



Determination No. 2 of 1984

Determination under Section 58B of the Defence Act 1903¹ (Amendment)

I, GORDON GLEN DENTON SCHOLES, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 10 January 1984.

G. SCHOLES
Minister of State for Defence

Language Proficiency Allowance

Determination 0704, Language Proficiency Allowance, is amended—

- (a) by inserting after “overseas post” in paragraph 11 (a) “in a country where the native language is not the language in respect of which the member is entitled to an allowance under this Determination”;
- (b) by omitting paragraph 11 (h) and substituting:
 - “(h) after the circumstances in paragraph (e) cease to exist where paragraph (b) or (c) apply,
and the member shall be deemed to be proficient in accordance with clause 7 or 9 for the period of deferment.”;
- (c) by inserting after clause 12 the following clause:

Return from Overseas

“12A. A member, upon return to Australia from an overseas posting—

- (a) in a country where the native language is the language in respect of which the member is entitled to an allowance under this Determination; and

- (b) the duration of which was 12 months or more, shall be deemed to be proficient in accordance with clause 7 or 9 for the duration of that posting and for the period of 12 months thereafter.”;
- (d) by omitting from clause 13 “or is a member to whom clause 11 or 12 applies” and substituting “or is deemed to be qualified”;
- (e) by inserting after “to whom paragraph 3 (a) applies” in clause 14 “, other than a member to whom clause 14A applies,”;
- (f) by omitting from clause 14 “is a member to whom clause 11 or 12 applies” and substituting “is deemed to be qualified”; and
- (g) by inserting after clause 14 the following clauses:

“14A. Where a member to whom clause 11 applies subsequently qualifies at the deferred examination—

- (a) at a higher or lower Grade than the Grade at which he was previously qualified; or
- (b) in a different specified language to the language in which he was previously qualified,

the allowance applicable to that qualification is payable on the anniversary of the date on which the member first qualified at the Grade or in the language held before the deferred examination.

“14B. The amount of Language Proficiency Allowance payable to a member to whom clause 11 applies when that member—

- (a) qualifies at a higher Grade than the Grade at which he was previously qualified; or
- (b) qualifies in a different specified language to the language in which he was previously qualified and that different specified language attracts a higher rate of Language Proficiency Allowance than the specified language in which he was previously qualified,

shall be an amount calculated in accordance with the formula—

$$A - B$$

where—

- A is the amount of Language Proficiency Allowance specified in clause 6 for a Grade A standard of proficiency or the rate of Language Proficiency Allowance payable for the specified language that is different from the specified language in which a member was previously qualified and attracts a higher rate of allowance than his previous specified language; and
- B is the amount of Language Proficiency Allowance payable for a Grade B standard of proficiency or, where a member qualifies in a different specified language, the amount of Language Proficiency Allowance payable for the specified language at which he was previously qualified.”.

NOTE

1. Previous amendments to Determination 0704, Language Proficiency Allowance: No. 53 of 1981; No. 54 of 1982; No. 21 of 1983.

EXPLANATORY STATEMENT

DETERMINATION NO. 2 OF 1984

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

Determination 0704 provides for payment of Language Proficiency Allowance to assist members of the Defence Force to maintain their proficiency in an approved foreign language. The Determination at present allows for a member in certain circumstances to defer his normal obligation to demonstrate, at least every two years, that he has maintained the required proficiency in an approved language. The member would be entitled to payment of the allowance on the anniversary of his date of qualification despite not meeting the usual qualifying requirement on that day.

This determination amends Determination 0704 to allow for a subsequent adjustment of the rate paid without changing the date of qualification if, when the member fulfils his obligation to demonstrate continued proficiency, he is able to qualify at a higher grade or in a different language attracting a higher allowance. This determination also amends Determination 0704 to deem a member proficient in a language on his return from an overseas posting in a country where that language is the native language.

The date of effect is the date of signature of the Determination.