

Engagement in the Voice Referendum in a personal capacity: Guidance for APS employees and agencies

In 2023, Australians will have their say in a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution through an Aboriginal and Torres Strait Islander Voice to Parliament.

While this guide cannot cover every practical scenario, its aim is to provide general advice to Australian Public Service (APS) employees who wish to engage publicly with the referendum in a personal capacity. This can include:

- attending a community event
- making comments on social media
- volunteering time or donating money to a campaign
- discussing the referendum with family and friends.

Can I engage publicly with the referendum?

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.

APS employees, like all Australian citizens, are entitled to express personal views on the merits of the various positions on the referendum question. APS employees have a lot to offer the public conversation as an informed and engaged cohort.

In engaging publicly, you should ensure that your conduct is lawful, that it is clear you are expressing your own views, and that your engagement does not conflict with your public service role.

What are my obligations?

All APS employees are bound by the APS [Values](#), [Employment Principles](#), and [Code of Conduct](#) set out in the *Public Service Act 1999*. These obligations set high standards of behaviour for individual public servants, with the ultimate purpose of maintaining public confidence in the integrity of the APS.

One of your obligations under the Code of Conduct is to behave at all times in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of your agency and the APS. This means that your behaviour *outside work* is subject to the Code to the extent that:

- it could reasonably be viewed as failing to uphold the integrity and good reputation of your agency or the APS, or
- it could reasonably call into question your capacity to comply with the Values and Employment Principles in your work—for example, your capacity to be impartial or respectful.

It's important to be aware that your personal engagement in the referendum could potentially breach the Code of Conduct. There are a range of risks and considerations you should think through

carefully. The higher the risk that your behaviour could undermine trust in the APS, the more likely it is to be inconsistent with the Code.

What risks and considerations do I need to think about?

The risk of damage to public confidence will always depend on the circumstances—your engagement in the national conversation on the referendum will not in itself undermine trust in the APS. There are three key factors that can increase or mitigate that risk:

- your seniority in the APS
- the connection with your official duties, and
- how extreme the expression of your view is.

Agencies' responses to employees' personal behaviour in the lead-up to the referendum should always be proportionate to the risk that the behaviour poses to public trust in the APS. Responses must be reasonable in the circumstances, taking into account the nature and gravity of the employee's behaviour.

Seniority

Generally, the more senior your APS classification, the greater the risk your personal engagement in the referendum might affect public confidence in the APS. This is because:

- the community is more likely to believe senior employees' comments are based on specialised inside knowledge
- the opinions of senior leaders and authority figures are given more weight than those of more junior employees
- senior employees have a significant degree of responsibility and may be required to lead the implementation of government policies and programs related to the referendum or the Voice
- the more senior an employee, the more difficult it can be to differentiate comments they make in a private capacity from those made on behalf of their agency or Minister.

As a leader, you set the tone for the rest of your organisation, and should be relied upon to act as an exemplar to your staff, your organisation, and your broader networks.

Connection between the topic and your work

Personal engagement in the referendum will be inherently riskier for employees whose official role includes advising on or implementing the referendum.

For such employees, public comment on the referendum in a personal capacity may be given greater weight—and cause greater concern—than similar comments made by employees with different duties, or by members of the public, because these employees may be perceived to have privileged access to knowledge and influence within government.

This does not mean that if you are working on the referendum you must not publicly engage with it at all in a personal capacity. But when considering whether to do so, it's important to be mindful of

how that engagement could reasonably be perceived by members of the community, and the impact it might have on their confidence in the APS as an impartial institution.

Expression

The risk to public confidence is greater the more extreme your behaviour or expression in participating in the national conversation, including the tone and language of your comments. For example, extreme criticism or praise of the Government's position on the referendum, or of the Yes or No campaigns, may lead a reasonable member of the community to believe you are so entrenched in your position that you can't put aside your personal views to behave impartially and respectfully at work.

This does not mean that you must always be neutral in your personal engagement with the referendum—the range of acceptable expression is broad. The question is whether a reasonable member of the community would conclude, on the basis of your behaviour, that you can't be trusted to work impartially, respectfully, or with integrity in the APS.

Can I campaign or volunteer?

Yes, APS employees can be involved in the Yes or No campaigns in a personal capacity, to the extent that their involvement is consistent with the obligation to maintain public confidence in the integrity of the APS.

You should assess this in the context of the risk factors, and have regard to the following considerations:

- If you have a significant role in a campaign, there is potential for a conflict of interest between taking a position on the referendum and impartially performing your official duties. When in doubt, discuss—talk to your manager or HR area about the potential conflict and how it may be managed.
 - 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.
- If you are involved in the Yes or No campaign, you should make it clear that you are not participating as part of your official duties—for example, you should not wear anything that identifies you as an APS employee when representing the campaign. As well, you must not use Commonwealth resources for campaign activity—this means you can't use work email, telephones, printers, or photocopiers, or engage in the campaign on work time.
- You should not wear or display campaign material in the workplace. Doing so may give the impression that your agency endorses the material, and in some circumstances may raise doubts in the minds of clients or stakeholders as to whether their queries or applications will be handled impartially and respectfully.

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

Speaking privately to family and friends about your views on the referendum is low risk. Having said that, you should still make it clear that you are expressing your personal views. If you want to share factual information with family and friends, you can direct them to <https://voice.niaa.gov.au>.

When in doubt, discuss

In some cases, assessing the risks may not be easy or straightforward, and you and your manager are encouraged to work through these scenarios together.

Agencies should ensure that managers are equipped to help employees assess the risks in a considered and proportionate way—and that employees understand the importance of discussing situations in which they are unsure, and feel safe to do so.

Conflicts of values

For some employees, the referendum may give rise to a conflict of values. When your personal values conflict with the APS Values, the APS Values are expected to have priority in the workplace. If you are unable to reconcile your personal values with what is expected of you at work, you are strongly encouraged to seek advice.

Talk to your manager, your agency's Employee Assistance Program, your Ethics Contact Officer, HR, the Ethics Advisory Service, a trusted colleague, or a counsellor—and make a decision that preserves both your integrity and that of the APS.

Where else can I get information?

- [Social media: Guidance for Australian Public Service Employees and Agencies](#)
- *APS Values and Code of Conduct in Practice*: [Section 6—Employees as Citizens](#)
- Your agency's own guidance on:
 - public engagement
 - social media
 - conflicts of interest
 - undertaking paid or unpaid activities outside the workplace
- [Ethics Advisory Service](#): (02) 6202 3737, or ethics@apsc.gov.au
- <https://voice.niaa.gov.au>