



## land series

# Application for Consent to Transfer a lease or licence

This fact sheet explains the procedures for making and assessing an application for consent to transfer a lease or licence. This information applies only to current leases and licences administered under the *Land Act 1994*.

## What is consent to transfer?

A lease or licence is transferred when a right or interest in it is assigned to another by sale or gift.

A lease or licence may be transferred only to a person qualified to hold the interest or right, and is subject to approval under the *Land Act 1994*.

## When can an application be made?

The leaseholder or licensee can apply to transfer at any time.

The application must be made by:

- the current registered leaseholder or licensee
- a solicitor or an agent acting on their behalf.

The purchaser or their legal representative may make an application only if they obtain written authority from the current registered leaseholder or licensee.

If prior approval has been given to transfer a lease or licence and that approval has not been registered or has lapsed, it will be necessary to reapply to consent to transfer.

In this case, the new application must include a statutory declaration from the leaseholder or licensee indicating that the earlier proposed transfer is not proceeding.

## How to apply

To apply for a consent to transfer, you must submit the following:

- consent to transfer application form, with both parts A and B completed
- the prescribed application fee, if relevant

- evidence that all outstanding rent has been paid.

Though you can submit an application at any NRW office, it is preferable to do so at the office nearest to which the land is located, where staff can also advise you of the correct application fee.

See the NRW website at <[www.nrw.qld.gov.au](http://www.nrw.qld.gov.au)> for a list of NRW offices and applications fees.

Unless you complete all parts of the form accurately, it may be returned to you for completion, which will delay the process.

If you are unsure if your application is complete, contact your nearest NRW office to discuss your application with staff prior to lodgement.

## Concurrent applications

In some instances, leaseholders may submit an application to transfer a lease when they have already lodged an application to convert a lease with NRW. In this case, they must advise NRW in writing if the application for conversion is to continue.

If no advice is received, the application for conversion of a lease will lapse when the transfer of the lease is registered.

## What if the lease is tied to a road licence?

If a road licence is tied to the lease, it should be transferred at the same time as the lease. This will also require the approval of NRW.

If the licence is not required by the person to whom the lease is being transferred, then it must be surrendered. This should happen either before the consent to transfer application is lodged, or at the same time.

## What if a permit to occupy is used in conjunction with the adjoining lease?

As a permit to occupy cannot be transferred, if one is associated with the lease, it should be surrendered when the lease is transferred.

If the person seeking to transfer the lease wants to continue to use the land covered by the permit to occupy, they must apply for a new permit to occupy.

## Notice of the decision

If approval to transfer a lease is given it will be sent to the applicant on a Queensland Land Registry Form 18—General consent.

If the approval contains any additional conditions it will be sent to the applicant on a Queensland Land Registry Form 20—Enlarged panel.

The approval will lapse if the forms are not lodged for registration in the Queensland Land Registry within six months from the date of the approval, unless an extension of time is granted for lodgement.

At the time of lodgement, the person to whom the lease has been transferred must also provide a statutory declaration stating that they are aware of:

- the condition of the land
- the level of compliance with the conditions of the lease
- any current arrangements under an Act affecting the lease (for example, a Nature Conservation Act agreement)
- the annual rent and when it is payable.

The transferee needs to be aware of the requirements of the *Foreign Ownership of Land Register Act 1988*, which requires that a foreign person (as defined in the Act) who is purchasing a lease, or their trustee, must lodge a notification of ownership form for each interest acquired.

The transferee should also be aware of:

- the term of the lease and when it will expire
- the conditions of the lease
- conditions under the *Land Act 1994*, in particular the condition that the leaseholder has a duty of care responsibility for the land.

## More information

For more information on Consent to Transfer, contact your nearest NRW office.