

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

**Outcome Number:** 11

**Question No:** 683

**Topic:** Business Services Wage Assessment Tool (BSWAT)

**Hansard Page:** Written

**Senator Siewert** asked:

In terms of the legal actions that have and are taking place on this issue – the High Court case, the exemption application to AHRC, the Maurice Blackburn representative case against the Commonwealth for compensation:

- (a) What costs has the Commonwealth incurred through each of these legal actions?
- (b) How much does the Department expect to expend in the actions currently underway (the exemption application and the representative action)?
- (c) How much financial support in legal costs has been given to National Disability Services (NDS) or individual ADEs in these legal actions?
- (d) How much financial support has been given to supported employees in ADEs?

**Answer:**

(a) The Department incurred \$9,001.63 in legal costs in relation to the Australia Human Rights Commission (AHRC) exemption application.

The Department has incurred \$27,662.02 in legal costs in relation to the representative proceeding (Tyson Duval-Comrie v the Commonwealth) presently underway in the Federal Court of Australia.

The Department incurred no legal costs in relation the application for special leave to the High Court of Australia in the matter of the Commonwealth v Nojin and Prior.

In relation to the representative proceedings, as litigation managers, the Department of Finance is the department best positioned to answer this question on behalf of the Commonwealth.

(b) The Department's expected expenditure in relation to the AHRC application for exemption is nil. The Department is presently awaiting the AHRC decision on the application.

The Department's expected expenditure in relation to the representative proceeding is nil.

In relation to the representative proceedings, as litigation managers, the Department of Finance is the department best positioned to answer this question on behalf of the Commonwealth.

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(c) The Australian Government has not provided any financial support to National Disability Services in relation to these legal actions.

A one-off payment of \$15,000 was made to all ADEs in mid-2013. Of this, \$10,000 was to assist ADEs to access industrial relations advice and \$5,000 was to assist in aligning organisational policies and procedures with the disability standards to be introduced in early 2014.

(d) No direct financial support has been provided. However a range of other supports have been provided.

The Department is actively working to ensure supported employees and other stakeholders are fully informed about developments concerning the BSWAT.

- Three plain English letters have been sent to all supported employees. Further letters will be sent with updates when required.
- Consultations were held with stakeholders in July and August of 2013. Approximately 315 supported employees attended the sessions.
- An information line has been established for people with disability, their parents and carers, who may have questions about the BSWAT.
- The Department has developed dedicated webpages giving general information about the BSWAT.
- Stakeholders also have the opportunity to contact the Department through the dedicated BSWAT mailbox.
- Two easy English booklets have been prepared for supported employees: one about the DDA exemption application and a second one providing information on the payment scheme.