



Australian Capital Territory

Powers of Attorney Regulation 2007

Subordinate Law SL2007-8

The Australian Capital Territory Executive makes the following regulation under the *Powers of Attorney Act 2006*.

Dated 2 May 2007.

SIMON CORBELL
Minister

JOHN HARGREAVES
Minister



Australian Capital Territory

Powers of Attorney Regulation 2007

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made under the

Powers of Attorney Act 2006

1 Name of regulation

This regulation is the *Powers of Attorney Regulation 2007*.

2 Commencement

This regulation commences on 30 May 2007.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Modification of Act, ch 20—Act, s 156

The Act, chapter 20 (Transitional provisions) is modified by schedule 1.

Schedule 1 Modification of Act, ch 20 (Transitional provisions)

(see s 3)

[1.1] New sections 156A to 156M

insert

156A Meaning of *health care matter*

Section 12 applies as if example 2 were omitted.

156B Authorisation of attorneys

Section 13 heading applies as if it read as follows:

‘13 Appointment of attorneys’.

156C Authorisation of attorneys

Section 13 applies as if ‘authorise’ were omitted and ‘appoint’ were substituted.

156D Authorisation of attorneys by name or position

Section 15 applies as if it read as follows:

‘15 Appointment of attorneys by name or position

A principal may appoint a person to act under a power of attorney by—

- (a) naming the person; or
- (b) nominating the occupant of a position (however described), at a particular time or from time to time.

Note The principal may revoke a power of attorney if the principal has decision-making capacity.’.

156E Who can be a witness?

Section 21 (1) and (2) apply as if ‘authorised’ were omitted and ‘appointed’ substituted.

156F Certificates by witnesses to powers of attorney

Section 22 (2) (d) applies as if it read as follows:

‘(d) at the time the principal gave the direction to sign the power of attorney, the principal appeared to the witness to understand the nature and effect of making the power of attorney.’.

156G Appointment of 2 or more attorneys

Part 3.3 heading applies as if ‘Appointment’ were omitted and ‘Authorisation’ substituted.

156H Appointment of 2 or more attorneys under power of attorney

Section 25 heading applies as if ‘Appointment’ were omitted and ‘Authorisation’ substituted.

156I How does enduring power of attorney operate while principal has capacity?

Section 31 (2) applies as if it read as follows:

‘(2) While the principal has decision-making capacity, the power of attorney operates as a general power of attorney in relation to property matters.’.

156J Obligation of attorneys to keep interested people informed

Section 43 (1) applies as if ‘authorisation’ were omitted and ‘appointment’ were substituted.

156K Resignation of attorney's authorisation under power of attorney

Section 53 applies as if 'authorisation' were omitted and 'appointment' were substituted.

156L Public trustee to assist if asked

Section 83 heading applies as if it read as follows:

'83 Assistance by public trustee'.

156M Public trustee to assist if asked

Section 83 (3) applies as if it read as follows:

- '(3) The public trustee may, if asked by the public advocate, assist the public advocate by examining and reporting on the books, accounts or other records of transactions carried out by an attorney for the principal under the enduring power of attorney.'

Endnotes

1 Notification

Notified under the Legislation Act on 3 May 2007.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
