

14 October 2019

Vice President Hatcher SC
Fair Work Commission
Level 10 Terrace Tower
EAST SYDNEY NSW 2011

Email: chambers.hatcher.vp@fwc.gov.au

Dear Vice President Hatcher,

I am writing to you regarding recent developments in the Review of the Supported Employment Services (SES) Award, AM2014/286. Following a meeting of the NDS National Committee on Supported Employment, it was resolved I should write to you on behalf of those of our members providing supported employment services.

NDS members are concerned about ongoing uncertainty arising from the lack of a decision by the Full Bench in regard to the SES Award Review matter.

We consider it imperative that the Full Bench releases its decision as soon as possible, for several reasons. Firstly, an assertion by DSS in its most recent correspondence about the new NDIS pricing for supported employment appears to conflate provision of that pricing with an enhanced ability of ADEs to meet increased supported employee wage costs. We continue to respectfully submit that NDIS pricing covers only the cost of ongoing support provision for employees with disability, as opposed to supplementation of their wages. In our view, there should be no link between the two.

Secondly, the sector seeks the industrial certainty that would arise from the Bench's decision as it pertains to any "significant modifications to the minimum wages structures in the Award"; as well as clearly defined processes for the eventual phasing out of the use the remaining wage assessment tools identified in clause 14.4. The phasing out of those wage tools (as recommended in the Full Bench's April 2018 provisional statement) is not a process that can be conducted in haste. We estimate it would involve changing the wage setting arrangements of approximately 20,000 supported employees nationally.

As the Full Bench may already be aware, the NDIA announced details of new pricing arrangements for supported employment on 10 October 2019. NDS has encouraged its members to immediately commence detailed modelling of the likely impact of this announcement on their operating budgets.

NDS looks forward to engaging further with the Full Bench and the award review parties and will be present at the 23 October report back hearing. We look forward to receiving the more detailed submission from DSS, which will be provided to the Full Bench. We understand the Department's submission will be intended to establish possible policy directions and potential consequences for the outcome of the Award proceedings.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Moody', with a stylized flourish at the end.

David Moody
Acting Chief Executive Officer

