



Australian Capital Territory

# **Unclaimed Moneys Act 1950      No 15**

**Republication No 6**

**Effective: 5 June 2003 – 21 December 2005**

Republication date: 5 June 2003

Last amendment made by A2003-2  
(republication for amendments by A2002-45)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Unclaimed Moneys Act 1950* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 June 2003. It also includes any amendment, repeal or expiry affecting the republished law to 5 June 2003.

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](http://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 does not include 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 Moneys Act 1950

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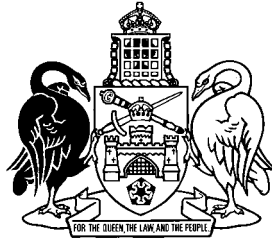
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Australian Capital Territory

## Unclaimed Moneys Act 1950

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

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## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Unclaimed Moneys Act 1950*.

### 2 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**company** means—

- (a) a body corporate that is a company, a recognised company or a foreign company within the meaning of the Corporations Act, section 9; or
- (b) a body registered under the *Cooperatives Act 2002*; or
- (c) an association incorporated under the *Associations Incorporation Act 1991*.

**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 is capable of being reproduced with or without the aid of any other article or device.

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

**registered office**—see the Corporations Act.

**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.



**3 Declaration of corresponding law**

- (1) The Minister may, in writing, 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 2001*.



- (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 moneys to which the payment relates.
- (5) Where 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 any person in respect of that amount.

## **5 Payments to persons entitled**

- (1) Any person claiming to be entitled to any money paid to the Territory under this part may apply to the Supreme Court for an order for payment to him or her of any sum due to him or her, and the court, if satisfied that the person claiming is entitled thereto, shall make an order for the payment accordingly.
- (2) On the making of an order under subsection (1) for payment of any money to a person, or where he or she is otherwise satisfied that a person is entitled to any money paid to the Territory under this part, the Minister shall pay an amount equal to that money to that person.
- (3) The provisions of this section shall not, except as expressly declared in this Act, deprive any person of any other right or remedy to which he or she is entitled against the liquidator or any other person.

## **5A Meaning of *company* in pt 2**

In this part:

*company* does not include a body corporate that is a company or a recognised company within the meaning of the Corporations Act, section 9.

## Part 3 Unclaimed moneys

### 6 Application of pt 3

- (1) This part applies in relation to moneys payable by a company—
  - (a) to a person in his or her capacity as a member of the company; or
  - (b) in respect of deposits with, or securities of, the company.
- (2) For this part, moneys in relation to which this part applies are unclaimed moneys if—
  - (a) a period of not less than 6 years has elapsed since the date on which the moneys became payable; and
  - (b) during that period, the company has not received from a person entitled to the moneys a request that the moneys be paid to him or her or according to his or her direction.

### 7 Register of unclaimed moneys to be kept

- (1) Where, in the year which commenced on 1 January next preceding the date of commencement of this Act or in any subsequent year, any moneys payable by a company have become unclaimed moneys, the company shall, on or before 31 January next following the end of that year, enter, in an alphabetical register kept, in respect of that year, by the company at its head or principal office in the ACT, particulars of those unclaimed moneys.

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

- (2) The company shall, on payment or tender of a fee of 20 cents, permit any person to inspect, at that head or principal office during the hours within which the company transacts its

ordinary business, all registers kept by the company under this section.

- (3) Where, at any time, a company pays any moneys entered in any such register to the person entitled thereto, the company may delete from the register the entry relating to those moneys.

## **8 Publication of register**

- (1) This section applies if, under section 7 (1), particulars of unclaimed moneys have been entered in a register kept by a company in relation to a year.
- (2) The company must prepare a written notice setting out the particulars entered in the register in relation to the year.
- (3) The notice under subsection (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A copy of the notice, verified by a statutory declaration made by an officer of the company, must be given to the public trustee.

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

- (5) The notice must be notified under the *Legislation Act 2001*, and the copy given to the public trustee, no later than the last day of March in the next year.
- (6) The company must also prepare a notice setting out the particulars entered in the register in relation to the year in relation to each amount of unclaimed moneys of more than \$10.
- (7) The notice under subsection (6) must be published in a newspaper published in the ACT no later than the last day of March in the next year.

