



Australian Capital Territory

# Unclaimed Money Act 1950

**A1950-15**

**Republication No 18**

**Effective: 22 November 2018**

Republication date: 22 November 2018

Last amendment made by [A2018-42](#)

## 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 November 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 22 November 2018.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Unclaimed Money Act 1950

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Australian Capital Territory

# Unclaimed Money Act 1950

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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

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## 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 ‘*unclaimed amount*, for part 3 (Unclaimed amounts payable by companies)—see section 6 (2).’ means that the term ‘unclaimed amount’ is defined in that section for part 3.

*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 public trustee and guardian.
- (2) The Supreme Court may, at any time, on the application of the public trustee and guardian, 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 public trustee and guardian of unclaimed or undistributed amounts.
- (4) A liquidator who makes a payment to the public trustee and guardian in accordance with subsection (1) or in accordance with an order under subsection (2) must give the public trustee and guardian 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 public trustee and guardian 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.



## 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 and guardian**

- (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 statement made by an officer of the company, to the public trustee and guardian; and
  - (b) give public notice—
    - (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 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* If a form is approved under s 35 for a provision of this subsection, the form must be used.

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

**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 public trustee and guardian**

- (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 and guardian under section 8 (3) (a) that included particulars of the amount.
- (2) The company must pay the amount to the public trustee and guardian not later than 1 month after the end of the 1-year period.
- (3) On payment of the amount to the public trustee and guardian, 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 public trustee and guardian 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.

**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 5                      Payment of unclaimed amounts to claimants

### 26                      Meaning of *unclaimed money*—pt 5

In this part:

*unclaimed money* means money paid to the public trustee and guardian under any of the following provisions:

- (a) section 4 (Unclaimed assets in hands of liquidator);
- (b) section 10 (Payment of unclaimed amounts to public trustee and guardian);
- (c) the *Agents Act 2003*, section 124 (Payment of unclaimed money to public trustee and guardian);
- (d) the *Co-operatives National Law (ACT)*, section 436 (3) (b) (ii) (Disposal of consideration for shares compulsorily acquired);  
*Note*        The *Co-operatives National Law (ACT)*, s 436 (3) (b) (ii) is affected by the *Co-operatives National Law (ACT) Act 2017*, s 14.
- (e) the *Legal Profession Act 2006*, section 259 (Unclaimed trust money).

### 27                      Who may apply for unclaimed money

- (1) A person who claims to be entitled to an amount of unclaimed money may apply to the public trustee and guardian for payment of the amount.

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

- (2) The public trustee and guardian may, in writing, require the applicant to give the public trustee and guardian more information or documents that the public trustee and guardian reasonably needs to decide the application.

**Examples—information or documents**

- 1 birth certificate, citizenship certificate, driver licence or other proof of identification
- 2 rates notice, electricity bill or other proof of place of residence
- 3 evidence of entitlement to amount claimed

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) If the applicant does not comply with a requirement under subsection (2), the public trustee and guardian may refuse to consider the application.

## **28 Representatives of people claiming unclaimed money**

- (1) The following people may apply under section 27 on behalf of a person claiming to be entitled to an amount of unclaimed money:
- (a) an agent of the person;
  - (b) if the person has died—a legal representative of the person.
- (2) In this section:

***legal representative***, of a person who has died, means a person—

- (a) holding office as executor of the will of the deceased person where probate of the will has been granted or resealed in Australia; or
- (b) holding office in Australia as administrator of the estate of the deceased person.

## **29 Decision about application for payment of unclaimed money**

On application by a person under section 27, the public trustee and guardian must—

- (a) decide to pay the unclaimed money to the person claimed to be entitled to the money; or
- (b) refuse to pay the unclaimed money.

## **30 Reviewable decision notice**

If the public trustee and guardian makes a decision under section 29, the public trustee and guardian must give a reviewable decision notice to the applicant in relation to the decision.

*Note 1* The public trustee and guardian must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

## **31 Review by ACAT**

- (1) The following people may apply to the ACAT for review of a decision under section 29:

- (a) the applicant in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

- (2) The public trustee and guardian must give notice of a decision to each person whose interests are affected by the decision.
- (3) The notice must be in accordance with a reviewable decision notice.

