


## Marianna Olding

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**From:** Jane Holmes  
**Sent:** Tuesday, 16 May 2023 12:30 PM  
**To:** FOI  
**Subject:** FW: Letter from Secretary to the Treasury [SEC=OFFICIAL:Sensitive, ACCESS=Legal Privilege]  
**Attachments:** EC23-000339 SIGNED SEC.pdf


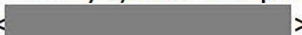

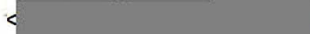
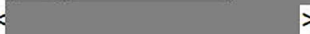

**OFFICIAL:Sensitive (Legal Privilege)**

**Jane Holmes** | Assistant Commissioner | Corporate Group | p.   
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**From:** Jane Holmes < >  
**Sent:** Monday, February 13, 2023 11:01 AM  
**To:** Lisa Studdert < >  
**Subject:** Fwd: Letter from Secretary to the Treasury [SEC=OFFICIAL:Sensitive, ACCESS=Legal Privilege]

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**From:** Michael Brennan < >  
**Sent:** Thursday, February 2, 2023 1:17 pm  
**To:** Rosalyn Bell < >; Ralph Lattimore < >; Anna Heaney < >; Jane Holmes < >;  >  
**Subject:** FW: Letter from Secretary to the Treasury [SEC=OFFICIAL:Sensitive, ACCESS=Legal Privilege]

**OFFICIAL:Sensitive (Legal Privilege)**

**Michael Brennan** | Chair



**Productivity Commission**

Level 8, Two Melbourne Quarter, 697 Collins Street, Docklands VIC 3008 | Locked Bag 2, Collins Street East, Melbourne VIC 8003

Tel:  | Mobile 

Website: [www.pc.gov.au](http://www.pc.gov.au) | Email: 

---

**From:** Kelley, Roxanne < >  
**Sent:** Thursday, 2 February 2023 12:54 PM  
**To:** Michael Brennan < >  
**Subject:** Letter from Secretary to the Treasury [SEC=OFFICIAL:Sensitive, ACCESS=Legal Privilege]

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**OFFICIAL:Sensitive  
Legal Privilege**

Dear Michael

The Secretary has asked me to provide you with the letter he spoke with you about today. The Terms of Reference for the review are attached to the letter.

Ms de Silva has been advised that you have been informed about the review and she will contact you shortly.

If you have any questions about the review process, please contact me.

Regards

Roxanne

**Roxanne Kelley**  
**Deputy Secretary**  
**Corporate and Foreign Investment Group**  
P + [REDACTED] M + [REDACTED]

[treasury.gov.au](http://treasury.gov.au)

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**OFFICIAL:Sensitive**  
**Legal Privilege**

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**Australian Government**  
**The Treasury**

#003-1a

EC23-000339

**Secretary**  
**Dr Steven Kennedy PSM**

Mr Michael Brennan  
Chair  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601, Australia

Dear Mr Brennan

**Review of allegations related to the Productivity Commission**

I write to you about allegations that the Treasurer and Senator Gallagher recently received about the Productivity Commission's culture including allegations of sexual harassment and sexism.

Given the potential seriousness of these allegations, and the need to maintain public confidence in the Commission and to avoid any actual or perceived conflict of interest, the Treasurer has authorised me to engage a senior, impartial and experienced person to conduct an initial review of the allegations.

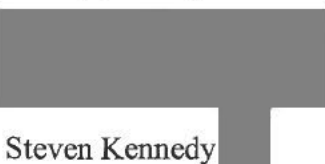
I have appointed Ms Natasha de Silva from Intersection Pty Ltd as the reviewer. Ms de Silva will contact you directly to discuss the allegations.

The review will ensure appropriate confidentiality and afford procedural fairness and natural justice to all relevant people. The scope of the review may change depending on any early findings or the advice of the reviewer.

I have attached a copy of the review's terms of reference. Ms Roxanne Kelley, Treasury's Deputy Secretary Corporate and Foreign Investment Group is your Executive contact regarding the review.

I request that all Commissioners and the Commission cooperate throughout the conduct of the review.

