



Aboriginal and Torres Strait Islander people, recruitment guide

Foreword

The Australian Public Service (the APS) is committed to improving and sustaining employment outcomes for people from diverse backgrounds. We recognise the knowledge, insights and capabilities of Aboriginal and Torres Strait Islander peoples. Their strength, resilience and cultural competence are highly valued.

Meeting the challenges of the future will require a workforce that reflects the community that we serve. Workplaces that embrace a diverse and inclusive environment unlock new perspectives and ways of solving problems. These workplaces generate creativity and innovation, and produce more sustainable and effective outcomes.

If we are to capably respond to the needs of the community, the representation of Aboriginal and Torres Strait Islander peoples in the APS must increase. I encourage you to look for opportunities within your agency to employ more Aboriginal and Torres Strait Islander people in all occupations, levels of employment and locations. I commend the use of the Affirmative measure – Aboriginal and Torres Strait Islander employment when recruiting.

To make genuine changes to our workforce, we must adopt a sustained cross-government focus on strengthening cultural competence. All staff should be encouraged to develop the skills, knowledge and practices they need to perform their duties in a culturally informed way. Ensuring APS workplaces are inclusive with diverse perspectives, including those of Aboriginal and Torres Strait Islander peoples, should be at the forefront of our agenda.

Peter Woolcott AO

Australian Public Service Commissioner

1. Introduction

Purpose

This Aboriginal and Torres Strait Islander Recruitment Guide is a practical manual incorporating best-practice principles to help you encourage the recruitment of Aboriginal and Torres Strait Islander peoples into the APS.

Background

The [Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020–24](#) sets the direction for Commonwealth agencies as employers, investing for the future. It represents the Commonwealth's continued contribution as an employer to 'Closing the Gap', and underpins work to improve representation of Aboriginal and Torres Strait Islander people in the Commonwealth.

The strategy focus areas are:

- **Cultural integrity** – improving and embedding the understanding of Aboriginal and Torres Strait Islander culture in the workplace to support the development of culturally-safe work spaces and services, and creating a more inclusive Commonwealth Public Sector.
- **Career pathways** – diversify and strengthen the pathways into and across the Commonwealth Public Sector.
- **Career development and advancement** – individual career development and advancement plans supported by targeted development initiatives and advancement opportunities.

The [Australian Public Service Commissioner's Directions 2016](#) include provisions that can be applied to recruit employees from diverse backgrounds.

The Affirmative Measure – Aboriginal and Torres Strait Islander Employment provision, legislated under Section 26, allows agencies to identify a role as open only to Aboriginal and/or Torres Strait Islander people. You can apply this measure to any ongoing, non-ongoing or casual APS vacancy, including Senior Executive Service positions. Importantly, this measure is not restricted to jobs that require an understanding of issues affecting Aboriginal and Torres Strait Islander peoples.

For jobs that do require this understanding, you are encouraged to use the Identified Position provision, by applying specific selection criteria designed to attract applicants with the appropriate skills, attributes and experience.

Supporting resources

This guide should be used in conjunction with the:

- [Aboriginal and Torres Strait Islander employment – Affirmative measures and Identified position](#) policy advice. Note: this document is on the legacy website and will be updated shortly.
- [Recruitment Guidelines](#)

2. Culturally inclusive recruitment

Culturally inclusive recruitment acknowledges cultural diversity and aims to enable all candidates to best demonstrate their capabilities. This helps employers strengthen their capacity to identify the best person for the role and build a diverse workforce. Inclusivity should apply to all aspects of recruitment from assessment and marketing to communication and candidate care.

When applied to Aboriginal and Torres Strait Islander recruitment, inclusivity addresses the cultural and social aspects unique to Aboriginal and Torres Strait Islander peoples.

Basic principles

These basic principles underpin culturally inclusive recruitment in the APS.

Inclusivity allows for more effective recruitment

By being flexible to create a more inclusive process, employers allow candidates to best demonstrate their capability. Inclusivity does not mean accepting a lower standard. Rather, it is about removing barriers so each applicant can be assessed and compared fairly on merit.

Culture is multifaceted and diverse

Australia is one of the most culturally diverse countries in the world – home to the oldest continuing cultures on earth, along with a society shaped by immigration. Aboriginal and Torres Strait Islander peoples and communities across Australia have distinct and diverse languages and cultures. Individuals also have unique experiences and identities. So, while there are some common practices and requirements, there is no ‘one size fits all’ approach to recruitment in the APS.

