

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

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

Date: Wednesday 10 May 2017

Time: 8:30am – 10:00am

Attendees -

Name	Organization
Andrew Murrell	BHP Billiton
Maree Hannay	BHP Billiton
Justin Crowley	Toll
Deborah Allen	Toll
Debra Duncan	Toll
Louise Cook	City of Gold Coast
Louise Riches	City of Gold Coast
John Dacey	Teys
Alicia Barnes	QBE
Stephanie Naidoo	Aurizon
Lynice Mayes	Aurizon
Nevette Woods	Aurizon
David Gomulka	JBS Australia
Michelle Ware	Wills Towers Watson
Vanessa Daniel	MLCOA
Saija Saunders	Brisbane City Council
Christine Richards	Medilaw
Lindsay Whittaker	Medilaw
Glynis Nayler	South32, QBE
Patina Pitkin	Wilmar Sugar
Tricia Testa	Aces - Tricare
Malou Tavita	Aces - Tricare
Melanie Kerslake	Red Health
Vanessa Herrmann	Red Health
Rod Knights	U of Q
Tania Perina	CSR Limited

Name	Organization
Jackie White	Gallagher Bassett
Karen Apikotoa	Gallagher Bassett
Dean Campbell	Jardine Lloyd Thompson
Carol Barlow	Wesfarmers
Christine Litzow	Qantas
Trish Bassett	RSL Care
Gwyneth Evans	RSL Care
Michael Taylor	One Steel
Trinity McKenzie	Arnotts
Sharon Smith	Arnotts
Sue Richardson	Myer
Nathan Clark	Recovery Partners
Georgia Gowen	Medilaw
Andrew Wells	QR
Christopher Tsockallos	
Matthew Bannan	
Dr Robert Ivers	
Professor O'Rourke	OIR – presenter
	WCQ – presenter
	Red Health – presenter
	Leximed - presenter

Apologies:

Bill Nevin	Glencore
Ann-Marie Saini	Westpac
Julie Ashwell	Sundale
Greg Wright	QBE
Rachael Lindsay	LGAQ
Paul French	Willis Towers Watson
Luke Bowman	BHP Billiton
Peter Davis	Redlands
Richard McLoughlin	Wesfarmers

Secretary: Saija Saunders

Refer to Attachment.

Previous Minutes

Secretary: Saija Saunders

Moved to approve. Seconded by Sue Richardson.

Review of Actions:

- Members to note dates of interest for educational sessions Barry Nilsson/BT Lawyers and to raise any topics of interest with executive – members were to note
- Members to raise any potential legislative changes they have identified with executive – members were to advise.

Treasurer's Report

Treasurer: Deborah Allan

- Account Balance as at 01/02/2017: \$141,754.11
- Total Deposits: \$3,412.68
- Total Outgoings: \$7,100.47
- Account Balance as at 30/04/2017: \$138,066.32

Motion to accept by Treasurer: Deborah Allan
Seconded Louise Cook – passed

President's report

President: David Gomulka

Business Admin Issues

- Barry N - seminars commenced - have been very popular
- BT Lawyers have held 2 seminars also this year. David Gomulka has found them very interesting.

Secretariat

Working party involved in this: Saija Saunders, Trinity McKenzie, Deborah Allen, and Richard McLoughlin

Motion passed at executive meeting. Bill N excused from vote due to potential/perceived conflict of interest.

Smart Assist appointed - agreement being drafted and will be putting it to Smart Assist. Is potential conflict of interest with directors of Smart Assist, advice is no issue - rests on management of potential conflict.

Legal advice was obtained re potential/perceived conflict of interest. The legal advice indicates that this does not disqualify Smart Assist but creates a situation which must be managed.

NIIS

- No recent meetings.
- NIISQ has been set up
- Forum this Friday (12/05/2017) at 2 pm
- OIR want all insurers to sign a service agreement. The issue is signing up to an agreement on hypothetical situation for most self-insurers. Executive members have provided some feedback. A version will be available for discussion at Friday's forum.
- One issue raised is in relation hospital costs on CTP matters, in those situations workers' compensation insurer should not need to pay costs. The agreement seems to indicate workers' compensation insurers would be liable.
- Members are encouraged to be involved on Friday
- Email with draft contract has been sent to members.

