



Form 20 – Affidavit



Industrial Relations Act 2016, s 989
Industrial Relations (Tribunals) Rules 2011, r 52, r 53, r 55

Information

- This form is to be used to prepare an Affidavit.
- Please read this form carefully and complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the non-acceptance of your form.
- Documents which are longer than 30 pages in length must be provided to the Industrial Registry in hard copy before it will be accepted for filing.
- For further information please refer to the website www.qirc.qld.gov.au or contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au.

Instructions

- Affidavits must comply with the formal requirements for documents in accordance with rules 50 to 57 of the *Industrial Relations (Tribunals) Rules 2011*.
- The affidavit must set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- This affidavit must be sworn or affirmed before a person authorised by law to witness the swearing of affidavits (e.g. Justice of the Peace, Commissioner for Declarations, Lawyer).
- Each page must be signed by the deponent (person making the affidavit) and the witness (person taking the affidavit).
- **Attach extra page(s) if you need more space, ensuring that Part 5 containing the signature is always on the last page of the form and that each additional page is signed at the bottom of the page by the deponent and witness.**
- Any handwritten alteration to the affidavit must be initialled by the deponent and witness.
- If this affidavit contains exhibits (document mentioned in the affidavit and used with the affidavit) you will need to complete a **Form 21 - Certificate of Exhibit to Affidavit** for each exhibit (which is also to be signed and witnessed).
- If the affidavit is sworn by a person incapable of reading the affidavit or physically incapable of signing it, the witness must complete the Certificate at Part 6.
- If required by the Court, Commission or Registrar, the deponent must appear to give evidence or for cross-examination.
- The Court, Commission or Registrar may remove or strike out any material contained within the affidavit deemed to be a scandalous or oppressive matter.

Signed:

[Redacted signature box]
[Signature of the deponent/substitute signatory]

Taken by:

[Redacted signature box]

Justice of the Peace/Commissioner for Declarations/Lawyer

1. Matter details

Applicant:	ARC Disability Ltd
v	
Respondent:	

If there are more than two parties to the application, please complete a **Form 1 – Parties list** and file with this form.

This affidavit is filed for the:	<input checked="" type="checkbox"/> Applicant/Appellant	<input type="checkbox"/> Respondent (or as the case may be)
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2. Contact details of party filing this affidavit

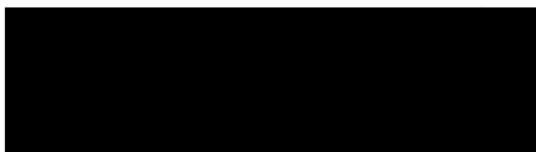
Title [please select]:	<input checked="" type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Mx	<input type="checkbox"/> Other: _____
Name of Party:	ARC Disability Ltd					
Name of contact person: [if party is an organisation]	Benjamin Keast, CEO					
Postal/Service address:	92 Little Street					
	Suburb/Town Manunda				Postcode 4870	
Phone number:	04 4046 3600		Mobile number:			
Email address:	benjamin.keast@arcinc.org.au					

3. Deponent's details (person making the affidavit)

Title [please select]:	<input checked="" type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Mx	<input type="checkbox"/> Other: _____
Deponent's Name:	Benjamin Keast					
Postal/Service address*:	92 Little Street					
	Suburb/Town Manunda				Postcode 4870	

* The deponent does not have to give a residential address if they are concerned about their safety. They may give another address at which they are satisfied they will receive documents e.g. a business address.

Signed:


[Signature of the deponent/substitute signatory]

Taken by:


[Signature of witness]

Justice of the Peace/Commissioner for Declarations/Lawyer

4. Evidence

Attach extra pages if you need more space ensuring that Part 5 containing the signature is always on the last page of the form and that each additional page is signed at the bottom of the page by the deponent and witness.

Affidavit

I, Benjamin Keast, of 92 Little Street, Manunda QLD 4870
[insert full name of deponent] [insert residential or business address of deponent*]

state on oath:

OR

do solemnly and sincerely affirm and declare, that:

Insert matters to be sworn or affirmed in numbered paragraphs.

1. I am the Chief Executive Officer of ARC Disability (ARC) a registered disability services provider operating in Cairns, Far North Queensland. I am authorised to make this affidavit on behalf of the organisation.
2. The organisation was previously structured as an incorporated association known as "ARC Disability Services Inc", and on 9 September 2025 transitioned to a Company Limited by Guarantee, known as "ARC Disability Ltd". Any references made in this Affidavit and Application to ARC Disability Services Inc, ARC Disability Services and/or ARC Disability is a reference to ARC Disability Ltd.
3. I make this affidavit in support of the organisation's Form 83 application seeking an exemption under the Anti-Discrimination Act 1991 (Qld) to permit the identified recruitment of a Lived Experience Practice Manager.
4. The purpose of the exemption is to allow the organisation to lawfully advertise, select and appoint a person who has lived experience of disability as an inherent requirement of the role.
5. The Lived Experience Practice Manager role has been established to strengthen our organisation's human rights framework, service delivery quality, participant feedback processes, safeguarding systems, and disability-informed practice leadership.
6. The role requires the person to draw upon their personal lived experience to:
 - provide practical insight into the impact of policies, service delivery, and staff actions
 - guide participant-centred approaches
 - enhance human rights-aligned service design
 - identify barriers and risks specific to people with disability
 - lead continuous improvement activities
 - support complaint resolution processes
 - engage meaningfully with participants, families, carers and advocates.
7. These functions cannot be performed adequately or authentically without the applicant having lived experience of disability. This is a necessary and reasonable measure to support quality, safety and compliance requirements for disability service provision.
8. The role aligns with
 - the Human Rights Act 2019 (Qld)
 - NDIS Quality and Safeguards Commission expectations
 - participant safeguarding standards
 - industry models of co-design and lived-experience leadership.

Signature

[Signature of the deponent/substitute signatory]

Taken by:

[Signature of witness]

Justice of the Peace/Commissioner for Declarations/Lawyer

5. Signature

The contents of this affidavit are true and correct. Where the contents of this affidavit are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and the grounds for the belief and, if contained in a document, I have attached that document to this affidavit.

I understand that it is a criminal offence to provide a false matter in an affidavit, for example, the offence of perjury under section 123 of the Criminal Code.

I state that: [Deponent to complete – *only tick if applicable* – leave blank if not applicable]:

- This affidavit was made in the form of an electronic document
- I electronically signed this affidavit
- This affidavit was made, signed and witnessed under Part 6A (Audio visual link) of the *Oaths Act 1867*.

SWORN/AFFIRMED BY:

Signature of person making the affidavit	
Full name of deponent:	Benjamin Keast
Signature of deponent:	
Sworn/Affirmed at [place]:	Cairns
Date:	3.02.26

Alternative signature panel if substitute signatory signs	
Complete this section <u>only</u> if the affidavit was signed by a substitute signatory (a person directed to sign the affidavit on behalf of the deponent) <i>Signed for and at the direction of the deponent by:</i>	
Full name of substitute signatory:	
Signature of substitute signatory:	
Sworn/Affirmed at [place]:	
Date:	

BEFORE ME:

Witness details	
Full name of witness:	John Hayward
Signature and type of witness:	 <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Commissioner for Declarations <input checked="" type="checkbox"/> Lawyer
Date:	3.02.26
Insert name of law practice/place of employment:	WGC Lawyers, 123 Sheridan St, Cairns QLD 4870

6. Certificate (pursuant to rule 55 of the *Industrial Relations (Tribunals) Rules 2011*):

WITNESS to complete [only tick if applicable]

If deponent is incapable of reading or physically signing the affidavit

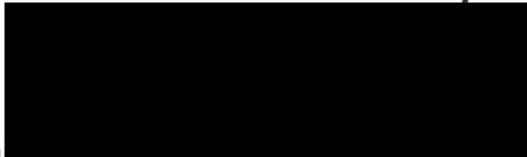
- I certify that this affidavit was read in the presence of the deponent who seemed to understand it, and signified that they made the affidavit.
- I certify that this affidavit was read in the presence of the deponent who seemed to understand it, and signified that they made the affidavit, but was physically incapable of signing it.
- A substitute signatory signed for and at the direction of the deponent.

7. For Special Witnesses (see s 12 of the *Oaths Act 1867*)

SPECIAL WITNESS to complete [only tick if applicable]

For special witnesses only:

- I am a special witness under the *Oaths Act 1867* (see s 12 of the *Oaths Act 1867*).
- This affidavit was made in the form of an electronic document.
- I electronically signed this affidavit.
- This affidavit was made, signed and witnessed under Part 6A (Audio visual link) of the *Oaths Act 1867* - I understand the requirements for witnessing a document by audio visual link and have complied with those requirements.

Signed: 
[Signature of the deponent/substitute signatory]

Taken by: 
[Signature of witness]
Justice of the Peace/Commissioner for Declarations/Lawyer



Form 21 – Certificate of Exhibit to Affidavit



Industrial Relations Act 2016, s 989
Industrial Relations (Tribunals) Rules 2011, r 53

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Matter details

Applicant:	ARC Disability Ltd
	v
Respondent:	

Exhibit details

Name of document:	Employer Statement
Marked:	A
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast		
Signature of deponent/ substitute signatory:			
Full name of witness:	John Hayward		
Signature and type of witness:			
	<input type="checkbox"/> Justice of the Peace	<input checked="" type="checkbox"/> Commissioner for Declarations	<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns		
Date:	3. 02. 26		

Employer statement

ARC Disability Services Inc. (ARC) is a community-based, not-for-profit disability service provider with nearly 50 years of experience supporting people with disability, their families and support networks in Cairn, Far North Queensland. Established in 1976, ARC has grown to be the largest independent local National Disability Insurance Scheme (NDIS) service provider in Cairns, supporting children, young people and adults with a disability and is committed to providing safe, high-quality, human-rights-based supports.

ARC is registered with the NDIS Quality and Safeguards Commission with approved registration covering core and capacity-building supports, including Development-Life Skills, Plan Management, Support Coordination and Supported Independent Living. ARC's registration is maintained through regular independent audits and maintains rigorous governance, safety, and compliance systems that ensure compliance with the NDIS Practice Standards, Code of Conduct, incident management, complaints systems, workforce screening and continuous quality improvement.

Our vision is that people with disability are empowered to reach their full potential, dreams and aspirations, and to live fulfilling lives of their choosing as valued members of the community. ARC's mission focuses on collaboration with participants, their support networks and broader community partners to facilitate opportunities that promote active participation, choice and control.

To strengthen our commitment to human-rights-based service delivery, quality and organisational culture, ARC seeks an exemption under the *Anti-Discrimination Act 1991 (Qld)* to recruit for a Lived Experience Practice Manager. The requirement that the role be filled by a person with lived experience of disability is not without purpose; rather, it is an essential and inherent requirement necessary to fulfil the purpose of the position and to support ARC's strategic intent to place participant voice at the centre of governance and practice.

The Lived Experience Practice Manager will lead strategic initiatives to embed human rights principles across service delivery, enhance quality and safety indicators, guide complaints and feedback mechanisms, and strengthen stakeholder engagement with participants, families, staff and community partners and oversee sector engagement. They will also play a critical role in enhancing disability-focused risk management frameworks, ensuring that risk assessment and mitigation reflect real-world understanding of barriers, discrimination and accessibility challenges that participants may experience.

The inclusion of lived experience at a leadership level reflects ARC's values of empowerment, respect, diversity and collaboration and is consistent with the organisation's ongoing strategic focus on innovation, influence and improvement. The exemption will enable ARC to attract a candidate whose lived experience is fundamental to meaningful, rights-based oversight, authentic participant engagement, and the development of systems that genuinely reflect the needs and aspirations of people with disability.



Form 21 – Certificate of Exhibit to Affidavit

seal

Industrial Relations Act 2016, s 989
Industrial Relations (Tribunals) Rules 2011, r 53

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Matter details

Applicant:	ARC Disability Ltd
v	
Respondent:	

Exhibit details

Name of document:	Grounds for Application
Marked:	B
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast	
Signature of deponent/ substitute signatory:		
Full name of witness:	John Hayward	
Signature and type of witness:		
	<input type="checkbox"/> Justice of the Peace	<input type="checkbox"/> Commissioner for Declarations <input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns	
Date:	3.02.26	

'B'

2. GROUNDS OF APPLICATION

1. ARC seeks an exemption under the *Anti-Discrimination Act 1991 (Qld)* to recruit a Lived Experience Practice Manager as an identified position. The exemption is required because lived experience of disability is an inherent and genuine occupational requirement of the role and directly necessary for the effective performance of duties. Without an exemption, ARC cannot lawfully require applicants to be a person with disability.
2. The Lived Experience Practice Manager position will contribute directly to ARC's compliance with Queensland human rights legislation, NDIS Practice Standards, and obligations to ensure participant voice, choice and control are embedded in organisational and service delivery frameworks. Representation of lived experience is essential to understanding the practical, emotional, cultural and systemic factors that affect participants' daily lives and engagement with services.
3. The role is designed to enhance ARC's internal quality systems by strengthening service delivery indicators, developing best-practice frameworks and contributing to care-related and organisational risk management. These responsibilities require a depth of insight that can only be authentically informed through lived experience of disability, as it provides the unique perspective necessary to identify risks, barriers, inequities and systemic issues that a person without disability may not recognise or may interpret differently.
4. People with disability continue to experience higher levels of discrimination, reduced access to leadership positions, and limited representation in decision-making structures. Creating an identified role directly responds to this inequality and advances ARC's commitment to equitable participation, leadership inclusion and human-rights-centred governance.
5. The Lived Experience Practice Manager will oversee ARC's complaints management and participant feedback systems. These responsibilities require a high level of trust and credibility with participants. Many people with disability report increased comfort and safety when raising concerns with someone who shares lived experience and understands the emotional and practical implications of service failures, discrimination or restrictive practices.
6. The role's requirement for lived experience ensures that ARC's service improvements are grounded in authentic participant perspectives rather than theoretical understanding alone. Lived experience strengthens quality assurance processes by ensuring that systems are accessible, responsive, and aligned with the real needs and expectations of people with disability, particularly those with complex communication or support needs.
7. The position also has a strong stakeholder engagement component, including facilitating conversations with participants, families, advocates, community partners and peak bodies. Lived experience increases the capacity to anticipate barriers, adapt communication approaches, identify accessibility issues and develop culturally respectful and person-centred solutions.
8. The Lived Experience Practice Manager will play an essential role in shaping ARC's organisational culture by modelling inclusive leadership and demonstrating that people with disability are valued contributors to strategic decision-making. This representation supports high-level workforce development, training and supervision, ensuring staff practice is informed by real-world experience of disability, not solely policy interpretation.
9. In the absence of an exemption, ARC would not be able to require that the position be filled by a person with disability, significantly undermining its purpose. This would compromise ARC's capacity to embed lived experience within governance systems, reduce the integrity of participant-centred decision-making, and limit ARC's ability to comply with best-practice standards relating to safeguarding, rights, equity and inclusion.
10. Granting the exemption is consistent with the intent of the Act, which allows for identified positions when they fulfil a legitimate purpose connected to addressing disadvantage or ensuring authentic representation. This position will create meaningful pathways for people with disability to

participate in organisational leadership, influence decisions that affect their daily lives, and shape service systems that respond to real community needs.

