



## Part B – Form LA04

# Approval to Transfer Application

### Requirements

1. This application is for approval to transfer a lease or licence.
2. Please read the respective [approval to transfer guide](#), which includes application restrictions.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or from a regional [department's business office](#) or call 13 QGOV 13 74 68).
4. **Part A - Form LA00:** [Contact and land details](#) will need to be completed and submitted with your application.
5. **Supplementary Requirement for Mortgagee or appointed Receiver/Manager:** this section is required to be completed if the application is made by or on behalf of Mortgagee or appointed Receiver/Manager.
6. Certain types of leases are exempt from obtaining approval to transfer. Prior to lodging an application you should check whether an exemption noting has been lodged on the lease title. To check this you can purchase a title search by calling **1300 255 750**, visiting the [Titles Queensland website](#) <<https://www.titlesqld.com.au/>> or visiting one of the [regional business centres](#). **Note:** this exemption also applies to subleases of applicable leases.
7. Any additional information to support the application.
8. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
9. If you are not exempt, you are required to make an application. Prior to lodging your application, the Department **strongly encourages** the applicant to have a **pre-lodgement meeting** with a departmental officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

### Important information

10. Should approval to transfer be provided, the requirements of the Registrar of Titles must be fully complied with regarding lodgement of registration of documentation. All enquiries as to whether a document is correct for the purpose of registration should be referred to the [Titles Queensland website](#) <<https://www.titlesqld.com.au/>> within the department.
11. Section 142 of the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is 18 years of age or older.
12. Refer to the Department of Resources Operational Policy – [Transfer of Leases, Licences and Subleases](#) <[https://www.resources.qld.gov.au/?a=109113:policy\\_registry/transfer-leases-licences-subleases.pdf](https://www.resources.qld.gov.au/?a=109113:policy_registry/transfer-leases-licences-subleases.pdf)>
13. If the lease/licence/sublease is to be held by a person (a person for example includes a company) as trustee, the transfer document of the lease/licence/sublease must show the person as trustee and, as required by section 375 of *the Land Act 1994*, a certified copy of the trust (or details of the trust) must be deposited with the transfer document.
14. **Note:** Section 375 of the [Land Act 1994](#) applies to any interest to be held in trust.
15. All outstanding rental and instalments must be paid, before submitting an application for consent to transfer. If these have not been paid then a condition of the transfer will require payment before the lodgement of transfer.
16. The current registered landholder (the transferor), or an agent acting on their behalf, may apply for consent at any time. The person the lease is being transferred to (the transferee) or their agent may apply as long as they have written consent to the current registered landholder (the transferor) or evidence in the contract of sale that the transferor agrees to the transferee making this application.

## Information for mortgagees/receivers

17. If the application is to transfer a lease and is made by:

- a mortgagee in possession; or
- a mortgagee exercising a power of sale

the requirements of the Land Act 1994 must be satisfied.

18. A mortgagee must notify the Minister within 28 days of entering into possession of a mortgaged lease (section 345 of the *Land Act 1994*). If the lease is being transferred by a mortgagee exercising a power of sale then early contact with the Department is recommended.
19. The lease must not be offered for sale by public auction or a contract of sale entered into until at least **28 days** after the mortgagee has published a notice, in a newspaper circulating generally in the locality of the lease that the lease is for sale (section 346 of the *Land Act 1994*). The Department is able to provide example/s of a notice and contact details for newspapers.
20. A mortgagee must first offer the lease for sale by public auction (unless the Minister has given written approval to sell the lease by private contract).
21. A mortgagee (receiver) may also have obligations under part 7 of the [Property Law Act 1974](#).
22. Information on this form, and any attachments, is being collected to process and assess your application under section 322 of the *Land Act 1994*. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
23. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
24. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
25. For further privacy information click [Privacy](#) or go to [www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy).
26. **Note:** Parties who are a mortgagee in possession, a mortgagee exercising a power of sale, or an appointed receiver/manager will need approval to transfer a lease, regardless of whether an exemption noting is on the title. These parties need to follow the existing lease transfer process and seek the department's approval to transfer a lease.

Office  
Use Only

Approval to Transfer Application





**3. Enter details of the leases or licences proposed to be transferred**

(If there is insufficient space, please lodge as an attachment).

Schedule 2 Schedule of Leases/Licences Proposed to be transferred	
Lease Type & No. and/or Licence No.	Title Reference

**go to  
4**

The details of the land can be found on a current title or on your rates notice. To check this you can purchase a current title search by calling **1300 255 750**, visiting the [Titles Queensland website](https://www.titlesqld.com.au/) <https://www.titlesqld.com.au/> (and select 'Searches') or visiting one of the [regional business centres](#).

**4. Is the lease exempt from obtaining approval to transfer?**

Yes

**Application is not required**

No

**go to 5**

If the lease is subject to an exemption the approval of the Chief Executive is not required. The details of an exemption will be shown on the current lease title as an administrative advice (noting). If an exemption to obtain approval to the transfer is registered on the lease title, exemption will also apply to subleases of that lease.

