



General Fee waiver policy

Policy outline

Members of the state and territory CLC peaks 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 centres can apply to have all or part of their CLCs Australia Fee waived, the process for making and determining a fee waiver application, and a mechanism for special consideration of the relevant income/revenue to be used in determining the fee.

Process and considerations for waiver applications

Waiver applications are first considered by a centre's state or territory peak, which provides a recommendation on whether to approve the application, based on the grounds included in this policy. CLCs Australia considers this recommendation and makes a final decision on the application.

Waiver applications are due 30 November of the payment year.

What the centre must do

A centre requesting a waiver of the General Fee should:

- complete the General Fee assessment form
- advise CLCs Australia by email that the centre is seeking a waiver
- send a brief letter, by email, to the chair of the state or territory CLC peak, including CLCs Australia as a cc, setting out:
 - the extent of the waiver requested; this could be a hundred percent of the fee or a portion of it, expressed as either a percentage or a dollar amount; and
 - the grounds for the request, taking into account the following considerations.

Considerations

The General 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. Low funding, of itself, does not justify a waiver.

As centres are aware 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 or 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 or 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 staff member administering the General Fee, and its recommendation will be considered at the next CLCs Australia Board meeting, where the Board will approve or deny the application.

The decision of the CLCs Australia Board is final. The CLCs Australia staff member administering the General Fee will advise the state or territory peak and the centre of the Board’s decision.

In cases where the assessed General Fee is less than \$1000 the Board may choose to approve or deny the application without seeking a recommendation from the state or territory peak.

If the waiver application is unsuccessful, or a portion of the assessed fee is still payable, an invoice will be issued and the General 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 v4 – Amended October 23
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Responsible person	CEO or their delegate