

Privileged & Confidential

Jade Franklin
 People Performance and Excellence
 Health Support Queensland

24 March 2017

[REDACTED]
 [REDACTED]
 [REDACTED]

Dear Jade

Amanda Reeves - Management of employment issues

We refer to our previous discussions and advice in relation to this matter.

In particular we refer to the most recent without prejudice discussions with Amanda Reeves (**Ms Reeves**) and the most recent correspondence from her legal representative, John-Anthony Hodgens from Human A.S.S.E.T. Solutions Pty Ltd (**HASSET**) dated 23 March 2017.

We thank you for your instructions to advise Health Support Queensland (**HSQ**) in relation to this matter.

1. **Executive summary**

The summary of our advice is as follows.

- Options** We refer to the attached **Schedule 1** which identifies the options in relation to Ms Reeves' employment going forward, the pros and cons and next steps and our recommendations.
- Preferred option** We recommend **option 1**, which is to initiate steps to return Ms Reeves to her substantive position unless a position can be identified to transfer her to - in which case we recommend **option 2**.

The first step in option 1, namely meeting with Ms Reeves to discuss the return to her substantive role, will enable HSQ to determine the genuineness of Ms Reeve's commitment to return to her substantive position and not remain in any dispute with HSQ, including but not limited to any individual within her management or reporting lines as is suggested in the recent letter from HASSET dated 23 March 2017.

This meeting will include:

- (a) presenting to her the findings of the Livingstone's Report;
- (b) presenting to her the findings of the ESR scientific review;
- (c) determining what "suitable coaching workshops" she is seeking as provided in the letter from HASSET dated 23 March 2017; and
- (d) considering whether there are actually any other conditions regarding her return to work not identified in the same letter.

If at the initial meeting it is clear that the employment relationship has become untenable then HSQ will need to further consider its options at this stage including:

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- (e) making a further without prejudice settlement offer (option 5); or
- (f) transferring her employment under section 133 of the *Industrial Relations Act 2016*;
- (g) proceeding to suspend and potentially terminate her employment on the basis that she is unable to carry out the role competently and effectively and/or is putting at risk the safe and efficient operation of the department.

Whilst option 5 of itself is an option at any stage, we consider that HSQ will be in a better negotiating position if it can demonstrate to Ms Reeves that it is in fact willing to return Ms Reeves to her substantive position. Either because Ms Reeves reinstates settlement discussions as she does not genuinely wish to return to her role or evidence is established that she cannot be returned due to Ms Reeves own actions.

Risks of claims if terminate Ms Reeves Employment

The risk if Ms Reeves is not returned to her substantive role and she is not happy with the alternative options, she may bring a claim or resign and bring a claim for:

- (a) adverse action;
- (b) discrimination;
- (c) unfair or constructive dismissal; and/or
- (d) breach of public interest disclosure.

There is also a risk that she will voice her concerns regarding the investigation and prosecution of sexual assault causes in Queensland to the media which although there is now evidence to suggest unfounded may still cause reputational damage, confusion and prejudice.

Management of "complaint" in letter dated 23 March 2017

The letter dated 23 March 2017 provides that the letter should be treated as a Complaint pursuant to the provisions of the *Industrial Relations Act 2009*. This Act was replaced by the *Industrial Relations Act 2016* on 1 March 2017. It is unclear what the purpose of treating the letter of the complaint pursuant to that Act is. It may be in relation to the meaning of "workplace right" for the purposes of a general protections claim (although this is not clear and would stretch the current interpretation of what is a workplace right at least as it has been interpreted under the Federal legislation). A person has a workplace right including if the person is able to make a *complaint* relevantly, if the person is an employee, in relation to his or her employment. We will respond to the HASSET letter require further clarification in relation to this matter but have highlighted the risks arising out of a general protections claim below.

2. Background and instructions

We have attached in **Schedule 2** a brief chronology of events to date for your convenience.

