

## Lease or Licence to Occupy Process

### STEP 1: Procurement process

If you want UNE to lease or enter into a licence to occupy a property/building this is considered a purchase (expenditure):

- All purchasing must be in accordance with the UNE Procurement Policy and Procedures <https://policies.une.edu.au/document/view-current.php?id=75>
- If the total value of the lease or licence to occupy (inc GST) will be between \$10,000 and \$250,000, you must either obtain the required number of quotes or apply to Procurement for an exemption
- If the total value of the lease or licence to occupy (inc GST) will be over \$250,000
- Contact [procurement@une.edu.au](mailto:procurement@une.edu.au) for guidance on required internal UNE procurement approvals

### STEP 2: Obtain lease or licence document

Where UNE wants to lease or licence premises from a third party

- The Landlord/owner will usually supply their own lease or licence to occupy for UNE to review
- **Do not sign anything - including an agreement to lease or any document from an agent**
- Contact UNE Legal Services at [legal@une.edu.au](mailto:legal@une.edu.au) if the Landlord/owner does not provide their own lease or licence to occupy and you need Legal Services to draft a document for you

Where a third party wants to lease or licence premises from UNE

- Contact UNE Legal Services at [legal@une.edu.au](mailto:legal@une.edu.au) to discuss. UNE Legal Services will draft an appropriate lease or licence document for you

### STEP 3: Commercial Activity Rule

Where UNE wants to lease or licence premises from a third party

- This is not considered to be a Commercial Activity for the purposes of the UNE Commercial Activity Rule

Where a third party wants to lease or licence premises from UNE

- Entering into a lease or licence for a third party to occupy UNE premises is considered to be a Commercial Activity under section 3(5)(b) of the UNE Commercial Activity Rule <https://policies.une.edu.au/document/view-current.php?id=71> and you must follow the

### STEP 4: Consult with EBE

- EBE maintains oversight of all UNE buildings, properties, leases and licences. This includes both leases/licences UNE enters into as the Landlord and leases/licences UNE enters into as the tenant/licensee
- You must consult with EBE on any lease of licence to occupy that UNE is considering entering into. Send the lease or licence to occupy to EBE for their review and advice

### STEP 5: Is the other party an overseas organisation?

Where UNE wants to lease or licence premises from a third party

- If the landlord/owner is an overseas person or entity you will need to complete the Foreign Interference Checklist (available from Office of DVCR [dvcr@une.edu.au](mailto:dvcr@une.edu.au)) and return it to Office of DVCR

Where a third party wants to lease or licence premises from UNE

- If the prospective tenant/licensee is an overseas person or entity you will need to complete the Foreign Interference Checklist (available from Office of DVCR [dvcr@une.edu.au](mailto:dvcr@une.edu.au)) and return it to Office of DVCR

**STEP 6:  
Submit  
documents to  
the Dean or  
Business Area  
Manager**

- Once you have completed the above steps, submit the following documents to your Faculty office or operational business area manager:
  - Contract Approval Form (available on the UNE Legal Services website)
  - The lease or licence to occupy plus any other relevant documentation (ie an agreement to lease)
  - Procurement approval or exemption
  - Foreign Interference Checklist
  - Business case (if a commercial activity under the *UNE Commercial Activity Rule*)
- The Faculty office will arrange for the Dean's signature, or for operational areas the business manager will arrange for the Director's signature on the Contract Approval Form.

**STEP 7:  
Submit  
documents to  
UNE Legal  
Services**

- Put the documentation from Step 6 into UNE's Contract Management System (CMS) or if you do not have access to CMS, email the documentation together in 1 email to UNE Legal Services [legal@une.edu.au](mailto:legal@une.edu.au)
- UNE Legal Services will:
  - Put the agreement into UNE's Contract Management System (CMS) if received via email and UNE's record management system (TRIM)
  - Review the agreement and provide advice, which may include a requirement for rework of the agreement
  - If appropriate, approve the agreement for execution by UNE
  - Arrange for execution of the agreement by the supplier and the relevant UNE delegate
  - Provide a copy of the fully executed agreement to you and the supplier, and will notify UNE Finance

**STEP 8:  
Post  
execution**

- Finance will set up an account, and advise you of the account number

**STEP 9:  
Lease/licence  
management**

- You are responsible for managing the lease or licence to occupy to its completion
- If the lease or licence to occupy needs to be varied or extended, contact UNE Legal Services for assistance. Leases and licences to occupy cannot be extended or varied by you. The relevant UNE delegate will need to approve any variation.