# Part 18 – General Consent

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Part 18 – General Consent

General Law

Form 18 – General Consent is provided specifically for the purpose of recording consents to instruments or documents by parties not directly involved in a transaction. The relevant part of the manual should be consulted to clarify circumstances where consent may be required.

The following paragraphs identify common examples where consent is required.

Lease

Mortgagee’s Consent

Grant of Lease

See part 7 – Lease ¶[7-0040] and [7-2030].

Amendment

See part 7 – Lease ¶[7-0040] and [7-2030] and part 13 – Amendment [13-0010] and [13-2000].

Surrender

See part 8 – Surrender of Lease [8-0030] and [8-2000].

Sublessee’s Consent

See part 8 – Surrender of Lease [8-0030] and [8-2000].

Local Government’s Approval

¹Lease of Part of Land

See part 7 – Lease ¶[7-0050].

Easement

¹Lessee’s/Mortgagee’s Consent

See part 10 – Surrender of Easement [10-2000].

¹Local Government’s Approval

See part 9 – Easement ¶[9-2080].

¹Lessee’s Consent

See part 9 – Easement [9-2082].

See part 10 – Surrender of Easement [10-2000].
Building Management Statement

1 Mortgagee’s Consent

See part 34 – Building Management Statement [34-2000].

2, 3 Subdivision or Amalgamation of a Water Allocation

Mortgagee’s Consent

See part 49 – Water Allocations [14-2950] and [14-2960].

1, 2 High-density Development Easement

Lessee’s Consent


1, 2 Surrender of High-density Development Easement

Lessee’s/Mortgagee’s Consent

See part 40 – Surrender of High-density Development Easement [40-2000].

Legislation

Application of the Land Title Act 1994 to the Water Act 2000

Under the provisions of the Water Act, the Land Title Act applies to the registration of an interest or dealings for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the Land Title Act:

(a) as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations and
(b) as if a reference to the freehold land register were a reference to the water allocations register; and
(c) as if a reference to freehold land or land were a reference to a water allocation; and
(d) as if a reference to a lot were a reference to a water allocation; and
(e) with any other necessary changes.

Practice

Where a consent or approval is required pursuant to the Land Title Act 1994 or another Act it must be given on a Form 18 – General Consent except where the form has appropriate provision or another practice is permitted. For example:
• \[1\] An approval by a planning body to a plan of subdivision is usually given in Item 2 of Form 21 – Plan;

• \[1, 2\] A mortgagee’s consent to a Form 19 – Application for Title, the consent must be endorsed on the Form 19;

• \[1, 2\] Where the consent of a first mortgagee is required, the deposit of the Certificate of Title by the mortgagee is taken as that mortgagee’s consent and there is no need to deposit a Form 18.

The rationale behind this is that where a Certificate of Title is taken in the possession of a mortgagee, the mortgagee has control over voluntary actions in relation to that title. Accordingly, if the mortgagee deposits the Certificate of Title for cancellation, the mortgagee is obviously aware of and agreeable to the registration of the transaction in question.

A Form 18 – General Consent cannot be lodged on its own. It must be attached to, form part of and be deposited with the relevant instrument.

The Registrar does not enforce the contractual arrangements of individuals, therefore if a dealing creating an interest is registered without obtaining the necessary consent required by the contract, the parties are at the risk of the interest being defeated by the party who is entitled to the consent.

¶[18-2010] to ¶[18-2050] deleted

Forms

General Guide to Completion of Forms

For general requirements for completion of forms see part 59 – Forms.
1. Lot on Plan Description
LOT 75 ON RP20478

2. Instrument/document being consented to
Instrument/document type SURRENDER OF EASEMENT
Dated 17/10/2007
Names of parties EVELYN ALICE WAUGH and ROBERT JOHN WAUGH

3. Instrument/document under which consent required
Instrument/document type MORTGAGE
Dealing No. 700000203
Name of consenting party SUNPAC FINANCE PTY LTD ACN 123 456 789

4. Execution by consenting party
The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

----------------------------------------------------------signature

----------------------------------------------------------full name

----------------------------------------------------------qualification 20/10/2007 ..........................................................
Witnessing Officer Execution Date Consenting Party’s Signature

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Privacy Statement
Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy see the department’s website.
Guide to Completion of Form 18

**Item 1**

1. **Freehold Description**

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (eg ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for crown plans). The area of the lot/s is not shown.

```
<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 27 on RP 204939</td>
<td>11223078</td>
</tr>
</tbody>
</table>
```

2. **Water Allocation Description**

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

```
<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA 27 on AP 7900</td>
<td>46012345</td>
</tr>
</tbody>
</table>
```

3. **State Tenure Description**

The description of the relevant State tenure should always read Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

```
<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 27 on LIV1234</td>
<td>46012345</td>
</tr>
</tbody>
</table>
```

**Item 2**

Insert type and date of instrument or document to which the consent is to be bound and the full names of both parties involved in the matter.

**Item 3**

Insert the type and dealing number of the instrument or document under which the consent is required (if applicable). Insert the full name of the consenting party.

**Item 4**

Execute as required.

**Duty**

A duty notation is not required

**Case Law**

Nil
Fees

No fees are payable for the lodgement of a Form 18 – General Consent.

Cross References and Further Reading

Part 2 – Mortgage (National Mortgage Form)

Part 7 – Lease

Part 9 – Easement

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre or Building Management Statement

Part 19 – Application for Title

Part 21 – Plans and Associated Documents

Part 49 – Water Allocations

Notes in text

Note\(^1\) – This numbered section, paragraph or statement does not apply to water allocations.

Note\(^2\) – This numbered section, paragraph or statement does not apply to State land

Note\(^3\) – This numbered section, paragraph or statement does not apply to freehold land.