

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1991, No. 22\*

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Regulations under the *Powers of Attorney Act*

I, JAMES HENRY MUIRHEAD, 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 May 1991.

J.H. MUIRHEAD  
Administrator

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AMENDMENTS OF POWERS OF ATTORNEY REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Statute Law Revision (Registration of Instruments) Act 1991*.

2. PRINCIPAL REGULATIONS

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

3. ESTABLISHMENT OF REGISTER

Regulation 3 of the Principal Regulations is amended -

- (a) by omitting from subregulation (2) paragraphs (a) and (b) and substituting the following:

"(a) the name of the donor; and

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\* Notified in the *Northern Territory Government Gazette* on 31 May 1991.

*Powers of Attorney Regulations*

- (b) the lodgement number and date of the instrument creating the power,"; and
- (b) by omitting subregulation (3).

4. REPEAL AND SUBSTITUTION

Regulation 5 of the Principal Regulations is repealed and the following substituted:

"5. PROCEDURE FOR REGISTRATION

"(1) Where a party to an instrument creating a power of attorney desires to register it, he shall deposit with the Registrar-General a duplicate or attested copy of the instrument accompanied by the relevant fee specified in Schedule 1.

"(2) The Registrar-General shall, on receiving a duplicate or attested copy referred to in subregulation (1) -

- (a) compare it with the original instrument;
- (b) on being satisfied that it is a true duplicate or attested copy, file it in his office; and
- (c) note thereon the date and hour of its deposit,

and shall, whenever registering a dealing under the power of attorney in relation to a dealing with land under the *Real Property Act*, enter on the original certificate as to title of the land a note of the deposit of such duplicate or copy.

"(3) An instrument revoking a power of attorney shall be in accordance with Form 2 in Schedule 2 and a duplicate or attested copy may be registered, and shall be dealt with by the Registrar-General, in the same manner as a duplicate or attested copy of an instrument creating a power.

"5A. RECORDING AND USE OF COMMON FORM PROVISIONS

"(1) A person may lodge with the Registrar-General, and the Registrar-General may retain, a memorandum in accordance with Form 3 in Schedule 2 containing one or more provisions which are intended for incorporation by reference in instruments subsequently lodged for registration under the Act.

"(2) The Registrar-General may himself prepare such a memorandum and retain it.

"(3) A memorandum retained by the Registrar-General under subsection (1) or (2) shall be deemed to be registered.

*Powers of Attorney Regulations*

"(4) An instrument under the Act may provide that a provision in a memorandum retained under subsection (1) or (2) is incorporated in the instrument, or is incorporated in it subject to specified modifications.

"(5) Where a provision is incorporated in an instrument by virtue of subsection (4), the party by or on behalf of whom the incorporation is effected shall, before the instrument is executed, provide the other party or parties with a copy of the provision or, as the case may be, of the provision and the modifications thereof.

Penalty: \$1,000.

"(6) A failure to comply with subsection (5) in respect of an instrument does not affect the validity or effect of the instrument."

5. REPEAL AND SUBSTITUTION OF SCHEDULES

The Schedule to the Principal Regulations is repealed and the following substituted:

"SCHEDULE 1

regulation 4

FEEs TO BE PAID TO REGISTRAR-GENERAL

	\$
For registering power of attorney -	
(a) in a form in accordance with Form 1 in Schedule 2	45-00
(b) otherwise than in accordance with that form	90-00
For registering revocation of power of attorney	45-00
For endorsing a copy of an original instrument creating or revoking a power of attorney -	
for each instrument or other document	5-00

**SCHEDULE 2**

FORM 1



NORTHERN TERRITORY OF AUSTRALIA

<b>P</b>	<b>A</b>	No. _____
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Commissioner of Taxes us

LODGED AT THE REGISTRAR-GENERAL'S OFFICE

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

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

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

DUPLICATE TO .....

**POWERS OF ATTORNEY**

The appointor appoints the appointee as his attorney and authorizes him to execute all or any instruments that may be necessary for giving effect to any dealing with any property of the appointor, including any land, estate or interest of which the appointor 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

APPOINTOR

(NOTE

APPOINTEE  
(ATTORNEY)

(NOTI

.....  
Signed by the appointor  
on (Date).....

