

NORTHERN TERRITORY OF AUSTRALIA*Public Sector Employment and Management Act***REVOCATION OF DETERMINATION NUMBER 4 OF 1997**

I, KENNETH DONALD SIMPSON, the Commissioner for Public Employment, in pursuance of section 14(2) of the *Public Sector Employment and Management Act* and with reference to section 43 of the *Interpretation Act*, revoke Determination Number 4 of 1997.

DETERMINATION NUMBER 6 OF 2013**COMMUNITY LANGUAGE ALLOWANCE**

I, KENNETH DONALD SIMPSON, the Commissioner for Public Employment, in pursuance of section 13 of the *Public Sector Employment and Management Act* determine that the Community Language Allowance shall be paid under the following conditions:

- (1) For the purposes of this determination -

“bilingual communication” includes communication in the Deaf Oral Language, AUSLAN (Australian Sign Language) and Aboriginal and Torres Strait Islander Languages;

“NAATI” means the National Accreditation Authority for Translators and Interpreters.
- (2) The Community Language Allowance shall be paid at the rate of \$876 per annum and shall be varied in accordance with general wage decisions. This allowance shall be subject to the PAYE taxation.
- (3) Where the employee is willing and the Chief Executive Officer directs an employee, in addition to the employee’s other duties, to use his or her bilingual communication skills that employee shall be entitled, while the direction remains in force, to be paid the Community Language Allowance. NB: This allowance shall not be paid to an employee where the duties of the job require the possession of bilingual or multicultural skills as this would have been recognised in evaluating the job.
- (4) In directing an employee, the Chief Executive Officer should give consideration to there being an identifiable and continuing need for the particular language skills possessed by the employee in providing client or employee services.
- (5) Written translation work and more complex interpreter work is not required of an employee receiving the Community Language Allowance.

- (6) The employee's language competence must be at the standard of:
- (a) a pass in the relevant language of the NAATI Language Aide Test or higher NAATI test category; or
 - (b) recognition by NAATI as possessing equivalent proficiency; or
 - (c) for Aboriginal language speakers, a pass in the relevant language in the workplace test or a higher Aboriginal Interpreter Service test category; or
 - (d) where NAATI does not provide assessment by way of testing, accreditation or recognition, Chief Executive Officers may approve the use of the services of an individual or alternate body to NAATI. The individual or body should have the necessary expertise to assess the language skills.
- (7) Where the employee's language competence has already been assessed in accordance with (6) prior to applying for the Community Language Allowance, the Chief Executive Officer may decide that no further testing is required.
- (8) As the majority of language testing is only available annually, the Chief Executive Officer may approve payment of the allowance subject to the employee taking the next available test provided that the other conditions relating to the payment of the allowance are met.
- (9) The Chief Executive Officer may approve payment to NAATI (or other approved individual or body) of any language testing or assessment fees on behalf of employees who have applied for the allowance.
- (10) Where an employee fails a language test, payment of the allowance shall cease from the date the test results are issued. Any further costs associated with language testing shall be borne by the employee.
- (11) This allowance is payable during all periods of paid leave to the extent that the Chief Executive Officer certifies that the allowance would have been payable but for the grant of leave.
- (12) The payment of this allowance shall be reviewed annually or whenever the employment status or work requirements of employees receiving the allowance changes (eg, on temporary or permanent promotion or transfer).

Dated 16 July 2013



Commissioner for Public Employment