Cultural inclusivity applies beyond recruitment

A candidate’s experience throughout their recruitment should match their experience within your agency. Consider cultural inclusivity in all aspects of the workplace to retain, engage and empower employees to succeed.

People capability

Effective recruitment requires both strong human resources (HR) and cultural capabilities.

Build cultural competence

Everyone involved in a recruitment process needs an appropriate level of cultural competence, including HR practitioners, hiring managers, assessors and delegates. This also extends to any third-party organisations when recruitment activities are outsourced. While it may not be reasonable for each person to undergo formal training, agencies should consider ways to build this competence. Agencies should also aim to ensure a common understanding of the underlying objectives and value of Aboriginal and Torres Strait Islander employment.

Work with cultural capability within your agency

Consult with Aboriginal and Torres Strait Islander Liaison Officers and Aboriginal and Torres Strait Islander Employment Advisors in the design and delivery of all Aboriginal and Torres Strait Islander recruitment processes. Alternatively, or additionally, seek out the cultural knowledge and experience of existing Aboriginal and Torres Strait Islander employees.

Attraction

Tailor the way you market vacancies to best reach and attract eligible candidates.

Understand your value proposition

Consider what your agency offers to Aboriginal and Torres Strait Islander employees. This will inform how you market your agency to the Aboriginal and Torres Strait Islander community, and what information you might include in your communication.

Target your marketing strategy

Standard marketing practices may not be effective in attracting Aboriginal and Torres Strait Islander talent. Consider how your agency can tailor the approach to best reach eligible Aboriginal and Torres Strait Islander candidates for each vacancy. This may involve a mix of media including Aboriginal and Torres Strait Islander specific media, Aboriginal and Torres Strait Islander networks, careers fairs, partnerships or social media.

Communicate to your audience

Target all communication to potential Aboriginal and Torres Strait Islander candidates, directly encouraging them to apply. Make sure you inform potential candidates about the role, the recruitment process, and your agency as an employer. Also clearly outline if the vacancy is an Affirmative measure or for an Identified position and what this means in plain language.

Assessment and selection

Review both the design and delivery of assessment and selection processes to ensure Aboriginal and Torres Strait Islander applicants are not disadvantaged by cultural values, norms and behaviours.

Apply flexibility to design of assessment

Be flexible with methodology to address cultural considerations. For example, psychometric or aptitude testing may create a barrier to people from diverse backgrounds. Note that the assessment methodology will depend on the vacancy (level, location, duties etc.) and should be informed through appropriate

consultation. You can consult with an Aboriginal and Torres Strait Islander Liaison Officer within your agency or the Australian Public Service Commission (APSC) Inclusion Group to learn more.

Work with Aboriginal and Torres Strait Islander assessors

It is best practice to have an Aboriginal and/or Torres Strait Islander person on the selection panel at each stage of an Affirmative measure or Identified position process. But it is not intended that this person be the only source of cultural understanding. Aim for everyone involved in the assessment to have an appropriate level of cultural awareness.

There are several ways agencies can use to find a suitable Aboriginal and/or Torres Strait Islander representative to participate on the selection panel. One option is to request nominations from the Aboriginal and Torres Strait Islander Employee Network within your agency or portfolio department. You may also approach APS-wide networks including the Aboriginal and Torres Strait Islander Liaison Officer Network, and where appropriate, the Aboriginal and Torres Strait Islander SES Network. In some cases, it may be appropriate to engage an Aboriginal and Torres Strait Islander community member, noting that representatives do not have to be APS employees.

Ensure that representatives are otherwise suitable to participate in the assessment, with appropriate experience and understanding of the required capabilities.

Candidate Care

Candidate care is fundamental to delivering a recruitment process that is culturally safe, supportive and responsive to the needs of candidates.

Create a culturally safe assessment environment

A culturally safe environment allows candidates to feel comfortable in their identity and culture. You can achieve this in recruitment by demonstrating a genuine respect for Aboriginal and Torres Strait Islander cultures, often through a combination of small gestures. For example, you can contribute to a culturally safe environment by having an Aboriginal and Torres Strait Islander person on the interview panel, scheduling time before assessment to meet each candidate, and displaying an Acknowledgement of Country to. It is important that the assessment environment reflects the inclusive culture of the organisation, and that gestures are not tokenistic.

