

DEFENCE RESERVIST LEAVE

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1. OBJECTIVE

The objective of this policy is to:

- Recognise that the Australian Defence Force (ADF) Reserves continue to be an important part of our national defence strategy and that support to Defence Reserves is essential to their continued effectiveness.
- Support members of the ADF Reserve Service employed by the City of Karratha to access a reasonable amount of additional leave for that purpose.

2. PRINCIPLES

This Policy applies to all Employees who are Reservists and undertake training and / or military service with the Australian Defence Forces.

“Defence Service” means service in a part of the Defence Reserves and includes training. Defence Service must not prejudicially effect an Employees’ entitlements or other conditions of employment.

The City of Karratha must not ask a Reservist to limit the number of training courses per year or take less reserve service leave.

~~This policy has been prepared to conform to the provisions of *The Defence Reserve Service (Protection Act 2001)* (the Act) which provides that:~~

- ~~• Reserve service may be continuous full-time defence service or other defence service (e.g. short periods of defence reserve service which may include training), and must not prejudicially effect Employees’ entitlements or other conditions of employment.~~
- ~~• The Act does not invoke any obligation on Local Government to pay the Reservists’ remuneration in respect of the civilian employment whilst absent on defence service or to provide make-up pay in circumstances where the Defence Force pay is lower than Employees’ public sector pay.~~
- ~~• Any entitlements relating to Reserve service (including training) and/or military service contained in industrial awards or agreements will continue to apply, subject to them satisfying the provisions of the Act.~~
- ~~• There is no scope for Local Governments to ask Employees to limit the number of training courses per year or to take less reserve service leave as this is in breach of the Act. Section 17 of the Act draws no distinction between essential and non-essential training or service and specifically contemplates a reservist “volunteer(ing)” for service or training.~~
- ~~• There is no discretion under the Act for Local Governments to refuse requests for reserve service or training leave, irrespective of inconvenience to the Local Government or the non-essential nature of the leave. Local Governments are only entitled to verify that the leave request relates to the actual reserve service or training.~~

3. ROLES AND RESPONSIBILITIES

The City of Karratha agrees to support members of the Defence Reserve Service employed by the City and will provide up to 10 days per calendar year of Defence Reserve service leave on top-up pay. Top-

up pay is the difference between ADF pay and the Employee's normal weekly salary. Part time employees shall be entitled to a pro-rata amount. Should the amount from the ADF be greater than the normal weekly salary, no additional payments will be made by the City. Superannuation contributions will be based on the Employee's normal weekly salary.

Defence Reserve service leave is not cumulative and cannot be carried over to the following year.

For other periods of ADF Reserve service in excess to the Defence Reserve leave provided by the City, Employees may elect to take

- Leave without pay;
- Annual leave;
- Long service leave;
- Other forms of accrued leave entitlements; and
- A combination of the above to cover the required period of absence

Eligible employees must notify of their ADF Reserve status when they first become an employee or when they first become a Reservist if they are already employed.

Eligible employees must inform their line supervisor at the earliest practicable opportunity of their anticipated ADF Reserve service commitments. When taking leave, eligible employees must provide the City with written ADF notification before and after the requirement to provide ADF Reserve service. The written notification is to be included with the leave application.

~~and make payment for Defence Reservist Leave which shall be paid on the basis of the difference between the Employee's normal weekly salary (calculated on the same basis as annual leave provisions) and the remuneration received from the Armed Services. Should the amount from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the City. Superannuation contributions will be based on the Employee's normal weekly salary.~~

4. CONSEQUENCES

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

5. REFERENCES TO RELATED DOCUMENTS

- *City of Karratha Enterprise Agreement 2015* and any successor agreement
- City of Karratha Operational Policies
- *Defence Reserve Services (Protection) Act 2001*
- Australian Defence Force Reserves Local Government Support Payment (ESP) Scheme
- (Website www.defence.gov.au/reserves)

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Responsible Officer:	Manager Human Resources

This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.