

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1995, No. 31\*

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Regulations under the *Powers of Attorney Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Powers of Attorney Act*.

Dated 31 August 1995.

K.J.A. ASCHE  
Administrator

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AMENDMENTS OF POWERS OF ATTORNEY REGULATIONS

1. PRINCIPAL REGULATIONS

The Powers of Attorney Regulations are in these Regulations referred to as the Principal Regulations.

2. ESTABLISHMENT OF REGISTER

Regulation 3(2)(d) of the Principal Regulations is amended by omitting "revocation a" and substituting "revocation of a".

3. PROCEDURE FOR REGISTRATION

Regulation 5 of the Principal Regulations is amended -

(a) by omitting from subregulation (1) "fee specified in Schedule 1" and substituting "prescribed fee";

(b) by inserting after subregulation (1) the following:

"(1A) A power of attorney -

(a) may be in accordance with Form 1 in Schedule 2;  
and

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- (b) subject to subregulation (1B), shall only be registered if -
- (i) the original was printed, typed or completed in ink;
  - (ii) both the original and duplicate or attested copy bear the signatures of all parties and their witnesses, if any, made in ink, except that the signature of the donor of the power is not required where the power is exercised by direction;
  - (iii) a specimen signature of the donee of the power is contained in the original, except where he or she is specified by reference to a named position;
  - (iv) the original shows the imprint of the Commissioner of Taxes as being stamped;
  - (v) it contains the donor of the power's full name and an address (which may be a postal address) for the service of notices;
  - (vi) the names of the witnesses, if any, and their contact addresses or telephone numbers, are typed or stamped below their signatures; and
  - (vii) where the original purports to have been signed by a body corporate, it is authenticated by or on behalf of the corporation in a manner permitted by law.

"(1B) Notwithstanding subregulation (1A), where an instrument -

- (a) either -
- (i) expressly evidences an intention on the part of the donor of the power that the power shall continue in effect notwithstanding any subsequent legal incapacity of the donor, but is not an enduring power within the meaning of the Act because it is not endorsed or has not annexed to it a statement of acceptance in or to the effect of Schedule 1 to the Act by the donee of the power; or
  - (ii) creates a power otherwise than in accordance with subregulation (1A) (b);

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(b) is certified by a legal practitioner to have been created in another State or Territory of the Commonwealth and to comply with the requirements for registration of such an instrument under the law of that State or Territory of the Commonwealth; and

(c) shows the imprint of the Commissioner of Taxes as being stamped,

the Registrar-General may register the instrument as a power (but not an enduring power), notwithstanding that the instrument has not been completed in accordance with subregulation (1A)(b) and an instrument so registered shall be a power (but not an enduring power) for the purposes of the Act and these Regulations."; and

(c) by inserting after subregulation (2) the following:

"(2A) Where the Registrar, in pursuance of subregulation (1B), registers an instrument referred to in subregulation (1B)(a)(i), the Registrar shall annexe to the document as registered a note to the effect that the document is, in the Territory, a power, but not an enduring power.".

4. SUPREME COURT ORDER

Regulation 7 of the Principal Regulations is amended by omitting all words before and including "(2)".

5. NOTICE OF DEATH

Regulation 8 of the Principal Regulations is amended -

(a) by omitting from subregulation (1) "Registrar-General" and substituting the following:

"Registrar-General, by -

(c) lodging for registration a notice in accordance with Form 5;

(d) lodging the relevant prescribed fee, if any; and

(e) providing an original or attested certificate of death for sighting by the Registrar-General or lodgment."; and

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- (b) by omitting from subregulation (2) "Registrar-General" and substituting the following:

"Registrar-General, by -

- (a) lodging for registration a notice in accordance with Form 5;
- (b) lodging the relevant prescribed fee, if any; and
- (c) providing an original or attested certificate of death for sighting by the Registrar-General or lodgment."

6. NOTICE OF ORDER OF SUPREME COURT

Regulation 14 of the Principal Regulations is amended by omitting all words after "the applicant shall" and substituting ", within 14 days of the making of an order pursuant to his application by the Supreme Court, serve a copy of the order on the Registrar-General."

7. SCHEDULE 2

Schedule 2 to the Principal Regulations is amended -

- (a) by omitting Forms 1 and 2 and substituting the forms set out in Schedule 1; and
  - (b) by adding at the end the form set out in Schedule 2.
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Powers of Attorney Regulations

SCHEDULE 1

FORM 1

Regulation 5

NORTHERN TERRITORY OF AUSTRALIA

P	A	No. _____
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LODGED AT THE REGISTRAR-GENERAL'S OFFICE

Commissioner of Taxes Use only

ON ..... AT .....

BY ..... CORRECTION TO .....

FEE ..... RECEIPT .....

POWERS OF ATTORNEY

The donor appoints the donee as his or her attorney and authorises him or her to execute all or any instruments that may be necessary for giving effect to any dealing with any property of the donor, including any land, estate or interest of which the donor is or may become the registered proprietor, with such specific additional powers as are set out or referred to on the back of this document.

(NOTES 1 & 2)

DONOR OF POWER

Name:

Address:

(NOTE 3)

DONEE OF POWER  
(ATTORNEY)

Name:

Address:

.....  
 Signed by the donor/ person acting at direction of donor\*  
 on (Date) .....

