



# HIRE AND LICENCE OF SCHOOL GROUNDS AND FACILITIES POLICY

Version 2 | December 2018

## PURPOSE OF THE POLICY

- To explain the purpose and key functions of hire agreements, licence agreements and special film permits.
- To outline considerations for schools seeking to participate in shared use agreements.
- To describe the roles and responsibilities of school councils, the Department, hirers, licensees and other key stakeholders.

This policy aligns with the following school asset lifecycle stage



## RELEVANT LEGISLATION AND REGULATION

- [Education and Training Reform Act 2006](#)
- [Public Administration Act 2004](#)
- [Filming Approval Act 2014](#)

## POLICY STATEMENT

School councils are allowed to hire and licence their facilities for use by third parties where the intended purpose does not contravene the *Education and Training Reform Act 2006*.

Under Section 2.3.11 of the *Act*, school councils can permit other groups to use their grounds and facilities for educational, recreational, sporting or cultural activities when these assets are not required for ordinary school purposes.

Hire and licence agreements provide a simple mechanism through which community access to school infrastructure can be formalised. Schools, however, should consider the implications of hiring out their grounds and facilities, and this policy summarises the context and parameters that apply to such arrangements.

### Other facilities-sharing arrangements

Schools may consider other shared use arrangements, such as Community Joint Use Agreements or the leasing of school facilities. Policies for these arrangements are outlined in the [Community facilities fact sheet](#).

## RATIONALE

Schools are encouraged to share the use of school grounds and facilities with local councils, community groups and business organisations.

In establishing shared-use arrangements, the financial and legal obligations of all parties should be clearly outlined in the relevant formal agreement.

## POLICY DETAIL

### Hire agreements

Hire agreements apply when the use of school grounds or facilities is on an occasional or one-off basis. Examples include a local youth group hiring a school hall for its annual presentation, or a theatre group wanting to stage a play over four nights.

### Licence agreements

Licence agreements apply to the use of school grounds or facilities on a regular basis. Examples include a local drama group securing a school performing arts centre every Wednesday evening for a year, or a



football club hiring the school oval for the sporting season.

The Department's corporate staff provide fact sheets and web-based resources in relation to the licencing of school assets for signage and billboards, community gardens, polling places and local markets. Please refer to the related documents section.

## ROLES AND RESPONSIBILITIES

### Department of Education and Training

The Department's Legal Division can provide advice to schools (and the Department) in the drafting of hire and licence agreements.

Victorian School Building Authority (VSBA) corporate staff can also offer general assistance through the Property Unit ([vsba.property@edumail.vic.gov.au](mailto:vsba.property@edumail.vic.gov.au)).

The Department's regional office staff can also assist with enquiries of a non-legal nature, but may refer these to the Legal Division if required.

### School councils

School councils must ensure that the proposed use of a facility is within their authority to negotiate, and that planned activities for students, young people or the local community are educational, recreational, sporting or cultural in nature.

If unsure, school councils should contact corporate staff in their regional office or the Property Unit of the VSBA. In either case, the matter may be referred to the Legal Division.

School councils must formalise hire and licence arrangements using the templates provided by the Department. The Department's Legal Division can offer advice in the preparation of these agreements. Please refer to the related documents section.

## ADDITIONAL INFORMATION

### Things to consider

When establishing a hire or licence agreement, school councils must agree with the third party on the terms and conditions of use. This includes the hire or licence fee payable to the school, arrangements for the facility's management, planning permits and licences (for instance, where alcohol is

consumed), health and safety issues, security and insurance.

School councils are advised not to establish licence agreements that extend for a period of more than three years.

### Costs involved

Hire and licence agreements do not grant exclusive use of school grounds and facilities to a third party, and the school is usually responsible for the operation and maintenance of the facility. School councils must consider a fee structure which addresses the recovery of operational costs such as electricity, gas, water, cleaning, security, insurance, administration and maintenance.

### Templates

In addition to Departmental templates for the hire or licencing of school grounds and facilities, other templates can be sourced by the school council president from the [Legal Division's homepage](#). Templates are available for activities including:

- community gardens
- community language schools
- commercial filming
- out-of-school-hours care
- preschools,
- polling places at election times,
- school canteens
- fete and market stallholders
- school uniform businesses.

### Special filming permits

Schools are regularly approached by film and television production companies wanting to use their grounds or facilities for commercial filming. Such requests can present financial benefits and publicity to the school, but Minister's approval is required via the Department's Legal Division.

The *Filming Approval Act 2014* promotes 'film friendly principles' for the issue of film permits by public agencies, including schools.

If a request to film on school land is received, the Legal Division can advise on how best to respond.



## RELATED DOCUMENTS

### Departmental resources

- [Licensing School Premises information](#) – including hire agreements and commercial filming.
- [Community facilities fact sheet](#) – provides an overview of the facilities sharing arrangements available to schools.
- [Legal Division templates, guides and FAQs for community use agreements.](#)
- [Advertising on school sites policy](#)
- [Community gardens on school sites fact sheet](#)
- [Third-party markets on school sites fact sheet](#)
- [School facility area policy](#) – provides guidance on the facilities schools are entitled to.
- [School-funded capital projects policy](#) – provides an overview of responsibilities for school-funded works, including entitlement implications.

### External resources

- [Victorian Film Friendly Guidelines](#) (Film Victoria, 2014) – the framework which public agencies (including schools) must comply when considering permit applications for commercial filming on public land.

## CONTACTS

### Victorian School Building Authority

[vsba@edumail.vic.gov.au](mailto:vsba@edumail.vic.gov.au)

1800 896 950

### VSBA Property Unit

[vsba.property@edumail.vic.gov.au](mailto:vsba.property@edumail.vic.gov.au)

### Legal Services, Department of Education and Training

[legal.services@edumail.vic.gov.au](mailto:legal.services@edumail.vic.gov.au)

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## KEY WORDS

hire, licence, shared facilities, shared use, commercial filming, agreement