## Part 6 Miscellaneous

### 33A Unclaimed money register

- (1) The public trustee and guardian may keep a register of unclaimed money that is paid to the public trustee and guardian under—
  - (a) this Act; or
  - (b) the *Legal Profession Act 2006*, section 259; or
  - (c) the *Agents Act 2003*, section 124.
- (2) The register may include the name of the owner of the money and any other information the public trustee and guardian considers appropriate.
- (3) The register may be kept in any form, including electronically, that the public trustee and guardian decides.
- (4) The register may be kept in 1 or more parts, as the public trustee and guardian considers appropriate.
- (5) The public trustee and guardian must make information in the register available so that a person who is entitled to make a claim for unclaimed money can find out about the entitlement.
- (6) The public trustee and guardian may decide how the information in the register is made available.

### 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 and guardian
- reviewable decision notice
- Territory.

***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 *Co-operatives National Law (ACT)*; 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 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.

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

***registered office***—see the [Corporations Act](#), section 9.

***unclaimed amount***, for part 3 (Unclaimed amounts payable by companies)—see section 6 (2).

***unclaimed money***, for part 5—see section 26.

## Endnotes

1 About the endnotes

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## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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

### 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* A1989-21, 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)* A2005-60 (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

## Endnotes

3 Legislation history

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**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

**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 (Amendment) 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)

## Endnotes

**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))

**Justice and Community Safety Legislation Amendment Act 2010  
(No 4) A2010-50 sch 1 pt 1.11**

notified LR 14 December 2010  
s 1, s 2 commenced 14 December 2010 (LA s 75 (1))  
sch 1 pt 1.11 commenced 21 December 2010 (s 2 (1))

**Administrative (One ACT Public Service Miscellaneous Amendments)  
Act 2011 A2011-22 sch 1 pt 1.159**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.159 commenced 1 July 2011 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2012  
A2012-13 sch 1 pt 1.10**

notified LR 11 April 2012  
s 1, s 2 commenced 11 April 2012 (LA s 75 (1))  
sch 1 pt 1.10 commenced 12 April 2012 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2013  
(No 2) A2013-11 sch 1 pt 1.8**

notified LR 28 March 2013  
s 1, s 2 commenced 28 March 2013 (LA s 75 (1))  
sch 1 pt 1.8 commenced 4 April 2013 (s 2)

**Red Tape Reduction Legislation Amendment Act 2015 A2015-33  
sch 1 pt 1.66**

notified LR 30 September 2015  
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))  
sch 1 pt 1.66 commenced 14 October 2015 (s 2)



**Protection of Rights (Services) Legislation Amendment Act 2016  
(No 2) A2016-13 sch 1 pt 1.38**

notified LR 16 March 2016

s 1, s 2 commenced 16 March 2016 (LA s 75 (1))

sch 1 pt 1.38 commenced 1 April 2016 (s 2 and see [Protection of Rights \(Services\) Legislation Amendment Act 2016](#) A2016-1 s 2)

**Red Tape Reduction Legislation Amendment Act 2016 A2016-18  
sch 3 pt 3.45**

notified LR 13 April 2016

s 1, s 2 commenced 13 April 2016 (LA s 75 (1))

sch 3 pt 3.45 commenced 27 April 2016 (s 2)

**Public Sector Management Amendment Act 2016 A2016-52 sch 1  
pt 1.62**

notified LR 25 August 2016

s 1, s 2 commenced 25 August 2016 (LA s 75 (1))

sch 1 pt 1.62 commenced 1 September 2016 (s 2)

**Co-operatives National Law (ACT) Act 2017 A2017-8 sch 2 pt 2.6**

notified LR 4 April 2017

s 1, s 2 commenced 4 April 2017 (LA s 75 (1))

sch 2 pt 2.6 commenced 1 May 2017 (s 2)

**Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.35**

notified LR 8 November 2018

s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))

sch 3 pt 3.35 commenced 22 November 2018 (s 2 (1))

## Endnotes

4 Amendment history

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### 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  
am [A2010-50](#) amdt 1.46  
def **Registrar** ins [A1990-28](#) s 4  
om [A1993-64](#) sch 1

#### 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; [A2013-11](#) amdt 1.17; [A2016-13](#) amdt 1.144

**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  
om [A2013-11](#) amdt 1.18

**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**

s 6 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 and guardian**

s 8 hdg am [A2016-13](#) amdt 1.144  
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  
am [A2015-33](#) amdt 1.231; [A2016-13](#) amdt 1.144; [A2016-18](#)  
amdt 3.215, amdt 3.216

