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 Powers 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 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

Items

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?