Occupation of University Land by Lease or Licence Policy

Section 1 - Purpose and Objectives

(1) The University receives many requests to give proposed Occupiers a right to occupy University land or buildings for various purposes and for varying periods of time. The objective of the University entering into agreements regarding such requests is to provide benefits to the University's activities. Proposals for the University to enter into an agreement with a proposed Occupier are encouraged to the extent that such agreements enhance the experiences of the University's community.

(2) The procedures in the Occupation of University Land by Lease or Licence Procedure must be followed to seek the University's approval to a proposed agreement with a proposed Occupier.

Section 2 - Definitions, Terms, Acronyms

Term	Definition
LLC	The Lease and Licence Committee, whose role is to manage the occupation of the University's land and buildings in accordance with this Policy. The LLC is chaired by the Chief Operating Officer (COO) 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 Policy. 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 - Policy Scope/Coverage

(3) This Policy applies to all requests to provide proposed Occupiers a right to occupy University land or buildings, including renewal of variation to an existing agreement.

Section 4 - Policy Statement

(4) A proposal to grant the right to occupy any part of the University's land or buildings to an Occupier must be thoroughly considered and properly documented. It is imperative that any agreement is appropriately documented to avoid any misunderstandings or disagreements and to enhance clarity in relation to each party's rights and obligations.

(5) All arrangements for the occupation by any Occupier of the University land or buildings must be formally approved

by the University and appropriately documented.

Initial Discussions

(6) 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.

(7) 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.

(8) 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

(9) 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.

Section 5 - New and Existing Agreements

(10) The University will consider many factors before agreeing to grant a lease or a licence for the use of areas within the University's land or buildings.

(11) Whether a proposed new arrangement amounts to a lease or a licence is a matter for legal interpretation and involves a consideration of technical issues. Legal Services should be contacted early in the negotiation process to provide advice on whether a lease or licence should be considered. Legal Services is also able to provide advice on the information which will be required for the drafting of an appropriate agreement. Generally, it is the preference of the University to grant a licence only to any proposed Occupier.

(12) Existing agreements which contain a clause for the review of the amount of rent or licence fee, or which contain a clause for the renewal of the term of the agreement must be brought to the attention of the LLC well prior to the date by which the review must be carried out by the University or right for renewal can be exercised by the Occupier. The process for review or renewal will be managed by the LLC and all documentation prepared by the Legal Services under the direction of the LLC.

(13) Under no circumstances should the amount of any rent or licence fee be reviewed or any term be renewed for an agreement regarding the use of any area of the University's land or buildings proceed without the knowledge of the LLC.

(14) The procedures in the Occupation of University Land by Lease or Licence Procedure must be followed regardless of whether a new arrangement is proposed or whether the amount of any rent or licence fee is reviewed or any term renewed under an existing agreement.

This document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to refer to The University of Queensland's Policy and Procedure Library for the latest version.

Status and Details

Status	Current
Effective Date	20th October 2011
Review Date	20th October 2014
Approval Authority	Provost and Senior Vice-President
Approval Date	20th October 2011
Expiry Date	Not Applicable
Policy Owner	Andrew Brodie Chief Property Officer
Enquiries Contact	Property and Facilities Division

This document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to refer to The University of Queensland's Policy and Procedure Library for the latest version.