

Occupation of University Land by Lease or Licence Procedure

Section 1 - Purpose and Objectives

(1) This Procedure outlines the process and steps to be followed to seek the University's approval to a proposed agreement with a proposed Occupier for the use of University land or buildings, including any renewal or variation to an existing agreement.

Section 2 - Definitions, Terms, Acronyms

Term	Definition
COO	Chief Operating Officer
ISC	The Infrastructure Sub-Committee, whose role is to strategically plan and oversee the management of areas and facilities at the University.
LLC	The Lease and Licence Committee, whose role is to manage the occupation of the University's land and buildings in accordance with this Procedure. The LLC is chaired by the Chief Operating Officer and is comprised of representatives from the Property and Facilities Division, Legal Services, Finance and Business Services and, by invitation, other representatives as required.
Occupier	The individual or entity which is granted the right to occupy University land or buildings in accordance with this Procedure. Occupiers can include: a) external companies or businesses; b) organisations which are related to the University but which are separate legal entities; c) external organisations, including State or not-for-profit organisations; or d) University clubs and associations.
Property and Commercial Manager	The Property and Commercial Manager, Property and Facilities Division.

Section 3 - Procedure Scope/Coverage

(2) This Procedure applies to all requests to grant proposed Occupiers a right to use University land or buildings, including any renewal or variation to an existing agreement.

Section 4 - Procedure Statement

Initial Discussions

(3) Campus management or representatives from the University's Faculties, Schools, Centres, Institutions or Unions may hold initial discussions with proposed Occupiers and may participate in the development of a business case to support a request to grant the right to occupy certain parts of the University's land or buildings.

(4) Campus management or representatives from the University's Faculties, Schools, Institutes or Unions are not

authorised to make any representations on behalf of the University regarding the availability of areas, any proposed commercial terms or any other matters which may or may not be considered by the University when considering a business case. It is important that Campus management or representatives from the University's Faculties, Schools, Institutes or Unions also make all proposed Occupiers aware that all discussions in relation to any potential agreement are made on a 'without prejudice' basis and are subject to the formal approval of the University.

(5) All discussions regarding the availability of areas or the proposed allocation of areas to any proposed Occupiers must be brought to the attention of the Property and Commercial Manager or any other member of the LLC as soon as possible.

Conflict of Interest

(6) Staff members of the University who hold a position with, are involved with or have a connection with the proposed Occupier must consider the University's policies on conflicts of interest when interacting with the proposed Occupier. Any person with a conflict of interest or potential conflict of interest must declare it to the COO as soon as they become aware of the conflict or potential conflict.

Availability and Allocation of Areas

(7) The ISC considers the availability of areas of the University's land and buildings for use by the University and proposed Occupiers. The allocation of areas for use by proposed Occupiers is approved by the ISC or the COO by delegation.

Written Proposal to LLC

(8) Once the COO has approved the allocation of areas to a proposed Occupier, all proposed Occupiers are required to prepare and submit to the LLC a written proposal in relation to their request to occupy University land or buildings.

(9) The proposal should clearly set out:

- a. the details of the approval in principle for their allocation to an area, including details of the preferred location, size and type of areas required and the preferred duration of occupancy.
- b. background information about the proposed Occupier, including adequate information to demonstrate its capacity to conduct the proposed activity and including any other locations from which the proposed Occupier conducts similar activities.
- c. the purpose for which the arrangement is being proposed.
- d. a description of the benefit to the University of having the proposed Occupier occupy the preferred area, including direct and indirect benefits to undergraduate and post graduate programs and to the level of service and amenity to the University's community.
- e. a clear statement regarding the expected rent amount, and for the payment of additional costs such as cleaning and electricity costs.
- f. the details of any fitout works, refurbishment or minor alterations proposed to be carried out to the area. Note: Such works will require prior written approval of the Chief Property Officer and are generally at the cost of the proposed Occupier.
- g. the details of any discussions that have been held with staff members from the University including the name, position and contact details of all representatives.
- h. the endorsement of the relevant Executive Dean or relevant senior University Manager.

Commercial Terms

(10) All proposals are considered by the LLC. Once endorsed, proposed commercial terms are prepared and recommended by the Property and Commercial Manager with input from Finance and Business Services and UQ Union

where appropriate. The Property and Commercial Manager then conducts negotiations on the commercial terms with the proposed Occupier.

(11) The COO, with advice from the LLC, must consider and approve the commercial terms at each stage of the negotiations. The final terms, including in relation to an amount for rent, will be determined by the COO in consultation with the LLC.

Draft Lease or Licence Agreement

(12) Once commercial terms are agreed, the Property and Commercial Manager arranges for Legal Services to prepare a draft lease or licence agreement for consideration by the proposed Occupier. Drafting will continue until both the proposed Occupier and the University accepts the terms of the agreement.

(13) When ready for signing, Legal Services manages the process of signing by the authorised representatives of both parties, including signing on behalf of the University by the COO.

Approval by the COO

(14) Under no circumstances can proposed Occupiers be permitted to proceed to occupy a proposed area or commence fitout works to the proposed area without formal approval being granted by the COO.

(15) The Senate has granted the COO the formal authority to sign legal documents on behalf of the University.

(16) Once the agreement has been signed the original document will be retained in the University's records management system and a copy provided to the Property and Commercial Manager for ongoing reference during its term.

Section 5 - Questions

(17) All questions regarding this Procedure should be directed to the Property and Commercial Manager or to any member of the LLC.

Status and Details

Status	Current
Effective Date	20th October 2011
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Approval Authority	Chief Property Officer
Approval Date	20th October 2011
Expiry Date	Not Applicable
Policy Owner	Andrew Brodie Chief Property Officer
Enquiries Contact	Property and Facilities Division