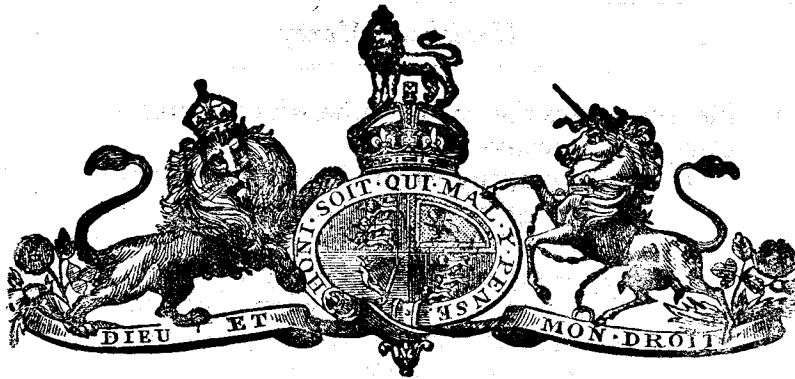


TASMANIA



1918.

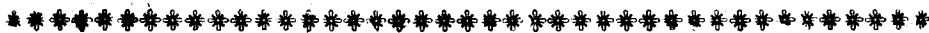
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No. 13.

ANALYSIS.

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| <ul style="list-style-type: none"> <li>1. Short title.</li> <li>2. Interpretation.</li> <li>3. Register of unclaimed moneys to be kept.</li> <li>4. Copy of register to be gazetted and declaration filed.</li> <li>5. Penalty for neglect in keeping register, &amp;c.</li> <li>6. Unclaimed moneys to be paid to the Treasurer.<br/>Company may deduct expenses.</li> </ul> | <ul style="list-style-type: none"> <li>7. Treasurer may examine accounts.</li> <li>8. Treasurer may pay lawful claimants.</li> <li>9. Treasurer not responsible for payments in certain cases.</li> <li>10. Act not to apply to certain unclaimed moneys.</li> <li>11. Procedure.</li> </ul> |
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AN ACT to provide for giving Publicity and Information relating to Unclaimed Funds, and for other purposes. [14 October, 1918.] A.D. 1918.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited for all purposes as "The Unclaimed Moneys Act, 1918."

*Unclaimed Moneys.*

A.D. 1918.

Interpretation.  
Cf. Vic., No. 2631,  
1915, s. 499.  
N.Z., No. 201,  
1908, s. 2.  
W.A., No. 34,  
1912, s. 2.  
S.A. No. 53,  
1891, s. 2.

Cf., S.A., s. 2.  
Cf. N.Z., s. 2.  
Vic., s. 499.

Register of  
unclaimed moneys  
to be kept.  
Vic., s. 500.  
N.Z., s. 3.  
W.A., s. 3.  
S.A., s. 3.

Copy of register  
to be gazetted and  
declaration filed.  
Vic., s. 501.  
N.Z., s. 4.  
W.A., s. 4.  
S.A., s. 4.

**2** In this Act, unless the context otherwise requires—

“Company” means—

- i. Every company which, having for its object the acquisition of gain, is registered or incorporated in this State under any Act relating to companies : and
- ii. Every company which, having for its object the acquisition of gain and carrying on business in this State, is registered or incorporated elsewhere than in this State : and includes
- iii. Every banking or life assurance company or association, except the Commonwealth Bank of Australia, howsoever or wheresoever registered or incorporated, carrying on business within this State : and includes
- iv. Every person or firm carrying on business as traders in this State, and acting as agents or private bankers for individuals or companies : and includes
- v. The liquidator of any company : and includes
- vi. Any persons conducting or controlling any lottery authorised by law in this State :

“Owner” means the person entitled to any unclaimed moneys, and includes his executors, administrators, or assigns, or his or their lawful attorney or agent in this State :

“Public Officer” means any person employed by the Government of this State :

“Unclaimed moneys” means all principal and interest money, and all dividends, bonuses, profits, and sums of money whatsoever which shall have become legally payable by a company to the owner since the First day of January, One thousand nine hundred and thirteen, and not before, or which at any time after the commencement of this Act become payable to him, but the recovery whereof has been or may be barred by operation of law.

**3**—(1) It shall be the duty of every company, in the month of January in each year to enter all unclaimed moneys of not less than Three Pounds in any One account in an alphabetical register to be made up to the Thirty-first day of December last preceding, and kept by such company at its head or principal office in this State, in the form set forth in the Schedule (1) to this Act, and with the particulars therein specified.

(2) From and after the last day of January in each year such register shall be open to the inspection of all persons at such head or principal office during the hours within which the company transacts its ordinary business, on payment of a fee of One Shilling.