Ms Reeves and HASSET, in conjunction with their legal representatives have been engaging in various without prejudice discussions regarding the difficulties with Ms Reeves' returning to her substantive position, namely her issues with the scientific process for testing of semen samples in relation to the

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investigation and prosecution of sexual assault cases. Such concerns have wide ramifications if Ms Reeves was to testify to this effect whilst giving expert evidence in a sexual assault case as is required as part of her substantive position. Whilst the parties at the last without prejudice meeting were, at Ms Reeves' request, exploring options for Ms Reeves to separate from her employment, Ms Reeves rejected an offer of approximately 4 months' salary to settle the matter and support and assist her to find alternate employment.

The most recent correspondence from HASSET advises that Ms Reeves now wishes to be immediately reinstated to her substantive role and:

- (a) participate in suitable coaching workshops;
- (b) given an assurance in writing that she will not be adversely affected by her prior conduct in raising concerns regarding the semen testing process;
- (c) provided with access to the EAP for a period of 6 months for her return; and
- (d) be provided with a summary of the findings of the "External Review", presumably the Livingstone's Report.

As instructed, we have written to HASSET outlining that you are currently considering Ms Reeves' position further and maintaining the status quo until Thursday 30 March 2017.

You have requested our advice regarding the options in relation to Ms Reeves' employment and the risks associated with each option.

Our advice is set out below.

3. Employment options

We have attached in **Schedule 1** a list of the options, the pros and cons, next steps and our recommendation.

Briefly, the options are:

- (a) return Ms Reeves to her substantive position;
- (b) transfer Ms Reeves to an alternative position (being a role on the same classification level, on different duties or a different location, other than temporary);
- (c) continue to engage Ms Reeves as a research clerk for 12 months;
- (d) offer Ms Reeves an alternative role; and
- (e) engage in further without prejudice discussions with Ms Reeves and offer her a greater settlement amount between 6 and 12 months;
- (f) terminate Ms Reeves' employment on the basis of competency to carry out the role.

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4. Legal risks associated with not returning Ms Reeves to her substantive position

The letter from HASSET dated 23 March 2017 provides that Ms Reeves is seeking to return to her position immediately.

If Ms Reeves is not returned to her substantive role, there is a high risk that Ms Reeves will bring a claim/s on the basis that the decision not to return Ms Reeves to her substantive position is based on:

- (a) Ms Reeves raising concerns regarding the testing of semen process on several occasions;
- (b) allegations that these concerns amounted to Public Interest Disclosures under the *Public Interest Disclosure Act 2010*;
- (c) Ms Reeves' complaint against Mr McNevin (the subject of the Livingstone's Report); and/or
- (d) Ms Reeves taking a leave of absence and/or making a workers compensation claim.

While there are good grounds to argue that that is not the case, the risk remains that Ms Reeves will bring a claim and that it may be accepted in the absence of any reason relating to Ms Reeves own conduct or performance. As such, Ms Reeves could potentially bring a claim against HSQ for:

- (a) adverse action, under the *Industrial Relations Act 2016* (Qld);
- (b) unfair dismissal or constructive dismissal;
- (c) discrimination claim, for example on the basis of her impairment related to her workers' compensation claim; and/or
- (d) breach of the public interest disclosure provisions of the *Public Interest Disclosure Act 2010* (we refer to our previous advice regarding this and note your instructions that the matter was referred to the Ethical Standards Unit who did not consider the complaints either raised previously or by HASSET (which was later withdrawn) to be a public interest disclosure).

In order to defend such claims HSQ would need to show that it had a valid reason for taking any action other than returning Ms Reeves to her substantive position.

The correspondence from HASSET dated 23 March 2017 clearly sets out Ms Reeve's position in relation to her scientific concerns held by her as they relate to the investigation and prosecution of sexual assault cases in Queensland.

In order for HSQ to make a decision at this stage that Ms Reeves could not return to her substantive role, HSQ would need to consider that, Ms Reeves had no reasonable basis for raising such concerns. In our view, this would be difficult by itself to prove, however you are currently considering this in light of the ESR report.

We are instructed that HSQ has now obtained a copy of the ESR Scientific Report and that the results of the report are that there are no issues with the scientific process. In our view, HSQ would be in a better position to not return Ms Reeves to her substantive role if, when presented with the ESR Scientific Report, Ms Reeves still insisted that the risk assessment and re-examination of the sexual assault cases

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needed to be undertaken in relation to the sexual assault cases dating between 2008/10 up to 8 August 2016 when the process was changed.

