

Defence Service Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate, Governance & Strategy Branch. **A hard copy of this electronic document is considered uncontrolled when printed.**

Table of Contents

1. POLICY STATEMENT	1
2. SCOPE	1
3. GENERAL INFORMATION	1
4. DEFINITIONS	3
5. LEGISLATIVE REFERENCE	3
6. RELATED DOCUMENTS	3
7. NEXT REVIEW	4
8. VERSION CONTROL	4

1. POLICY STATEMENT

This policy has been developed to recognise and support South Burnett Regional Council ('Council') employees who are members of the Australian Defence Force Reserve ('ADFR') and undertake defence service leave to attend camps, courses or schools of His Majesty's Royal Australian Navy, Australian Army or Royal Australian Air Force Reserve.

2. SCOPE

This policy applies to all Council employees, and persons seeking employment with Council, who are members of the ADFR including conditions of employment, such as leave and salary entitlements.

3. GENERAL INFORMATION

3.1. Protection of Employment and Conditions

Council will provide employment protection and additional leave and pay entitlements (e.g., top-up pay) to members of the ADFR, to assist them in undertaking their ADFR roles.

Council will not discriminate or disadvantage any Council employee, or prospective Council employee, for their ADFR membership status, as directed by the *Defence Reserve Service (Protection) Act 2001*. Council will not terminate employment, or alter a Council employee's conditions of employment, based on the fact that the Council employee:

- has rendered defence service;
- may be required to render defence service; or
- is currently rendering defence service.

Council will not refuse an application for employment upon the basis of a person's ADFR membership.

Council will provide Council employees rendering prolonged defence service with access to employment entitlements, such as salary reviews.

Where a Council employee has returned to work from defence service, the continuity of their employment is taken to have not been broken by their defence service absence for the purposes of seniority and employment. Except for periods of continuous full-time defence service, accrual of leave and other entitlements will generally still occur for the defence service period (e.g., annual leave, long service leave) as stipulated by the *Defence Reserve Service (Protection) Act 2001*. Accrual will also occur where top-up pay has been granted to the Council employee for the period of

defence service leave.

Where the Council employee has performed continuous full-time defence service, their entitlements in relation to the period of defence service must be no less beneficial than they would have been if they had been absent on normal Leave Without Pay ('LWOP') for the period.

Where a Council employee has undertaken an extensive period of defence service, or otherwise prolonged absence associated with their defence service (e.g., sick leave), Council will ensure that upon their return, the Council employee is employed in a similar capacity as prior to their absence, and otherwise assist their reintegration into the workforce.

3.2. Notification of Participation

Council employees are encouraged to inform People & Culture of their defence reserve status upon commencement with Council, or on becoming a defence reserve member. A written copy of the Council employee's defence reserve status is necessary to access defence service leave and associated entitlements, and if provided will be retained on the Council employee's personnel file.

Council employees are encouraged to advise their Supervisor of ADFR commitments as soon as they are known, to allow for planning of team and operational adjustment measures.

If the Council employee is undertaking a course of education associated with their employment with Council (including a traineeship/apprenticeship), the Council employee may be required to notify the educational institution prior to their defence service and make a submission for re-enrolment/resumption upon their return from defence service, as stipulated by the *Defence Reserve Service (Protection) Act 2001*.

3.3. Application and Approval of Leave

Where a Council employee is required to render defence service, they will be granted defence service leave from Council, with approval by the Chief Executive Officer ('CEO'). The Council employee may elect to access additional leave entitlements, including annual leave and long service leave. Council employees will not be expected or compelled to use paid leave entitlements, such as annual leave or long service leave, for the purposes of defence service.

Council employees will apply for any required leave by submission of Council's Employee Leave Application Form, with the relevant ADFR Unit Training Notice or Defence Unit Notification.

Where the Council employee's absence from work may pose operational difficulties, Council will contact the ADFR member and the ADFR unit point of contact to discuss possible alternatives to service dates and requirements. Where an alternate resolution is not reached, the ADFR member will be released as requested by the Defence Unit Notification.

3.4. Provision of Pay Entitlements

To access the arrangement provided for in this clause, the Council employee will be required to sign a written authorisation for the future deduction of wages, prior to commencing their defence service leave.