**5. Is the application for a road licence "tied" by covenant to freehold and the requirements of section 322(2) of the *Land Act 1994* are satisfied?**

Yes

**Application is not required**

No

**go to 6**

If Yes, the approval of the Chief Executive is not required, but when lodging the transfer with Titles Queensland, you will need to lodge a copy of a rental position showing all rental has been paid up to date on the road licence and a statutory declaration signed by the incoming licensee/s stating that they are aware of the conditions of the licence.

**6. Is there a registered covenant tying another parcel to any lease or licence nominated in Schedule 2?**

Yes

**go to 7**

No

**go to 8**

**7. Is the tied parcel a lease or licence?**

Yes

**go to 8**

No

**go to Schedule  
3**

**Note:** If YES, the tied parcel must be included in Schedule 2.

A prerequisite to the registration of the proposed transfer will be registration of a transfer of the land tied by this covenant.

Schedule 3 Schedule of tied parcels other than a Lease or Licence		
Lot	Plan	Title Reference

**go to 8**

8. What is the date of settlement for the transfer of the leases or licences proposed to be transferred?

go to 9

Please allow ten business days from the time your application is properly made before settlement.

9. Is the application made by the Transferor or their legal representative?

Yes

go to 10

No

go to 10

If No, the application must be accompanied by the written consent of the Transferor to the making of this application or evidence in the contract of sale that the transferor agrees to the transferee making this application.

10. Is there a Permit to Occupy used in conjunction with any lease or licence nominated in Schedule 2?

Yes

go to  
Schedule 4

No

go to 11

**Note:** The transferor will be required to surrender the Permit to Occupy nominated in Schedule 4 as a condition of approval to this application. Unless otherwise advised all improvements on the permit area owned by the permittee must be removed from the permit area prior to surrender of the permit

**Schedule 4**

Schedule of Permits used in conjunction

Permit to Occupy Number	Title Reference

11. Is any lease in Schedule 2 within an industrial estate managed by Economic Development Queensland (EDQ), Department of Infrastructure, Local Government and Planning?

Yes

go to 12

No

go to 12

If Yes, provide the views of the Economic Development Queensland (EDQ), Department of State Development, Infrastructure, Local Government and Planning refer to the [Development Projects website](https://www.dilgp.qld.gov.au/edq/development-projects.html) at <<https://www.dilgp.qld.gov.au/edq/development-projects.html>>. For additional information on Industrial Estates refer to [EDQ Industrial Development website](http://industrial.edq.com.au/) at <<http://industrial.edq.com.au/>>.

12. Is any lease in Schedule 2 subject to a condition requiring a Performance Guarantee Bond or a Deed of Indemnity?

Yes

go to 13

No

go to 13

If Yes, the transferor's Performance Guarantee Bond or Deed of Indemnity will not be released until a replacement Performance Guarantee Bond or Deed of Indemnity from the transferee has been provided to the Department.

**Performance Bond Guarantee** – A condition of lease may require the lessee to produce security, usually in the form of a ban guarantee, which is held by the State until certain development requirements of the lease have been fulfilled to the satisfaction of the Minister.

**13. Is there currently any outstanding rental or instalment to be paid on any lease or licence in Schedule 2?**

Yes

**go to 14**

No

**go to 14**

If Yes, a condition of transfer will require that at the date of lodgement of the required documentation for registration and all rent owing to the state must be paid.

**14. Has the transferor any other current applications with the Department relating to any lease or licence in Schedule 2?**

Yes

**go to 15**

No

**go to 16**

**15. Provide details of the applications with the Department relating to any lease or licence in Schedule 2. **go to 16****

(If there is insufficient space, please lodge as an attachment)


**16. Provide details of the current use of land e.g. grazing. **go to 17****

(If there is insufficient space, please lodge as an attachment)


**17. Is a lease in Schedule 2 a:-**

- Term Lease for pastoral purposes; or
- Perpetual Lease for grazing or agricultural purposes; or
- Grazing Homestead Perpetual Lease; or
- Grazing Homestead Freeholding Lease.

Yes

**go to 18**

No

**go to 18**

If Yes, a copy of the contract of sale must be provided with this application.

**18. Is the lease or licence nominated in Schedule 2 to be held by an Association or Incorporated body?**

Yes

**go to 19**

No

**go to 19**

In the event that this application is approved, a certified copy of the Certificate of Incorporation will be required to be lodged with the transfer documentation.

Foreign corporations not registered as such in Australia must establish the jurisdiction of their incorporation by production of suitable evidence from the jurisdiction e.g. office copy of certificate of incorporation together with a qualified translation (if required).

**19. Provide details of any information to support the application (optional).**

**go to 20**

(If there is insufficient space, please lodge as an attachment)


**Attachments**

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

**20. Tick the box to confirm the attachments for part of the application:**

Application Fee

Part A – Form LA00 – Contact and Land details

Views of the Economic Development Queensland, Department of State Development, Infrastructure, Local Government and Planning for an industrial estate administered by that Department, if applicable.

