

**4 yearly review of modern awards – Supported
Employment Services Award**

Submissions in response to 27 July 2022 directions

1. On 27 July 2022, Vice President Hatcher made directions that, *inter alia*, the Commonwealth of Australia as represented by the Department of Social Services (**Department**) advise whether, and if so, on what basis, paragraphs 11 and 12 of the Department's submissions dated 22 April 2022 assume an annual requirement to conduct Supported Wage System (**SWS**) assessments for Australian Disability Enterprise (**ADE**) employees.
2. The Department does not assume an *ongoing annual requirement* to conduct SWS assessments in paragraphs 11 and 12 of its previous submissions. However, the Department expects that, if implemented, the Fair Work Commission's proposed new wage structure¹ (**Proposed Approach**) will lead to a significant increase in SWS assessments in the first 2 years of operation.
3. As the Proposed Approach includes modifications to the SWS,² the Department has assumed that all employees currently employed under the *Supported Employment Services Award 2020* (**Award**) would need *new assessments*, even if they were previously assessed using the current version of the SWS.
4. This would mean the full cohort of 16,000 supported employees would be required to undertake initial assessments under the modified SWS, followed by a review 12 months after the initial assessment.
5. These 16,000 assessments, in addition to the average 4,000 SWS assessments undertaken in open employment, could see a need for 20,000 SWS assessments per year in the first 2 years of the new arrangements.
6. This figure would likely decrease after the first 2 years, assuming the current approach (wage assessment reviews occurring within a 3 year period, unless requested sooner) remains unchanged.
7. The number of annual SWS assessments beyond the first 2 years is unclear at this point. The Department notes that that this would be dependent upon various factors including the frequency at which supported employees start working at ADEs, move jobs, or request additional assessments.
8. The Department remains ready and willing to provide further submissions on this issue should it be of assistance to the Fair Work Commission.

3 August 2022
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¹ As set out in *4 yearly review of modern awards—Supported Employment Services Award 2010* [2019] FWCFB 8179 (**December 2019 Decision**).

² See December 2019 Decision at [374].