ADF
Australian Defence Force

AUSTRALIAN DEFENCE FORCE
RESERVES AND EMPLOYER SUPPORT

Call out of the ADF Reserves

Frequently Asked Questions

(for reserve members)

Contents

Call out of the ADF Reserves

Overview

At the request of Government, the Governor-General of Australia may issue a call out order to some or all of the Australian Defence Force (ADF) Reserves for defence service.

A call out order is made under section 28 of the *Defence Act 1903*, and all identified reserve members are required to report to their ADF Unit and render defence service.

A call out may occur in circumstances ranging from war to assistance to government authorities in matters of national security, support to community activities of national interest, or civil aid and humanitarian assistance.

Call out is used to increase the size of the available forces, such as when available permanent ADF members or volunteers from the ADF Reserves is not sufficient. It is a mechanism that is used in exceptional circumstances.

Identified reserve members

Unless the Governor-General of Australia has called out *all* of the ADF Reserves, the Chief of the Defence Force (CDF) will specify 'who' is being called out. This may be achieved by naming individual reserve members or formations, or by any other means the CDF deems appropriate.

Period of defence service

Reserve members covered by a call out order are required to render defence service during the period or periods that have specified in writing by the CDF and this will be dependent on the reason the call out has been ordered.

When a call out ends

A call out ends when the Governor-General of Australia revokes the call out order.

Call out rehearsal - Operation Civil Assist

Operation Civil Assist is conducted annually to test Defence's preparedness through the rehearsal of a call out. This means it's not an official call out, but it is exercised like one.

Defence service on 'call out'

When a reserve member is rendering defence service under '*call out*' arrangements under sections 28 and 29 of the *Defence Act 1903*, defence service is compulsory. In other words, a reserve member has been directed to and is legally bound to render defence service. A call out is used only in exceptional circumstances.

All other types of defence service, is rendered under section 26 of the *Defence Act 1903*, and is rendered by reserve members voluntarily.

Employed reserve members

Is civilian employment protected?

Yes. The *Defence Reserve Service (Protection) Act 2001* (DRS(P) Act) makes it unlawful for an employer to discriminate against, disadvantage, hinder, prevent or dismiss an employee, or prospective employee, for rendering defence service.

Do I need to tell my employer I'm required for a call out?

You are encouraged to discuss all of your defence service with your employer and provide your employer with information about your protections under the DRS(P) Act and the Employer Support Payment Scheme.

If you do not provide this information to your employer, this may be taken into consideration by the Chief of Defence Force (CDF) in determining whether to investigate any possible complaints in respect of the DRS(P) Act.

Does my employer need to release me?

Your employer must release you to undertake defence service on call out, unless your employer has received an *exemption*.

Which employers have an exemption?

When a call out order is made, the CDF may direct that reserve members employed by certain worker group categories, are not bound to render service during a call out. This is commonly referred to as a *worker group exemption*.

There are no standing *worker group exemptions* for call out as the CDF must consider call out requirements on a case-by-case basis but once determined, the names of employers and/or organisations who have a valid *worker group exemption* will be published online on the ADF Reserves and Employer Support website.

Can my employer seek an exemption?

Where there are **extenuating 'business-related'** reasons, your employer may request that their organisation, or an individual reserve member they employ, be *exempt* from the call out. *Employer-initiated exemptions* can be requested by contacting ADF Reserves and Employer Support via the Contact Us page, or by contacting 1800 DEFENCE.

What happens if my employer has an exemption but I still want to serve?

If you are covered by a call out order but exempt from rendering service, you may still volunteer to render service. In this case, defence service is to be supported in writing by your employer.

What if I need an exemption for personal circumstances?

If you are covered by a call out order and have a requirement or need to be excused from rendering service due to **irreconcilable circumstances**, you are to submit a request for an *individual exemption*, with a statement of reasons, in writing to your Commanding Officer for consideration by the relevant delegate.

Will I be paid for my defence service?

Yes. The CDF will determine whether defence service on call out is to be rendered on Service Option C (SERVOP C), formerly known as continuous full-time service (CFTS), or via reserve service days (RSD).

Will my employer pay me while I'm rendering defence service?

Employers are not obligated to pay reserve members while they are absent on defence service unless the reserve member is using a form of paid leave from their workplace.

Example. A reserve member renders two-weeks of defence service and elects to use annual leave during the first week. In this scenario, an employer is obligated to pay the reserve members wage during the first week only.

What type of leave should I use?

There is no requirement to take any type of paid or unpaid leave while absent on defence service. However, most employment contracts contain provisions that some sort of leave be used. In the absence of an employment contract and at a minimum, you may be released to render defence service on *leave without pay*.

Can my employer direct me to use leave?