**4** Every company shall, before the Fifteenth day of February in each year—

- i. Publish a copy of such register in the “Gazette” : and
- ii. File at the Treasury in Hobart a statutory declaration, made by an officer of the company, according to the form set forth in Schedule (2) to this Act.

*Unclaimed Moneys.*

**5** Any company failing to keep such register, or refusing inspection thereof, or failing to publish such copy, or file such declaration, shall be liable to a penalty not exceeding Two Pounds for every day during which such default or refusal continues.

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Penalty for neglect in keeping register, &c.  
Vic., s. 502.  
N.Z., s. 5.  
W.A., s. 5.  
S.A., s. 5.

**6**—(1) All unclaimed moneys which shall not have been paid by the company to the owner thereof within One year after the publication of such notice in the "Gazette," shall be paid by the company to the Treasurer of this State for the use of the Consolidated Revenue.

Unclaimed moneys to be paid to the Treasurer.  
Vic. s. 503.  
N.Z. s. 6.

(2) The company shall thereafter be relieved from any further liability in respect of the moneys so paid.

W.A., s. 6.  
S.A., s. 6.

(3) The company may deduct out of all unclaimed moneys payable by the company to the Treasurer, or to any claimant, the expenses paid by the company in the publication of the register.

Company may deduct expenses.  
Vic., s. 504.

(4) If any company fails to pay any unclaimed moneys to the said Treasurer, as required by this section, such moneys shall be deemed to be a debt due to His Majesty, and payment thereof may be recovered and enforced under the provisions of "The Crown Remedies Act, 1891," as in the case of debts due to His Majesty, and the company shall, in addition, be liable to a penalty not exceeding Two Pounds for every day during which such default continues, and such penalty shall be recoverable in a summary way.

**7** The said Treasurer may, at any time after any publication of the register as aforesaid, examine the register and any of the accounts relating to the unclaimed moneys in such register referred to; and may for that purpose require the production before him, or before such public officer as he may appoint, of any book, vouchers, or documents referring to such moneys, and if any error shall be found in any register or the copy thereof as published he may direct the register or copy, or both to be amended.

Treasurer may examine accounts.  
Vic., sec. 505.  
N.Z., s. 7.  
W.A., s. 7.  
S.A., s. 7.

**8** If any claimant shall make any demand against the Treasurer for any money paid to him under the provisions of this Act, the Treasurer, upon being satisfied that the said claimant is the owner of the money demanded by him, shall order and direct payment thereof to be made to him without interest.

Treasurer may pay lawful claimants.  
Vic. s. 506.  
N.Z., s. 8.  
W.A., s. 8.  
S.A., s. 8.

**9** Where any unclaimed moneys paid to any claimant are afterwards claimed by any other person, the Treasurer shall not be responsible for the payment of the same, but such person may have recourse against the claimant to whom the Treasurer has paid the unclaimed moneys.

Treasurer not responsible for payment in certain cases.  
Vic. s. 507.  
N.Z., s. 9.  
W.A., s. 9.  
S.A., s. 9.

**10** This Act shall not apply to any unclaimed moneys which any trustee company is required by law to pay to the Treasurer, nor to any unclaimed moneys which any company, or the liquidator of any company, or any trustee of any bankrupt estate, is required by law to pay into the Treasury.

Act not to apply to certain unclaimed moneys.  
Cf. Vic., s. 508.  
W.A., s. 10.

*Unclaimed Moneys*

A.D. 1918.

Procedure.

**11** All informations for offences against the provisions of this Act, and all penalties imposed by this Act, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate, or any Two or more justices, in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

**SCHEDULES.**

(1)

Register of unclaimed money held by the Company [*or Bank, &c.*] [*here insert name of Company*].

Name of Owner on Books.	Total Amount due to Owner.	Description of Unclaimed Money.	Date of last Claim.
Alfred Brown, Ross	£300	First dividend on 1000 shares in Hobart Gas Co. Limited	April 1, 1906
William Walker, Kangaroo Valley	£450	A deposit or balance of account in Bank of Australasia, &c.	August 25, 1907

(2)

"THE UNCLAIMED MONEYS ACT, 1918."

I [*insert name, place of abode, and occupation*] do solemnly and sincerely declare—

1. That I am an officer of [*insert name of Company*], hereinafter referred to as the said Company.

2. That in accordance with the provisions of "The Unclaimed Moneys Act, 1918," the said Company has duly entered all unclaimed moneys in the register kept by the said Company at its head or principal office in Tasmania.

3. That a copy of the said register was published in the "Gazette" on the day of 19

4. That the said register correctly and completely sets forth particulars of all unclaimed moneys within the meaning of the said Act of the said Company of not less than Three Pounds in any one account.

And I make this solemn declaration by virtue of Section 132 of "The Evidence Act, 1910."

Declared at this day of 19

Before me,

Justice of the Peace,  
[*or as the case may be*].