

# About the acknowledgment that non-disclosure agreement preconditions have been met

*Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025, section 8(1)(e)*

## About this form

In Victoria, there are rules about the use of non-disclosure agreements (**NDA**s) in workplace sexual harassment matters (this includes matters involving sexual harassment at work or in connection with work). These rules apply to any NDA entered into on or after 1 July 2026 that stops someone who has experienced workplace sexual harassment (**complainant**) from:

- talking about their experience of workplace sexual harassment, and/or
- naming the person who harassed them (if they were 18 or over at the time of the harassment) (**respondent**).

Before entering into an NDA of this kind, each party to the NDA must acknowledge in this form that certain preconditions (listed below) have been met. If the preconditions are not met, the NDA cannot be enforced against a complainant (meaning it is not legal).

## What are the preconditions

The preconditions are:

1. The NDA was requested by the complainant.
2. It was the complainant's express wish and preference to have an NDA.
3. The complainant was given a copy of the Information statement: *Non-disclosure agreements (NDAs) (workplace sexual harassment)* after they requested an NDA and before signing the NDA.
4. The complainant was given 21 days to review the NDA (unless they chose not to have a review period or to shorten the review period).
5. ***Before signing the NDA, each party to the NDA must acknowledge that the above four preconditions have been met, by signing this form.***
6. The complainant was not unduly (unfairly) influenced or pressured to request or agree to the NDA.

This guidance is not legal advice. You may wish to seek legal advice before signing this acknowledgement form. For further information about how to find legal advice, please visit [vic.gov.au/nda](https://vic.gov.au/nda).

## When to use this form

Before entering into an NDA about the details of the sexual harassment or the identity of the respondent (where they were 18 or over at the time of the sexual harassment), each party to the NDA must acknowledge in this form that the preconditions listed at 1 to 4 above have been met.

Parties to the NDA should only sign this form if the preconditions listed at 1 to 4 above have been met.

The complainant must be given a signed copy of this acknowledgement form.

## Information for the complainant

For more information about the preconditions and your legal rights, see the *Information statement: Non-disclosure agreements (NDAs) (workplace sexual harassment)*.

A copy should have been provided to you when you requested the NDA. It can also be accessed on [vic.gov.au/nda](https://vic.gov.au/nda).

If you think that any of the preconditions have not been met, you may wish to seek legal advice. For further information about how to find legal advice, please visit [vic.gov.au/nda](https://vic.gov.au/nda).

After all the parties have signed this form, you must be given a copy.

## Further information

For more information about how the law applies to the use of NDAs in workplace sexual harassment matters, see [vic.gov.au/nda](https://vic.gov.au/nda).

## Translating and interpreting service



Call 131 450 to translate this information in your language.

For more information about this free service, visit [tisonational.gov.au](https://tisonational.gov.au).

If you are deaf or find it hard hearing or speaking with people who use a phone, you can contact the National Relay Service at [accesshub.gov.au](https://accesshub.gov.au).

## Acknowledgement that non-disclosure agreement preconditions have been met

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### Part A – Complainant

Full name

I,

Acknowledge that:

- I made a request to enter into a non-disclosure agreement about workplace sexual harassment (a **workplace non-disclosure agreement**).
- It is my express wish and preference to enter into a workplace non-disclosure agreement.
- After requesting the workplace non-disclosure agreement (and before entering into the agreement), I was provided with a copy of the *Information statement: Non-disclosure agreements (NDAs) (workplace sexual harassment)*.
- I, (select one):

was given a period of least 21 days to review the workplace non-disclosure agreement

requested a review period of less than 21 days

requested that the review period was waived

Date

Signed

## Acknowledgement that non-disclosure agreement preconditions have been met

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### Part B – Employer (if applicable)

Full name

I,

Position and company name (if applicable)

Address

of

Acknowledge that:

- I am an authorised representative of [insert employer name] and am authorised to make this declaration on its behalf.
- [insert complainant full name] (**the complainant**) requested to enter into a non-disclosure agreement about workplace sexual harassment (a **workplace non-disclosure agreement**).
- It is the complainant's express wish and preference to enter into a workplace non-disclosure agreement.
- After requesting the workplace non-disclosure agreement (and before entering into the agreement), the complainant was provided with a copy of the *Information statement: Non-disclosure agreements (NDAs) (workplace sexual harassment)*.
- The complainant (select one):
  - was given a period of least 21 days to review the workplace non-disclosure agreement
  - requested a review period of less than 21 days
  - requested that the review period was waived

Date

Signed

## Acknowledgement that non-disclosure agreement preconditions have been met

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### Part C – Respondent (if applicable)

Full name

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Acknowledge that:

- *[insert complainant full name]*  
**(the complainant)** requested to enter into a workplace non-disclosure agreement.
- It is the complainant's express wish and preference to enter into a non-disclosure agreement about workplace sexual harassment (a **workplace non-disclosure agreement**).
- After requesting the workplace non-disclosure agreement (and before entering into the agreement), the complainant was provided with a copy of the *Information statement: Non-disclosure agreements (NDAs) (workplace sexual harassment)*.
- The complainant (select one):
  - was given a period of least 21 days to review the workplace non-disclosure agreement
  - requested a review period of less than 21 days
  - requested that the review period was waived

Date

Signed