



Australian Government
Department of Social Services

Michael Lye
Deputy Secretary

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

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

Dear Vice President Hatcher

AM2014/286 - Supported Employment Services Award 2010 (SES Award)

I refer to the statement of 11 September 2018, published by the Fair Work Commission (the Commission), which states the Full Bench considers it is necessary to proceed to determine to finality the matters before it.

I am writing to advise you of recent developments that may be relevant to the Commission during its deliberations.

A new pricing structure for employment support is scheduled to be announced by the National Disability Insurance Agency (NDIA) in October 2019. Indicative modelling by the Department of Social Services (the Department) has shown the majority of Australian Disability Enterprises (ADE) are likely to be better off financially once this new pricing has been implemented. This may help to alleviate current pressures that prevent some ADEs from adopting a higher-paying wage tool, such as the Supported Wage System.

The Australian Government is committed to playing an ongoing role in supporting ADEs to continue to provide employment opportunities for people with disability, subject to the details of the Commission's decision. To this end, in the 2018-19 Budget, the Government announced the Australian Disability Enterprise (ADEs) Additional Support measure. The Government will provide \$67 million over the forward years from 2018-19 to support ADEs to transition to a new wage assessment model following a decision by the Commission on its review of the SES Award.

On the basis that future National Disability Insurance Scheme (NDIS) pricing, alone or in conjunction with Australian Government funding, may enable ADEs to adopt the Supported Wage System tool, the Department is considering consultation with parties to the proceedings.

In this context, I would be grateful for your advice whether such a consultation could occur prior to a determination by the Commission.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Michael Lye". The signature is fluid and cursive, with a large initial 'M' and a stylized 'L'.

Michael Lye
Deputy Secretary
Disability and Carers

9 September 2019