Provide access to Aboriginal and Torres Strait Islander networks

Providing candidates access to Aboriginal and Torres Strait Islander networks during assessment is another way to create culturally safe processes. Consider how your agency could use your Aboriginal and Torres Strait Islander Employee Network in assessment processes. For example, consider inviting an Aboriginal and Torres Strait Islander Employee Network representative to talk with candidates at assessment centres.

Communicate regularly

Take time to communicate regularly with candidates throughout the process. This will keep candidates engaged and provide opportunities to ask questions, raise concerns and clarify information. Consider incorporating less formal personalised methods of communication, such as phone calls.

Cultural considerations

Aboriginal and Torres Strait Islander cultures are multifaceted and diverse, reflected in people's identities, life experiences, values and behaviours. However, there are some common cultural considerations that agencies can apply to Aboriginal and Torres Strait Islander recruitment to create an inclusive process.

Cultural protocols

Aboriginal and Torres Strait Islander cultures have unique protocols that guide how people interact and behave. Many of these protocols may be common to those found in Western culture, however, some will differ greatly. Consider how to observe and respect these protocols, ensuring they do not impact on assessment.

Language

For some Aboriginal and Torres Strait Islander people from remote and regional areas, English is a second language. However, for other Aboriginal and Torres Strait Islander people, this is not the case. Consider how to be sensitive and considerate in communication.

One example is using methodologies that allow candidates to demonstrate their capability using varied communication styles. In some circumstances, it may be appropriate to offer an interpreter or translator. The [Protocol on Aboriginal and Torres Strait Islander Language Interpreting for Commonwealth Government Agencies](#) provides further information on engaging Aboriginal and Torres Strait Islander interpreters.

Community relationships

There are distinct Aboriginal and Torres Strait Islander communities across all regions in Australia. There are often complex relations within and between these communities, stemming from historical, cultural and social factors. Consider how to observe and acknowledge these relations, providing opportunity for candidates to raise issues if necessary.

3. Recruitment framework

There are four main diversity and inclusion recruitment provisions:

- Affirmative measure – Aboriginal and Torres Strait Islander employment

- Affirmative measure – disability employment
- RecruitAbility scheme
- Identified positions.

This guide focuses on the Affirmative measure – Aboriginal and Torres Strait Islander employment and Identified positions.

More on the Affirmative measure – disability employment provision and RecruitAbility scheme are available on the APSC website, [Disability page](#).

Affirmative measure – Aboriginal and Torres Strait Islander employment

The Affirmative measure – Aboriginal and Torres Strait Islander employment provision is set out in section 26 of the Australian Public Service Commissioner's Directions 2016, and is within the meaning of special measures under subsection 8(1) of the *Racial Discrimination Act 1975*.

Vacancies for these jobs are **only open to Aboriginal and/or Torres Strait Islander peoples**.

You can apply the measure to any job, with any classification, in any business area, to increase agency representation of Aboriginal and Torres Strait Islander peoples. It is not restricted to roles requiring understanding of issues affecting Aboriginal and Torres Strait Islander peoples.

Here is an excerpt from section 26:

Section 26 Affirmative measure – Aboriginal and Torres Strait Islander employment

1. An Agency Head may, consistently with Commonwealth law, identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons
2. The Agency Head must ensure that for such a vacancy:
 - a. eligible applicants are only persons:
 - i. of Aboriginal and/or Torres Strait Islander descent; and
 - ii. who identify as Aboriginal and/or Torres Strait Islander; and
 - iii. who are accepted by their community as being Aboriginal and/or Torres Strait Islander; and
 - b. either:
 - i. the selection process for the vacancy otherwise satisfies the requirements of Subdivision B*; or
 - ii. Section 22** is satisfied.

* Subdivision B refers to Merit-based processes

**Section 22 refers to engagements on a short-term, irregular or intermittent basis

Affirmative measure or special measure?

The term 'special measure' comes from the *Racial Discrimination Act 1975* to describe positive measures intended to redress disadvantage of certain groups or individuals. In 2013, the APS adopted the preferred term, 'affirmative measure'.

Identified positions

An Identified position refers to the job role. Candidates must have an understanding of the issues affecting Aboriginal and Torres Strait Islander peoples, and proven culturally appropriate engagement and communication skills. These roles usually involve developing policies or programs for Aboriginal and Torres Strait Islander peoples, or direct interaction with Aboriginal and/or Torres Strait Islander communities. Vacancies for these jobs are **open to everyone**.

