

Form 83 - Application for exemption or renewal of exemption

INDUSTRIAL REGISTRAR

14 OCT 2026

QUEENSLAND

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 girc.registry@girc.qld.gov.au

Applicant:	Endeavour Foundation Limited

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:	David Groessler		
Organisation:	Endeavour Foundation Limited		
	ABN:	80 009 670 704	
Postal address:	PO Box 3555		
	Suburb/Town	Tingalpa QLD	Postcode 4173
Phone number:	1800 112 112	Fax number:	
Mobile number:	0439 048 977		
Email address:	david.groessler@endeavour.com.au		

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:	
ss.14, 15, 15A, 124 and 127 of the Anti-Discrimination Act 1991 in relation to the attribute in s.7(a) (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:	
Disability support workers	

4. Signature of applicant or representative	
Signature:	
Name in full: (please print)	David Groessler
Date:	14 / 10 / 2026

Please Note: Schedule 1 - Grounds of Application must be completed

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)

1. Endeavour Foundation Limited ('Endeavour') is a not-for-profit and registered charity organisation whose primary purpose is to support people with disability (PWD) by providing disability supports, including personal care, in both Supported Independent Living (SIL), specialist disability accommodation, individualised living options, in-home support, and employment services.
2. Endeavour employs approximately 1400 disability support workers (DSW) to provide supports for PWD, including where they provide personal care and domestic and lifestyle supports to PWD both in a community and/or residential setting including respite centre and day services.
3. Current employment data at Endeavour shows that there are just over 900 female DSW and approximately 500 male DSW who provide supports for approximately 520 PWD at 48 SIL sites across the state of Queensland. These SIL sites are located mostly in metropolitan and regional locations along the Eastern seaboard but includes sites such as Stanthorpe and Toowoomba.
4. Endeavour is a registered provider under the National Disability Insurance Scheme (NDIS) and must comply with the NDIS Supported Decision Making Policy which is the process of providing support to NDIS participants to make decisions to remain in control of their lives. This policy compliments the United Nations Convention on the Rights of Persons with Disabilities regarding the rights of people with disability to dignity, autonomy, decision making, and recognition of legal capacity.
5. NDIS participants have a right to determine how their NDIS services are delivered, known as 'choice and control', including when and by whom those supports are delivered that match their needs, culture and preferences. This includes whether they prefer to have either a male or female DSW, in particular when they receive personal care such as showering and toileting.
6. PWD that have engaged Endeavour to provide NDIS services frequently request a preference for either a male or female DSW based on their personal circumstances, and in most cases this request can be accommodated, however there are circumstances where this cannot be met if a recruitment process is required.
7. A recruitment process that accommodates the choice and control of PWD regarding their personal preference of either a male or female DWS to provide their NDIS services will support the objectives of the NDIS Supported Decision Making Policy and the United Nations Convention on the Rights of Persons with Disabilities.

1. Endeavour Foundation Ltd ('Endeavour') is seeking orders pursuant s.113(1) of the Anti-Discrimination Act 1991 ('the AD Act'), for exemption from the operation of certain provisions of the AD Act for the purposes of being able to advertise to employ only either female or male disability support workers (DSW) to provide personal care in a residential setting, including domestic services for people with disability (PWD).
2. Exemption is sought from the operations of ss.14, 15, 15A, 124 and 127 of the AD Act in relation to the attribute in s.7(a) 'sex', to advertise and recruit for either male or female DSW subject to the personal requirements of a PWD regarding the performance of domestic services, including personal care, at the person's home.
3. Endeavour understands that while the Queensland Industrial Relations Commission ('the Commission') has the discretion to grant an exemption from the operation of a specified provision of the Act, it also has obligations under the Human Rights Act 2019 ('the HR Act') when acting in an administrative capacity.
4. Endeavour's application acknowledges the rights to equality and to equal protection of the law without discrimination as provided for in s.15(3) of the HR Act.
5. The purpose of s.15(4) of the HR Act is to ensure that every person has the right to equal and effective protection against discrimination, the subject of the exemption sought by Endeavour, being a measure taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination, is a measure within s.15(5).
6. PWD are persons or a group of persons disadvantaged because of discrimination on the basis of impairment as identified in s.7(h) of the AD Act.
7. Endeavour submits that the exemptions for genuine occupational requirements, residential domestic services and/or welfare measures contained in ss. 25, 26 and 104 of the AD Act may apply.
8. Endeavour has been unable to identify any non-discriminatory ways of achieving the object or purpose for which the application is made, and without the exemption sought, may be exposed to a risk of unlawfully breaching a provision of the AD Act.