



Part B – Form LA28

Approval of a Sublease Application

Land Act 1994


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. 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 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 L00 Contact and land Details \(PDF\)](#) must be completed and submitted with your application.
5. Any additional information to support the application.
6. 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

7. 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.
8. 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.
9. A lessee may not sublease a lease if the Land Act prohibits subletting, or the lease contains a condition specifically prohibiting subletting.
10. Subleases must be consistent with the purpose and conditions of the Land Act lease.
11. If a lease issued under the Land Act is subleased, the sublease must be registered in the Titles Registry.
12. 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.
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.
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 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 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>>.
17. A lessee may sublease and a sublessee may sub-sublease a lease provided the Minister has given written approval.
18. 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).
19. 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.
20. 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).
21. 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.
22. 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.
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>.

Office Use Only	Application for approval of Sublease	 9 311662 185402
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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 LOT, 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.