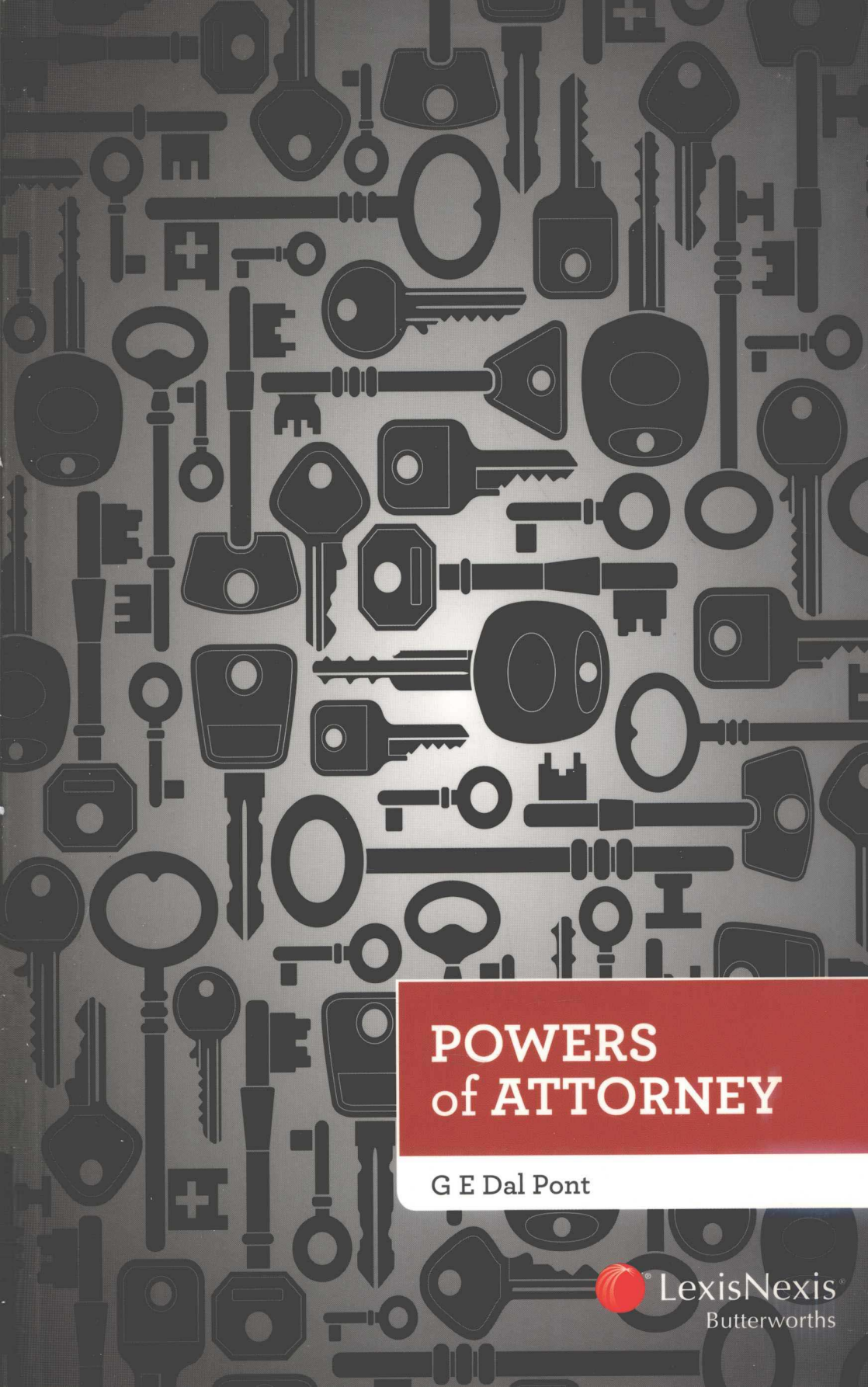


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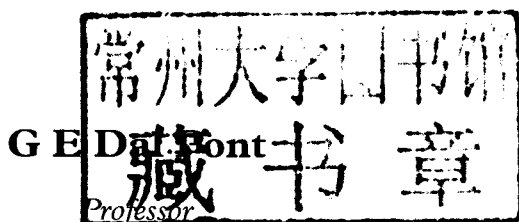
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USA	LexisNexis Group, New York, NEW YORK LexisNexis, Miamisburg, OHIO

National Library of Australia Cataloguing-in-Publication entry

Author:	Dal Pont, G E (Gino Evan).
Title:	Powers of attorney.
Edition:	1st edition.
ISBN:	9780409327953 (pbk).
Notes:	Includes index.
Subjects:	Power of attorney. Attorney and client.
Dewey Number:	346.029.

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Inquiries should be addressed to the publishers.

Typeset in Plantin.

Printed in Australia by Ligare Pty Ltd (NSW).

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Preface

In 1989 a commentator remarked that '[t]he power of attorney occupies one of those remote corners of agency that has received comparatively little attention'.¹ Within three years Australia witnessed its first modern work dedicated to powers of attorney, authored by Berna (now Justice) Collier and Shannon Lindsay.² That excellent work did not, however, translate to a further edition, notwithstanding the considerable statutory changes in Australian powers of attorney law subsequently. This, coupled with the importance of powers of attorney in both family life and business practice, in turn presents a justification for a new work in the field.

My interest in powers of attorney stemmed from writing the book *Law of Agency*, now in its second edition.³ That powers of attorney fit within the agency taxonomy, legally speaking, has led to them being treated, in much of the legal literature, by way of passing remark under a more general agency law banner. Yet the various aspects of powers of attorney case law that diverge from standard agency principle, and statute in most jurisdictions dedicated to powers of attorney, serve as reasons to afford powers of attorney an opportunity to step outside the agency umbrella.

The work targets Australian law, although it makes frequent reference to case law and statute from other common law jurisdictions, including the United States. It does not purport to be a 'how to' manual, though its content can no doubt inform the creation and operation of powers of attorney in practice. Nor does it develop the use of powers of attorney in the context of health and personal decisions, to which statute in some jurisdictions has extended the 'power of attorney' terminology, as this falls outside the traditional notion of a power of attorney.

The law is stated as at 15 August 2010. Handed down too late to influence the text is Ward J's decision in *Quest Rose Hill Pty Ltd v White*,⁴ addressing the validity of irrevocable powers of attorney.

For her excellent proofreading and editing, I am (again) indebted to Noelene Lowes. For managing the project my thanks extend to Joanne Beckett, Antonia Lomny and Banita Jadroska of LexisNexis.

G E Dal Pont

Hobart

18 October 2010

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 2. B Collier and S Lindsay, *Powers of Attorney in Australia and New Zealand*, The Federation Press, Sydney, 1992.
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