



Part B – Form LA04

Approval to Transfer Application

Land Act 1994

Requirements

1. This application is for approval to transfer a lease, sublease or licence.
2. Please read the respective [Transferring a lease or licence guide](#), which includes application restrictions.
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 Resources 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 – [Contact and land details](#) (PDF) must be completed and submitted with your application.
5. **Supplementary Requirement for Mortgagee or appointed Receiver/Manager:** this section must be completed if the application is made by or on behalf of a 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 **(07) 3497 3479**, or visiting the [Titles Queensland website](https://www.titlesqld.com.au/) <https://www.titlesqld.com.au/>. **Note:** this exemption also applies to subleases of applicable leases.
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information

9. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
10. If your application to transfer is approved, you will need to lodge certain documents with Titles Queensland. 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/) <https://www.titlesqld.com.au/>.
11. Section 142 of the [Land Act 1994](https://www.legislation.qld.gov.au/) <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 or sublease is to be held by a person (a person includes a company) as trustee, the transfer document of the lease, licence or 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 lodged with the transfer document. **Note:** Section 375 of the [Land Act 1994](#) applies to any interest to be held in trust.
14. All outstanding rent and instalments must be paid, before submitting an application for approval to transfer. If these have not been paid, then a condition of the transfer will require payment of the outstanding amount before the lodgement of the transfer documents with Titles Queensland.
15. The current registered landholder (the transferor), or an agent acting on their behalf, may apply for approval at any time. The person the lease is being transferred to (the transferee) or their agent may apply with the written consent of 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

16. 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.

17. 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.

18. The mortgagee must published a notice, in a way the mortgagee considers is reasonably likely to come to the attention of members of the public in the locality of the lease. For example, by publishing the notice in a newspaper circulating generally, in the locality of the lease (section 346 of the *Land Act 1994*). The department can provide example/s of a notice.

19. The lease must not be offered for sale by public auction, nor a contract of sale be entered into until at least **28 days** after the mortgagee has published a notice.

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 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.

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



1. Is the lease exempt from obtaining approval to transfer?

Yes **Application is not required**

No **go to 2**

If yes, the lease is subject to an exemption then you do not need to apply for approval to transfer. 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.

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

Yes **Application is not required**

No **go to 3**

If Yes, you do not need to apply for approval to transfer, 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.

3. Enter the full name/s of each transferor (current lessee/licensee) as it appears on the current title in the Titles Registry of Titles Queensland.
(If there is insufficient space, please lodge as an attachment).

Proposed Transferor		
Full Name/s	Share held	Share being transferred

go to 4

The person selling the lease (the vendor or current lessee/licensee) is the transferor.

To check this you can purchase a current title search by calling (07) 3497 3479, visiting the [Titles Queensland website](https://www.titlesqld.com.au/) <https://www.titlesqld.com.au/>.

4. Enter the full name/s of proposed transferees (purchaser) and shares in which the property is to be held
(If there is insufficient space, please lodge as an attachment).

Proposed Transferee	
Full Name/s <small>(If a company, also provide a contact name)</small>	Share held

Tenancy Details

If a corporation then record ACN ARBN ABN

Transferee's mailing address

Phone number		Mobile phone
Email		
	go to 5	

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.

The person buying the lease (the purchaser or prospective lessee/licensee) is the transferee. If there are two or more transferees, provide the tenancy details, e.g. joint tenants or tenants in common. For tenants in common, specify the shares or interest.

For example –

- John Anthony Smith and Patricia Mary Smith - Tenancy would be Joint Tenants
- Terence James Brown ½ share and Maureen Frances Brown ½ share – Tenancy would be Tenants in Common
- Dell Company Pty Ltd ACN 445 667 221, if the transferee is a Corporation, either the Australian Company Number, Australian Registered Body Number or the Australian Business Number must be shown. Tenancy would not be required.

Tenancy details could include – Tenants in Common, Tenants in Common in equal shares, Joint Tenants and Trustee. The transferee's mailing address is required for service of notices after possession is required to enable rent, rate and valuation notices to be forwarded to the transferee.

5. Enter details of the leases or licences proposed to be transferred
(If there is insufficient space, please lodge as an attachment).

Lease or Licence details	
List all Leases/Licences Proposed to be transferred	
Lease Type & No. and/or Licence No.	Title Reference

go to 6

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 (07) 3497 3479, visiting the [Titles Queensland website](https://www.titlesqld.com.au/) <https://www.titlesqld.com.au/>.

6. Is there a registered covenant tying another parcel to any lease or licence nominated in Question 5?

Yes **go to 7**

No **go to 8**

7. Is the tied parcel a lease or licence? If yes, enter the details of the tied parcel/s

Yes No

A prerequisite to the registration of the proposed transfer will be registration of a transfer of the land tied by this covenant.		
Details of tied parcel		
List all tied parcels other than the Lease or Licence		
Lot	Plan	Title Reference

go to 8

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

go to 9

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

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

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 Question 3? If yes, enter the details of the Permit to Occupy.

Yes

No

Note: Permits to Occupy cannot be transferred. The transferor will be required to surrender the permit as a condition of approval to this application. The incoming leaseholder can apply for a new permit after the existing permit is surrendered. Unless otherwise advised by the department, all improvements on the permit area owned by the permittee must be removed from the permit area prior to surrender of the permit

Permit to occupy details

List of Permits used in conjunction with the lease or licence

Permit to Occupy Number	Title Reference

go to 11

11. Is any lease in Question 3 within an industrial estate managed by Economic Development Queensland (EDQ), Department of State Development, 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](https://www.statedevelopment.qld.gov.au/economic-development-qld/priority-development-areas-and-projects/development-projects) website (https://www.statedevelopment.qld.gov.au/economic-development-qld/priority-development-areas-and-projects/development-projects). For additional information on Industrial Estates refer to [EDQ Industrial Development](http://industrial.edq.com.au/) website (http://industrial.edq.com.au/).

12. Is any lease in Question 3 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 and/or Deed of Indemnity will not be released until a replacement Performance Guarantee Bond and/or Deed of Indemnity from the transferee has been provided to the department.

Performance Bond Guarantee – A condition of a lease may require the lessee to produce security, usually in the form of a bank guarantee, which is held by the State.

13. Is there currently any outstanding rental or instalment to be paid on any lease or licence in Question 3?

Yes

go to 14

No

go to 14

If Yes, a condition of transfer will require that all rent owing to the State must be paid prior to the date of lodgement of the required documentation with Titles Queensland.

14. Has the transferor lodged any other current applications with the department relating to any lease or licence in Question 3?

Yes

go to 15

No

go to 16

15. Provide details of the lodged applications relating to any lease or licence in Question 3.

go to 16

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

16. Provide details of the current use of the land.

go to 17

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

17. Is a lease in Question 3 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 Question 3 to be held by an Incorporated Association or Incorporated entity?

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 in Australia must establish the jurisdiction of their incorporation by production of suitable evidence from the jurisdiction e.g. official 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 processed. If all this information is not submitted, your application will be returned or refused.

20. 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.
- Evidence of pre-lodgement discussions with the department, if applicable.
- 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 transferee's tenancy will be 'as trustee', if applicable.

Other requirements may be necessary to enable the application to be considered. 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.

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 practitioner)

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

I/we the transferor authorise the department to provide to transferee or their legal practitioner details of the current rental position or instalments for the Leases/Licences in Question 3.

Signature of applicant (or their legal practitioner)

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Note: Supplementary Requirement below must 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 Question 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 published notice 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).

25. 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.

26. For transfer of subleases only (not leases)

In addition to the general requirements stated in Question 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 practitioner)

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](#).