HSQ's position would also be further strengthened if in conjunction with this she did not accept the findings of the Livingstone's report and that she was not willing to engage in coaching workshops or mediation sessions with colleagues as required or had further conditions regarding her return to work.

Until she is tested further on these things, that is not her stated position.

5. Recommended option

In light of the above, unless there is a suitable alternate position available that would not prejudice Ms Reeves in her career (which we are instructed is not currently the case) our recommended option is option 1, that HSQ take steps to return Ms Reeves to her substantive position. Whether or not Ms Reeves is actually returned to her position will depend very much on her conduct and performance during the process of returning her to the position as outlined below.

As a first step, we recommend that a meeting be held with Ms Reeves to gauge Ms Reeves' genuineness in relation to her position as stated in the letter from HASSET dated 23 March 2017, namely her commitment to return to her substantive position and not remain in any dispute with HSQ, including but not limited to any individual within her management or reporting lines.

If after this meeting Ms Reeves evidences that she is actually genuine in her willingness to return to work and accepts the findings of the ESR Scientific Report, then we think that HSQ will need to seriously consider returning Ms Reeves to her substantive position and continue to monitor her behaviour and performance in the workforce. Obviously, any steps in this regard will need to be carefully considered to ensure that management of Ms Reeves does not constitute reprisal.

However, if as a consequence of this further meeting it is found that it is untenable to return Ms Reeves to her substantive position as she continues to insist on the re-examination of the sexual assault cases in light of the ESR Scientific Report and/or does not support the findings of the Livingstone's report and/or is not amenable to returning to her substantive position without additional conditions, such as change in reporting lines or duties, then HSQ should consider either:

- (a) transferring her in accordance with the *Public Service Act 2008*;
- (b) on without prejudice basis make a further offer to her to resign under a deed of settlement and release; or
- (c) proceeding suspend and potentially terminate her employment on the basis that she is unable to carry out the role competently and effectively and/or is putting at risk the safe and efficient operation of the department.

6. Redeployment option

In relation to option 2, it is open to the chief executive to transfer her under section 133 of the *Public Service Act 2008* if the transfer is to a role at the same classification level, on different duties or at different locations, other than temporarily so as not to be a redeployment and require her consent.

The transfer will have effect unless Ms Reeves can establish reasonable grounds for refusing the transfer.

Ms Reeves is likely to refuse to transfer on the basis that she claims that the transfer is a consequence of complaints and concerns she has previously raised.

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HSQ needs to have sufficient evidence to support the reason for her transfer being their concern regarding her competence and capability to undertake the role given, for example, her ongoing insistent in relation to the risk assessment and re-examination of the sexual assault cases needed to be undertaken in relation to the sexual assault cases dating between 2008/10 up to 8 August 2016 when the process was changed, despite the results of the ESR Scientific Report supporting the process.

If Ms Reeves refuses to accept the transferred role and then fails to establish reasonable grounds, it is open to the chief executive to terminate her employment. These decisions are open to review and therefore need to be managed carefully in accordance with the relevant process.

7. **ESR Scientific Report**

We have reviewed the ESR Scientific Report. Whilst it appears to support HSQ's current testing process, it is not clear whether it also consider the testing process in place prior to August 2016. In our view, this needs to be clear if it is to be presented to Ms Reeves.

8. **Next steps**

In accordance with our recommendation we recommend that you meet with Ms Reeves to discuss her potential return to work including:

- (a) the outcome of the Livingstone's Report as it appropriately applies to her;
- (b) the outcome of the ESR Scientific Report - noting that the report needs to be clear that the report supports both the current testing method and the testing method prior to August 2016;
- (c) what "coaching workshops" she considers are necessary to facilitate her return to work; and
- (d) what other conditions, if any, does she have in relation to her return to work.

We are able to assist you further with drafting any scripts for meetings and/or related correspondence as required.

