



Minutes

Meeting Location:

Minter Ellison
Waterfront Place, 1 Eagle St, Brisbane

Meeting: ASIEQ Forum Meeting

Date: Wed 19 August 2015

Time: 8:15 am

Attendees:

Tricia Testa	- ACES	Lauren Whitelaw	- Medilaw
Trinity McKenzie	- Arnotts Biscuits	Michelle Berris	- Myer
Sharon Smith	- Arnotts Biscuits	Christine Litzow	- Qantas Airways Limited
Justin Crowley	- ASIEQ (Chairman)	Glynis Nayler	- QBE
Thanh Tran	- Aurizon	Kylie Howard	- Queensland Railways
Andrew Murrell	- BHP Billiton	Pip Causon	- Red Health
Debbie Flesser	- Brisbane City Council	Vanessa Herrmann	- Red Health
Saija Saunders	- Brisbane City Council	Peter Davis	- Redland City Council
Peter Irving	- Brisbane City Council	Len Clapshaw	- Teys Australia
Mairin Longmore	- Community Business Australia	Rod Knights	- University Of Queensland
		Clodagh McCowen	- Wesfarmers
Tania Perina	- CSR Limited	Sue Richardson	- Westpac
Victoria Barham	- Echo Entertainment	Tony Cacciola	- Willis
Cassandra Wild	- Employers Mutual	Darryn Connolly	- WorkCover Queensland
Sonia Minniecon	- eReports	Angela Chapman	- Workers' Compensation Regulator
Roehrs Sven	- Focus Rehabilitation		
Victoria Bauer	- Glencore	Aleisha Dunn	- Workers' Compensation Regulator
Natasha Bree	- Glencore		
Laura Eyles	- Injury Treatment	Rachel Hawkins	- Workers' Compensation Regulator
Tamilyn Faulkner	- IPAR		
David Gomulka	- JBS Australia	Charleen Lovell	- Workers' Compensation Regulator
Dean Campbell	- JLT	Elizabeth Seymour-Smith	- Workers' Compensation Regulator
David Swan	- Local Government Association Queensland		
Dr Greg Nutting	- Medilaw	Sharon Leadbetter	- Workplace Health Promotion Network



Apologies

Therese	Mulherin	-	Advanced Personnel Management
Ashlyn	Dyer	-	APM
Melanie	Whitelaw	-	APM
Cameron	Urquhart	-	Arrium Limited
Maree	Hanney		BHP Billiton
Kelly	Tucker	-	Brisbane City Council
Scott	Lewis		CSR
Gavin	Dell	-	Glencore
Lee	Quinn	-	Glencore
Louise	Cook	-	Gold Coast City Council
Stephen	Woolger	-	Gold Coast City Council
Cameron	McLean	-	Medicins Legale
Darryn	Midson	-	Medilaw
Rebecca	Gilmore	-	Myer Holdings LTD
Aron	Marchegiano	-	Myer Holdings LTD
Margaret	Ryan	-	Myer Holdings LTD
Christine	Judge	-	Townsville City Council
Tina	O'Reilly	-	Townsville City Council
Cassandra	Reuter	-	Westpac
Patina	Pitkin	-	Wilmar Sugar P/L
Karen	Shroder	-	Wilmar Sugar P/L
Lisa	Steel	-	Wilmar Sugar P/L
Karen	Wilson	-	WCD Workers Compensation Solutions

Guests:

Dr Greg Nutting	-	Medilaw
Aleisha Dunn	-	WC Regulator
Angela Chapman	-	WC Regulator
Rachel Hawkins	-	WC Regulator
Darryn Connolly	-	Work Cover Queensland
Sharon Leadbetter	-	Mental Health Association of NSW

Minutes Secretary: Debra O'Sullivan (CBA)
Mairin Longmore (CBA)



