



Australian Government
Department of Social Services

Finn Pratt PSM
Secretary

The Hon Susan Ryan AO
Age and Disability Discrimination Commissioner
Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

Dear Ms Ryan

Susan

Please find attached an application for a temporary s55 administrative exemption under the *Disability Discrimination Act (1992)* (Cth).

As you are aware, on 29 April 2014, the Australian Human Rights Commission granted to the Commonwealth and all Australian Disability Enterprises (ADEs) using or proposing to use the Business Services Wage Assessment Tool, an exemption for 12 months from the operation of sections 15, 24 and 29 of the Disability Discrimination Act.

The Department of Social Services is committed to ADEs moving from wages assessed using the Business Services Wage Assessment Tool (BSWAT) to the Supported Wage System (SWS), or an alternative tool approved by the Fair Work Commission (FWC), as quickly as possible.

As was noted in the Department's quarterly report for the period 1 November 2014 to 31 January 2015, significant progress has been made to date, although not all employees have made the transition within the 12-month period. As noted in the report, some ADEs have advised the Department it is unlikely that some of their employees will be transitioned to another wage assessment tool before the expiry of the AHRC exemption on 29 April 2015.

The Fair Work Commission is leading the development of a new productivity-based wage assessment tool and the Department is actively participating in this work. A tool design is currently being trialed and the next conciliation conference scheduled for 27 April 2015 will consider the results of the trial.

To ensure the transition is able to continue in an orderly manner, and to provide reassurance to people with disability working in ADEs, and their families and carers, I wish to seek a further exemption on behalf of my Department.

Should you or your officers require further information in relation to this matter, please contact Mr Warren Pearson, Branch Manager, BSWAT Employment Response Team on 02 6146 5720, or by email: warren.pearson@dss.gov.au.

Once again, I thank you for your attention to this matter.

Yours sincerely



Finn Pratt

21 April 2015