

## NEW CHAMBERS PARENTAL LEAVE POLICY

1. The purpose of this Parental Leave Policy is to:
  - (a) provide a framework in which parental leave can be facilitated for barristers practising from New Chambers;
  - (b) record that New Chambers has adopted this Parental Leave Policy in implementation of the New South Wales Bar Association Model Parental and Other Extended Leave Best Practice Guidelines (**Best Practice Guidelines**).
2. This Parental Leave Policy is intended to operate in relation to barristers practising from New Chambers. Parental leave applicable to eligible employees of New Chambers, and other forms of extended leave, is covered by the Parental and Other Extended Leave Best Practice Guidelines.
3. This Policy describes the minimum standards for the provision of parental leave to barristers practising from New Chambers. The Board of New Chambers will consider, and may in its absolute discretion agree to, other proposals for parental leave on a case-by-case basis.

### PARENTAL LEAVE FOR FLOOR MEMBERS

4. Parental leave
  - (a) a Member who wishes to take parental leave in accordance with this Policy should give written notice to the Head of Chambers. Such notice shall be given at least 3 months prior to the expected date of birth or adoption of a child. The Board of New Chambers may, in its absolute discretion, agree to a shorter period of notice in appropriate circumstances (for example, in the event of a premature birth).
  - (b) a Member who takes parental leave is entitled to license his or her room for a period of between 6 and 12 months to an existing Licensee or to a Reader (subject to the approval of the Board of New Chambers).
  - (c) if there is no existing Licensee or Reader willing to take a licence of the Member's room, the Member may seek the approval of the Board of New Chambers to license the room externally. Such approval may be granted by the Board of New Chambers on such conditions as it, in its absolute discretion, considers appropriate.
  - (d) if, after taking reasonable efforts, the Member is unable to secure another barrister to license his or her room, then New Chambers will take on the responsibility of seeking to secure a barrister to license the room.
  - (d) it is a condition of any licence granted under this Clause 4 that the licensee shall be responsible for payment of the Member's rent and floor fees.

- (e) in the event that the Member has taken parental leave and no barrister has been secured to license the Member's room, the Member shall remain liable to pay rent and floor fees for the first 3 months of the parental leave, and thereafter shall be liable for 50% of the Member's rent and floor fees (with New Chambers bearing the remaining 50% of the Member's rent and floor fees).
5. During a period of parental leave:
- (a) Members are encouraged to maintain contact with New Chambers and will continue to receive all New Chambers emails and communications while on leave;
  - (b) the clerk will ensure that any changes and/or decisions relevant to New Chambers that are likely to affect the Member on leave are communicated to the Member in a timely manner;
  - (c) in the event that during a period of Parental Leave a reallocation of rooms results in the Member notionally occupying a new room at an increased rent, the license shall transfer to the new room and the burden of the additional rent shall be a matter for negotiation as between the Member and the barrister who has licensed the Member's former room;
  - (d) Members will be offered opportunities to receive appropriate work, where such work is available, while on parental leave and where they indicate an interest in receiving such work. The onus is on the Member taking parental leave to advise the clerk if and when he or she is available to accept work and to ensure that he or she maintains a current practising certificate and insurance;
  - (e) the Member will be invited to and notified of social functions, events and continuing professional development events arranged by New Chambers;
  - (f) the Member will be included on the website and referred to in all communications as such, and will have the same access to the meeting rooms as the Member would as if a full fee-paying door tenant;
  - (g) the Member will be offered the opportunity for and have assistance with setting up homebased work arrangements including remote access to work email accounts, receiving scanned briefs and access to clerk services. Any direct disbursements incurred in relation to these arrangements shall be the responsibility of the Member.

## **RETURN TO WORK**

6. Upon returning to New Chambers after a period of parental leave, the Member:
- (a) will be offered appropriate work, where such work is available and where requested, for the purpose of assisting with re-establishing the member's practice;

- (b) will be provided the opportunity to return to New Chambers on a part time basis where requested and 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. In such case the Member will be responsible for meeting the Member's rent and floor fees;
- (c) will be provided the opportunity to room share with another barrister from New Chambers as agreed between the barristers. In such case, the barrister whose room is being shared shall remain responsible for the rent for that room (but may seek appropriate reimbursement from the other barrister as agreed between those barristers), and each barrister will be responsible for 2/3 of the ordinary floor fees and any direct disbursements incurred by them.
- (d) may (subject to the approval of the Board of New Chambers) license their room for a further 12 months and work out of New Chambers as if they were a door tenant, save that in such case the Member will be liable for 2/3 of the ordinary floor fees applicable to a Member.

7. Mentoring upon return

- (a) A Member 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 're-establish' their practice, including by introducing them to solicitors etc.
- (b) A member returning from parental leave will also be provided with the opportunity to be paired with a barrister 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.
- (c) In the event that an appropriate silk/mentor, or barrister who has returned from maternity leave, is not available from New Chambers the Clerk will make reasonable inquiries to pair the Member with an appropriate barrister from another set of comparable chambers.

**APPLICATION OF POLICY TO LICENSEES AND READERS**

8. This policy is intended to provide the same opportunities for parental leave to a Licensee as are provided to Members, and applies to a Licensee in the same way that it applies to a Member, save that:
- (a) the application of the Policy is at all times subject to the terms and conditions of the Licensee's Licence, and in particular the term of the Licensee's Licence;
  - (b) nothing in this Policy is intended to, or does, operate to extend the period of a Licensee's Licence beyond the period for which the Licensee has agreed to license the room of a barrister whilst on parental leave.

9. This Policy does not in terms apply to Readers. However, it is the intention of the Board of New Chambers that similar opportunities to those provided by this Policy to Members and Licensees shall be given to Readers where, after consultation with the Reader, the Reader's tutor from New Chambers, and the NSW Bar Association, the Board of New Chambers in its absolute discretion considers that this Policy can be applied to the Reader consistently with the expectations of the readership period.

#### **DEFINED TERMS IN THIS POLICY**

*parental leave* means a period in which the person undertakes duties as carer taken within the first 2 years after a child is born or adopted, being for a minimum period of 6 months and a maximum period of 12 months.

*Member* means a member of New Chambers.

*Licensee's Licence* means the licence granted to a Licensee by New Chambers.

(Version approved by Board on 16 October 2019)