No. It is unlawful for an employer to direct you to use any personal leave (e.g. annual leave, time off in lieu etc.) while rendering defence service. However, your employer may agree for you to use personal leave if you request it. Any request should be considered by your employer in accordance with their leave policy and the provisions of the *Fair Work Act 2009*.

Will I accrue leave entitlements from my employer?

This depends on the nature of your defence service. If you are rendering

- **continuous full-time service** on SERVOP C, then your absence is to be no less beneficial than if you were on *leave without pay*. If *leave without pay* is not defined in your contract or Workplace Agreement, you should refer to your State/Territory legislation to ascertain whether you will accrue leave this will vary state-to-state.
- ***other* defence service** (ie. not SERVOP C), then the period is to be taken as paid service regardless of whether you are using *paid leave* or *leave without pay*. This means you will continue to accrue leave as if you are in the workplace.

Does my employer need to make superannuation payments?

If you are not using paid leave, there is no obligation for your employer to make superannuation contributions.

What happens if I can't meet my financial commitments?

Part 8 of the DRS(P) Act provide financial liability protection for financial arrangements (including loans, hire purchases, agreements, leases, guarantees, land rates and other taxes) to be postponed for:

- the period a reserve member is rendering defence service on call out, and
- the period immediately after the reserve member ceases defence service, equal to the length of time defence service on call out was rendered, or for a period of 12-months (known as the protected period) – whichever is the shorter.

Example. A reserve member is called out to render defence service for five-months and they are unable to meet their monthly mortgage repayments.

In this example, the reserve member (or a dependant) may apply to postpone their monthly mortgage repayments for a total of 10-months which includes the five-month period the reserve member was rendering defence service on call out, and the five-month period immediately after ceasing to render that service (ie. the *protected period*).

It is important to note that interest accrues on the postponed liability (ie. postponed mortgage repayments).

Generally, the liability must have arisen before the start day of the service and financial liability protection does not apply to a liability to pay Goods and Services Tax (GST).

Prior to seeking a financial liability being postponed in accordance with Part 8 of the DRS(P) Act, it is recommended that reserve members initially contact 1800 DEFENCE and seek their own independent financial/legal advice.

What if I'm in the process of bankruptcy proceedings?

The DRS(P) Act may protect reserve members or a dependant from bankruptcy proceedings while the member is rendering defence service on call out and during the *protected period*.

The protected period immediately follows a period of defence service and is the shorter of the following two-periods:

- the period that begins immediately after the day on which the reserve member ceased rendering defence service and that is equal to the length of that service, or
- the period of 12-months beginning immediately after the day on which the reserve member ceased to render defence service.

Prior to seeking a bankruptcy proceeding be delayed in accordance with Part 9 of the DRS(P) Act, it is recommended that reserve members initially contact 1800 DEFENCE and seek their own independent financial/legal advice.

What financial support is available for my employer?

The Employer Support Payment Scheme (ESPS) provides financial assistance to employers of reserve members when the reserve member is away from their civilian workplace on eligible periods of continuous defence service.

Your employer can make an application online, via the ESPS Online Claim System.

Do I need to tell my employer about the Employer Support Payment Scheme?

Reserve members are encouraged and responsible for ensuring their civilian employer is aware of the scheme.

Self-employed reserve members

What if I need an exemption for personal circumstances?

If you are covered by a call out order and have a requirement or need to be excused from rendering service due to **irreconcilable circumstances**, you are to submit a request for an *individual exemption*, with a statement of reasons, in writing to your Commanding Officer for consideration by the relevant delegate.

Can I continue working in my business while rendering defence service?

If you are obligated to render defence service on call out, you should not be working in your business unless you have received an *exemption*.

Will I be paid for my defence service?

Yes. The Chief of the Defence Force (CDF) determines whether defence service on call out is to be rendered on Service Option C (SERVOP C) previously known as continuous full-time service (CFTS), or reserve service days (RSD).

What happens if I can't meet my financial commitments?

Part 8 of the Defence Reserve Service (Protection) Act 2001 (the DRS(P) Act) provide financial liability protection for financial arrangements (including loans, hire purchases, agreements, leases, guarantees, land rates and other taxes) to be postponed for:

- the period a reserve member is rendering defence service on call out, and
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It is important to note that interest accrues on the postponed liability (ie. postponed mortgage repayments).

Generally, the liability must have arisen before the start day of the service and financial liability protection does not apply to a liability to pay Goods and Services Tax (GST).

Prior to seeking a financial liability being postponed in accordance with Part 8 of the DRS(P) Act, it is recommended that reserve members initially contact 1800 DEFENCE and seek their own independent financial/legal advice.

