

Procedures for determining breaches of the APS Code of Conduct and the imposition of sanctions

I, Raymond James Griggs AO, CSC, Chief Executive Officer, National Indigenous Australians Agency (the Agency), have established these procedures in accordance with section 15(3) of the Public Service Act 1999 (The Act).



Ray Griggs, AO, CSC

Chief Executive Officer

National Indigenous Australians Agency

1 July 2019

1 Application

1.1 These Procedures must be complied with in determining:

- a) whether an employee of the agency, or former employee of the agency, has breached the APS Code of Conduct in s 13 of the Act (*'the Code of Conduct'*).
- b) the sanction/s, if any, that should be imposed on an APS employee in accordance with section 15(1), where a breach of the Code of Conduct has been determined.

Note: These Procedures apply in relation to a suspected breach of the Code of Conduct by an APS employee, a former APS employee or the actions of an employee prior to commencing with the agency, in respect of which a determination is to be made. Not all suspected breaches of the Code of Conduct may need to be dealt with by way of a determination. In particular circumstances, another way of dealing with a suspected breach of the Code may be more appropriate.

2 Availability of procedures

2.1 These procedures are made publicly available on the Agency's website in accordance with subsection 15(7) of the Act.

3 Information to be given to the APS employee, or former APS employee before a determination is made

3.1 A determination may not be made in relation to a suspected breach of the Code of Conduct by an APS employee, or former APS employee, unless reasonable steps have been taken to:

- a) inform the person of:

S15(3) - Procedures for determining suspected breaches of the APS Code of Conduct

- i. the details of the suspected breach (including any subsequent variation of those details); and
 - ii. the sanctions that may be imposed on the APS employee under subsection 15(1) of the Act
- b) give the person a reasonable opportunity to make a statement in relation to the suspected breach.

4 Information to be given to the employee before sanction is imposed

4.1 If a determination is made that an APS employee has breached the Code of Conduct, a sanction may not be imposed on the APS employee unless reasonable steps have been taken to:

- a) inform the APS employee of:
 - i. the details of the determination of breach of the Code of Conduct; and
 - ii. the sanction or sanctions that are under consideration in accordance with subsection 15(1) of the Act; and
 - iii. the factors that are under consideration in determining any sanction to be imposed; and
- b) give the APS employee reasonable opportunity to make a statement in relation to the sanction/s under consideration.

5 Person making determination to be independent and unbiased

5.1 The agency will take reasonable steps to ensure that:

- a) the person who determines whether an APS employee, or former APS employee, has breached the Code of Conduct is, and appears to be, independent and unbiased; and
- b) the person who determines any sanction to be imposed is, and appears to be, independent and unbiased.

6 Determination process to be informal

6.1 The process for determining whether an APS employee, or former APS employee, has breached the Code of Conduct must be carried out with as little formality and as much expedition as a proper consideration of the matter allows.

7 Record of determination and sanction

7.1 If a determination is made in relation to a suspected breach of the Code of Conduct by an APS employee, or former APS employee, a written record must be made of:

- a) the suspected breach; and
- b) the determination; and
- c) any sanctions imposed as a result of the determination that the APS employee breached the Code of Conduct; and

- d) any statement of reasons provided to the employee.

Note: The Archives Act 1983 and the Privacy Act 1988 apply to a record made under this clause.

8 Procedure when an employee seeks to move to another Agency during an investigation

8.1 This clause applies if:

- a) an APS employee in the Agency is suspected of having breached the Code of Conduct; and
- b) reasonable steps have been taken to formally advise the APS employee of the suspected breach in accordance with clause 3.1; and
- c) a decision is made to promote an APS employee and the matter to which the suspected breach relates has not yet been resolved before the employee moves to take up the promotion; or
- d) a decision has been made, apart from these procedures, that would result in the movement of the employee under section 26 of the Act to another Agency.

8.2 Unless the original Agency Head and the new Agency Head agree otherwise, the movement (including on promotion) does not take effect until the matter is resolved.

8.3 For this clause, the matter is taken to be resolved when:

- a) a determination is made as to whether the APS employee has breached the Code of Conduct; or
- b) it is decided that such a determination is not necessary.

Staff guide for engaging with the referendum in an official capacity

Aboriginal and Torres Strait Islander Voice and referendum

The Government will hold a referendum this year to recognise Aboriginal and Torres Strait Islander peoples in the Constitution, through an Aboriginal and Torres Strait Islander Voice.

This document aims to provide guidance to National Indigenous Australians Agency (NIAA) employees who are engaging with the referendum as part of their **official** duties – including engaging with stakeholders and supporting government processes. This guide relates to conduct and statements by officials, but not to Commonwealth expenditure, which is subject to additional considerations under section 11 of the *Referendum (Machinery Provisions) Act 1984*. We will provide additional guidance on this point in the future.



