Australian Capital Territory

Unclaimed Money Act 1950

A1950-15

Republication No 18

Effective: 22 November 2018 – 4 January 2026

Republication date: 22 November 2018

Last amendment made by A2018-42

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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):

- 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). 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).

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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

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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.

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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

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(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.

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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.

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(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).

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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.

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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.

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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.

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(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.

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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.

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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.

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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.

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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.

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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.

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

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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* 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

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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)

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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)

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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)

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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))

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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

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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 amdts 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

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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 amdts 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 amdts 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

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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

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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

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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

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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

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

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