

Preparation checklist *Form 16—Request to register power of attorney and Form 1—General power of attorney*

This checklist contains general information to assist practitioners complete a basic request to register power of attorney and associated general power of attorney. It is not intended to be a complete guide. For further information about the requirements of a Form 16 — Request to register power of attorney and Form 1 — general power of attorney, refer to Part 16 of the Land Title Practice Manual available at www.business.qld.gov.au/industry/titles-property-construction/titles-property/practice-manual

Form 1—General power of attorney

Clauses

Clause 1

- Are the principal's full name and address shown?
- If the principal is acting as a trustee, is the full name of the trust shown after the principal's name?
- Are the full names of each attorney shown?

Clause 2

- If more than one attorney appointed, is the relevant box ticked?

Clause 3

- If more than one attorney appointed, is the relevant box ticked indicating how the attorneys are to make decisions?
- If as a majority, are specific directions included?
- If box for other is ticked, are specific directions included?

Clause 4

- If the power of attorney is limited to certain terms, is the word 'limited' or words 'restricted to' used to describe the terms? **Note:** if these are not used, the Registrar will consider the terms as additional terms.

Clause 5

- Is only one box ticked?
- If required, is a specific date or circumstance on which the attorney's powers are to commence shown?

Clause 6

- Is the form signed by the principal?
- Is the principal's signature witnessed by a witness authorised by Schedule 1 of the *Land Title Act 1994*?
- If executed under a common seal, is it legible and capable of being copied?
- If executed without a common seal, are the company name and ACN/ARBN shown?
- Are the designations of the signatories for a company shown?
- Is the form dated?

Form and evidence

- Is the correct form used?
 - If other than a purchased pre- printed form is used, are the form number, relevant section of the Power of Attorney Act 1998 and general notes regarding powers of attorney shown in the power of attorney?
 - If a copy of the power of attorney, certified pursuant to s 14 of the *Powers of Attorney Act 1998* is being
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lodged, is—

- each page, other than the last page, of the copy certified to the effect that the copy is a true and complete copy of the corresponding page of the original; and
- the last page of the copy certified to the effect that the copy is a true and complete copy of the original; and
- the certification by a person authorised by the above section?

Is any supporting documentation required to be deposited — for example trust documents or evidence of incorporation?

Form 16—Request to register power of attorney

Item 1

- Does the principal's name agree with that stated in the power of attorney?
- If the principal is acting as trustee or responsible entity, is this shown?
- If the principal is acting as trustee, is the full name of the trust shown?
- Are the non-applicable words deleted or ruled through?

Item 2

- Does the attorney's name agree with that stated in the power of attorney?
- If more than one attorney, are the relevant words shown to indicate the way the attorneys are to act and does this agree with the power of attorney — for example jointly, as a majority?

Item 3

- Are the non-applicable statements deleted or ruled through?
- If the principal is a trustee or authorised by a mortgage, a lease or an agreement, has the clause in that documentation authorising the appointment of an attorney, been stated here?

Item 4

- Is the request executed?
- If executed under a common seal, is it legible and capable of being copied?
- If a company and executed without a common seal, are the company name and ACN/ARBN shown?
- Are the designations of the signatories for a company shown?
- If signed by a solicitor, is the full name legibly printed below the signature?