

The Hon Meg Webb MLC
Independent Member for Nelson
Parliament House
HOBART TAS 7000

By email: meg.webb@parliament.tas.gov.au

Dear Meg

Thank you very much for your time recently to discuss the University's plans for its Hobart CBD campus and the future of the Sandy Bay campus. I appreciated your openness and willingness to discuss these important issues and am pleased to provide a response in writing to the questions tabled in the Legislative Council.

In relation to your first set of questions, the University relies on a non-disclosure agreement (NDAs) specifically dealing with how parties will handle another's confidential information and we have a template NDA which we often use for third party or start-up matters. These third parties could be vendors, suppliers, customers or potential investors and the type of information that needs to be kept secret could be a trade secret, patent, invention, intellectual property, pricing arrangement or financial information. These are not applied specifically at the time of resignation or redundancy, although would of course continue to apply post-employment due to the nature of information staff have had access to.

The confidentiality deeds referred to in your second set of questions are occasionally negotiated by the University as part of an agreement with an employee in relation to their termination. These include:

- The conditions of the settlement – which usually includes a release from the employee on any future claims against the University;
- Details on the settlement amount that the University has agreed to pay the employee; and
- An agreement between the parties over what they can and cannot do as a result of entering into the deed, including how the exit will be communicated and mutual non-disparagement clauses.

Confidentiality deeds are agreed on a case-by-case basis and every employee is advised to seek independent legal advice prior to agreeing to the terms. Employees often have separate representation in negotiations.

I can confirm that these deeds only apply in the most complex of cases and are not standard practice. They were not applied in the case of those staff who elected to take a voluntary redundancy as part of our financial response to COVID-19 in 2020.

As these deeds are developed on a bespoke basis to address the needs of complex cases, we have not historically kept a central register of these deeds although we will now move to improve

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our data collection. We have undertaken a review of our available data and found that these deeds have been applied in approximately 6% of turnover from the University in the previous year, so around 20 cases against our staff population of over 6,000 head count.

Regarding your final question about potential negative impact upon academic freedom of speech, as we discussed the University has a comprehensive governance model which includes policies and procedures on academic freedoms. These are consistent with the principles articulated in the Model Code of the Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers. These principles can be found [here](#) and I confirm these freedoms are only restricted by law and the policy itself.

We are very much strong supporters of free speech at the University of Tasmania. Indeed, welcoming discussion and debate is central to who we are as a University and fundamental to how we operate. I would be happy to discuss this further with you at any point.

Should you have any further queries or information requirements, please do not hesitate to let Kate know via kate.huntington@utas.edu.au or via 0432 389 793.

Yours sincerely



Professor Rufus Black
Vice-Chancellor

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