



Land series

Application for deferral of rent or instalment

This fact sheet explains how to apply for deferral of rent or instalment and how the Department of Natural Resources and Water (NRW) assesses applications under the *Land Act 1994*.

When can you apply?

Application for deferral of rent or instalment can be made only if you hold a term, perpetual or freehold lease, a road licence or an occupation licence. It does not apply if you hold a permit to occupy.

An application can be made at any time during the term of a lease/licence if the lessee or licensee considers they are suffering because of the effects of drought, flood, fire, disaster or economic recession, or a severe downturn in the level of markets related to the purpose of the lease.

How to apply

To apply for deferral of rent or instalment you must submit:

- an application for deferral of rental/instalment form, with both parts A and B completed
- the prescribed application fee.

The lessee or licensee may be required to provide returns and financial statements to assist in assessing the application, or if applicable, evidence that the applicant is receiving financial assistance under a state or commonwealth scheme relating to the hardship.

Although you can submit an application at any NRW office, it is better to do so at the office closest to the property involved, as staff can advise you of the correct application fee.

If all parts of the form are not filled out accurately, it may be returned to you to revise, which will delay the process. It is advisable to discuss your application with NRW staff before lodgement, if you have any queries.

Visit the NRW website <www.nrw.qld.gov.au> for a list of NRW offices and application fees.

What NRW considers

When assessing your application against the requirements of the Land Act, NRW will also:

- use relevant NRW policies, procedures and guidelines
- seek the views of relevant stakeholders, for example other state government agencies and local government authorities

An NRW officer may also inspect the land.

It is important that applicants read the following NRW policy found on the NRW website <www.nrw.qld.gov.au>:

- PUX/901/402 Rent and instalment payments, including for deferral of hardship
- PUX/901/403 Forgiveness of rent.

Notice of the decision

When all issues have been investigated NRW will provide applicants with written notice of the decision.

If approved, the approval will state the time for which the deferral applies, and the terms of repayment.

Penalty interest on deferred rent or instalment will be payable but at a lesser rate than penalty interest for late payment, (unless the deferred rent and interest have been forgiven).

All approved deferrals will be reviewed to ensure the circumstances are still current.

Note: If a lease or licence is transferred, a deferral of rent or instalments stops from the day of the transfer settlement and all outstanding monies must be paid.

More information

For more information on deferral of rent or instalment contact your nearest NRW office or visit the NRW website: <www.nrw.qld.gov.au>.