

## A Joint Statement to Senators From National Peak Disability and Advocacy Organisations



### **Vote NO to reject the Business Services Wage Assessment Tool (BSWAT) Payment Scheme Bill 2014.**

The Federal and High Courts of Australia have determined that BSWAT discriminates against people with intellectual disability. Thousands of people with intellectual disability who work in Australian Disability Enterprises (ADEs) have been paid less than they would have earned if their wages had been determined using a fair assessment tool.



The Payment Scheme outlined in the Bill:

- does not accept liability for discrimination or lost wages;
- offers a payment instead of compensation;
- releases the Commonwealth and ADEs from past and future liability;
- provides for the appointment of substitute decision makers, nominees, without adequate safeguards; and,
- is based on a false assertion that the Payment Scheme will protect the jobs of workers with intellectual disability.



The Joint Parliamentary Committee on Human Rights said ***the scheme does not contain the requisite elements of an effective remedy to the unlawful discrimination found to have taken place.***



If the Bill is passed:

People with intellectual disability will have to decide whether to accept a payment or support a class action for compensation. The Commonwealth will likely enjoy significantly reduced liability for compensation claims related to BSWAT.



**DANA**  
Disability Advocacy  
Network Australia

If the Bill is NOT passed:

People with intellectual disability will be part of a representative action against the Commonwealth for compensation for discrimination and lost wages. ADEs are not a target of this action and do not need to be protected from liability to safeguard jobs.

Regardless of this Bill, people with intellectual disability will retain their jobs and will continue to experience the same discrimination and lost wages until use of BSWAT is abolished.

The Commonwealth should:

- admit liability for discrimination and lost wages caused by BSWAT;
- negotiate a compensation settlement for workers with intellectual disability who experienced discrimination and lost wages as a result of BSWAT;
- commit to abolishing BSWAT and transition to the Supported Wages System (SWS); and,
- consult with people with disability and their representative organisations on the best way to proceed with this transition.

This Bill will not provide a remedy for the discrimination experienced by workers with intellectual disability whose wages were assessed using the BSWAT. We strongly encourage you to **VOTE AGAINST THE BILL.**

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**NEDA**



## New South Wales

Action For People With Disability

Advocacy support for people with disability



Deafblind Association NSW



Multicultural Disability Advocacy Association of NSW



Disability Information Advocacy Service Inc.



Intellectual Disability Rights Service



NSW Council for Intellectual Disability



Side by Side Advocacy



Self Advocacy Sydney



Ability Incorporated



**Disability Advocacy Network**



**Brain Injury Association of NSW Inc**



**Victoria**

**Disability Discrimination Legal Service (Vic)**



**Grampians Advocacy**



**Villamanta Disability Rights Legal Service**



**AMIDA**



**Disability Advocacy Victoria**



**Melbourne East Disability Advocacy**



**Women With Disabilities Victoria**



**Star Victoria**



**Communication Rights Australia**



**Southwest Advocacy Association Inc.**



**Queensland**

**Queensland Advocacy Incorporated**



**Queensland Association of Independent Legal Services Inc**



**Gold Coast Disability Advocacy**



**Queensland Aged & Disability Advocacy Inc.**



**Rights in Action Inc**



**South Australia**

**Disability Rights Advocacy Service**



**Julia Farr Association Purple Orange**



**Western Australia**

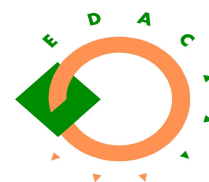
**Advocacy South West**



**Uniting Care West**



**Ethnic Disability Advocacy Centre**



**People with Disabilities Western Australia**



## Tasmania

**Speak Out Tasmania**



**Advocacy Tasmania**



## ACT

**Advocacy for Inclusion**



**ADACAS Advocacy**



**People With Disabilities ACT**



**Women With Disabilities ACT**



**Imagine More**