11. The exemption will directly improve service outcomes, strengthen safeguarding mechanisms, and ensure that participant voice is meaningfully embedded across ARC's operations. It ensures that ARC can lawfully require the role to be filled by someone with lived experience of disability, which is essential to upholding ARC's human-rights-centred mission, quality standards and commitment to continuous improvement.
12. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (often called the *Disability Royal Commission*) was a major Australian public inquiry focused on improving safety, inclusion and rights for people with disability. The final report contains 222 recommendations to improve laws, policies, structures and practices, including recommendations to ensure that people with lived experience of disability are included in governance, policymaking and Leadership — reflecting the principle "*nothing about us without us*" as a best practice approach.



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seal

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Industrial Relations (Tribunals) Rules 2011, r 53

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Matter details

Applicant:	ARC Disability Ltd
v	
Respondent:	

Exhibit details

Name of document:	Position Description for the Lived Experience Practice Manager
Marked:	C
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast	
Signature of deponent/ substitute signatory:		
Full name of witness:	John Hayward	
Signature and type of witness:		
	<input type="checkbox"/> Justice of the Peace	<input type="checkbox"/> Commissioner for Declarations <input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns	
Date:	3.02.26	

056 – MANAGER – PRACTICE LEAD POSITION DESCRIPTION

'C'



POSITION TITLE:	MANAGER – PRACTICE LEAD		
POSITION NO.:	056	EFFECTIVE DATE:	15/01/2026
REPORTING TO:	Chief Executive Officer		
SERVICE DEPARTMENT:	Operations / Leadership		
REMUNERATION:	Level 6 – SCHADS Industry Award 2010 – Above Award Salaried		
SUMMARY:	This role is responsible for leading the development, implementation and oversight of rights-based, person-centred practice across ARC Disability Services. The Practice Lead provides expert guidance on service delivery standards, supports continuous quality improvement, strengthens participant voice and engagement, and ensures that supports are delivered safely, ethically and in alignment with legislative, regulatory and NDIS Practice Standards. The role leads accessibility assessments, sector and stakeholder engagement, and contributes to risk management, complaints resolution, and service delivery development to ensure the best outcomes for people with disability.		

EMPLOYMENT REQUIREMENTS

KEY SELECTION CRITERIA

- Strong understanding of the challenges, barriers, and opportunities faced by individuals with disabilities, including experience navigating the NDIS.
- Strong communication skills, with the ability to build respectful, collaborative relationships with participants, families, staff, advocates and community partners.
- Demonstrated ability to lead and support organisational and practice changes in response to evolving NDIS legislation, regulatory requirements, and sector developments.
- Strong commitment to advocacy and social justice for people with disabilities.
- Lived experience of disability, with the ability to draw on personal insight to inform practice leadership, participant engagement, accessibility, and rights-based service delivery.
- Demonstrated ability in analysing service delivery data, quality indicators, feedback trends and evaluation outcomes to inform decision-making, reporting, and continuous improvement recommendations
- Ability to identify, assess and respond to participant-related and organisational risks, including accessibility barriers, restrictive practices considerations, and systemic issues impacting safety, inclusion and service outcomes

MANDATORY

- Lived Experience (Disability)
- Working with Children Card (Positive Notice or Exemption) – A valid Queensland issue
- NDIS Worker Screening Clearance
- Right to Work within Australia – Australian or New Zealand citizenship or relevant working visa documentation
- Prepared to sign and abide by the Organisational Code of Conduct
- Commitment to the Vision and Values of ARC Disability Services Inc.
- Successful completion of the ARC Introduction program
- Adherence to our Infection Management and Vaccination Policy, and Drug and Alcohol Policy
- Qualification (Diploma or higher) or demonstrated commitment to ongoing professional development and/or relevant experience
- Demonstrated skills in the use of Microsoft office suite and other CRM software
- Demonstrated knowledge of the “internet of things” and multiple systems integration
- Demonstrated commitment to the principals of social justice and the inclusion of people with disabilities within the community.

POSITION DESCRIPTION	Document No.: HR01-FORM-06	Version No.: 1C
Release Date: 16 May 2024	<i>Uncontrolled if Printed</i>	Page 1 of 3

ARC Disability Services Inc. (ABN 59 187 522 904) | www.arcinc.org.au | T: (07) 4046 3600

056 – MANAGER – PRACTICE LEAD POSITION DESCRIPTION



DESIREABLE

- Experience in a role advising on disability-related issues, inclusion practices, or accessibility.
- Knowledge of relevant legislation, including the Human Right Act 2019, the Disability Discrimination Act (DDA) and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).
- 5 or more years in a management or leadership role
- The ability to lead effectively in an ever-changing sector
- The ability to recognise organisational opportunity and innovation
- The ability to work with colleagues to set clear specific challenging but achievable goals.
- The ability to create and maintain relationships and networks
- Fire Safety Advisor experience/qualifications
- First Aid Certificate (certified by an Australia Registered Training Organisation)
- Cardiopulmonary Resuscitation Certificate (certified by an Australia Registered Training Organisation)
- Queensland Drivers Licence
- Valid Car Registration
- Valid Comprehensive Car Insurance

GENERAL ATTRIBUTES

- Working knowledge of IT/Business infrastructure and MS Office
- Organisational and leadership abilities
- Aptitude in decision-making and problem-solving
- Demonstrated experience of ethical leadership.
- Outstanding verbal and written skills, and experience working with staff on all levels.
- Dealing with high level, urgent and confidential issues.
- Ability and willingness to operate at both the strategic and operational level when required.
- Commitment to actively work as part of a leadership team
- Demonstrated commitment to valuing cultural, racial and social diversity within the organisation
- Ability to work independently and use initiative
- Effective time management skills
- Demonstrated personal and professional integrity
- Understanding of workplace health and safety and ensure safe work practices
- Ensure all documentation is completed as required and in a manner which reflects the outcomes require
- Commitment to continuous learning and professional development
- Adhere to and provide input into internal policies and procedures to ensure that meet regulatory and compliance standards

JOB PROFILE

- Provide specialist guidance and advice to ensure lived experience of disability is embedded across service delivery and organisational decision-making.
- Lead the development and implementation of best-practice frameworks that strengthen quality, safety and participant-centred practice.
- Support risk identification and mitigation by applying real-world insight into barriers, discrimination and accessibility challenges.
- Contribute to organisational policies, procedures and continuous improvement processes.
- Design and deliver training, mentoring and capability-building activities to enhance staff knowledge and practice.
- Work collaboratively with participants, families, staff and external stakeholders to promote human rights and uphold NDIS Practice Standards.
- Act as a subject-matter expert on lived experience, providing practical advice, strategic input and service improvement recommendations.
- Advocate for accessibility, inclusion and equitable outcomes across all programs and initiatives.
- Collaborate with the Participant Voice Representative Group (PVRG) and assist to develop their capacity to advise the ARC Board on strategic matters.

POSITION DESCRIPTION	Document No.: HR01-FORM-06	Version No.: 1C
Release Date: 16 May 2024	Uncontrolled if Printed	Page 2 of 3

ARC Disability Services Inc. (ABN 59 187 522 904) | www.arcinc.org.au | T: (07) 4046 3600

056 – MANAGER – PRACTICE LEAD POSITION DESCRIPTION



- Lead the coordination and analysis of participant feedback to identify trends, risks, service gaps and opportunities for improvement.
- Manage participant complaints, ensuring all concerns are received, recorded, investigated and resolved in line with legislative, NDIS and organisational requirements.

NATURE OF DUTIES

- Reasonable adjustments will be provided to ensure accessibility and inclusion.
- Primarily office based, prolonged use of computers, phone and other office equipment
- Participation in meetings, workshops, training sessions, and stakeholder consultations, which will involve light mobility around the workplace, participants' homes and external sites in Cairns.

RISK ASSESSED ROLE

- *Key Personnel:* This role is defined as key personnel under a11A of the *National Disability Insurance Scheme Act 2013* and as such is considered a "Risk Assessed Role". As a Risk Assessed Role, any persons fulfilling this role must have a NDIS Worker Screening Clearance or an acceptable check under the transitional and special arrangements.
- As a Risk Assessed Role, any persons fulfilling this role must have an NDIS Worker Screening Clearance or an acceptable check under the transitional and special arrangements.

ACKNOWLEDGEMENT

- Duties and responsibilities for this position should not be considered definitive. Duties may be modified at the discretion of Management for short periods of time. Duties may be added, deleted or modified, in consultation with staff, as necessary. Position Descriptions and staff performance will be reviewed regularly.

SIGNED and ACCEPTED by the EMPLOYEE:

FULL NAME			
SIGNATURE		DATE	

SIGNED and VALIDATED by COMPANY REPRESENTATIVE:

FULL NAME		POSITION	
SIGNATURE		DATE	

POSITION DESCRIPTION	Document No.: HR01-FORM-06	Version No.: 1C
Release Date: 16 May 2024	<i>Uncontrolled if Printed</i>	Page 3 of 3

ARC Disability Services Inc. (ABN 59 187 522 904) | www.arcinc.org.au | T: (07) 4046 3600



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Matter details

Applicant:	ARC Disability Ltd
	v
Respondent:	

Exhibit details

Name of document:	ARC Structure
Marked:	D
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast	
Signature of deponent/ substitute signatory:		
Full name of witness:	John Hayward	
Signature and type of witness:		
	<input type="checkbox"/> Justice of the Peace	<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns	
Date:	3.02.26	

'D'

ARC Structure January 2026

BOARD	CEO
Fiduciary oversight Enterprise Risk Owner Financial Oversight CEO Management Strategic Ownership Organisational representation Opportunity identification Succession Planning	Strategic Oversight Risk Oversight/Enterprise risk management Organisation Lead Representative Opportunity development/growth/ adaption Sector Engagement Board/Governance Future Proofing/Succession Planning PCBU
COMPANY SECRETARY	DEPUTY CEO
Organisational Compliance Board Advice Constitutional adherence Communications Engagement EA Support	Organisational Representation Service Delivery Oversight Service Risk Oversight Service Development Co-Design of service growth and opportunity Day to Day Leadership of organisation Service Succession Planning
CHIEF FINANCE OFFICER	CHIEF HEALTH & QUALITY OFFICER
Budget preparation, management, Financial reporting, monthly, quarterly, annually Payroll ownership Asset oversight and management Financial analysis and projections Accounts Payable ownership Accounts Receivable ownership Organisational Financial Obligation ownership Financial Risk Management Ownership Area Succession Planning	Health Oversight & Risk Management Compliance Ownership Audit/Quality/Assurance -internal and external compliance audits Standards adherence and monitoring Quality and Safety Communications Complaints Officer/Oversight and Management Risk Management (Health & Quality) Management & Service Delivery Support Training Identification, development and delivery Area Succession Planning
CHIEF INNOVATION & STRATEGY OFFICER	LIVED EXPERIENCER PRACTICE MANAGER
Organisation Strategic Implementation Innovation ownership Business development Research sector updates and opportunities Development of business case Agitator Executive Development Organisational representation Risk Identification and Mitigation	Service Delivery Quality Indicators Human Rights Focused supports Complaints Management Feedback and Engagement of Stakeholders All abilities and sector engagement. Accessibility assessments Management & Service Delivery Support Risk Management (Participant)
OPERATIONS MANAGER	HUMAN RESOURCE MANAGER
Operational Health and Safety Compliance Organisation Operations ICT/Data Ownership Management & Service Delivery Support Risk Management (operational) Front of House Management Operational Project Management	Human Resource Ownership RTW/Rehab Ownership Industrial Relations Ownership Training and Development Oversight Management & Service Delivery Support Risk Management (HR) Employee Engagement

MANAGERS (Service Area Area)

Service Area Outputs
Service Area Compliance
Service Area Risk Management
Service Area Incident Management
Service Area Complaints Management
Service Area Coordination Support, supervision and development/coaching
Service Area Development
Service Area Representation
Service Area Budget review, reporting, considerations
Service Area Output, Comes
Service Area Reporting
Service Area Continuous Improvement
Escalation of issues, incidents, critical issues when outside of delegation

COORDINATORS

Inputs:

- Participant Data
- Participant and service risks
- Activity details and risk analysis
- Training requirements
- Matching information for supports
- Shift establishments/Cells
- Staff Matching Data
- Staff Supervision and Coaching

Outputs:

- Service notes are read
- Goals are updated and being supported to work towards
- Risks are monitored and proactively mitigated
- Incidents are actioned
- Check ins with Participants, Stakeholders and Staff

