

---

Liability limited by a scheme approved under Professional Standards Legislation

2011 LIV Community Lawyer of the Year Award | 2013 Tim McCoy Award | 2014 HESTA Social Impact Award  
2016 National Disability Award - Excellence in Justice and Rights Protection | 2018 LIV Awards – Access to Justice

---

12 March 2020

**Email: [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)**

His Honour Vice President Hatcher  
Chambers  
Fair Work Commission  
Level 10, Tower Terrace  
80 William Street  
EAST SYDNEY NSW 2011

Dear Associate

**Re: Supported Employment Services Award 2010  
AM2014/286**

The Vice President has directed interested parties to provide a report as to the outcome of any discussions in respect of the classification structure by 5:00pm today. He has also directed interested parties to make further written submissions in relation to outstanding issues by 5:00 PM on 17 March 2020.

AEDLC has not been involved in discussions pertaining to the ACTU's proposal for textual amendments to the grade 1 to 7 classification descriptors, but supports the ACTU position.

AEDLC opposes the alterations proposed by ABI to the proposed classification descriptors for clauses B.2 and B.3 of attachment A to the Full Bench's 3 December decision. ABI has not contacted AEDLC about its proposal. AEDLC intends to address the proposal in the submissions it proposes to file on 17 March 2020. In those submissions, AEDLC will also urge the Full Bench not to make a determination that varies the *Supported Employment Services Award* to include therein:

- (a) the classification terms contained in clause B.1.1, B.2 and B.3 of attachment A to the Full Bench's 3 December decision;
- (b) the rates of pay for grades A and B contained in clause 14.2 of that attachment; or

.../2

(c) the classification term contained in clause 14.1 of that attachment insofar as that term includes the text: “and the nature of the position in which the employee is employed”

(the **grade A and B terms**).

AEDLC intends to submit that a determination of the kind referred to above will exceed the Commission’s jurisdiction. If however the Full Bench ultimately decides to the contrary, AEDLC will request that the Full Bench defer the date upon which the determination comes into operation in order to afford AEDLC a reasonable opportunity to consider the Commission’s decision and, if it considers it appropriate to do so, apply to the Federal Court for judicial review of the determination and decisions.

In paragraph 378 of the December decision the Full Bench and at the report back conference conducted on 10 February 2020, the Vice President, expressed hope that there may emerge a consensus position as to the terms of the award variations to give effect to the December decision. It follows from what has been said so far that AEDLC is respectfully unable to consent to the inclusion in the Award of the grade A and B terms.

If you have any queries in relation to the above, please contact our office at [noni.lord@aed.org.au](mailto:noni.lord@aed.org.au) or leave a voicemail message on (03) 9639 4333 with some convenient times for us to return your call.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kairsty Wilson', written in a cursive style.

Kairsty Wilson  
Principal Legal Practitioner  
AED Legal Centre