What is the role of the public service in the referendum?

The Australian Public Service is apolitical and the public must have confidence in the capacity of the public service to remain impartial.

The role of the public service in the referendum is the same as in other Government policy – to serve the Government of the day to deliver on its commitments.

The Government's policy agenda

The Government is committed to implementing the Uluru Statement from the Heart in full. This includes holding a referendum in 2023 to recognise Aboriginal and Torres Strait Islander peoples in the Constitution, through an Aboriginal and Torres Strait Islander Voice. The Government will not fund a 'Yes' or 'No' campaign but will deliver a neutral, facts-based civics education program so that the Australian public has the information they need to make an informed vote.

To support the Government's policy agenda, the role of the public service in the referendum involves:

1. Preparing for and delivering the referendum;
2. Providing a trusted source of factual information to the Australian public; and,
3. Supporting government processes (such as legislation and budget processes) and members of Government (for instance through briefing and supporting meetings).

The referendum is a unique period in Australian history, presenting some complexities for public servants to navigate in their day-to-day work. This is particularly true for NIAA employees who are working directly on the referendum. Some key points to keep in mind:

- The role of the public service is to provide support to the Government to **implement** the referendum, not to influence the outcome by presenting 'Yes' or 'No' arguments.
- The decision to change the Australian Constitution lies with the Australian people, meaning public servants have a duty to remain **impartial**.
- When discussing the referendum, care should be taken to explain the policy in neutral, fact-based language, rather than advocate for or against a particular position.



What is the NIAA's role in preparing for and delivering the referendum?

Within the public service, the NIAA is leading preparation for the referendum through First Nations engagement, coordination across the APS and supporting government processes. For example, this includes:

- supporting the Referendum Working Group, Referendum Engagement Group and Constitutional Expert Group;
- facilitating the Referendum Interdepartmental Committee and APS Voice Referendum Forum; and,
- developing the civics education program, which will focus on factual information about the Constitution, referendums and the Voice proposal.

The NIAA is working with a range of other agencies to prepare for and deliver the referendum, including the Attorney-General's Department, Department of Prime Minister & Cabinet, Department of Finance and the Australian Electoral Commission.



What can I say about the referendum in an official capacity?

NIAA employees have an important role to play in explaining the Government's policy on the referendum to stakeholders. Our approach to engaging with stakeholders must support public confidence in the capacity of the APS to remain impartial.

Employees should explain the Government's policy on the referendum using factual and balanced

Below are some key points you can use when discussing the referendum with stakeholders or members of the public.

When describing the Government's policy position:

The Australian Government is committed to implementing the Uluru Statement from the Heart in full.

The Government will hold a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution, through an Aboriginal and Torres Strait Islander Voice, in 2023.

You can go to the [Voice website](#) for the most up to date information.

If you are asked about the 'Yes' and 'No' campaigns:

The Government will not fund a 'Yes' or 'No' campaign, but will develop a neutral, factsbased civics education program.

You can go to the [Voice website](#) for the most up to date information.

When providing details for voter enrolment:

It is compulsory by law for all eligible Australian citizens aged 18 and older to enrol and vote in referendums; this will work in the same way as a federal election.

If you are already enrolled you do not need to enrol again to vote in the referendum.

For more information or to check your enrolment status, visit the [Australian Electoral Commission](#) website.

Presenting arguments for/against the Voice.

Attempting to persuade stakeholders to vote 'Yes' or 'No' in the referendum.

language, rather than advocating for a certain position.

There are a number of resources available on the Voice intranet page to support NIAA employees to discuss the referendum with stakeholders in a neutral and factual way.

If you do not know how to respond or would prefer not to respond to a question, please encourage the stakeholder to email referendum@niaa.gov.au.



What should I do if stakeholders ask me for my personal opinions when I am working?

It is important that the APS remains apolitical, and that the public has confidence in our ability to undertake our duties in an impartial way. This means it is not appropriate to share your personal opinions on the referendum when acting in an official capacity. Below is suggested language for how you can respond to questions about your personal opinions when at work:

“It is the role of the public service in the referendum to provide a trusted source of factual information and to remain impartial. I’m sorry, but it is not appropriate that I share my own views when I’m working.”



What should I do if members of the community ask me about the referendum outside of work?

The NIAA acknowledges that for many staff members, it may be difficult to determine whether your interactions with community members are official or unofficial activities – especially when you are well known by your community as an NIAA employee even after you have logged off. This is particularly true for First Nations employees and employees working in regional offices.

