



Our Ref: Gov 110148  
Enquiries: Jeff Rosales

**CONFIDENTIAL**

Australian Human Rights Commission  
Attention: Ms Pam Foo, Legal Section  
GPO Box 5218  
SYDNEY NSW 2001

Dear Ms Foo,

***Exemption Application by Carnival Australia***

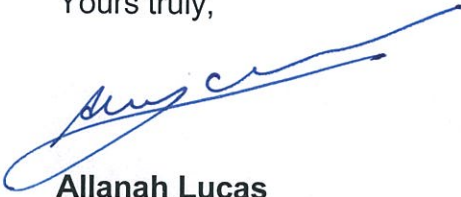
Thank you for your correspondence dated 28<sup>th</sup> June 2013, when you brought to my attention the above exemption application before the Australian Human Rights Commission ("AHURC").

I have considered the Applicant's reasons for seeking an extension of the exemption that expired on 22<sup>nd</sup> June 2013, I wish to make the following comments:

1. If AHURC grants the requested exemption application, I would still be statutorily bound to investigate any complaint in Western Australia alleging that the Applicant has breached any of the relevant age discrimination provisions in the ***Equal Opportunity Act 1984 (WA)***, as amended ("the EO Act").
2. The Applicant may wish to refer to the defence available under section 66ZM in the EO Act. It would be up to the Applicant to ensure that it meets the elements in that exception, and raise it with the Commission if there was a complaint alleging age discrimination in this jurisdiction.
3. I would also consider the fact that AHURC has granted an extension to the extinguished exemption if that was the case.
4. If the exception under section 66ZM in the EO Act did not apply to the Applicant's circumstances, then the Applicant should consider making an exemption application under the EO Act through the State Administrative Tribunal in WA.

Other than the above comments, the Commission does not wish to participate in this exemption application.

Yours truly,



**Allanah Lucas**  
**A/Commissioner for Equal Opportunity**

9 = JUL 2013

Application by Carnival Australia

The Commission was first alerted to this issue on 29 June 2012, when you brought to my attention the fact that you had applied for an exemption from the Equal Opportunity Act 2010.