

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO.14 OF 1992

LANGUAGE PROFICIENCY ALLOWANCE

Pursuant to Section 58H of the Defence Act 1903, the Defence Force Remuneration Tribunal determines as follows:

Citation

1. This determination may be cited as Determination No.14 of 1992, Language Proficiency Allowance.

Definition

2. In this determination, unless the contrary intention appears, "level of language proficiency", in relation to a language, means the highest current level of proficiency attained under the Australian Defence Language Proficiency Rating Scale (ADLPRS) by that member.

Exercise of Powers by Chief of the Defence Force

3. In this determination a reference to the Chief of the Defence Force is to be taken as including reference to such other person as the Chief of the Defence Force authorises for the purpose of the provision in which the reference occurs.

Application

4. This determination applies to a member who -

- (a) is employed in a position where language skills are required and is required to use the language skills in the course of performing duty, or
- (b) is not employed in such a position but who the Chief of the Defence Force certifies is required to be available at short notice for employment in such a position.

Specified Languages

5. The following languages are specified languages for the purpose of this determination:

- a. Arabic,
- b. Burmese,
- c. Chinese,
- d. French,

- e. German,
- f. Indonesian,
- g. Japanese,
- h. Khmer,
- i. Korean,
- j. Malay,
- k. Russian,
- l. Thai, and
- m. Vietnamese.

Rates of Allowance

6. The annual rate of Language Proficiency Allowance payable to a member is as follows:

Degree of Language Difficulty	Level of Language Proficiency			
	Lower \$	Intermediate \$	Higher \$	Advanced \$
Group 1	500	1000	1500	2000
Group 2	750	1500	2500	3500
Group 3	1000	2000	3500	5000

Degree of Language Difficulty

Group 1

French German

Group 2

Russian Malay Indonesian Vietnamese Khmer Thai
Burmese

Group 3

Arabic Chinese Japanese Korean

Payment of Allowance

7.1 A member who has attained a level of language proficiency at the Intermediate level or above is entitled to be paid, on the date the member qualifies or subsequently requalifies, Language Proficiency Allowance of the amount specified in clause 6 according to the level of language proficiency of the member and the degree of language difficulty.

7.2 A member is also entitled to be paid Language Proficiency Allowance for the language on the anniversary of the date the member qualifies or subsequently requalifies, but is not entitled to be paid twice in the same year.

7.3 Unless the Chief of the Defence Force so approves, having regard to the requirements of the Australian Defence Force, a member is not to be paid Language Proficiency Allowance for more than one specified language.

Member to be Taken to be Qualified

8. Where a member fails to requalify in a language under the ADLPRS but is employed in a position where language skills are used, and the member is able to qualify in certain ADLPRS skills, the Chief of the Defence Force may approve that the member is to be taken to be qualified in the language at the Lower level of proficiency.

Payment in Special Circumstances

9.1 A member who is not otherwise entitled to Language Proficiency Allowance under this determination is entitled to be paid Language Proficiency Allowance at the Group 1 Lower amount if the Chief of the Defence Force certifies that the member is -

- (a) appropriately skilled in a language other than English, and
- (b) employed in a position where language skills are essential.

9.2 A member ceases to be entitled to be paid in accordance with this clause when the member ceases to be employed in a position where language skills are essential or where the Chief of the Defence Force revokes the certification.

Requalification

10.1 A member is not entitled to be paid Language Proficiency Allowance unless the member requalifies at an interval of not more than two years.

10.2 The two year interval may be extended by a further period as authorised by the Chief of the Defence Force where Service requirements or compelling compassionate circumstances of the member make it impractical for the member to attend a requalification examination.

10.3 A member, posted for 12 months or more to a country where the native language is the same as the language for which the member is entitled to be paid Language Proficiency Allowance, is not required to requalify during the period from the commencement of the posting to a date one year after the posting ceases.

10.4 A member posted as an instructor to the RAAF School of Languages is not required to requalify in the language the member teaches for the period from the commencement of the posting to a date two years after the posting ceases.

Qualification Attained at Other Than RAAF School of Languages

11. A member who has undergone language training in a specified language other than at the RAAF School of Languages is not entitled to be paid Language Proficiency Allowance at an amount above the Intermediate level of language proficiency on first qualifying, unless the Chief of the Defence Force determines a higher level of proficiency should apply.

Repayment of Allowance

12. Where a member has been paid Language Proficiency Allowance and the member ceases to be a member during the one year period immediately after becoming entitled to the allowance, that member is required to repay a proportion of the allowance determined in accordance with the following formula:

$$\frac{A}{365} \times B$$

where;

A is the amount of Language Proficiency Allowance paid to the member,

B = 365 minus the number of days the member served after becoming entitled to Language Proficiency Allowance.

Date of Effect

This determination will take effect on and from 5 November 1992.

Dated this fourteenth day of December one thousand nine hundred and ninety two.

The Hon. Justice A.J. Boulton
Chairman


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J.T.C. Brassil AM
Member


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Major General P.J. Day AO (Retd)
Member


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