



Form 83 – Application for exemption or renewal of exemption

Anti-Discrimination Act 1991, section 113

Industrial Relations (Tribunals) Rules 2011, rule 80A



Information

- Use this form to apply or renew an exemption from provisions of the *Anti-Discrimination Act 1991*.
- Please read this form carefully. Please 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 rejection of your form.
- Once your form has been processed the Industrial Registry will contact you and provide you with a sealed copy of your application.
- Practice Direction 3 of 2021 - ELECTRONIC FILING AND HARD COPIES OF DOCUMENTS. Documents which are longer than 30 pages in length must be supplied to the Industrial Registry in hard copy before it will be accepted for filing.
Note: The applicant may file a **Form 20 - affidavit** in support of the application.

For further information please contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au

Applicant:	Downer EDI Rail Pty Ltd

Application

This is an Application to the Queensland Industrial Relations Commission, pursuant to section 113 of the *Anti-Discrimination Act 1991*.

1. Applicant

Name of applicant:	Downer EDI Rail Pty Ltd		
Organisation:	Downer EDI Rail Pty Ltd		
		ABN:	92 000 002 031
Postal address:	39 Delhi Rd, Sydney, New South Wales		
	Suburb/Town	North Ryde	Postcode 2113
Phone number:		Fax number:	
Mobile number:	+61 487 132 874		
Email address:	kate.macfarlane@downergroup.com		

Does the applicant have a representative?


A representative might be a lawyer, a union, an agent or a family member or friend who will speak on behalf of the applicant. There is no requirement to have a representative.

Yes - provide representative's details below and file a Form 33 or 34

No

2. Applicant's representative			
Organisation:			
Name of contact person:			
Postal address:			
	Suburb/Town		Postcode
Phone number:		Fax number:	
Mobile number:			
Email address:			

3. Details of exemption sought	
(a) Provision of Act from which exemption is sought:	
Sections 14, 15, 15A, 124, 127 of the Anti-Discrimination Act 1991 in relation to the attribute in section 7(a) of the Act (sex).	
(b) Period or further period for which the exemption is sought:	
5 years	
(c) Person, people or class of people for whom the exemption is sought:	
Women	

4. Signature of applicant or representative	
Signature:	
Name in full: (please print)	Kate Louise Macfarlane
Date:	17 / 04 / 2026

Statement made on behalf of the applicant

(Using numbered paragraphs, please set out detailed information in support of the application) 3000 character limit. (Note: If more than 3000 characters are required please attach a schedule)

Please see Annexure A

(set out the reasons for the application in consecutively numbered paragraphs. (Note: if more than 5000 characters are required please attach a schedule)

Please see Annexure A

Annexure A

17 April 2026

The Queensland Human Rights Commission
Level 4, 400 George Street
Brisbane QLD 4000

To whom it may concern,

Annexure A to Form 83 – Application for exemption under section 113 of the *Anti-Discrimination Act 1991* (QLD)

This is Annexure A to the Form 83 application made by Downer EDI Rail Pty Ltd (**Downer**) in which is seeks an exemption under section 113 of the *Anti-Discrimination Act 1991* (Qld) (**the Act**) to undertake women-only recruitment for the Women on Track program to increase female participation in the Queensland Train Manufacturing Program (**QTMP Project**),

Statement made on behalf of the applicant

Downer operates Rail and Transit Systems (**RTS**), which delivers rail manufacturing, maintenance and asset management services across Australia. In Queensland, Downer is delivering the QTMP Project, a long-term program involving the design, manufacture and commissioning of a new fleet of passenger trains. The QTMP Project operates from a manufacturing facility in Torbanlea on the Fraser Coast in Queensland, and a maintenance facility is in Ormeau, Queensland. The QTMP Project requires the development of a substantial and sustainable local workforce in these locations to support both project delivery and ongoing maintenance capability.

As part of workforce planning for the QTMP Project, and in connection with contractual requirements from the Queensland State Government, Downer has adopted an objective of achieving at least 20 per cent female participation across the QTMP Project workforce (**the Objective**). This is not a quota, but a workforce planning objective intended to support meaningful improvement in a historically male dominated industry. Current workforce data indicates that women comprise approximately 16% of the RTS workforce overall, with lower representation in manufacturing, maintenance and trades-based roles. Existing recruitment approaches have not delivered, and will not of themselves deliver, the level of female participation required to meet the Objective without targeted intervention.

Women on Track is one such targeted pathway. Women on Track is a targeted 12-month traineeship program open to women, designed to increase female participation in rail manufacturing, maintenance, and related trades-based roles. Participants undertake a Certificate II in Engineering Production Technology and may apply for an apprenticeship upon completion. The program provides a structured pathway into roles in which women are significantly underrepresented, while also supporting workforce capability requirements under the QTMP Project.

Schedule 1 – Grounds of Application

Why the exemption is necessary?

The exemption is necessary because, without an exemption under section 113 of the Act, Downer would be unable to lawfully limit recruitment and participation in the Women on Track program to women only, as doing so would otherwise constitute unlawful discrimination under sections 14, 15, 15A, 124, 127 of the Act in relation to the attribute in section 7(a) of the Act (sex).

How it is reasonable and appropriate?

