



## Prime Minister's Australian Civilian Corps Directions 2012

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I, JULIA EILEEN GILLARD, Prime Minister, make these Directions under subsection 27 (2) of the *Australian Civilian Corps Act 2011*.

Dated 09/11/2012

JULIA GILLARD  
Prime Minister

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made under the

*Australian Civilian Corps Act 2011*

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## 1 Commencement

These Directions commence on the day after they are registered.

## 2 Interpretation

(1) In these Directions:

**ACC Register** means the register maintained by AusAID, which includes information concerning individuals identified by AusAID as potentially suitable for engagement as Australian Civilian Corps employees.

**Act** means the *Australian Civilian Corps Act 2011*.

**Commonwealth employee** means an employee engaged by a Commonwealth employer, other than an employee engaged under section 74 of the *Public Service Act 1999*.

*Note* Section 74 of the *Public Service Act 1999* permits APS Agency Heads to engage persons overseas to perform duties overseas as employees of the Commonwealth.

**Commonwealth employer** means a Commonwealth employer within the meaning of section 27 of the Act.

**FMA Agency** means an Agency within the meaning of the *Financial Management and Accountability Act 1997*.

**home employer**, in respect of a person who is a current, former or prospective Australian Civilian Corps employee, and who is also a Commonwealth employee in another capacity, means the Commonwealth employer who engages the person in such other capacity.

**home employment**, in respect of a Commonwealth employee, means the employee's employment with his or her home employer.

(2) Where these Directions, other than paragraph 5(2)(a), confer a function on a Commonwealth employer, the function may be

performed by any person who is authorised expressly or impliedly by the Commonwealth employer to do so.

### **3 Policies and practices**

- (1) An FMA Agency must have employment policies and practices which support Commonwealth employees engaged in the agency participating in the Australian Civilian Corps, including seeking acceptance onto the ACC Register.
- (2) An FMA Agency may determine its own approach to the employment practices mentioned in subclause (1), provided they remain consistent with the broader objective to support the recruitment and deployment of Australian Civilian Corps employees.

*Note* This clause does not apply to any agency that is not an FMA Agency. However, in the event that any APS employee engaged in such an agency is required to attend compulsory ACC training or is identified as suitable for ACC deployment, the agency would be subject to the same requirements as those applicable to FMA Agencies in relation to release and return under clauses 4 to 6.

### **4 Permission to attend training**

- (1) This clause only applies to a Commonwealth employee who is:
  - (a) an APS employee; or
  - (b) engaged in an FMA Agency.
- (2) If an employee seeks permission from a Commonwealth employer to attend compulsory ACC training, the employer must grant the permission, whether by way of granting leave or otherwise, to the extent that the terms and conditions of employment of the employee allow such permission to be granted in the circumstances.

*Example* A Commonwealth employer may give permission by way of granting paid or unpaid leave to an employee to enable the employee to attend ACC compulsory training, provided that the employee's employment terms and conditions permit such leave to be granted for this purpose. Alternatively, the employer may decide to give permission to the employee to attend such training without taking any leave, if the employee's employment terms and conditions allow for such permission to be given.

- (3) Subclause (2) does not preclude a Commonwealth employer granting permission for an employee to attend compulsory ACC training on different dates from those nominated by the employee, or on terms that are different from those sought by the employee.
- (4) In this clause, *compulsory ACC training* means training identified by AusAID as compulsory for the purpose of preparing a person for engagement or possible engagement as an Australian Civilian Corps employee.

## **5 Leave for deployment**

- (1) This clause only applies to a Commonwealth employee who is:
  - (a) an APS employee; or
  - (b) engaged in an FMA Agency.
- (2) If an employee applies to a Commonwealth employer for leave without pay for a period of engagement as an Australian Civilian Corps employee, the employer must grant the leave unless:
  - (a) the employer advises the Director-General that the employer declines to release the employee because, in the employer's opinion:
    - (i) the employee's absence from his or her home employment would pose a significant risk to national security or delivery of essential government services; or
    - (ii) Australia's international relations would be likely to be adversely affected as a result of the deployment of the employee as an Australian Civilian Corps employee; or
    - (iii) there are other compelling reasons against granting leave to the employee; or
  - (b) the Director-General notifies the Commonwealth employer that the Director-General does not intend, or no longer intends, to engage the employee as an Australian Civilian Corps employee.

*Note* The continuity of a Commonwealth employee's home employment is not broken by the employee's engagement as an Australian Civilian Corps

employee for the purposes of determining the employee's entitlements in relation to his or her home employment, such as those in respect of parental leave, long service leave, superannuation and redundancy.

## **6 Right of return**

- (1) This clause only applies to a Commonwealth employee who is:
  - (a) an APS employee; or
  - (b) engaged in an FMA Agency.
- (2) If a Commonwealth employee has been granted leave for a period of engagement as an Australian Civilian Corps employee (the *period of leave*), the employee's home employer must arrange for the employee to return to the home employer to undertake duties as soon as is reasonably practicable after the period of leave.
- (3) Subsection (2) does not apply where:
  - (a) because of changed circumstances, it is not within the home employer's power to arrange the return; or
  - (b) the employee notifies the home employer that the employee does not wish to return to the home employer to undertake duties.
- (4) For the purposes of paragraph (3)(a), the engagement of another person to replace the employee during the period of leave does not constitute a changed circumstance.
- (5) Where the home employer arranges for the employee to return to the home employer under subclause (2), the home employer must arrange for the employee to undertake duties at the employee's classification immediately before the period of leave commenced.
- (6) If the classification no longer exists, the home employer must arrange for the employee to undertake duties at an equivalent classification determined by the home employer.
- (7) Subclauses (5) and (6) do not apply if the home employer arranges for the employee to undertake duties under terms and conditions that are no less favourable overall than the terms and conditions that applied to the employee immediately before the period of leave.

## **7 Personal leave**

Where an APS employee returns to his or her home employer to undertake duties following a period of engagement as an Australian Civilian Corps employee, the home employer must recognise any unused personal leave that the employee accrued during his or her engagement as an Australian Civilian Corps employee as if it accrued with the home employer on and from his or her return to the home employer.