

DECLARATION TO OBSERVE CONFIDENTIALITY

I acknowledge that:

- I am a person engaged by the Auditor-General to provide services under the project.
- As a person engaged by the Auditor-General I am bound by the confidentiality provisions of s.53 of the *Auditor-General Act 2009*.
- I have read and understood the requirements of s.53 of the Auditor-General Act (refer attachment 2) and agree to abide by its requirements.
- I will not share or otherwise divulge QAO information or documents obtained during the project to any other persons, including other <<INSERT COMPANY NAME>> staff, except where required for the purposes of providing the services related to the project or where otherwise required by law.
- I will not use QAO information or documents obtained during the project for any other project or purpose.
- I will notify the Lead Partner of any breaches of s.53 of the Auditor-General Act, other breaches of this confidentiality acknowledgement, or other legislative requirement to maintain confidentiality as soon as I am aware of them
- My obligation to maintain confidentiality in accordance s.53 of the Auditor-General Act continues after the completion of my involvement in the project.

Signed

Date / /

Print Name.....

Attachment 1 – Definitions

Divulge means directly or indirectly communicating, disclosing or otherwise making available information or documents. This includes both deliberate and unintentional acts.

Engaged person means <<INSERT COMPANY NAME>> staff to be used for delivering services as part of the project

The project means services to << INSERT DESCRIPTION OF WORK/ SERVICES >> under contract << INSERT CONTRACT NUMBER >> between the Queensland Audit Office and <<INSERT COMPANY NAME>>.

Attachment 2 – Excerpt from Auditor-General Act

53 Confidentiality and related matters

1. This section applies to a person who is or has been any of the following, including before the commencement of this subsection—
 - a) an authorised auditor;
 - b) a person engaged by the auditor-general;
 - c) a person engaged or employed by a contract auditor;
 - d) a person receiving proposed reports, or extracts of proposed reports, under section 64.
2. The person must not—
 - a) make a record of protected information; or
 - b) whether directly or indirectly, divulge or communicate protected information; unless the record is made, or the protected information is divulged or communicated, under this Act or in the performance of duties, as a person to whom this section applies, under this Act.

Maximum penalty—200 penalty units or imprisonment for one year.
3. Subsection (2) does not prevent the disclosure of protected information to—
 - a) the parliamentary committee or a portfolio committee; or
 - b) the Crime and Corruption Commission; or
 - c) a police officer, or an entity, responsible for the investigation or prosecution of offences in any jurisdiction; or
 - d) a court for the purposes of the prosecution of a person for an offence in any jurisdiction; or
 - e) if the auditor-general conducts an audit jointly, or in collaboration, with the auditor-general of the Commonwealth or another State under section 42A—the auditor-general of the Commonwealth or other State.
 - f) The Treasurer or the department in which the *Financial Accountability Act 2009* is administered
4. Compliance by a person mentioned in subsection (1) in relation to the Corporations Act, section 311 or the Australian Securities and Investments Commission Act 2001, section 30A is declared to be an excluded matter for the Corporations Act, section 5F.
5. Nothing in subsection (4) is intended to affect the power of a person mentioned in subsection (1) to disclose information to the Australian Securities and Investments Commission under subsection (3)(c).
6. In this section—

protected information means information, observations, comments, suggestions or notations that—

 - a) are not publicly available; and
 - b) are disclosed to, obtained by or made by a person to whom this section applies in relation to an audit that has been, is being or will be conducted under this Act; and
 - c) are relevant to the audit.