The exemption sought is reasonable and appropriate because it targets a specific and identifiable disadvantage, that is the persistent underrepresentation of women in rail manufacturing, maintenance and trades-based roles. The proposed measure is reasonable in that it applies only to the advertising, recruitment and participation arrangements for the Women on Track Program. It does not apply to the broader recruitment or employment practices of the QTMP Project, RTS or Downer more broadly.

The exemption is also proportionate because Women on Track creates an additional pathway for women into an area of entrenched underrepresentation, but it does not remove or diminish employment or apprenticeship opportunities otherwise available to men. In that sense, it is a limited and practical measure directed to achieving the Objective which will, in turn, improve substantive equality in a historically male dominated part of the workforce

The exemption is sought for a period of five years. That period is appropriate as it will allow sufficient time for multiple program intakes and for the program to contribute to sustainable workforce change, while remaining temporary and subject to review.

Are there any other means of achieving the purpose of the exemption?

General inclusive recruitment practices, such as gender-neutral advertising, inclusive language and broader outreach have been and will continue to be utilised. However, these measures have not been sufficient, of themselves, to achieve the Objective and overarching purpose of Women on Track.

The purpose of the program is to create a targeted pathway for women into rail manufacturing, maintenance and trades-based roles through a 12 month traineeship program leading to a Certificate II in Engineering Production Technology and the opportunity to apply for an apprenticeship upon completion. Without the ability to confine participation to women, the program would not operate as a targeted corrective measure and would be materially less effective in addressing the underrepresentation that it is intended to address.

The ability to confine participation to women is essential to the program's operation as a corrective measure; without this, the program would be materially less effective in addressing the entrenched underrepresentation it is intended to remedy.

Any support for the application, for example, you might have consulted those affected by or have an interest in the exemption

The manufacturing industry data provided by the Workplace Gender Equality Agency (**WGEA**), and the Queensland Government's Women in Manufacturing Strategy both support the conclusion that this underrepresentation is persistent and structural, and that targeted action is required to improve participation.

WGEA data indicates that women comprise approximately 28% of the overall manufacturing workforce. Representation is substantially lower in key operational roles, with women comprising only 9% of technicians and trades workers, 31% of labourers, and 16% of machinery operators and drivers.¹ This data demonstrates that women remain significantly underrepresented in rail manufacturing and maintenance, as well as across the broader industries and occupational pathways from which the rail workforce is drawn.

The Queensland Women in Manufacturing Strategy states that women comprise approximately 29% of the manufacturing workforce overall, but only 11% of technician and trades roles and 13% of machinery operators and drivers.² This indicates that women's underrepresentation is concentrated in the technical and operational roles critical to rail manufacturing and maintenance, rather than being evenly distributed across the workforce.

This broader industry trend is reflected in Downer's own workforce. As stated above, current workforce data indicates that women comprise approximately 16% of the RTS workforce overall, with lower representation in operational and trades-based roles.

To this end, the broader Downer Group has an interest in the granting of the exemption.

The exemption, if granted, would support Downer's objective to "*recognise the value that the experience, skills, knowledge and strengths of a diverse and inclusive workforce delivers for our business,*" as articulated in Downer's *Inclusion and Belonging Policy (attached)*. The application is further supported by Downer's Inclusion and Belonging Standard, which commits the organisation to taking active steps to remove barriers to achieving a genuinely diverse and talented workforce and to ensure employees understand their responsibilities in enabling workforce diversity.

Relevant internal stakeholders involved in workforce planning, participation and project delivery have been consulted in the development of the program and support the need for a targeted pathway to improve women's participation.

How it is compatible with human rights

The exemption is "compatible with human rights" within the meaning of section 8 of the *Human Rights Act 2019 (Qld)* (HR Act).

Section 8 of the HR Act provides that a decision is compatible with human rights if it does not limit a human right, or if any limitation is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act. To the extent the exemption may limit the right to equality and non-discrimination in section 15 of the HR Act, any such limitation is reasonable and demonstrably justifiable.

The purpose of the limitation (that is, restricting program participants to women only) is consistent with section 13(2)(b) of the HR Act, as increasing women's participation in areas of persistent underrepresentation promotes substantive equality and is consistent with a free and democratic society based on human dignity, equality and freedom. The limitation is connected to the purpose of the program as required by section 13(2)(c) of the HR Act, as confining participation in the

¹ [Workplace Gender Equality Agency, Industry Data Explorer 2024-2025](#)

² [Women in Manufacturing Strategy, Queensland Government, March 2023](#)



Women on Track program to women is necessary for the program to operate as an effective corrective measure to address structural gender inequality in a historically male-dominated industry and to increase women's participation in the QTMP Project workforce.

The exemption is proportionate and no more restrictive than necessary, consistent with sections 13(2)(d) - (g) of the HR Act. It is confined to a single traineeship program, does not apply to Downer's broader recruitment or employment practices, does not displace existing opportunities for men, and is sought for a fixed period of five years. Less restrictive measures have been utilised however these have not addressed the identified disadvantage.

Accordingly, the exemption limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom, and is compatible with human rights within the meaning of sections 8 and 13 of the HR Act.

Regards,

Kate Macfarlane
Legal Counsel
Downer Group



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