



**Australian
Human Rights
Commission**

Our Ref: 2013/354

13 December 2013

Ms Laura Angus
Branch Manager
BSWAT Employment Response Team
Department of Social Services
PO Box 7576
Canberra Business Centre ACT 2610

By email: Laura.ANGUS@dss.gov.au

Dear Ms Angus,

Application for temporary exemption under s 55 of the DDA

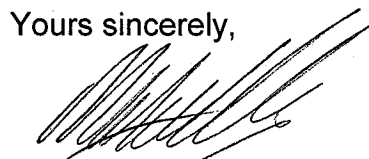
I refer to the application from your department in relation to the Business Services Wage Assessment Tool (BSWAT). Upon consideration of the application and the submissions received by the Commission, it is apparent that further information is needed before a decision can be made. To that end, it would be appreciated if you would, by 31 January 2014, provide a response to the following questions and requests for information:

1. What are the arguments for and against the use of the Supported Wage System (SWS) as an alternative to the BSWAT?
2. What steps/processes would need to be undertaken to implement the SWS immediately?
3. How long would these steps/process take?
4. What are the arguments for and against using only the productivity part of the BSWAT?
5. What steps/processes would need to be undertaken to use only the productivity part immediately?
6. How long would these steps/process take?
7. What tools are currently used to assess the 50% of employees of ADEs that are not assessed by BSWAT?
8. What are the arguments for and against the use of these other tools in place of the BSWAT?
9. What evidence or analysis is available, or has been done, to support the submission that ADEs would close as a result of the increased wages?

10. What consideration has been given to providing additional support to ADEs to assist them manage the additional costs resulting from increased wages?
11. Please provide full details of the 'steps to move towards a new wage setting approach' identified on page 4 of the exemption application, including proposed dates and timeframes?
12. What steps have already been taken and what were the outcomes of those steps?
13. If the exemption were granted, what steps would be taken to ameliorate the discriminatory effects on employees?
14. Please provide any comments in response to the submissions referring to the concluding observations of the CRPD Committee relating to the BSWAT on the initial report of Australia, adopted at its tenth session (2-13 September 2013).
15. Please provide submissions as to the reasonableness of the exemption, given the discrimination that will occur if the use of the BSWAT is continued.
16. Please provide any additional submissions, responding to the submissions provided to the Commission, or that you feel appropriate.

You will see this letter has been copied to a number of organisations who will also be asked to provide further submissions or information in relation to the above questions. Please also be advised that this letter and any responses will be published on the Commission website.

Yours sincerely,



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Cc

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