Item No	Agenda Item	Action																
1.	Attendance/Apologies Apologies from floor: None	Apologies noted																
2.	<p>Previous forum minutes and actions</p> <p>Actions from previous meeting</p> <ul style="list-style-type: none"> • Reduction in memberships fees Submissions/comments to be sent to the Executive for discussion at the AGM • Details of the proposed Rehabilitation Masterclass with David Morris were not sent out as there is now a change of presenter <p>Minutes moved by JC seconded by Tricia Testa</p> <p>JC requested that attendees ensure they sign the Attendance Register on arrival and not just assume everyone is known to CBA for minute purposes.</p>	Carried																
3.	<p>Treasurers Report presented by Rod Knights</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><u>ASIEQ Account:</u></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Account balance as at 1 May 2015</td> <td style="text-align: right;">114,360</td> </tr> <tr> <td>Total deposits since then</td> <td style="text-align: right;">13,261</td> </tr> <tr> <td>Total outgoings</td> <td style="text-align: right;">20,851</td> </tr> <tr> <td>Closing balance as at 31 July 2015</td> <td style="text-align: right;">\$106,770</td> </tr> </table> <p><u>Conference:</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Total Income</td> <td style="text-align: right;">138,310</td> </tr> <tr> <td>Total Expenses</td> <td style="text-align: right;">132,292</td> </tr> <tr> <td>Outstanding payments (philanthropic/donation)</td> <td style="text-align: right;">\$5,000</td> </tr> </table> <p>These are the final figures for the Conference which after donations will have made a profit of around \$1,000.</p> <p>The \$5,000 donation is to “Mates in Construction” which was nominated by the Regulator as an industry that has a far higher proportion of suicide than many other industries.</p> <p>Treasurer’s report moved by JC and seconded by David Gomulka</p>	<u>ASIEQ Account:</u>	\$	Account balance as at 1 May 2015	114,360	Total deposits since then	13,261	Total outgoings	20,851	Closing balance as at 31 July 2015	\$106,770	Total Income	138,310	Total Expenses	132,292	Outstanding payments (philanthropic/donation)	\$5,000	Carried
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<p>4.</p>	<p>Correspondence Log</p> <p>Correspondence log reviewed and accepted</p> <p>One that didn't go around to members was a letter from the Opposition Leader in reply to our letter to him regarding the WCRA Amendment Bill. He thanked us for our letter and said that it would be passed on to the Opposition Attorney-General. If anyone would like to see a copy of that letter please email CBA.</p>	<p>No action required</p>
<p>5.</p>	<p>Chair's Report presented by Justin Crowley</p> <p>Membership One new associate member, Glynis Nayler from QBE.</p> <p>Website</p> <ul style="list-style-type: none"> - Have a proposal from Reel Image who have done all our previous work - Intend getting a comparison quote to ensure that their price is competitive - Want a decision made regarding who to proceed with at the AGM <p>ASIEQ</p> <ul style="list-style-type: none"> - Next workshop with Bruce Thomas Lawyers is on Thursday 24 September - No invitation has gone out yet so don't know the topic but you will find it in the calendar <p>2nd Self Insurance Masterclass</p> <ul style="list-style-type: none"> - The 2nd Self Insurance Masterclass held by Dibbs Barker on 28th July was very good - Thanks to Dibbs Barker for what was more a 'Common Law' Masterclass <p>Rehabilitation Masterclass</p> <ul style="list-style-type: none"> - Originally had proposed David Norris as a presenter - Sven Roehrs and Manish Singh will now be presenting " Mind and Muscle - answers to the strain and sprain epidemic" - To be held at McInnes Wilson Lawyers on Thursday 17 September 2015 <p>WC Regulator</p> <p>GEPI Training</p> <ul style="list-style-type: none"> - The Executive met with the Regulator two weeks ago and had a brief chat on feedback on GEPI Training - Feedback from Survey Monkey showed that responders wanted more time to ask more questions after the presentation by the Doctors - The Executive is open to suggestions from members for further training to increase expertise. <p>Actuarial Meetings</p> <ul style="list-style-type: none"> - Brisbane 26 May 2015 - Stakeholder Update - No feedback from Actuaries but as not mentioned again it would appear the Regulator has updated their data in terms of providing accident year data - Sydney 27 May 2015 - "Self-Insurer Actuary Update - Requests prior to the meeting were about the threshold and the impact that they may have but as the legislation has not been passed it is too early to say <p><i>Discussion from the Floor:</i></p> <p>David Gomulka: Does that mean we should allow something in our actuarial assessments for that?</p> <p>JC: The proposal is that insurers will fund that through a direct charge as opposed to a levy.</p>	<p>Obtain comparison quotes</p>



