



ORDER

Fair Work Act 2009

s.590(2)(c)—Order requiring a person to produce documents etc to the Fair Work Commission

4 yearly review of awards – *Supported Employment Services Award 2010* (AM2014/286)

VICE PRESIDENT HATCHER

SYDNEY, 7 JULY 2022

TO: The Proper Officer

Commonwealth of Australia represented by and acting through the Department of Social Services

c/o Sparke Helmore

Level 40, 600 Bourke Street

MELBOURNE VIC 3000

Pursuant to s.590(2) of the *Fair Work Act 2009* you are **ORDERED** to provide to the Fair Work Commission the documents, records and other information specified in the Schedule to this order before the Fair Work Commission at the following time, date and place:

Time: **4:00 pm**

Date: **Thursday, 28 July 2022**

Place: Production by email to chambers.hatcher.vp@fwc.gov.au.

Note:

- (1) Attachments must be of an electronic size suitable for email.
- (2) In the alternative, documents may be produced in person at the Fair Work Commission's Sydney registry at Level 11, Terrace Tower, 80 William St, East Sydney NSW 2011.



VICE PRESIDENT

Note:

- This order has been issued at the request of the AED Legal Centre.
- You can apply to have this order set aside or varied.
- Instead of attending to provide the documents etc. covered by this order at the time and place specified above, you may produce them to an officer of the Commission at the place specified above not later than 4:00 pm on the day before the day specified above.
- If you have any queries in relation to this order, please contact the associate to Vice President Hatcher at chambers.hatcher.vp@fwc.gov.au

SCHEDULE

1. Any reports or other documents (excluding emails) in the possession of the Commonwealth of Australia as represented by the Department of Social Services that record the number of Australian Disability Enterprises (**ADEs**) that use the Supported Wage System (**SWS**) for the financial year ending 30 June 2022. To the extent that any document duplicates the same information on the number of ADEs using the SWS, only one document containing this information needs to be provided.
2. Any reports or other documents (excluding emails) in possession of the Commonwealth of Australia as represented by the Department of Social Services that contain statistical, modelling or other summary information about the take-up of the SWS by ADEs over such period or periods the Department has that information for the financial year ending 30 June 2022. To the extent that any document duplicates the same information relating to statistical, modelling or other summary information about the take-up of the SWS by ADEs, only one document containing this information needs to be provided.
3. Any reports or other documents (excluding emails) in the possession of the Commonwealth of Australia as represented by the Department of Social Services that show the number and name of the ADEs that graded employees at each of the wage levels referred to in table A28 of the Fair Work Commission New Wage Assessment Structure Evaluation Report (**Evaluation Report**). To the extent that any document duplicates the same information relating to the names of the ADEs that graded employees at each of the wage levels referred to in table A28 of the Evaluation Report, only one document containing this information needs to be provided.
4. Documents (excluding emails) that, in respect of the wages tools referred to in Table 19 on page 75 of the Evaluation Report, show:
 - (a) the current wage level (classification and hourly rate after assessment) of each of the sampled employees, by wages tool;
 - (b) the wage outcomes (classification and hourly rate after assessment) of each of the sampled employees if the FWC preferred wage assessment structure is applied, by wages tool.

To the extent that any document duplicates the same information in relation to the matters set out at (a) and/or (b) above, only one document containing this information needs to be provided.

Note:

- References to documents in the possession of the Commonwealth as represented by the Department of Social Services is taken to mean those documents in the possession of the Department itself (as a Commonwealth Government department) and not in the possession of the Commonwealth more broadly.
- Any documents produced in response to these orders will be redacted to remove any information (including personal information as defined in the *Privacy Act 1988*) from which a natural person is reasonably identifiable. This includes redacting the name(s) of ADEs to the extent that their presence means a natural person is reasonably

identifiable. For the avoidance of doubt, such de-identified information is no longer considered to be personal information.