



Western Australia

Unclaimed Money Act 1990

Unclaimed Money Regulations 1991

Reprint 1: The regulations as at 18 July 2003

Western Australia

Unclaimed Money Regulations 1991

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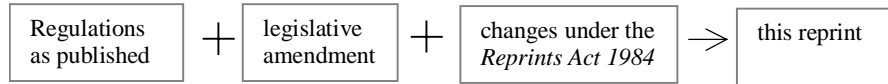
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Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

THE TEXT OF THE LEGISLATION FOLLOWS

Reprinted under the
Reprints Act 1984 as
at 18 July 2003

Western Australia

Unclaimed Money Regulations 1991

CONTENTS

1.	Citation	1
2.	Notification to Treasurer of unclaimed money and prescribed retained money	1
2A.	Exemption for certain mining survey fees	2
2B.	Exemption to allow voluntary payment of interest earned on patients trust account	3
3.	Notification to Treasurer of payment of unclaimed money or prescribed retained money	3
4.	Advertising by Treasurer	3
4A.	Exemption from advertising for small amounts	5
5.	Money paid to Treasury under section 13	6
6.	Money paid to Treasurer under section 14	6
7.	Payment of interest	6
	Schedule 1	7
	Notes	
	Compilation table	10



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Unclaimed Money Regulations 1991

1. Citation

These regulations may be cited as the *Unclaimed Money Regulations 1991*¹.

2. Notification to Treasurer of unclaimed money and prescribed retained money

- (1) Subject to subregulation (1a), the date for the making of a notification of prescribed retained money is 31 January next following the date on which the money concerned became prescribed retained money.
- (1a) The date for the making of a notification of prescribed retained money to which regulation 2A applies, is 31 January 1997.
- (2) The additional matters that are to be included in a notification of unclaimed money (or prescribed retained money) are —
 - (a) the name and address of the holder of the money;
 - (b) the address of the owner of the money; and

r. 2A

- (c) where particulars of the person to whom or the place to which enquiries about the money being notified should be directed are different from the particulars supplied under paragraph (a), particulars of the different person or place.
- (3) A notification of unclaimed money or prescribed retained money is to be in the form of Form 1 in Schedule 1.

[Regulation 2 amended in Gazette 20 Aug 1996 p. 4069.]

2A. Exemption for certain mining survey fees

- (1) A notification under section 9(3)(a)(i) of the Act in relation to prescribed retained money to which this regulation applies, need not, if that information cannot reasonably be ascertained, set out —
 - (a) the name of the person on whose behalf the money is held or to whom it is liable to be paid;
 - (b) the address of the owner of the money; and
 - (c) the date on which the holder came into possession of the money.
- (2) This regulation applies to prescribed retained money that —
 - (a) was paid by the owner to the Director General of Mines (as defined in the *Mining Act 1978*) as a survey fee under section 199 of the *Mining Act 1904*² during the period beginning on 1 July 1980 and ending on 31 December 1981; and
 - (b) was paid by the Director General of Mines, under section 28 of the *Audit Act 1904*³, to the Treasurer to be placed to the credit of the Trust Account established by that Act.

[Regulation 2A inserted in Gazette 20 Aug 1996 p. 4069-70.]

2B. Exemption to allow voluntary payment of interest earned on patients trust account

- (1) For the purpose of enabling unclaimed money to which this regulation applies to be dealt with under section 13 of the Act, section 7(4)(a) of the Act is to be read as if it had been amended after “satisfied that” by inserting “, to the extent to which they can reasonably be ascertained,”.
- (2) This regulation applies to unclaimed money that was interest credited to the patients trust account prior to 30 June 1994.
- (3) In subregulation (2) —
“patients trust account” means the trust account, called the “Hospital Patients’ Private Property Trust Account” held by the Health Department of Western Australia ⁴ with the Treasury, in which money was held on behalf of patients in various departmental hospitals and nursing homes.

[Regulation 2B inserted in Gazette 11 Dec 1998 p. 6653.]

3. Notification to Treasurer of payment of unclaimed money or prescribed retained money

- (1) The additional matters that are to be included in a notification of a payment of unclaimed money (or prescribed retained money) are —
 - (a) the name and address of the person who made the payment; and
 - (b) the address of the place at which the money was handed over or to which it was sent.
- (2) A notification of a payment of unclaimed money or prescribed retained money is to be in the form of Form 2 in Schedule 1.

4. Advertising by Treasurer

- (1) The Treasurer is to advertise the particulars that are set out in subregulation (2) in respect of prescribed retained money —

r. 4

- (a) that is notified to the Treasurer in the year concerned under section 9(3)(a) of the Act and of which no notification has been received under section 9(3)(b) of the Act; or
 - (b) that is notified to the Treasurer in the year concerned otherwise than under section 9(3)(a) of the Act.
- (2) To the extent that they are known to the Treasurer, the additional particulars that are to be included in an advertisement under section 11 of the Act are, in respect of notifications to the Treasurer or payments received in the Treasury —
 - (a) the name and address of the person who made the notification or payment;
 - (b) the stated name and address of the owner of the money;
 - (c) a brief description of the stated manner in which the person making the notification or payment came into possession of the money; and
 - (d) the stated date on which that person came into possession of the money.
- (3) Despite subregulations (1) and (2), if the Treasurer considers that the publication of —
 - (a) the name or address of the person who made the notification or payment;
 - (b) the stated address of the owner of the money; or
 - (c) the description required by subregulation (2)(c),would be likely to reveal information about the owner that may be private or confidential, the Treasurer is not required to publish it.