**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 public trustee and guardian**

s 10 hdg am [A2013-11](#) amdt 1.19; [A2016-13](#) amdt 1.144  
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  
am [A2013-11](#) amdt 1.19; [A2016-13](#) amdt 1.144

## Endnotes

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### 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; [A2013-11](#) amdt 1.19; [A2016-13](#) amdt  
1.144

### 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  
om [A2013-11](#) amdt 1.20

### 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  
om [A2010-50](#) amdt 1.47

### Definitions—pt 4

s 16 ins [A1997-34](#) s 4  
om [A2010-50](#) amdt 1.47  
def **approved deposit fund** ins [A1997-34](#) s 4  
sub [A2005-60](#) amdt 1.179  
om [A2010-50](#) amdt 1.47  
def **Commonwealth Act** ins [A1997-34](#) s 4  
om [A2010-50](#) amdt 1.47  
def **eligibility age** ins [A1997-34](#) s 4  
sub [A1998-1](#) s 9  
om [A2010-50](#) amdt 1.47  
def **fund** ins [A1997-34](#) s 4  
om [A2010-50](#) amdt 1.47  
def **regulated superannuation fund** ins [A1997-34](#) s 4  
sub [A2005-60](#) amdt 1.180  
om [A2010-50](#) amdt 1.47  
def **unclaimed amount** ins [A1997-34](#) s 4  
sub [A2005-60](#) amdt 1.180  
om [A2010-50](#) amdt 1.47

**Application—pt 4**

s 17 ins [A1997-34](#) s 4  
 am [A1998-1](#) s 10; [A2005-60](#) amdt 1.181  
 om [A2010-50](#) amdt 1.47

**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  
 om [A2010-50](#) amdt 1.47

**Deeming age or sex**

s 19 ins [A1997-34](#) s 4  
 om [A2010-50](#) amdt 1.47

**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  
 om [A2010-50](#) amdt 1.47

**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  
 om [A2010-50](#) amdt 1.47

**Discharge of trustee from liability**

s 22 ins [A1997-34](#) s 4  
 om [A2010-50](#) amdt 1.47

**Payment to person entitled**

s 23 ins [A1997-34](#) s 4  
 am [A2001-44](#) amdts 1.4132-1.4134; [A2005-60](#) amdt 1.188  
 om [A2010-50](#) amdt 1.47

**Repayment of excess amounts**

s 24 hdg sub [A2005-60](#) amdt 1.189  
 s 24 ins [A1997-34](#) s 4  
 om [A2010-50](#) amdt 1.47

**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  
 om [A2010-50](#) amdt 1.47

**Payment of unclaimed amounts to claimants**

pt 5 hdg ins [A1998-1](#) s 12  
 sub [A2013-11](#) amdt 1.21

## Endnotes

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### Meaning of *unclaimed money*—pt 5

s 26                   ins [A1998-1](#) s 12  
                          sub [A2013-11](#) amdt 1.21  
                          am [A2016-13](#) amdt 1.144  
                          def **Commonwealth Act** ins [A1998-1](#) s 12  
                              om [A2013-11](#) amdt 1.21  
                          def **holder** ins [A1998-1](#) s 12  
                              sub [A2005-60](#) amdt 1.192  
                              om [A2013-11](#) amdt 1.21  
                          def **RSA** ins [A1998-1](#) s 12  
                              sub [A2005-60](#) amdt 1.192  
                              om [A2013-11](#) amdt 1.21  
                          def **RSA provider** ins [A1998-1](#) s 12  
                              sub [A2005-60](#) amdt 1.192  
                              om [A2013-11](#) amdt 1.21  
                          def **unclaimed money** am [A2017-8](#) amdt 2.7; pars renum R17  
                              LA  
                          def **unclaimed RSA money** ins [A1998-1](#) s 12  
                              om [A2013-11](#) amdt 1.21

### Who may apply for unclaimed money

s 27                   ins [A1998-1](#) s 12  
                          sub [A2013-11](#) amdt 1.21  
                          am [A2016-13](#) amdt 1.144

### Representatives of people claiming unclaimed 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)  
                          sub [A2013-11](#) amdt 1.21

### Decision about application for payment of unclaimed money

s 29                   ins [A1998-1](#) s 12  
                          sub [A2013-11](#) amdt 1.21  
                          am [A2016-13](#) amdt 1.144

