

Anti-Discrimination Assessment Process and Checklist – Update to MEM80122 Graduate Diploma of Engineering

The updated [Training Package Products Development and Endorsement Policy](#) (effective January 2023) has a new requirement that “an assessment that demonstrates that the training product meets anti-discrimination legislation, and associated standards and regulations has been undertaken, including the Disability Standards for Education 2005.¹” This is referred to as an Anti-Discrimination Assessment (ADA) and is included as part of the training package product submission pack to the Training Package Assurance Body (TPAB).

This Anti-Discrimination Assessment document describes the processes to be followed and considerations that must be made during a training package product project to ensure that:

- the methods and processes used to engage and consult with stakeholders and to receive feedback from them have been inclusive
- the content of products that are reviewed and developed do not discriminate in their language, and take into consideration any requirements in the products that may discriminate
- where possible, experts have been engaged to address any potential concerns related to meeting anti-discrimination requirements.

Further information is included below.

Checklist

The document also includes a checklist where project managers and developers must describe the actions taken and considerations made to meet anti-discrimination requirements during their project. Each project will have an allocated ADA assessor who will then check that the processes have been properly followed by reviewing the responses in the checklist and reviewing final draft products to check these requirements have been met.

Purpose and application

Training products should incorporate contemporary language, for example, people / person with a disability, rather than special or additional needs, consider how the delivery of training may be supported through reasonable adjustments when creating assessment requirements,

¹ *Training Package Products Development and Endorsement Process Polics*, Section 5.1 Submission of draft training products to the Assurance Body, detail 13.

particularly performance evidence, and consider what terms are appropriate for their sector, i.e., client, person, individual.

The anti-discrimination assessment (ADA) should consider the following (noting this is not an exhaustive list of considerations):

- the design of packaging rules that reduce disadvantage by providing a range of elective choices.
- The inclusion of multiple entry and exit points to promote flexibility and increase access for a broad range of individuals.
- Whether the products limit unnecessary references to location to allow access by people in regional and remote areas.
- Whether the products limit the use of pre-requisites thereby limiting barriers to entry.
- How foundation skills have been described and/or whether they are explicit in the products, and whether they reflect the foundation skills required for the vocational outcome.
- Whether the products use inclusive language.
- Whether the products have eliminated discriminatory language.
- Whether the products indirectly discriminate against a protected attribute*. (*The Age Discrimination Act 2004, Disability Discrimination Act 1992 and Sex Discrimination Act 1984* specify areas where it is unlawful to discriminate.

**The protected attributes broadly cover discrimination including race, colour, sex, sexual orientation, gender identity, relationship status, religion, age and disability (physical, intellectual, psychiatric, sensory, neurological or learning disability).*

The process on the following pages outlines some of the ways to avoid discriminatory language and tasks.

Information for project managers

Project managers (PM) should refer to and complete this document from the beginning of the project and through to its submission.

Prior to the review of existing products, take note of any language which exists that may be considered discriminatory or where reasonable adjustments may not be possible.

During the review period, consultation with stakeholders should include discussion about any problematic areas and an explanation given about the importance of the type of language which should be used and how reasonable adjustment can be included in the products.

All products must be checked against the requirements of the current legislation before signing the ADA checklist.

Once completed, it is to be checked and signed off by the ADA assessor.

This information is to be submitted in conjunction with the final submission package.

Information for training package product developers

The developer is to determine if the content of each product contains requirements that may be considered discriminatory. While it is preferred that requirements are not too prescriptive, care should also be taken about being too generic.

Non-discriminatory language is crucial especially in the areas of Foundation Skills, Performance Criteria, Performance Evidence and Assessment Conditions. Consideration should be given to:

- Foundation Skills – specifically ‘Oral Communication’. Is it critical to include? Consider someone who may be nonspeaking. Using this skill may be considered discriminatory.
- Performance Criteria and Performance Evidence – care should be taken to ensure that requirements in these areas are not too prescriptive. What is essential in the performance of the job role? Can reasonable adjustments be made?
- Assessment Conditions – are the requirements too specific? Can reasonable adjustments be made? Does the prescribed location prevent a person being able to complete the unit of competency, skill set or qualification? What alternatives can be included? For example, can the assessment be simulated or contextualised?
- Other areas to be discussed during stakeholder consultation should be prerequisites and entry requirements. Are they necessary and could they exclude an individual from completing the qualification, skill set or unit of competency?