When outside of the workplace, make it clear to community members whether you are expressing the views of the Agency or your personal views. For guidance on expressing your views as a private citizen, see the staff guide on engaging with the referendum in an unofficial capacity on the intranet.

If you think you are being asked because of your role as an NIAA staff member, it’s best to treat this as 'official' activity, and keep your comments factual, respectful, and balanced.



Supporting government processes and members of Government

As part of our role in assisting the elected Government, the NIAA will continue to support government processes and members of Government, including through drafting briefs, speeches and responding to correspondence from the public.

Resources for APS staff who are providing input to ministerial briefing are available on request from ReferendumTaskforce@niaa.gov.au.



Other resources and information

- Visit the [Voice website](#) for the most up to date public information.
- [Sign up](#) to the Aboriginal and Torres Strait Islander Voice Referendum newsletter to get the latest updates in your inbox.
- Visit the [Voice and Referendum intranet page](#) for internal resources, including:
 - Voice and Referendum Officials Standard Words
 - Guide for engaging with the referendum in an unofficial capacity
 - Employee Support Guide
 - Manager Support Guide
 - Guide for responding to phone calls about the Voice and referendum
- Email ReferendumTaskforce@niaa.gov.au if you have any questions or requests.

Staff guide for engaging with the referendum in an unofficial capacity

Aboriginal and Torres Strait Islander Voice and referendum

The Government will hold a referendum this year to recognise Aboriginal and Torres Strait Islander peoples in the Constitution through an Aboriginal and Torres Strait Islander Voice (**The Voice**). The National Indigenous Australians Agency (**NIAA**) is leading preparation for the referendum through First Nations engagement, coordination across the Australian Public Service (**APS**) and supporting government processes.

This is a unique period in Australian history. Understandably, staff in the NIAA may have questions about what they can and cannot do or say in public – with their friends and family, on social media, and out in the community.

The NIAA is committed to providing employees with the knowledge and support they need.



What this guide covers

The aim of this document is to provide support to NIAA staff who wish to **engage publicly with the referendum as private citizens**, while complying with the APS Code of Conduct. This may include situations like:

- attending a community event
- posting on social media • donating to a campaign
- discussing the referendum with family and friends.

This guide does not cover every situation and scenario, but it does refer to key documents and sources of guidance to help you find more information.



Other NIAA resources available

There are a number of resources available to support staff in the lead up to the referendum, including:

- Staff guide for engaging with the referendum in an official capacity
- Employee support guide, covering your wellbeing and having respectful conversations at work
- Manager support guide, to help you support your teams in the lead up to the referendum
- voice.niaa.gov.au for the most up to date public information and resources
- [Intranet page](#) with regularly updated information and resources, including a Guide for responding to calls about the Voice and referendum and Official Standard Words.

Can NIAA staff engage with the referendum?

In short, yes – provided that you do so in a way that is consistent with your obligation to maintain public confidence in the integrity and impartiality of the APS.

There are no hard and fast rules when it comes to your engagement with the referendum – ultimately, your personal involvement is your decision, having regard to your APS obligations. This document provides guidance on appropriately balancing your obligations and the expression of your personal views, including a decision tool and answers to FAQs.



How can I engage as a private citizen?

APS employees may generally make public comment in an unofficial capacity (i.e. as a private citizen), as long as the comment is lawful, does not conflict with their role, and it is clear they are expressing their own views. Employees may also participate in political activities as part of normal community affairs, as long as they avoid any real or apparent conflict of interest.



What are my obligations as an APS employee?

The APS [Code of Conduct](#), provided in section 13 of the [Public Service Act 1999](#), requires an APS employee to, at all times, behave in a way that upholds:

- The APS Values and APS Employment Principles, and
- The integrity and good reputation of the employee's Agency and the APS.

Being *impartial* is an important APS Value outlined in the Public Service Act. This Value requires APS employees to be apolitical and ensure their actions don't provide grounds for a reasonable person to conclude they cannot serve the Government of the day impartially.

While we are required to uphold this value 'at all times', it does not mean we cannot have or express political views in our private lives. However, we need to ensure that our behaviour at all times could not be reasonably viewed or questioned as failing to uphold the integrity and impartiality of the APS.

Avoiding a conflict of interest

The Code of Conduct also requires APS employees to take reasonable steps to avoid any conflict of interest in connection with their APS employment. A conflict of interest could be real or apparent. A real conflict of interest occurs where there is a conflict between the public duty and personal interests of an employee that could improperly influence the employee in the performance of their duties. An apparent conflict of interest occurs where it appears that an employee's personal interests could improperly influence the performance of their duties, whether or not this is the case.

