

2016

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

UNCOLLECTED GOODS REGULATION 2016

SL2016-14

EXPLANATORY STATEMENT

**Presented by
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Minister for Justice and Consumer Affairs**

UNCOLLECTED GOODS REGULATION 2016

Introduction

This explanatory statement relates to the *Uncollected Goods Regulation 2016* (the Regulation). It has been prepared in order to assist the reader of the Regulation. It does not form part of the Regulation and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Regulation. It is not, and is not meant to be, a comprehensive description of the Regulation.

Outline

Purpose of the Regulation

The purpose of this Regulation is to prescribe purposes for the use of interest that is accrued from the investment of money paid into the uncollected goods trust bank account.

Section 30 of the *Uncollected Goods Act 1996* (the Act) provides for the disposal of uncollected goods and for the proceeds to be paid into a Territory trust bank account. Presently, the existing uncollected goods trust account is maintained by the Public Trustee and Guardian.

Under the Act, interest accrued on the proceeds from disposal of uncollected goods may be used for purposes prescribed in regulation. A regulation to this effect has not been made previously. This regulation therefore prescribes that interest derived from the uncollected goods trust account may be validly used for charitable purposes and social welfare purposes.

Under the Regulation, ‘charitable purposes’ is designed to permit distribution of funds to various charities. This purpose provides for flexibility where a preferred charity may change its name, cease to exist, or where different charitable purposes may be preferred from time to time.

The term ‘social welfare purposes’ is intended to capture support for areas such as homelessness.

Regulatory impact statement

A regulatory impact statement is not required for this regulation as it does not impose any appreciable costs on the community, or a part of the community.

Human Rights Implications

The Regulation does not engage the *Human Rights Act 2004*.

Detail

Clause 1 (Name of regulation) names the Regulation – the *Uncollected Goods Regulation 2016*.

Clause 2 (Commencement) provides that the Regulation commences on the day after it is notified.

Clause 3 (Application of interest – Act, s30(5)(b)) prescribes charitable purposes and social welfare purposes as the purposes for which interest received can be used.