



Australian Capital Territory

Powers of Attorney Regulation 2007

SL2007-8

made under the

Powers of Attorney Act 2006

Republication No 1

Effective: 30 May 2007 – 5 September 2007

Republication date: 30 May 2007

Last amendment made by SL2007-12
(republishing for new regulation and
amendments by SL2007-12)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Powers of Attorney Regulation 2007*, made under the *Powers of Attorney Act 2006* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 30 May 2007. It also includes any amendment, repeal or expiry affecting the republished law to 30 May 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R1
30/05/07

Powers of Attorney Regulation 2007
Effective: 30/05/07-05/09/07

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Australian Capital Territory

Powers of Attorney Regulation 2007

made under the

Powers of Attorney Act 2006

1 Name of regulation

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

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 156B to 156M

insert

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.

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- 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 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Powers of Attorney Regulation 2007 A2007-8

notified LR 3 May 2007

s 1, s 2 commenced 3 May 2007 (LA s 75 (1))

remainder commenced 30 May 2007 (s 2)

as amended by

Powers of Attorney Amendment Regulation 2007 (No 1) SL2007-12**s 5**

notified LR 29 May 2007

s 1, s 2 commenced 29 May 2007 (LA s 75 (1))

s 5 commenced 30 May 2007 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Modification of Act, ch 20 (Transitional provisions)

sch 1 am SL2007-12 s 5

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