

Public Sector Industrial and Employee Relations

Level 4 75 William Street Brisbane QLD 4000 Title Defence Reserves Service
Telephone 32252347 Facsimile 32295943 Date 12 April 2001 Circular No. 2/01

Defence Reserves Service

Employees of government departments other than casuals are entitled to leave to undertake Reserve Forces training under the terms provided in Directive 14/99, including leave on full pay to the limits provided. Other public sector employees have separate entitlements to leave in similar circumstances.

The Commonwealth Parliament has recently passed legislation [The *Defence Legislation Amendment (Enhancement of the Reserves) and Modernisation 2000 Act* and the *Defence Reserve Service (Protection) 2000 Act*], which strengthens the protections provided to reservists and lays the foundations for providing employers including the States with some compensation for the loss of staff due to the requirements of their reserve service.

There are three key elements to the changes, which will be introduced by this Commonwealth legislation, none of which directly affect the entitlements of employees to leave.

Firstly, a reservist may be called out to perform duty as a reservist in a wider variety of circumstances, including warlike situations, peace enforcement, peace keeping, humanitarian relief, civil aid and disaster relief. A "call out" will be effected by the Governor-General on the recommendation of Executive Council or the Minister for Defence after consultation with the Prime Minister. Previous legislation contained very limited circumstances allowing for the call out of reservists, including defence of Australia, a defence emergency and in the case of a declared state of emergency.

The legislation also provides protection for reservists in relation to their employment, education and financial liability. In respect of employment the legislation places an obligation on employers to re-employ a member of the reserves after Defence service, not to compel a member to use annual leave for Defence service

and to treat an employee as on leave from the employer during call out and protected continuous full time service. Furthermore it is and offence to refuse to employ a person because they are a member of the reserves, to dismiss or disadvantage a person in their employment because they are a reservist or to hinder a person from serving in the Reserve. Reservists have access to the Defence Ombudsman in the case of any action prohibited by the legislation

The third element involves the development of an Employer Support Payment. The Australian Defence Force is currently developing a Directive to give effect to the intent of this provision. Advice indicates that a payment will be made to employers equivalent to the average weekly adult full time ordinary earnings for each period of continuous training of at least 5 calendar days and up to 18 months duration after having completed a period of two weeks training each financial year. Part time employees would attract a pro rata payment, but casual employees would not attract any payment.

Action will be taken to keep you informed of developments and further information can be obtained from the Defence Force Reserves web site – www.defence.gov.au/reserves.

Further enquiries

It would be appreciated, when distributing this information within your agency, that you nominate your own contact officer to respond to enquiries from staff within your agency.



JIM MCGOWAN
General Manager

The Division of Public Sector Industrial and Employee Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Industrial Relations.

- Enquiries about this circular should be directed to John Redsell of Public Sector Industrial and Employee Relations on telephone 07 32252347.
- General enquiries about public sector industrial and employee relations matters should be directed to telephone 07 32252342.
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Copies of all current circulars issued by Public Sector Industrial and Employee Relations are available from the department's web site at www.dir.qld.gov.au/psier/index.htm



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