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.

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

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, 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* specific 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 |
| --- | --- | --- |
| TPPDEPP | Step 2.2Step 3.1Step 5.1 | Undertake consultationsDetermine revisionsSubmission 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](https://www.legislation.gov.au/Details/C2020C00283) | Part 1 – Preliminary. S4. Simplified outlinePart 4 – Unlawful age discrimination etc. S.26 Education | Direct discrimination – treating a person less favourably in situations where age should not be consideredIndirect discrimination – imposing a condition, requirement or practice which is unreasonable and likely to disadvantageIt is unlawful to discriminate against a person on the ground of the person’s age:* 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](https://www.legislation.gov.au/Details/C2023C00355) | S4S 5 and 6 | The definition of disability in the DDA can be found in section 4 of the Act. Disability in relation to the DDA includes:* Physical
* Intellectual
* Psychiatric
* Sensory
* Neurological, and
* Learning disabilities, as well as
* Physical disfigurement.

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 * because of the disability, and
* in circumstances that are not materially different.

Indirect disability discrimination occurs when a person with disability: * 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](https://www.legislation.gov.au/Details/C2023C00316) | S 5, 6 and 7 | The Sex Discrimination Act 1984 (Cth) (‘SDA’) covers discrimination on the ground of:* 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](https://www.legislation.gov.au/Details/C2022C00366) |  | 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.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.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 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: AHC Improvements Project

Project scope: Incorporate updated training products into 40 Qualifications and 28 Skill Sets. In addition to this, 1 new unit (developed in 2022) to be included in qualifications, 4 units proposed for deletion, and minor updates to 2 units of competency.

