

2006

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**SUPPLEMENTARY
EXPLANATORY STATEMENT**

**GOVERNMENT AMENDMENT TO
THE POWERS OF ATTORNEY BILL 2006**

**Circulated by the authority of
Simon Corbell MLA
Attorney General**

GOVERNMENT AMENDMENT TO THE POWERS OF ATTORNEY BILL 2006

Supplementary Explanatory Statement

This supplementary explanatory statement relates to the Government amendment to the Powers of Attorney Bill 2006 (the Bill) as introduced in the ACT Legislative Assembly.

Outline of Provision

The Government amendment clarifies the meaning of subclause 32(2) of the Bill. The amendment addresses the concern expressed by the Legislative Assembly Standing Committee on Legal Affairs that paragraph 32(2)(b) of the Bill seems to negate the point of attaching conditions to the exercise of power under an enduring power of attorney.

Amendment 1

Clause 32(2)

Page 20, line 9

This amendment redrafts subclause 32(2) of the Bill and provides that a power under an enduring power of attorney can be exercised while the principal has impaired decision-making capacity irrespective of whether or not a condition about when the power is to start to operate is satisfied. However, if there is any other condition for the exercise of the power, that will have to be complied with before the attorney exercises it.