

**Association of Self Insured Employers of Queensland Inc.  
Minutes of the General Meeting 9 November 2016**

**Meeting Location:**  
Minter Ellison  
Waterfront Place, 1 Eagle St, Brisbane

**Date:** Wednesday 9 November 2017

**Time:** 8:30am – 10:00am

Attendees -

Name	Organization
Andrew Murrell	BHPBilliton
Ann-Marie Saini	Westpac
Ben O'Neill	IPAR
Cass Wild	EML
Charlene Lovell	Office of Industrial Relations –
Christine Judge	Townsville City Council
Clodagh McCowen	Wesfarmers
Darryn Midson	Medilaw
David Gomulka	JBS Australia
David MacInnes	MedConsultants
Dean Campbell	JLT
Deborah Allen	Toll
Elizabeth Seymour-Smith	Office of Industrial Relations –
Glynis Nayler	QBE
Greg Wright	QBE
Julie Ashwell	Sundale
Justin Crowley	Toll
Karen Apikotocs	Gallagher Bassett
Lindsay Whittaker	Medilaw
Louise Cook	Gold Coast City Council

Name	Organization
Mark Seebeck	Gallagher Bassett
Matt Bannan	WorkCover QLD
Melanie Kerlake	Red Health
Natasha Bree	Glencore
Natasha Jacobson	QLD Rail
Patina Pitkin	Wilmar
Peter Davis	Redlands City council
Rachel Hawkins	Office of Industrial Relations
Rhett Moxham	Office of Industrial Relations
Rhianna Muir	MLCOA
Richard McLoughlin	Wesfarmers
Rod Knights	University of Queensland
Saija Saunders	Brisbane City Council
Samantha Norton	MLCOA
Stephanie Naidoo	Aurizon
Sue Richardson	Myer
Tamlyn Faulkner	IPAR
Tony Cacciola	IPAR
Vanessa Hermann	Red Health
Victoria Bauer	Glencore

**Apologies:**

Denise McNamara – Myer	Susan Atme – Woolworths
Simon Davey – Woolworths	Simon Davey – Woolworths
Luke Bowman – BHP Biliton	Christine Litzow – Qantas
Tony Greenwood – Townsville City Council	Trish Bassett – RSL Care
Tania Perina – CSR Limited	John Dacey – Teys
Bill Nevin - Glencore	Trisha Testa - ACES Tricare
Mark Hopsick – Rio Tinto	

## Correspondence report –

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*Secretary: Saija Saunders*

Refer to Attachment A. Majority of correspondence has been in relation to hand over and reporting.

## Treasurer's Report

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*Treasurer: Deborah Allan*

- Account Balance as at 01/08/2016: \$111,670.32
- Total Deposits: \$13,064.30
- Total Outgoings: \$9,261.90
- Account Balance as at 31/10/2016: \$115,472.72

Motion to accept by Treasurer: Deborah Allan  
Seconded Sue Richardson – passed

## President's report

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*President: David Gomulka*

### *Handover from previous Chair and Secretariat*

There has been a lot of work behind the scenes since the AGM in relation to handover from the previous Executive. Smart Assist's services finished as at 31/10/2016 and not in position to offer short term support.

- Executive met with Bill Nevin and Smart Assist
- They had identified items that were being stored that were in poor condition and needed to be disposed of. Disposal agreed.
- Some banners that can be reused – to be kept. Will require storage.
- Lots of discussion and debate on banking arrangements. Two signatures required on cheques, current electronic banking option requires 2 people in the same room to authorize at the same time. Issues around privacy/confidentiality for some executive members with private Commonwealth bank accounts. ASIEQ may need to upgrade account for greater flexibility.
- President is seeking quote for advice from Minter Ellison. Wants to ensure good governance practices are instituted.

### *Returns*

Returns on behalf of the association have been done by Smart Assist prior to finalization of their contract: Fair Trading and End of Year Tax return.

Issue of Quarterly BAS returns needs to be clarified – are they required.

### *Emails/Website*

Executive seeking access to asieq domain for emails and website. Access should be through shortly.

There was work commenced on an upgrade of the website that needs to be reviewed and decisions made.

### *Sponsors & Supports*

There has been talk about sponsorship packages. ASIEQ needs to look at value for sponsors./supporters and to ASIEQ. This will need to be put together and Executive will put together a working part in the new year.

**Action:** Any members interested in being involved please highlight your interest to the Executive

### *Forums 2017*

Dates still being confirmed at time of meeting (since confirmed). Venue will be Minter Ellison, Lvl 22, Waterfront Place, 1 Eagle St Brisbane.