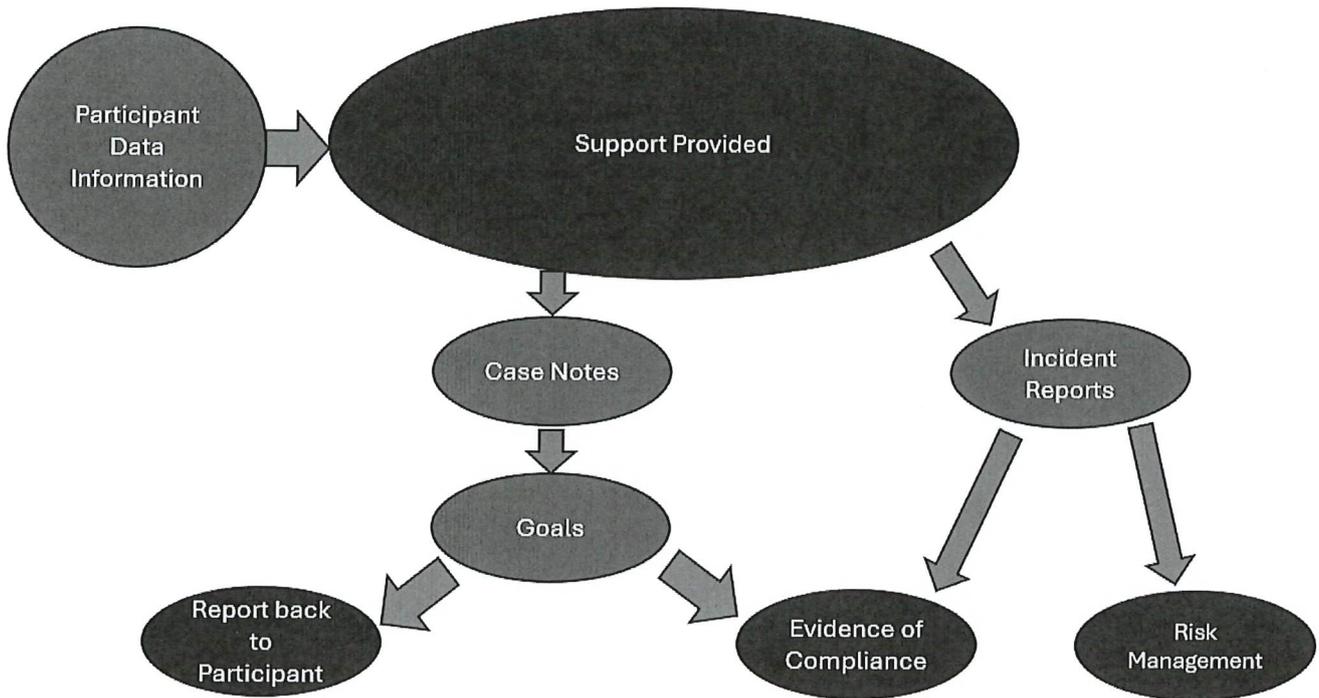
Data Inputs/Outputs

Participant (Input)		
Service Agreements Schedules/Quotes Personal Details Risk Assessments Bespoke care plan Emergency disaster planning Goals Choices and freedom of choice Consents Activity Plans		
Direct Delivery Info (output)	Organisational (Output)	Finance (Output)
Info on person Care plan Complex training Goals Individual considerations	Compliance Safety Duties Growth	Billing output Payroll output
Staff (Input)		
On-Boarding Documentation Payroll Information Probity Information Training, Development and Supervision HR/Support Performance Management Exit Information		
Participant (output)	Organisational (output)	Finance (output)
To know "Who" is providing support Matching of skills and training Quality supports	Compliance Safety Accreditation Data metrics Risk Management Employee Wellbeing	Payroll Super Tax Salary Sacrificing

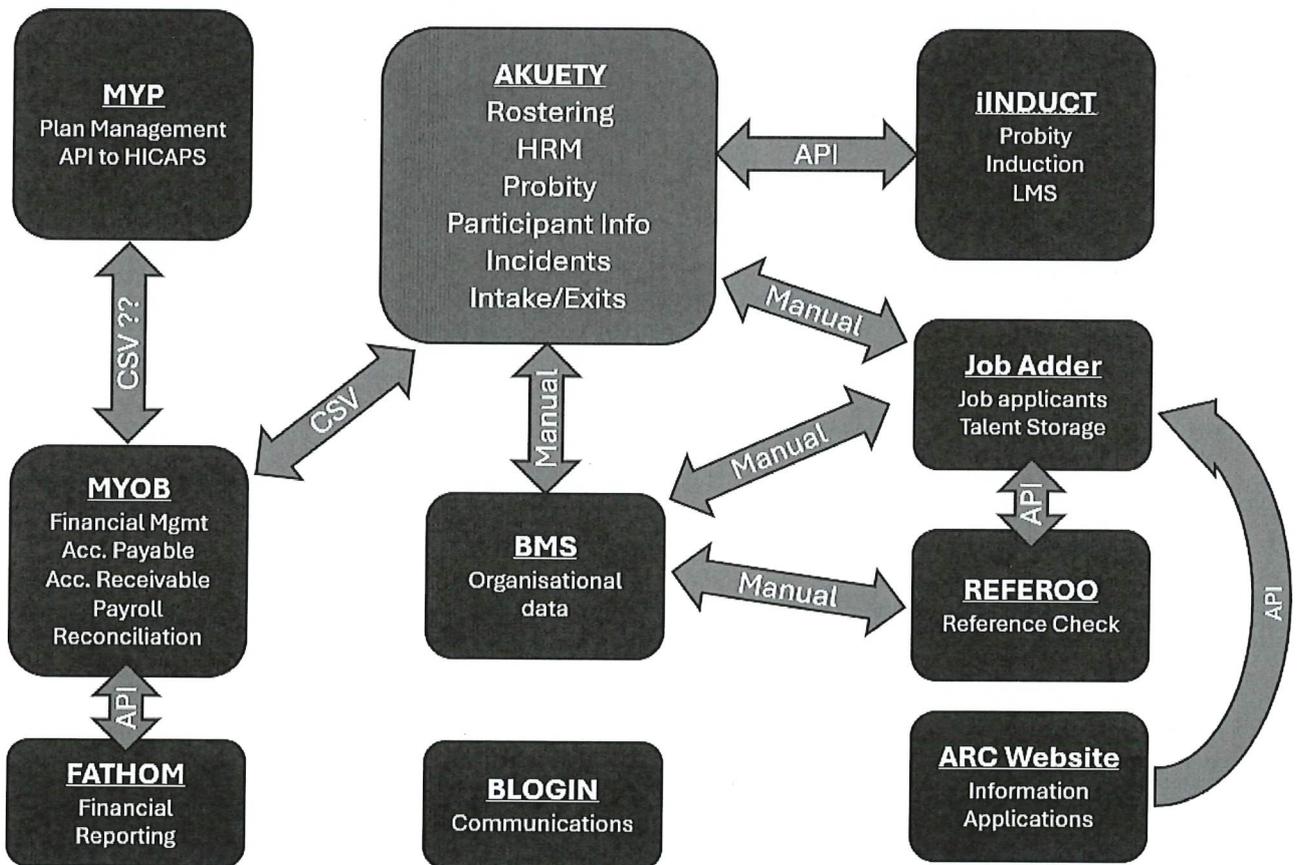
Online Presence:

- Mail Chimp – Newsletter
- Facebook – Social Media Engagement
- Instagram – Social Media Engagement
- YouTube - Social Media Engagement
- TikTok - Social Media Engagement
- LinkedIn – Professional Social Media Engagement
- ARCINC.ORG.AU – Online information and contact/information opportunities
- ARCINC Publishing – Service offering

Flow of Service Delivery Information



IT Map of ARC





Form 21 – Certificate of Exhibit to Affidavit

seal

Industrial Relations Act 2016, s 989
Industrial Relations (Tribunals) Rules 2011, r 53

Information

- This form is to be used when attaching exhibits to an affidavit. Exhibits are documents mentioned in the affidavit and used with the affidavit. Attach one Certificate per exhibit.
- Please read this form carefully and complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the non-acceptance of your form.
- For further information please refer to the website www.qirc.qld.gov.au or contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au.

Matter details

Applicant:	ARC Disability Ltd
	v
Respondent:	

Exhibit details

Name of document:	Sexual and Sex-based Harassment Policy and Procedure
Marked:	E
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast	
Signature of deponent/ substitute signatory:		
Full name of witness:	John Hayward	
Signature and type of witness:		
	<input type="checkbox"/> Justice of the Peace	<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns	
Date:	3.02.26	

SEXUAL AND SEX BASED HARASSMENT OPERATIONAL POLICY

'E'



POLICY TITLE:	SEXUAL AND SEX BASED HARASSMENT POLICY		
VERSION:	005	DATE EFFECTIVE:	01/07/2024
AUTHORISED BY:	Chief Executive Officer	DATE REVIEWED:	31/07/2025

SUMMARY

We respect and value each other and do not tolerate any kind of sexual or sex-based harassment in our workplace.

PURPOSE

ARC Disability Services Inc. (ARC) is committed to providing a workplace which is free from sexual and sex-based harassment.

This Policy aims to ensure all those participating in the workplace are treated with respect, dignity, and fairness. That everyone has the right to work in a professional atmosphere which promotes positive working relationships, equal opportunities and prohibits sexual and sex-based harassment.

It is the policy of ARC to raise awareness amongst employees to ensure that all persons are aware of the law regarding sexual and sex-based harassment and the correct procedure to follow within our organisation.

SCOPE

Applies to all ARC as a whole, inclusive of all board members, contractors, visitors, employees, volunteers and participants of ARC

POLICY STATEMENT

ARC is committed to ensuring a healthy and safe workplace. Sexual and sex-based harassment in employment is unlawful and will not be tolerated by ARC.

This policy set out the types of behaviours and conduct which will be taken to constitute sexual and sex-based harassment and establishes procedures for prevention and handling complaints regarding such behaviour when undertaking work or representing the organisation.

ARC expects persons covered by this policy to:

- Behave in a responsible and professional manner
- Treat others in the workplace with courtesy and respect
- Listen and respond appropriately to the views and concerns of others
- Be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- In connection with work, even if it occurs during lunch breaks, outside normal working hours, when remote working or working from home
- During work activities, for example when dealing with clients
- At work-related events, such as at a conference and work-related social functions
- On social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

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SEXUAL AND SEX BASED HARASSMENT OPERATIONAL POLICY



This policy also relates to, but is not limited by, the following types of communication:

- Verbal communication either over the telephone, via MS Teams, Zoom, Face-Time and other platforms or in person in and outside the workplace
- Written communication including emails, letters, notes, minutes of meetings, text messages and all other physical communication.

DEFINITIONS

Employee is a person who enters into an employment relationship for full-time, fixed term, part-time or casual work as defined by the Fair Work Act 2009. This includes the position of CEO.

Contractor or Consultant is a subcontractor. It is not an employment relationship, rather it is a business-to-business relationship as defined by the Australian Taxation Office and Fair Work Ombudsman or equivalent in the relevant country. Consultants may engage their own Employees to provide goods or services to ARC. A Consultant will be referred to as a Contractor.

Board Member is a person appointed to the Board of ARC.

Manager/ Team Leader means the person who is responsible for day-to-day management or supervision of the Employee.

Sexual Harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature that makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Sex-based Harassment is defined as unwelcome conduct of a seriously demeaning nature by reason of the person's sex in circumstances in which a reasonable person would anticipate that the person harassed may feel offended, humiliated, or intimidated.

Victimisation is when a person subjects another person to detriment (or threatens to do so) because they have made or intend to make a complaint or refused to assist in the contravention of this policy. It also includes acting to a person's detriment because they have agreed to be a witness.

Human Rights Liaison Officer (HRLO)

The Human Rights Liaison Officer is a designated position within ARC Disability Services Inc. responsible for supporting complaints, concerns, or incidents involving potential breaches of human rights, including discrimination, harassment, sexual harassment, and psychosocial hazards. The HRLO serves as a dedicated point of contact for employees and management on human rights matters and ensures that all related grievances are handled in accordance with relevant legislation, including the *Sex Discrimination Act 1984*, *Anti-Discrimination and Human Rights Legislation Amendment Act 2022*, and *Work Health and Safety Act 2011*.

POLICY

All ARC Employees, Contractors and Directors are prohibited from engaging in behaviour that could amount to sexual harassment and sex-based harassment (herein referred to as sexual harassment) and have a positive duty to prevent such conduct from occurring in the workplace.

It is unlawful under the Sex Discrimination Act 1984 (Cth), the Work, Health, and Safety Act 2011 (Qld) and Anti-Discrimination Act 1991 (Qld) and in breach of this policy to sexually harass another employee, contractor, or other person during work, or in connection with work.

Sexual harassment can take many different forms. It can be obvious or indirect, physical, or verbal, repeated or one-off, and perpetrated by people of any gender.

Examples of sexual harassment include, but are not limited to:

- Physical contact such as touching, grabbing, kissing, hugging, cornering, actual or attempted rape or sexual assault;
- Suggestive or offensive comments, jokes, or innuendo;

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- Staring or leering at a person or at parts of their body;
- Requests for sexual favours;
- Persistent requests to date and/or attend social events;
- Intrusive questions about private life;
- Unnecessary familiarity, such as deliberately brushing up against a person;
- Intimidating or threatening behaviours such as inappropriate sexual gestures, indecent exposure, or being followed, watched or someone loitering nearby
- Sexually explicit conversations, pictures, posters, or gifts;
- Displays of offensive material such as posters, screen savers, internet material etc which could indicate a potentially hostile work environment;
- Accessing or downloading sexually explicit material from the internet;
- Sending rude or offensive emails, attachments, or text messages;
- Inappropriate advances and/or contact via social media sites;
- Ongoing unwelcome contact (e.g. in person, phone, social media) following the end of a consensual relationship.

Examples of sex-based harassment could include, but is not limited to:

- Asking intrusive personal questions based on a person's sex;
- Displaying images or materials that are sexist, misogynistic or misandrist;
- Making sexist, misogynistic or misandrist remarks about a specific person;
- Requesting a person to engage in degrading conduct based on their sex.