<p>NIIS</p> <ul style="list-style-type: none">- There will be no further update from the Regulator until the WCRA Amendments are resolved- The commencement date is still 1 July 2016 <p>IP & RTW Awards</p> <ul style="list-style-type: none">- Return to Work Awards will be held on Wednesday 21 October 2015 with a breakfast <p>IP & RTW Conference</p> <ul style="list-style-type: none">- Recent media release said that at the dinner following the Conference on 22 October 2015, Shane Webcke will be replacing Mal Meninga as spokesperson <p>Dr Wyatt Review of R&RTW Model Arrangements</p> <ul style="list-style-type: none">- Dr Wyatt's review is still delayed due to a personal issue- Saija Saunders mentioned that it was permanently on hold because of the Stakeholder Reference Group- Need to wait until the Stakeholder Reference Group reconvenes as any RTW issues would need to be put through the Stakeholder Reference Group <p>RTW Media Campaign</p> <ul style="list-style-type: none">- "Get Back to Work" campaign is based on a Victorian campaign- The first RTW television commercial will be launched on Friday 28 August 2015 in Cairns by the Minister for Employment & Industrial Relations- Great initiative from the Regulator- To see the Victorian advertisement please click on the link below: http://www.worksafe.vic.go.au./promo/gettingback <p>RACGP and AMAQ Awareness and Engagement</p> <ul style="list-style-type: none">- Information packs to Doctors- Dedicated webpage for Doctors on the WorkSafe website- Seeking input from self-insurers on what additional information you would like to see <p>Capacity Certificate</p> <ul style="list-style-type: none">- Workers' Compensation Certificate to be redesigned- New certificate will focus on capacity and return to work- The new Capacity Certificate will transition in from the beginning of 2016- Any members interested in the design of the certificate are welcome to provide their feedback to the Regulator <p>International Trained Doctors</p> <ul style="list-style-type: none">- Thanh Tran presented to International Trained Doctors forum at WCR on Friday 31 July 2015- This was a one off presentation for general practitioners to provide an information session on worker's compensation <p>Health Benefits of Work Signatory Steering Group</p> <ul style="list-style-type: none">- Seeking a representative to replace Thanh Tran- Involves 6 or so meetings- If interested please contact the Secretary	<p>Provide feedback</p> <p>Provide feedback on new Capacity Certificate</p> <p>Nominate for SSG</p>
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Performance Management Program

- Email went out to members about changes to the Performance management Program, Self-Insurance Self-Assessment Framework, Claims Management Performance Standards and Guidelines for Queensland workers' compensation
- JC thought nothing too controversial in these changes

Discussion from the Floor:

Trinity McKenzie : Replacing the QComp wording with WC Regulator.

Cass Wild : There was an additional issue around making sure that there was a permanent record of any early intervention.

They also include the early RTW program,

They have made it that you "should" refer the closure of the claim and "must" refer the lodgement of the claim.

Saija Saunders: They're also using standard financial tools as financial Assessments.

- Feedback due next Wednesday 26 August 201

Levy Rate Calculation

- Aleisha Dunn from WCR is going to discuss this at length later
- Standing agenda item in our meetings because we probably asked after the legislative changes on the annual threshold ... why the levy hadn't changed given:
 - + All insurers' outstanding claims would be reducing
 - + The Regulator having merged Work Cover into the Department would have reduced administrative costs
- Response: Too early to tell because of the anticipated increase in Medical Assessment Tribunals
- Hence no levy change last year and this year
- Funds required/Rate in terms of the percentage that the Minister issues or gazettes is the percentage of the combined claims liability of all Self Insurers
- Levy Rate = Total Funds required – Administration Fees / combined ECL of all Self Insurers
- If ECL reduces, then all members' levy rate increases and vice versa
- Individuals' SI is a proportion of total SI ECL
- JC felt concern that the Total Levy payable is now removed from Departmental financial record keeping

