

FACT SHEET

Unclaimed Money Bill 2015

- The *Unclaimed Moneys Act 1918* has not been substantially reviewed since 2001.
- The *Unclaimed Money Bill 2015* will modernise the legislation, ensure that the administration of unclaimed money is efficient and reduce the regulatory burden for Tasmanian businesses.
- The Bill has been drafted in separate parts to address general unclaimed money, unclaimed superannuation benefits, money paid into court and other unclaimed money.
- Currently, the scope of the existing 1918 Act includes all companies registered or incorporated in this State, along with all companies registered or incorporated elsewhere but undertaking operations in this State. The Unclaimed Money Bill relates only to those businesses that have their primary place of business or head office in Tasmania. Entities holding general unclaimed money in other jurisdictions will be required to comply with the unclaimed money legislation for that jurisdiction.
- All State entities within the meaning of the *Audit Act 2008* will be included in the scope of the Unclaimed Money Bill, aligning with the requirements in other jurisdictions.
- Currently, businesses are required to prepare an annual register of general unclaimed money over the value of \$6. This threshold has been adjusted to reflect current values. Under the Unclaimed Money Bill, the threshold will be set at \$50, with provision for the Treasurer to adjust this amount as appropriate.
- The current legislation requires the register held by each business to be open for public inspection on payment of a fee of 10 cents. Under the Unclaimed Money Bill, that fee can be set by the holder of unclaimed money but is not to exceed \$5.
- Businesses will no longer be required to publish copies of their Unclaimed Money Register in the Government Gazette. Responsibility for making such information publicly available will be transferred to the Treasurer, with the Treasurer able to determine the way that this is to be done.
- Currently, businesses are required to hold general unclaimed money for a period of six years. The new Bill provides for businesses to lodge any unclaimed money with the Treasurer after a period of two years, consistent with the requirements in other jurisdictions.
- Arrangements relating to unclaimed superannuation benefits paid to the Treasurer in accordance with the *Retirement Benefits Regulations 2005* will continue.
- The Unclaimed Money Bill will continue to provide for unclaimed money paid into a court in this State to be forwarded to the Treasurer after a period of six years has passed and no order has been made for its payment. This is consistent with the current legislation.
- The new Bill provides for unclaimed money under any written law to be paid to the Treasurer after a period of twelve months or the period provided for in the other written law. This is consistent with current requirements.

- In recent years, total claims of unclaimed money have been significantly less than the amount lodged. The Bill provides that any amount received by the Treasurer that remains unclaimed for a further period of two years can be transferred to the Consolidated Fund, with the approval of the Treasurer. This will reduce the administrative burden of managing these funds but will not impact on subsequent claims which will continue to be met from the Public Account.
- The Unclaimed Money Bill provides for monetary penalties for breaches in compliance.
- Costs incurred in administering unclaimed money may, if approved by the Treasurer, be met from the balance of unclaimed money in the Public Account.