Coal Workers Pneumoconiosis (CWP)

- Bill Nevin keeping up to date on this and sharing with Rio & BHP.
- There has been a lot of coverage in media
- David Gomulka advised there are indications of issues starting to broaden out into other dust related lung diseases highlighting mention of tunnel workers
- There was a stakeholder forum 16 March. David Gomulka was invited as Chair ASIEQ, speakers Grace Grace (Minister) and Dr Bob Cohen – CWP expert.
- Stakeholder consultation continuing
- Some legislative changes discussed as agreed by the reference group. One of biggest discussion issues is additional compensation above lump sum.
- CWP discussions highlight differences between impairment and disability. Many have an impairment and can't RTW but have no disability for work per se.

OIR meeting 26/4

- Integration of fraud unit.
 - Now under Peter Matthews
 - Will continue to use Crown Law - policy of OIR to use.
 - Discussion around non provision of RFDs
 - Put out a guidelines paper late last year
 - Ring the unit if you have any queries in relation to a matter. Ring first is encouraged.
 - If you do refer a matter and it is assessed as a low prospect matter they will email the insurer and advise. As the insurer you can request further information and full RFDs or discuss further.
 - They are considering webinar later this year
 - Peter Matthews will make final decision before a matter goes to court
- Accredited RTW program -
 - Some SIs are due for review and have queried which document they need to comply with as the new version has not been finalised.
 - You can confidently work off the draft accredited RTW program.
- Are some legislative amendments later this year
 - Currently going through cabinet - no other changes are planned to go through except for CWP (please note update from President post meeting)

- OIR consider any Pneumoconiosis, even if not coal related and will be included
- Review decision timeframes
 - OIR advised number of open review decisions has reduced significantly, lowest number since November 2015.
 - 3 new staff started 1 May
 - ASIEQ raised issue of submissions sitting waiting for allocation of review officer. Raised if submissions came earlier to SI we could respond before review officer allocated - reduce timeframes
- NIIS
 - Mentioned above
 - Once contract sorted they will look at dual insurance and Common Law issues
- Insurance Services Audit
 - Has been audit going on by PWC of insurance services unit
 - OIR will discuss outcome with ASIEQ when finalised
 - Some SIs would have been contacted as part of audit
 - We may see some changes in interactions and may see some changes in how they audit (better use of technology).
- Where liability may rest with another WC Insurer
 - Regulator has said must have quicker decision on this - wants us to get together and sort it out
 - Issue lack of contact between WCQ and SI
 - Issue of liability of the last insurer in the chain - Regulator says meeting to be scheduled in May
- NQ conference occurred last week
 - Good feedback from Patina who attended

WCQ meeting

Christina & Matt Bannon from WCQ attended

- Fraud referrals
 - WCQ were frustrated with situation
 - They have taken on feedback from OIR, have changed process and made referrals more sophisticated & have had 3 decision in their favour
 - Restructure of fraud unit appears to have been positive from this indication
- CWP
 - 19 claims
 - They have centralised into one unit managing latent onset injuries
- NIIS - WCQ still has not had any claims that have reached threshold as yet
- Psych Claims
 - Very topical at moment
 - Have noticed nationally and in Qld
 - Safe work Australia seeking ASIEQ input on managing psych claims
 - 37% of psych claims scheme wide accepted - most rejected due to s.32(5) WCRA - most still have psych injury
 - Minister keen to support workers' with psych injuries regardless of whether compensable or not.
 - WCQ have been referring workers to some community services even if claim rejected
 - Victoria Barham: perception is reality is how provisions interpreted NSW - would hate Qld to go down that track
 - Sue Richardson: Other states very prescriptive in what can be considered for reasonable management action
 - Discussion by members of secondary psych following physical injury & difficulties
- Liability between insurers

- WCQ hasn't been a contact - Christina said we can contact her. Email her: christinacarras@workcover.qld.gov.au. Christina may not be able to assist with all queries, but will be able to provide contact details of someone who will.

