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**Sent:** Friday, 30 September 2016 11:25 AM  
**To:** AMOD  
**Subject:** NDS Submission on the SES Award Review

Please find attached an NDS submission on the SES Award Review confirming and clarifying some substantive claims.

This submission is supplementary to our earlier submission of 18 July 2016.

If you have any queries, please contact Paul Musso on 02 6283 3215 or by email: [paul.musso@nds.org.au](mailto:paul.musso@nds.org.au) from Tuesday 4 October 2016.

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## **Submission to the Fair Work Commission: Review of the Supported Employment Services Award 2010 - AM2014/286 – Confirmation of Substantive Claims**

NDS welcomes the opportunity to provide this submission to the Fair Work Commission (FWC) in respect of the Review of the Supported Employment Services (SES) Award 2010 through matter AM2014/286. We seek to confirm our initial substantive claims and provide some further clarification in respect of these.

NDS has previously recommended that various wage assessment tools no longer used be removed from the SES Award (these tools are identified in clause 16.2 of the exposure draft). Following further advice from the Bedford Group (which merged with the Phoenix Society in late 2014), a phase out date for the Phoenix Wage Assessment Tool will need to be identified as below.

- The Phoenix Wage Assessment Tool – deleted with effect from 1 June 2017

All former Phoenix Society supported employees now with the Bedford Group will be paid under the Bedford Employee Wage Assessment Tool from 1 June 2017.

### **Further clarification on eligibility to use the SES Award 2016**

As previously noted, the source of funding for providers of supported employment services (Australian Disability Enterprises – ADEs) will progressively shift from the Department of Social Services (DSS) to the National Disability Insurance Agency (NDIA). NDS recommends that organisations funded under the Disability Services Act 1986 (Cth) to provide supported employment services (ADEs) retain their recognition within the SES Award. The clauses that identify employers covered by the Award include clauses 4.1 and 4.2 in the exposure draft.

NDS recommends that the SES Award 2016 identify that organisations previously funded by DSS to provide supported employment services (ADEs) will in future employ individuals eligible for funded supports under the National Disability Insurance Scheme (NDIS). The SES Award 2016 should identify the relevant phase-in timetable of the NDIS up to and including its scheduled full introduction in 2019-20, as DSS funding for organisations providing supported employment will phase out in accordance with this timetable.

NDS confirms its recommendation that there be ongoing recognition of the right of organisations covered by the SES Award 2016 to use pro-rata wage assessment tools other than the Supported Wage System (SWS). This includes any new wage assessment mechanism introduced through the FWC BSWAT conciliation process ([AM2013/30](#)).

Under the NDIS, employment programs are replaced with individualised funding. Consequently, supported employment will be provided in a wider variety of settings.

The NDIS will entail a significant expansion of the market for disability services, including supported employment, and it will enlarge participants' choice over the services and supports they receive. Under current arrangements, the funded places available in supported employment organisations are capped. Under the NDIS, this cap is effectively removed. In this context, situations may arise where NDIS participants want supported employment but do not have an existing local ADE which they can access. In response to this demand, disability service organisations which currently do not provide supported employment may expand their services to include supported employment. There is a case, therefore, for SES Award coverage of new providers of supported employment. NDS is interested in gauging if parties to the SES Award review are willing to examine the merits of this proposal.

## September 2016

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**National Disability Services** is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes 1100 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services - from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.