| Checklist Item | Project manager response and evidence | ADA assessor Response (insert comments where necessary) |
| --- | --- | --- |
| Have the packaging rules been designed to reduce disadvantage?*For example, the range of elective choices.* | YES [x]  *How?* The scope of the project was limited to updating references to superseded units of competency with their latest release in qualification packaging rules unit grids and skill sets requirements. If a unit had been deleted, a suitable replacement was included where possible. Additional elective units were also included into qualifications as recommended by industry and supported by stakeholders. All proposed replacements and additions were consulted on and supported by stakeholders.These actions ensured that learners and trainers will soon have access to skills standards that reflect the most recent industry standards, technology, and terminology, including those relating to biosecurity, environmental sustainability, quality assurance, and workplace health and safety.NO [ ]  *Why not?* | Has this requirement been adequately considered?YES [x] NO [ ] As outlined, the project did not review qualification packaging. However, packaging rules in all qualifications allow for a range of elective selections, including importation of units from other training packages or accredited courses to enable flexibility for individual needs.  |
| Have pre-requisites or entry requirements been limited to promote flexibility and increase access for a broad range of individuals? | YES [x]  *How?*NO [ ]  *Why not?*No changes were made to existing pre-requisite or entry requirements during this project.The unit *AHCARB613 Conduct complex tree hazard and health assessment post-fire* was developed as part of a Bushfire Response Project in 2022. This unit contains important skills for undertaking tree assessment post-fire. This unit has been included as an elective unit in both the Diploma and Advanced Diploma of Arboriculture. (Note: This unit has two pre-requisite units that also needed to be included in the qualifications. The pre-requisites were already included in the core of the Diploma of Arboriculture, and were added to their own elective Group B in the Advanced Diploma of Arboriculture with the packaging rules stating that 'electives from group B can only be selected where required as a pre-requisite'.)Entry requirements are included in a number of qualifications however adjustments to these are not part of the project scope therefore they have been left as is.  | Has this requirement been adequately considered?YES [x] NO [ ]  Again, as outlined the project did not review or undertake changes to individual units of competency or qualifications (minor changes only in 2 units).Only 1 unit (AHCARB613 Conduct complex tree hazard and health assessment post-fire) is being submitted for endorsement, although it was developed, with consultation and validation, as part of a previous project. There appears to be no stakeholder concern in relation to the inclusion of the 2 pre-requisite units specified for this unit, with the pre-requisite units included for use in the packaging of the Advanced Diploma. Where stakeholder feedback raised potential concerns with unit pre-requisites (including with units from other training packages) and/or entry requirements (Diploma of Arboriculture) response indicated the feedback would be recorded to guide future review of training products.  |
| How have Performance Criteria, Foundation Skills, Performance Evidence and Assessment Conditions been considered with respect to anti-discrimination? | *AHCARB613 Conduct complex tree hazard and health assessment post-fire* contained the Foundation Skill (FS):*“Oral Communication - Use appropriate scientific and technical terminology when speaking to stakeholders”*The Foundation Skill Oral Communication has been removed from the unit to ensure people who may be non-speaking or have a disability affecting speech are not discriminated against. It was deemed ‘not essential’ to the performance of the job role. | Has this requirement been adequately considered?YES [x] NO [ ]  As specified, the project did not review individual training products. Only 1 unit (AHCARB613 Conduct complex tree hazard and health assessment post-fire) is being submitted for endorsement, although it was developed as part of a previous project. As indicated an amendment has been made to the unit to ensure only essential skills are included.  |
| Do the products use contemporary language?*For example, using people with a disability rather than ‘special needs’ or ‘additional needs’, using nonspeaking instead of nonverbal. Avoidance of acronyms like ‘ATSI’.* | YES [x]  *How?*No new training products were developed during this project. All considerations for inclusion of contemporary language were made during past projects.NO [ ]  *Why not?* | Has this requirement been adequately considered?YES [x] NO [ ]  The project did not review individual training products, however the language used in the training products is generic (i.e. ‘individuals’).Whilst minor, suggest consideration may be given to wording in the Qualification Description for AHC42021Certificate IV in Landscape Construction Management, which refers to job role of ‘foreman’. Whilst this term is likely still used in some circumstances/industries, a more gender inclusive term for contemporary use may be ‘foreperson’ or simply ‘supervisor’ (Seek job classifications use ‘foreperson/supervisor’).  |
|  | *Post-assessment response:**Assessor’s suggestion has been implemented. Language in the qualification description for AHC42021 Certificate IV in Landscape Construction Management has been updated for gender neutrality.* |  |
| Do the products limit unnecessary references to location, enabling access by people in regional and remote areas? | YES [x]  *How?*No new training products were developed during this project. All considerations for access to remote areas were made during past projects. NO [ ]  *Why not?* | Has this requirement been adequately considered?YES [x] NO [ ]  Only 1 unit of competency, and associated assessment requirements, is being submitted for endorsement in this project. It allows for assessment to be ‘demonstrated in a work environment or an environment that accurately represents workplace conditions’. The training product does not specify training or assessment methods which could limit access based on location. A comment was noted in the Consultation feedback regarding the volume of Performance Evidence required (AHCFAU202 in AHC30820). Whilst acknowledging this unit was not reviewed in this project, the response indicated that additional sites may be needed/used to access the volume required. As a general statement, currently wording in Assessment Requirements of all units is ‘singular’ (i.e. ‘**a** work environment’ **or** ‘**an** environment that’). To aid user implementation, Skills Insight may consider adding brief guidance to the Companion Volume to clarify where/that it may be relevant or necessary for both ‘a’ workplace and ‘an environment that’ rather than ‘or’, or multiple workplaces where the range of work or resources to access may be limited.  |
|  | *Post-assessment response:**Feedback received regarding Performance Evidence in AHCFAU202 has been recorded for review in future projects.* *Information regarding singular language used in the Assessment Requirements of units of competency has been added to the Companion Volume Implementation Guide.*  |  |
| How have protected attributes been considered in the development of the training products?*For example, ensuring products do not indirectly discriminate against a protected attribute.* | No new training products were developed during this project. All considerations for protected attributes were made during past projects by eliminating discriminatory language.  | Has this requirement been adequately considered?YES [x] NO [ ]  No new training products were developed during this project or existing training products reviewed. The Companion Volume Implementation Guide (CVIG) provides information in relation to Reasonable Adjustment and references the *Disability Standards for Education 2005.*  |

**Declaration**

This Anti-discrimination assessment has been completed by Maree Thorne. 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: 2 January 2024