General Business

Separation of Self-Insurer's employer and insurer roles - David Gomulka

- This was raised about a year ago
- Louise from QR raised this recently with executive(Andrew Wilks from QR present) Andrew keen for discussion on this year
- Andrew: Keen to understand if issues have impacted other insurers
- Trinity McKenzie: they are going to be significantly impacted - not making any changes until get some advice. Told 3 mths ago would get letter saying non-compliant until get letter.
- Andrew: found OIR keen to put in content to separate functions - keen to share information and would like to link with organisations potentially impacted
- On broader issue of insurer v employer: ability to get stays resolved in favour of insurers. What was enlightening were the Regulator submissions to QIRC - trying to explain separation of powers between insurer and employer fairly unsuccessfully - depending on decision of full bench of commission OIR may seek tightening of legislation (Proceeding despite current issues being resolved). Commissioner Black said no difference between employer and insurer in JBS and Toll matters. OIR are appealing to full bench on stay issue (though appeals resolved)
- David advised if any interest in talking to Andrew to advise. Trinity to facilitate phone hookup. This will be a sharing by members, not an official ASIEQ group. ASIEQ happy to facilitate connections between insurers.

Action: Trinity to arrange telephone link up between interested members.

Members' event - Louise Cook

- Executive and a number of members have been discussing potential for an event.
- Querying if ASIEQ can do more for members for networking/education opportunities
- Discussions were had about this for members and their staff either free or at cost
- No firm decision has been made but there is the potentially using August forum as kick off for the event. Most teams would prefer lunch time event to evening event & possibly combine it with the forum i.e. starting later and running into lunch with high caliber speaker. This would be for wider staff not just those attend meetings.
- Feedback from floor?
- Sue Richardson: great idea
- David Gomulka: would people let their claims team come along? General nods.
- Louise Cook: half hour morning tea at forum not sufficient. More about business - opportunity to get to know each other, more opportunity for discussions.
- Down side - using some funds. Some organisations may consider we are we just socialising during work hours - we think networking event,
- Next issue: would it be supported by members
- Mark H: could put nominal cost and fee goes to charity. DG: what is a reasonable nominal cost. VB suggested work out total cost and work backwards. LC: should we limit number per SI. SS: suggestion we may have some organisations willing to sponsor to defray costs.
- If have ideas email Louise Cook: lcook@goldcoast.qld.gov.au

Marketing & Education committee – David Gomulka

- Email yesterday Marketing & Education committee being formed - events, conferences etc.
- Encouraging members to be involved - we will have secretariat and potential for outsourcing of some of the work

Medical certificates via Skype – Justin Crowley

- One of their businesses received med cert received by skype. Raised for awareness that this is occurring. Certificate was not workers' compensation medical certificate

NCSI – Rod Knights

- Health Benefits of Good Work discussed. 3-4 SI organisations have now signed up so it is spreading.
- Discussion of draft strategic plan - signed off.
- Psych claims program - SA - discussion. 4 SIs around Australia have put up hand to be involved.
- Concerns were raised at the attrition rate of SI managers and claims managers - happening right around Australia. There is a risk of exposure around Australia from inadequately skilled staff. Highlights a need good training for next generation of insurance staff.
- Jurisdiction reports. Will provide copy to send with minutes.

Issues from the floor:

- David Gomulka: JJ Richardson case. Decision of the MAT is only a decision in respect of personal injury not arising out of the course of employment, significant contributing factor etc.
- Raised for awareness.
- David Gomulka: When David took up position as President he raised changes in NSW and raised potential of working party to discuss continuation of SI WH&S audits in Queensland. His assessment at present is he does not think scheme is in position to look at changes in this at this time. Put on hold until climate changes. Note officially for closure of issue at this time.
- David Gomulka: potential legislative issues to be addressed in 2018 5 year review of the legislation:
 - second PI assessment introduced for 5% threshold so is somewhat redundant
 - issue around journey claims - why doesn't the journey need to be a significant factor to the injury?
 - Gillow decision – restoring the balance for employers

General Meeting Closed 10 AM

[Next Meeting](#)

Wednesday 9 August – 8.00 a.m. to 12.00