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The protected period immediately follows a period of defence service and is the shorter of the following two-periods:

- the period that begins immediately after the day on which the reserve member ceased rendering defence service and that is equal to the length of that service, or
- the period of 12-months beginning immediately after the day on which the reserve member ceased to render defence service.

Prior to seeking a bankruptcy proceeding be delayed in accordance with Part 9 of the DRS(P) Act, it is recommended that reserve members initially contact 1800 DEFENCE and seek their own independent financial/legal advice.

What financial support is available for my business?

The Employer Support Payment Scheme (ESPS) provides financial assistance to employers, including self-employed members, when the reserve member is away from their civilian workplace on eligible periods of continuous defence service.

To make the ESPS more accessible for self-employed reserve members rendering defence service on call out (or call out activity), the CDF has modified some of the normal eligibility requirements, including:

- reducing the minimum period of continuous defence service from five-days to two-days,
- setting aside the requirement to nominate a 12-month assessment period,
- accepting the Principal Source of Income provisions have been met, and
- waiving some of the evidentiary requirements.

Once a call out (or call out activity) ends, standard eligibility requirements apply.

How do I apply for the Employer Support Payment Scheme?

Employers can make an application online, via the ESPS Online Claim System.

To ensure applications for defence service on call out benefit from the modifications approved by the CDF, applications should be made in accordance with instructions provided in Fact Sheet – Call out - Applying for the Employer Support Payment Scheme (ESPS).

What if my business employs other reserve members?

If you employ other reserve members in your business, please refer to FAQs – Call out of the ADF Reserves (employers and educational institutions).

Student reserve members

Do I need to tell my educational institution I'm required for a call out?

You are encouraged to discuss all of your defence service with your Australian educational institution and provide them with information about your protections under Part 7 the *Defence Reserve Service (Protection) Act 2001* (the DRS(P) Act).

If you do not provide this information to your educational institution, this may be taken into consideration by the Chief of Defence Force (CDF) in determining whether to investigate any possible complaints in respect of the DRS(P) Act.

Does my educational institution need to release me?

Your Australian educational institution must release you from your studies to render defence service on call out.

What if I need an exemption for personal circumstances?

If you are covered by a call out order and have a requirement or need to be excused from rendering service due to **irreconcilable circumstances**, you are to submit a request for an *individual exemption*, with a statement of reasons, in writing to your Commanding Officer for consideration by the relevant delegate.

What happens if I don't have an exemption and exams/assignments are due?

You should talk to you educational institution as soon as possible as educational institutions must make reasonable adjustments for reserve members who render defence service on call out.

What are *reasonable adjustments*?

A reasonable adjustment might include:

- not failing a reserve member
- recognising assessment or practical work undertaken by a reserve member before starting to render defence service
- allowing a reserve member to defer undertaking or completing assessment or practical work
- refunding or crediting fees paid by or for the reserve member.

Will I be paid for my defence service?

Yes. The CDF determines whether defence service on call out is to be rendered on Service Option C (SERVOP C) formerly known as continuous full-time service (CFTS), or reserve service days (RSD).

What happens if I can't meet my financial commitments?

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It is important to note that interest accrues on the postponed liability (i.e. postponed mortgage repayments).

Generally, the liability must have arisen before the start day of the service and financial liability protection does not apply to a liability to pay Goods and Services Tax (GST).

Prior to seeking a financial liability being postponed in accordance with Part 8 of the DRS(P) Act, it is recommended that reserve members initially contact 1800 DEFENCE and seek their own independent financial/legal advice.

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Prior to seeking a bankruptcy proceeding be delayed in accordance with Part 9 of the DRS(P) Act, it is recommended that reserve members initially contact 1800 DEFENCE and seek their own independent financial/legal advice.

Where can I get more information

Contact

In the first instance, reservists should review the ADF Reserves and Employer Support (ADFRES) website which has a range of resources applicable to both reservists and their employers.

Personnel can also contact the Defence Service Centre, via phone 1800 DEFENCE (1800 333 362), or via email YourCustomer.Service@defence.gov.au. The service centre staff can respond to most enquiries and also put you in touch with ADFRES if needed.

Clearance Chart

	Name	Appointment	Date
Drafted	Jodie Enslow	Assistant Director, Employer Support and Service Protection	1 Sep 26
Reviewed	Paul Thomson	Strategic Engagement Manager	1 Sep 26
Cleared (EL1)	Jodie Enslow	Assistant Director, Employer Support and Service Protection	4 Sep 26
Cleared (EL1)	Isabella Davies	Legal Officer (see OBJ ID BN131631591)	9 Sep 26
Approved (EL2)	Elyssa Comer	Director ADF Reserves and Employer Support	11 Sep 26