Criteria used for Identified positions

Two key selection criteria are usually used to make sure candidates have the required capabilities for Identified positions. These criteria are not based in legislation but have become common practice resulting from long-standing APS policy and best practice in considering candidates for such positions.

This is the wording generally used:

- an understanding of the issues affecting Aboriginal and Torres Strait Islander peoples
- an ability to communicate sensitively and effectively with Aboriginal and/or Torres Strait Islander people.

Using this criteria for these specific roles is consistent with principles of merit principle and giving people a reasonable opportunity to apply, as set out in the *Public Service Act 1999*, without raising issues of discrimination under the *Racial Discrimination Act 1975*.

Using these provisions

You can use the Affirmative measure and Identified position provisions for vacancies at any classification and in any business area.

Agencies are encouraged to move away from only using these provisions for entry level programs, and to review recruitment practices for any barriers to using the Affirmative measure provision. You can apply diversity and inclusion recruitment provisions at the same time.

The use of any of these provisions does not alter the Public Service Gazette (the Gazette) advertising requirements. Normal advertising rules apply. If the vacancy is ongoing or it's a longer-term non-ongoing vacancy, it needs to be advertised. See the [Public Service Gazette requirements](#) webpage.

Summary of the key differences between provisions

	Affirmative measure – Aboriginal and Torres Strait Islander employment	Identified positions
Who/what	A role advertised as open only to eligible Aboriginal and/or Torres Strait Islander people.	A role with specific job requirements/selection criteria. Open to all eligible applicants.

	Affirmative measure – Aboriginal and Torres Strait Islander employment	Identified positions
		Often attracts Aboriginal and Torres Strait Islander applicants.
When	Can be applied to any ongoing, non-ongoing or casual APS vacancy, regardless of the duties. It is not restricted to jobs requiring an understanding of issues affecting Aboriginal and Torres Strait Islander peoples.	The must require an understanding of the issues affecting Aboriginal and Torres Strait Islander peoples, and an ability to communicate sensitively and effectively with Aboriginal and/or Torres Strait Islander peoples.
Why	To increase Aboriginal and Torres Strait Islander representation in the APS.	To attract applicants who have appropriate skills, attributes and experience to work effectively on Aboriginal and Torres Strait Islander issues.
How	Legislated under the Australian Public Service Commissioner's Directions 2016 in line with the Racial Discrimination Act 1975 and the Public Service Act 1999.	Set out in agency policy in line with long-standing best-practice in the APS and consistent with the Public Service Act 1999.

4. Recruitment processes

One recruitment process

Agencies usually use a stand-alone recruitment process to fill a vacancy under an Affirmative measure provision. The benefits of advertising a vacancy only under the Affirmative measure – Aboriginal and Torres Strait Islander employment are:

- there is a single assessment process and a single merit list or pool
- the process is less complex than running more than one recruitment activity at once (concurrent recruitment processes, see below).

If your agency does not identify a suitable Aboriginal and/or Torres Strait Islander applicant through this process, consider factors that may have led to this outcome and any strategies that may overcome these factors. Where the delegate is satisfied that the agency is unlikely to attract a suitable applicant, you may consider re-advertising the vacancy as open to all applicants.

Concurrent recruitment processes

There may be circumstances, such as bulk recruitment rounds, where agencies choose to notify some vacancies as being open to all applicants and others as open only to Aboriginal and/or Torres Strait Islander applicants under the Affirmative measure.

Before making the decision to run a concurrent process like this, it's good practice to ensure the hiring manager and delegate agree on the number of vacancies that will be allocated to candidates applying under the Affirmative measure, and make every effort to fill these vacancies with suitable Aboriginal and/or Torres Strait Islander candidates.

Concurrent recruitment processes can be complex. It's important to have effective and appropriate administration practices in place to assist. Individuals who identify as Aboriginal and/or Torres Strait Islander may or may not wish to apply under the Affirmative measure. One recommended approach to be clear about this is to include a question on the initial application form.

5. Confirmation of Aboriginal and/or Torres Strait Islander heritage

Over time, APS agencies have developed internal policies related to Affirmative measure – Aboriginal and Torres Strait Islander employment recruitment processes to ensure they meet the requirements of the Australian Public Service Commissioner's Directions 2016. The most commonly accepted form of evidence is a 'Confirmation of Aboriginal and/or Torres Strait Islander heritage'.

