Version 10

March 2024

## **Deed of confidentiality declaration form - observer**

THIS DEED is made this day of 20

BETWEEN State of Queensland acting through the Department of Employment, Small Business and Training

AND of , in the State of Queensland

 [insert name] [company/region/unit]

RECITALS

Whereas:

1. Has agreed to act as an observer or industry participant (cross out whichever is not applicable) involved with the conduct of auditing services for group training organisations.
2. The Department of Employment, Small Business and Training acts as the state training authority and has the responsibility for audits to ensure each group training organisation complies with the *National Standards for Group Training Organisations* (also known as ‘national standards’).
3. In the provision of such services, the Department of Employment, Small Business and Training acknowledges that may have access to confidential information relating to the activities of the group training organisation.

The parties wish to set out their agreement in this deed.

National standards for group training organisations - Audits

**NOW THIS DEED WITNESSES:**

1. For purposes of this deed, ‘confidential information’ means all ideas, concepts and information, whether or not in material form, which are designated or treated as confidential by the Department of Employment, Small Business and Training, the observer and/or the industry participant or which are not generally known by non-Department of Employment, Small Business and Training or which would reasonably be regarded as confidential, including without limitation, all business material marked commercial-in-confidence.
2. [insert name] will:
3. use confidential information solely in connection with the duties of the role of observer/industry participant
4. keep all confidential information strictly confidential and not disclose it to any person without the prior written consent of the Department of Employment, Small Business and Training
5. comply with any security measures established by the Department of Employment, Small Business and Training from time to time to safeguard confidential information from unauthorised access or use
6. immediately notify the Department of Employment, Small Business and Training of any suspected or actual unauthorised use, copying or disclosure of confidential information and provide all assistance reasonably requested by the department in relation to any action the department may take in this regard
7. only copy confidential information with the prior written consent of the Department of Employment, Small Business and Training and mark all copies made as ‘confidential’
8. These obligations of confidentiality will:
9. not apply to information that is, or becomes, publicly known (other than as a result of a breach of these confidentially obligations)
10. continue after the term of the deed.

. The term of this deed shall remain confidential as between the Department of Employment, Small Business and Training and [insert name] and shall not be disclosed in whole or in part to third persons without the prior written consent of the parties.

5. Clause 4 of this declaration does not apply to disclosure:

1. to the legal and/or financial advisers of the parties for the sole purpose of obtaining legal and/or financial advice in relation to this deed
2. to and court or other body having a legal power to compel disclosure

or

1. by the Department of Employment, Small Business and Training of the substance of this deed and all of the matters pertaining thereto for the purpose of meeting legislative requirements save that the name of the parties shall not be disclosed

6. Any stamp duty payable in respect of this deed shall be borne by the Department of Employment, Small Business and Training.

**EXECUTED AS A DEED ON THE DATE FIRST MENTIONED IN THIS DEED:**

SIGNED, SEALED AND DELIVERED by )

 (on behalf of the Department of Employment, Small Business and Training )

 )

 …………………………………………….. ) ………………….……………

 [print name] ) [signature]

 this ……………. day of ………………… 20….. )

 SIGNED, SEALED and DELIVERED by )

 )

 ……………………………………………… ) …………………………………..

 [print name of observer/industry participant] ) [signature]

 )

 this ……………. day of ………………… 20….. )

**Disclaimer:** The Department of Employment, Small Business and Training is collecting the information on this form to execute a Deed of confidentiality in relation to the audit of group training organisation under the *National Standards for Group* *Training Organisations*. Only authorised departmental officers have access to this information. Your personal information will not be disclosed to any other third party without your consent, unless authorised or required by law.

Lodge the completed confidentiality form with the departmental officer below and provide a copy to each group training organisation audited at the opening meeting:

Senior Program Officer

Stakeholder and Industry Relations Unit

Department of Employment, Small Business and Training

PO Box 15483

CITY EAST QLD 4002

Email: SIRT@desbt.qld.gov.au