**9 Failure to compile and publish register**

- (1) A company shall not fail to comply with any of the provisions of section 7 or 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 subsection (1) of section 7 that, in relation to the moneys in question, the defendant complied with a corresponding law, being a law that applied to, or in relation to, those moneys.
- (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, being a law that applied to, or in relation to, that register.

**10 Payment of unclaimed moneys**

- (1) All unclaimed moneys that have been entered in a register kept by a company under section 7 (Register of unclaimed moneys to be kept), and that have not been paid by the company to the person entitled to the money within 1 year after the day the notice under section 8 (2) containing particulars of the entry is notified under the *Legislation Act 2001*, must be paid by the company to the Territory within 1 month after the end of the year.
- (2) The company shall be relieved from all further liability in respect of the moneys so paid.

**11 Failure to pay unclaimed moneys**

- (1) A company shall not fail to pay any moneys 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 moneys in question, the defendant complied with the requirements of a corresponding law, being a law that applied to, or in relation to, those moneys.

## **12 Examination of accounts etc**

- (1) The public trustee, or a person authorised by it in writing for this subsection may, at any time after lodgment of a copy of a register under section 8, examine any of the accounts relating to the unclaimed moneys referred to in that register, and may for that purpose require the production to it or him or her, as the case requires, of any book, voucher or document referring to those moneys, and if any error is found in the register or copy, it may direct the register or copy, or both of them, to be amended.
- (2) The public trustee may cause to be examined the books and accounts of a company not furnishing a return of unclaimed moneys.
- (3) A person shall not refuse or fail to comply with a requirement made of him or her in or for the purpose of the exercise of the powers conferred by this section.

Maximum penalty: 50 penalty units.

## **13 Payments of moneys to lawful claimant**

- (1) A person who claims to be entitled to any moneys paid to the Territory in accordance with section 10 may apply to the Supreme Court for an order under this section.
- (2) Where, on an application made under subsection (1), the Supreme Court is satisfied that the applicant is entitled to moneys paid to the Territory in accordance with section 10, the court shall make an order declaring that the applicant is entitled to those moneys.
- (3) Where—

**Part 3** Unclaimed moneys

Section 14

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(a) the Supreme Court makes an order under subsection (2) declaring a person to be entitled to moneys paid to the Territory in accordance with section 10; or

(b) the Minister is satisfied that a person is entitled to such moneys;

the Territory shall pay to that person an amount equal to the moneys to which he or she is entitled.

**14 Recovery of penalties**

Offences against this part shall be punishable upon summary conviction.

**15 Part not to apply to certain unclaimed moneys**

This part shall not apply to any unclaimed moneys which are required by any Territory or Commonwealth law to be dealt with in a manner other than that prescribed by this Act.



## Part 4 Unclaimed superannuation benefits

### 16 Definitions for pt 4

In this part:

*approved deposit fund*—see the Commonwealth Act.

*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.

*unclaimed money* means money taken to be unclaimed money under section 18 (1) and (2).

### 17 Application of 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 a natural person and the principal place the trustee carries on business as trustee is in the ACT; or
  - (d) in the case of an exempt public sector superannuation scheme—the principal place where the fund is administered is in the ACT; or
  - (e) where 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 subsection (1):

*corporation*—see the Corporations Act.

*exempt public sector superannuation scheme*—see the Commonwealth Act.

## 18 Unclaimed money

(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 respect of the member; and
- (c) the member has not applied to the trustee to have the amount of his or her benefits in the fund paid to him or her; and
- (d) the trustee is unable to pay those benefits to the member because the trustee, after making reasonable efforts to find the member, is unable to do so;

any amount payable to the member shall be taken to be unclaimed money.

(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 respect of the member; and

- (c) the member had not applied to have the amount of his or her benefits in the fund paid to him or her or has died after making such an application; and
- (d) the trustee is unable to pay those benefits in respect of the member because the trustee, after making reasonable efforts, is unable to find a person to whom the trustee is required to pay those benefits;

any amount payable to the beneficiary shall be taken to be unclaimed money.

(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 shall make reasonable efforts to find the member or beneficiary (as the case requires) and pay the benefits to him or her.

