

WESTERN AUSTRALIA.

UNCLAIMED MONEYS.

No. 34 of 1912.

[As amended by Acts No. 2 of 1924, (a); and No. 8 of 1947, (b); and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to provide for giving publicity to information relating to Unclaimed Funds and for other purposes.

[Assented to 10th October, 1912.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Unclaimed Moneys Act, 1912-1947*.

Short title.
No. 34 of
1912, s. 1,
amended by
No. 8
of 1947, s. 2.

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

Interpre-
tation
S. 2 amended
by No. 2 of
1924, s. 2,
and No. 8 of
1947, s. 3.
Vic. No. 2051,
s. 2.

“Company” means—

- (a) Every company which, having for its object the acquisition of gain, is registered or incorporated in Western Australia under any Act relating to companies; and

(a) Assented to 3rd October, 1924.

(b) Assented to 10th October, 1947.

- (b) Every company which, having for its object the acquisition of gain, and carrying on business in Western Australia, is registered or incorporated elsewhere than in Western Australia; and includes
- (c) Every banking or life assurance company or association, howsoever or wheresoever registered or incorporated, carrying on business within Western Australia.
- (d) Every person or firm carrying on business as traders in Western Australia, and acting as agents or private bankers for individuals or companies.
- (e) The liquidator of any company.
- (f) A society registered under the Building Societies Act, 1920 (No. 20 of 1920), as amended by the Building Societies Act Amendment Act, 1921 (No. 16 of 1921).

[N.Z. 1898,
No. 201,
s. 2.]

[Original
para.
(f) omitted
by No. 2 of
1924, s. 2;
New para (f)
added by
No. 8 of
1947, s. 3.]

“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 Western Australia.

“Public Officer” means any person employed by the Government of Western Australia.

“Treasurer” means the Colonial Treasurer of Western Australia.

“Unclaimed moneys” means all principal and interest money, and all dividends, bonuses, profits, and sums of money whatsoever, which have been owing to any person (notwithstanding that the recovery thereof may be barred by lapse of time) since the first

[*cf.* N.Z.
1908, No. 201,
s. 2;
Vict.
No. 2051,
s. 2.]

day of January, One thousand nine hundred and six, and not before, or which shall at any time after the commencement of this Act become owing to any person and which, on the commencement of this Act or at any time thereafter, have been payable by the company for a period of six years or upwards after the time when the same became payable, or when payment thereof might have been demanded or enforced, and in respect whereof no claim has, for a period of six years, been made by the owner, or any person lawfully claiming under him, against the company.

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 five pounds in any one account in a 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 Western Australia, in the form set forth in the first schedule to this Act, and with the particulars therein specified.

Register of unclaimed moneys to be kept.
[Vic. No. 2051, s. 3.
Schedule 1.
Cf. N.Z., 1908, No. 201, s. 3.]

(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—

Register to be published and declaration filed.
Schedule 2.
[See Vic. No. 2051, s. 4.]

(a) publish a copy of such register in the *Government Gazette*; and

(b) file at the Treasury in Perth a statutory declaration made by an officer of the company, in the form set forth in the second schedule to this Act,

Penalty for neglect in keeping register, etc. [Vic. No. 2051, s. 5.]

5. Any company which fails to keep such register, or to publish such copy, or file such declaration or which refuses inspection of the register, shall be liable to a penalty not exceeding two pounds for every day during which such default or refusal continues.

Unclaimed moneys to be paid to the Treasurer. [Vic. No. 2051, s. 6. Cf. N.Z. 1908, No. 201, s. 6.]

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 *Government Gazette* shall be paid by the company to the Treasurer to be placed to the credit of a fund to be called the "Unclaimed Moneys Fund," and the company shall thereafter be relieved from all further liability in respect of the moneys so paid.

(2) The Governor may direct that the whole or part of the moneys paid to the credit of the said fund shall be invested in the purchase of Government debentures or stock, and the interest arising from such investment shall be paid into the consolidated revenue.

(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.

[See Vic. No. 2051, s. 7.]

(4) If a company fails to pay any unclaimed money to the Treasurer as required by this section, such money shall be deemed a debt due to the Crown, and be recoverable accordingly, and the company shall, in addition, be liable to a penalty not exceeding two pounds for every day during which such default continues.

Treasurer may examine accounts, etc. [Vic. No. 2051, s. 8.]

7. The 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 the copy thereof as published, or both of them, to be amended.

8. If any claimant shall make any demand against the Treasurer for any money paid to him under this Act, the Treasurer, upon being satisfied that the claimant is the owner of the money demanded by him, shall order and direct payment thereof to be made to him.

Treasurer may pay lawful claimant.
[Vic. No. 2051, s. 9.
Cf. N.Z. 1908, No. 201, s. 8.]

Provided that the claimant shall not be entitled to any interest arising from the investment of such money by the Treasurer.

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 payments in certain cases.
[Vic. No. 2051, s. 10.]

10. This Act shall not apply to the accounts in the Government Savings Bank, nor 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 His Majesty's Treasury.

Act not to apply to certain unclaimed moneys.
No. 34 of 1912, s. 10, amended by No. 2 of 1924, s. 2.
[Vic. No. 2051, s. 11.]

11. Any rights of the owner in respect of such moneys which may exist at the time of such entry in the register, and the publication of the register as aforesaid, shall not be prejudiced or affected by such entry or publication, and such moneys may be recovered by such owner at any time before the

Effect of entry in register and its publication.
[Vic. No. 2051, s. 12.]

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same shall be paid to the Treasurer under section six, but not afterwards, any rule of law to the contrary notwithstanding.

Repeal.

12. Sections thirty-two and thirty-three of the Government Savings Bank Act, 1906, are repealed.¹

Section 3.

FIRST SCHEDULE.

.....Company (or Bank, etc.)

Register of unclaimed money held by the.....
(here insert name of Company.)

Name and last known address of owner on books.	Total amount due to owner.	Description of unclaimed money.	Date of last claim.
	£ s. d.		
James Murray, Hay Street, Perth	350 0 0	First dividend on 600 shares in the Electric Light Company, Limited	27th April, 1906
Thomas Hutt, of Hannan Street, Kalgoorlie	437 0 0	Deposit, or balance of account in the Bank of Australasia (or such other particulars as may be a sufficient description of the money)	26th Nov., 1906

Section 4.

SECOND SCHEDULE.

The Unclaimed Moneys Act, 1912.

I [*insert name, address, and occupation*] do solemnly and sincerely declare

1. That I am 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, 1912," the said company has duly entered all unclaimed moneys in the register kept by the said company at its head or principal office in Western Australia.

¹The Unclaimed Moneys Act Amendment Act, 1924 (Act No. 2 of 1924), s. 2 (3) provides as follows:—“(3) Sections thirty-two and thirty-three of the Government Savings Bank Act, 1906, are re-enacted, and shall have effect as if those sections had not been repealed by section twelve of the principal Act.”

See also Acts No. 13 of 1926 and No. 26 of 1931.

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3. That a copy of the said register was published in the *Government 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 £5 in any one account.

And I make this solemn declaration by virtue of Section 106 of the Evidence Act, 1906.

Declared at this day of 19 ,
before me.

C. D.,
Justice of the Peace.