



You can now apply for all *Land Act 1994* applications [online](#).

Part B – Form LA28

Approval of a Sublease Application

Land Act 1994

Requirements

1. Use this application form to apply for approval of a sublease.
2. Please read the respective [Obtaining approval for a sublease guide](#), which includes application restrictions. The content on this page may help you decide if this application form applies to you and your needs. It will also help guide you through the application process.
3. Payment of the prescribed Application fee is per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development](#) website or contact your nearest [business centre](#) or call 13 QGOV (13 74 68).
4. **Part A online form:** [Contact and land details](#) or Part A - [Part A LA00 Contact and land Details \(PDF\)](#) must be completed and submitted with your application.
5. Provide any additional information to support the application.
6. For your application to be processed, all parts of this application form must be completed accurately, otherwise your application may be returned to you to complete or refused.

Important information

7. For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the *Land Act 1994*. Contact your nearest [business centre](#) to arrange a meeting.
8. A lease issued under the [Land Act 1994](#) (Land Act) may be subleased only –
 - If the Minister has given written approval to the sublease; or
 - The lessee holds a general authority to sublease.
9. A lessee may not sublease a lease if the Land Act prohibits subletting, or the lease contains a condition specifically prohibiting subletting.
10. To be approved, the sublease must:
 - be consistent with the purpose and conditions of the lease
 - be for a term that is no more than the balance of the lease term, less 1 day
 - start no earlier than the date of the ministerial approval.
11. If a lease issued under the Land Act is subleased, the sublease must be registered in the Titles Registry.
12. The Minister (delegate) 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.
13. There is no provision in the Land Act for a concurrent sublease or for a lessee or sublessee to licence a lease or sublease.

NOTE: Specific Acts such as the Queen's Wharf Brisbane Act 2016 and the Transport Infrastructure Act 1994 have specific provisions for a concurrent sublease.

14. 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.
15. If the sublease is to be held by a person (a person for example includes a company) as trustee, the Titles Queensland Registry Form 7 (lease/sub lease) Item 3 must show the person as a trustee as required by section 375 of the Land Act, and a certified copy of the trust (or details of the trust) must be deposited with the sublease document.
16. 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 older. A sublessee will also need to be an appropriate person to hold the sublease. Refer to the Department of Natural Resources and Mines, Manufacturing, Regional and Rural Development [Policy – Eligibility to Hold Land](#).
17. 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). 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.
18. 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 Titles Queensland Form 7 (lease/sub lease).
19. A sublease application over a Rolling Term Lease can be considered if the term of the sublease:
 - Ends one day before the expiry of the lease (including the approved extension term, if any); and
 - Is within the current term; or
 - If an extension has been approved and registered on the lease title, the sublease can commence within the current term and continue into the extended term of the lease.

Information and Data collection

20. 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.
21. 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@nrmmrrd.qld.gov.au if you do not wish for the department to contact you.
22. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
23. For further privacy information click [Privacy](#) or go to <<https://www.nrmmrrd.qld.gov.au/legal/privacy>>.

Office
Use Only

Application for approval of Sublease



1. Has a draft sublease document been prepared?

☐

Yes

go to 2

☐

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

A sublease must not be for more than the balance of the term of the lease less one day.

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 must be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

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

- ☐ Application Fee
- ☐ Part A online form – [Contact and Land details](#) or Part A – [Contact and Land details \(PDF\)](#)
- ☐ If proposed sublease over part of a parcel, sketch/plan of the sublease
- ☐ Evidence of pre-lodgement discussions with the department, if applicable
- ☐ Draft sublease document Titles Queensland Form 7
- ☐ Draft Titles Queensland Form 20, listing additional clauses, if applicable
- ☐ If mortgage over proposed sublease, copy of Titles Queensland Form 18, duly executed by the Mortgagee
- ☐ If proposed sublease to be held in trust, certified copy of trust document

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. For your application to be processed, all parts of this application form must be completed accurately. Otherwise, your application may be returned to you to complete or refused.

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 practitioner)

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 practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.