#### **Quarterly Forum Proposed Dates:**

Wednesday 8 February 2017 – 8.00 a.m. to 12.00

Wednesday 10 May 2017 – 8.00 a.m. to 12.00

Wednesday 9 August 2017 – 8.00 a.m. to 12.00

Wednesday 15 November 2017 – 8.00 a.m. to 12.00

Annual General Meeting: Friday 20 October 2017 – 3.00 p.m. to 5.00 p.m.

**Action:** Members please mark dates in your diaries early to ensure availability to attend

Minter Ellison's ongoing support of the ASIEQ will be taken into consideration in relation to sponsorship decisions.

### *Representation*

#### **Health Benefits of Good Work**

- Sue (Richardson) to talk re HBOGW later.
- Decision has been made to have ASIEQ step down off the steering group. ASIEQ will still remain a signatory but give other organisations the opportunity to step up

### **Rehabilitation Interest Group**

- ASIEQ has had some membership in past
- It is aimed at serious injuries and a lot of focus is from the motor accident insurance angle
- given NIIS members will have more involvement with these and useful for ASIEQ to remain in touch
- Louise Cook will attend meetings on behalf of ASIEQ
- next meeting 21/11/11

**Action:** Louise to provide executive with *brief* update at next exec meeting following attendance

### **NIIS Q Working Group**

- Bill Nevin has been ASIEQ rep
- There has been 1 meeting he has attended plus he put in submissions to parliamentary committee
- We can have more than one rep – Saija has also volunteered to keep abreast of NIIS

**Action:** Reps to provide feedback to Executive and members as required.

### **National Council of Self Insurers**

- Mark Hopsick (Rio Tinto) was on exec 2016 as secretary
- AGM this Fri in Hobart, not standing again.
- NCSI has nominated Rod as treasurer
- Rod Knights attending Fri to see if elected.
- Rod has own budget + NCSI looking at funding travel of exec members – at this stage no cost to ASIEQ.

**Action:** Rod to provide feedback on outcome of AGM to executive

### **Australian Rehabilitation Providers Association (ARPA)**

- ASIEQ has done some sponsorship in past
- They are seeking sponsorship for a next year conference
- This is being investigated – Deborah Allen looking into it with Rosie Mallon from ARPA

### **Secretariat**

- Currently none as of 31/10/16.
- Smart Assist not able to continue with current resources but will tender if put out for procurement
- Need to plan long term relationship with provider
- Working party put together – Saija Saunders, Deborah Allen, Richard McLoughlin, Trinity McKenzie
- Will put together a selection process

- Document setting out base work of secretariat has been developed
- Exec wants provider to keep us on toes and not miss Incorp Assoc requirements/governance issues
- Deb has had lesson on QuickBooks online version (cloud)
- Smart Assist arranged for access with monthly fee.
- Benefit it - allows continuity of books from secretariat to secretariat
- CBA and SmartAssist will be invited to tender but we will also see if other organizations available. ASIEQ wants at least want 3 quotes

**Action:** members aware of any organization who may be available/able to provide services to advise Executive.

### *Office of Industrial Relations Meeting*

- Met with Regulator Monday 7/11/16
- 7 exec members arrived.
- OIR had large presence also: Paul Goldsborough was an apology. Janine Hillhouse (JH), Steve Campbell , Chris Tsockkallos, Virginia Holland, Rachel Hawkings attended.
- OIR has a restructure: refer to attachment B.

### **Information notes: -**

- Wanted to raise principle and tone of the information note. Tone of note appeared to be insurers should be doing this.
- View is that it is not OIR role to interpret act – that reviews and appeals – if make decision and wrong/felt wrong review appeals process leading to precedents.
- No precedent on these provisions aware of. Different opinions on interpretation exist eg. Pres Hall and Pres Martin had different opinions on when date of entitlement.
- No date, no version control.
- JH: no legislative standing however they will use them when auditing insurers. Insurers won't be audited against note but legislative provisions. OIR issuing to provide understanding of their view of the matter. Also said insurers can question contents however they are issued to provide view how to apply it.
- List of current Information notes to be supplied
- Another concern was the latest was only issued to self-insurers not WCQ

### **Review Timeframes**

- Brought up delays. First insurers were advised it was a short delay, then 4-6 weeks until allocated.
- OIR advised some review decisions can't be made by some officers -complex matters and psych need more staff to focus,
- JH: believe allocating within 25 days and recruitment process underway.
- Impression staff turnover going on. Advice on letters implied volume of reviews – stats at conference at booth showed review applications had gone down by 2.3%. Again indicating problem is staffing issue.