(NOTES  
4 & 5)

In the presence of

.....

and

.....

SPECIMEN SIGNATURE OF  
DONEE

.....

(NOTE 6)

Registered on..... At.....

Powers of Attorney Regulations

\*delete whichever is not applicable

ITEM(S) DELIVERED - POSTED  
IN ACCORDANCE WITH DELIVERY INSTRUCTIONS

Item	Agent/RGO Box No.	*Postage Number	Initials	
1.				LIS UPDATED Examiner to initial
2.				
3.				
4.				
5.				

\*Fill out Postage Numbers if Items are Returned by Certified Mail

SPECIFIC POWERS

(NOTE 7)

1. To comply with provisions contained in a Memorandum of Common Provisions recorded in the Register as No.....

2. Additional Powers:

SCHEDULE OF NOTES

1. This form may be lodged in duplicate. The original must be printed, typed or completed in ink and contain the signatures of all parties and their witnesses, if any, in ink, as shall any duplicate. The original must show the imprint of the Commissioner for Taxes as being stamped (Stamp Duty).

2. If there is insufficient space in any panel use the space above or an annexure sheet (Form 4).

3. Insert the donor of the power's full name and an address, which may be a postal address, for the service of notices.

4. An ordinary power of attorney does not require the signature of a witness (section 6).

An enduring power of attorney requires the signature of one witness who is not the donee of the power or a near relative of the donee (section 14).

An ordinary power of attorney by direction requires the signature of 2 witnesses who are not the donee of the power (section 6(4)).

After witnessing the signing of the document, a witness shall legibly write, type or stamp his or her name and a contact address or telephone number below his or her signature.

5. The signature of the donor of the power is not required where the power is exercised by direction.

6. The original shall contain a specimen signature of the donee, except if the donee is specified by reference to a named position.

Where the original purports to have been signed by a body corporate, it shall be authenticated by or on behalf of the corporation in a manner permitted by law.

7. A power of attorney may incorporate any common provision contained in a Memorandum of Common Provisions retained by the Registrar, by reference to the provision in a way sufficient to

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clearly identify it - e.g. by reference to the number of the memorandum. If not all the provisions of that memorandum are to apply, the numbers of the provisions that are to apply should be specified.

The Memorandum of Common Provisions are a guide only and may be added to or deleted.

FORM 2

Regulation 5(3)

NORTHERN TERRITORY OF AUSTRALIA

R P No.

LODGED AT THE REGISTRAR-GENERAL'S OFFICE

Commissioner of Taxes Use only (where revoked by deed)

ON ..... AT .....
BY ..... CORRECTION TO .....
FEE ..... RECEIPT .....

[Empty box for Commissioner of Taxes Use only]

REVOCATION OF POWERS OF ATTORNEY

(NOTE 1)

POWERS OF ATTORNEY BEING REVOKED

Number:

(NOTE 2)

DONOR OF POWER

Name only:

(NOTE 3)

DONEE OF POWER (ATTORNEY)

Name only:

(NOTE 3)

Signed by the donor/ person acting at direction of donor\* on (Date) .....

(NOTES 4 & 5)

Registered on

At

\*delete whichever is not applicable

ITEM(S) DELIVERED - POSTED  
IN ACCORDANCE WITH DELIVERY INSTRUCTIONS

Item	Agent/RGO Box No.	*Postage Number	initials	
1.				LIS UPDATED Examiner to initial
2.				
3.				
4.				
5.				

\*Fill out Postage Numbers if Items are Returned by Certified Mail

SCHEDULE OF NOTES

1. This form may be lodged as an original only and must be printed, typed or completed in ink or biro. All signatures must be in ink or biro. A revocation by way of deed must bear the imprint of the Commissioner of Taxes (Stamp Duty).
2. Number assigned by the Registrar to the powers.
3. Insert full name. Address is not required.
4. A power may be revoked by direction of the donor.
5. If the document is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.

SCHEDULE 2

FORM 5

NORTHERN TERRITORY OF AUSTRALIA

Regulation 8

R	P
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 No. \_\_\_\_\_

LODGED AT THE REGISTRAR-GENERAL'S OFFICE

ON ..... AT .....  
BY ..... CORRECTION TO .....  
FEE ..... RECEIPT .....

NOTICE OF REVOCATION OF  
POWER OF ATTORNEY BY DEATH

(NOTES 1 & 2)



Powers of Attorney Regulations

POWER OF ATTORNEY  
TO BE REGISTERED AS  
REVOKED

Number:

(NOTE 3)

DONOR OF POWER

Name only:

(NOTE 4)

DONEE OF POWER

Name only:

(NOTE 4)

THE power of attorney specified above was  
revoked by the death of the donor / donee\* on  
(date of death)

.....  
Signed by the donor/ donee\*  
on (Date) .....

Registered on

At

Certificate of Death lodged/ sighted by.....  
.....

\*delete whichever is not applicable

SCHEDULE OF NOTES

1. This form may be lodged in duplicate. The original must be printed, typed or completed in ink and contain the signature of the donor or the donee, as shall any duplicate.
2. If there is insufficient space in any panel use the space above or an annexure sheet (Form 4).
3. Number assigned by the Registrar to the powers that are to be revoked.
4. Insert full names. An address is not required.
5. If the document is to be signed by a corporate body it is to be authenticated by or on behalf of that corporate body in any manner permitted by law.