

OMNIA CHAMBERS

PARENTAL AND EXTENDED PERSONAL LEAVE POLICY

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Adopted on 14 August 2024

1. This policy sets out a framework for parental and extended personal leave for all barristers practising at Omnia Chambers in implementation of the New South Wales Bar Association's *Model Parental and Other Extended Leave Best Practice Guidelines* (2022).

2. In this policy:

Board means the board of directors of BoldBar Pty Ltd.

Company means BoldBar Pty Ltd.

Dependant means:

- i. any child or step-child of the Barrister (whether or not under the age of 18 years) who is (i) wholly or substantially dependent on the Barrister, or (ii) in need of care or support, or
- ii. any person who is in need of care or support and
 - A. of whom the person is guardian;
 - B. for whom the Barrister has parental responsibility under a law of the Commonwealth or New South Wales; or
 - C. in relation to whom the Barrister is authorised within the meaning of the Children and Young Persons (Care and Protection) Act 1998 (NSW), or
- iii. any immediate family member of the barrister who is need of care or support, being one of the following:
 - A. a spouse or former spouse of the Barrister or of a spouse or former spouse of the Barrister,
 - B. a de facto partner of the Barrister,
 - C. a grandchild or step grandchild of the Barrister or of a spouse or former spouse of the Barrister,
 - D. a parent or step-parent of the Barrister or of a spouse or former spouse of the Barrister,
 - E. a grandparent or step-grandparent of the Barrister or of a spouse or former spouse of the Barrister,
 - F. a brother or sister, or step-brother or sister, of the Barrister or of a spouse
 - G. or former spouse of the Barrister,
 - H. in respect of a First Nations person, any family member of the Barrister who is in need of care or support referred to above as well as any person to whom, by reason of familial connection or kinship, the Barrister is obliged to provide care or support.

Floor means Omnia Chambers.

Floor fees means all fees charged to a barrister by the Company in exchange for the right to occupy a room and receive the services provided by the Company as part of the operation of Chambers, including rent and clerk fees.

Extended personal leave means a period of leave for a maximum period of 12 months (or longer at the discretion of the Board) in which a barrister substantially ceases his or her practice as a barrister in connection with:

- a. the barrister's own illness, injury or disability;
- b. the serious illness, serious injury or death of the barrister's spouse, de facto partner or child;
- c. the death of a member of the barrister's kinship group if the barrister is a First Nations person; or
- d. care for a Dependant of the Barrister.

Leave means parental leave or extended personal leave.

parental leave means a period of leave for a maximum period of 12 months in which a barrister substantially ceases his or her practice as a barrister in connection with the birth or adoption of a child, and undertakes duties as primary carer of the child.

Leave taken by members

3. A member who wishes to take Leave is permitted to licence their room to another barrister for the duration of the Leave, subject to the usual approval procedures of the Floor.
4. In the case of parental leave:
 - a. the member and the Floor will jointly make reasonable efforts to secure another barrister to licence the member's room for the period of parental leave; and
 - b. if the member and the Floor are both unable to secure a licence, the Floor will absorb the member's floor fees for a period of up to six months.
5. In the case of extended personal leave:
 - a. if requested to do so by the member, the member and the Floor will jointly make reasonable efforts to secure another barrister to licence the member's room; and
 - b. if the member and the Floor are both unable to secure a licence, the member may make an application to the Company which, at its discretion, may approve the Floor providing fee relief for all or part of the member's floor fees for a period of up to six months.
6. If the member wishes to return from Leave on a part-time basis, they will be entitled to continue to licence out their room for a period of up to 12 months after their return, subject to the usual approval procedures of the Floor, and room share with the licensee. In such a case, the member will be responsible for paying the full cost of their rent (and may make his or her own arrangement with the licensee in respect of

contribution to the rent) and each of the member and licensee will be responsible for paying two-thirds of the applicable clerk fees.

Leave taken by readers and licensees

7. A reader who wishes to take Leave is permitted to suspend their readership for the duration of the Leave. Upon returning from Leave, the reader will be accommodated for the period of their readership that was outstanding at the time they commenced Leave. It may not be possible for the reader to return to the same room they occupied prior to going on Leave. This will be a matter for the Board to determine at its discretion and subject to the availability of rooms.
8. A licensee who wishes to take Leave is permitted to sub-licence their room to another barrister for the duration of the Leave, subject to the usual procedures of the Floor for the approval of licensees.
9. In the case of parental leave:
 - a. the licensee and the Floor will jointly make reasonable efforts to secure another barrister to sub-licence the licensee's room for the period of leave; and
 - b. if the licensee and the Floor are both unable to secure a sub-licence, the Floor will absorb the licensee's floor fees for a period of up to six months.
10. In the case of extended personal leave:
 - a. if requested to do so by the licensee, the licensee and the Floor will jointly make reasonable efforts to secure another barrister to sub-licence the licensee's room for the period of leave; and
 - b. if the licensee and the Floor are both unable to secure a sub-licence, the licensee may make an application to the Company which, at its discretion, may approve the Floor providing fee relief for all or part of the licensee's floor fees for the period of up to six months.

Support during and upon returning from a period of Leave

11. During a period of Leave, the barrister:
 - a. is encouraged to maintain contact with the Floor and will continue to receive all Floor emails and communications, unless they request not to receive all Floor emails and communications or only to receive certain Floor emails and communications;
 - b. will be notified, in a timely manner, of any changes and/or decisions relevant to the Floor likely to affect them;
 - c. will be offered opportunities to receive appropriate work, where such work is available and where requested. The onus is on the barrister to advise the Clerk if and when they are available to accept work and to ensure that they maintain a current practising certificate and insurance;
 - d. will be invited to and notified of social functions, events and continuing professional development events arranged by the Floor;

- e. will continue to be listed on the Floor's website in the same or a similar manner, and referred to in all Floor communications as appropriate;
 - f. will be offered the opportunity and have assistance with setting up home-based work arrangements including remote access to work email accounts, receiving scanned briefs and access to clerk services where requested.
12. Upon returning from Leave, the barrister:
- a. will be offered appropriate work, where such work is available and where requested, for the purpose of assisting with re-establishing their practice;
 - b. will be provided with the opportunity to be paired with a silk/mentor in their practice area to assist them with reestablishing their practice. The silk/mentors will all be volunteers, but they will be expected to actively help the returning barrister 're-establish' their practice, including by introducing them to solicitors etc.
 - c. will also be provided with the opportunity to be paired with a barrister, who will be a volunteer, and who ideally has also previously returned from Leave, to be their first port of call to help them with some of the practical issues that affect barristers returning after an extended break.

Notice requirement

13. In the case of parental leave, the barrister must provide the Board with notice of the period intended to be taken as parental leave. Such notice shall be given at least three months prior to the anticipated date on which parental leave is to commence.
14. In the case of extended personal leave, the barrister is encouraged to give notice of the period intended to be taken as extended personal leave at the earliest opportunity.