What is a 'Confirmation of Aboriginal and/or Torres Strait Islander heritage'?

Confirmation is a document provided by an Aboriginal and Torres Strait Islander community organisation 'confirming' or 'endorsing' that a person is Aboriginal and/or Torres Strait Islander.

Terminology relating to Aboriginal and Torres Strait Islander peoples differs throughout communities. There are broadly accepted terms that are appropriate in particular circumstances. When referring to confirmation, it is acceptable to use, 'Confirmation of Aboriginal and/or Torres Strait Islander heritage'.

The most important thing to note is that an applicant does not need a letter of confirmation to identify as an Aboriginal and Torres Strait Islander person in their workplace, including on their agency's HR system. Confirmation is only required when someone is applying for a position under the Affirmative measure.

A confirmation must specify that the person:

- is of Aboriginal and/or Torres Strait Islander descent, and
- identifies as an Aboriginal and/or Torres Strait Islander person, and
- is accepted as such by the community in which they live, or formerly lived.

Who can provide a ‘confirmation’?

A wide range of Aboriginal and Torres Strait Islander organisations and bodies can provide confirmation. This commonly includes, but is not limited to:

- Aboriginal and Torres Strait Islander Land Councils
- Aboriginal and Torres Strait Islander Corporations (Aboriginal and Torres Strait Islander Corporations can be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, the *Corporations Act 2001*, or other states and territory legislation)
- Aboriginal and Torres Strait Islander medical services.

Taking a tiered approach to obtaining confirmations

It’s important to make sure policy and processes do not inadvertently become barriers to employment. In some circumstances, it may take several months before a person is granted a confirmation. For some Aboriginal and Torres Strait Islander people, the preferred confirmation document can be very difficult or impossible to obtain. In this case, it may be appropriate to accept a Statutory Declaration as evidence to satisfy the requirements under section 26 of the Directions.

You may like to consider the following tiered approach.

Confirmation from an incorporated Aboriginal and Torres Strait Islander organisation	Letter signed by a chairperson of an incorporated organisation	Statutory declaration
<p>A document signed and sealed by an incorporated Aboriginal and Torres Strait Islander organisation</p> <p>This document typically states that a person is Aboriginal and/or Torres Strait Islander, identifies as such, and is recognised by their community. It generally contains a resolution number and date of meeting. It is signed by an authorised signatory of the organisation and includes a common seal.</p> <p>Note: There may be variances between organisations.</p>	<p>A letter from a chairperson of an Aboriginal and Torres Strait Islander organisation that recognises the individual as an Aboriginal and/or Torres Strait Islander</p> <p>This is a letter that confirms acceptance of that person as an Aboriginal and/or Torres Strait Islander person by a chairperson of an Aboriginal and Torres Strait Islander organisation. Typically a letter will contain an ‘Acceptance of Membership Number’ and is signed by the Chief Executive Officer/Chairperson.</p> <p>Note: There may be variances between organisations.</p>	<p>A statutory declaration made by the candidate including a declaration from a member of an Aboriginal and Torres Strait Islander Service Provider</p> <p>This document can be sufficient evidence in circumstances where a person may not be able to obtain a confirmation by an incorporated Aboriginal and Torres Strait Islander organisation.</p> <p>Note: a person can provide two declarations, one where they declare that they identify as an Aboriginal and/or Torres Strait Islander and a supporting declaration by a person from an Aboriginal and Torres Strait Islander Service Provider.</p>

The intent of the Affirmative measure provision is to remove barriers to employment for Aboriginal and Torres Strait Islander people. It can work against this intent if the process becomes too prescriptive or restrictive. For this reason, there is some flexibility in the type of evidence that will satisfy the purposes of eligibility under this affirmative measure.

Condition of engagement

At times, a person may have been successful in getting the job but experience a delay with the documentary evidence needed to meet the requirements of the Affirmative measure. It's possible to offer them employment, with confirmation of their Aboriginal and/or Torres Strait Islander heritage to be provided as a condition of engagement. For example, you could set a condition that satisfactory evidence be provided within 3 months of starting work or employment may be terminated. For more information see [Conditions-of-engagement](#).

More Information

Inclusion Group

Australian Public Service Commission

email: diversity@apsc.gov.au

website: <https://www.apsc.gov.au/working-aps/diversity-and-inclusion>

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