



Australian
Human Rights
Commission

1 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). I also refer to the recent proceedings in the Administrative Appeals Tribunal in relation to the exemption granted on 30 April 2015, *People with Disability Australia v Australian Human Rights Commission and Others 2015/2158*. The Commission seeks further information regarding the 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. Provide details of the current status of, that portion of \$173 million funding package available for ADEs, to assist them with the additional wage costs associated with the suspension of BSWAT, including but not limited to:
 - a. how much is available for that purpose, and
 - b. how much of has been dispersed for that purpose.

The Commission looks forward to receiving this information as soon as possible in order to enable it to make its decision as quickly as possible.

Yours sincerely,

Michelle Lindley
Deputy Director
Legal

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