



Part B – Form LA28

Approval of a Sublease Application


Requirements

1. This application is for approval of a sublease.
2. Please read the respective [Obtaining approval for a sublease 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. A draft of the proposed sublease on Titles Queensland Forms 7 and 20 Lease/Sublease (if required) together with a sketch or plan showing the location of the proposed trustee lease. Forms 7 and 20 are available on the [Titles Queensland website](#) <<https://www.titlesqld.com.au>> or call 1300 255 750.
5. **Part A - Form LA00:** [Contact and land details](#) will need to be completed and submitted with your application.
6. Any additional information to support the application.
7. 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.
8. 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

9. A lease issued under the [Land Act 1994](#) (Land Act) <<https://www.legislation.qld.gov.au>> may be subleased only –
 - If the Minister has given written approval to the sublease or the lessee holds a general authority to sublease; and
 - To a person who is eligible to hold the sublease under the Land Act.
10. A lessee may not sublease a lease if the Land Act prohibits subletting, or the lease contains a condition specifically prohibiting subletting.
11. Subleases must be consistent with the purpose and conditions of the Land Act lease.
12. If a lease issued under the Land Act is subleased, the sublease must be registered in the Titles Registry.
13. The Minister needs to consider matters relevant at, or about, the time of the commencement date of a sublease. Accordingly, a proposal for a sublease with a future commencement date to follow on from expiry of the initial sublease (a consecutive lease) will not be supported.
14. There is no provision in the Land Act for a concurrent sublease or for a lessee or sublessee to licence a lease or sublease.
15. The lessee of a lease that is sublet, in whole or in part, continues to be liable for all the conditions to which the lease is subject.
16. If the sublease is to be held by a person (a person for example includes company) as trustee, the Titles Queensland Form 7 Item 3 must show the person as a trustee as required by section 374A of the Land Act, and a certified copy of the trust (or details of the trust) must be deposited with the sublease document.

17. Section 142 of the Land Act states a person is eligible to apply for, buy or hold land under the Land Act if the person is an adult, that is, 18 years of age or older. A sublessee will also need to be an appropriate person to hold the sublease. Refer to the Department's Operational Policy SLM/2013/584 - [Eligibility to Hold Land](#) <<https://www.resources.qld.gov.au/home/about-us/policies>>.
18. A lessee may sublease and a sublessee may sub-sublease a lease provided the Minister has given written approval.
19. A sublease is subject to the prescribed terms regulated in the Land Regulation 2020 (irrespective of whether the tenure document refers to the prescribed terms).
20. If a definition or clause in the sublease document or another document that forms part of the sublease document is inconsistent with the prescribed term, the prescribed term prevails to the extent of the inconsistency.
21. Any option clause in a sublease is simply an agreement between the parties to seek the Minister's approval to a new sublease. Therefore there is no reference to be made to an Option at Item 6 of the Form 7.
22. The rolling term lease extension registered on title does not commence until the current lease term expires. Therefore, a sublease must not be for any part of the approved rolling term lease extension if that extended term has not yet commenced. (i.e. it is not possible to sublease a lease term which has not yet commenced).
23. Information on this form, and any attachments, is being collected to process and assess your application under section 332 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.
24. 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 if you do not wish for the department to contact you.
25. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
26. For further privacy information click [Privacy](#) or go to <www.resources.qld.gov.au/home/legal/privacy>.

Office Use Only	Application for approval of Sublease	 9 311662 185402
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1. Has a draft sublease document been prepared?	
<input type="checkbox"/> Yes	go to 2
<input type="checkbox"/> No	Application cannot be considered
A copy of the draft sublease document MUST accompany this application.	

2. Provide details of the purpose of the sublease.	go to 3
(If there is insufficient space, please lodge as an attachment)	

3. What is the expiry date of the lease?	/	/	go to 4
(Details of your lease expiry date can be found on a current title search of the land. To check this you can purchase a title search by calling 1300 255 750 , visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') or visiting one of the regional business centres).			
A sublease must not be for more than the balance of the term of the lease less one day. The commencement date is unable to be a date earlier than the Minister's written approval to the sublease.			

4. Provide details of any additional information to support the application. (optional)	go to 5
(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.

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

- Application Fee
- Part A – Form LA00 – Contact and Land details
- sketch/plan of the sublease (if applicable)
- draft sublease document
- draft Titles Queensland Form 7
- draft Titles Queensland Form 20, listing additional clauses (if applicable)
- copy of Titles Queensland Form 18, duly executed by the Mortgagee (if applicable)
- certified copy of trust document (if applicable)

It is recommended that any attached plans, sketches or maps be of 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.

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)

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.