It is important to be aware that the NIAA can decide if your actions constitute a breach of the Code of Conduct. A suspected breach of the Code of Conduct may lead to an investigation and appropriate employment action, at the discretion of the Agency. This information is not intended to discourage staff from engaging with the referendum, but rather to provide adequate information about the potential risks involved. The NIAA does not generally monitor the behaviour of individual staff members outside of work, and will take a fair and common sense approach to assessing any potential Code of Conduct breaches arising in the context of the referendum.

The Australian Public Service Commission (APSC) has further guidance on APS employee responsibilities while acting as citizens and members of the community, including:

- [APSC Values and Code of Conduct in Practice-Section 6 - Employees as Citizens](#)
- [Social media: Guidance for Australian Public Service Employees and Agencies](#)
- [APSC Ethics Advisory Service](#) to help talk you through difficult decisions and dilemmas.

Assessing and managing your risk of engaging publicly

There are many ways that NIAA employees may wish to engage with the referendum in an unofficial capacity – including making public comment (e.g. posting about your opinion on social media) and participating in political activities (e.g. attending a ‘Yes’ or ‘No’ campaign event).

The NIAA recognises that deciding whether to engage in these activities can be difficult to navigate – particularly for First Nations staff, staff working in regional offices and those working directly on the referendum. There are several factors you should consider when assessing whether your actions are aligned with the APS Code of Conduct.

The decision tool below is designed to help you think through these considerations and make a plan for how you might want to engage.

This is not a full list of considerations, and may not apply to your specific situation. Keep in mind the risk factors add up – even if your situation is low-risk on one factor, a higher risk factor in another area might mean you should reconsider the way you engage. There are steps you can take to reduce the risk, but following these does not mean there is no risk involved in engaging publicly.

If in doubt, talk it out. If you have questions or are unsure about what to do, talk to your manager, the Integrity, Performance and Employment Policy team (IntegrityandEmploymentPolicy@niaa.gov.au) or the [Ethics Advisory Service](#). Any general questions can be directed to the constitutional recognition branch at referendumtaskforce@niaa.gov.au.

Decision tool: Engaging publicly with the referendum as a private citizen

Risk factor	Questions to consider	Steps you can take to reduce the risk
Seniority / visibility The more wellknown you are as a government employee, the harder it is to separate your public and private personas	<ul style="list-style-type: none"> Are you a senior staff member or well known as an NIAA employee in your community or online? Could people reasonably assume that your comments are made on behalf of the NIAA or the Government? Are people likely to lend extra weight to your comments because of your seniority or position, or assume your comments are based on specialised knowledge? 	<ul style="list-style-type: none"> Check with your manager if it is appropriate for you to engage publicly with the referendum. Make it clear when engaging publicly with the referendum that you are acting in a personal capacity or sharing your own views, if it is otherwise unclear. If you are not able to engage without being seen as an official spokesperson for the agency, you should refer to the guidance on engaging with the referendum in an official capacity.
Proximity The closer your work is to the referendum, the higher the risk of engaging publicly	<ul style="list-style-type: none"> Could people reasonably assume your views are based on official knowledge? Could people reasonably assume you are commenting or acting in an official capacity? Would your actions raise the perception of a conflict of interest or otherwise call into question whether you can undertake your role impartially and professionally? 	<ul style="list-style-type: none"> Keep your professional and personal activities separate: take leave to attend events, save social media use until after hours, and only on personal devices and accounts. Avoid expressing personal views in a work context, or on a platform where you are connected to your job (e.g. LinkedIn). Make it clear when engaging publicly with the referendum that you are acting in a personal capacity or sharing your own views, if it is otherwise unclear. Don't wear NIAA-branded clothing or your lanyard to events.

Risk factor	Questions to consider	Steps you can take to reduce the risk
How you engage The wider the reach of your actions or comments, the higher the risk	<ul style="list-style-type: none"> Is it possible your comments or actions will get media attention or go viral? Could your comments or actions be taken out of context? 	<ul style="list-style-type: none"> Consider taking conversations 'offline', rather than having them on social media. Check with your manager about any public speaking requests or attending events. Make it clear when engaging publicly with the referendum that you are acting in a personal capacity or sharing your own views, if it is otherwise unclear.
Type of information Sharing factual information about the referendum is lower risk than sharing strong opinions	<ul style="list-style-type: none"> Could sharing your strong opinions on this issue be reasonably perceived to undermine your ability to act as an impartial public servant? 	<ul style="list-style-type: none"> If possible, pause. Give yourself time to think about what you want to say before you post. Avoid engaging with or responding to content online that is inflammatory, offensive or racist. Revisit the APS Code of Conduct, the APS Values and Employment Principles - make sure your comments about the referendum are respectful. You have an obligation to uphold the APS Values and Employment Principles at all times and the good reputation of your agency. Make it clear when engaging publicly with the referendum that you are acting in a personal capacity or sharing your own views, if it is otherwise unclear.

