

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2013-14 Additional Estimates Hearings

Outcome Number: 5

Question No: 680

Topic: Business Services Wage Assessment Tool (BSWAT)

Hansard Page: Written

Senator Siewert asked:

- (a) What has the Department done in the fourteen months since the High Court handed down its decision regarding the discriminatory nature of the BSWAT?
- (b) Who have the Department been consulting with or involving in their discussions regarding this issue?
- (c) What outcomes have been achieved from this process?
- (d) What are the costs for the consultations so far?
- (e) Has there been a tender process for conducting these consultations?
- (f) Has the Department consulted with the disability representative and advocacy sector?
- (g) Has the Department consulted with employees with disability in ADEs?
- (h) Has the Department done any work identifying a new wage assessment tool?
- (i) Please provide information or reports on the work that has been done to date?

Answer:

- (a) The Department is continuing to work to ensure the ongoing employment of supported employees in ADEs.

In May 2013, the Department established a BSWAT Employment Response Team to work through the complexities of the Court decision.

The work of the team to date has included broad policy advice and coordination of issues relating to the case including:

- consultations in July 2013 with employees, families and carers, ADEs, and other stakeholders about the future of wage assessments in ADEs;
- establishing an information line for people with disability
- drafting and submitting the *Disability Discrimination Act 1992* exemption application and developing mitigation strategies should the application be unsuccessful;
- monitoring of the emerging quality assurance issues;
- preparation of advice to government on resolution options; and
- announcing the establishment of a BSWAT Payment Scheme commencing 1 July 2014.

- (b) In July and August 2013, the Department conducted a series of consultation sessions across the country about the future of wage setting in supported employment. Fifty nine sessions were held for supported employees and carers, with 14 sessions held for ADEs and other interested stakeholders.

A total of nearly 600 people attended the sessions, with over 120 written submissions from people with disability, their families and carers. Stakeholders included Advocacy Agencies,

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ADEs and key disability peaks such as National Disability Services (NDS), National Council on Intellectual Disability, Disability Advocacy Network Australia, Australia Federation of Disability Organisations and Down Syndrome Australia.

In September 2013, the Department lodged an application for exemption from the *Disability Discrimination Act 1992* with the Australian Human Rights Commission (AHRC). It seeks an exemption from the Act to allow the use of the BSWAT for three years while an orderly transition to alternative wage assessment processes is made. As part of this process, the application was published on the AHRC website and the AHRC sought submissions from interested parties.

Representatives from the Department have spoken about BSWAT at a number of forums, including speaking at the NDS Conference National Employment Forum in February 2014. The Department continues to receive feedback through the information line for supported employees etc and the BSWAT mailbox.

(c) In July and August 2013, a total of nearly 600 people attended consultation sessions. Views from participants are being considered as options are developed.

In September 2013, the Department lodged an application for exemption from the DDA with the AHRC to allow the use of the BSWAT for three years while an alternative tool is identified and implemented. An outcome from the AHRC is expected shortly. A number of stakeholders provided submissions as part of this process, which have been reviewed and taken into consideration by the Department.

On 15 January 2014, Minister Andrews and Minister Fifield issued a joint press release announcing the establishment of the BSWAT Payment Scheme from 1 July 2014. The Payment Scheme will assist to secure employment of people with disability by giving their employers the confidence to offer ongoing work without threat of closure due to potential liability costs.

An independent information line has been established for people with disability, their parents and carers, who may have questions about the BSWAT in general, the Federal Court judgment or the BSWAT Payment Scheme.

(d) In July and August 2013, a total of nearly 600 people attended consultation sessions on the future of wage setting in supported employment. The total cost for consultation sessions so far was approximately \$92,499.27 (GST inc) (2013-14 budget).

Breakdown of costs

- Staff from the Department facilitated the sessions with stakeholders and ADE employers at a cost of \$35,445.13 (GST inc). This included:
 - Staff Travel - \$14,675.11
 - Venue hire - \$5,130.00
 - Participant reimbursement - \$15,640.02

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- CRS Australia conducted sessions with employees and their parents and carers at a cost of \$49,348.20 (GST inc).
- The cost of designing, translating to easy English and printing the discussion guide was \$7,705.94 (GST inc).

(e) The Department did not undertake a tender process for conducting the consultation sessions on the future of wage setting in supported employment.

Under the Commonwealth Procurement Rules, a tender process is only required for procurement of services over \$80,000. The cost for CRS Australia to conduct the sessions was \$49,348.20 (GST inc).

(f) In July and August 2013, the Department facilitated a series of consultation sessions about the future of wage setting in supported employment with key stakeholders, including disability representatives and advocates.

Consultations with representatives of ADEs and stakeholder organisations were held in Sydney, Hobart, Melbourne, Adelaide, Perth and Brisbane. Participants who attended from other areas were reimbursed.

Sixty representatives from stakeholder organisations, including peak bodies, disability advocates and a union, attended the consultations. Peak disability bodies included National Disability Services, National Council on Intellectual Disability, Australian Federation of Disability Organisations, Down Syndrome Australia, the Disability Advocacy Network of Australia, Cerebral Palsy League, and Jobs Australia.

(g) In July and August 2013, the Department ran a series of consultation sessions across the country about the future of wage setting in supported employment. CRS Australia was contracted by the Department to conduct the sessions with supported employees with disability and their parents and carers.

Consultations were held at nine ADEs in both urban and regional locations. Three hundred and seventeen people attended the 59 sessions that were held for supported employees and their parents and carers. One hundred and twenty five participants in the consultations also provided feedback in writing.

The Department provided a discussion paper on future supported employment wage setting in Easy English titled *Future Wage Setting Arrangements: A Discussion Guide* which detailed a number of options for wage setting.

Since the consultation sessions, the Department has written to supported employees in Easy English three times to provide updates on the BSWAT situation.

(h) The Department of Social Services is working with key government agencies on the development of a new wage assessment process. More information will be provided in coming months.

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(i) The Department of Social Services is working across agencies on the development of a new wage assessment process. More information will be provided in coming months.