Once you have had an opportunity to consider our advice and your preferred option we would be happy to meet with you to discuss the next steps.

If you wish to discuss the advice or have any questions, please feel free to call us.

Yours sincerely

Shae McCartney, Partner

Joanne Stevenson, Senior Associate

Our ref 17278/17710/80183146

Schedule 1 - Options re: Ms Reeves employment

	Option	Pros	Cons	Next Steps	Recommendation
1	Return Ms Reeves to her substantive position	<p>Opportunity to meet with Ms Reeves to discuss her return to work plan and gauge Ms Reeve's attitude towards and acceptance of the outcome of the Livingstone's Report and the ESR scientific report and whether in fact there are terms and conditions regarding her return to work, such as direct reports.</p> <p>No risk of claims arising out of termination of employment.</p> <p>Limited risk of media coverage.</p> <p>Ms Reeves has evidence that she is medically fit to return to work after being on leave.</p> <p>HSQ can monitor and review Ms Reeve's behaviour (being mindful of not taking any action which could be claimed to be reprisal action) and ensure that any concerns raised by her are dealt with through the appropriate avenues.</p> <p>Given that both the outcome of Project #181 and the ESR</p>	<p>Ms Reeves may still maintain concerns regarding the reliability of the testing regime in light of the ESR Scientific Report but not advise HSQ of this to ensure her return to work. This could impact on her providing expert evidence in the future. If Ms Reeves raised her concerns during providing expert witness evidence this may impact on client's perception of the reliability of the service that ESS provide resulting in them choosing an alternative service provider, which in the case of the Queensland Police Service could result in effective closure of the ESS team.</p> <p>Need to manage the relationship between Ms Reeves and her colleagues, namely Paul Csoban, Cathie Allen and Alan McNevin.</p> <p>There is a risk that the relationship between Ms Reeves and her colleagues cannot be managed and that further claims, including for example, of bullying and harassment and adverse action (ie for her raising previous complaints about Mr McNevin, for raising</p>	<p>Consider what "coaching workshops" (as referred to in the letter dated 23 March 2017) and/or mediation sessions HSQ could provide to facilitate Ms Reeves return to work.</p> <p>Meet with Ms Reeves to:</p> <ul style="list-style-type: none"> • discuss her return to work; • the results of the Livingstone's report; • the results of the ESR Scientific Report; • advise her of the proposed "coaching workshops" and/or mediation sessions. <p>If Ms Reeves places no restrictive conditions on her return to work (that is, who she reports to, the type of work she undertakes) and accepts the findings of the Livingstone's report (to the extent it impacts on her) and the results of the ESR Scientific Report, take steps to facilitate her return to work.</p>	<p>We recommend this an option if Amanda can return to work, with no conditions and accepts the outcome of the Livingstone's Report and the results of the ESR Scientific Report.</p> <p>If this is the case, the only alternative to ensuring that she doesn't return to her position is option 4 (that is mutual agreement to separate).</p> <p>Ms Reeves will need to be managed appropriately, but this will need to be balanced to avoid any claim, for example, of adverse action, if she considers that she is being too closely managed as a consequence of her exercising her workplace rights.</p>

