

NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act

REVOCATION OF DETERMINATION NUMBER 6 OF 2013

I, NICOLE HURWOOD, Commissioner for Public Employment, pursuant to section 14(2) of the *Public Sector Employment and Management Act 1993*, and with reference to section 43 of the *Interpretation Act 1978*, revoke Determination Number 6 of 2013.

DETERMINATION NUMBER 5 OF 2024

Community Language Allowance

I, NICOLE HURWOOD, Commissioner for Public Employment, pursuant to section 14(2) of the *Public Sector Employment and Management Act 1993* and with reference to section 13(a) of that 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 languages other than English and the Deaf Oral Language, AUSLAN (Australian Sign Language); and

“NAATI” means the National Accreditation Authority for Translators and Interpreters.

2. The Community Language Allowance (“the Allowance”) shall be paid to an eligible employee at a tier and rate set out in the Schedule to this Determination and in accordance with the policy/ procedure established under clause 3.
3. Chief Executive Officers (“CEOs”) are to develop a policy and/or procedure:
 - (a) to manage the Allowance process including but not limited to the identification, assessment and standards of language competence (noting clause 9) and support for testing; and
 - (b) to determine the tier of the Allowance to be paid, which will include but not be limited to consideration of the anticipated level of use that the employee will be called upon to provide their bilingual communication skills over the next 12 month period relative to other employees in the agency, and each 12 months after if they remain entitled to receive the Allowance.
4. The Allowance shall be varied in accordance with the provisions of the Northern Territory Public Sector 2021-2025 Enterprise Agreement and its successors, and shall count as salary for all purposes.

5. Subject to clause 6, where an employee who has bilingual communication skills is willing, the CEO may direct the employee, in addition to the employee's other duties, to use their bilingual communication skills in the course of their employment and that employee shall be entitled, while the direction remains in force, to be paid the Allowance at a rate set out in the Schedule.
6. The Allowance shall not be paid to an employee where the duties of their job require the possession of bilingual communication skills, as these skills would have been recognised in the work value for the job.
7. In directing an employee, the CEO 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.
8. Written translation work and more complex interpreter work is not to be required of an employee receiving the Allowance.
9. The employee's language competence must be at the standard of:
 - (a) a pass in the relevant language, including for Aboriginal language speakers, of at least the NAATI Community Language Aide Test;
 - (b) recognition by NAATI as possessing equivalent proficiency; or
 - (c) where NAATI does not provide an assessment of the particular language skill, or it is not available at the time the CEO is seeking to use an employee's bilingual communication skill, the CEO may use the services of an individual or alternate body who/ that the CEO considers has the necessary expertise to assess the employee's language skills: and
 - (d) where the CEO relies upon a test other than NAATI, and the NAATI test subsequently becomes available, the CEO should arrange for the employee to be assessed through NAATI as soon as reasonably practicable.
10. The Allowance shall not be paid to an employee if the NAATI certification or recognition under clause 9 has expired.
11. Where the employee's language competence has already been assessed in accordance with clause 9 prior to applying for the Allowance, the CEO may decide that no further testing is required.
12. As the majority of language testing is only available annually, the CEO may approve payment of the Allowance subject to the employee taking the next available test, or a later test if approved by the CEO, provided that the other conditions relating to the payment of the Allowance are met.
13. Wherever possible, the CEO should support an employee who is willing to provide their bilingual communication skills by approving payment to NAATI (or other approved individual or body) for any language testing or assessment fees on behalf of an employee, and providing time off for the assessment and related matters.

14. Where an employee fails a language test, the CEO shall determine whether payment of the Allowance should continue, whether a further test is required and whether support for any further testing should be provided.
15. The Allowance is payable during all periods of paid leave if it would have been paid but for the taking of paid leave.
16. Payment of the Allowance shall be reviewed regularly, or whenever the employment status or work requirements of an employee receiving the Allowance changes (e.g. on temporary or permanent promotion, or transfer), to determine whether it should continue to be paid and the tier at which it will be paid.

Dated 13 October 2024

NICOLE HURWOOD
Commissioner for Public Employment

Schedule

Community Language Allowance tier (Clause 2 and 3)	Allowance commencing from the first pay period on or after the date of this Determination
Base	\$1,500 per annum
High	\$2,400 per annum