



Policy on practice certificate fee waiver for parents and other carers

Other than where special circumstances justify a different course, the Treasurer, in consultation with the Executive Director, will apply the discretion to waive practice certificate fees for barristers taking leave in accordance with the following guidelines:

Parental Leave

- 1) On application, a barrister who is or is intending to take leave from practice in connection with the birth or adoption of a child or children (parental leave) shall be given a practising certificate fee waiver equal to 100% of the annual practising certificate fee.
- 2) Such application may be made prior to going on leave or during such leave, and will apply to the next practising certificate fee to be paid by the barrister following the date of application.
- 3) An application under paragraph 1 may be made only if:
 - (a) the barrister will be a primary care giver for the child during a period of leave of at least two months, even if some work is done during that period; and
 - (b) the barrister has not previously been given a practising certificate fee waiver in respect of the birth or adoption of the child.

Other Extended Leave

- 4) On application a barrister will be given a practising certificate fee waiver calculated pro rata equal to the number of months that the barrister intends to take leave to:
 - (a) be a primary care giver for a dependant or other family member who requires care or support because of illness, injury or disability (**carer's leave**);
 - (b) recover from a serious illness or injury (**sick leave**);
 - (c) deal with the impact of miscarriage (**miscarriage leave**);
 - (d) deal with the impact of family and domestic violence (**domestic violence leave**);or
 - (e) deal with the impact of the death of the barrister's spouse, de facto partner or child (**bereavement leave**).
- 5) An application under paragraph 4 must be made with the next application for renewal of any practising certificate following commencement of the leave. Further:
 - (a) If the leave has commenced but not completed at the date of such application, the application shall be made in respect of the period from the commencement of leave to

30 June of the relevant year and applied pro rata to the following year's practising certificate fee.

(b) Any such application may include a claim for leave estimated to be taken in the following practising certificate year. In that case:

(i) if the barrister returns from leave earlier than estimated, he or she shall inform the Treasurer and refund the amount of overpayment; and

(ii) if the barrister returns from leave later than estimated, he or she may claim the further time in the next practising certificate renewal application.

6) An application under paragraph 4 may only be made in respect of a period of leave of not less than two months, even if some work is done during the period.

Cultural Leave

7) It is a common feature of the culture of many First Nations people that following the death of a family or kinship group member, members of that family or kinship group will participate in extensive cultural rites and practices. These cultural rites and practices are often referred to as 'Sorry Business' and often require attendance on Country to attend activities at places away from work for the duration of weeks, up to months (and sometimes more) at a time. In recognition of the cultural significance of 'Sorry Business' to First Nations people, the Bar Association has made provision for waiver of fees for First Nations barristers attending to 'Sorry Business' on the terms set out below.

8) On application a First Nations barrister will be given a practising certificate fee waiver calculated pro rata equal to the number of weeks or months that the First Nations barrister intends to take leave in connection with the death of a member of the barrister's immediate family or kinship group ('Cultural leave').

9) An application must be made with the next application for renewal of any practising certificate following commencement of the leave. Further:

(a) If the leave has commenced but not completed at the date of such application, the application shall be made in respect of the period from the commencement of leave to 30 June of the relevant year and applied pro rata to the following year's practising certificate fee.

(b) Any such application may include a claim for leave estimated to be taken in the following practising certificate year. In that case:

(i) if the First Nations barrister returns from leave earlier than estimated, he or she shall inform the Treasurer and refund the amount of overpayment; and

(ii) if the First Nations barrister returns from leave later than estimated, he or she may claim the further time in the next practising certificate renewal application.

(10) For the purpose of paragraphs 8 and 9 above a First Nations barrister is taken to be on "Cultural leave" if the First Nations barrister is taking leave in connection with the death of a

member of the First Nation barrister's immediate family or kinship group for a period that is not less than a period of four (4) weeks, even if some work is done during that period.

Renewals and Applications

11) Notice of this policy shall be distributed in writing with each set of practising certificate renewal forms.

12) All applications shall be in writing and signed by the barrister, and shall accompany any practising certificate renewal application.

13) Each such applicant shall:

(a) set out such circumstances and provide such supporting documentation as the Treasurer or Executive Director may reasonably require; and

(b) certify his or her belief in the truth of any fact asserted or document provided.

Decision and Data

14) The decision of the Treasurer, in consultation with the Executive Director, in determining any fee waiver shall be in accordance with the guidelines as set out in this Policy, other than where special circumstances justify a different course

15) The Treasurer shall cause to be recorded the number and type of applications for waivers under this policy, the number granted, the financial effect of such waivers, and shall report thereon to Bar Council.