(4) In this section:

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

## 19 Deeming age or gender

- (1) If the age of a member is unknown, for section 18, the member shall be taken to have been 18 years of age at the time when his or her first contribution to the fund was made.
- (2) If the gender of a member is unknown, for section 18 the member shall be taken to be the gender for which the eligibility age is higher.

## 20 Statement of unclaimed money

- (1) The trustee of a fund shall give to the Minister a statement of—

- (a) all unclaimed money 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 money referred to 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 on which 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) shall be given to the Minister on or before—
  - (a) in relation to a half year ending on 30 June in a calendar year—31 October in that calendar year; and
  - (b) in relation to a half year ending on 31 December in a calendar year—30 April in the following calendar year.
- (3) Notwithstanding subsection (2), on application by a trustee made before, on or after the day on which 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 such day (being later than the relevant day) as the Minister determines in writing.
- (4) The trustee of a fund shall not contravene subsection (1) or (2).  
Maximum penalty (subsection (4)): 20 penalty units.

**21 Payment of unclaimed money to Minister**

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

Maximum penalty: 20 penalty units.

- (2) The Minister shall pay any amount paid to him or her 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 his or her capacity as trustee in relation to that amount.

**23 Payment to person entitled**

If—

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

the Minister shall pay that unclaimed money 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 money**

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

person, the Minister shall refund to the trustee the amount of the excess.

**25 Register of money received**

The Minister shall keep a register that contains particulars of—

- (a) any unclaimed money paid to him or her by the trustee of a fund under this part; and
- (b) the member of the fund in respect of whom the unclaimed money was payable.

## Part 5 Unclaimed RSA money

### 26 Definitions for pt 5

In this part:

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

*holder*—see the Commonwealth Act.

*RSA*—see the Commonwealth Act.

*RSA provider*—see the Commonwealth Act.

*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 shall give to 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 referred to 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 on which 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) shall be given to the Minister on or before—
- (a) in relation to a half year ending on 30 June in a calendar year—31 October in that calendar year; and
  - (b) in relation to a half year ending on 31 December in a calendar year—30 April in the following calendar year.
- (3) Notwithstanding subsection (2), on application by an RSA provider made before, on or after the day on which 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 such day (being later than the relevant day) as the Minister determines in writing.
- (4) An RSA provider shall not contravene subsection (1) or (2).  
Maximum penalty (subsection (4)): 20 penalty units.

## **29 Payment of unclaimed RSA money to Minister**

- (1) Where an RSA provider gives the Minister a statement under section 28 (1), the RSA provider shall pay to the Minister an amount equal to the amount referred to in the statement in accordance with section 28 (1) (a) less any amount referred to in the statement in accordance with section 28 (1) (b).  
Maximum penalty: 20 penalty units.
- (2) The Minister shall pay any amount paid to him or her 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 respect of that 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, but for 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 shall 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 so paid exceeds the amount that would have been paid to the person concerned, the Minister shall refund to the RSA provider the amount of the excess.

**33 Register of unclaimed RSA money received**

The Minister shall keep a register that contains particulars of—

- (a) any unclaimed RSA money paid to him or her by an RSA provider under this part; and
- (b) particulars of the holder of each RSA in respect of 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 2001* 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 2001*.

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

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## 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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
Ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	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

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### 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).

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 Moneys Act 1950 No 15**

notified 21 December 1950

commenced 21 December 1950

as amended by

##### **Companies Ordinance 1954 No 14 sch 5**

notified 20 August 1954

commenced 1 October 1954

##### **Companies Ordinance 1962 No 7 sch 1 pt 2**

notified 21 June 1962

commenced 1 July 1962

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 (as am by 1967 No 36)**

notified 23 December 1966

commenced 23 December 1966

##### **Unclaimed Moneys Ordinance 1974 No 18**

notified 30 April 1974

commenced 30 April 1974

**Unclaimed Moneys Ordinance (No. 2) 1974 No 57**

notified 31 December 1974  
commenced 31 December 1974

**Unclaimed Moneys (Amendment) Ordinance 1976 No 64**

notified 7 December 1976  
commenced 7 December 1976

**Ordinances Revision Ordinance 1977 No 65**

notified 22 December 1977  
commenced 22 December 1977

**Unclaimed Moneys (Amendment) Ordinance 1978 No 49**

notified 28 December 1978  
commenced 28 December 1978

**Ordinances Revision (Companies Amendments) Ordinance 1982 No 38 s 32 and sch 4**

notified 30 June 1982  
commenced 1 July 1982

**Unclaimed Moneys (Amendment) Ordinance 1982 No 51**

notified 9 July 1982  
commenced 9 July 1982

**Unclaimed Moneys (Amendment) Ordinance 1984 No 57**

notified 26 October 1984  
commenced 26 October 1984

**Administrative Arrangements (Consequential Amendments) Ordinance 1988 No 17**

notified 22 April 1988  
commenced 22 April 1988

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S164)  
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)

