



## Policy: CLCs Australia Fee – Applications for waiver and relevant income/revenue determination

### Policy outline

CLC members of the State and Territory CLC peak bodies pay an annual contribution to Community Legal Centres Australia. The common membership rules for CLC State and Territory Associations provide that the CLCs Australia Fee is one of the fees that a CLC member must pay (some State or Territory peaks charge an association membership fee).

This policy outlines the circumstances in which CLCs can apply to have all or part of their CLCs Australia Fee waived, the process for making and determining a fee waiver application, and also provides a mechanism for special consideration of the relevant income/revenue to be used in determining the fee.

*For the purposes of this Policy, the term 'CLCs Australia Fee' includes the CLCs Australia 'General Fee' and the 'Auspiced CLC Fee'*

### Process and considerations for waiver applications

#### What the CLC must do

A CLC requesting a waiver of all or part of the CLCs Australia Fee should submit a brief written request to their State or Territory CLC peak body setting out:

- The extent of the waiver requested (i.e. all or part of the CLCs Australia Fee); and
- The reasons supporting the request, taking into account the following considerations.

#### Considerations

The CLCs Australia 'General Fee' and/or the 'Auspiced CLC Fee' will only be waived if there are exceptional or unforeseen circumstances impacting on a CLC's ability to pay the fee, e.g. a significant unforeseen increase in expenses, or an unexpected cut in funding in the payment year.

The CLCs Australia General Fee is calculated on a percentage basis of a CLC's total audited income/revenue for the preceding financial year in accordance with the CLCs Australia Fee Policy. Full member CLCs and Associate member CLCs pay different rates, with Associate members rates being one half of the percentage set for full members CLCs. Given the percentage basis of calculating the General Fee, low funding of itself, does not justify a waiver.

As Centres are on notice of the requirement to pay the CLCs Australia Fee, and the basis upon which it is calculated, a foreshadowed cut in funding in the forthcoming year is not, absent other special circumstances (such as, for example, an unanticipated consequential cost such as having to provision for redundancies), a justification for a waiver. This is

because a Centre, on notice of an impending cut, can budget for the Fee for the first year of reduced funding, and in subsequent years the Fee would drop in accordance with the reduced funding.

## Roles of the State/Territory association and CLCs Australia respectively

The relevant State or Territory peak body will review the request at the next meeting of its Management Committee/Board and form a view as to whether, in accordance with this Policy, the application should be approved or not, and formulate a recommendation to be provided to the decision-maker, the Board of CLCs Australia. It will send a copy of the Centre’s application, and its recommendation and reasons for that recommendation for the fee waiver application to the CLCs Australia Office Manager and its recommendation will be considered and determined at the next CLCs Australia Board meeting.

The decision of the CLCs Australia Board is final.

The relevant State or Territory peak body executive officer or an authorized representative from that state or territory association shall promptly notify the Centre of the decision. The CLCs Australia Office Manager is charged with informing an appropriate person from the relevant Association of the decision and their obligation to notify the Centre promptly.

The resulting CLCs Australia Fee is due and payable within 14 days from notification of the decision.

Relevant CLCs Australia documents	CLCs Australia Fee Policy CLCs Australia Fees FAQ
Authorised	CLCs Australia Management Committee/Board
Version History	v1 - Approved by MC 5 June 2009 v2 - Amended by MC 2 August 2011 v3 - Amended by MC 25 September 2014 v3.1 - Amended Office Manager 25 November 2015 to reflect registration as a company limited by guarantee
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