### Reviewable decision notice

s 30                   ins [A1998-1](#) s 12  
                          sub [A2013-11](#) amdt 1.21  
                          am [A2016-13](#) amdt 1.144

### Review by ACAT

s 31                   ins [A1998-1](#) s 12  
                          am [A2001-44](#) amdts 1.4139-1.4141  
                          sub [A2013-11](#) amdt 1.21  
                          am [A2016-13](#) amdt 1.144

**Repayment of excess amount**

s 32 ins [A1998-1](#) s 12  
om [A2013-11](#) amdt 1.21  
am [A2016-13](#) amdt 1.144

**Register of unclaimed RSA money received**

s 33 ins [A1998-1](#) s 12  
om [A2013-11](#) amdt 1.21  
am [A2016-13](#) amdt 1.144

**Unclaimed money register**

s 33A am [A2016-13](#) amdt 1.144

**Miscellaneous**

pt 6 hdg ins [A2010-50](#) amdt 1.48  
exp 21 March 2011 (s 37)  
ins [A2012-13](#) amdt 1.43

**Unclaimed money register**

s 33A ins [A2012-13](#) amdt 1.43

**Determination of fees**

s 34 ins [A2001-44](#) amdt 1.4142

**Approved forms**

s 35 ins [A2001-44](#) amdt 1.4142

**Transitional—payment of money to the Commissioner of Taxation**

s 36 ins [A2010-50](#) amdt 1.48  
exp 21 March 2011 (s 37)

**Expiry—pt 6**

s 37 ins [A2010-50](#) amdt 1.48  
exp 21 March 2011 (s 37)

**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

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### Dictionary

dict

ins [A2005-60](#) amdt 1.193  
am [A2013-11](#) amdt 1.22; [A2016-13](#) amdt 1.144  
def **approved deposit fund** ins [A2005-60](#) amdt 1.193  
om [A2010-50](#) amdt 1.49  
def **Commonwealth Act** ins [A2005-60](#) amdt 1.193  
sub [A2010-50](#) amdt 1.50  
om [A2013-11](#) amdt 1.23  
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  
am [A2017-8](#) amdt 2.8; [A2018-42](#) amdt 3.113  
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  
om [A2010-50](#) amdt 1.51  
def **fund** ins [A2005-60](#) amdt 1.193  
om [A2010-50](#) amdt 1.51  
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  
om [A2013-11](#) amdt 1.23  
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  
om [A2010-50](#) amdt 1.51  
def **RSA** ins [A2005-60](#) amdt 1.193  
om [A2013-11](#) amdt 1.23  
def **RSA provider** ins [A2005-60](#) amdt 1.193  
om [A2013-11](#) amdt 1.23  
def **trust account** ins [A1998-1](#) s 5  
reloc from s 2 [A2005-60](#) amdt 1.148  
am [A2011-22](#) amdt 1.447  
om [A2016-52](#) amdt 1.170  
def **unclaimed amount** ins [A2005-60](#) amdt 1.193  
sub [A2010-50](#) amdt 1.52  
def **unclaimed money** ins [A2013-11](#) amdt 1.24  
def **unclaimed RSA money** ins [A2005-60](#) amdt 1.193  
om [A2013-11](#) amdt 1.25



## 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	<a href="#">A1990-28</a>	31 May 1991
2	<a href="#">A1997-34</a>	30 June 1997
3	<a href="#">A2001-44</a>	24 January 2002
4	<a href="#">A2002-27</a>	7 October 2002
5	<a href="#">A2003-2</a>	31 March 2003
6	<a href="#">A2003-2</a>	5 June 2003
7	<a href="#">A2005-60</a>	22 December 2005
8	<a href="#">A2010-50</a>	21 December 2010
9	<a href="#">A2010-50</a>	22 March 2011
10	<a href="#">A2011-22</a>	1 July 2001
11	<a href="#">A2012-13</a>	12 April 2012
12	<a href="#">A2013-11</a>	4 April 2013
13	<a href="#">A2015-33</a>	14 October 2015
14	<a href="#">A2016-13</a>	1 April 2016
15	<a href="#">A2016-18</a>	27 April 2016
16	<a href="#">A2016-52</a>	1 September 2016
17	<a href="#">A2017-8</a>	1 May 2017