

From: Chambers - Booth DP

Sent: Tuesday, 17 October 2017 4:20 PM

To: 'KEMP, James'; Stephen.bull@unitedvoice.org.au; Leigh Svendsen; fogarty@denmanchambers.com.au; kairsty.wilson@aed.org.au; cainpaul@icloud.com; craig.rawson@ags.gov.au; abigail.cooper@ashurst.com; nigel.ward@ablawyers.com.au; emily.baxter@nswbc.com.au; chrisc@greenacres.net.au; MarkW@greenacres.net.au; pfrench@disabilitylaw.org.au; samanthaf@pwd.org.au; Anthony.rohr@maiwel.com.au; Smith_c1@optusnet.com.au; Steve.burgess@flagstaffgroup.com.au; Roy.rogers@flagstaffgroup.com.au; lmooney@dsa.org.au; mlcinitaly@gmail.com; mjbuck2@telstra.com; estelleshields@hotmail.com; hdickens@dsa.org.au; kerrie.langford@nds.org.au; bree.willsmore@dss.gov.au; johnharvey@greenacres.net.au; marywalsh6@bigpond.com; mpatrick@disabilitylaw.org.au; Skillsmaster275@outlook.com; cnewbold@actu.org.au; Rowena.Freeland@dss.gov.au; Sina.Mostafavi@Ablawyers.com.au; joe.murphy@ablawyers.com.au; cwatts@actu.org.au; 'robk@accessindustries.com.au'

Cc: Chambers - Hatcher VP; Chambers - Cambridge; Chambers - Booth DP

Subject: AM2014/286 - SES Award

Dear Parties

Vice President Hatcher has asked Deputy President Booth to consult you about the problem identified in the email below.

As you can see, Leigh Svendsen has raised the concern that the date of operation given in the [Determination](#) (attached) is premature given the lead time required to prepare for the implementation of the modified version of the SWS.

The Full Bench is prepared to vary the date of operation if the parties can agree to a new date. There is urgency about this because technically the determination took effect today.

Could the parties please provide feedback to DP Booth on the appropriate date of operation **by 5:00pm, Friday 20 October 2017**.

Kind regards

Grace Cummings

Associate to Deputy President Booth

Fair Work Commission

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From: Leigh Svendsen [<mailto:leighs@hsu.net.au>]

Sent: Monday, 16 October 2017 10:38 AM

To: Chambers - Hatcher VP

Subject: [2017] FWCFB 5073 SES Award

Dear Vice President Hatcher

I refer to the recent FB decision in the Supported Employment Services Award 2010.

There are some significant concerns arising out of the date of effect.

To enable to modified version of the Supported Wage System to be effective there are a significant number of alterations to the supporting processes, documentation and training of assessors which must be operationalised before the modified SWS can be used.

In brief, it requires:

- Finalisation of changes to the SWS Handbook and SWS Assessment Guidelines – which provide the guidelines and framework for the application of the SWS modified or standard;
- Training for external assessors – currently trained assessors need to undergo a new accreditation process;
- An agreed panel of available and accredited assessors [I believe part of this is currently undergoing a tender process]
- Preliminary development of agreed benchmarks at a participating ADE [with an assessor]
- Training of onsite personnel to enable gathering of workplace data – there are currently no final guidelines for the collection of workplace data [see Schedule D variations]

The Department is working through these processes, but does not envisage these will be operationalised until the new financial year.

One of the benefits of the extensive conciliation process undertaken by the parties is that we agreed to the changes and understood they would be available in the future; one of the drawbacks is that we forget that we need to spell out those understandings where they are actually reduced to an application for a variation. HSU did not request a postponed date of effect when we drafted and made the application for the specific variation granted in the above decision. Nor did we realise we'd failed to specify it. Neither did any of the parties who agreed to the variation.

While the variation cannot practically come into effect until the above processes, handbook and guidelines are available, the current version of the SWS; which remains available under all other awards; would not be available from the date of effect of the decision.

Given this we tentatively believe that the effect of the variation needs to be postponed and respectively request advice about how to effect a postponement of the effective date.

Please feel free to contact me if any of this information is unclear; 0418 538 989

Regards.../ Leigh Svendsen

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