Yours sincerely



Steven Kennedy  
2 February 2023

## Terms of Reference

### **Terms of reference for an independent informal review of the culture of the Productivity Commission**

I, Steven Kennedy, Secretary to the Department of the Treasury appoint Ms Natasha de Silva from Intersection Pty Ltd to undertake an initial review of a complaint regarding the culture of, and conduct at, the Productivity Commission including allegations of sexual harassment and a culture of sexism.

The reviewer should take all appropriate steps to investigate the allegations, and any related conduct of the Chair, Commission members and officials of the Productivity Commission, to determine the veracity of the allegations.

The reviewer should consider and make recommendations regarding:

- the adequacy of the Commission's internal management practices regarding allegations related to sexual harassment, sexism and other unacceptable behaviour and whether to make any changes to those practices; and
- any further appropriate actions that could or should occur, including whether any matters require referral to other authorities.

A primary purpose of the review is to inform any future request for legal advice or actions.

The reviewer should provide me or my nominated representative with the draft preliminary findings of the review and any recommended actions by 16 February 2023 (unless another date is agreed by both parties).

Disclosure of the existence of the review, and the information gathered during the review, should occur only on a need-to-know basis unless I advise otherwise.

I may change the scope of the investigation depending on any early findings or the advice of the reviewer.

**Marianna Olding**

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**From:** Lisa Studdert  
**Sent:** Monday, 13 February 2023 3:50 PM  
**To:** Kelley, Roxanne  
**Cc:** Barrett, Angela  
**Subject:** RE: Contact details for Ms de Silva [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Thanks Roxanne.

I have now heard back from Natasha and she's asked we send the email. I'm just finalising now and will send out before 5. Will send you and Angela a copy.

L

**Lisa Studdert** | Head Of Office | Executive | p. [REDACTED]

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**From:** Kelley, Roxanne [REDACTED]  
**Sent:** Monday, 13 February 2023 3:44 PM  
**To:** Lisa Studdert [REDACTED] >  
**Cc:** Barrett, Angela [REDACTED] >  
**Subject:** Re: Contact details for Ms de Silva [SEC=OFFICIAL:Sensitive]

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**OFFICIAL: Sensitive**

Thank you Lisa.

I am free after 5pm.

Regards Roxanne

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**OFFICIAL: Sensitive**

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**From:** Lisa Studdert <[REDACTED]>  
**Sent:** Monday, February 13, 2023 2:24:57 PM  
**To:** Kelley, Roxanne <[REDACTED]>  
**Cc:** Barrett, Angela [REDACTED]  
**Subject:** RE: Contact details for Ms de Silva [SEC=OFFICIAL:Sensitive]



**OFFICIAL:Sensitive**

Roxanne,

We haven't yet sent a message. I spoke to Natasha and she is reviewing a draft now. Given it's her process and the 'offer' to staff is really on her behalf I thought that was important to ensure the message was worded appropriately.

Separately, we have heard that the CPSU delegate is not currently intending to send out message to current employees with Natasha's contact details – as seemed to be what you heard this morning. I have therefore also asked Natasha to confirm this 'call out' is what she wants to happen at this point. We're happy to facilitate but I'm also keen to ensure it fits with her planned methodology. To be honest, she didn't sound 100% definite about that when we spoke, thus my question.

Beyond the matter of an email to staff, or not, it would be good to talk again/further about the review later today if you had some time.

Thanks,  
Lisa

**Lisa Studdert** | Head Of Office | Executive | p. [REDACTED]

[Schedule a meeting](#) | [Chat on Teams](#)

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**From:** Kelley, Roxanne <[REDACTED]>  
**Sent:** Monday, 13 February 2023 9:55 AM  
**To:** Lisa Studdert [REDACTED]  
**Cc:** Barrett, Angela [REDACTED]  
**Subject:** Contact details for Ms de Silva [SEC=OFFICIAL:Sensitive]

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**OFFICIAL:Sensitive**

Hi Lisa

As discussed, Natasha de Silva has now spoken with the complainant. The complainant has spoken with the CPSU delegate at the PC and he has offered to share Natasha's contact details with current PC employees and these details have not been provided by management.

