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2011 LIV Community Lawyer of the Year Award | 2013 Tim McCoy Award | 2014 HESTA Social Impact Award

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1 September 2016

Email: [Melbourne@fwc.gov.au](mailto:Melbourne@fwc.gov.au)

The Hon Justice Ross AO  
President  
Fair Work Commission  
Level 4, 11 Exhibition Street  
MELBOURNE VIC 3000

Dear Justice Ross,

**Re: Four Yearly Review of Modern Awards: MA 000103, Supported Employment Services Award 2010 (SESA)**

We are writing to express our interest in the Four Yearly Review Process for the above award, **specifically in the area of Wage Tools (Schedule D)**

AED Legal Centre (AED) provides legal advocacy and legal representation to people with disability, many of whom work in Australian Business Services (ADEs). As such, we have a significant interest in employment outcomes for employees working in supported workplaces under this Award

AED brought a case to the Federal Court in 2012 which found that one of the wage tools used by some ADEs, the Business Services Wage Assessment Tool (BSWAT) was discriminatory in how it was applied to employees with intellectual disabilities

At present we are involved in a conciliation process, before Deputy President Anna Booth, for matter: AM 2013/30. In two parts, the application by the Health Services Union (HSU) and United Voice (UV) sought first to vary the award by removing BSWAT and then secondly to address the issue of all the other tools that have competency provisions in them. Whilst the first objective has been achieved, there is obviously a great deal of work to be done with the second.

Whilst the conciliation is still progressing, with the trial of a modified Supported Wage System (SWS), it would now appear that the appropriate place for continued discussion would be under the Award Review process.

We would appreciate the opportunity to be involved in this process and will continue to be a dedicated party in the conciliation process outlined above, advocating for the use of SWS as the most equitable tool to be used in assessing wages for the employees in the ADEs.

If there are any matters that require further information or discussion, please contact us on (03) 96394333 and leave a voicemail with some convenient times to return your call or email Ms Noni Lord of our office on [noni.lord@aed.org.au](mailto:noni.lord@aed.org.au)

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