

# DEFENCE RESERVIST LEAVE

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## 1. OBJECTIVE

The objective of this policy is to:

- Recognise that the Australian Defence 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 Defence 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 Reserves and includes training.

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 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*
- *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](http://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.*