Council will continue to pay the Council employee their ordinary rate of pay whilst the Council employee is undertaking defence service leave, to a maximum of eight (8) consecutive weeks. When the Council employee receives their defence service pay from the ADFR for the period of defence service leave, the Council employee will provide Payroll with a copy of the ADFR payslip for the defence service leave period. Council will then recoup the remuneration issued to the Council employee for that same period. The recoupment will occur in consultation with the Council employee; however, the period of recoupment will not exceed six (6) months.

If the defence service pay awarded to the Council employee by the ADFR for their period of defence service leave is less than the Council employee's ordinary rate of pay with Council, then Council will pay the Council employee top-up pay to cover the difference, as follows:

- for the full period of defence service leave where the defence service is rendered for the purposes of training; or
- to the maximum of 12 weeks where the defence service is rendered for any purpose other than training.

3.5. Employer Support Payment ('ESP')

Council may be entitled to claim ESP from the Department of Defence to offset the cost of releasing a Council employee for defence service. ESP may be available where a Council employee has served a qualifying period of two (2) weeks' defence service in the current financial year, and the Council employee's periods of defence service are at least five (5) consecutive days. ESP may also be available for the recovery period of any Council employee who becomes injured or ill as a result of their defence service.

ESP cannot be accessed where the Council employee has used accrued leave entitlements (e.g., annual or long service leave) to render defence service.

Where Council is eligible to claim ESP, the Council employee is expected to assist the People and Culture and payroll teams in claiming such payments.

3.6. Voluntary Defence Service

The stipulations and entitlements of this policy may differ for, or not apply to certain voluntary continuous full-time defence service, as directed by the *Defence Reserve Service (Protection) Act 2001* (e.g., the utilisation of leave for periods of defence service; and education entitlements).

3.7. Dispute Resolution Procedure

Council employees have the right to lodge a grievance with Council where they believe that inappropriate or unreasonable action has been initiated as a result of a Council employee being a member of the ADFR. Council employees may also contact their ADFR Unit or the Office of Reserve Service Protection in accordance with the *Defence Reserve Service (Protection) Act 2001*.

4. DEFINITIONS

ADFR means Australian Defence Force Reserve serving in roles in the Royal Australian Navy, Army or Airforce.

Defence service means the rendering of Defence Service by an ADFR member as required by the Department of Defence under provisions of the *Defence Act 1903* and protected by the *Defence Reserve Service (Protection) Act 2001* (e.g., deployments, continuous full-time service, training).

Defence service leave means leave without pay (apart from top-up provisions), granted to Council employees who are members of the ADFR required to attend ADFR training.

Defence service pay means all payments received by the Council employee from the ADFR for their Defence Service during the period of defence service leave. defence service pay is based on the rank and position held by the ADFR member.

Council employee means a person employed by Council who performs work, under the direction and control of Council, on an ongoing basis with an ongoing expectation of work entitled to superannuation contributions paid by Council.

ESP means Employer Support Payments provided by the Department of Defence to Council to offset the costs of releasing a Council employee for Defence Service.

Top-up pay means where the defence service pay awarded to the Council employee by the ADFR for their period of defence service Leave is less than the Council employee's ordinary rate of pay with Council, then Council will pay the Council employee the amount of the difference.

Training means instructive camps, courses and schools operated and administered by the Department of Defence.

5. LEGISLATIVE REFERENCE

Defence Act 1903 (Cth)

Defence Reserve Service (Protection) Act 2001 (Cth)

Queensland Local Government Industry Award – State 2017

6. RELATED DOCUMENTS

South Burnett Regional Council Employee Leave Application Form

7. NEXT REVIEW

As prescribed by legislation or April 2025

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	30 September 2009	795059
2	Review of policy	25 November 2020	2733965
3	Administrative change replacing Social & Corporate Performance Branch with Corporate Services Branch as per Council Resolution 2021/296	24 March 2021	2733965
4	Administrative amendment – organisational structure review – resolution 2022/432	27 April 2022	2733965
5	Review of policy	26 April 2023	2733965



Aaron Meehan
ACTING CHIEF EXECUTIVE OFFICER

Date: 26 April 2023