

Preparation checklist *Form 16—Request to register power of attorney and Form 2—Enduring power of attorney*

This checklist contains general information to assist practitioners complete a basic request to register power of attorney and associated enduring 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 2—Enduring 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.

Note: An enduring power of attorney should not be used for capabilities such as a trustee, a business partnership, a director of a company, or a company. A Form 1 – General Power of Attorney is the appropriate Form to record these capacities.

Form 2—Enduring power of attorney

Clauses

Clause 1

- Are the principal's full name and address shown?
- Are the full names and address of each attorney shown?
- Is either box ticked for financial matters or financial and personal/health matters? **Note:** if power for financial matters is not granted, this power will not be recorded under the *Land Title Act 1994*.

Clause 2

- Is one box ticked to indicate whether or not specific terms or limitations are given?

Clause 3

- If answer to the question in clause 2 is yes, are specific terms or limitations stated?
- If the power of attorney is intended to be 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 4

- Is the box indicating that the attorney has given powers to make decisions about financial matters ticked? **Note:** if power for financial matters is not granted, this power will not be recorded under the *Land Title Act 1994*.

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?
- If required, is any supporting documentation required to be deposited — for example a statement from a medical practitioner?

Clause 6

- Is one box ticked to indicate whether or not more than one attorney is appointed?

Clause 7

- If answer to the question in clause 6 is yes, 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 such as successively or alternatively?

Clause 8

- Is the statement of understanding signed by the principal or the person representing the principal?
 - Is the principal's signature or the person representing the principal signature witnessed?
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- Is the date completed? **Note:** The witness must complete clauses 8 and 9.

Clause 9

- Is the witness statement completed by the witness who signed and dated the statement of understanding?
- Is the witness qualified in terms of s 31 of the *Powers of Attorney Act 1998*?
- Are all items completed with one tick each?
- Is the witness certificate signed and dated?

Clause 10

- Is the attorney's full name shown in the attorney's acceptance?
- Are the relevant boxes ticked?
- Is the attorney's acceptance signed by the attorney and dated?

Clauses 11 and 12

- Are separate attorney's acceptance completed for each additional attorney

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 45 of the *Powers of Attorney Act 1998* is being 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?
- Are the instructions to the form included as part of the form for lodgement?

Form 16—Request to register power of attorney

Item 1

- Do the principal's name and the power of attorney agree?
- Are the non-applicable words deleted or ruled through?

Item 2

- Do the attorney's name and the power of attorney agree?
- 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?

Item 3

- Are the non-applicable statements deleted or ruled through?

Item 4

- Is the request executed?
- If signed by a solicitor, is the full name legibly printed below the signature?