FAQs: Questions we've heard from NIAA staff

Many of the questions that NIAA staff have asked on this topic begin with the words 'Can I...?'

As an APS employee your engagement in public is subject to the APS Values and Code of Conduct. A manager or colleague might be able to advise you, but it is ultimately your responsibility to act consistently with the APS Values and Code of Conduct and to understand that there may be consequences to your actions. **When in doubt, talk it out.**

The questions in the decision tool on the previous page may be applied to a range of situations, and some commonly asked questions are answered below.



What am I allowed to say about the referendum when talking to family and friends?

Speaking privately to family and friends about your views on the referendum and the Voice is relatively low risk and may help you manage the pressures of working on this policy at this time. Having said that, you should still make it clear whether you are expressing the views of the Agency or your personal views, if it is not otherwise clear. If you want to share factual information with family and friends, you can direct them to voice.niaa.gov.au.



What should I do if I am asked about the referendum or the Voice?

The NIAA is aware people in the community may be asking you to explain things about the referendum and the Voice, or want to know what you think. The NIAA is keen to support you as much as possible, and recognises that this can be a really challenging situation. If you think you are being asked because of your role as an NIAA staff member, it's best to treat this as 'official' activity, and keep your comments factual, respectful, and balanced.

You might like to direct them to voice.niaa.gov.au or aec.gov.au, which have factual and up-to-date information about the Voice proposal and referendums.

The Employee Support Guide has suggested language on how to respond to unsolicited questions about the Voice and referendum. See the [intranet](#) for more information on engaging in an official

capacity.



Can I post on social media about the referendum or the Voice?

Sometimes, depending on the risks associated with the post.

Staff are entitled to their personal views and may make comments on social media in an unofficial capacity; however, this needs to be balanced with your obligations to uphold the community's confidence in public administration.

You can share your personal opinions, but you need to make sure these are not seen as the position of the NIAA or the Government. Your actions and comments on social media need to be voiced in a way that is respectful of others. Risks of engaging online increase when your job places you closer to the topic or you are more well known in your community – refer to the decision tool above to consider your own situation.

The [APSC's Case Study on APS Employee use of Social Media](#) provides an example that may be useful.



I am well known in my community as an NIAA staff member. Does that mean I can't engage publicly with the referendum at all?

The NIAA acknowledges that for many staff members, it may be difficult to determine whether your interactions with community members are official or unofficial activities – especially when you are well known by your community as an NIAA employee even after you have logged off. This is particularly true for First Nations employees and employees working in regional offices.

When outside of the workplace, make it clear to community members whether you are expressing the views of the Agency or your personal views. Make sure you do not share any classified information. See the [intranet](#) for more information on engaging in an official capacity.



Can I volunteer and/or donate to a 'Yes' or 'No' campaign? Can I work for a 'Yes' or 'No' campaign?

NIAA staff can participate in political activities as part of normal community affairs, however there are some important considerations you should keep in mind. You need to balance any engagement with your obligations as an APS employee, and ensure this does not conflict with your role or the APS Values.

Employees should be mindful that participation in political activities may raise perceptions of conflict of interest or partiality and should be considered in light of your role and duties. You can read the [NIAA's Conflict of Interest policy](#) for further information and reporting obligations.

Participation in political activities would generally not be appropriate where an employee's duties are directly concerned with advising on, or directing the implementation or administration of, Government policy on those issues. This is important to keep in mind if you are working directly on the referendum at NIAA.

Any political participation you engage in needs to be done as a private citizen, not as a NIAA employee. Keep your professional and personal activities separate – do not use any government resources or your work accounts for any campaign activity, and save campaigning for outside of work hours, or take annual leave. If you are volunteering or working for a campaign, you will also need to follow the outside work arrangements in [NIAA's Conflict of Interest policy](#). If you donate to a campaign, consider not including your name on the donation if you are well-known as an NIAA employee or working closely on the referendum.

The larger the role you play in a 'Yes' or 'No' campaign, and the more well-known you are as an NIAA employee, the larger the risk is of you not being seen as capable of behaving impartially in your official duties. You should discuss such potential conflicts with your manager. Ways of resolving such conflicts might include taking leave, rearranging existing duties, transferring to other duties, or agreeing to take a less significant role in the campaign.

Employee Support Guide

Aboriginal and Torres Strait Islander Voice and referendum

The government will hold a referendum this year to **recognise Aboriginal and Torres Strait Islander peoples in the Constitution** through an Aboriginal and Torres Strait Islander Voice.