## Endnotes

3 Legislation history

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### **Legislation after becoming Territory enactment**

#### **Unclaimed Moneys (Amendment) Act 1990 No 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 No 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 No 46 sch**

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

#### **Unclaimed Moneys (Amendment) Act 1997 No 34**

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

#### **Unclaimed Moneys Act 1998 No 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 No 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 No 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))

### 4 Amendment history

#### Title

title sub 1998 No 1 s 4

#### Short title

s 1 am 1974 No 18

#### Definitions for Act

s 2 orig s 2 om 1977 No 65  
(prev s 3) am 1954 No 14 sch 4  
sub 1962 No 7 sch 1 pt 2; 1974 No 18 s 2  
am 1984 No 57 s 3  
renum 2001 No 44 amdt 1.4121  
def **company** am 1982 No 38 sch 4; 1984 No 57 s 3;  
1993 No 64 sch 1; 1995 No 46 sch; A2002-45 amdt 6.8  
def **corresponding law** am 1982 No 51 s 2; 1988 No 17  
sch 2  
sub 2001 No 44 amdt 1.4120  
def **data processing device** ins 1998 No 1 s 5  
def **half year** ins 1998 No 1 s 5  
def **registered office** ins 1998 No 1 s 5  
def **Registrar** ins 1990 No 28 s 4  
om 1993 No 64 sch 1  
def **trust account** ins 1998 No 1 s 5

#### Declaration of corresponding law

s 3 orig s 3 renum as s 2 2001 No 44 amdt 1.4121  
ins 2001 No 44 amdt 1.4122

#### Registrar

s 3AA ins 1990 No 28 s 5  
om 1993 No 64 sch 1

#### Seal of office

s 3AB ins 1990 No 28 s 5  
om 1993 No 64 sch 1

#### Delegation by the Treasurer

s 3A ins 1974 No 18 s 2  
am 1974 No 57 s 2; 1982 No 51 s 2; 1988 No 17 sch 2;  
1989 No 38 sch 1  
om A2003-2 s 86

## Endnotes

### 4 Amendment history

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

s 4 sub 1974 No 18 s 3  
am 1976 No 64; 1978 No 49; 1982 No 38 sch 4; 1982 No 51 s 2; 1984 No 57 s 4; 1989 No 38 sch 1; 1990 No 28 s 6; 1993 No 64 sch 1; 2002 No 27 s 78

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

s 5 am 1974 No 18 s 4; 1982 No 51 s 2; 1984 No 57 s 5; 1988 No 17 sch 2; 1989 No 38 sch 1

#### **Meaning of *company* in pt 2**

s 5A hdg ins 1990 No 28 notes  
s 5A ins 1982 No 38 s 32  
am 1995 No 46 sch

#### **Application of pt 3**

s 6 sub 1974 No 18 s 5

#### **Register of unclaimed moneys to be kept**

s 7 am 1966 No 19 (as am by 1967 No 36); 2001 No 44  
amdt 1.4123, amdt 1.4124

#### **Publication of register**

s 8 am 1982 No 51 s 2  
sub 1984 No 57 s 6  
am 1990 No 28 s 6; 1993 No 64 sch 1  
sub 2001 No 44 amdt 1.4125  
am 2002 No 27 s 79

#### **Failure to compile and publish register**

s 9 hdg sub 2001 No 44 amdt 1.4126  
s 9 am 1966 No 19 (as am by 1967 No 36); 1974 No 18 s 6;  
1984 No 57 s 7; 1998 No 1 s 6

#### **Payment of unclaimed moneys**

s 10 am 1974 No 18 s 7; 1984 No 57 s 8; 1989 No 38 sch 1;  
2001 No 44 amdt 1.4127

