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Guidance for NSW government sector employees on conduct related to the Referendum on an Aboriginal and Torres Strait Islander Voice

Purpose of the guidance

On 14 October 2023, Australians will be asked in a referendum whether they agree to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice to the Australian Parliament.

The purpose of this guidance is to assist NSW government sector employees (you/your) in navigating your personal participation in the referendum process while complying with the core values in the [Government Sector Employment Act 2013](#) (the Act) and upholding your obligations in the [Code of Ethics and Conduct for NSW government sector employees](#) (the Code).

This guidance also highlights the significance of respectful behaviours, cultural safety and provides additional resources for informed decision-making and support for Aboriginal and Torres Strait Islander government sector employees.

Code of Ethics and Conduct Guiding Principles

Like all Australians, you have the right to engage in the referendum process and share views on the referendum proposal in a personal capacity.

However, you must ensure any personal activities comply with the obligations outlined in the Act and

the Code, and any other relevant statutes or supplementary codes issued by your agency inside and outside the workplace.

You are required to behave in ways that are ethical, lawful, and build trust in the sector. This means actions that demonstrate our core values of **Integrity, Trust, Service** and **Accountability**.

It is important that you act with impartiality and ensure that you can provide apolitical advice to the NSW Government. This means making clear that any of your views or actions are being expressed in a personal capacity and your participation does not conflict with your public service role or compromise the reputation of your agency.

Social media

You should always act in ways that are respectful of other people, including when using social media. Your agency's social media policy will provide expected standards of behaviour when using social media, including in a personal capacity.

When considering whether to publicly engage in the referendum process, you should be mindful of how your engagement could be perceived by community members, and the impact it might have on their confidence in you/your agency's ability to remain impartial and apolitical.

If you're involved in the referendum campaign in a personal capacity, you should:

- make clear the role is not part of your official NSW Government duties
- not engage in campaign activity during work time
- not use NSW Government resources for personal campaign activity.

Conflict of interest

If a potential conflict of interest or conflict of values arises between your personal involvement in the referendum and your ability to impartially perform your official NSW Government duties, the NSW Government sector core values are expected to have priority in the workplace.

You should speak to your HR team or manager about how best to manage any doubts about your work expectations and your personal involvement in the referendum process.

Cultural safety for Aboriginal and Torres Strait Islander employees

Increased media commentary, questions and workplace conversations about the referendum can affect the experience of all employees, particularly Aboriginal and Torres Strait Islander employees, both inside and outside of the workplace e.g., some discussions may cause distress or raise difficult emotions.

It is important our workplaces continue to be culturally safe environments where everyone feels comfortable, supported, and respected. Respectful conversations are critical to cultural safety. You should approach conversations factually and without racial stereotypes or racially denigrating language that may cause harm to Aboriginal and Torres Strait Islander employees.

Respectful behaviours

Practical tips for respectful behaviour and conversations include:

- respecting differences between people, even if we hold different opinions or feel under pressure
- actively listening, speaking calmly and politely
- welcoming learning from others
- being open and receptive to ideas from everyone
- reflecting on how your behaviour contributes to an inclusive, culturally safe, and productive workplace.

We are all accountable for observing standards for safety including ensuring our workplaces are culturally safe and conversations are respectful.

You should be mindful of your interactions outside of the workplace to ensure you do not cause distress to our customers or NSW community members.

Cultural load

Cultural load is the additional workload on Aboriginal and Torres Strait Islander employees that is often invisible, unrecognised, or acknowledged. Aboriginal and Torres Strait Islander employees are often asked to undertake extra responsibilities such as educating the workforce on Aboriginal and Torres Strait Islander history, issues, assisting in organising cultural events or being asked to educate employees about the 2023 referendum.

Cultural load is a key contributor to a culturally unsafe environment. We are all responsible for ensuring our workplaces are safe and should be actively working towards reducing cultural load. Some practical tips to do this include:

- encouraging people to do their own research to inform their own position
- not expecting Aboriginal and Torres Strait Islander employees to speak on or about the referendum (whether in a workplace education context, or in general) not expecting Aboriginal and Torres Strait Islander employees to speak on behalf of their entire community. Like all communities, there are a range of different views about issues

- consulting with Aboriginal and Torres Strait Islander employees on actions to minimise cultural load and increase cultural safety
- recognising that Aboriginal and Torres Strait Islander employees, like all employees, have a right to choose to participate or not to participate in extra activities outside of their core duties.

Racism

Racism is unlawful and not tolerated in the NSW public sector. Racism towards Aboriginal and Torres Strait Islander peoples may increase as the referendum debate progresses.

Whether it occurs in person or online, there is no place for racist behaviour and abuse in NSW public sector workplaces.

Workplaces should:

- remind all employees of internal reporting options
- encourage those who have experienced racism or any kind of discrimination at work to make a report
- adopt a trauma informed, person centred approach to ensure the individual who has made the report is supported and feels informed and empowered throughout the process
- provide information and links for employees who wish to make an external complaint.

Employees who have witnessed racism are also encouraged to act and support colleagues who have experienced racism. We all have a duty of care to provide safe workplace conditions.

The Australian Human Rights Commission and Anti-Discrimination NSW administer anti-discrimination laws and provide assistance if you think you have been discriminated against.

Wellbeing support for Aboriginal and Torres Strait Islander employees

The 2023 referendum has the potential to affect the wellbeing of employees, particularly our Aboriginal and Torres Strait Islander employees. There are a variety of support mechanisms available including:

- workplace employee assistance programs including Aboriginal and Torres Strait Islander EAP services
- Aboriginal and Torres Strait Islander Employee Networks and support.

External support services

- **13YARN** – crisis support
P: 13 9276
- **Link Up** – NSW Aboriginal referral and counselling service for Aboriginal people affected by past government policies
P: 02 7227 1443
E: linkup@nsw.link-up.org.au
- **Healing Foundation** – national support service supporting Aboriginal people and communities affected by trauma.
P: 02 6272 7500
E: info@healingfoundation.org.au
- **Gayaa Dhuwi (Proud Spirit) Australia** – national Aboriginal and Torres Strait Islander wellbeing and mental health care support services.
E: info@gayaadhuwi.org.au
- **Beyond Blue** – social and emotional well-being support resources for Aboriginal and Torres Strait Islanders.
P: 1300 22 4636

Support services for all employees

- Workplace employee assistance program

- [Lifeline Australia](#) – national charity supporting people experiencing emotional distress with access to 24-hour crisis support.
P: 13 11 14 (available 24 hours, 7 days)
- [Anti-Discrimination NSW – Referendum resilience: Six ways to look after yourself and mob during The Voice referendum debate](#), a pocket-sized guide
- [Australian Human Rights Commission – Voice referendum support service](#)

More information

- [Code of Ethics and Conduct for NSW government sector employees: Behaving Ethically – A guide for NSW government sector employees](#) or refer to your agency's guidance about code of conduct and ethics.
- [The Australian Electoral Commission](#) – information on the referendum and process.
- [Australian Government information on the Voice – National Indigenous Australians Agency](#).
- [NSW Aboriginal Affairs](#) – information on the resources on the Referendum on an Aboriginal and Torres Strait Islander Voice.

Cultural Safety

- [SafeWork NSW – What is cultural safety?](#)
- [Racism. It Stops With Me – A conversation guide to assist with challenging conversations about racism in the workplace.](#)