

General Information Bulletin

This Bulletin explains the main changes to the administration of unclaimed money as a result of the introduction of the *Unclaimed Money Act 2008*, which comes into effect on 1 January 2009.

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The *Unclaimed Money Act 2008* (the new Act) received Royal Assent on 26 August 2008 and will replace the *Unclaimed Moneys Act 1962* (the old Act) from 1 January 2009.

The new Act rewrites the old Act to modernise the language and provide a clear regime for the administration of unclaimed money. There is no change to the underlying purpose of the old Act, which is to safeguard unclaimed money and ensure that rightful owners of such money can be identified and located.

The types of unclaimed money dealt with under the new Act remain the same, being general unclaimed money (such as share dividends, salaries and wages, rent and bonds, debentures and interest and unrepresented cheques), money paid into court and unclaimed superannuation benefits.

The main changes under the new Act, which relate to the administration of unclaimed money, are set out below:

Advertising

A business will no longer be required to advertise details of unclaimed money in the Government Gazette. Instead, the Registrar of Unclaimed Money (currently the Commissioner of State Revenue) will make this information publicly available on the SRO website. The Registrar will also be able to make details of unclaimed money available in other forms, such as over the phone, or advertising in major regional and metropolitan newspapers.

Reducing the time that business must hold unclaimed money

A business is currently required to administer and retain unclaimed money for at least two years before that money must be paid to the Registrar. This period has been reduced to just over one year. Accordingly, a business will now lodge a return with and pay an amount to the Registrar equal to all amounts of

unclaimed money held on 1 March (less any amounts paid to owners and any reasonable expenses) by 31 May that same year. All businesses that currently remit unclaimed money to the Registrar will receive further information explaining these changes.

Assessment Regime

The Registrar will have the power to issue an assessment, including penalty and interest, where a business fails to remit unclaimed money to the Registrar in accordance with the new Act. A business may object to an assessment and, if dissatisfied with the Registrar's determination of the objection, may request review by the Victorian Civil and Administrative Tribunal or appeal to the Supreme Court.

Protection of information obtained during the administration of unclaimed money

The new Act contains provisions which protect information that is obtained by the Registrar in administering the new Act. Disclosure of such information is prohibited except to certain named recipients such as the Ombudsman and the Victorian Privacy Commissioner. Disclosures can also be made in certain circumstances where this is in the public interest. Although the Registrar must publish information to identify and locate owners of unclaimed money, the new Act limits the amount of information that can be published to achieve this purpose.

Facilitating the transfer of the administration of unclaimed superannuation to the Commonwealth

These changes will give effect to an agreement between the Victorian and Commonwealth Governments for the transfer of administration of unclaimed superannuation to the Commonwealth. This transfer will make it easier for individuals searching for lost superannuation by providing a single access point and a national claims process.



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Further information

For further information on these changes please contact the State Revenue Office:

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