[Regulation 4 amended in Gazette 27 May 1994 p. 2244-5.]

4A. Exemption from advertising for small amounts

- (1) An advertisement under section 11(1) of the Act need not set out the amount and prescribed particulars of money notified to the Treasurer or received in the Treasury if —
 - (a) the amount of the money is less than \$100; and
 - (b) the advertisement —
 - (i) sets out the name of the person who made the notification or payment;
 - (ii) states that details of the money are included in a list kept under subregulation (2)(a); and
 - (iii) sets out the places where that list is available for public inspection.
- (2) The Treasurer must —
 - (a) in respect of each advertisement under subregulation (1), keep a list of the money to which the advertisement relates; and
 - (b) make that list available for public inspection, without charge, at such places as the Treasurer considers appropriate.
- (3) To the extent that they are known to the Treasurer, the following particulars of notifications to the Treasurer and payments received in the Treasury are to be included in a list kept under subregulation (2)(a) —
 - (a) the name and address of the owner of the money;
 - (b) the amount of the money;
 - (c) the name and address of the person who made the notification or payment;
 - (d) a brief description of the manner in which that person came into possession of the money; and
 - (e) the date on which that person came into possession of the money.

[Regulation 4A inserted in Gazette 20 Aug 1996 p. 4070.]

5. Money paid to Treasury under section 13

A person making a payment under section 13 of the Act is to submit with the payment a statement in the form of Form 3 in Schedule 1.

6. Money paid to Treasurer under section 14

A person paying unclaimed money or prescribed retained money to the Treasurer under section 14 of the Act is, when making the payment, to specify the item number of the entry in the *Gazette* advertisement under section 11 of the Act in respect of which the payment is being made.

7. Payment of interest

For the purposes of section 16 of the Act, the prescribed amount is \$500.

Schedule 1

Forms

FORM 1

(Reg. 2(3))

UNCLAIMED MONEY ACT 1990

NOTIFICATION TO TREASURER OF UNCLAIMED MONEY OR PRESCRIBED RETAINED MONEY HELD

Name of holder

Address

If the particulars of the person to whom or the place to which enquiries about the money should be directed are different from the particulars given above, please specify particulars of the different person and/or place

.....

Name and (Last Known) Address of Owner of the Money	Amount of Money Held	Date When Holder Came Into Possession of the Money	Manner in Which Holder Came Into Possession of the Money
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I certify that the above information is correct.

.....

(Signature of holder or his/her legal personal representative (where the latter, name and address to be shown))

Schedule 1

FORM 2

(Reg. 3(2))

UNCLAIMED MONEY ACT 1990

**NOTIFICATION TO TREASURER OF PAYMENT OF UNCLAIMED
MONEY OR PRESCRIBED RETAINED MONEY**

1. Name and address of person who made the payment
2. Amount of money paid
3. Name of person to whom the payment was made
4. Address at which the money was handed over or to which it was sent
5. Date of the payment

I certify that the above information is correct.

.....
(Signature of payer or his/her legal personal representative (where the latter,
name and address to be shown))

FORM 3

(Reg. 5)

UNCLAIMED MONEY ACT 1990

PAYMENT TO TREASURY UNDER SECTION 13

1. Name and address of person making the payment
2. Amount of payment
3. Name and (last known) address of owner of the money
4. Date when person making the payment came into possession of the money ...
5. Manner in which person making the payment came into possession of the money
6. If applicable, details of unfulfilled obligations in respect of the money being paid
7. If applicable, the amount of the balance of money to be paid to owner

I certify that the above information is correct.

(Signature of payer or his/her legal personal representative (where the latter, name and address to be shown)).

Notes

¹ This reprint is a compilation as at 18 July 2003 of the *Unclaimed Money Regulations 1991* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about this reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Unclaimed Money Regulations 1991</i>	12 Apr 1991 p. 1664-6	12 Apr 1991
<i>Unclaimed Money Amendment Regulations 1994</i>	27 May 1994 p. 2244-5	27 May 1994
<i>Unclaimed Money Amendment Regulations 1996</i>	20 Aug 1996 p. 4069-70	20 Aug 1996
<i>Unclaimed Money Amendment Regulations 1998</i>	11 Dec 1998 p. 6653	11 Dec 1998

Reprint 1: The Unclaimed Money Regulations 1991 as at 18 Jul 2003
(includes amendments listed above)

² Repealed by the *Mining Act 1978*.

³ Repealed by the *Financial Administration and Audit Act 1985*.

⁴ Under the *Alteration of Statutory Designations Order (No. 3) 2001* references to the former Health Department of WA are to be read as references to the Department of Health.