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3 May, 2017



His Honour Justice Ross  
President  
Fair Work Commission

[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

We refer to your Statement issued at Melbourne, 18 April, 2017 and your reference at [3] **requesting submissions by 4.00pm Friday, 5 May, 2017** for matters listed at Attachment A of same.

Our Voice Australia, representing parents/carers and their intellectually disabled family members working in Australian Disability Enterprises has provided submissions to both **AM2013/30** and **AM2014/286** (*Your reference 5 – page 6*). Our earlier participation in **AM2013/30** was as Carers Alliance, which has now become Our Voice Australia Inc.

We have been participating in conciliation, under the chairmanship of DP Booth, on matters relating to **AM2013/30** – which was a variation of the SESA with two objectives.

1. To remove the BSWAT from the Award
2. To remove all existing tools, with a competency component, from the Award.

Removal of the BSWAT included the embedding of the SWS as the alternative, and it has been the key matter being canvassed by all parties. A subsequent Trial and further Demonstration Report of certain modifications to the SWS have now been finalised and the guidelines required for its insertion into the Award – as a variation – are now reaching a conclusion. Remaining contentious matters are still being resolved

1. We agree with the insertion of the Modified SWS as a variation of the Award- provided it is an option available to employers – and it is not compulsory.
2. We agree to the outstanding matters of this (**AM2013/30**) variation being included in the 4 yearly Review of Modern Awards as part of **AM2014/286**
3. We have provided a submission to **AM2014/286** (29August, 2016), and further provided a summary of our concerns (7 April, 2016). Those matters are still being considered by all parties and by our constituents, as we conciliate matters of mutual agreement and/or concession as part of the Review of the Modern Award (**AM2014/286**)
4. We do not agree with the second arm of the original variation sought with **AM2013/30** i.e. removal from the SESA Award of all the industrially approved tools which contain a competency component. This is such a critical issue for our

intellectually disabled workers who lack the capacity to self-advocate. This must be the subject of extensive consultation within our constituency and by the employers – who must remain economically viable – if our intellectually disabled family members are not to lose their jobs through enforced closures. Supported employment options- in metropolitan, urban, regional, rural and remote Australia - are vital in the lives of our family members, as they provide supplementary wages to top up the disability pension. Our family/ community established ADE's are a vital thread in the fabric of Australian society, providing the dignity of work. This allows our family members to enjoy economic participation, which in turn, brings the rewards of self-esteem, social networks and well-being for our intellectually disabled family members.

5. Accordingly we remain committed to participating in the 4 yearly Review of the Modern Award **AM2014/286**- to conciliate and advocate, where possible, the unique industrial needs of our disabled family members- and to have those needs industrially recognised within the Modern Award. The blanket label of “disabled worker” does not, appropriately, cover the needs of those with impaired cognitive and communication capacity. A Modern Award, in line with the aims and objectives of the National Disability Insurance Scheme (NDIS), should ensure that the right to protection from unemployment for our intellectually disabled family members is preserved and upheld in our modern industrial relations environment.
6. Consequently – we state that the request by the applicants in **AM2013/30** for *removal from the SESA of all the existing industrially approved tools containing a competency component* is not a matter on which we, as advocates for our intellectually disabled family members, could ever conciliate. It is a matter which should be arbitrated by all parties – and our intellectually disabled family members- who will bear the brunt of the outcome, whatever it is, reserve their right to be heard within that process. We accept that the process will be as dictated by the Fair Work Commission and we will continue to work, within the prescribed time frame, with all parties to achieve a result that is both industrially and socially sound.

As submitters to both actions we trust that this Statement clarifies our position in **AM2013/30** and in **AM2014/286** – as requested. We look forward to continuing to work within the ambit of **AM2014/286** to resolve matters that can be industrially conciliated.

Sincerely

**Mary Walsh OAM**  
**Our Voice Australia**