We understand the lead up to the referendum may be difficult for many of our employees. Commentary and public debate in the lead up to the referendum may be distressing for all staff. The heightened exposure to racism and discrimination directed towards First Nations people will put particular strain on the strength and resilience of First Nations staff, their families and communities.

We also acknowledge it's likely you will have a personal view on the issues being discussed, and that you may be asked about your personal views and the views of the NIAA when outside of the workplace.



What this guide covers

The aim of this guide is to **outline the support available** to NIAA staff in the lead up to the referendum. It's about helping you **navigate conversations in the workplace**, but you may find some of the tips useful if you're being asked questions in your personal life as well.

Our aim is to help **conversations at work be respectful**, and to help staff respond to unsolicited questions or conversations about the Voice and referendum in the workplace if needed.

If you're talking to stakeholders in an official capacity, the standard words for APS officials on the [Voice and referendum intranet page](#) is the most appropriate resource.



Other NIAA resources available

There are a number of **resources available** to support you in the lead up to the referendum. These can be found on the [Voice and referendum intranet page](#), which is being updated regularly with support and resources for staff:

- Guide for responding to phone calls, to help you talk to people who call your office about the Voice and referendum.
- Engagement guide, to provide support to staff who wish to engage publicly with the referendum as private citizens.
- Manager support guide, to help you support your team in the lead up to the referendum.
- Standard words for APS officials.

The [Voice website](#) has the most up to date public information and resources.

Supporting your wellbeing

As public commentary about the Voice and referendum intensifies you may come across **views or opinions you find distressing**.

Should you experience distress or difficulty in the lead up to the referendum, speak with your manager or a Human Resource Business Partner in the first instance.

The **Employee Health and Wellbeing team** can provide additional confidential support to anyone who does not want to disclose concerns to their managers, or who may require support to be put in place such as reasonable adjustments. You can email the team at rehabilitation@niaa.gov.au

For **counselling support** you can also access a range of support services through the EAP (**1300 360 364**), including crisis support for critical incidents, free confidential counselling sessions and support through a dedicated Aboriginal and Torres Strait Islander Support line (**1800 816 152**).

For immediate and urgent 24/7 support, contact:

- 13YARN (**13 92 76**) (First Nations employees)
- Lifeline (**13 11 14**)

Supporting your colleagues

It's important to remember that we all have different reactions and experiences about the issues being raised, and that we need to be **considerate of our colleagues**. Before engaging with colleagues about the Voice and referendum, remember:

- Make sure you take active steps to educate yourself. Go to voice.niaa.gov.au for the most up to date public information and resources.
- When talking about the Voice or referendum, practice judgement. Be mindful of who may hear your conversation and the impact the conversation may have.
- Respect others' right not to engage in conversation about the Voice and referendum.



Hosting discussions

If hosting a discussion (for example, a Footprints session) that will include reference to the Voice and related topics, consider adding the following statement before starting the conversation.

"Opinions and perspectives on the Voice and the referendum will vary and we ask that discussion remains respectful and safe at all times. It is our collective responsibility to actively build and maintain culturally safe workplaces and communities, and this extends to how we discuss the Voice and referendum at work and in our personal lives.

We're all responsible for helping to keep each other safe and to feel supported at work.

If at any stage, you feel you need additional wellbeing support, please reach out to your manager. You can also contact the Employee Assistance Program (EAP) whose details are on our intranet, or for 24/7 crisis support contact Lifeline or 13YARN."

Responding to questions about the Voice or referendum

Here are some key points you can use to help you **respond to unsolicited questions** about the Voice and referendum at work. If you would like more detailed key messages about the Voice and referendum, you can find the standard words for APS officials on the [intranet](#).



If you're comfortable responding to questions

- A referendum to recognise Aboriginal and Torres Strait Islander people in the Constitution and to update the Constitution to include a Voice will happen by late 2023.
- It's important you conduct your own research to be fully informed.
- The [Aboriginal and Torres Strait Islander Voice](#) website (voice.niaa.gov.au) has up to date information about the Voice. You can subscribe to get the monthly newsletters.
- Other relevant sources of information can be found at:
 - Australian Electoral Commission website: aec.gov.au/Elections/referendums
 - Parliamentary Education Office website: peo.gov.au/understand-our-parliament/how-parliament-works/the-australian-constitution
- Check out the [Voice and referendum intranet page](#) for the latest information and resources.
- A referendum taskforce in the Empowerment and Recognition Group is leading this work.
- You can email the taskforce with any questions: ReferendumTaskforce@niaa.gov.au (note: internal only)



