



POWERS OF ATTORNEY AMENDMENT ACT 1995

No. 69 of 1995

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**POWERS OF ATTORNEY AMENDMENT ACT 1995**

No. 69 of 1995

AN ACT to amend the *Powers of Attorney Act 1934* in consequence of the *Guardianship and Administration Act 1995*

[Royal Assent 14 November 1995]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Powers of Attorney Amendment Act 1995*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Powers of Attorney Act 1934** is referred to as the Principal Act.

Section 2 amended (Interpretation)

4—Section 2 of the Principal Act is amended by omitting the definition of “the Court” and substituting the following definition:—

“**Board**” means the Guardianship and Administration Board;

Section 6 amended (Acts under power invalid until power registered)

5—Section 6 (b) of the Principal Act is amended as follows:—

(a) by omitting “Court”, firstly occurring, and substituting “Board”;

(b) by omitting “under the seal of the Court”.

Section 7 amended (Death, &c., of donor of power may be registered)

6—Section 7 (2) (d) of the Principal Act is amended as follows:—

(a) by omitting “Court”, firstly occurring, and substituting “Board”;

(b) by omitting “under the seal of the Court”.

Section 11E amended (Power of Board to revoke enduring power of attorney)

7—Section 11E of the Principal Act is amended as follows:—

(a) by omitting “Court”, wherever occurring, and substituting “Board”;

* 25 Geo. V No. 33. For this Act, as amended to 1959, see the Reprint of Statutes (1826–1959), Vol. 4, p. 747. Subsequently amended by No. 55 of 1965, No. 57 of 1975 and No. 87 of 1987.

(b) by omitting from subsection (1) (a) “file in” and substituting “lodge with”;

(c) by omitting subsection (3) and substituting the following subsections:—

(2A) An application under this section—

(a) is to be in writing; and

(b) is to contain such information as is prescribed; and

(c) is to be lodged with the registrar of the Board.

(3) The Board may, on an application under this section—

(a) make an order referred to in subsection (1) (c); or

(b) make such other order as to the exercise of the power, or the construction of its terms, as the Board thinks fit.

(3A) The Board must not exercise its powers under this section unless it first holds a hearing in accordance with Division 1 of Part 10 of the *Guardianship and Administration Act 1995*.

[Second reading presentation speech made in:—
House of Assembly on 6 April 1995
Legislative Council on 10 October 1995]