Relevant documentation and requirements

| DOCUMENT | SECTION | ADA REQUIREMENTS |
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| TPPDEPP | Step 2.2 Step 3.1 Step 5.1 | Undertake consultations Determine revisions Submission of draft training products to the Assurance Body – Compliance with requirements |
| Training Product Submission form | 5.2 – Vulnerable and Minority Cohorts | This section of the submission requires a description of how the consultation addressed the needs of vulnerable or minority cohorts. It should include women, people with disability, culturally and linguistically diverse communities, and First Nations people. This includes a description of how the method, location and timing of consultation activities supported engagement. This section must be completed regardless of changes to the strategy over time. |
| Age Discrimination Act 2004 | Part 1 – Preliminary. S4. Simplified outline Part 4 – Unlawful age discrimination etc. S.26 Education | Direct discrimination – treating a person less favourably in situations where age should not be considered Indirect discrimination – imposing a condition, requirement or practice which is unreasonable and likely to disadvantage It is unlawful to discriminate against a person on the ground of the person's age: <ul style="list-style-type: none"> • By refusing to accept the person's application as a student • By denying the person access to any benefit provided by the educational authority (the body administering and educational institution) • Schedule 1 Laws for which an exemption is provided -https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ada2004174/sch1.html |
| Disability Discrimination Act 1992 | S4 | The definition of disability in the DDA can be found in section 4 of the Act. Disability in relation to the DDA includes: <ul style="list-style-type: none"> • Physical • Intellectual • Psychiatric • Sensory |

| DOCUMENT | SECTION | ADA REQUIREMENTS |
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| | S 5 and 6 | <ul style="list-style-type: none"> • Neurological, and • Learning disabilities, as well as • Physical disfigurement. <p>These sections set out the types of conduct that will constitute direct and indirect disability discrimination. Direct disability discrimination is when a person with disability is treated less favourably than a person without disability</p> <ul style="list-style-type: none"> • because of the disability, and • in circumstances that are not materially different. <p>Indirect disability discrimination occurs when a person with disability:</p> <ul style="list-style-type: none"> • is required to comply with a requirement or condition but they cannot comply because of their disability, and • that requirement or condition is not reasonable in the circumstances. • a failure to make reasonable adjustments to assist the person with disability to meet requirements or conditions |
| Sex Discrimination Act 1984 | S 5, 6 and 7 | <p>The Sex Discrimination Act 1984 (Cth) ('SDA') covers discrimination on the ground of:</p> <ul style="list-style-type: none"> • sex (defined in s 5); • marital status (defined in s 6); • pregnancy or potential pregnancy (defined in s 7); and • family responsibilities (defined in s 7A) |
| Racial Discrimination Act 1975 | | <p>The Act makes it unlawful to discriminate against a person because of his or her race, colour, descent, national origin or ethnic origin, or immigrant status.</p> <p>Direct discrimination happens when a person is treated less favourably than another person in a similar situation because of his or her race, colour, descent, national or ethnic origin or immigrant status.</p> <p>Indirect discrimination can happen when employers or service providers put in place conditions, requirements or practices which appear to treat everyone the same, but which disadvantage some people because of their race, colour, descent, national or ethnic origin or</p> |

| DOCUMENT | SECTION | ADA REQUIREMENTS |
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| | | immigrant status. If the requirement is not reasonable regarding the circumstances of the case, it could be indirect discrimination. |

