



Australian
Human Rights
Commission

4 September 2015

Mr Warren Pearson
Branch Manager,
BSWAT Employment Response Team
by email: warren.pearson@dss.gov.au

Dear Mr Pearson,

Temporary exemption – Business Services Wage Assessment Tool

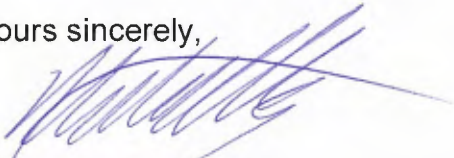
I refer to the application for temporary exemption under section 55 of the *Disability Discrimination Act 1992* (DDA) lodged with the Commission on 22 April 2015 (Interim Application). I also refer to the recent decision of the Administrative Appeals Tribunal in *People with Disability Australia v Australian Human Rights Commission and Others* [2015] AATA 548.

Given the history of this matter the Commission seeks additional information regarding the Interim Application. I would be obliged if you would:

1. Advise if the exemption is sought on behalf of the Commonwealth or just the Department of Social Services.
2. Confirm the Secretary is authorised to make the application on behalf of ADEs that are still using the BSWAT and are not members of the NDS.
3. Advise the current reasons why the exemption is sought.
4. Provide detailed submissions as to why the Interim Application should be granted given it will apply retrospectively. And in particular why an exemption in such circumstances is:
 - a. necessary, and
 - b. reasonable

The Commission looks forward to receiving this information by 21 September 2015.

Yours sincerely,



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Legal

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