- JH : in last month or two everything under control was message given

#### Discussion by attendees:

Patina Pitkin: can we challenge qualifications of review officer? Provided example of concern –

David Gomulka: have review process – hope there is quality control.

Dean Campbell – those matters put out to panel lawyers.

Patina: decision received used lot of language from solicitor submissions.

Andrew Murrell: had one reviewed for politically sensitive matter – was fast tracked for them

David Gomulka: appears to be reviewing and triage

Saija Saunders: if concerns take them up the ladder to team leader/manager.

Dean Campbell: review officers asking bunch of loaded questions to get decision up – Questions from review appeared to wanted building story up for doctor to give opinion in favour of worker.

David Gomulka: suggest add own questions

Dean Campbell: agreed with approach.

David Gomulka: may be lack of experience/turn over (contributing).

Justin Crowley : must notify regulator of scheme sensitive issues (appeals etc). Is it a Question that do they have senior officer review decisions. There is no notification that review decision has been internally reviewed. Maybe need sign off.

David Gomulka: Worth raising at next meeting with Regulator. They had been advised to flag if financial hardship to work to Review for escalation. JBS did on matter & didn't make any difference.

Patina Pitkin: Q: Can use plaintiff solicitor's report to MAT

General consensus: yes if want to use – MAT would raise if issue

#### **New Notice of Assessment**

New NOA for physical and psychiatric DPI assessments on one form – all same rules apply.

Draft due out soon.

#### **Capacity Certificate**

- Evaluation process over last 12 mths. First survey had great response.
- 2<sup>nd</sup> only 180 responses - only 44% of those had used new cert.
- Seems to be 50/50 split on understanding – main issue Dr not completing dates, to and from date issues, not enough room for comments.
- Some drs finding easy to use/understand – main barrier is not incorporated in software.
- After this OIR made decision not enough feedback not changing anything as yet.
- Queried what happens from 1 Jan 2017 – you can still accept old certificates was the best answer.
- Sue Richardson queried data specs and requirement for certificate number.  
General consensus – not in specs any more – system issue.
- OIR have 3 year window for review
- Encouraging us to educate drs on certs and can refer drs to OIR.
- Ann-Marie Saini: There is Meant to be online training –
- Saija Saunders: info on web doesn't cover dates –
- Ann-Marie Saini: from being on committee impression was they didn't want to change anything specifically, everyone was providing info for process but not for particular outcome

**Action:** Members to provide feedback to OIR on new capacity certificates if concerns/issues. Members to take opportunities to inform doctors of new certificates – educational requirements can be referred back to OIR

### **National Injury Insurance Scheme**

- Expected numbers 11 per yr for WCQ, 1 from these from SI – low numbers anticipated.
- Currently focusing on CTP.
- Hopefully by time of WC claim there will be enough policy/regulations for managing this.
- OIR looking at how journey/mva work claims fit in – there is some ‘murkiness’.
- **Contractual issues** – if get one need to enter into contract with NIIS – no opportunity to negotiate contract –
- Contract won’t go into finer points, only take effect if have claim.
- Patina Pitkin: who determines claim in first instance? People in hospital – no claim.
- David Gomulka: will talk later on how WCQ addressing, they are working with hospitals.
- Ann-Marie Saini: recalls from earlier presentation hospital rings NIIS and refers through
- WCQ has one staff member seconded to NIIS working with them 3 days per week.
- Hoping issues will be ironed out by time get claim
- **5year review** – claimant can get settlement but if money runs out can come back further down track  
Patina Pitkin and Sue Richardson identified there are reinsurance issues with these  
Rod Knights: no rush OIR to fix as review is 5 yrs from settlement. General discussion on issues
- Aim not to send back to NDIS – state govt picks up instead NIIS bill if ineligible

### **Data evaluation**

- will be seeking actuarial details from SIs for actuarial presentation in May
- OIR also putting together handouts involving each individual insurer and industry. These will be made available.
- Briefing in November to stakeholder – ‘keeping up to date with scheme’ – stats talk – invite goes to people who have intended before.
- Can invite be emailed out – if didn’t get it direct contact Reg to add to list. –

**Action:** Copy of invitation to be sent to members. Members who did not receive invitation direct and wish to attend to contact OIR.

### **OIR Conference**

- Feedback on conference 850 with exhibitors – planning for NQ conference 28/4/17, network drinks the night before. Looking at ASIEQ stand again.

