

# Reserve Service Protection

Review of the *Defence Reserve Service (Protection) Act 2001*

## Terms of Reference

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### 1. Background

In 2000 the Commonwealth Government introduced a suite of legislative and policy initiatives designed to enhance the role and effectiveness of the Australian Defence Force (ADF) Reserves.

Foremost amongst these was the enactment of the *Defence Reserve Service (Protection) Act 2001* (the Act), legislation drafted to, "...protect members of the Reserves in their employment and education, to facilitate their return to civilian life, and for related purposes".

The Act sets out entitlements and prohibitions that apply in relation to people who are rendering, have rendered, or may render defence service as members of the Reserves.

The *Defence Reserve Service (Protection) Regulations 2001* (the Regulations) were introduced later in the same year to provide a mechanism for the management and administration of the Act. The Regulations establish the Office of Reserve Service Protection (ORSP) and the statutory positions of Director (DORSP) and Deputy Director (DDORSP) of that Office.

The Regulations list under the functions of the ORSP, a responsibility to make, "...recommendations to the Minister for enhancing the protection provided by the Act and for improving the Act or Regulations in other respects."

In order to ensure the veracity, comprehensiveness and value of any such recommendations, a Reserve Service Protection Review Panel will be established during the 2006/2007 financial year. The panel will review the Act and supporting Regulations and provide recommendations to Government on the desirability for amendment of the Act and/or Regulations. The panel will complete its review of the legislation by the end of the 06/07 financial year.

### 2. Task

The Panel is to review the Act and Regulations and advise the Parliamentary Secretary for Defence on:

- the effectiveness of the Act and Regulations in achieving their stated aims,
- perceptions of Reservists, Employers, and other relevant stakeholders regarding the obligations and protections provided for under the Act

- ADF perceptions of the success of the Act and Regulations in ensuring the availability of Reservists to contribute to Defence capability
- Current administration of the Act and identify any areas for possible improvement
- Recommendations relating to ORSP and the way ahead.

### **3. Outcomes**

The Review will examine whether the provisions and application of the Act deliver efficient, comprehensive and workable protections for Reservists and whether these provide the necessary support to the maintenance of ADF capability or whether alternative arrangements to the existing approach would facilitate improved outcomes.

The Review Panel's report will provide advice and recommendations to assist Government in determining the form and content of any proposed changes to the Act together with any enhanced processes for administration of the Act to more effectively meet its stated objectives.

### **4. Scope of task**

The Review Panel will do (but not be limited by) the following:

- advertise the establishment of the review in the national press and in relevant specialist publications
- invite submissions by advertisement, through the Defence Reserves website and by letter
- consult with stakeholders on key issues through a series of workshops
- consult with individual stakeholders where requested
- examine and identify benefits of existing Reserve service protection legislation in other countries
- consult with relevant agencies in the three ADF services
- seek expert legal opinion with respect to any recommended changes and in matters of legal substance
- prepare a report for consideration by Head Reserve Policy (HRP) and ultimately by the Parliamentary Secretary for Defence

### **5. Composition of the review Panel**

The Review Panel will be chaired by Major General Greg Garde, AO RFD QC

Other members of the Panel will be:

- Mr Leigh Purnell, Executive Director, Australian Industry Group
- DORSP, Mr Phil Johnston,
- Director Reserve Support, Mr Steve Williams and

Secretariat

- DDORSP Lieutenant Colonel Chris Grigsby RFD.

The Panel will also consult with a specialist legal advisor

- Mr Tim Lange Senior Associate of Blake Dawson Waldren, Solicitors, Melbourne.

## 6. Timeframe

The timeframe for the Review including key tasks is:

- Announcement of the review by the ParlSec at Southern Cross University 19 Apr 07
- Commence Review 20 Apr 07
- Advertisement of the review in national press May 07
- Letters to individual stakeholders May 07
- Consultation workshops Jun – Aug 07  
(draft schedule is provided at Attachment A)
- Close for receipt of written submissions 31 Jul 07
- Follow up interviews with targeted stakeholders Aug 07
- Preparation of draft report Sep 07
- Progress report to HRP 30 Sep 07
- Circulate draft report to stakeholders for comment 30 Sep 07
- Final Report to HRP and Parliamentary Secretary 01 Nov 07
- Findings to be released by Parliamentary Secretary Nov 07

## 7. Deliverables

The panel will provide a draft report of the review making any recommendation for changes to the Act and/or Regulations based upon and highlighting, lessons learnt over the past five years in the administration of the Act, submissions from stakeholders and the experience of the ADF in maintaining capability through the operation of the Act.

A final report will ultimately be delivered to the Parliamentary Secretary for his consideration.

**ATTACHMENT A. to Enclosure 1**

***DRAFT Schedule***

**Defence Reserve Service Protection Review Panel  
Consultation Workshops**

Location	Date	Venue
Canberra	TBD	TBD
Melbourne	TBD	TBD
Sydney	TBD	TBD
Brisbane	TBD	TBD
Townsville	TBD	TBD
Cairns	TBD	TBD
Adelaide	TBD	TBD
Hobart	TBD	TBD
Darwin	TBD	TBD
Perth	TBD	TBD
Pilbarra Region (Karratha)	TBD	TBD