Training products provided for assessment

Qualifications

AHC10124 Certificate I in Conservation and Ecosystem Management

AHC20324 Certificate II in Production Horticulture

AHC20624 Certificate II in Parks and Gardens

AHC20724 Certificate II in Nursery Operations

AHC21024 Certificate II in Conservation and Ecosystem Management

AHC21124 Certificate II in Irrigation

AHC21624 Certificate II in Landscaping

AHC21824 Certificate II in Protected Horticulture

AHC30224 Certificate III in Dairy Production

AHC30324 Certificate III in Rural and Environmental Pest Management

AHC30624 Certificate III in Production Horticulture

AHC30824 Certificate III in Arboriculture

AHC30921 Certificate III in Landscape Construction (Release 2)

AHC31024 Certificate III in Parks and Gardens

AHC31124 Certificate III in Nursery Operations

AHC31324 Certificate III in Sports Turf Management

AHC31424 Certificate III in Conservation and Ecosystem Management

AHC31824 Certificate III in Beekeeping

AHC32424 Certificate III in Irrigation Technology

AHC32724 Certificate III in Rural Merchandising

AHC33924 Certificate III in Medicinal Cannabis Cultivation and Production

AHC40224 Certificate IV in Protected Horticulture

AHC40324 Certificate IV in Production Horticulture

AHC40624 Certificate IV in Nursery Operations

AHC40924 Certificate IV in Conservation and Ecosystem Management

AHC41024 Certificate IV in Agribusiness

AHC41124 Certificate IV in Irrigation Management

AHC41724 Certificate IV in Pest Management

AHC42021 Certificate IV in Landscape Construction Management (Release 2)

AHC42324 Certificate IV in Medicinal Cannabis Cultivation and Production

AHC50324 Diploma of Production Horticulture

AHC50524 Diploma of Arboriculture

AHC50820 Diploma of Nursery Management (Release 2)

AHC51024 Diploma of Sports Turf Management

AHC51324 Diploma of Pest Management

AHC51422 Diploma of Agribusiness Management (Release 2)

AHC51524 Diploma of Viticulture

AHC51624 Diploma of Irrigation Design

AHC51920 Diploma of Applied Agronomy (Release 2)

AHC60524 Advanced Diploma of Arboriculture

Skill sets

AHCSS00045 Spray Operator Skill Set (Release 2)

AHCSS00061 Prepare For and Manage Organic Farm Certification Skill Set (Release 2)

AHCSS00166 Recognise Native and Feral Fauna Skill Set

AHCSS00167 Advanced Chemical Spray Application Skill Set

AHCSS00168 Introduction to Carbon Farming Skill Set

AHCSS00169 Farm Business Workforce Skill Set

AHCSS00170 Business Skills For Sports Turf Management Skill Set

AHCSS00171 Technical Skills For Sports Turf Management Skill Set

AHCSS00092 Irrigation Retailer Skill Set (Release 2)

AHCSS00172 Gravity Fed Irrigation Operator Skill Set

AHCSS00173 Irrigation Agronomist Skill Set

AHCSS00174 Irrigation Contractor Skill Set

AHCSS00175 Irrigation Installer Skill Set

AHCSS00176 Irrigation Manager Skill Set

AHCSS00177 Pressurised Irrigation System Operator Skill Set

AHCSS00178 Irrigation Retail Sales Skill Set

AHCSS00179 Irrigation Meter Installation and Validation Skill Set

AHCSS00180 Production Horticulture Machinery Skill Set

AHCSS00181 Production Horticulture Manager Skill Set

AHCSS00182 Production Horticulture Supervisor Skill Set

AHCSS00183 Firearms Skill Set

AHCSS00184 Construct Roof Gardens, Vertical Gardens and Green Facades Skill Set

AHCSS00116 Maintain Roof Gardens, Vertical Gardens and Green Facades Skill Set (release 2)

AHCSS00185 Seed Processing Skill Set

AHCSS00186 Administrator in Mined Land Rehabilitation Skill Set

AHCSS00187 Mined Land Rehabilitation Field Worker Skill Set

AHCSS00188 Mined Land Rehabilitation Machine Operator Skill Set

AHCSS00189 Mined Land Rehabilitation Project Coordinator Skill Set

Units of competency

AHCAGB518 Develop climate risk management strategies

AHCARB613 Conduct complex tree hazard and health assessment post-fire

AHCMOM302 Perform machinery maintenance