



1 March 2021

Kristen Hilton
Commissioner
Victorian Equal Opportunity and Human Rights Commission
Level 3, 204 Lygon Street
CARLTON VIC 3053

Dear Commissioner

Limited Waiver of Confidentiality Obligations

Further to our previous correspondence of 8 December 2020, we write to you to provide clarification as to whether the waiver of confidentiality obligations also extends to non-disparagement obligations as per the email of 18 February 2021 from VEOHRC.

We encourage all current and former AV employees and volunteers to participate in the review and, to support them in doing so, we confirm the extension of the waiver to non-disparagement obligations, subject to the same conditions as the waiver of the confidentiality obligations. For ease of use, the full waiver is attached.

In summary what this means is that all current and former AV employees and volunteers participating in the review can provide confidential information to VEOHRC. To gain the protection of this waiver, the information must relate to the independent review into workplace equality in AV and non-identifying pseudonyms must be used. The waiver does not permit an individual or the VEOHRC to release the information publicly. Information that is published by VEOHRC must ensure that no individual/s are identified.

Any questions that a current or former employee may have in relation to the extent of the waiver may be directed to Rebecca Hodges, Executive Director People and Culture on 0475 975 959.

Yours sincerely

Assoc Prof Tony Walker ASM
Chief Executive Officer

Attachment

Where the conditions set out below are met, AV will not seek to enforce any non-disclosure, confidentiality or non-disparagement obligations that a current or former employee owes to AV to the extent that such an obligation would prevent that person from making a confidential submission to the independent review into workplace equality in AV in relation to the matters that are the subject of the review:

- The information may only be included in a confidential submission made to the Victorian Equal Opportunity and Human Rights Commission for the purposes of the independent review into workplace equality in AV;
- The information must be relevant to the independent review into workplace equality in AV;
- The submission must use non-identifying pseudonyms for any person involved in the matter or matters to which the non-disclosure, confidentiality and non-disparagement obligations relate and must not include information that may or could lead to the identification of any individual;
- The submission must request that any material published by the Commission in relation to that submission not include information that may or could lead to the identification of any individual; and.
- The submission must confirm that any third-party waiver has been obtained (see below).

AV's waiver extends only to the confidentiality, non-disclosure and non-disparagement obligations owed to AV. To the extent that any confidentiality, non-disclosure or non-disparagement obligations are owed to any other person, the individual must seek a waiver of their obligations to that third party if necessary to do so in order to participate in the review.

