



Australian Government
Department of Social Services

Ms Michelle Lindley
Deputy Director
Legal
Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

Dear Ms Lindley

Thank you for your letter to Mr Finn Pratt AO PSM, Secretary of the Department of Social Services, on 17 December 2015, regarding the interim application for temporary exemption under section 55 of the *Disability Discrimination Act 1992* for the use of the Business Services Wages Assessment Tool (BSWAT). Mr Pratt has asked me to reply on his behalf.

I understand you are seeking evidence that the Commonwealth Government (the Commonwealth) had authority to seek an exemption on behalf of Australian Disability Enterprises (ADEs). As you know, the Commonwealth applied for a three-year exemption in September 2013 and requested ADEs join the application.

The Commonwealth again applied for two exemptions in April 2015 and subsequently informed National Disability Services (NDS) and ADEs that it had made the applications. These applications sought to extend the exemption in place between 28 April 2014 and 28 April 2015. The Commonwealth also believed at the time it made the 2015 applications, that the previous requests to join from ADEs in 2013 still applied as those applications were for three years.

The Commonwealth has not received any advice from ADEs that they do not wish to support the application.

We look forward to receiving the outcome of the interim exemption application.

Kind regards

A handwritten signature in black ink, appearing to read 'James Christian', with a stylized flourish extending to the right.

James Christian PSM
Group Manager
Disability, Employment and Carers Group
Department of Social Services

11 January 2016