**Hearing date: 22/08/2025**

**Question taken on notice**

**Directed to:** Sara Bice, Co-founder and Director Next Generation Engagement

**Received date:** 15/09/2025

1. **p.29 – Melina Bath**

**Question:** - I am interested in non-disclosure agreements. I am trying to get my head around: do you have any analysis of the quantum of their use and the level? Where a Parliament inquiry is making recommendations to the Victorian state government, how widespread are they? Where do we see them most? -

**Sara BICE:** That one we would have to take on notice.

**Response:
a) Quantum, use and level:** Since speaking at the inquiry, I have searched for other academics’ peer-reviewed publications or trustworthy reports on this topic. There appears to be no readily available answer to this important question. This is not surprising, given the very nature of NDAs. Organisations (mostly private sector) making use of them do not have to disclose their use and the individuals or organisations bound by them are unable to make disclosures.

Please note that my area of expertise is not law. My research team at the ANU and I have not completed an analysis of the ‘quantum of non-disclosure agreement (NDA) use and level’. Having given the question good consideration, we believe it would be very challenging to do so, as there is no register of NDAs.

**b) How widespread? Where do we see them most?**  As above, it is impossible to determine exactly how widespread NDAs are, due to their very nature. The use of NDAs in community consultations in Victoria, however, appears to be widespread enough that community members and organisations have raised it in their public submissions to the Inquiry. Based on anecdotal evidence and the public submissions made to the Inquiry, it appears that NDAs are being used largely in relation to Victoria’s renewable energy developments. This is not surprising. The majority of Australia’s renewable energy build is occurring via the private sector. It appears to be regular practice by private firms in the renewable energy sector to request landholders to sign an NDA, usually granting that company exclusive land access/use rights for a certain number of years. NDAs may also cover any payment amounts made to landholders, etc.