Natasha has agreed that now that she has spoken with the complainant it would be appropriate to inform staff at the PC of her contact details so that staff can make contact if they wish to. The details that should be provided are as follows:

Natasha de Silva  
Principal  
Intersection Pty Ltd  
E [admin@intersection.work](mailto:admin@intersection.work)  
W [www.intersection.work](http://www.intersection.work)  
M 0406 316 624

Can you please let us know what time you intend to send the all staff email so that we can advise Natasha.

Regards

Roxanne

Roxanne Kelley  
Deputy Secretary  
Corporate and Foreign Investment Group  
P [REDACTED] M [REDACTED]

[treasury.gov.au](http://treasury.gov.au)

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**OFFICIAL:Sensitive**

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## Marianna Olding

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**From:** Lisa Studdert  
**Sent:** Monday, 13 February 2023 4:45 PM  
**To:** admin@intersection.work; Kelley, Roxanne; Barrett, Angela  
**Cc:** Michael Brennan  
**Subject:** FW: From Head of Office [SEC=OFFICIAL]

### OFFICIAL

Natasha, Roxanne and Angela,

Below is the email that has been dispatched this afternoon.

Kind regards,  
 Lisa

**Lisa Studdert** | Head Of Office | Executive | p. [REDACTED]

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**From:** Lisa Studdert [REDACTED]  
**Sent:** Monday, 13 February 2023 4:35 PM  
**To:** All Staff - [REDACTED] All Staff - [REDACTED]  
**Subject:** From Head of Office [SEC=OFFICIAL]

### OFFICIAL

Dear Colleagues,

In my message to you last Tuesday I acknowledged the announcement of an independent review, commissioned by Treasury, following the reporting of allegations regarding sexual harassment and sexism at the Commission.

I am writing now with some information about that review. It is being conducted by Ms Natasha de Silva, Principal, Intersection Pty Ltd.

Ms de Silva commenced the review process last week and is now open to contact from staff who may wish to contribute to the review examining allegations of sexism and sexual harassment at the Commission in recent years.

Contact details are below. Ms de Silva has asked that any information staff want to contribute be via the email address **by cob next Monday 20 February** given the tight time frame for this process.

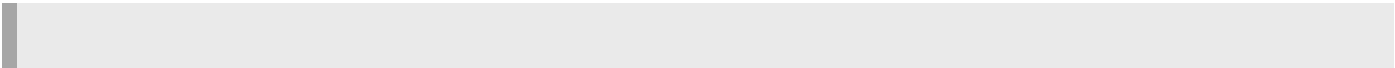
Natasha de Silva  
 Principal  
 Intersection Pty Ltd  
 E [admin@intersection.work](mailto:admin@intersection.work)  
 W [www.intersection.work](http://www.intersection.work)

A reminder that you can also seek confidential, professional support through Carfi (1300 737 403 or via email [REDACTED] or our Employee Assistance Program (EAP). Please also recall you can speak to a PCCC member or union representative ([REDACTED]).

As noted last week, I will continue to give you updates and information as it comes to hand.

Kind regards,  
 Lisa





## Marianna Olding

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**From:** Michael Brennan  
**Sent:** Friday, 28 April 2023 3:21 PM  
**To:** FOI  
**Subject:** FW: Advance discussion on handling strategy [SEC=OFFICIAL]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** 003

**OFFICIAL**

First of a number of documents for FOIs 1-5

**Michael Brennan | Chair**

**Productivity Commission**

Level 8, Two Melbourne Quarter, 697 Collins Street, Docklands VIC 3008 | Locked Bag 2, Collins Street East, Melbourne VIC 8003

Tel: [REDACTED] | Mobile: [REDACTED]

Website: [www.pc.gov.au](http://www.pc.gov.au) | Email: [REDACTED]

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**From:** Kelley, Roxanne <[REDACTED]>  
**Sent:** Monday, March 20, 2023 9:21 PM  
**To:** Lisa Studdert <[REDACTED]>  
**Cc:** Michael Brennan <[REDACTED]>  
**Subject:** RE: Advance discussion on handling strategy [SEC=OFFICIAL]

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**OFFICIAL**

Hi Lisa

Thank you for your email and feedback on engagement with Natasha.

