

# AUSTRALIAN CAPITAL TERRITORY

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## Unclaimed Moneys (Amendment) Ordinance 1984

No. 57 of 1984

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 18 October 1984.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

GARETH EVANS  
Attorney-General

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An Ordinance to amend the *Unclaimed Moneys Ordinance 1950*

### Short title

1. This Ordinance may be cited as the *Unclaimed Moneys (Amendment) Ordinance 1984*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Unclaimed Moneys Ordinance 1950*.<sup>2</sup>

### Interpretation

3. Section 3 of the Principal Ordinance is amended—

- (a) by inserting “, unless the contrary intention appears” after “Ordinance” (first occurring); and

- (b) by omitting “a recognized company” from paragraph (a) of the definition of “company”.

#### **Unclaimed assets in hands of liquidator**

4. Section 4 of the Principal Ordinance is amended—

- (a) by omitting from sub-sections (1), (3) and (4) “Australia” and substituting “the Commonwealth”;
- (b) by omitting from sub-section (4) “Secretary, Attorney-General’s Department,” and substituting “Corporate Affairs Commission”; and
- (c) by omitting from sub-section (5) “Australia” and substituting “the Commonwealth”.

#### **Payments to persons entitled**

5. Section 5 of the Principal Ordinance is amended by omitting from sub-sections (1), (2) and (4) “Australia” and substituting “the Commonwealth”.

6. Section 8 of the Principal Ordinance is repealed and the following section substituted:

#### **Gazettal, &c., of register**

“8. Where, in pursuance of sub-section 7 (1), particulars of unclaimed moneys have been entered in a register kept by a company in respect of a year, the company shall, not later than the last day of March in the next succeeding year—

- (a) cause the particulars entered in the register in relation to each amount of unclaimed moneys exceeding \$10 to be published in a daily newspaper published in the Territory;
- (b) cause a copy of the register to be published in the *Gazette*; and
- (c) lodge with the Corporate Affairs Commission a copy of the register together with a copy of a statutory declaration in accordance with the form set out in the Second Schedule made by an officer of the company.”.

#### **Failure to compile, gazette or lodge register**

7. Section 9 of the Principal Ordinance is amended by omitting from sub-section (1) “Four dollars” and substituting “\$30”.

### **Payment of unclaimed moneys**

8. Section 10 of the Principal Ordinance is amended by omitting from sub-section (1) “Australia” and substituting “the Commonwealth”.

### **Failure to pay unclaimed moneys**

9. Section 11 of the Principal Ordinance is amended by omitting from sub-section (1) “Australia” and “Four dollars” and substituting “the Commonwealth” and “\$30” respectively.

### **Examination of accounts, &c.**

10. Section 12 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “Attorney-General may, at any time after receipt of a copy of a register in pursuance of section eight of this Ordinance” and substituting “Corporate Affairs Commission, or a person authorized by it in writing for the purposes of this sub-section may, at any time after lodgment of a copy of a register in pursuance of section 8”;
- (b) by omitting from sub-section (1) “before him, or before such person as he appoints” and substituting “to it or him, as the case requires”;
- (c) by omitting from sub-section (1) “he” (last occurring) and substituting “it”;
- (d) by omitting from sub-section (2) “Attorney-General” and substituting “Corporate Affairs Commission”; and
- (e) by omitting from sub-section (3) “Two hundred dollars” and substituting “\$1,000”.

### **Payment of moneys to lawful claimant**

11. Section 13 of the Principal Ordinance is amended—

- (a) by omitting from sub-sections (1), (2), (3) and (4) “Australia” (wherever occurring) and substituting “the Commonwealth”; and
- (b) by omitting from sub-section (4) “Attorney-General” and substituting “Treasurer”.

### **Second Schedule**

12. The Second Schedule to the Principal Ordinance is amended by omitting “1911-1944” and substituting “1959”.

**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 26 October 1984.
2. No. 15, 1950 as amended by No. 14, 1954; No. 7, 1962; No. 19, 1966; No. 36, 1967; Nos. 18 and 57, 1974; No. 64, 1976; No. 65, 1977; No. 49, 1978; Nos. 38 and 51, 1982.