If you don't want to answer a question or engage in conversation

- Thanks for asking my opinion, I'd prefer not to discuss this. I recommend you check the following resources to help with your understanding:
 - The [Aboriginal and Torres Strait Islander Voice website](#) (voice.niaa.gov.au) has up to date information about the Voice. You can subscribe to get the monthly newsletters.
 - Australian Electoral Commission website: aec.gov.au/Elections/referendums
 - Parliamentary Education Office website: peo.gov.au/understand-our-parliament/how-parliament-works/the-australian-constitution
- I'm a little busy right now, why don't you email the Referendum Taskforce with your questions: ReferendumTaskforce@niaa.gov.au (note: internal only)
- Perhaps you should discuss this with (*insert manager's name*), they will be best placed to talk to you about the NIAA's work in this area.
- Check out the [Voice and referendum intranet page](#) for the latest information and resources.
- It's not something I feel comfortable discussing with you, thanks for understanding.

Reporting discrimination, racism, harassment and bullying



NIAA Human Resources

The NIAA takes a **zero tolerance stance** against all forms of discrimination. If you experience or witness any form of discrimination, please speak with your manager, a [Human Resource Business Partner](#) in your region or the Behaviour and Performance team at

NIAABehavioursandPerformance@niaa.gov.au



eSafety Commissioner

The eSafety Commissioner has resources to help you if you experience **online abuse or cyberbullying**. Visit the eSafety website (esafety.gov.au) for information, resources, or to report serious online abuse (esafety.gov.au/report).



Police or emergency

If you experience **threatening behaviours** outside of work, you should contact your local police or 000 in an emergency.



Questions

If you have any questions about the Voice or Referendum, you can contact ReferendumTaskforce@niaa.gov.au

Manager Support Guide

Aboriginal and Torres Strait Islander Voice and referendum

The government will hold a referendum this year to **recognise Aboriginal and Torres Strait Islander people in the Constitution** through an Aboriginal and Torres Strait Islander Voice.

We understand the lead up to the referendum may be difficult for many of our employees. Commentary and public debate in the lead up to the referendum may be distressing for all staff. The heightened exposure to racism and discrimination directed towards First Nations people will put particular strain on the strength and resilience of First Nations staff, their families and communities.

We also acknowledge it's likely you will have a personal view on the issues being discussed, and that you may be questioned about your personal views and the views of the NIAA when outside of the workplace.



What this guide covers

The aim of this guide is to:

- help you **support your employees' wellbeing** in the lead up to the referendum
- give you tips for supporting your **personal wellbeing**

Our aim is to help conversations at work be respectful and to **create a culturally safe workplace for our staff**.



Other NIAA resources available

There are a number of resources available to support you in the lead up to the referendum. These can be found on the [Voice and referendum intranet page](#), which is being updated regularly with support and resources for staff:

- Guide for responding to phone calls, to help you talk to people who call your office about the Voice and referendum.
- Engagement guide, to provide support to staff who wish to engage publicly with the referendum as private citizens.
- Employee support guide, covering staff wellbeing and tips for having respectful conversations at work.
- Standard words for APS officials.

The [Voice website](#) has the most up to date public information and resources.

Supporting your employees

Conversations about the Voice and referendum will happen in the workplace. As a manager it's important you're aware of how these conversations may impact your team members, and be prepared to **support employees** should they need it.

It is important to be mindful of your discussions and comments about the Voice and referendum and to create culturally safe environments for our staff.

If someone raises concerns with you regarding conversations about the Voice and referendum, listen to their concerns and work with them to **create a safe work environment**. Be guided by what they need, making sure you're working within the bounds of the NIAA's policies and procedures. If you need help with this, speak with your line manager or contact your Human Resources Business Partner for advice.



Hosting discussions

If hosting a discussion (for example, a Footprints session) that will include reference to the Voice and related topics, consider adding the following statement before starting the conversation.

"Opinions and perspectives on the Voice and the referendum will vary and we ask that discussion remains respectful and safe at all times. It is our collective responsibility to actively build and maintain culturally safe workplaces and communities, and this extends to how we discuss the Voice and referendum at work and in our personal lives.

We're all responsible for helping to keep each other safe and to feel supported at work.

If at any stage you feel you need additional wellbeing support, please reach out to your manager. You can also contact the Employee Assistance Program (EAP) whose details are on our intranet, or for 24/7 crisis support contact Lifeline or 13YARN."

Top tips to support your employees



All managers are encouraged to complete the Compassionate Foundations Suite online course delivered by the Australian Public Service Commission.

Note, before you can sign up for this online course, you will need to register an APSLearn account.

