

Minister for Education
Minister for Children and Youth
Minister for Disability Services



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10 MAR 2025

Jenny Mannering
Inquiry Secretary
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Dear Ms Mannering

I refer to the correspondence received from the Honorable Ruth Forrest MLC, Chair of the Commission of Inquiry Recommendations Scrutiny Committee dated 1 May 2025 with the following query:

The Committee is interested in the possible use of Non-Disclosure Agreements (NDA) or any other mechanisms to ensure confidentiality by the Department or an employee of the Department, specifically:

- (a) any circumstances in which the use of an NDA or any other mechanism to ensure confidentiality would be deemed appropriate; and*
- (b) in such circumstances, the procedures and policies that are in place in relation to how, when and why NDAs or any other mechanism to ensure confidentiality would be used.*

I have sought advice from the Department for Education, Children and Young People and understand that the default position of the Department is that it does not request NDAs or confidentiality clauses in the settlement of claims.

I am advised that on a whole-of-government basis, the Treasurer's Instructions, specifically Instruction C-1 *Disclosure and Confidentiality in Government Contracting*, allow for confidentiality provisions to be included if set criteria outlined in the Instructions are met. This means that parties could request an NDA or confidentiality clause to be included in a settlement. I note that any further queries around Treasurer's Instruction provisions should be referred to the Treasurer.

My office sought advice from the Department on the number of NDA or confidentiality clauses included in the settlement of claims involving allegations of physical abuse and/or sexual abuse against a child over the last two years. Advice was that while the number could not be easily quantified, it would be very few, if any, and more than likely less than five.

Any NDA or confidentiality clauses that were included would have been specifically requested by another party and not initiated by the Department which is consistent with the Treasurer's Instructions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Palmer', with a stylized, cursive script.

Hon Jo Palmer MLC
Minister for Education