It is also important to understand that:

- Sexual harassment can still occur even when the offender does not intend it – innocent or humoured;
- Intent, or poor judgement of the offender is irrelevant. Rather, it is the perception and impact of the person experiencing the behaviour (even if the impact is unintended);
- A lack of objection to behaviour at the time it occurs does not infer that the behaviour is welcome or that it is acceptable for the behaviour to continue at another time;
- There is no requirement that behaviour be repeated – a one-off incident, as well as a pattern of behaviour that makes the working environment uncomfortable or threatening in a sexually hostile way, can be sexual harassment;
- Sexual harassment does not have to be directed at a specific person, it can also affect people who are exposed to or witness the behaviour;
- Consumption of alcohol and/or drugs is not an excuse or extenuating circumstance;
- There are some behaviours that are criminal offences and context is irrelevant.

What may not be considered sexual harassment?

Sexual harassment is not behaviour that is consensual, based on mutual attraction, friendship, and respect. If the interaction is legitimately welcome and reciprocated, it is not sexual harassment. It is still, however, important to maintain professional standards in the workplace.

RESPONSIBILITIES

Board

It is the responsibility of the Board to:

- Promote and model appropriate behaviour, free from acts of sexual and sex-based harassment
- Ensure the workplace is free from sexual and sex-based harassment and that an appropriate policy is in place
- Handle complaints escalated via the CEO; or complaints that directly relate to the CEO in line with this policy and the Code of Conduct
- Ensure that a supportive culture is in place for employees to raise a grievance.

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CEO and Leadership Team

It is the responsibility of the CEO and Leadership Team to:

- Promote and model appropriate behaviour, free from acts of sexual and sex-based harassment
- Ensure that workers are not exposed to sexual and sex-based harassment
- Ensure employees are familiar with the Sexual and Sex-Based Harassment Policy
- Communicate that any complaint received will be thoroughly investigated and appropriately resolved in accordance with this policy and the Code of Conduct
- Ensure that employees have an accessible and safe way to raise complaints considering barriers such as language, culture, ability, safety or physical and arrange appropriate support
- CEO to notify the Board of all grievances and to maintain an accurate record
- Confidentially manage complaints in a timely and legally compliant manner in line with this policy, Code of Conduct Policy.
- Ensure where a person lodges or is witness to a complaint, that this person is not victimised.
- Ensure that all parties are treated fairly under this policy.

Employees, Contractors, Participants and Volunteers

It is the responsibility of all employees, contractors, participants and volunteers to:

- Demonstrate appropriate behaviour, free from acts of sexual and sex-based harassment
- Follow the sexual and sex-based harassment Policy
- Not tolerate sexual and sex-based harassment behaviour of any kind and play an active role in reporting such behaviour even if the behaviour is not being demonstrated towards them specifically
- Report sexual and sex-based harassment in line with this policy.

POSITIVE DUTY

ARC will aim to implement the following proactive actions to prevent sexual harassment:

- Fostering a positive organisational culture with a zero tolerance for sexual harassment;
- Undertake an assessment of the risk of sexual harassment;
- Review, update, and maintain this policy;
- Create and maintain the ARC sexual harassment prevention record/plan;
- Facilitate training to Managers and Supervisors on their obligations under this policy;
- Provide training and education to Employees on sexual harassment and the reporting process;
- Offering a range of options to report and respond to claims of sexual harassment, as outlined in this policy;
- Providing support to Employees and Contractors who report sexual harassment.

REPORTING PROCEDURE

If a person covered by this policy feels that they have been subjected to any form of sexual or sex-based harassment or have observed sexual or sex-based harassment against another, they should not ignore it. ARC has adopted a reporting procedure that has numerous options available to suit the particular circumstances of each individual situation. There are designated Complaints Officers for ARC. There are also Human Right Liaison Officers to support any matters as determined by this policy and procedure, particularly where the complaint involves a potential breach of human rights

As sexual and sex-based harassment is unlawful, based on the seriousness of the reported behaviour, the Complaints Officer or Human Right Liaison Officer may identify that informal reporting procedure is not appropriate given the circumstances and the formal procedure may be enacted.

If ARC considers it appropriate for the safe and efficient conduct of an investigation, Employees may be required not to report for work during the period of an investigation. ARC may also provide alternative duties or work during the investigation period. Generally, Employees will be paid their normal pay during any such period.

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REPORTING OUTSIDE OF ARC

Where possible, internal resolution (i.e. within the organisation) is the preferred first step in resolving reports of sexual harassment.

However, there will be some circumstances where this may not be possible. Employees can seek help outside the organisation. This may be from the Fair Work Commission, Australian Human Rights Commission, State and Territory Anti-Discrimination Agencies, WorkSafe, independent legal professionals or the Police.

Sexual assault is a criminal offence and should be immediately reported to the Police regardless of circumstances. ARC is committed to addressing any complaints or matters raised with external agencies by a person covered by this policy.

Where potentially unlawful conduct has occurred, ARC will need to alert the appropriate authorities. Whilst the employer encourages employees to keep written notes in order to accurately record offensive conduct or behaviour, the employer would like to highlight to all employees that, in the event that legal action is taken, the complainant's written notes might not be considered privileged or confidential information.

COMPLIANCE

It is the responsibility of all individuals engaged by ARC to comply with this policy. Breach of this policy may result in disciplinary action being taken against relevant employees.

If a person makes an unfounded report or a false report in bad faith (e.g., making up a complaint to get someone else in trouble or making a report where there is no foundation for the report), the unfounded report or a false report may be treated as a breach of policy and will be treated as a serious matter.

The organisation has accountable and transparent governance arrangements that ensure compliance with relevant legislation, regulations and contractual arrangements and service standards. This is monitored through registers and the compliance schedule.

VARIATIONS

ARC reserves the right to vary, replace or terminate this policy from time to time and in accordance with regulatory requirements, changes in legislation or at ARC' discretion.

RELATED DOCUMENTS

- Workplace Bullying Policy
- Employee Grievance and disputes Policy
- Code of Conduct

REFERENCES

- National Employment Standards (NES)
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)
- Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Cth)
- Privacy Act 1988 (Cth)
- Work Health and Safety Act 2001 (Cth)

AUTHORISATION

This policy is approved and issued by:

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SEXUAL AND SEX BASED HARASSMENT OPERATIONAL POLICY



BENJAMIN KEAST
Chief Executive Officer

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COLLABORATION | COMMITMENT | CREATIVITY | **DIVERSITY** | EMPOWERMENT | FLEXIBILITY | RESPECT | FUN

SEXUAL AND SEX BASED HARASSMENT OPERATIONAL PROCEDURE



PROCEDURE TITLE:	SEXUAL AND SEX BASED HARASSMENT PROCEDURE		
VERSION:	002	DATE EFFECTIVE:	01/07/2024
AUTHORISED BY:	Chief Executive Officer	DATE REVIEWED:	31/07/2025

PURPOSE

The purpose of the Sexual and Sex-Based Harassment Procedure is to provide clear, actionable steps for addressing and resolving incidents of harassment, ensuring a safe and respectful work environment for all employees.

PROCEDURE

POSITIVE DUTY

ARC will aim to implement the following proactive actions to prevent sexual harassment:

- Fostering a positive organisational culture with a zero tolerance for sexual harassment;
- Undertake an assessment of the risk of sexual harassment;
- Review, update, and maintain this policy;
- Create and maintain the ARC sexual harassment prevention record/plan;
- Facilitate training to Managers and Supervisors on their obligations under this policy;
- Provide training and education to Employees on sexual harassment and the reporting process;
- Offering a range of options to report and respond to claims of sexual harassment, as outlined in this policy;
- Providing support to Employees and Contractors who report sexual harassment.

REPORTING PROCEDURE

If a person covered by this policy feels that they have been subjected to any form of sexual or sex-based harassment or have observed sexual or sex-based harassment against another, they should not ignore it. ARC has adopted a reporting procedure that has numerous options available to suit the particular circumstances of each individual situation. The designated Complaints Officers for ARC are the primary position responsible and may be supported by the **Human Rights Liaison Officers**. These officers will handle the matter as determined by this policy and procedure.

Early Intervention

Persons covered by this procedure are encouraged to address the behaviours directly with the person(s) concerned, prior to initiating an informal or formal report.

If a person feels comfortable doing so, they should address the behaviour with the person(s) concerned. The person should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person(s) was not aware that their behaviour was unwelcome or caused offence. This is not a compulsory step in addressing offensive behaviour or issues.

If a person covered by this policy:

- is unsure about how to handle a situation; or
- confronts the person(s) and the behaviour continues; or
- is unsure if they want to make an informal or formal report

The person should contact the designated Complaints Officer or the **Human Rights Liaison Officer** for support and guidance. The **Human Rights Liaison Officer** in consultation with the either the Complaints Officer or a member of the Executive Team will aim to assist any person who is uncertain about their rights.

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SEXUAL AND SEX BASED HARASSMENT OPERATIONAL PROCEDURE



Reporting Procedure

In the event that early intervention is not appropriate, or the person chooses to enact the reporting procedure, the person should report the issue to the Complaints Officer or the Human Rights Liaison Officer. There are two reporting procedures that can be used: informal and formal. The type of reporting procedure used will be determined by the nature of the report that is made in consultation with the person making the complaint.

Where the behaviour relates to the Complaints Officer or Human Rights Liaison Officer, or the person does not feel comfortable reporting the behaviour to the Human Rights Liaison Officer, the matter should be reported to a member of the Executive Team. Where reporting a matter to these designated positions is not possible, the matter should be reported to the Board via the President.

Responding to Informal Reports

Under the informal reporting procedure, there are a broad range of options for addressing the report. The procedure used to address the issue will depend on the individual circumstances of the situation.

The informal reporting procedure is suited to less serious allegations that if founded, would not warrant disciplinary action being taken and provides the person against whom the report is made against the opportunity to stop their behaviour. Throughout the informal process, the Human Rights Liaison Officer can be contacted for support and guidance by any party involved.

Possible options include, but are not limited to:

- The Complaints Officer (or designated representative) discussing the behaviour with the person against whom the report is made;
- The Complaints Officer (or designated representative) facilitating a meeting between the parties in an attempt to resolve the behaviour and move forward in a positive manner;
- Implement system changes to prevent further issues i.e. moving or changing shifts of the person against whom the report is made against, which may include changes to reporting lines, work locations or tasks while a matter is investigated/resolved.
- ARC initiating further reviews to understand any underlying cultural issues and taking preventative action such as education and training.

As sexual and sex-based harassment is unlawful, based on the seriousness of the reported behaviour, the Human Rights Liaison Officer (or designated representative) may identify that the informal reporting procedure is not appropriate given the circumstances and the formal procedure may be enacted.

Responding to Formal Reports

The formal reporting procedure involves a formal investigation of the reported behaviour. Formal investigations may be conducted by the HR Manager, Human Rights Liaison Officer, Complaints Officer, Executive Team member, designated representative or a person from outside ARC, appointed by ARC.

An investigation generally involves, collecting and documenting information through interviews, witness statements and all other available evidence and putting the allegations to the person to give them the opportunity to respond. The Manager, designated representative or external investigator will then make a finding based on the available information as to whether or not the alleged behaviour can be substantiated. Once a finding is made, the Manager, designated representative or the external investigator may make recommendations on the outcomes of the reported behaviour.

If ARC considers it appropriate for the safe and efficient conduct of an investigation, Employees may be required not to report for work during the period of an investigation. ARC may also provide alternative duties or work during the investigation period. Generally, Employees will be paid their normal pay during any such period.

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SEXUAL AND SEX BASED HARASSMENT OPERATIONAL PROCEDURE



REPORTING OUTSIDE OF ARC

Where possible, internal resolution (i.e. within the organisation) is the preferred first step in resolving reports of sexual harassment.

However, there will be some circumstances where this may not be possible. Employees can seek help outside the organisation. This may be from the Fair Work Commission, Australian Human Rights Commission, State and Territory Anti-Discrimination Agencies, WorkSafe, independent legal professionals or the Police.

Sexual assault is a criminal offence and should be immediately reported to the Police regardless of circumstances. ARC is committed to addressing any complaints or matters raised with external agencies by a person covered by this policy.

BEHAVIOURAL STANDARDS

In line with ARC commitment to creating a workplace which is free from workplace health and safety risks and one which strives to create positive working relationships, all those covered by this Policy are expected to observe the following minimum standards of behaviour:

- Being polite and courteous to others
- Being respectful of the differences between people and their circumstances
- Ensuring they do not engage in any sexual or sex-based behaviour(s) towards others in, or connected with, the workplace which includes customer, clients, suppliers, supervisors, managers, and other visitors
- Ensuring they do not assist, or encourage, others in the workplace, or in connection with the workplace to engage in sexual or sex-based behaviour(s) of any type
- Adhering to the procedure in this policy if they experience any sexual or sex-based behaviour(s) personally
- Reporting any sexual or sex-based behaviour(s) they see happening to others in the workplace, or connected with the workplace, in line with this Policy
- Keeping information confidential if involved in any investigation of sexual or sex-based harassment.

These standards of conduct are intended to operate in addition to, and in conjunction with ARC Code of Conduct Policy. ARC will take all complaints of sexual and sex-based harassment seriously and respond with impartiality and confidentiality.

CONFIDENTIALITY

Whilst the investigation will endeavour to preserve the confidentiality of the complainant and the person complained of, it may be necessary to speak with other employees or people involved to determine what happened and to maintain the integrity of the investigation process.

Where potentially unlawful conduct has occurred, ARC will need to alert the appropriate authorities. Whilst the employer encourages employees to keep written notes in order to accurately record offensive conduct or behaviour, the employer would like to highlight to all employees that, in the event that legal action is taken, the complainant's written notes might not be considered privileged or confidential information.

Those people who are involved in the complaint (including the complainant, witnesses etc.) are also under a duty to maintain confidentiality and display a commitment to uphold the integrity of the investigation process. If the complainant chooses to bring a support person with them to any meetings, they too are bound by confidentiality. Gossiping and/or the spreading of rumours as a result of, or in connection with, a process followed under this Policy will not be tolerated under any circumstances and may lead to further disciplinary action for those concerned.