At this stage, it will be difficult to have a discussion about handling the report until it is provided to us. We will then need to review it and have a discussion with the Secretary about next steps, given he was authorised by the Treasurer to instigate the review.

Once we get this point and understand clearly what next steps need to be, we can then have a discussion.

I do understand the concerns the PC and Commissioners are expressing but we need to ensure that appropriate process is followed.

Regards

Roxanne

Roxanne Kelley  
Deputy Secretary  
Corporate and Foreign Investment Group  
P [REDACTED] M [REDACTED]

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**OFFICIAL**

**From:** Lisa Studdert <[REDACTED]>  
**Sent:** Thursday, 16 March 2023 3:48 PM  
**To:** Kelley, Roxanne <[REDACTED]>  
**Cc:** Brennan, Michael (Productivity Commission - Unclassified DLM) <[REDACTED]>  
**Subject:** Advance discussion on handling strategy [SEC=OFFICIAL]

**OFFICIAL**

Hi Roxanne,

You may be aware that a number of us here at PC met with the independent reviewer (of allegations of sexism and sexual harassment at the PC) last week, both in Melbourne and Canberra. We felt they were constructive, detailed discussions and we were able to provide Natasha with a lot of detail on the Commission's relevant processes and policies and information on how these have been implemented in recent years.

In preparing some advice to staff late last week, which I squared away with Natasha before dispatching, Natasha indicated that she currently expected her report to be submitted to Treasury in early April.

I wanted to ask if we could have a preliminary discussion about the process for handling the report when it is submitted – by each of us respectively and with government (if needed). As I know you appreciate, there is a level of uncertainty and concern here, pending the finalisation of this process, so we are very minded as to how we can prepare for this and manage as carefully, respectfully and efficiently as possible.

I might also add here that the Commissioners are also very concerned about this situation and at last week's March monthly meeting asked me specifically to communicate with Treasury about their concerns.

I would be very happy to have a preliminary conversation by call with your, or a meeting with you/team.

Look forward to hearing from you,  
With thanks,  
Lisa

**Lisa Studdert**

Head Of Office | Executive

**Productivity Commission**

Ngunnawal Country

4 National Circuit, Barton ACT 2600

p. + [REDACTED] | [REDACTED]

[pc.gov.au](https://pc.gov.au)



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17:57

#003-5a

4G



Roxanne



Fri, 3 Feb at 09:18

Hello and belatedly happy new year! Michael called me last night with heads up on the situation and story. Anything we should chat about today or wait till Monday? I'm happy to talk. L

Hi Lisa just tried to call. Will call you later today as have a few meetings this morning. R

Sure thing.

Fri, 3 Feb at 12:17

Hi Lisa are you free now?

Yes

Fri, 10 Feb at 14:25

Hi - Any time for a chat this afternoon? I have an open calendar so call whenever suits. L



Not free till after 4 - will call you then.

Wed, 22 Feb at 17:45

Hi there - sorry, it's late in the day and i had meant to touch base a bit earlier. If you had a few mins for a



iMessage







RK



Roxanne

story. Anything we should chat about today or wait till Monday? I'm happy to talk. L

Hi Lisa just tried to call. Will call you later today as have a few meetings this morning. R

Sure thing.

Fri, 3 Feb at 12:17

Hi Lisa are you free now?

Yes

Fri, 10 Feb at 14:25

Hi - Any time for a chat this afternoon? I have an open calendar so call whenever suits. L

Not free till after 4 - will call you then.



Wed, 22 Feb at 17:45

Hi there - sorry, it's late in the day and i had meant to touch base a bit earlier. If you had a few mins for a chat, was hoping we could touch base on the review before the end of the week. Thanks! Lisa

Delivered



iMessage



## Marianna Olding

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**From:** Intersection - General Inquiries <admin@intersection.work>  
**Sent:** Monday, 20 February 2023 5:24 PM  
**To:** Lisa Studdert  
**Cc:** Jane Holmes; Grimes, Kathryn; Barrett, Angela  
**Subject:** Re: some questions from staff [SEC=OFFICIAL]  
**Attachments:** Information Sheet for PC employees 230220.pdf

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Thanks Lisa for the call, those edits have now been made.