Copy of the Contract of Sale, if applicable.

Copy of written consent from the current registered holder being the Transferor (or evidence in Contract of Sale that the Transferor agrees to the Transferee making this application) – required if Transferee is the applicant.

Certified copy of the Certificate of Incorporation, if applicable.

Certified copy of the Trust Document, (if required if transferee's tenancy will be 'as trustee').

Other requirements may be necessary to enable the application to be considered. It is recommended that any documents to be A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

**21. Is the application made by or on behalf of a Mortgagee or appointed Receiver/Manager?**

Yes

After completing the declaration, **go to 22**

No

**Supplementary Requirement is not required**

**Declaration**

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

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Date:            /            /

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

I/we the transferor authorise the Department to provide to transferee or their legal representative details of the current rental position or instalments remaining for the Leases/Licences in Schedule 1.

Signature of applicant (or their legal representative)

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**Note: Supplementary Requirement below needs to be completed by the Mortgagee or appointed Receiver/Manager if applicable.**



22. Entitlement to sell lease (including sublease)

I/We , as

Please tick the relevant fields -

- Mortgagee entitled to sell the lease described in **Question 3**:
- Appointed receiver/manager entitled to sell the lease described in **Question 3**:

23. Provide the following evidence to demonstrate my/our entitlement to sell the lease.

General requirements to be submitted with application:

- Copy of the relevant mortgage instrument and title instrument, which evidences that the mortgage is registered over the title being sold/transferred.
- Copy of any notice issued in accordance with section 84 or 84A of the [Property Law Act 1974](#).
- Copy of deed of appointment of receiver/manager (if applicable).

24. For transfer of leases only (not subleases)

In addition to the general requirements stated in item 23, the following are to be submitted for **transfer of leases only** (not subleases) by mortgagee or an appointed receiver/manager.

**Mortgagee**

- Statutory Declaration from the mortgagee swearing that the mortgagee:
  - warrants that the mortgagee is entitled to sell the lease and execute a transfer under the terms of the mortgage dealing number **[insert dealing number]** ]:
  - has satisfied the requirements of sections 345 and 346 of the [Land Act 1994](#);
  - has complied with the requirements of Part 7 of the [Property Law Act 1974](#), including sections 84 or 84A and 85; and
  - is aware the mortgagee's obligations under sections 348 and 349 of the [Land Act 1994](#).
- Copy of the newspaper notice (please provide the full page of the newspaper, showing the newspaper name and date) in accordance with section 346 of the [Land Act 1994](#).
- Copy of the Ministerial approval required under section 346(1) of the [Land Act 1994](#) (if applicable).

## For transfer of leases only (not subleases) -continued

Supporting evidence for sale by private contract (if applicable):

**Supporting evidence should include:**

- information such as – the property went to auction, there were [ ] registered bidders, the property was passed in as it did not meet the reserve, negotiations continued after the auction with a number of registered bidders and a private contract was entered into for at least the reserve with one of the registered bidders at the auction; and
- copy of a current valuation report.

**Appointed receiver/manager**

Statutory Declaration by the appointed receiver/manager swearing that the receiver/manager has:

- been validly appointed by the mortgagee in accordance with the mortgage dealing number [insert dealing number ] and section 92 of the [Property Law Act 1974](#);
- the power to sell the lease and execute a transfer in terms of that appointment and the above mortgage; and
- complied with the requirements of Part 7 of the *Property Law Act 1974*, including section 85.

## 25. For transfer of subleases only (not leases)

In addition to the general requirements stated in item 23 the following are to be submitted for transfer of subleases only (not leases).

**Mortgagee**

Statutory Declaration from the mortgagee swearing that the mortgagee:

- warrants that the mortgagee is entitled to sell the sublease and execute a transfer under the terms of the mortgage dealing number [insert dealing number ]; and
- has complied with the requirements of Part 7 of the [Property Law Act 1974](#), including sections 84 or 84A and 85.

**Appointed receiver/manager**

Statutory Declaration by the appointed receiver/manager swearing that the receiver/manager has:

- has been validly appointed by the mortgagee in accordance with the mortgagee dealing number [insert dealing number ] and section 92 of the *Property Law Act 1974*;
- the power to sell the sublease and execute a transfer in terms of that appointment and the above mortgage; and
- complied with the requirements of Part 7 of the *Property Law Act 1974*, including section 85.

## Authorisation

I certify that I have the authorisation to provide the information in the supplementary requirement and I confirm that:

- The information I have provided is true and accurate.
- All items not supplied as per above, are not applicable.

**Full name, Position and Organisation Name**

**Signature of Applicant (or legal representative)**

**Date:**            /            /

This information will not otherwise be disclosed outside of the department unless required or authorised by law as under the [Right to Information Act 2009](#).