Employees may discuss the reported behaviour with a designated support person or representative (who is not an Employee employed or engaged by ARC). However, the support person or representative must also maintain confidentiality.

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SUPPORT

The first priority is to understand the immediate safety concerns and risks of the Employee or contractor who has reported behaviours that may constitute sexual or sex-based harassment and undertake any reasonable actions to ensure the safety of the individual. This may include changes to reporting lines, work locations or tasks while a matter is investigated/resolved.

Employees and Board Members will be encouraged to access the ARC Employee Assistance Program (EAP). Employees have access to confidential support through the EAP provider, for up to three sessions per financial year. This provision can also be used by spouse/partner's and/or dependent children.

Employees are made aware of this provision and how to access it confidentially through Policy, their supervision sessions, Staff Meetings, and signs throughout the workplace.

Should further support sessions be necessary, approval through the CEO is required. The EAP provider will notify the CEO without identifying the employee to authorise additional session(s).

ARC will liaise with all parties to ensure support and fair treatment is afforded to all involved parties.

POSSIBLE OUTCOMES

The possible outcomes will depend on the nature of the report and the procedure followed to address the reported behaviour. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this policy, that person may be subject to disciplinary action.

The type and severity of disciplinary action will depend on the nature of the report and other relevant factors.

Where the investigation results in a finding that the person reported against has engaged in serious misconduct, this may result in disciplinary action up to and including termination of employment. Any disciplinary action is a confidential matter between the affected employee and ARC.

Contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this policy, may have their contracts with ARC terminated or not renewed.

Directors who are found to have engaged in unlawful conduct and/or breached this policy, may be removed from the ARC Board.

ARC may take a range of other non-disciplinary outcomes to resolve reported behaviour, depending on the particular circumstances. Examples include, but are not limited to:

- Provide training to assist in addressing the problems underpinning the reported behaviour;
- Monitor to ensure that there are no further problems;
- Implement a new policy;
- Request Employees and/or contractors to participate in mediation;
- Require Employees and/or contractors to provide an undertaking that certain behaviour stop;
- Changed work arrangements.

UNSATISFACTORY OUTCOME

If any of the parties are not satisfied with the way the report was handled or the outcome of the reporting process, they may contact the Chief Services Officer. The reporting process and/or the outcome may then be reviewed by the Chief Services Officer. If a review is undertaken, the Chief Services Officer decision in relation to the review will be final.

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RECORD KEEPING

Employees who believe that they have been or are currently being subjected to sexual and sex-based harassment are encouraged to keep records and evidence of any concerning behaviour at the time the behaviour occurs. This may become important when the Employee reports the behaviour in accordance with the policy, for example if there is text message evidence, do not delete the messages until the matter is resolved or a copy is provided to ARC.

It is essential that accurate, up-to-date records are kept in regard to reports, complaints, and investigations. Responsibility sits with both the Employee to report and participate in an investigation and the Employer to ensure all reports and complaints are addressed and administered accurately in a timely manner.

DISPUTES

Should any Employee or Director believe they are disadvantaged or discriminated against by the incorrect application of the Sexual and Sex-Based Harassment Policy, an Employee or Board Member may raise a dispute in accordance with the Employee Grievance Policy

COMPLIANCE

It is the responsibility of all individuals engaged by ARC to comply with this policy. Breach of this policy may result in disciplinary action being taken against relevant employees.

If a person makes an unfounded report or a false report in bad faith (e.g., making up a complaint to get someone else in trouble or making a report where there is no foundation for the report), the unfounded report or a false report may be treated as a breach of policy and will be treated as a serious matter.

The organisation has accountable and transparent governance arrangements that ensure compliance with relevant legislation, regulations and contractual arrangements and service standards. This is monitored through registers and the compliance schedule.

VARIATIONS

ARC reserves the right to vary, replace or terminate this policy from time to time and in accordance with regulatory requirements, changes in legislation or at ARC' discretion.

RELATED DOCUMENTS

- Workplace Bullying Policy
- Employee Grievance and disputes Policy
- Code of Conduct

REFERENCES

- National Employment Standards (NES)
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)
- Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Cth)
- Privacy Act 1988 (Cth)
- Work Health and Safety Act 2001 (Cth)

AUTHORISATION

This policy is approved and issued by:

PROCEDURE	Document No.: GOV03-FORM-07	Version No.: 1A
Release Date: 10 July 2020	<i>Uncontrolled if Printed</i>	Page 5 of 6

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SEXUAL AND SEX BASED HARASSMENT OPERATIONAL PROCEDURE



BENJAMIN KEAST
Chief Executive Officer

PROCEDURE	Document No.: GOV03-FORM-07	Version No.: 1A
Release Date: 10 July 2020	<i>Uncontrolled if Printed</i>	Page 6 of 6

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Industrial Relations Act 2016, s 989
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Matter details

Applicant:	ARC Disability Ltd
	v
Respondent:	

Exhibit details

Name of document:	Respectful Workplace Policy
Marked:	F
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast		
Signature of deponent/ substitute signatory:			
Full name of witness:	John Hayward		
Signature and type of witness:			
	<input type="checkbox"/> Justice of the Peace	<input type="checkbox"/> Commissioner for Declarations	<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns		
Date:	3.02.26		

POLICY TITLE:	RESPECTFUL WORKPLACE POLICY		
VERSION:	005	DATE EFFECTIVE:	30/01/2017
AUTHORISED BY:	Chief Executive Officer	DATE REVIEWED:	31/07/2025

SUMMARY

This policy outlines ARC's stance on achieving a kind and respectful work environment, and how to deal with workplace bullying incidents effectively and fairly.

PURPOSE

ARC Disability Services Inc. (ARC) is dedicated to creating a safe and respectful workplace environment where every member of the ARC community, including the Board, Staff, Volunteers, Participants, and their families, is treated with fairness, dignity, and kindness. Bullying, in any form, poses a threat to the health and safety of our workplace and is strictly prohibited.

SCOPE

This policy applies to all members of the ARC Community, including employees, workers (whether full-time, part-time, or casual), volunteers, and any individuals performing work at the direction of, in connection with, or on behalf of ARC. It encompasses all work-related functions and locations, including but not limited to work lunches, conferences, Christmas parties, and client functions.

IMPLEMENTATION

In promoting a culture of workplace kindness and respect, ARC emphasises the importance of every individual treating all others with dignity and goodwill. Kindness is demonstrated not only through words but also through actions, creating an environment where everyone feels valued and respected. ARC recognises that each individual is unique, shaped by their own experiences. While people may not always agree, ARC expects everyone to treat each other with kindness.

Under the Work Health and Safety Act 2011, ARC has the primary duty to eliminate or minimise, as far as reasonably practicable, the risk to health and safety in the workplace. This duty includes the implementation of proactive strategies to prevent workplace bullying.

Workplace participants are also required under the Legislation to take reasonable care for their own health and safety, as well as that of others at ARC. All workplace participants must also comply with any reasonable instruction given by ARC.

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker/participant or a group of workers/participants that creates a risk to health and safety. It includes both physical and psychological risks of abuse.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range of pattern of behaviours over a period of time. (e.g. verbal abuse, unreasonable criticism, isolation etc.)

'Unreasonable behaviour' means behaviours that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, or threaten another person.

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EXAMPLES OF WORKPLACE BULLYING

Bullying behaviours can take many different forms, from the obvious (direct) to the subtler (indirect). The following are some examples of both direct and indirect bullying;

Direct Bullying:

- Abusive, insulting, or offensive language
- Spreading misinformation or malicious rumours
- Behaviour or language that frightens, humiliates, belittles, or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- Displaying offensive material
- Inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences
- Teasing or regularly making someone the brunt of pranks or practical jokes

Indirect Bullying:

- Unreasonably overloading a person with work, or not providing enough work
- Setting timeframes that are difficult to achieve, or constantly changing them
- Setting tasks that are unreasonably below, or above the person's skill level
- Deliberately excluding or isolating a person from normal work activities
- Withholding information that is necessary for effective work performance.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to ARC.

A single incident of unreasonable behaviour does not usually constitute bullying. A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions are not intended to victimise, humiliate, undermine, or threaten a person actually have that effect.

WHAT DOES NOT CONSTITUTE WORKPLACE BULLYING?

Managing staff does not constitute bullying, if it is done in a reasonable manner. Supervisors have the right, and are obligated to, manage team members. This includes directing the way in which work is performed, undertaking performance reviews, and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- Setting reasonable performance goals, standards, and deadlines in consultation with workers and after considering their respective skills and experience
- Allocating work fairly
- Fairly rostering and allocating work hours
- Transferring a workplace participant for legitimate and explained operational reasons
- Deciding not to select a workplace participant for promotion, following a fair and documented process
- Informing a workplace participant about the unsatisfactory work performance in a constructive way and in accordance with organisational policy, procedures, and guides
- Informing a workplace participant about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes of restructuring
- Performance management processes

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PROCESS

If a workplace participant feels they have been bullied, they should not ignore it. Any bullying issue should be brought to ARC's attention as soon as possible. There are a number of options available to the workplace participant.

CONFRONT THE ISSUE

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the bullying behaviour, explain that the behaviour is unwelcome and offensive and that it stops. This is **not** a compulsory step.

If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the worker should report the issue to their manager. If the manager is the alleged perpetrator, then the matter should be reported to a senior manager or to a member of the Board. If a workplace participant is unsure about how to handle a situation they should contact a Coordinator/Manager/CEO.

REPORT THE ISSUE

There are two complaint procedures that can be used to resolve bullying complaints: informal and formal. The type of complaint procedure used depends on the nature of the complaint that is made. The aim is to ensure that workplace participants are able to return to a productive and harmonious working relationship as soon as possible.

INFORMAL COMPLAINT PROCEDURE

Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The Manager or Coordinator will determine which process to follow. The possible options include, but are not limited to, the Manager or Coordinator:

- a) Discussing the issue with the person against whom the complaint is made; and/or
- b) Facilitating a meeting between the parties in an attempt to resolve the issue and move forward

The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

FORMAL COMPLAINT PROCEDURE

The formal complaint procedure involves the workplace participant making a written complaint and formal investigation of that complaint. It is appropriate for more serious allegations, or if senior management are involved. Where a complaint involves a potential breach of human rights, the Human Rights Liaison Officer may be involved to support the investigation process and ensure that the approach taken reflects ARC's commitment to respectful and inclusive workplace practices.

Formal investigations may be conducted by ARC or by an external investigator appointed by the organisation. If appropriate for a safe and efficient investigation, the staff member may not be required to report to work during the period of their investigations. Investigations will be carried out in accordance with ARC's *Formal Investigations Policy*

ARC may provide alternative duties or location of work during the investigation procedure. Generally, workplace participants will be paid their normal pay during such period. The outcome of the investigation will determine the cause of action, and if the staff member involved needs to be followed under the organisational discipline procedure.

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DEALING WITH BULLYING COMPLAINTS

In handling bullying complaints, ARC will adopt the following principles:

- a) Take all complaints seriously
- b) Act promptly
- c) Not victimise any person who makes a complaint, any person accused of bullying, or any witnesses
- d) Support all parties
- e) Be impartial
- f) Communicate the investigation or complaint process to all parties involved
- g) Seek input from the Human Right Liaison Officer where complaints involve human rights concerns.
- h) Maintain confidentiality. – ARC will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers, or associated parties, in order to determine what happened. All involved within the complaint must also maintain confidentiality, including the workplace participant who has lodged the complaint.
- i) Keep records

POSSIBLE OUTCOMES

The possible outcome of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying behaviour, that person will be disciplined as per ARC's *Employee Discipline Procedure*. The type and severity of the disciplinary action will depend on the nature of the complaint and other relevant factors. Any disciplinary action is a confidential matter between the affected worker and ARC.

ARC may take a range of disciplinary action. Examples include, but are not limited to:

- a) Providing training to assist in addressing the problems underpinning the complaint.
- b) Monitoring to ensure there are no further problems.
- c) Implementing a new policy.
- d) Mentoring and support.
- e) Requiring an apology or an undertaking that certain behaviour stop.
- f) Changing work arrangements.
- g) Transferring to another work area.
- h) Issuing a written warning.
- i) Dismissal.

MANAGEMENT'S ROLE

Managers and Supervisors have a role in the prevention of workplace bullying. Managers and Supervisors must:

- a) Ensure they do not bully employees, or other members of the organisation.
- b) Ensure they do not aid, abet, or encourage other persons to engage in bullying behaviour.
- c) Ensure all staff who report to them are aware and understand this policy, and their responsibility to comply with it.
- d) Ensure that all staff who report to them understand that any bullying in any form is unacceptable and will not be tolerated by ARC.
- e) Act promptly and appropriately if they observe bullying behaviours.
- f) Ensure that all staff who report to them understand that they should report any bullying behaviour.
- g) Ensure all staff who report to them are aware and understand the complaint procedure.

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- h) Act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Manager as soon as possible.

WORKPLACE PARTICIPANTS ROLE

All workplace participants must:

- a) Understand and comply with this policy
- b) Ensure they do not engage in any conduct which may constitute bullying towards other workplace participants, Participants, or others whom they come into contact through their duties
- c) Ensure they do not aid, abet, or encourage other persons to engage in bullying behaviour
- d) Follow ARC's procedures should they experience bullying
- e) Report any bullying they see occurring to others in the workplace in accordance with this policy
- f) Maintain confidentiality if they are involved in the incident in any capacity

ADDITIONAL INFORMATION

ARC takes seriously its commitment to provide a safe and healthy workplace, free from bullying. All workplace participants are required to comply with this policy. Any breach to this policy will result in discipline procedures being actioned.

Should a person make a false complaint, or a complaint in bad faith (e.g. making a complaint where there is no foundation for the complaint) that person will be disciplined as per ARC's discipline procedure.

Additional information regarding workplace bullying can be found at Work Health and Safety Queensland. Employees are able to contact ARC's Board of Management directly via email at board@arcinc.org.au should they wish to raise a concern and do not feel comfortable to do so within the existing management team.