In the presence of  
..... and.....

(1  
4

SPECIMEN SIGNATURE  
OF ATTORNEY

.....

Registered on

At

*Powers of Attorney Regulations*

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

Agent/RGO Box No.	Delivery Date	*Postage Number	Initials

**LIS UPDATED**

Examiner to Initial

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

**SPECIFIC POWERS**

(NOTE 6)

- To comply with the provisions contained in a Memorandum of Common Provisions recorded in the Register as No..
- Additional Powers:

**SCHEDULE OF NOTES**

This form may be lodged in duplicate. The original must be typed or completed in ink or biro. The duplicate may be a copy of the original but the signatures of all parties and their witness must be in ink or biro on both original and duplicate. Delete wording not required.

Powers of Attorney must show the imprint of the Commissioner for Taxes (Stamp Duty).

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

Insert full name and an address for the service of notices. The address can be a postal address.

After witnessing the signing of the document, witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.

An enduring powers of attorney requires one witness (Section 14(2)). An ordinary powers of attorney requires two witnesses (Section 6(4)).

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.

The powers 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 clearly identify it, e.g., by reference to the number of the memorandum and, if not all provisions in that memorandum are to apply, the numbers of the applicable provisions.

These provisions are a guide only and may be added to or deleted.



NORTHERN TERRITORY OF AUSTRALIA

<b>R</b>	<b>P</b>	No. _____
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LODGED AT THE REGISTRAR-GENERAL'S OFFICE

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

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

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

## REVOCATION OF POWERS OF ATTORNEY

The appointor revokes the powers of attorney with number and appointee as set out below.

(NOTE 1)

POWERS OF ATTORNEY  
BEING REVOKED

Number:

APPOINTOR

Name only:

APPOINTEE  
(ATTORNEY)

Name only:

.....

Signed by the appointor  
on (Date).....

In the presence of

.....

.....  
Registered on

.....  
At

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

Item	Agent/RGO Box No.	Delivery Date	*Postage Number	Initials
1.				
2.				
3.				
4.				
5.				

**LIS UPDATED**

Examiner to Initial

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

**SCHEDULE OF NOTES**

1. This form may be lodged as an original only, must be typed or completed in ink or biro and must bear the imprint of the Commissioner of Taxes (Stamp Duty). All signatures must be in ink or biro.

2. Number of powers being revoked.

3. Insert full name. Address is not required.

4. After witnessing the signing of the document, witnesses shall legibly write, type or stamp their names and contact addresses or telephone numbers below their signatures.

This document may be witnessed before any person who has attained the age of 18 years.

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.



NORTHERN TERRITORY OF AUSTRALIA

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

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

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

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

DUPLICATE TO .....

### MEMORANDUM OF COMMON PROVISION

This memorandum contains provisions which are intended for inclusion in powers of attorney to be subsequently lodged for registration by:

(NOT

PROVISION(S)

(NOTES 2

1.

.....  
Registered on

.....  
At

LTO:CP

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

Item	Agent/RGO Box No.	Delivery Date	*Postage Number	Initials
1.				
2.				
3.				
4.				
5.				

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

**LIS UPDATED**

Examiner to Initial

PROVISIONS (CONTINUED)

**SCHEDULE OF NOTES**

Insert name of the person or organization (e.g. N.T. Housing Commission) for indexing purposes.

The provisions are to be numbered consecutively from number 1. The provisions may be continued above or on an annexure sheet (Form 4).

Further sheets may be added but each page should be numbered consecutively .

FORM 4



NORTHERN TERRITORY OF AUSTRALIA

**ANNEXURE SHEET**

(NOTES 1

HEADING

(NOTE

(Continuation)

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**SCHEDULE OF NOTES**

If there is insufficient space to accommodate the required information in a panel on the parent instrument insert the words "See Annexure" and enter all the information on the annexure sheet under the appropriate heading.

If the instrument is lodged in duplicate (or triplicate) an annexure sheet must be attached to each. The annexure attached to the original must be typed or completed in ink or biro, that attached to the duplicate (or triplicate) may be a copy of the original.

Multiple annexures may appear on the same annexure sheet but each must be correctly headed.