Please see attached.

Many thanks  
Natasha

---

**From:** Lisa Studdert [REDACTED]  
**Date:** Monday, 20 February 2023 at 5:05 pm  
**To:** Intersection - General Inquiries <admin@intersection.work>  
**Cc:** Jane Holmes [REDACTED], Grimes, Kathryn [REDACTED],  
Barrett, Angela [REDACTED]  
**Subject:** FW: some questions from staff [SEC=OFFICIAL]

**OFFICIAL**

Hi Natasha,

Thanks for sharing that information sheet. Have been looking at that and gathering leave data in between meetings this afternoon – apologies for the delay.

On the question of whether we had a large number of staff on leave such that they have missed, we have checked records and I can advise that:

- There were 7 people on leave last week, and their leave continues through this week. In the same week last year there were 6 people on leave.
- This week there are a further 5 people on leave but their leave only commenced today, so they would have seen the message last week. There were 3 people on leave this time last year.

I had a few other queries on the information sheet itself but it might be best if I give you a quick call.

L

Lisa Studdert | Head Of Office | Executive | p. [REDACTED]  
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**From:** Intersection - General Inquiries <admin@intersection.work>  
**Sent:** Monday, February 20, 2023 11:37 AM  
**To:** Lisa Studdert [REDACTED]  
**Cc:** Jane Holmes [REDACTED]; Grimes, Kathryn [REDACTED]; Barrett,

Angela [REDACTED]  
**Subject:** Re: some questions from staff [SEC=OFFICIAL]

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Hi Lisa

Thanks for your time just now on the telephone. As flagged, attached is the information sheet for PC staff. Once you have had the chance to advise re numbers of staff on leave, I would like to consider and provide an extended timeframe for staff to contact me which can be forwarded at the same time as this document.

With many thanks  
Natasha

---

**From:** Lisa Studdert [REDACTED] >  
**Date:** Monday, 20 February 2023 at 9:24 am  
**To:** Intersection - General Inquiries <[admin@intersection.work](mailto:admin@intersection.work)>  
**Cc:** Jane Holmes [REDACTED] >, Grimes, Kathryn [REDACTED] >, Barrett, Angela [REDACTED] >  
**Subject:** RE: some questions from staff [SEC=OFFICIAL]

**OFFICIAL**

Hi Natasha,  
Look forward to seeing the information sheet for PC staff.

I think it would be good if we could talk about your query on staff leave and how we can assist. If you have some time this morning please let me know.

Kind regards,  
Lisa

**Lisa Studdert** | Head Of Office | Executive | p. [REDACTED]  
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**From:** Intersection - General Inquiries <[admin@intersection.work](mailto:admin@intersection.work)>  
**Sent:** Sunday, February 19, 2023 1:32 PM  
**To:** Lisa Studdert [REDACTED]  
**Cc:** Jane Holmes [REDACTED] Grimes, Kathryn [REDACTED]; Barrett, Angela [REDACTED]  
**Subject:** Re: some questions from staff [SEC=OFFICIAL]

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Hi Lisa

Thank you for sharing the below questions. In response, I'm currently finalising an information sheet for PC staff that will address a number of these. I hope to have this with you by tomorrow at the latest.

I note some questions are for the PC internally – around scanning people's emails etc. – so when sending the information sheet it may be beneficial to provide reassurance from the PC on these issues.

I've also been advised that a number of staff are currently on leave following the conclusion of a recent large inquiry which may impact people's ability to make contact within the suggested timeframe of tomorrow COB. Are you able to advise approximately how many people are currently on leave/average time of leave so that we can consider the extension of timeframes in this context?

With best wishes

Natasha

---

**From:** Lisa Studdert [REDACTED]  
**Date:** Wednesday, 15 February 2023 at 7:55 pm  
**To:** Intersection - General Inquiries <[admin@intersection.work](mailto:admin@intersection.work)>  
**Cc:** Jane Holmes [REDACTED]  
**Subject:** some questions from staff [SEC=OFFICIAL]

**OFFICIAL**

Hi Natasha,

Following the dispatch of my email to PC staff about your review on Monday afternoon, we have been approached with a number of questions about the process. I have set these questions – provided to me by a number of staff, in no particular order and without any editing – below.