RELATED DOCUMENTS

- Employee Grievances and Disputes Policy
- Formal Investigations Policy
- Inclusive Workplace Policy
- Work Health Safety and Environmental Management Policy

REFERENCES

- Anti-Discrimination Act 1991 (Queensland)
- Fair Work Act 2009 (Commonwealth)
- Privacy Act 1988 (Commonwealth)
- Workplace Health and Safety Act 2011 (Commonwealth)

AUTHORISATION

This Policy is approved and issued by:



BENJAMIN KEAST

Chief Executive Officer

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Matter details

Applicant:	ARC Disability Ltd
v	
Respondent:	

Exhibit details

Name of document:	Participant rights and person centered supports procedure
Marked:	G
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast		
Signature of deponent/ substitute signatory:	[Redacted]		
Full name of witness:	John Hayward	[Redacted]	
Signature and type of witness:	[Redacted]	[Redacted]	
	<input type="checkbox"/> Justice of the Peace	<input checked="" type="checkbox"/> Commissioner for Declarations	<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns		
Date:	3. 02. 26		

PARTICIPANT RIGHTS AND PERSON-CENTRED SUPPORTS POLICY OPERATIONAL POLICY

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POLICY TITLE:	PARTICIPANT RIGHTS AND PERSON-CENTRED SUPPORTS POLICY		
VERSION:	003	DATE EFFECTIVE:	10/06/2020
AUTHORISED BY:	Chief Executive Officer	DATE REVIEWED:	15/02/2024

SUMMARY

We focus on meeting your needs, supporting your choices, and being part of the community. We respect your rights, value your dignity, and assist you in achieving your aspirations.

PURPOSE

ARC Disability Services Inc. (ARC) is committed to upholding the rights of participants with disabilities, guided by the principles established by the NDIS Quality and Safeguards Commission. This commitment aligns with Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities, ensuring dignity, respect, and freedom from abuse, exploitation, and violence for participants.

Our policy empowers participants to actively engage and participate equally in Australian society, including exercising choice and control over their support services. It aims to ensure their inclusion in and access to mainstream and community-based activities, as well as other government initiatives. ARC is dedicated to providing necessary protections and enhancing the ability of participants, their families, and their advocates, to make well-informed decisions. Our efforts are focused on enabling participants to pursue their aspirations and actively engage in their communities, fostering inclusion and participation.

SCOPE

This policy applies to all employees, volunteers and participants who access or deliver ARC services. The policy aims to assist participants in understanding their rights.

IMPLEMENTATION

ARC is committed to supporting individuals' rights, including freedom of expression, self-determination, and decision-making. We promote, uphold, and respect these principles in all our services. Adopting a person-centred and evidence-based approach ARC ensures that service provision is primarily guided by the preferences of the participant, family, or their advocates, emphasising the importance of individual choice and informed decision-making.

Our commitment extends to ensuring people with disabilities are connected to their communities.

We achieve this by:

- Providing information on mainstream services and community activities which will benefit participants.
- Contributing to developing links and networks within the community.
- Working in partnership with community organisations to provide opportunities for active participation in local activities.
- Supporting key workers to build their capacity so that they can sustain their role, which could involve linking them into direct-carer support services.
- Linking the participant and their families to social and recreational activities that provide the family with a break from their caring role and connect them with the community.
- Sourcing activities that promote the participant's wellbeing, such as personal development, peer support, and mentoring.

ARC prioritises collaboration with participants, their advocates, family members, and service providers to ensure our services meet the participants' needs effectively. This collaborative spirit extends to our active support and partnership with community groups and educational programs, further enriching our service offerings and impact.

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PARTICIPANT RIGHTS AND PERSON-CENTRED SUPPORTS POLICY

OPERATIONAL POLICY



ENHANCING INFORMATION SHARING AND SUPPORT

ARC understands how important it is to connect people with disabilities and their families to the right information and support. We want to make sure everyone gets the help they need. That's why we work closely with others and share useful information in simple ways.

Working Together: We team up with different groups, like government agencies and community organisations. Together, we can find ways to fill any gaps in the support available. By sharing what we know and working together, we can offer better help to everyone who needs it.

Sharing Useful Information: We believe that everyone should have access to the information they need to make decisions. We use different ways to share important information, like our website, newsletters, and meetings. This helps people learn about the support available, how to get funding, and their rights under the NDIS.

Building Skills and Confidence: We want everyone to feel confident in asking for what they need. That's why we offer workshops, training, and support groups. These help people learn new skills, understand their rights, and speak up for themselves. We want everyone to feel empowered to make decisions about their own support.

Including Everyone: We believe in including everyone, no matter their background or abilities. We listen to feedback from people using our services to find out what works and what doesn't. Together, we come up with new ideas to make sure everyone can access our services and feel included.

Checking What Works: We always want to do better. That's why we regularly check how well our support and information-sharing are working. We ask for feedback from the people we help and those we work with. This helps us keep improving and making sure we're doing the best we can for people with disabilities and their families.

PARTICIPANT NEEDS AND NDIS WORKFORCE CAPABILITY

At ARC we are committed to meeting the needs of our participants by aligning with the objectives of the NDIS Workforce Capability Framework. Focusing on the participant's perspective, we ensure that our practices are centred on empowering participants and enhancing their experience with our services.

- Fostering Meaningful Connections:** We believe in establishing connections that are meaningful and beneficial for participants. Our staff members prioritise building trusting and respectful connections with participants, fostering an environment where participants feel valued and understood.
- Understanding and Supporting Participant Goals:** Our approach is centred on understanding and supporting the goals and aspirations of each participant. By actively listening to participants and involving them in decision-making processes, we empower them to take control of their lives and work towards achieving their desired outcomes.
- Providing Tailored Support:** We recognise that each participant has unique needs and preferences. Our staff members are trained to provide support that is tailored to the individual needs of participants, ensuring that they receive the assistance and guidance they require to thrive.
- Being Present and Responsive:** Our team is dedicated to being present and responsive to the needs of participants. Whether it's offering support with daily activities or addressing concerns and challenges, we strive to be there for participants every step of the way.
- Seeking Feedback and Collaboration:** We actively seek feedback from participants and collaborate with them to evaluate and improve our services. By involving participants in the decision-making process and responding to their feedback, we ensure that our support remains relevant, effective, and aligned with their needs and preferences.
- Continuously Reflecting and Improving:** We regularly reflect on our practices and seek opportunities for improvement. By critically analysing our performance and the outcomes achieved, we continuously strive to enhance the quality of our support and services for participants.

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PARTICIPANT RIGHTS AND PERSON-CENTRED SUPPORTS POLICY OPERATIONAL POLICY



CHARTER OF RIGHTS

The Charter of Rights, included in ARC's Participant Handbook, provides a clear explanation of the rights, care guidelines, and commitments ARC makes to its participants. It also outlines the responsibilities participants have and the ways they can provide feedback on the services received.

This charter is designed to ensure that all individuals feel informed and empowered to seek clarifications or further information, facilitating a constructive and supportive relationship between ARC and its participants.

RELATED DOCUMENTS

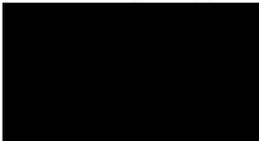
- Participant Handbook
- Complaints and Feedback Policy
- Easy Read - Rights

REFERENCES

- *NDIS Act 2013*
- NDIS Code of Conduct Rules 2018
- NDIS - Framework for Information Linkages and Capacity Building
- *NDIS Quality and Safeguards Framework*
- NDIS Practice Standards and Quality Indicators 2021
- NDIS (Complaints Management and Resolution) Rules 2018
- NDIS Workforce Capability Framework
- United Nations Convention on the Rights of Persons with Disabilities

AUTHORISATION

This Policy is approved and issued by:



BENJAMIN KEAST

Chief Executive Officer

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Matter details

Applicant:	ARC Disability Ltd
	v
Respondent:	

Exhibit details

Name of document:	Feedback and Complaints Policy
Marked:	H
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast	
Signature of deponent/ substitute signatory:		
Full name of witness:	John Hayward	
Signature and type of witness:		
	<input type="checkbox"/> Justice of the Peace	<input checked="" type="checkbox"/> Commissioner for Declarations
		<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns	
Date:	3.02.26	

FEEDBACK AND COMPLAINTS OPERATIONAL POLICY

POLICY TITLE:	FEEDBACK AND COMPLAINTS POLICY		
VERSION:	006	DATE EFFECTIVE:	01/06/2006
AUTHORISED BY:	Chief Executive Officer	LAST REVISED DATE:	13/12/2025

SUMMARY

Our Feedback and Complaints Policy ensure that everyone can share their thoughts and concerns openly and safely to help us improve our services and support.

PURPOSE

At ARC Disability Services (ARC), we are dedicated to creating an environment where feedback and complaints drive our continuous improvement. Our approach aims to:

- **Respect and act upon the input from our community**, ensuring an accessible and transparent process for all. We see every piece of feedback and every complaint as an opportunity to enhance our relationships and services.
- **Empower employees, Participants, and volunteers** to voice their experiences and concerns, encouraging a culture where openness leads to action and improvement.
- **Address issues promptly and effectively**, building trust in our processes and contributing to a higher standard of service.
- **Use insights from feedback and complaints** to inform and improve our service delivery, support structures, and operational efficiency.

SCOPE

Our Feedback and Complaints Policy is ARC's commitment to promoting a culture of transparency and accountability within our organisation, from the Board and Leadership to our frontline staff. This policy provides the foundation for all other quality management and resolution frameworks. It guides our staff and participants who may wish to provide feedback or make a complaint. We value all types of input, recognising that both positive feedback and constructive criticism are essential for continuous improvement.

Our policy is inclusively designed to uphold the rights of children and young people while addressing concerns and complaints effectively as per the Child Safe Organisations Act 2024.

A designated Feedback and Complaints Manager will oversee all complaints and feedback. All staff are bound by the National Disability Insurance Scheme (NDIS) Code of Conduct and ARC Code of Conduct.

DEFINITIONS

TERM	DEFINITION	PURPOSE / INTENTIONS
Feedback	Structured, formal communication delivered through official channels. To evaluate organisational performance, address concerns, or support development of services, people or business outputs with accountability.	It is designed to provide clear, accountable input on business performance, development, or conduct, and is typically recorded for future referencing and consideration. In contrast, informal/ad hoc commentary is spontaneous and conversational - shared in everyday interactions to encourage, guide, or correct in the

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FEEDBACK AND COMPLAINTS OPERATIONAL POLICY



TERM	DEFINITION	PURPOSE / INTENTIONS
		moment. Feedback is important in fostering growth and maintaining business standards.
Complaint	A complaint is a formal grievance submitted through official channels whereby the complainant, followed all other internal processes to resolve, if applicable. A complaint may then arise if the person believes that a fair and due process was not undertaken, or the Organisation has breached its own policies and procedures, operating regulations or standard or care/business.	It typically involves a written statement outlining concerns about conduct, safety, discrimination, or procedural issues, low standards of service delivery, and triggers a structured investigation or resolution pathway that can't be followed through other channels. The intention is to utilise a non-bias position (Complaints Officer) to review both parties' interactions and seek a fair and reasonable outcome for the complainant and the organisation. A casual verbal or written expression of dissatisfaction requires acknowledgement and review for any improvements, however, may not initiate a complaints process.
Compliment	A structured, intentional expression provided through official channels. This is formal recognition for exceptional effort, achievement, behaviour or service delivery. It is professional or formal recognition of noteworthy actions or interactions. It is more than a simple acknowledgement or gesture in the moment, or a simple "thanks" of appreciation.	To formally recognise an individual employee, a team/department, or the Organisation as a whole. Its intent is to contribute to a culture of positive recognition, celebrate the "wins" and evidence higher quality, service and safety behaviours or outcomes.
Resolution	Handling a complaint involves resolving the issue or making amendments. This process might include offering an apology, making changes to our services, or taking other actions to ensure the issue is resolved satisfactorily for everyone involved.	Provide and outcome to feedback or complaints. To address serious or unresolved issues with transparency, accountability, and due process. May result in formal findings, actions, or policy changes.
Procedural Fairness	The process of handling complaints in a clear and fair way, making sure everyone involved gets a chance to tell their side of the story, with decisions made fairly based on the information given.	Ensure impartiality, provide a fair review, base decisions on evidence, and promote transparency and trust. Procedural Fairness helps maintain confidence in the Organisation, reduce risks, ensure standards are adhered to, and support a respectful workplace culture, and safe quality service delivery.
Natural Justice	Making fair decisions by listening to everyone involved and giving them a chance to respond.	Ensure that decisions are made; impartially, transparently, and respectfully.
Confidentiality	Keeping information private and only sharing details of complaints with those who are directly involved in resolving them, unless legally required to share the information.	To ensure future decisions are not biased or discrimination applied due to previous involvement in a complaint or feedback process.

POLICY

It is ARC's policy that everyone associated with the organisation -including persons with disabilities, their support networks, employees, volunteers, board members, and community members -has the clear right to give feedback or make a complaint without fear of retaliation. This may be received verbally or written, either directly or scribed

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FEEDBACK AND COMPLAINTS OPERATIONAL POLICY

on the person's behalf. It is important to understand that people with a disability and children may need additional support to navigate any processes that involve complaints, feedback and compliments which may not initially present as a direct request or formal communication.

ARC values all feedback—complaints, concerns, compliments, or suggestions—as essential for identifying and acting on opportunities for continuous improvement. We will act quickly and confidentially, aiming to find satisfactory solutions for everyone involved. Progress updates or final outcomes will be shared as soon as possible, with response times tailored to each case.

Many issues come from misunderstandings or miscommunications that can be resolved early. We encourage you to report all concerns, issues, or feedback promptly so we can address them and improve our services.

Feedback and complaints can be submitted through various channels: completing the Feedback and Complaints Form, directly contacting staff or the Feedback and Complaints Manager, sending an email, using our [online contact form](#), or reaching out to external complaint agencies.

