



New South Wales

Powers of Attorney Regulation 2011

under the

Powers of Attorney Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Powers of Attorney Act 2003*.

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Powers of Attorney Regulation 2004*, which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation prescribes the classes of persons who may certify that a document is a true and complete copy of an instrument creating a power of attorney.

This Regulation is made under the *Powers of Attorney Act 2003*, including sections 44 (1) (a) (ii) and 53 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Clause 1 Powers of Attorney Regulation 2011

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1 Name of Regulation

This Regulation is the *Powers of Attorney Regulation 2011*.

2 Commencement

This Regulation commences on 1 September 2011 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Powers of Attorney Regulation 2004* which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Powers of Attorney Act 2003*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Certification of copy of power of attorney

For the purposes of section 44 (1) (a) (ii) of the Act, the following classes of persons are prescribed:

- (a) in the case of any document endorsed within Australia, the classes of persons referred to in Part 1 of Schedule 1,
- (b) in the case of any document endorsed within a foreign country, the classes of persons referred to in Part 2 of Schedule 1.

5 Saving

Any act, matter or thing that, immediately before the repeal of the *Powers of Attorney Regulation 2004*, had effect under that Regulation continues to have effect under this Regulation.

**Schedule 1 Persons who may endorse documents
under section 44 (1) (a) (ii) of the Act**

(Clause 4)

**Part 1 Persons who may endorse documents within
Australia**

accountants
bank managers
barristers
chancellors, deputy chancellors or deans of faculties of universities
commissioned officers in the defence forces of the Commonwealth of Australia
commissioners for taking affidavits
dentists
judges
justices of the peace
licensed conveyancers
magistrates
mayors or general managers of local government councils
medical practitioners
members of parliament of the Commonwealth or of any State or Territory
members of the police force of the Commonwealth or of any State or Territory
ministers of religion
notaries public
officers in charge of police stations
pharmacists
postal managers of post offices
principals or deputy principals of schools or colleges
registered surveyors
registrars of local courts or magistrates courts
solicitors
stockbrokers
veterinary surgeons

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Schedule 1 Persons who may endorse documents under section 44 (1) (a) (ii) of the Act

Part 2 Persons who may endorse documents within a foreign country

Australian or British Consular Officers exercising functions in the country where the document is executed or witnessed

commissioned officers in the defence forces of the Commonwealth of Australia

commissioners for taking affidavits

judges

justices of the peace

legal practitioners

magistrates

mayors or general managers of local government corporations

medical practitioners

notaries public

officers in charge of police stations