### **Other Issues discussed**

- Are some changes in NSW scheme – relaxing requirements – just flagged to regulator that should be looked at.

Justin Crowley: big one in NSW is abolition of Health and Safety Audits – recommendation from PWC – still to be adopted.

- Rehab separation issue – strange feedback from Rachael Hawkins – waited for feedback one insurer now rec'd and can proceed.

### *WCQ meeting*

These meetings more an informal catchup

- Statutory Adjustment Scheme lot less claims than expected
- Overall claims stat picking up, Common law picking up also but not to extent expected.
- Capacity cert evaluation – they in dark re this
- They are receiving Black lung queries
- Tony Hawkins finished 24/12/16 after 18 years – going through selection process
- Similar concerns on timeframes for review
- Flagged NSW review to exec
- Concerns re fraud referral timeframes

### Health Benefits of Good Work

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*Sue Richardson*

- Wrap up of involvement
- ASIEQ valued member - chance to expand to other groups – time commitment limited
- Opportunity for member to present to NCSI – Sue presentation was received – slides
- ASEIQ leader in area only signatory to group, now NCSI now signatory and today doing forum in Adelaide official signing for promotion – NCSI considering opportunities – we flew flag & promoting across all Sis nationally
- Good work forum today in Adelaide – a lot are rehab providers/regulators – contrib ASIEQ to try and get employers interested – 130 seats today filled – SISA doing drinks after
- Have relationship can be casual member of SSG if forum held here in Brisbane
- Summary of contrib sept 2015 – planning committee for Adelaide forum – focus and engagement for employer, active member of workplace engagement sub-committee, driving awareness of business case tool – significant contribution to development.

Refer to slides

### General Business

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David Gomulka thanked Sue for the lot of work she did whilst working part time. She flew the flag for ASIEQ and lifted the image and credibility for association, However now time for



others to step up. It doesn't mean ASIEQ won't support – just not doing hard yards for now.

## Other Business

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- Format of meeting changed slightly.
- More separation between GM and forum to keep discussions between members and associate members more private
- Greater opportunity to discuss general business.

**Action: members welcome to provide feedback on meeting format.**

1) NSW licensing issue: (David Gomulka) wants to kick off advocating to the regulator re what we want changed in QLD – change doesn't occur quickly  
eg. Financial instrument issue took years. Wants to develop ASIEQ position that we can advocate.

Has asked Victoria Burham to investigate and come back to members re changes want and put together a draft position to put back to executive.

May take some months. Would like 2 members to assist: volunteers?

Richard McLoughlin – Wesfarmers will provide representative.

**Action: members to consider and provide name of nominee for working party**

2) stay applications for appeals. (David Gomulka) These are option when insurer has made adverse decision, decision overturned and want to appeal

Performance standards say pay unless law to contrary but you can't recover if pay the worker.

Qantas – unsuccessful in about 2006.

Toll 2015 – successful.

Wants members to be aware of option – in IR rules.

Get legal advice on position. Toll was fatal claim – partial dependents – prepared to pay, but not total. Appealed and applied – successful.

Deputy president QIRC set out some criteria – look at who is going to be most disadvantaged. Weekly comp situation may be different. JBS seeking stay issue and aware another SI is planning to – raised for awareness

3). Matters from the floor

- Clodagh McCowen: re info sheets. Have a plaintiff firm seeking copy of it.

Suggestion – should refer back to regulator for access to documents..

- Dean Campbell – Had a common law claim where the plaintiff solicitor was wanting ridiculous discovery – application brought as access denied.

They were successful in relation 2 of the requests but most not supported

Went to court of appeal – judge laughed at them for argument WCQ did it.

Decision not out yet – Logan City Council matter (Heely v LCC?)

- Ann-Marie Saini/Sue Richardson: Index for information notes: would be good if on line - distributed adhoc is concern.

**Action: Executive to raise with OIR at next meeting**

- David Gomulka: Always found cases summary from OIR on how law developing as useful – sees this as role of regulator - to alert to latest legal precedents rather than information sheets sheets.

Discussion re 2<sup>nd</sup> assessment – do people do it – varies.

Andrew Murrell: NSW coal scheme – orders able to be issued by regulator – must do this – eg. Order 41 outlines what data must provide in relation to monitoring dust disease – doesn't exist in Qld. Suggesting current approach by regulator might be preferable

General Meeting Closed 10 AM

[Next Meeting](#)

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Wednesday 8 February 2017 – 8.00 a.m. to 12.00