

PARENTAL LEAVE POLICY

Adopted on 13 September 2023

PURPOSE OF POLICY

1. The purpose of this Policy is to:
 - a. provide a framework in which parental leave can be facilitated for barristers of the Floor; and
 - b. record that the Floor has adopted this Parental Leave Policy in implementation of the New South Wales Bar Association Model Parental and Other Extended Leave Best Practice Guidelines (2022) as it relates to Parental leave.
2. This Policy describes the standards to apply for the provision of parental leave to barristers practising on the Floor, subject to the discretion reserved below.
3. This policy is effective from 16 September 2023.

DEFINED TERMS USED IN THIS DOCUMENT

4. *Annex means* level 5 of Lockhart Chambers, which is leased by Twelfth Floor Chambers Pty Limited.
5. *Board* means the Board of directors of Twelfth Floor Chambers Pty Limited.
6. *CCL* means Counsel's Chambers Limited.
7. *Floor* means 12th Floor Wentworth Selborne Chambers.
8. *Parental leave* means a period of leave in which a barrister substantially ceases his or her practice as a barrister due to:
 - a. the birth of a child of a Member/an existing Licensee of the Floor or a Member's/an existing Licensee's spouse or de facto partner; or
 - b. the placement of a child with the Member/existing Licensee of the Floor, or a Member's/existing Licensee's spouse or de factor partner, for adoption.

POLICY FOR MEMBERS

9. A Floor Member who wishes to take parental leave subject to the terms of this Policy is entitled to licence his or her room for a period of 6 months, subject to Board approval of the Licensee.
10. In order for a Member to take advantage of this Policy, the Member must provide the Board with written notice of the six month period intended to be taken as Parental Leave. Such notice shall be given at least three months prior to the anticipated date in which Parental leave is to commence.
11. Once the Member has given notice of his or her intention to take Parental leave, the following applies:

- a. The Board will use its best endeavours to identify a Licensee to license the Member's room, including by inviting all current Licensees to apply to license the room, and (if a current Licensee is selected to occupy the Member's room) to then select a further licensee to fill any resulting vacancy created in the Annex.
- b. The Board will be responsible for approving the selection of the Licensee to license the Member's room, and (if necessary, because a current Licensee has been chosen to occupy the Member's room) to fill any resulting vacancy in the Annex.
- c. The Floor will not charge the Member his or her Floor fee for the period of Parental Leave.

12. In the event that an incoming Licensee is identified to license the Member's room:

- a. The incoming Licensee will be charged the Floor fee that would ordinarily be paid by the Member.
- b. The incoming Licensee, will not be charged any Floor fees other than the Floor fee in paragraph 12(a) above or rent by the Floor for the period during which he or she is licensing the Member's room.
- c. The incoming Licensee will pay:
 - i. to the Floor, the Member's monthly Floor fee; and
 - ii. to the Member, the Member's monthly CCL levy.

13. In the event that no incoming Licensee is identified to license the Member's room , the Member will nevertheless not be charged Floor fees by the Floor for the 6 month period of Parental leave that has been approved by the Board.

14. If an incoming Licensee is identified to license the Member's room and the Member wishes to extend his or her period of Parental leave beyond that originally notified to and approved by the Board, the following applies:

- a. The Member must provide the Board with a minimum of 2 months' notice of his or her intention to extend the period of Parental leave.
- b. The Board may approve the continuation of any licensing arrangements that are in place in respect of the Member's room.
- c. The Board will ordinary not approve the continuation of the licensing, fee or rent arrangements or waivers permitted by this policy if there is a vacancy in the Member's room or in the Annex that has resulted from the Parental leave.
- d. The Board will ordinarily not approve the continuation of Parental leave that exceeds the total maximum parental leave period of 12 months.

POLICY FOR LICENSEES

15. This part of the Policy only applies to existing Licensees who formerly read on the Floor.

16. An existing Licensee is entitled to take parental leave for a period of 6 months.

17. In order for an existing Licensee to take advantage of this Policy, the existing Licensee must provide the Board with written notice. Such notice shall be given at least 3 months prior to the anticipated date in which Parental leave is to commence.
18. Once the existing Licensee has given notice of his or her intention to take Parental leave, the following applies:
 - a. The Board will use its best endeavours to identify an incoming Licensee to license the existing Licensee's room.
 - b. The Board will be responsible for approving the selection of the incoming Licensee to license the existing Licensee's room.
 - c. The incoming Licensee will be charged Floor fees and the usual rent for occupying the existing Licensee's room.
 - d. The existing Licensee on Parental leave will not be charged Floor fees and rent by the Floor for the duration of the period during which the existing Licensee is on parental leave.
19. In the event that no incoming Licensee is identified to license the existing Licensee's room, the existing Licensee taking Parental leave will, for a period of no more than 6 months, not be charged Floor fees and rent by the Floor.
20. At the end of the existing Licensee's Parental leave, the following applies:
 - a. Within a reasonable period of the nominated date of returning to Chambers, the Floor will make a room in the Annex available to the Licensee.
 - b. For the purpose of determining the terms and period of the Licensee's tenure in the Annex going forward, the period of the Licensee's parental leave will not be taken into account.

APPLICATION OF POLICY FOR READERS

21. This policy does not in terms apply to Readers. However, it is the intention of the Board that similar opportunities to those provided by this Policy to Members and Licensees shall be given to Readers (with adaptation and/or modification to the circumstances of Readership) after consultation with the Reader and his or her Floor Tutor.

RETURN TO CHAMBERS

22. A Member or existing Licensee returning from Parental leave will be provided with the opportunity to be paired with a silk/mentor in their practice area to assist them with re-establishing their practice. The silk/mentors will all be volunteers, but they will be expected to actively help the returning Member/Licensee 're-establish' their practice, including by introducing them to solicitors etc.
23. A Member or existing Licensee returning from Parental leave will also be provided with the opportunity to be paired with a barrister, who will all be volunteers, who has previously returned from parental leave, to be their first port of call to help them with some of the practical issues that affect barristers returning from parental breaks.

MISCELLANEOUS

24. The Board has discretion whether to apply the provisions of this policy on a case-by-case basis.
25. This policy shall be reviewed by the Board 2 years after its adoption.
