

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1982, No. 66\*

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Regulations under the *Powers of Attorney Act*

I, ERIC EUGENE JOHNSTON, 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 this sixteenth day of December, 1982.

E.E. JOHNSTON  
Administrator

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POWERS OF ATTORNEY REGULATIONS

PART I - PRELIMINARY

1. CITATION

These Regulations may be cited as the Powers of Attorney Regulations.

2. DEFINITIONS

In these Regulations, unless the contrary intention appears -

"register" means the Register of Powers of Attorney established under regulation 3;

"registered power" means a power created in an instrument that has been registered under section 7 of the Act and in accordance with these Regulations;

"the Act" means the *Powers of Attorney Act 1980*.

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\* Notified in the *Northern Territory Government Gazette* on 23 December, 1982.

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## Powers of Attorney Regulations

### 3. ESTABLISHMENT OF REGISTER

(1) The Registrar-General shall keep and maintain a Register of Powers of Attorney.

(2) The register shall include particulars of -

(a) the name, address and description of the donor and donee; and

(b) the date of the signing of the instrument creating a power,

and where applicable -

(c) the date of the revocation of a power by the operation of section 16 of the Act;

(d) the date of the revocation a power by the operation of section 17 of the Act;

(e) a protection order under the *Aged and Infirm Persons' Property Act*;

(f) an order of the Supreme Court revoking or varying the terms of an instrument creating a power under section 19(3) of the Act.

(3) The register kept under this section is separate from and in addition to, a register in which powers of attorney may be registered under the *Registration Act* or *Real Property Act*.

### 4. FEES

The fees to be paid to the Registrar-General are as specified in the Schedule.

## PART II - PROCEDURE, &c.

### *Division 1 - Procedure*

### 5. PROCEDURE FOR REGISTRATION

(1) Where a party to an instrument creating or revoking a power desires to register the instrument, he shall lodge the original instrument with the Registrar-General who shall retain it.

(2) A duplicate or attested copy of the original instrument referred to in sub-regulation (1) and of any documents required to be lodged with the instrument may be lodged with the Registrar-General who shall, on payment of the prescribed fee -

(a) compare the duplicate or attested copy with the original instrument and documents, if any;

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- (b) endorse the duplicate or attested copy of the original instrument and documents, if any, as a true copy; and
- (c) register the instrument.

*Division 2 - Revocation, &c., of General and Enduring Powers*

6. APPLICATION OF DIVISION 2

This Division applies to and in relation to revocation and protection in respect of registered general powers and registered enduring powers.

7. APPLICATION AND COURT ORDER

Where, in respect of a registered power, an order is sought under -

- (a) section 15 of the Act; or
- (b) the *Aged and Infirm Persons' Property Act*,

the applicant shall, within 14 days of making his application, serve a copy of the application on the Registrar-General.

(2) Where -

- (a) the Supreme Court makes an order on an application under section 15 of the Act; or
- (b) a protection order is made under the *Aged and Infirm Persons' Property Act*,

the applicant for the order shall, within 14 days of its making, serve a copy of the order on the Registrar-General.

8. NOTICE OF DEATH

(1) Where a registered power is revoked by -

- (a) the death of the donor of the power - the donee; or
- (b) the death of the donee of the power - the donor,

shall, within 14 days of his becoming aware of it, serve notice of the death on the Registrar-General.

(2) Where the donor or donee of a registered power dies, and the executor, administrator or trustee, as the case may be, of his estate becomes aware of the power, the executor, administrator or trustee shall make due inquiry

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of the other party to the power, and if that party has not complied with sub-regulation (1), the executor, administrator or trustee shall, within 14 days of becoming aware of it, serve notice of the death on the Registrar-General.

### 9. NOTICE OF RETIREMENT

The donee of a registered power shall, within 14 days after his retirement, serve notice of his retirement on the Registrar-General.

### 10. NOTICE OF BANKRUPTCY

Where the donor or donee of a registered power becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit, he shall, within 14 days, serve notice of his bankruptcy or insolvency on the Registrar-General.

### 11. NOTICE OF REVOCATION BY DONOR TO BE LODGED

The donor of a registered power shall, within 14 days of his revocation of the power, serve notice of the revocation on the Registrar-General.

#### *Division 3 - Revocation of Power to Secure Proprietary Interest*

### 12. APPLICATION OF DIVISION 3

This Division applies to and in relation to the revocation of registered powers given to secure a proprietary interest of the donee.

### 13. NOTICE OF REVOCATION

For the purposes of a revocation under section 19(2)(a) of the Act, of a registered power granted to secure a proprietary interest of the donee of the power, the donor and donee shall, within 14 days of the revocation of the power, serve notice of the revocation on the Registrar-General.

### 14. NOTICE OF ORDER OF SUPREME COURT

For the purposes of a revocation or variation under section 19(2)(c) or (3) of the Act of a registered power granted to secure a proprietary interest of the donee, the applicant shall, within 14 days of -

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- (a) making his application to the Supreme Court for revocation or variation of the power - serve a copy of the application; and
- (b) the making of an order pursuant to his application by the Supreme Court - serve a copy of the order,

on the Registrar-General.

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SCHEDULE

Section 4

FEES TO BE PAID TO THE REGISTRAR-GENERAL

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For registering - power of attorney, revocation of power of attorney	20.00
For endorsing a copy of - original instrument creating or revoking a power of attorney, each instrument or other document	5.00

