984-57 s 5;
Ord1988-17 sch 2; Ord1989-38 sch 1; A2005-60
amds 1.152-1.155

Meaning of *company* in pt 2

s 5A hdg ins A1990-28 notes
s 5A ins Ord1982-38 s 32
am A1995-46 sch
om A2005-60 amdt 1.156

Unclaimed amounts payable by companies

pt 3 hdg sub A2005-60 amdt 1.157

Application—pt 3

s6 sub Ord1974-18 s 5
am A2005-60 amdt 1.158, amdt 1.159

Register of unclaimed amounts to be kept

s 7 hdg sub A2005-60 amdt 1.160
s 7 am Ord1966-19 (as am by Ord1967-36); A2001-44
amdt 1.4123, amdt 1.4124; A2005-60 amdt 1.161,
amdt 1.162

Notice of particulars of register to be given to public trustee

s 8 am Ord1982-51 s 2
sub Ord1984-57 s 6
am A1990-28 s 6; A1993-64 sch 1
sub A2001-44 amdt 1.4125
am A2002-27 s 79
sub A2005-60 amdt 1.163

Failure to compile and publish register

s 9 hdg sub A2001-44 amdt 1.4126
s 9 am Ord1966-19 (as am by Ord1967-36); Ord1974-18 s 6;
Ord1984-57 s 7; A1998-1 s 6; A2005-60 amdt 1.164,
amdt 1.165

Payment of unclaimed amounts to Territory

s 10 am Ord1974-18 s 7; Ord1984-57 s 8; Ord1989-38 sch 1;
A2001-44 amdt 1.4127
sub A2005-60 amdt 1.166

Failure to pay unclaimed amounts

s 11 hdg sub A2005-60 amdt 1.167
s 11 am Ord1966-19; Ord1974-18 s 8; Ord1984-57 s 9;
Ord1989-38 sch 1; A1998-1 s 7; A2005-60
amds 1.168-1.170

Examination of accounts etc

s 12 am Ord1966-19; Ord1982-51 s 2; Ord1984-57 s 10; A1990-28
s 6; A1993-64 sch 1; A1998-1 s 8; A2002-27 s 80
om A2005-60 amdt 1.171

Payment of unclaimed amounts to claimants

s 13 hdg sub A2005-60 amdt 1.172
s 13 sub Ord1974-18 s 9
am Ord1982-51 s 2; Ord1984-57 s 11; Ord1988-17 sch 2;
Ord1989-38 sch 1; A2005-60 amds 1.173-1.176

Recovery of penalties

s 14 om A2005-60 amdt 1.177

Pt 3 does not apply to certain unclaimed amounts

s 15 sub A2005-60 amdt 1.178

Unclaimed superannuation benefits

pt 4 hdg ins A1997-34 s 4

Definitions—pt 4

s 16 ins A1997-34 s 4
def **approved deposit fund** ins A1997-34 s 4
sub A2005-60 amdt 1.179

Endnotes

4 Amendment history

def **Commonwealth Act** ins A1997-34 s 4
def **eligibility age** ins A1997-34 s 4
sub A1998-1 s 9
def **fund** ins A1997-34 s 4
def **regulated superannuation fund** ins A1997-34 s 4
sub A2005-60 amdt 1.180
def **unclaimed amount** ins A1997-34 s 4
sub A2005-60 amdt 1.180

Application—pt 4

s 17 ins A1997-34 s 4
am A1998-1 s 10; A2005-60 amdt 1.181

Unclaimed amounts for pt 4

s 18 hdg sub A2005-60 amdt 1.182
s 18 ins A1997-34 s 4
am A2005-60 amdt 1.183, amdt 1.184

Deeming age or sex

s 19 ins A1997-34 s 4

Statement of unclaimed amounts

s 20 hdg sub A2005-60 amdt 1.185
s 20 ins A1997-34 s 4
am A2001-44 amdts 1.4128-1.4130; ss renum R3 LA (see
A2001-44 amdt 1.4131); A2005-60 amdt 1.186