Anti-discrimination assessment checklist

Project title: Update to MEM80122 Graduate Diploma of Engineering

Project scope: The project proposes changes to the following training products: Review 1 qualification – MEM80122 Graduate Diploma of Engineering

| Checklist item | Project manager response and evidence | ADA assessor response (insert comments where necessary) |
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| Have the packaging rules been designed to reduce disadvantage? <i>For example, the range of elective choices.</i> | Yes <i>How?</i> The scope of the update to MEM80122 Graduate Diploma of Engineering centred on changes to the packaging rules. The packaging rules were updated to bring the total number of required units for completion from seven to ten to support articulation arrangements. This increase in the number of total units allows the learner to select a greater number (and wider range) of elective units, resulting in a wider range of pathway opportunities. | Has this requirement been adequately considered? Yes <input checked="" type="checkbox"/> No Comments The changes to MEM80122 Graduate Diploma of Engineering involved increasing the number of units, this would improve the range of choice. |

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| | <p>These actions have increased the range of elective choices, therefore reducing disadvantage within the packaging rules.</p> <p>No <i>Why not?</i></p> | |
| <p>Have pre-requisites or entry requirements been limited to promote flexibility and increase access for a broad range of individuals?</p> | <p>Yes <i>How?</i></p> <p>No changes were made to existing pre-requisite or entry requirements during this project.</p> <p>No additional pre-requisites were added to the qualification. The Group B elective table was added and contains 13 units to meet pre-requisite requirements to other units</p> <p>No <i>Why not?</i></p> | <p>Has this requirement been adequately considered?</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No</p> <p>Comments</p> <p>There is no change.</p> |
| <p>How have Performance Criteria, Foundation Skills, Performance Evidence and Assessment Conditions been considered with respect to anti-discrimination?</p> | <p>No changes have been made to the existing Performance Criteria, Foundation Skills, Performance Evidence and Assessment Conditions for any of the units within the MEM80122 Graduate Diploma of Engineering qualification.</p> | <p>Has this requirement been adequately considered?</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No</p> <p>Comments</p> <p>There is no change</p> |
| <p>Do the products use contemporary language?</p> <p><i>For example, using people with a disability rather than 'special needs' or 'additional'</i></p> | <p>Yes <i>How?</i></p> <p>No new training products were developed during this project. All considerations for inclusion of contemporary language were made during the</p> | <p>Has this requirement been adequately considered?</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No</p> |

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| needs', using nonspeaking instead of nonverbal. Avoidance of acronyms like 'ATSI'. | <p>development of these training products. The language used in the training products is generic (i.e. 'personnel').</p> <p>No Why not?</p> | <p>Comments</p> <p>No new training products were developed during this project; therefore, there is no change.</p> |
| Do the products limit unnecessary references to location, enabling access by people in regional and remote areas? | <p>Yes How?</p> <p>No new training products were developed during this project. All considerations for access to remote areas were made during the development of these training products.</p> <p>The '<i>Implementation information - Access and equity</i>' section within the MEM Manufacturing and Engineering Companion Volume Implementation Guide outlines no limitations on location, stating "<i>an individual's access to training and assessment should not be adversely affected by restrictions placed on the location or context of the training and assessment beyond the requirements specified in the MEM Manufacturing and Engineering Training and must be bias-free.</i>"</p> <p>No Why not?</p> | <p>Has this requirement been adequately considered?</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No</p> <p>Comments</p> <p>No new training products were developed during this project; therefore, there is no change.</p> |
| How have protected attributes been considered in the development of the training products? | <p>No new training products were developed during this project. All considerations for protected attributes were made during the development of these training products by removing / not including any discriminatory language. Existing</p> | <p>Has this requirement been adequately considered?</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No</p> |

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| <p><i>For example, ensuring products do not indirectly discriminate against a protected attribute.</i></p> | <p>training products did not include any discriminatory language.</p> | <p>Comments</p> <p>No new training products were developed during this project; therefore, there is no change.</p> |
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Declaration

This Anti-discrimination assessment has been completed by Camille La Brooy

The assessor is satisfied by the information provided by the project manager and the products reviewed that the training products being submitted meet, as far as practicable, relevant anti-discrimination legislation, and that evidence of processes to address (such as avenues to raise concerns is encouraged) is reasonable and adequate.



Signature:

Date: 12/11/24