

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2013-14 Budget Estimates Hearings

Outcome Number: 5

Question No: 274

Topic: BSWAT

Hansard Page: Written

Senator Boyce asked:

What has been the response of your Department to the decision by the High Court in the *Nolin v Commonwealth* case that upheld a Federal Court finding that the Business Services Wage Assessment Tool (BSWAT) had discriminated against two employees with an intellectual disability? A FaHCSIA spokesperson responded to the High Court ruling by saying and I quote: "The Business Services Wage Assessment Tool has been independently assessed as an appropriate and accurate way of measuring the competency and productivity of employees with disability". Do you still argue that the BSWAT is an appropriate and accurate form of measurement?

Answer:

The Business Services Wage Assessment Tool (BSWAT) was widely implemented in 2004 and has had bipartisan support by successive Governments since that time.

The Government accepts the court's findings in relation to Mr Nojin and Prior. The decision of the court raises a number of complex issues and it will take time to resolve these.

FaHCSIA has established a dedicated response team to work through these issues to develop a strategy that will address the concerns of the court and ensure that supported employees continue to receive the help and support they need to remain in employment. Stakeholder consultations about wage setting will be held across the country in July and August.