Payment of unclaimed amounts to Minister

s 21 hdg sub A2005-60 amdt 1.187
s 21 ins A1997-34 s 4
am A1998-1 s 11

Discharge of trustee from liability

s 22 ins A1997-34 s 4

Payment to person entitled

s 23 ins A1997-34 s 4
am A2001-44 amdts 1.4132-1.4134; A2005-60 amdt 1.188

Repayment of excess amounts

s 24 hdg sub A2005-60 amdt 1.189
s 24 ins A1997-34 s 4

Register of amounts received by Minister

s 25 hdg sub A2005-60 amdt 1.190
s 25 ins A1997-34 s 4
am A2005-60 amdt 1.191

Unclaimed RSA money

pt 5 hdg ins A1998-1 s 12

Definitions—pt 5

- s 26 ins A1998-1 s 12
 def **Commonwealth Act** ins A1998-1 s 12
 def **holder** ins A1998-1 s 12
 sub A2005-60 amdt 1.192
 def **RSA** ins A1998-1 s 12
 sub A2005-60 amdt 1.192
 def **RSA provider** ins A1998-1 s 12
 sub A2005-60 amdt 1.192
 def **unclaimed RSA money** ins A1998-1 s 12

Application of pt 5

- s 27 ins A1998-1 s 12

Statement of unclaimed RSA money

- s 28 ins A1998-1 s 12
 am A2001-44 amdts 1.4135-1.4137; ss renum R3 LA (see
 A2001-44 amdt 1.4138)

Payment of unclaimed RSA money to Minister

- s 29 ins A1998-1 s 12

Discharge of RSA provider from liability

- s 30 ins A1998-1 s 12

Payment to applicant

- s 31 ins A1998-1 s 12
 am A2001-44 amdts 1.4139-1.4141

Repayment of excess amount

- s 32 ins A1998-1 s 12

Register of unclaimed RSA money received

- s 33 ins A1998-1 s 12

Determination of fees

- s 34 ins A2001-44 amdt 1.4142

Approved forms

- s 35 ins A2001-44 amdt 1.4142

The Schedules

- hdg om A2001-44 amdt 1.4143

First Schedule

- am A1974-18 s 10
 om A2001-44 amdt 1.4144

Second Schedule

- am Ord1974-18 s 11; Ord1984-57 s 12
 om A2001-44 amdt 1.4144

Endnotes

4 Earlier republications

Dictionary

dict

ins A2005-60 amdt 1.193
def **approved deposit fund** ins A2005-60 amdt 1.193
def **Commonwealth Act** ins A2005-60 amdt 1.193
def **company** am Ord1982-38 sch 4; Ord1984-57 s 3;
A1993-64 sch 1; A1995-46 sch; A2002-45 amdt 6.8
sub A2005-60 amdt 1.146
reloc from s 2 A2005-60 amdt 1.148
def **corresponding law** am Ord1982-51 s 2; Ord1988-17 sch 2
sub A2001-44 amdt 1.4120
reloc from s 2 A2005-60 amdt 1.148
def **data processing device** ins A1998-1 s 5
reloc from s 2 A2005-60 amdt 1.148
def **eligibility age** ins A2005-60 amdt 1.193
def **fund** ins A2005-60 amdt 1.193
def **half year** ins A1998-1 s 5
reloc from s 2 A2005-60 amdt 1.148
def **holder** ins A2005-60 amdt 1.193
def **registered office** ins A1998-1 s 5
sub A2005-60 amdt 1.147
reloc from s 2 A2005-60 amdt 1.148
def **regulated superannuation fund** ins A2005-60
amdt 1.193
def **RSA** ins A2005-60 amdt 1.193
def **RSA provider** ins A2005-60 amdt 1.193
def **trust account** ins A1998-1 s 5
reloc from s 2 A2005-60 amdt 1.148
def **unclaimed amount** ins A2005-60 amdt 1.193
def **unclaimed RSA money** ins A2005-60 amdt 1.193

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|---------------|--------------------|
| 1 | A1990-28 | 31 May 1991 |
| 2 | A1997-34 | 30 June 1997 |

| Republication No | Amendments to | Republication date |
|-------------------------|----------------------|---------------------------|
| 3 | A2001-44 | 24 January 2002 |
| 4 | A2002-27 | 7 October 2002 |
| 5 | A2003-2 | 31 March 2003 |
| 6 | A2003-2 | 5 June 2003 |

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