



Australian Government
Defence Force Remuneration Tribunal

DECISION

Defence Act 1903
s.58H—Functions and powers of Tribunal

LANGUAGE PROFICIENCY ALLOWANCE (Matter 9 of 2016)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 25 OCTOBER 2016

RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

[1] This decision concerns an applicationⁱ made by the Australian Defence Force (ADF) under s.58H of the *Defence Act 1903* to make amendments to Language Proficiency Allowance in order to align the allowance structure with contemporary training and assessment practices.

[2] At a hearing in this matter on 14 September 2016 Mr J. Phillips SC appeared for the ADF and Ms J. Menaglio for the Commonwealth.

Background

[3] Language Proficiency Allowance is paid to members of the ADF who attain a specified standard of proficiency in an identified language and who currently conduct, or are liable to conduct, linguistic duties in support of military interests and operations.

[4] The purpose of the allowance is to encourage members to become capable, and maintain capability, in specific languages in order to make their language skills available to the ADF. The rates of allowance paid vary according to the assessed difficulty of the language.

[5] This decision should be read in conjunction with a previous Tribunal decisionⁱⁱ made in relation to Matter 12 of 2014 – *Language Proficiency Allowance*.

Submissions

[6] The ADF submissionⁱⁱⁱ seeks changes to the application of Language Proficiency Allowance. In particular the ADF seeks to:

- a. introduce competency grades;
- b. re-name the Allowance to Language Allowance to reflect the change; and
- c. extend the requalification period.^{iv}

[7] The ADF submit that they are moving to a ‘competency-based’ training and assessment framework focused on demonstrating an ability to perform specific language functions. This framework is expected to take into account “*the strategic importance of each language and the level of mastery of the linguist and the difficulty of the specified language*”.^v They submit that ‘proficiency’ levels will continue to be used to best describe the language capability of each linguist.

[8] The submission seeks to amend the current structure to include both competency grades as well as proficiency levels and, as a result, the ADF submit that the allowance should be re-named the Language Allowance.

[9] Members, once assessed as being eligible for the allowance, currently receive the allowance annually subject to requalifying every two years. The ADF seek to amend this requalification period from two to three years.

[10] The Commonwealth submission^{vi} supports the ADF proposal in its entirety.

Consideration

[11] We gave consideration to the terms ‘*competency*’ and ‘*proficiency*’^{vii} and accept that, while similar, competency-based training is based on assessing a combination of speaking, listening and reading skills and proficiency is based on skills that meet a specific assessed proficiency level. We note that the ADF intends to operate the competency grade and proficiency level systems concurrently.

[12] We considered that, with the concurrent use of both a proficiency level and a competency based structure, the use of the term ‘Proficiency’ no longer correctly describes the allowance and that Language Allowance is a more accurate title.

[13] We gave consideration to the requirement for members to undertake requalification testing each two years and note that the requalification requirement is waived during, and for one year after, a posting to a country where the relevant language is native to that country. It is also waived during, and for two years after, a posting as a language instructor. We considered the evidence that requalification every two years is “*resource intensive*” and that other priorities may cause members to be “*disinclined to attempt re-qualification*”.^{viii}

[14] We note the evidence that “*it is anticipated the development of the new framework will be complete in the first half of 2017*” and that the ADF intend to return to us at this time.^{ix}

Conclusion

[15] The ADF will return to us in the first half of 2017 with a proposal to “*strengthen and manage the nexus between the allowance and evolving ADF language capability needs through a Defence language framework*”.^x

[16] We agree that the term Language Allowance better describes a competency and proficiency based structure and approve the new title.

[17] We accept that extension of the requalification period from two to three years is not expected to adversely impact language capability and will encourage linguists to requalify and maintain their skill set. We agree to extend the re-qualification period from two to three years.

[18] Determination 9 of 2016 will be issued to give effect to this decision from the proposed commencement date of 01 December 2016.

MS I. ASBURY, PRESIDENT
MR A. MORRIS, MEMBER
RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

Appearances:

Mr J. Phillips SC assisted by Ms Robertson for the ADF

Ms J. Menaglio assisted by Mr S Leung for the Commonwealth

ⁱ Listing application – Language Proficiency Allowance DMR/OUT/2016/41 dated 24 August 2016.

ⁱⁱ Decision – Matter 12 of 2014 – Language Proficiency Allowance dated 10 June 2015.

ⁱⁱⁱ ADF1 – Language Proficiency Allowance - Matter 9 of 2016 dated 14 September

^{iv} ADF1 page 6 paragraph 1.08.

^v ADF1 page 6 paragraph 1.07.

^{vi} Commonwealth1 – Matter 9 of 2016 – Language Proficiency Allowance dated 5 September 2016.

^{vii} Competence: a particular capability or skill. Proficiency: the state of being proficient; skill; expertness (source: Macquarie Dictionary)

^{viii} ADF1 page 14 paragraph 3.18

^{ix} ADF1 page 6 paragraph 1.07

^x ADF 1 page 16 paragraph 4.02.