

# Guide to completing *Form 16—Request to register power of attorney/revocation of power of attorney*

The following information will assist you to complete Land Registry *Form 16—Request to register power of attorney/revocation of power of attorney*, which must be deposited with the actual power of attorney or revocation of power of attorney instrument. The guide only applies to a Queensland power of attorney form where the principal is a natural person.

## Important information

While individuals in Queensland may undertake their own property transactions, only legal practitioners are qualified to provide legal advice. Therefore, discussions with the Department of Environment and Resource Management's (DERM) officers will be limited to explaining the requirements of Land Registry forms and procedures.

Parties electing to undertake their own property transactions must assume responsibility for ensuring the accuracy and legal correctness of lodged documents.

Property transactions can potentially involve complex legal considerations; it may therefore be prudent for parties to seek professional legal advice.

Form 16 in itself is neither a power of attorney nor a revocation. It is the **request by which a power of attorney or revocation of power of attorney instrument is registered** in the Titles Registry.

For an attorney to validly act on behalf of the principal in a transaction of land in Queensland, a power of attorney instrument must:

- authorise an attorney to do so
- be registered in the Titles Registry.

However, the power of attorney may be registered in the Titles Registry after the execution of the dealing making the transaction, provided the power of attorney instrument was executed prior to the execution of the dealing.

Blank Queensland power of attorney forms are available from the Department of Justice and Attorney-General website <[www.justice.qld.gov.au/2254.htm](http://www.justice.qld.gov.au/2254.htm)>.

## How to complete the form

**Lodger details:** Insert name, postal address, email address and telephone number for correspondence purposes.

**Item 1** Insert the full name of the principal—referred to as the donor—as shown on the power of attorney instrument. Delete non-relevant information.

**Item 2** Insert the full name of the attorney(s)—that is, the person(s) to whom the authority is being given, referred to as the donee(s)—as shown on the power of attorney instrument. If there is more than one, state how they are to operate, as shown in the power of attorney instrument. Where a power of attorney appoints two or more persons as attorneys to act successively, only insert the name of the attorney(s) who is to act first. Succeeding attorneys must be registered by lodging a fresh Form 16 after the previous power ends for example, when the first attorney dies or is incapacitated.

**Item 3** Delete statements that are not applicable. Complete any applicable statement. For a revocation where the power of attorney is only partially revoked, set out details of the revocation.

**Item 4** Execute (sign and date) the form. The form may be executed by either the donor or the donee. No witness is required.

## How to lodge the form

You may lodge Form 16 in person, between 8.30 am and 4.30 pm on business days, at a DERM service centre with lodgement facilities. Alternatively you may post the form to any lodgement service centre. Locations of service centres can be found on the DERM website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

You must deposit the original power of attorney or revocation of power of attorney instrument with Form 16. A copy of a power of attorney certified under the *Power of Attorney Act 1998* may be deposited instead of the original. A power of attorney or revocation of a power of attorney instrument deposited in the Titles Registry with Form 16 will

be returned to the lodger after registration.

The forms should not be folded.

## **Fees**

A regulatory fee is payable for lodging Form 16, unless there is a statutory exemption. An additional fee will apply if the document is lodged through the post. Contact Titles Registration Customer Service to obtain current fee information. You can pay by cash, cheque or EFTPOS (savings or cheque account, not credit).

## **Further information**

For further information refer to customer information sheets *Lodgement and processing of Land Registry documents*, *Completing Land Registry forms* and *Complying with Titles Registry requisition notices*. If then you still have further enquiries, contact Titles Registration Customer Service by telephone on (07) 3405 6900 or by email <brisbane.titling.operations@derm.qld.gov.au>. Land Registry forms and customer information sheets are available on the DERM website <www.derm.qld.gov.au>.