Would be grateful for your advice on how you want to handle these, and of course if you think there is any way we can support you in this or any other part of your work happy to discuss.

I have copied Jane Holmes, head of Corporate Support for the PC on this email also.

Kind regards  
Lisa

- What is the legal status of the answers?
- To what extent is their privacy guaranteed?
- Are they FOIable?
- Could a person self-incriminate ('I saw x and did nothing')?
- Could they be subject to legal action if an email was leaked and it named some other party?
- What if a person got hold of another's email and passed it on to others?
- Would HR look at the emails (they are entitled to do so)?
- What protections will I be offered?
- Will the reviewer be contacting former staff?

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## **Independent review of workplace culture at the Productivity Commission (the Review)**

### **Information for those participating, or considering whether to participate, in the Review**

#### **Why is this Review happening?**

Following an allegation of a culture of sexual harassment and sexism at the Productivity Commission (PC), Treasury has engaged an experienced independent consultant, Natasha de Silva, to undertake an initial Review of these issues.

This Review is not a wide-ranging examination of these issues, but rather an initial assessment of the allegation with a view to determining whether there is a need for further action. The Review also aims to gain an initial understanding of the workplace culture at PC with respect to sexual harassment and sexism and how the PC responds to complaints of this nature.

As an initial Review, the Reviewer will seek to finalise it within a relatively short period of time, subject to the availability of individuals who wish to participate.

#### **Who is conducting the Review?**

Natasha de Silva is the Principal of Intersection, an external independent gender equality and workplace culture expert with over 20 years' experience. Natasha has deep experience in examining issues of bullying, discrimination, harassment and other inappropriate behaviours in the workplace and the impact of these on workplace cultures.

Natasha in a previous role led the Respect@Work National Inquiry into Sexual Harassment in Australian Workplaces (2020) and the Independent Review into Commonwealth Parliamentary Workplaces (2021) in addition to several other reviews.

#### **Who can be involved in the Review?**

Participation in the Review is voluntary. All current PC staff are able to participate either through a one-on-one interview with the Reviewer, which can be arranged through emailing [admin@intersection.work](mailto:admin@intersection.work) for a time that is convenient to you, or by providing written information to the Reviewer. Interviews may occur by videoconference, telephone or in person and as a guide take approximately 60 minutes though they may be shorter or longer. People who wish to offer views or experience in writing may do so by sending an email to the same address [admin@intersection.work](mailto:admin@intersection.work)

Former employees of the PC are also invited to participate in the Review.



The Reviewer will also be meeting with PC management.

Individuals who participate in the Review will be afforded natural justice and procedural fairness (for example, a person named in an allegation will have an opportunity to respond to that allegation) and may bring a support person or representative to a meeting with the Reviewer if they wish.

### **Will you protect my privacy?**

These issues are sensitive and can raise difficulties or distress for some people. Creating a safe environment in which people can voluntarily share their experience and views on the workplace and ensuring participants' well-being is essential to the review approach.

Participation by current and former PC staff in the Review is on a voluntary basis and may be on an identified, de-identified and/or confidential basis as per your personal preference. If you choose to participate, but later change your mind, you can withdraw at any time.

If you provide your information on a confidential and/or de-identified basis, the Reviewer will maintain your privacy. If you request confidentiality regarding your contribution to the Review, the Reviewer will not include your personal details in the Review report or provide your details to Treasury or the PC.

The Reviewer is assessing the veracity of the allegation/s and they are able to make recommendations about further action or referral to other authorities. If further action or referral results in any legal actions, the details of individuals may need to be disclosed. If such recommendations emerge from the Review, a discussion about disclosure will be held with the relevant individuals

It is possible that material held by the Commonwealth relating to this Review (e.g., the Review report) could be the subject of a request under the *Freedom of Information Act 1982* (FOI Act). In the event of such a request, the Commonwealth will rely on all relevant exemptions in the FOI Act to protect non-disclosure of all confidential and other sensitive information in that material.

