



Submission to the Fair Work Commission: Review of the Supported Employment Services Award 2010 - AM2014/286

NDS welcomes the opportunity to provide this submission to the Fair Work Commission (FWC) in respect of the Review of the Supported Employment Services (SES) Award 2010 through matter AM2014/286.

NDS has examined the [exposure draft of the SES Award 2016](#) (the exposure draft) as well as suggested variations proposed by parties such as the unions and employer groups. NDS would like to make the following recommendations in respect of the exposure draft.

NDS recommends that various wage assessment tools no longer used be removed from the SES Award (these tools are identified in clause 16.2 of the exposure draft). Following consultation with our members, we have identified at least seven other tools apart from the Business Services Wage Assessment Tool (BSWAT) that are no longer used. They include:

- The Hunter Contracts Wage Assessment Tool
- The Phoenix Wage Assessment Tool
- The PHT Wage Assessment Tool
- The RVIB Wage Assessment Tool
- The Cumberland Industries Wage Assessment Tool
- The Wangarang Industries Wage Assessment Tool
- The Ability Options Wage Assessment Tool

NDS advocates that the removal of these tools reflect the same wording used to show that the BSWAT had been removed:

e.g. (g) [*the Hunter Contracts Wage Assessment Tool* – deleted]

NDS recommends that clause 16.9 on the BSWAT transitional arrangements be removed from the exposure draft, as this process concluded on 29 February 2016.

The FWC is also seeking comments from interested parties on the adequacy of the current superannuation rate identified in clause 18.5 of the exposure draft. NDS would support a change to the superannuation clause only if such a change would not impose an additional cost or administration burden on Australian Disability Enterprises (ADEs) and would not disadvantage employees with disability (supported employees) working in ADEs.

Eligibility to use the SES Award 2016

The source of funding for ADEs will progressively shift from the Department of Social Services (DSS) to the National Disability Insurance Agency (NDIA). This raises a question about the ongoing status of organisations funded under the Disability Services Act 1986 (Cth) to provide supported employment services, i.e. ADEs. The clauses that identify employers covered by the Award include clauses 4.1 and 4.2 in the exposure draft.

NDS recommends that the new Award must include ongoing recognition of these organisations' right to continue their use of the SES Award, even though their government funding arrangements and the eligibility and access criteria for their supported employees may change due to the introduction of the National Disability Insurance Scheme (NDIS).

NDS recommends ongoing recognition of the right of organisations covered by the SES Award 2016 to use pro rata wage assessment tools other than the Supported Wage System (SWS). This includes any new wage assessment mechanism introduced through the FWC BSWAT conciliation process ([AM2013/30](#)).

Finally, NDS recommends that new criteria be developed to define employers covered by the SES Award 2016. NDS will provide further advice on this matter. Under the NDIS, employment programs are replaced with individualised funding. Consequently, supported employment models will be provided in a far wider variety of settings.

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National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes 1100 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services - from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.