



**Government
of South Australia**

**Office of the Commissioner
for Public Sector Employment**



Memorandum of Understanding

between

**The South Australian Public Sector represented by the
Office of the Commissioner for Public Sector
Employment**

and

**The Commonwealth of Australia represented by the
Department of Defence**

**To assist with the employment and
administration of Australian Defence Force
reservists**

2022

This Memorandum of Understanding (MoU) is dated this 23rd day of June 2022 between the South Australian Public Sector represented by the Office of the Commissioner for Public Sector Employment (OCPSE) and the Commonwealth of Australia represented by the Department of Defence regarding the employment and administration of ADF reservists undertaking Reserve Service under the *Defence Reserve Service (Protection) Act, 2001*.

DEFENCE and the SOUTH AUSTRALIAN PUBLIC SECTOR recognise the following:

- A. The South Australian Public Sector is driven by what our citizens need and delivers for the community we serve to generate prosperity for all South Australians.
- B. The ADF's mission is *to apply military power in order to defend Australia and its national interests*. It is nested within the Defence mission, which is *to defend Australia and its national interests in order to advance Australia's security and prosperity*.
- C. The South Australian Public Sector employs significant numbers of ADF Reservists. Concurrent requirements of the ADF and the South Australian Public Sector for these personnel can create challenges in balancing the needs of the South Australian Public Sector and of the ADF in the context of whole-of-government interests. While the South Australian Public Sector is a strong supporter of the ADF Reserves, the ability of the South Australian Public Sector to achieve its mission can be affected by the long term or large scale absence of personnel on ADF Reserve service, especially in respect of key personnel, or at short notice, or concurrently with major South Australian Public Sector commitments.
- D. A co-operative approach to management of a shared workforce can mitigate most issues and conflicts in an equitable and mutually beneficial manner.

1. INTRODUCTION

- 1.1 This MoU establishes a co-operative, mutually supportive and beneficial approach to the employment of personnel who are members of the ADF Reserves ('reservists'), employed by the South Australian Public Sector in their civilian capacity and processes for avoiding or mitigating conflict in their respective requirements of reservists.
- 1.2 The signatories acknowledge that this MoU is not legally binding, is not a substitute for any legislation, and does not purport to prevail over any legislation to the extent of any inconsistency.

2. DEFENCE/ADF ACKNOWLEDGEMENT

- 2.1 Defence acknowledges its approach to the relationship with the South Australian Public Sector incorporates the following:
 - a. To the extent practicable, forecast requirements for a reservist to undertake Reserve service, with as much notice as possible, to both the reservist and to the South Australian Public Sector.
 - b. Actively encourage all reservists to discuss potential patterns of Reserve service for the next twelve months with the South Australian Public Sector, especially any known potential requirement for Reserve service that may be at short notice and/or for a period exceeding two weeks.
 - c. Inform the South Australian Public Sector of the potential for reservists to render any period of continuous full time service (CFTS), and provide the opportunity for the South Australian Public Sector to raise any concerns about impact on the South Australian Public Sector's capacity to the ADF.
 - d. Provide the South Australian Public Sector with information regarding the South Australian Public Sector's obligations under the *Defence Reserve Service (Protection) Act 2001* (Cth) ('the Act'), and the Employer Support Payment (ESP) Scheme, including advice on how the South Australian Public Sector may claim employer support payments.
 - e. Provide financial support to the South Australian Public Sector through, and in accordance with, the Reserve Employer Support Payment (ESP) Scheme, in respect of eligible periods of Reserve service.

- f. Provide opportunities for an appropriately nominated representative of the South Australian Public Sector to participate in engagement and immersive activities, to observe first-hand the benefits of Reserve service to both the reservist and to the South Australian Public Sector.

3. SOUTH AUSTRALIAN PUBLIC SECTOR ACKNOWLEDGEMENT

- 3.1 The South Australian Public Sector acknowledges its approach to the relationship with Defence and the ADF incorporates the following:
- a. Actively encourage all of its reservists to discuss potential patterns of Reserve service for the next twelve month period with appropriate South Australian Public Sector staff.
 - b. Provide as much notice as possible to the reservist and to the ADF of any event of national and or state significance to the South Australian Public Sector, to allow the ADF and the reservist to de-conflict the event with any potential Reserve service if such de-confliction is appropriate or required.
 - c. Co-operatively discuss potential solutions where there is a conflict between Reserve service and South Australian Public Sector employment requirements.
 - d. Comply with all provisions of, and obligations under, the Act.
 - e. Prepare and submit claims for Employer Support Payments (ESP) in accordance with the requirements of the ESP scheme.
 - f. Provide access to leave for reservists in accordance with the South Australian Public Sector's ADF leave policy.
 - g. The South Australian Public Sector acknowledges that where they raise concerns with the ADF about the impact of a period of service, these concerns relate to service that may cause serious adverse effects on the South Australian Public Sector fulfilling their functions. The South Australian Public Sector also acknowledges the service obligations of a Defence member may not always be able to be de-conflicted.
 - h. Refrain from making arrangements or policies limiting the number of reservists who may apply for leave from the South Australian Public Sector for any one or any number of periods of CFTS.

4. DISAGREEMENTS

- 4.1 Where a dispute arises and co-operative discussions have been unable to resolve the issue, Defence and the South Australian Public Sector should provide a contact at the levels of Director, Defence Reserves and Employer Support (Defence) and the Commissioner for Public Sector Employment (OCPSE) to assist with resolution of the issue.

5. COSTS

- 5.1 Participants of this MoU are responsible for their respective costs, noting that Defence covers the costs associated with the ESP scheme.

6. COMMUNICATION

- 6.1 Defence and the South Australian Public Sector provide the following addresses for any written communication:

- a. to the South Australian Public Sector:

Commissioner for Public Sector Employment
Office for the Commissioner for Public Sector Employment
GPO Box 1045
Adelaide SA 5001

- b. to Defence:

Head Joint Support Services Division
Joint Capabilities Group
Department of Defence
PO Box 7925
Canberra, BC ACT 2610

7. COMMENCEMENT AND CHANGES

- 7.1 This MoU replaces the existing Memorandum of Understanding between Defence and the South Australian Public Sector.
- 7.2 This MoU commences on the day it is signed by both Defence and the South Australian Public Sector and continues to provide guidance to Defence and the South Australian Public Sector about their relationship unless either participant advises the other of an intention to vary or end the relationship.
- 7.3 Defence and the South Australian Public Sector may vary this MoU in consultation with one another.

Signed by Erma Ranieri, Commissioner for Public Sector Employment for the state of South Australia

Erma Ranieri 23 June 2022
(signature) (date)

Signed by Air Commodore Grant Pinder, Deputy Head Joint Support Services Division for the Department of Defence

 23/6/2022
(signature) (date)