### **How will you use my information?**

The Reviewer will use information provided in interviews or in writing to inform the initial assessment of the allegations in respect to sexual harassment and sexism with a view to determining whether there is a need for further action. The information will also be used to assess the workplace culture at PC with respect to sexual harassment and sexism and how the PC responds to complaints of these issues.

The Reviewer will provide a Review report to the Secretary of the Treasury. The report may contain recommendations and Treasury may seek advice or take further action in response to the report.

**I have a question about participating in the Review, who do I contact?**

If you have any additional questions regarding participation in the Review, please send an email to: [admin@intersection.work](mailto:admin@intersection.work)

**Who can I contact if I need help or support now?**

**National support services and information for sexual harassment, sexual assault and mental health:**

**1800RESPECT** (Phone: 1800 737 732) can provide counselling 24-hours a day, 7 days a week.  
Website: <https://www.1800respect.org.au/>

**Lifeline** 24-hour crisis support and suicide prevention  
Phone: 13 11 14 Website: <https://www.lifeline.org.au/>

**beyondblue** Mental health support  
Ph: 1300 224 636  
Website: <http://www.beyondblue.org.au/>

## **Independent review of workplace culture at the Productivity Commission (the Review)**

### **Information for those participating, or considering whether to participate, in the Review**

#### **Why is this Review happening?**

Following an allegation of a culture of sexual harassment and sexism at the Productivity Commission (PC), Treasury has engaged an experienced independent consultant, Natasha de Silva, to undertake an initial Review of these issues.

This Review is not a wide-ranging examination of these issues, but rather an initial assessment of the allegation with a view to determining whether there is a need for further action. The Review also aims to gain an initial understanding of the workplace culture at PC with respect to sexual harassment and sexism and how the PC responds to complaints of this nature.

As an initial Review, the Reviewer will seek to finalise it within a relatively short period of time, subject to the availability of individuals who wish to participate.

#### **Who is conducting the Review?**

Natasha de Silva is the Principal of Intersection, an external independent gender equality and workplace culture expert with over 20 years' experience. Natasha has deep experience in examining issues of bullying, discrimination, harassment and other inappropriate behaviours in the workplace and the impact of these on workplace cultures.

Natasha in a previous role led the Respect@Work National Inquiry into Sexual Harassment in Australian Workplaces (2020) and the Independent Review into Commonwealth Parliamentary Workplaces (2021) in addition to several other reviews.

#### **Who can be involved in the Review?**

Participation in the Review is voluntary. All current PC staff are able to participate either through a one-on-one interview with the Reviewer, which can be arranged through emailing [admin@intersection.work](mailto:admin@intersection.work) for a time that is convenient to you, or by providing written information to the Reviewer. Interviews may occur by videoconference, telephone or in person and as a guide take approximately 60 minutes though they may be shorter or longer. People who wish to offer views or experience in writing may do so by sending an email to the same address [admin@intersection.work](mailto:admin@intersection.work)

Former employees of the PC are also invited to participate in the Review.

The Reviewer will also be meeting with PC management.

Individuals who participate in the Review will be afforded natural justice and procedural fairness (for example, a person named in an allegation will have an opportunity to respond to that allegation) and may bring a support person or representative to a meeting with the Reviewer if they wish.

### **Will you protect my privacy?**

These issues are sensitive and can raise difficulties or distress for some people. Creating a safe environment in which people can voluntarily share their experience and views on the workplace and ensuring participants' well-being is essential to the review approach.

Participation by current and former PC staff in the Review is on a voluntary basis and may be on an identified, de-identified and/or confidential basis as per your personal preference. If you choose to participate, but later change your mind, you can withdraw at any time.

If you provide your information on a confidential and/or de-identified basis, the Reviewer will maintain your privacy. If you request confidentiality regarding your contribution to the Review, the Reviewer will not include your personal details in the Review report or provide your details to Treasury or the PC.

