

## **Q&As FOR INDUSTRY**

### **Exemption from Permitted Worker Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme – Q&As**

To support the administration of justice during Stage 4 restrictions, the Chief Health Officer has authorised an exemption under section 15(1) of the Permitted Worker Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme.

This exempts solicitors and barristers from the requirement to have an Onsite Childcare/Kindergarten Permit in certain circumstances, even where the person is not otherwise a permitted worker. The following Q&As are intended to assist legal practitioners in applying this exemption.

#### **Who does the exemption apply to?**

The exemption applies to legal practitioners with no other access to childcare who are appearing online as part of court proceedings only, and require access to early childhood education and care, including in-home care. Such legal practitioners will be exempt from the requirement to have an Onsite Childcare/Kindergarten Permit.

The exemption would be applied only where there is not a second carer who can supervise the children (as per DHHS guidance). If there is another carer in the household, it is not necessary that they be a permitted worker or fall within this exemption themselves – they must simply be unable to supervise the child.

#### **Does the exemption apply to all court proceedings whether online or onsite?**

No, the exemption only applies to court proceedings in which the individual must appear online. However only urgent and priority matters are being conducted onsite at courts, bringing those matters within the existing permit scheme.

#### **Does the relevant online matter need to be an urgent or priority matter, as per the Justice Exemption under the Permitted Worker Scheme?**

No. This exemption extends the access to childcare which previously applied only to urgent or priority matters (or other permitted activities) to include all court proceedings in which the person must appear online.

#### **Does the exemption apply to 'quasi-judicial' proceedings, such as Royal Commissions?**

No. The exemption only applies where the individual is appearing online as part of court proceedings.

#### **Does the exemption apply to mediation and arbitrations?**

Yes, provided that the mediation or arbitration must be both (1) court-ordered (i.e. not a private mediation or arbitration), and (2) conducted online.

**Does the exemption apply to case management?**

Yes, provided that the case management is (1) court-ordered, and (2) conducted online.

**Does the exemption apply to pre-proceedings preparation?**

No, the exemption does not apply to work being undertaken to prepare for a trial.

**Does the exemption allow me to attend my chambers/office?**

No, this exemption relates only to accessing childcare.

**Does the exemption allow me to access primary school for children?**

No, this exemption only allows access to onsite childcare/kindergarten services. It does not include school.

**How should permits be administered?**

Under the exemption, legal practitioners are not required to have an Access to Onsite Childcare/Kindergarten Permit provided that they have photographic personal identification issued by the organisation which employs or engages them. Where they are self-employed barristers it is recommended that they do retain evidence of the matter on which they are working that forms the grounds for the exemption.