Information in Easy Read format is available, and the Feedback and Complaints Manager will ensure that all meetings to resolve complaints are accessible and with the resources necessary to support the inclusion of all individuals attending.

The contact details for providing feedback or raising a complaint are listed below:

Feedback and Complaints Manager	Sheridan Lawton
Email address	feedback@arcinc.org.au
Phone Number	07 4046 3600
Postal Address	PO Box 942N, North Cairns 4870

COMMITMENT TO PROCEDURAL FAIRNESS AND NATURAL JUSTICE

ARC adheres to the principles of procedural fairness and natural justice, in compliance with the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 and NDIS (Procedural Fairness) Guidelines 2018 and the Child Safe Organisations Act 2024. This includes:

- Informing individuals if their rights or interests may be adversely affected.
- Information is provided in plain language that is understandable, and appropriate to the individual
- Providing notice of each prejudicial matter that may be considered against them.
- Offering a reasonable opportunity to be heard on those matters before adverse action is taken.
- Allowing individuals to present information and submissions in support of a favourable outcome.
- Ensuring decisions are based on facts and issues raised during the process, documented in the decision record.
- Maintaining an unbiased decision-making process.

EFFECTIVE FEEDBACK AND COMPLAINTS MANAGEMENT

ARC ensures feedback and complaints are managed effectively through the following strategies:

- Implementing an open and transparent feedback and complaint handling system.
- Upholding the principles of natural justice and compliance with relevant mandatory reporting under Australian law.
- Supporting stakeholders' rights to provide feedback or submit complaints either directly or through a representative.

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- Ensuring procedural fairness to reach fair and correct decisions.
- Informing complainants of the relevant Government complaint channels such as NDIS and Child Safety through various communication means so people are informed.
- Maintaining complete confidentiality and privacy.
- Complying with both the ARC Code of Conduct and NDIS Code of Conduct.
- Training staff in our feedback and complaint process and stakeholders' rights.
- Considering all feedback and complaints seriously and respectfully including children.

COMMUNICATION AND RESOLUTION

Our communication and resolution strategies ensure that feedback and complaints are addressed effectively and respectfully by:

- Advising participants and staff of their right to provide feedback or submit complaints, with information provided during intake and support planning.
- Offering accessible support for individuals who may need assistance.
- Protecting complainants and those providing feedback against retribution or discrimination.
- Promptly investigating and resolving complaints.
- Communicating and consulting with participants, families, and advocates during process, and providing feedback and resolutions.
- Interpreting and applying policies and processes accurately.
- Involving complainants and those providing feedback in the resolution process and keeping them informed of progress, actions taken, and reasons for decisions.
- Recognising and including decision-makers and advocates in the process.

ACCOUNTABILITY AND CONTINUOUS IMPROVEMENT

We are committed to maintaining accountability and adopting a culture of continuous improvement. We achieve this by:

- Accepting accountability for actions and decisions taken due to feedback and complaints.
- Resolving problems at the point of service or through referral to alternatives.
- Using feedback and complaints to enhance planning, delivery, and review of services.
- Referring feedback and complaints into our continuous improvement cycle.

COMPLAINTS AND RESPONSIBILITIES

The feedback and complaints management system involves various roles and responsibilities, which are outlined below:

ROLE	RESPONSIBILITIES
ARC's Board	Receives and reviews reports on feedback and complaints data and trends, manages escalated complaints, handles complaints related to the CEO with integrity and impartiality.
Leadership Team	Implements feedback and complaints policy, promotes continuous improvement, addresses systemic issues or risks identified through feedback and complaints.
Feedback and Complaints Manager	Responsible for overseeing the feedback and complaint's function. This role involves guiding and supervising the entire feedback and complaints system, ensuring adherence to policies, and intervening when necessary. The manager remains informed and involved in the process, providing direction and support to ensure effective handling of feedback and complaints.

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FEEDBACK AND COMPLAINTS OPERATIONAL POLICY

ROLE	RESPONSIBILITIES
Staff and Volunteers	Report any feedback or complaints to the Feedback and Complaints Manager, cooperate with the complaint's resolution process.
Provider of Feedback	Makes a complaint or provides feedback about ARC's services or programs, has the right to be treated with respect and fairness, be informed of progress and outcome, seek external review if not satisfied.

All staff and volunteers must comply with the feedback and complaints policy, ensuring timely, respectful, and effective handling of all feedback and complaints. Failure to adhere to the policy may result in disciplinary action. Regular training and updates are provided to ensure ongoing compliance and awareness of procedures and responsibilities.

ADVOCACY AGENCIES

ORGANISATION	PHONE NUMBER
Rights in Action	(07) 4031 7377
QLD Aged & Disability Advocacy	1800 818 338
Disability Legal Advocacy Service	1800 650 197
Fair work Australia	131 394
National Disability Insurance Agency	1800 800 110
Child Safety QLD	1800 080 464
NDIS Quality and Safeguards Commission	1800 035 544

Should any child, adult, young person, their family, staff member or volunteer feel that they are unable to address their concerns, issue or complaint directly with ARC than any of the above relevant agency(s) may be contacted in the initial instance.

RELATED DOCUMENTS

- Advocacy Policy
- Continuous Improvements Policy
- Feedback and Complaints Procedure
- Preferred Method of Communication Policy
- Preferred Method of Communication Procedure
- Privacy Statement Policy
- Quality Management Policy
- Whistle-Blower Policy
- Children and Other Vulnerable Persons Protection Policy

REFERENCES

- Disability Discrimination Act 1992 (Commonwealth)
- Disability Services Act 2011 (Commonwealth)
- Fair Work Act 2009
- NDIS Act 2013 (Commonwealth)
- NDIS (Complaints Management and Resolution) Rules 2018
- NDIS Practice Standards and Quality Indicators 2021
- NDIS (Procedural Fairness) Guidelines 2018
- Privacy Act 1988 (Commonwealth)
- Work Health and Safety Act 2011 (Commonwealth)
- Child Safe Organisation Act 2024

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AUTHORISATION

This Policy is approved and issued by:



BENJAMIN KEAST

Chief Executive Officer

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Form 21 – Certificate of Exhibit to Affidavit



Industrial Relations Act 2016, s 989
Industrial Relations (Tribunals) Rules 2011, r 53

Information

- This form is to be used when attaching exhibits to an affidavit. Exhibits are documents mentioned in the affidavit and used with the affidavit. Attach one Certificate per exhibit.
- Please read this form carefully and complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the non-acceptance of your form.
- For further information please refer to the website www.qirc.qld.gov.au or contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au.

Matter details

Applicant:	ARC Disability Ltd
v	
Respondent:	

Exhibit details

Name of document:	Recruitment and Selection Policy and Procedure
Marked:	I
Mentioned in the affidavit of:	Benjamin Keast

Signature

Full name of deponent/ substitute signatory:	Benjamin Keast		
Signature of deponent/ substitute signatory:			
Full name of witness:	John Hayward		
Signature and type of witness:			
	<input type="checkbox"/> Justice of the Peace	<input checked="" type="checkbox"/> Commissioner for Declarations	<input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	Cairns		
Date:	3.02.26		

RECRUITMENT AND SELECTION POLICY OPERATIONAL POLICY

1



POLICY TITLE:	RECRUITMENT AND SELECTION POLICY		
VERSION:	005	DATE EFFECTIVE:	01/06/2006
AUTHORISED BY:	Chief Executive Officer	DATE REVIEWED:	16/05/2025

SUMMARY

The policy ensures a fair and inclusive recruitment process, protecting applicant data and promoting equal opportunity without discrimination.

PURPOSE

The purpose of this policy is to establish a consistent and equitable framework for the recruitment and selection of personnel at ARC Disability Services Inc. (ARC). It aims to attract and identify candidates who are best suited to contribute to the organisation's mission and values, ensuring a transparent and non-discriminatory process that upholds the principles of merit and equity.

SCOPE

This policy is applicable to all recruitment and selection activities within ARC, encompassing all positions, whether permanent, temporary, full-time, part-time, or contractual.

DEFINITIONS

- **Equity** relates to equity in employment to ensure fairness, consistency, access, and non-discrimination principles and demotes impartiality in the selection process.
- **Merit** relates to the assessment of applicants' abilities, skills, knowledge, experience, qualifications and potential relative to a selection criterion, which is relevant to the effective performance of the position.
- **Meritorious** involves recognising applicants who have demonstrated exceptional qualifications or achievements that make them stand out. E.g. secondary candidate is awarded meritorious status for their application, indicating that they were considered highly suitable for the role based on their merits.
- **Secondment** is a temporary assignment where an employee is sent to work in a different position, either within their ARC or with a separate business. This arrangement allows the employee to gain new experiences, learn new skills, and expand their career options while retaining their employment status with their original position. This can also be referred to as "Acting Up".
- **Talent Pool** is a group of potential job candidates who have expressed interest in working for the organisation or have been identified as having the skills and qualifications needed for future positions.

EQUAL EMPLOYMENT OPPORTUNITY

ARC is an Equal Employment Opportunity (EEO) employer, and we believe that every individual has the right to work in an environment that is free from discrimination, harassment, and retaliation. Our recruitment and selection processes are designed to be fair, transparent, and based on the merit principle ensuring that all candidates are given equal opportunity to succeed.

Principle	Description
Diversity and Inclusion	We recognise the value of a diverse workforce and are committed to creating an inclusive environment that reflects the community we support.
Non-Discrimination	ARC prohibits discrimination in any form, whether based on race, colour, religion, sex, national origin, age, disability, or any other characteristic protected by law. This principle extends to all aspects of the employment relationship, including recruitment, selection, placement, training, compensation, promotion, and termination.
Reasonable Accommodation	ARC is committed to providing reasonable accommodations for candidates and employees with disabilities. We strive to ensure that our recruitment processes are accessible to all and that individuals with disabilities can participate fully and equally in the hiring process.

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RECRUITMENT AND SELECTION POLICY

OPERATIONAL POLICY



Addressing Workplace Bullying	ARC takes a strong stance against workplace bullying, as outlined in our <i>Respectful Workplace Policy</i> . We ensure that our recruitment and selection processes are free from any form of bullying or intimidation, providing a safe and respectful environment for all candidates.
Reporting and Accountability	Any concerns or complaints regarding EEO in the recruitment and selection process can be reported to Human Resources, Chief Operations Officer (COO), or the Chief Executive Officer (CEO). ARC ensures that all reports are taken seriously, investigated promptly, and addressed appropriately, maintaining confidentiality throughout the process.

Positive discrimination during recruitment refers to the practice of favouring individuals from underrepresented or disadvantaged groups to promote diversity and inclusion within the organisation. ARC will only discriminate in a job advertisement if it's a genuine occupational requirement (GOR) of the job. This means the specific characteristic is essential for the job and cannot be fulfilled by someone without that characteristic. Should positive discrimination be identified as a positional requirement, then the organisation must follow all legislative requirements prior to advertising or implementing the position, and in particular, in line with the Human Rights Act.

IMPLEMENTATION

This policy involves a range of activities designed to ensure open competition, so that:

- People qualified/experienced for a position have the opportunity to apply for that position.
- Applicants are assessed against the selection criteria.
- The opportunity exists for applicants to demonstrate to the selection panel their merit in relation to the selection criteria.
- The process is conducted systematically and fairly; and
- Applicants can obtain feedback about their performance against the selection criteria (natural justice principles).

VACANCIES

ARC's approach to vacancies is informed by the need to adapt to organisational growth and change. Vacancies arise from the creation of new or short-term roles, the redefinition of existing roles, or the departure of staff. Each vacancy presents an opportunity for ARC to reassess and realign its workforce with its strategic objectives. Vacancy decisions are made in line with the *Delegations Policy*.

- **New Positions:** When establishing new roles, ARC ensures they are designed to meet emerging needs and strategic goals.
- **Restructured Positions:** Existing roles are periodically reviewed and restructured to remain relevant and effective.
- **Vacancies from Departure:** When a role becomes vacant due to an employee's departure, it is evaluated for its continued relevance to ARC's mission.
- **Short-term or Contracted Positions:** Where required to support operational requirements, the organisation may identify and advertise a vacancy for time limited projects.

RECRUITMENT METHODS

The Human Resources team are responsible for supporting the recruitment methods, and maintaining records of meritorious candidates, talent pools, career development desires, secondment/acting up agreements, and any other documentation throughout the recruitment process.

The advertisements, application process, interview methods and any use of recruitment software must align with the organisation's values to attract diverse candidates, be human centred, and provide a positive candidate experience. Software and any recruitment or advertisement platforms must be designed to support the efficient and effective advertisement and administration of applications. It must maintain the confidentiality and security of all applications, ensuring a fair and unbiased review process.

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MERITORIOUS

If a recent probation period is unsuccessful, or a similar position becomes available, it may be acceptable to review any meritorious candidates from previous recruitment processes. The timeframe from the candidate being awarded meritorious status and the vacancy must be reasonable, to ensure that currency of both the candidate and the position still align for the current recruitment needs.

TALENT POOLS

A talent pool is essentially a database of qualified candidates that organisations can pull from to fill open roles. These candidates should already possess the skills and experience needed to perform the job/s, which can expedite hiring and reduce recruiting costs. ARC encourages current employees to refer potential candidates to its talent pools, as well as capturing any external expressions of interest from stakeholders or those that have a known relationship with the organisation.

EXPRESSIONS OF INTEREST

Internal recruitment expressions of interest (EOIs) is a method used to identify and consider current employees for new or vacant positions within the organisation. This approach allows ARC to leverage the skills and experience of existing staff, promoting career development and internal mobility. This method can be used where a position seeks the advantages of already understanding ARC specific software, processes, relationships or a unique set of skills, and that it would be considered reasonable that an internal applicant would have a greater strength/advantage than an external applicant.

SECONDMENTS AND ACTING UP

Should an employee be fulfilling a secondment, or in an acting up arrangement, and a vacancy arises that is same or similar skills, tasks and responsibilities, then it would be reasonable to consider this employee meritorious for the vacant position. The appointment is at the direction of the direct line Manager, should the fulfilment of the secondment have been considered successful. However, secondments and acting up are not a guarantee of appointment, as their primary function is to provide an opportunity for an employee to gain additional skills and experience with some limitations in the role.