The Reviewer is assessing the veracity of the allegation/s and they are able to make recommendations about further action or referral to other authorities. If further action or referral results in any legal actions, the details of individuals may need to be disclosed. If such recommendations emerge from the Review, a discussion about disclosure will be held with the relevant individuals

It is possible that material held by the Commonwealth relating to this Review (e.g., the Review report) could be the subject of a request under the *Freedom of Information Act 1982* (FOI Act). In the event of such a request, the Commonwealth will rely on all relevant exemptions in the FOI Act to protect non-disclosure of all confidential and other sensitive information in that material.

### **How will you use my information?**

The Reviewer will use information provided in interviews or in writing to inform the initial assessment of the allegations in respect to sexual harassment and sexism with a view to determining whether there is a need for further action. The information will also be used to assess the workplace culture at PC with respect to sexual harassment and sexism and how the PC responds to complaints of these issues.

The Reviewer will provide a Review report to the Secretary of the Treasury. The report may contain recommendations and Treasury may seek advice or take further action in response to the report.

**I have a question about participating in the Review, who do I contact?**

If you have any additional questions regarding participation in the Review, please send an email to: [admin@intersection.work](mailto:admin@intersection.work)

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**beyondblue** Mental health support  
Ph: 1300 224 636  
Website: <http://www.beyondblue.org.au/>



## Marianna Olding

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**From:** Jane Holmes  
**Sent:** Tuesday, 21 February 2023 1:38 PM  
**Subject:** FW: Productivity Commission – update on review for former employees [SEC=OFFICIAL:Sensitive]  
**Attachments:** Information Sheet for PC employees 230220.pdf

**OFFICIAL:Sensitive**

Hello all

Further to the initial advice below, I am writing to update on the independent review examining allegations of sexism and sexual harassment at the Commission in recent years.

### **Opportunity to participate:**

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The reviewer, Ms Natasha de Silva, has advised that she is open to contact from former staff who may wish to contribute to the review examining allegations of sexism and sexual harassment at the Commission in recent years. This may include participating in an interview, or submitting written information.

Ms de Silva has provided the **attached** information sheet with further details on the process, including her contact details. If you wish to participate in this review, please reach out to Ms de Silva by close of business, next **Monday 27 February 2023**.

### **Further updates and wellbeing support:**

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We understand that processes such as this can be difficult for some, and remind you of the wellbeing support available (as per details below).

With regards  
Jane

### **Jane Holmes**

Assistant Commissioner | Corporate Group

#### **Productivity Commission**

Wurundjeri, Woi-wurrung Country  
Level 8, 2MQ, 697 Collins Street, Docklands VIC 3008  
p. [REDACTED] | [REDACTED]

[pc.gov.au](https://pc.gov.au)



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**From:** [REDACTED]  
**Sent:** Friday, 10 February 2023 1:38 PM  
**Cc:** Jane Holmes [REDACTED]  
**Subject:** Productivity Commission – offer of wellbeing support for former employees [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Good afternoon

You are receiving this email as a former employee of the Productivity Commission.

Last week, the Treasurer advised the Commission's Chair of an independent review, being conducted by an experienced external consultant, in response to some allegations of sexual harassment and sexism. You may already be aware of this review, through some subsequent media interest. The Government, Treasurer and the Commission

recognise the importance of a robust and independent review of such matters – and the Commission will continue to fully cooperate with the review as it proceeds.

At the Commission, we have worked to create and maintain a culture that is inclusive, respectful and professional. Wellbeing is a priority – and we understand that processes such as this review may bring mixed emotions for individuals. As such, we extend an offer of professional support to former employees at this time.

Should news of this review impact any former Commission employees, individuals can access **up to four free and confidential wellbeing support sessions**, by contacting Carfi on 1300 737 403 or via email to [REDACTED]

For any other related assistance or support, please reach out to Jane Holmes [REDACTED] or [REDACTED] [REDACTED] or I – noting that we respect the confidentiality requirements of the review and will be unable to discuss any specific matters with individuals.

Regards  
[REDACTED]

[REDACTED]

**Productivity Commission**

Wurundjeri, Woi-wurrung Country

Level 8, 2MQ, 697 Collins Street, Docklands VIC 3008

p. [REDACTED]

[pc.gov.au](http://pc.gov.au)



[REDACTED]