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	Option	Pros	Cons	Next Steps	Recommendation
		Scientific Report support HSQ's position that there was no issue with the original testing process this further discredits Ms Reeves's original concerns.	concerns about the scientific testing process and her workers' compensation claim). There is also a risk that she will again raise the Public Interest Disclosure claims or initiate a new claim.	If Ms Reeves places any conditions on the return to work, or does not accept the findings of the Livingstone's report and/or the ESR Scientific Report, advise her that HSQ will need to consider her requests and options in light of her non-acceptance of the reports - proceed with option 2 or	
2	Transfer Ms Reeves to an alternative position (to a role on the same classification level, on different duties or at a different location, other than temporarily)	<p>The Chief Executive can transfer Ms Reeves to another position within the department.</p> <p>Not returned to substantive role.</p> <p>No risk that will testify as to perceived deficiencies in relation to the testing which will impact on relationship with FSS clients, including the Queensland Police Service.</p> <p>HSQ scientific process is supported by Project #181 and the ESR Scientific Report if there is media attention.</p> <p>If Ms Reeves refuses to transfer then, provide she can't establish reasonable grounds for refusing</p>	<p>Risk that Ms Reeves will refuse transfer/redeployment and make claim.</p> <p>Risk of claims include:</p> <ul style="list-style-type: none"> • unfair dismissal; • adverse action; • discrimination; and • public interest disclosure. <p>Risk of media attention.</p>	<p>Meet with Ms Reeves as provided for in option 1.</p> <p>If it is clear that Ms Reeves' attitude is such that it is not appropriate to return her to her substantive role, write to Ms Reeves advising that the relationship is such that HSQ no longer has confidence in Ms Reeves' ability to perform her role, and HSQ is looking to transfer her.</p>	<p>We would only recommend this as an option after having the initial meeting described in option 1 with, the outcome of which is that Ms Reeves:</p> <ul style="list-style-type: none"> • did not accept the findings of the Livingstone's report; • continued to insist on the risk assessment and re-examination of sexual assault cases; • placed conditions on her return to work including

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	Option	Pros	Cons	Next Steps	Recommendation
		to transfer, the Chief Executive may terminate the officer's employment.			<p>who she reported to which could not be accommodated.</p> <p>Further, in our view to manage the risks identified any position would not to be at level and be one that there was no genuine basis to argue that Ms Reeves was being prejudiced.</p>
3	Continue to engage Ms Reeves in the research clerk role for up to 12 months.	Manages to keep Ms Reeves out of her substantive role for a significant period of time.	<p>It is unlikely, given the letter on 23 March 2017 and her attitude towards the role to date (that is insisting on working from home) that Ms Reeves will accept such a position.</p> <p>There is a high risk that without Ms Reeves agreeing to take the role she will make a claim against HSQ, for example, for constructive dismissal.</p> <p>There is a risk of media attention if Ms Reeves resigns and/or makes a claim against HSQ.</p>		This option is not recommended as Ms Reeves position is that this role is not appropriate, reasonable or lawful as provided in the letter dated 23 March 2017.

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	Option	Pros	Cons	Next Steps	Recommendation
4	Offer Ms Reeves an alternative role	Ms Reeves will not return to her substantive role long term.	<p>The nature of this role must be such as to attract Ms Reeves to the role.</p> <p>The proposals put to date in the without prejudice meetings have not been sufficient to appeal to Ms Reeves.</p>	Consider alternative positions within the organisation	Whilst this is an option, at this stage, it is unlikely that Ms Reeves would chose this alternative position over her substantive position.
5	Engage in further without prejudice discussions with her and offer her a greater settlement. However, in light of the letter dated 23 March 2017, in our view, Ms Reeves is unlikely to accept any further offer unless it is significant (that is 6 to 12 months)	Ms Reeves resigns and a deed of settlement and release can be entered into to protect HSQ from any future claims. The deed of release and settlement will also include confidentiality and non-disparagement clauses which Ms Reeves will be obliged to comply with, limiting any risk of media exposure.	HSQ will need to offer more of a financial incentive, possibly more than the original cap of 6 months' salary if they want to persuade Ms Reeves to accept the settlement offer.	Attend a further without prejudice meetings with Ms Reeves either now or after the initial meeting proposed in option 1 where there may be issues regarding her expectations of the role of HSQ in providing "coaching sessions" (as referred to in the letter dated 23 March 2017) or not being provided with the complete findings of the Livingstone's investigation or acceptance of the ESR Report and the fact that it negates any need to risk assess and re-examine any sexual assault cases.	This is the recommended option if HSQ does not want to return Ms Reeves to her substantive role or Ms Reeves' attitude in the meeting proposed in option 1 is such that the employment relationship is now untenable.