PROJECTS / BESPOKE ROLES

In line with the Delegations Policy, should a maximum term project arise, then a mixture of the above methods may be used to directly appoint a suitable candidate. Again, consideration should be given to ensuring equity and transparency during the appointment of candidates to these types of vacancies.

EXTERNAL ADVERTISEMENT

This method is used to ensure a broad pool of candidates is captured. This ensures it reaches both internal and external candidates, talent pools and expressions of interest and general job seekers. All vacancies are advertised internally to current employees and externally to the public, ensuring equal opportunity and a diverse applicant pool. This directive aligns with ARC's strategic approach to recruitment, leveraging various channels to attract qualified candidates.

SELECTION AND APPOINTMENT

SELECTON STRATEGY

For each vacancy, a selection panel is established composing of individuals who collectively ensure an unbiased and knowledgeable evaluation of candidates. This multi-person approach is crucial for a balanced assessment, as it brings together different insights and expertise relevant to the role's requirements.

ARC's selection strategy is centred around a thorough evaluation of each candidate's qualifications and experiences, as well as their potential to contribute positively to the organisation. For supervisory positions, ARC may request that applicants address specific selection criteria, which helps to identify candidates who not only meet the technical requirements of the role but also align with the strategic direction and culture of ARC.

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SHORTLISTING OF APPLICATIONS

The shortlisting process adheres to the principle of merit, with a systematic and consistent assessment against the selection criteria to identify candidates who are most suited for the position. This process includes:

- A fair and consistent evaluation of all candidates, ensuring that the selection and interview criteria are applied uniformly.
- Selection and interview criteria that are weighted accordingly based on their importance as performance indicators, with a clear understanding among the selection panel of the significance of each criterion.

REFERENCES

Reference checks during recruitment are an essential part of the hiring process, aimed at verifying the information provided by candidates and assessing their suitability for the role. This involves contacting previous employers, supervisors, or other professional references to gather insights into the candidate's work history, performance, skills, and character. The candidate's ability to obtain all probity requirements (e.g. Blue/Yellow cards) and work within the N.D.I.S. sector must also be verified.

CANDIDATE INTERVIEWS

Interviews are a crucial step in the recruitment process, providing an opportunity for a thorough evaluation of each candidate's fit for the role. They must be conducted with professionalism, upholding merit, equity, and fairness. Panels should include diverse members to ensure balanced assessments, and all questions need to be relevant to the job and non-discriminatory, reflecting ARC's commitment to equal opportunity. Consistency in evaluating candidates against set criteria is essential, and the process should allow candidates to effectively showcase their abilities.

APPOINTMENT OF AN CANDIDATE

Appointing the right candidate to a position is a decision of importance for ARC, impacting our collective success and the individual's career trajectory. It is a process that balances the assessment of skills, experience, and potential with ARC's strategic goals and values.

Prior to making any selection decisions, a process of information verification is undertaken to validate the claims of applicants, upholding the integrity and reliability of the selection outcomes.

The final decision is made with careful consideration and is communicated promptly to all applicants. ARC is committed to providing all candidates with a transparent understanding of the selection outcome, and successful applicants are welcomed with the support needed for a smooth transition into their new role.

APPLICATION FEEDBACK

Feedback is to be provided upon request and should offer candidates constructive insights into their application and interview performance in relation to the selection criteria.

DOCUMENTATION

All documentation related to recruitment processes will be retained within the utilised recruitment software or the organisation's business management system. This ensures that ARC can demonstrate compliance with relevant legislation, policies, and standards, as well as provide feedback to applicants and address any grievances or complaints that may arise.

GRIEVANCE AND DISPUTE RESOLUTION IN RECRUITMENT

In managing grievances and disputes during the recruitment process, it is essential to address issues promptly and fairly in line with the *Employee Grievances and Disputes Policy*. Grievances related to recruitment should be resolved through a structured process that ensures transparency, objectivity, and confidentiality.

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RECRUITMENT AND SELECTION POLICY OPERATIONAL POLICY



A member of the interview panel may provide feedback but should not lead the grievance review to maintain impartiality. This approach aligns with best practices, which advocate for a safe and confidential reporting environment, consistent handling procedures, and a culture that forbids retaliation against those who raise concern

SECONDMENT AND ACTING UP APPOINTMENTS

ARC Disability Services Inc. (ARC) is firm in its belief that all work undertaken by its employees and contractors is remunerated at the appropriate rate, with the correct allowances, for their delegated position. This policy has been created to outline the process for staff to be acknowledged when working in a “higher duties” or “alternative duties” role for a period longer than one week. This policy is to ensure consistent practices are followed across the organisation and provides equal opportunities to all staff.

The *Acting Up and Secondment Policy* applies to all full time, part time, contracted and casual positions within the organisation. Volunteer and Student Placements are entirely within a voluntary capacity, with no associated remuneration.

IMPLEMENTATION

It is the responsibility of the Service Area Manager to instigate an Acting Up or Secondment Agreement with individuals within the service area. When required the Service Area Manager will undertake an internal, time limited recruitment process to establish the most suitable candidate. The Agreement will include the following details:

- Timeframe of acting up/secondment
- Expectations of role/duties during this time
- Remuneration/allowance of role during this time
- Any additional considerations
- Ensure access and permissions are established within operations for the time period (i.e., Online Systems, Email etc.)

APPROVAL

The Service Area Manager will complete an agreement detailing the conditions. This will be shared with the CEO, or the COO in the CEO’s absence for review and approval.

A copy of the agreement will be shared with the Payroll department to ensure accurate remuneration for the period of secondment/acting up. It will also be shared with the Human Resources department to ensure accurate records are maintained, and if access to any additional resources, system security, software functions, training, or positional documentation is required.

DATA PROTECTION

ARC is committed to safeguarding applicant data in our recruitment process, adhering to data protection laws. We handle personal data with strict confidentiality, limit access to recruitment personnel, and retain data only as necessary or with consent. Robust security measures protect against unauthorised access, and applicants can access, correct, or withdraw their data upon request.

RELATED DOCUMENTS

- Children and Other Vulnerable Persons Protection Policy
- Delegations Policy
- Drug and Alcohol Policy
- Employee Grievances and Disputes Policy
- Employee Remuneration Policy
- Human Resources Management Policy
- Inclusive Workplace Policy
- NDIS Worker Screening Policy
- Respectful Workplace Policy

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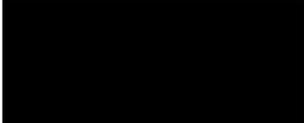
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REFERENCES

- Social, Community, Home Care and Disability Services Award 2010
- Fair Work Act 2009
- Human Rights Act 2019

AUTHORISATION

This Policy is approved and issued by:



BENJAMIN KEAST
Chief Executive Officer

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RECRUITMENT AND SELECTION PROCEDURE OPERATIONAL PROCEDURE



PROCEDURE TITLE:	RECRUITMENT AND SELECTION PROCEDURE		
VERSION:	003	DATE EFFECTIVE:	25/10/2017
AUTHORISED BY:	Chief Operations Officer	DATE REVIEWED:	26/04/2024

PURPOSE

ARC Disability Services Inc. (ARC) recruitment and selection procedures are based on merit and equity principles. This procedure outlines ARC's systematic approach to recruitment and selection, ensuring merit-based hiring and adherence to Equal Employment Opportunity (EEO) principles. It encompasses activities that promote open competition, fair assessment against selection criteria, and opportunities for applications to demonstrate their qualifications. The procedure is applied consistently across all ongoing vacancies, with discretion for casual or temporary positions.

A vacancy may fall into one of four (4) categories:

1. A newly established position.
2. A restructured existing position.
3. A position vacated by an employee leaving; or
4. A short-term contract for a specific project.

ROLES AND RESPONSIBILITIES

Chief Executive Officer (CEO):

- Provides strategic oversight and ensures alignment of recruitment practices with ARC's mission and values.
- Upholds the principles of merit, equity, and EEO in all recruitment activities.
- Approves final hiring decisions for senior-level positions (Level 5 and above).

Chief Operations Officer (COO):

- Manages the operational performance of the recruitment process, ensuring efficiency and adherence to policies.
- Works closely with the Human Resources (HR) team to develop and implement recruitment strategies.
- Ensures consistent application of recruitment procedures across the organisation.
- Approves final hiring decisions (Level 4 and below).

Line Manager:

- Identifies staffing needs and collaborates with the HR team to initiate the recruitment process.
- Participates in the development of job descriptions, selection criteria, and interview questions.
- Participates in the interview process, asking and responding to role specific questions.

Human Resources Team:

- Administers the recruitment process from job posting to candidate onboarding.
- Supports Line Managers in the selection process and ensures compliance with ARC's policies and legal requirements.
- Maintains detailed records of all recruitment activities.
- Provides feedback to candidates and ensures a smooth transition for new hires into their roles.
- Leads the interview process, ensuring a merit-based approach and adherence to EEO principles.

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PROCEDURE

Vacancy Review and Recruitment Approval

1. The Line Manager identifies staffing needs and initiates a recruitment request.
2. In collaboration with the HR Team, the Line Manager must develop or review the position description for the identified role.
 - a. For a newly established, restructured, or short-term role, develop a position description to outline the functions, duties, classification level, and selection criteria.
 - b. For an existing role vacated by an employee, review and adjust the current position description as necessary.
3. The Line Manager is to outline and document the details of the recruitment request including:
 1. The recruitment timeframe and projected start date.
 2. The members of the selection/Interview panel.
 3. Any specific role particulars or requirements.
 4. The application requirements such as provision of a resume, cover letter and selection criteria response.
4. The recruitment request must be submitted for approval to proceed with recruitment and any changes to the position as per the *Delegations Policy*.
5. The approved recruitment request and vacancy details must be shared by the Line Manager with the HR team to initiate advertisement of vacancy.

Advertising the Vacant Position

6. Based on the recruitment request and position description, the HR team is to develop a job advertisement that details the application requirements and assessment process.
7. The HR team must ensure the vacancy is advertised using multiple mediums to provide adequate visibility to both current and perspective employees. This includes the use of:
 - a. Employment marketplaces.
 - b. ARC vacancies webpage.
 - c. Employee media platform.
 - d. Social Media.

Application Shortlisting

8. The HR team is to undertake an initial review of applications to assess whether the candidates meet the established criteria.
 - a. This involves checking qualifications, experience, and alignment with the role's requirements.
 - b. Applications that do not fulfill the necessary criteria are not considered for shortlisting.
9. The HR team compiles a list of candidates who satisfy the majority, if not all, of the criteria.
 - a. This list is presented to the Line Manager, who will then have a clear and concise overview of potential candidates for further consideration.
10. With the provided list, the Line Manager is to evaluate each candidate against the role's specific needs and the organisation's objectives, identifying those candidates that will be interviewed.
11. The HR team is to coordinate with the shortlisted candidates to schedule interviews at mutually convenient times.
 - a. Candidates are to be informed about the interview process, what to expect, and any preparation required.
 - b. Ensure the interview process accommodates all candidates by asking in advance if any adjustments are needed.

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RECRUITMENT AND SELECTION PROCEDURE OPERATIONAL PROCEDURE



Interview and Selection

12. An interview panel is to be formed with a minimum of two and a maximum of four members.
 - a. This typically includes the Line Manager of the position and a representative from the HR team.
 - b. An alternative member must be sought if there exists any real or potential conflicts of interest.
13. The panel is responsible for developing an agreed set of interview questions and assessment criteria.
 - a. Questions should be structured to allow all candidates, including those with disabilities, to showcase their relevant skills and experiences.
 - b. This can include scenario-based questions that relate directly to job tasks or asking about problem-solving in past roles.
14. The panel may questions specific to the candidate that are raised as part of the interview process.
 - a. These questions must not breach Anti-Discrimination legislation and therefore must be job-related and non-discriminatory, focusing on the candidate's ability to perform the role.
 - b. Questions about personal matters not relevant to job performance must be avoided.
15. Reviewing and scoring of candidates must use a consistent and transparent scoring system that all panel members have agreed upon.
 - a. Referees must be asked the same set of questions for each candidate to maintain consistency and fairness.
16. Post-interview, the HR Team are to initiate reference checks for the interviewed candidates. This step verifies the information provided by the candidates and assesses their previous work performance and conduct.
17. The panel deliberates to select the preferred candidate who best fits the role and aligns with the organisation's values and goals.

Employment Offer and Grievance Resolution

18. Once a decision is reached, a verbal offer must be extended to the chosen candidate.
19. Following the candidate's acceptance of the verbal offer, the HR team must send a written offer letter and employment contract to the candidate.
20. The HR team must notify all remaining applicants of the recruitment outcome. The method of notification is to be tailored to the stage of recruitment each applicant reached. This typically involves:
 - a. An email notification for applicants who were not shortlisted.
 - b. A phone conversation for applicants who were interviewed.
21. If requested, a member of the interview/selection panel is to provide feedback to unsuccessful applicants. This feedback must be constructive and is aimed at supporting the applicant's future job applications.
22. If a grievance is raised relating to the recruitment process this must be resolved in line with the *Employee Grievances and Disputes Policy*. A written response must be provided to the complainant after the investigation is completed.
 - a. The members of the selection/interview panel should contribute but must not lead the review of the grievance.
 - b. This helps to maintain an objective, unbiased and fair review of the recruitment undertaken.

GOVERNING POLICIES

- Children and Other Vulnerable Persons Protection Policy
- Delegations Policy
- Employee Grievances and Disputes Policy
- Inclusive Workplace Policy
- NDIS Worker Screening Policy
- Recruitment and Selection Policy
- Respectful Workplace Policy

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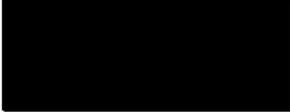
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**RECRUITMENT AND SELECTION PROCEDURE
OPERATIONAL PROCEDURE**



AUTHORISATION

This Procedure is approved and issued by:



BENJAMIN KEAST
Chief Operations Officer (Acting)

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