



## Section 51 – Aboriginal Employment Strategy at North Metropolitan TAFE

### Equal opportunity in public employment

The [Western Australian Equal Opportunity Act 1984](#) recognises that achieving genuine equality may require more than treating everyone the same. The Act allows for positive action to reduce disadvantage and improve employment outcomes for underrepresented groups, including Aboriginal and Torres Strait Islander peoples.

### What is Section 51 of the Act?

Section 51 of the Act allows organisations such as North Metropolitan TAFE (NMTAFE) to take positive action in employment for people from specific racial groups. This supports increased access, representation and fairness, while still ensuring merit-based selection.

### Why is NMTAFE using Section 51?

In line with the [Public Sector Commissioner's Workforce Diversification and Inclusion Strategy 2020 - 2025](#), NMTAFE uses Section 51 to actively support the employment and career development of Aboriginal and Torres Strait Islander people and to build a more inclusive and representative workforce.

### How does Section 51 support appointments at NMTAFE?

Under Section 51, and consistent with [Public Sector Commissioner's Instruction 39](#) NMTAFE may take positive action to support Aboriginal applicants, including opportunities for permanent appointment. All applicants must meet the minimum role requirements and are assessed fairly against the selection criteria.

### Identification of Aboriginal applicants

As part of the recruitment process, applicants are asked whether they identify as Aboriginal and/or Torres Strait Islander. This information supports NMTAFE's commitment to inclusive recruitment practices.

### Are Aboriginal applicants assessed differently in a Section 51 selection process?

All applicants are assessed fairly and equitably against the selection criteria and must meet the minimum requirements for the role. However, under Section 51, NMTAFE may take positive action to support Aboriginal and Torres Strait Islander applicants, including opportunities for permanent appointment, in line with Commissioner's Instruction 39 and NMTAFE's Aboriginal Employment Strategy.



### **Section 51 compared with Section 50(d)**

- Section 51 allows roles to target a specific racial group while remaining open to all applicants.
- Section 50(d) applies where being of a particular race is a genuine occupational requirement, meaning only applicants of that group may apply.

### **How will applicants know when Section 51 applies to a selection process?**

If Section 51 applies to a position, this will be clearly stated in the advertisement

### **What is the Public Sector Commissioner's position on the use of Section 51?**

The Public Sector Commissioner's strategy for Aboriginal people: Attract, appoint and advance: An employment strategy for Aboriginal people, outlines the performance objective of 'promoting the application of measures to achieve equality under the Act, and the policy framework for substantive equality.'

### **Where can I find more information on Section 51?**

To find out more about Section 51 of the Act, please see below:

Equal Opportunity Commission  
Director of Equal Opportunity in Public Employment

[www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)  
[www.psc.wa.gov.au/deope](http://www.psc.wa.gov.au/deope)

