



## APPLICATION TO REGISTER A DEED

Form 109 - REGD

Registration of Deeds Act 1957

### IMPORTANT INFORMATION ABOUT DEEDS

This form may be used to apply to the Registrar-General to register a deed. A deed includes any document whether under seal or not, other than a will, or an instrument that is in accordance with the *Land Titles Act 1925* and purports to transfer or otherwise deal with or affect an estate or interest in land under the provisions of that Act, or a document that purports to change a person's name.

The Registrar-General may register a deed if it is accompanied by a copy of that deed, a statutory declaration stating that the copy is a true copy of the original deed. The Registrar-General may refuse to accept a deed, or the copy, for registration if it is not legibly written or on paper of a size or quality not approved by the Registrar-General.

#### Enduring powers of attorney

Each state and territory of Australia has different requirements for making enduring powers of attorney. Under the *Powers of Attorney Act 2006* enduring powers of attorney made in another state or territory of Australia will be recognised as valid in ACT to the extent that the powers given by the interstate power of attorney could validly be given in ACT. However, in order to be registered in ACT an interstate enduring power of attorney must be accompanied by a certificate from a lawyer from the state or territory where it was made saying that it was made in accordance with the laws of that state or territory, and stating that they:

- have been admitted to legal practice in that state or territory
- hold a practising certificate in that state or territory
- practise in that state or territory.

### PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other Directorates that have legal authority to request information under prescribed circumstances.

These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

### INSTRUCTIONS FOR COMPLETION

- If completing this form by hand please use a blue or black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a blue or black pen and substitute information must be clear and all parties must sign in the margin. Do not use white out.
- A person cannot be a witness to a power of attorney if the person is signing the power of attorney as the principal or a person appointed as attorney under the power of attorney. A person cannot be a witness if they are a child.
- Only one of the witnesses to the power of attorney can be a relative of the principal or a person appointed as attorney under the power of attorney.
- The provisions for witnessing do not apply to corporations who execute a Power of Attorney.
- The Statutory Declaration attached to this form must be completed for all lodgements.
- Original Deed to accompany form
- A copy of the deed to be registered is to be attached to this form.

**If you require further information or need advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.**

### CONTACT AND LODGEMENT INFORMATION

#### Website

[www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au)

#### General Enquiries:

13 22 81

#### In Person:

Environment, Planning and Land Shopfront

Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson

Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)



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### LODGING PARTY DETAILS

| Name | Email Address | Contact Number |
|------|---------------|----------------|
|      |               |                |

### TYPE OF DEED (Please tick one of the following boxes)

- Miscellaneous Deed
- Trust Deed
- Power of Attorney
- Other (Please specify) - .....

### POWERS OF ATTORNEY CHECK LIST – (FOR COMPANIES)

- The Power of Attorney has been executed in accordance with Section 127 of the Corporations Act 2001
- Does this Power of Attorney revoke another existing registered Power of Attorney? If “Yes” please complete a Revocation of Power of Attorney Form

### POWERS OF ATTORNEY CHECK LIST – (FOR INDIVIDUALS)

- The Power of Attorney has been signed and dated by two adult witnesses in the presence of the principal and each other. (An Enduring Power of Attorney requires one of the witnesses to be qualified under the Statutory Declaration Act 1959)

If the Enduring Power of Attorney (PoA) was prepared under an interstate law a certificate from a lawyer in the state or territory the PoA was prepared in, stating that it was made in accordance with the laws of the state/territory and that they:

- have been admitted to legal practice in that state or territory
- hold a practising certificate in that state or territory
- practise in that state or territory.

- The Power of Attorney contains a certificate by each witness stating;
- The principal signed the power of attorney voluntarily in the presence of the witness; and,
- At the time the principal signed the power of attorney, the principal appeared to the witness to understand the nature and effect of making the power of attorney.

- Does this Power of Attorney revoke another existing registered Power of Attorney? If “Yes” please complete a Revocation of Power of Attorney Form

| PARTY 1 INFORMATION (For example; persons or organisations giving power of attorney, the donor or mortgagor) |  |
|--|--|
| Surname/Organisation Name  | Given Name(s) (If not an organisation) |
|  |  |
|  |  |
|  |  |

| PARTY 2 INFORMATION (For example; persons or organisations receiving power of attorney, the donee or mortgagee) |  |
|---|--|
| Surname/Organisation Name   | Given Name(s) (If not an organisation) |
|   |  |
|   |  |
|   |  |

| STATUTORY DECLARATION  |                      |           |
|--|----------------------|-----------|
| I, (full name)   | being a (occupation) |           |
| of (address)   |                      |           |
| make the following declaration under the <i>Statutory Declarations Act 1959</i> :  |                      |           |
| <ul style="list-style-type: none"> <li>The deed contained on the following..... page/s has been compared by me with the original deed and is a true copy thereof.</li> </ul>   |                      |           |
| I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the <i>Statutory Declarations Act 1959</i> , and I believe that the statements in this declaration are true in every particular. |                      |           |
| Signed (applicant's signature)   | Declared at (place)  | on (date) |
| Before me, (signature of witness)  | Full Name of Witness |           |
| Qualification of Witness (must be qualified witness under the <i>Statutory Declarations Act 1959</i> )   |                      |           |
| Address of Witness   |                      |           |

| OFFICE USE ONLY |  |                         |  |
|-----------------|--|-------------------------|--|
| Lodged by       |  | Annexures / Attachments |  |
| Registered by   |  | Registration Date       |  |