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	Option	Pros	Cons	Next Steps	Recommendation
6	Suspend Ms Reeve's employment under section 137 and proceed to show cause on the basis that she is not competent, does not have the capacity to carry out the role	<p>Removes the risks set out in option 1 in relation to Ms Reeves' ability to carry out her role without damaging the relationship with QPS and the interaction with staff.</p> <p>Ms Reeves does not return to the workplace</p> <p>The show cause process may result in Ms Reeves seeking to negotiate a separation package</p>	<p>Unless it can be established that Ms Reeves is incompetent or not fit to carry out the role, Ms Reeves' employment is likely to be reinstated.</p> <p>Ms Reeves is likely to bring a general protections or other claims</p> <p>Any such claim is likely to be public and call into question HSQ policies and procedures regarding the testing which may risk the same potential impact as Option 1</p>	<p>Consider whether additional evidence available in relation to Ms Reeve's competence to carry out the role.</p> <p>Suspend Ms Reeves employment under section 137</p> <p>Issue a show cause notice as to why Ms Reeve's employment should not be terminated</p>	<p>We do not recommend this option unless additional information is available to either:</p> <ol style="list-style-type: none"> evidence that Ms Reeves is not competent to carry out the role; or suggest that Ms Reeves is not ready, willing or able to carry the role e.g to call into question her commitments as made in the HASSAT letter.

Schedule 2 - Chronology of events

1. Amanda Reeves employed as Senior Scientist in the Forensic and Scientific Services (**FSS**) Unit of HSQ.
2. In or around March 2016 concerns with the integrity of the scientific tests that are undertaken in relation to the testing of semen sampling which would affect the outcome of criminal proceedings relating to sexual assault cases were first raised by member of Amanda Reeve's team (Jacqui Wilson and Amy Cheug).
3. On 9 June 2016 Ms Reeves complained about Allan McNevin's behaviour where, in response to allegedly being repeatedly questioned by Amanda about a review of the scientific process behind semen sampling testing, used for example, but the Queensland Police Service for sexual assault cases, Mr McNevin allegedly raised his arms and brought them down onto the table with a noticeable and audible impact and yelled "Oh for God sake Amanda, I'm aware of the risks, you just keep telling me" and continued yelling for some time but Amanda didn't recall what he said as she was "in shock". Ms Reeves and Mr McNevin's versions of what occurred vary slightly - as provided in the Livingstone report notes at page 6 and 7 - further detail in relation to the semen sampling is provided below.
4. Ms Reeves raised a grievance with Deborah Whelan, Acting Managing Scientist Forensic DNA Analysis met with Mr McNevin to address his alleged conduct. Mr McNevin apologised to Ms Reeves for his conduct.
5. HSQ then attempted to arrange a mediation session between Ms Reeves and Mr McNevin. Ms Reeves refused to participate in the mediation.
6. Whilst Ms Whelan was on leave, Ms Paula Bisotto team lead also attempted to organise a "facilitated discussion" between Mr McNevin and Ms Reeves which would be chaired by Jade Franklin. Ms Reeves also declined to participate in this process.
7. Paul Csoban, Executive Director, FSS on return from leave and on review of the local management action decided to seek approval to engage an external investigator to obtain an independent view of the events of 9 June 2016.
8. Livingstone were engaged to conduct the investigation and produce a report (**the Livingstone's Report**).
9. Ms Reeves was interviewed as part of the Livingstone's investigation and then went on stress leave from 30 November 2016 and made a workers' compensation claim.
10. On 8 December 2016, Jade Franklin had a conversation with John-Anthony Hodgens, who was acting as Ms Reeve's legal representative at the time and he referred to the fact that it was open for Ms Reeves to make a public interest disclosure application regarding the testing regime.
11. On 19 January 2017 Ms Reeves attended a meeting with Paul Csoban and Jade Franklin and advised that she was ready, willing and able to return to work. HSQ requested that she obtain medical clearance to confirm she was medically fit to return to work. Discussed at this meeting was the fact that her ability to undertake peer review work regarding sexual assault case reporting and/or attendance at court as an expert witness in sexual assault cases would not be appropriate considering her ongoing concerns and the pending scientific review. Ms Reeves also provided documents at this meeting regarding these complaints.
12. Ms Frederiksen also advised on 24 January 2016 that Ms Reeves proposed the following work arrangements to assist in her return to her substantive role:

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- (a) no court duties until investigations are finalised;
 - (b) not attend management meetings (e.g. Those with HP5s and above) or meetings on feedback proposals, or full team meetings (ie everyone in DNA) at this stage - receive updates on meetings from your line Manager Justin Howes;
 - (c) can attend own team meetings.
 - (d) can do some case management eg initial results interpretation, but not go to Court
 - (e) Perhaps not do sexual assault cases that need semen screening
 - (f) could do peer reviews, but not be the reporter
 - (g) not do any sign-off on projects either at moment.
- 12.2 Ms Frederiksen, HSQ's return to work coordinator confirmed that Ms Reeves had attended the medical examination on Tuesday, 31 January 2016 and forwarded a full medical clearance confirming her intention to return to work as of 2 February 2016.
- 12.3 On 1 or 2 February 2016, in a telephone conversation with Ms Frederiksen, Ms Reeves also raised the following issues regarding her return to work, namely:
- (a) concerns regarding the management action that was taken in relation to Mr McNevin; and
 - (b) why Mr McNevin was able to remain in his substantive position while Livingstone investigation was undertaken.
- 12.4 On 2 February 2017, there was a further meeting with Paul Csoban and Jade Franklin.
- 12.5 On 3 February 2017 HSQ wrote to Ms wanting to:
- (a) address the concerns she raised on return to work;
 - (b) responding to the proposed conditions on her return work, namely:
 - (i) the preparation of the report and attending court as an expert witness in relation to semen samples is a significant portion of her role; and
 - (ii) it is not operationally viable to separate this testing from other tests due to the complexities of the testing system and the unreasonable amount of time, resources and expense that would be required to accommodate such a request.
 - (c) provide her with an opportunity to consider the proposed options to return to work which were:
 - (i) undertake a temporary role participating in scientific research, which is within the scope of her expertise, role and duties;
 - (ii) undertake temporary scientist role working with Pathology Queensland which was again within the scope of her expertise, role and duties.

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- 12.6 On 5 February 2017 Ms Reeves responded by letter to Paul Csoban which included a statement (page 2) that Paul had asserted that Ms Reeves had indicated that it would be inappropriate for her to undertake reporting and court work regrading sexual assault cases. In this letter Ms Reeves stated that she did not hold this concern and did not give any such indication as alleged at all and was willing to complete all aspects of her role.
- 12.7 On 10 February 2017 Letter from Chief Executive Officer - Gary Uhlmann to Ms Reeves addressing again the issues arising with the scientific process, including the history above, and directing her to return to work.
- 12.8 Several attempts were made by Ms Bell to contact Ms Reeves when no response was heard from her.
- 12.9 Ms Bell contacted HASSET to ask if acting, and when can expect a response.
- 12.10 27 February 2017 - HASSET responded to this letter on (letter dated 24 February) - raising grievance and advised that HSQ could expect to receive a response to the substantive contents of Gary Uhlmann's letter on 10 February 2017.
- 12.11 28 February 2017 - Letter from HASSET accusing HSQ that the direction in the letter on 10 February 2017 may well amount to corrupt conduct and/or maladministration...and that this is on the basis that it might reasonably be inferred that the direction seeks to prevent Ms Reeves as a *scientific expert* attending to the giving of evidence in the discharge of her role, for fear that as an expert she may be required to speak openly and truthfully about known scientific defects in the testing and analysis of semen for a window in time in 2016. This letter was withdrawn.
- 12.12 6 March 2017 - Ms Reeves returned to work to undertake a research role and shortly afterwards it was agreed that she could work from home.
- 12.13 There has been two without prejudice meetings (on 8 March and 10 March) and correspondence regarding exploring alternatives to Ms Reeves remaining in her substantive role.
- 12.14 On 17 March at Ms Reeve's request HSQ made a without prejudice offer to support and assist Ms Reeves separate from her employment of approximately 4 months' salary.
- 12.15 On 23 March HASSET wrote to Clayton Utz requesting that Ms Reeves immediately return to work, effectively rejecting the without prejudice offer. HASSET also advised that the letter should be treated as a Complaint pursuant to the provisions of the *Industrial Relations Act 1999[sic]* (the new 2016 Act came into effect on 1 March 2017).