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**Subject:** Exemption provisions in award-based transitional instruments [SEC=OFFICIAL]

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Dear Justice Ross,

In the conference on 4 February 2021 on award flexibility in the hospitality sector (AM2020/103), you asked the Attorney-General's Department to research:

- the arbitral history of exemption rates and where they have been considered in other decisions
- which awards they operate in presently and
- what exemption rates looked like and what did they cover prior to a modernisation.

The attached documents summarise the arbitral history of exemption provisions and exemption provisions in award-based transitional instruments. The department has not replicated information contained in the Fair Work Commission – Exemption rates (background document) of 10 December 2020, which identifies 6 modern awards that contain exemption rates clauses and provides copies of the relevant provisions.

We will also respond to you separately on several additional data requests that were requested through the hearing.

Yours sincerely

Alison

*First Assistant Secretary*

*Employment Conditions Division*

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