

## **FAIR WORK COMMISSION**

### **4 Yearly Review of Modern Awards**

#### ***Supported Employment Services Award 2010***

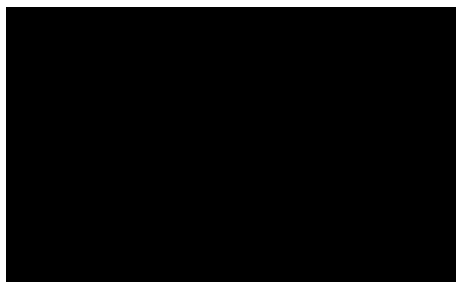
**Matter No:** AM2014/286

#### **STATEMENT OF ROY ROGERS**

I, Roy Rogers, of 254 Nolan Street, Unanderra, New South Wales, state as follows:

1. I am the Chief Executive Officer of The Flagstaff Group Limited (**Flagstaff**).
2. Flagstaff has been a contributing participant in the matter currently before the Full Bench (Bench) and has submitted previous statements from Flagstaff Supported Employees, their parents and carers and Flagstaff executive management staff.
3. Flagstaff acknowledges and supports the submissions of Australian Business Lawyers (ABL) requesting the Bench decision in this matter.
4. Flagstaff also acknowledges and supports the submission of National Disability Services (NDS).
5. I am aware that there have been submissions requesting or inferring that the Bench delays in handing down a decision however Flagstaff believes that the information provided to substantiate those requests are without sufficient cause and any further delay will only contribute to the uncertainty our sector is experiencing. Accordingly, Flagstaff respectfully requests the Bench proceed with handing down its decision.
6. Flagstaff contends that the DSS submission does not provide clarity on wage determination or any potential wage increases, indeed Flagstaff is of the opinion that there are factual inaccuracies, lack of practical solutions as to its application and longevity within the DSS submission.
7. Flagstaff interprets the DSS submission as inferring that there is a correlation between a personal supports funding provided by the National Disability Insurance Scheme and the capacity for ADE's to pay higher wages.
8. Flagstaff does not support that inference and adamantly maintains that NDIS funding and supported employment wages are entirely separate issues.
9. There is a strong suggestion within the DSS submission that as a result of a the NDIS pricing review, increased funding for supported employment will allow a greater capacity for ADE's to pay higher wage and notwithstanding philosophical opposition to the correlation of NDIS funding and wages, the reality is that when applied as announced, the subsequently announced changes to the price list results in significant (minimum 20%) reduction in funding for Flagstaff.

10. Such an adverse financial impact on Flagstaff's operations will only prohibit any potential wage increase; certainly not provide greater capacity to pay.
11. At paragraph 42 of the DSS submission there is a statement that as a result of the NDIS pricing review that the price guide "*Aligns NDIS funded employment support prices with NDIS funded community participation support prices.*", that statement is simply incorrect.
12. Whilst the NDIS has introduced the concept of staff to participant ratios and hourly rates, this is really the only alignment. Certainly there remain significantly lower funding amounts for supported employment support compared to community participation supports.
13. Additionally, the new pricing structure is more complex and will result in an even greater administrative burden, and therefore increased costs, to administer.
14. I note that there has been some clarification from the DSS that the NDIS pricing review now ensures additional funding is available for inclusion in a participant's plan and whilst this may be the case, a departure from an annualised funding structure to a undefined ratio and hourly rate structure does not equate to any suggested increase in funding for ADE's.
15. Flagstaff contends that historically DSS funding for supported employment acknowledged and accommodated not only the cost of the personal support for the supported employee but also the onerous additional business costs ADE's experience in order to provide skills and employment opportunities for People with a Disability and that the NDIS funding in general only provides personal support for a person working in an ADE.
16. Accordingly, NDIS support pricing does not, and should not, influence the matter currently before the Bench.



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Roy Rogers - CEO Flagstaff Group

6<sup>th</sup> November 2019

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Date