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

s 11 am 1966 No 19; 1974 No 18 s 8; 1984 No 57 s 9; 1989  
No 38 sch 1; 1998 No 1 s 7

#### **Examination of accounts etc**

s 12 am 1966 No 19; 1982 No 51 s 2; 1984 No 57 s 10; 1990  
No 28 s 6; 1993 No 64 sch 1; 1998 No 1 s 8; 2002 No  
27 s 80

#### **Payments of moneys to lawful claimant**

s 13 sub 1974 No 18 s 9  
am 1982 No 51 s 2; 1984 No 57 s 11; 1988 No 17 sch 2;  
1989 No 38 sch 1



**Unclaimed superannuation benefits**

pt 4 hdg ins 1997 No 34 s 4

**Definitions for pt 4**

s 16 ins 1997 No 34 s 4

def **approved deposit fund** ins 1997 No 34 s 4def **Commonwealth Act** ins 1997 No 34 s 4def **eligibility age** ins 1997 No 34 s 4

sub 1998 No 1 s 9

def **fund** ins 1997 No 34 s 4def **regulated superannuation fund** ins 1997 No 34 s 4def **unclaimed money** ins 1997 No 34 s 4**Application of pt 4**

s 17 ins 1997 No 34 s 4

am 1998 No 1 s 10

**Unclaimed money**

s 18 ins 1997 No 34 s 4

**Deeming age or gender**

s 19 ins 1997 No 34 s 4

**Statement of unclaimed money**

s 20 ins 1997 No 34 s 4

am 2001 No 44 amdts 1.4128-1.4130; ss renum R3 LA

(see 2001 No 44 amdt 1.4131)

**Payment of unclaimed money to Minister**

s 21 ins 1997 No 34 s 4

am 1998 No 1 s 11

**Discharge of trustee from liability**

s 22 ins 1997 No 34 s 4

**Payment to person entitled**

s 23 ins 1997 No 34 s 4

am 2001 No 44 amdts 1.4132-1.4134

**Repayment of excess money**

s 24 ins 1997 No 34 s 4

**Register of money received**

s 25 ins 1997 No 34 s 4

**Unclaimed RSA money**

pt 5 hdg ins 1998 No 1 s 12

## Endnotes

### 4 Amendment history

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#### **Definitions for pt 5**

s 26 ins 1998 No 1 s 12  
def **Commonwealth Act** ins 1998 No 1 s 12  
def **holder** ins 1998 No 1 s 12  
def **RSA** ins 1998 No 1 s 12  
def **RSA provider** ins 1998 No 1 s 12  
def **unclaimed RSA money** ins 1998 No 1 s 12

#### **Application of pt 5**

s 27 ins 1998 No 1 s 12

#### **Statement of unclaimed RSA money**

s 28 ins 1998 No 1 s 12  
am 2001 No 44 amdts 1.4135-1.4137; ss renum R3 LA  
(see 2001 No 44 amdt 1.4138)

#### **Payment of unclaimed RSA money to Minister**

s 29 ins 1998 No 1 s 12

#### **Discharge of RSA provider from liability**

s 30 ins 1998 No 1 s 12

#### **Payment to applicant**

s 31 ins 1998 No 1 s 12  
am 2001 No 44 amdts 1.4139-1.4141

#### **Repayment of excess amount**

s 32 ins 1998 No 1 s 12

#### **Register of unclaimed RSA money received**

s 33 ins 1998 No 1 s 12

#### **Determination of fees**

s 34 ins 2001 No 44 amdt 1.4142

#### **Approved forms**

s 35 ins 2001 No 44 amdt 1.4142

#### **The Schedules**

hdg om 2001 No 44 amdt 1.4143

#### **First Schedule**

am 1974 No 18 s 10  
om 2001 No 44 amdt 1.4144

#### **Second Schedule**

am 1974 No 18 s 11; 1984 No 57 s 12  
om 2001 No 44 amdt 1.4144

## 5 Earlier replications

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

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Replication No	Amendments to	Replication date
1	Act 1990 No 28	31 May 1991
2	Act 1997 No 34	30 June 1997
3	Act 2001 No 44	24 January 2002
4	Act 2002 No 27	7 October 2002
5	A2003-2	31 March 2003

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