- The training program is designed to support positive human-to-human interactions that promote connection and understanding. The Compassionate Foundations Suite helps participants to respond early and before a person's experience leads them to become distressed.
- These skills include being compassionate, being aware of the needs of people in vulnerable situations, understanding why people may become distressed, and knowing how to have a helpful and safe conversation with someone who may be showing early signs of distress.
- The skills you develop during this course will assist you to support the wellbeing of your team members.



Regularly check in with your team, in particular those who are located remotely, and ask them if they're ok.

- [The Mental Health Capability Suite](#) has a Managers Guide for Wellbeing Conversations, which may assist you to have these conversations.
- [R U OK?](#) has developed four conversation steps to give you the skills and confidence to navigate a conversation with someone you're worried about.
- Ask, Listen, Encourage Action, Check in.
- [Head to Health](#) is a Department of Health resource that helps you find digital mental health

services from trusted mental health organisations.



Understand that frequent or unsolicited questions may result in an increased cultural load for First Nations employees. You can help ease this burden:

- Talking to your First Nations staff about their needs during this time about how you can best support them. If necessary, discourage team members from asking unsolicited questions from them about the Voice and referendum.
- Inform yourself about the Voice and encourage all your team members to educate themselves.
- Encourage team members to visit the [Aboriginal and Torres Strait Islander Voice website](https://voice.niaa.gov.au) (voice.niaa.gov.au), which has up to date information and resources about the Voice. Anyone can subscribe to the newsletter to receive the latest updates.
- The [Voice and referendum intranet page](#) also has information and resources for staff.

Further public information can be found at:

- Australian Electoral Commission website: aec.gov.au/Elections/referendums
- Parliamentary Education Office website: <https://peo.gov.au/understand-our-parliament/how-parliament-works/the-australian-constitution>



Encourage your team to be mindful of where and when they're having conversations about the Voice and referendum.

- When having any conversations about the Voice or referendum, practise judgement. Be mindful of who may hear your conversation and the impact the conversation may have.
- Ensure people have a genuine choice to participate or not take part and respect this choice.
- Encourage all employees to seek additional support if they need it. Should they or their families need support encourage them to speak with you, their Human Resource Business Partner or the Employee Health and Wellbeing team (rehabilitation@niaa.gov.au).
- You and your employees can also access a range of wellbeing support services through the Employee Assistance Program (EAP), including a dedicated support line for Aboriginal and Torres Strait Islander employees. Contact details for the EAP are available on the [intranet](#).
- First Nations employees can also contact 13YARN for 24/7 crisis support.



Be led by your team and remember support needs will be different for everyone. Make informed decisions, not assumptions.

Let your team know you:

- understand they may be exposed to uncomfortable or difficult conversations about the referendum, both in the workplace and in their personal lives
- are conscious that public commentary may impact their wellbeing during this time
- are there to support them and to ensure they feel safe and respected within the workplace.



Make it clear that NIAA has a zero tolerance stance against all forms of discrimination or racism.

- As a manager, it's your responsibility to address any form of discriminatory behaviour within your team.
- Should you need support in addressing such behaviour, please speak with a [Human Resource Business Partner](#) in your region or the Behaviour and Performance team at NIAABehavioursandPerformance@niaa.gov.au
- The following resources are available to you:
- [Workplace Bullying, Harassment and Discrimination Prevention Policy](#)
- The NIAA Resource Centre – [Procedures for determining breaches of the APS Code of Conduct and the imposition of sanctions](#)
- If you have concerns about the health or wellbeing of an employee, contact your [Human Resource Business Partner](#) or the Employee Health and Wellbeing team for assistance by

emailing rehabilitation@niaa.gov.au

Supporting your wellbeing

As public commentary about the Voice and referendum intensifies you may come across **views or opinions you find distressing**.

Should you experience distress or difficulty working in your role in the lead up to the referendum, speak with your manager or a Human Resource Business Partner in the first instance.

The **Employee Health and Wellbeing team** can provide additional confidential support to anyone who does not want to disclose concerns to their managers, or who may require support to be put in place such as reasonable adjustments. You can email the team at rehabilitation@niaa.gov.au

For **counselling support** you can also access a range of support services through the EAP (**1300 360 364**), including crisis support for critical incidents, free confidential counselling sessions and support through a dedicated Aboriginal and Torres Strait Islander Support line (**1800 816 152**).

For immediate and urgent 24/7 support, contact:

- 13YARN (**13 92 76**) for 24/7 crisis support for First Nations employees
- Lifeline (**13 11 14**) for 24/7 crisis support

If you have any questions about the Voice or referendum, you can contact ReferendumTaskforce@niaa.gov.au

