

JOINT MEDIA RELEASE

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National Peak Disability and Advocacy Organisations applaud Senate Vote to Block BSWAT Payment Scheme Bill 2014



National Peak Disability Consumer and Advocacy Organisations applaud the Senate vote to block the passing of the Business Services Wage Assessment Tool (BSWAT) Payment Scheme Bill 2014.

In blocking the Bill, the Senate has shown support for the human rights of people with disability to seek fair and full compensation for lost wages through the Federal Court.



We honour the courage of Michael Nojin, Gordon Prior, Tyson Duval-Comrie, with the support of their families, to stand up for their right as people with disability for just and equitable conditions of work.

Paul Cain of Inclusion Australia said “The Federal and High Courts of Australia determined that BSWAT discriminates against people with intellectual disability in the assessment of award wages”.



“Thousands of people with disability who work in Australian Disability Enterprises have been paid, and continue to be paid, wages less than they would be entitled to if they were paid under a fair and equitable award wage assessment system” said Samantha French of People with Disability Australia.

Kairsty Wilson of AED Legal Centre said “Rejection of the BSWAT Bill means that people with disability will maintain their right to legal redress for discrimination in employment and will have their full entitlement to back pay determined by the independence of the Federal Court”.

We are thankful for the political and moral leadership of the Hon. Jenny Macklin MP of the ALP; Senator Rachel Siewert and Adam Bandt MP of The Australian Greens, and Independent Senators Jacqui Lambie, Nick Xenophon, and John Madigan, as well as their advisors and staff who all saw the injustice and steadfastly voted against the Bill.

We acknowledge the work of the Joint Parliamentary Committee on Human Rights chaired by Senator Dean Smith, which found that the BSWAT Payment Scheme Bill was not a just remedy for the discrimination ruled by the courts.

The National Peak Disability Consumer and Advocacy Sector calls on the Commonwealth to:

- With all deliberate speed, negotiate a fair compensation settlement for workers with disability, who experienced discrimination and lost wages as a result of BSWAT, in response to the representative action in the Federal Court.



- Commit to abolishing BSWAT and transition to the Supported Wage System (SWS) for all employees with disability in ADEs to ensure fairness and equity in the determination of award wages; and,
- Consult with people with disability and their representative organisations on the best way to proceed with this transition and a full and fair settlement.

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