From the Floor:

Saija Saunders: The Regulators fund is such a small amount that it does not need to be broken up for transparency

- However no statistics with no visibility – if this is a concern please let us know

WCRA Amendment Bill

- Letters to WCR and SRG
- Letters to Opposition Leader, Shadow Treasurer, Shadow Attorney General
- Letters to Cross-Benchers
- These letters have been more factual and educational pointing out the flaws of the 2010 Amendment
- The Executive met with the Cross-Benchers and gave them a history of Worker's Compensation. Other than a few like Michael Crandon they are all new to the political arena and we needed to make our points more succinct
- Perhaps we need a lobbyist
- Members should we be sending letters to Cross-Benchers
- Submission to Finance and Administration Committee



- * Committee wanted to hear from lawyers about their fees
- * Lawyers can still charge up to 50% of the funds for dispersion
- * Committee will report by 4 September 2015

- Public Hearing on 13 August 2015 which JC, TT and some members attended
- Issues around the practical application of s. 193 and Regulations
- We are only 10% of the Scheme in amongst all the other stakeholders
- There is a fact sheet on Legal Services Commission website on what you can ask if you feel your legal fees are too high

View
Factsheet
at LSC

From the Floor:

Victoria Barham: Is sending letters to the Cross Benches going to ruin our reputation?

David Gomulka: We have written an almost identical letter to the Opposition. The Government doesn't have a majority so the Opposition and Cross Benches don't have to follow the recommendations of the Committee. The Labour Party had a mandate at the last election. In their policy they proposed removing the 5% Threshold and Claims Listing.

- JC mentioned that by ASIEQ writing to the Cross Benches, it gave the Executive an opportunity to meet with them and outline a history of Worker's Compensation
- Based on the questions asked by the mostly new politicians (only Michael Crandon was previously on the Committee) we needed to make our points more succinct

WCRR

- Clearly the Regulator did not want us to look at the regulations **before** our meeting with the Finance Committee as they changed our meeting with them
- JC said he was strongly opposed to the retrospective changes to the law
- JC thought it would be 3 times the multiple of the DPI but now multiple will be 2
- Draft Regulation viewed Friday 14 August 2015

Percentage	\$
1%	6,298
2%	12,596
3%	18,894
4%	25,194
5%	31,490

	\$
+ To provide additional information to Insurer on Liability	1,700
+ To attend meeting to resolve claim	2,000
+ To make submission to panel	1,000

- DOI is from 15 October 2013 to 31 January 2015* and DPI < 6%
- Insurers are required to write to workers that have deferred DPI about any entitlement they may have to additional lump sum compensation
- Determination of "Specified Worker" by Insurer



From the Floor:

DG : If we don't think they are a Specified Worker do we have to give reasons why we believe they're not a specified person?

JC: Yes

- Meeting between the parties
- Appeal by Panel of Chair and 2 members appointed by the Minister
- Legal costs payable to worker
- Based on this process and the amount of money it will cost to go through a common law arrangement ... it might be easier to save yourself legal fees and pay the worker/s extra money

- By paying doesn't mean you admit liability
- As it is not common law there is no statute of limitations

- Assess DPI

- No mention of:
 - + Nil DPI and no RTW
 - + Formal admission of liability required
 - + Contribution from third parties
- There are a few points that need to be clarified with the Regulator regarding the practical application

Work Cover Queensland

- Will talk to Work Cover 2020 project on research into scheme data and academic research

6.

General Business

Minister's Lunch

- Minter Ellison have kindly agreed to host a Minister's Lunch on Tuesday 20th October 2015

Executive Positions

- AGM to be held on 21 October 2015 when Thanh Tran assumes the Chair
- Members to consider nominating for executive positions as Deputy Chair, Treasurer, Secretary and Executive Members.
- Nominations must be sent in before the AGM
- The Executive always meet face to face or via teleconference two weeks prior to the Forums
- TT recommended joining the Executive benefits included meeting stakeholders and being aware of future changes/events ahead of time.
- TT also shared to prospective nominees that it was all about team work and understanding that everyone is short of time and to feel comfortable with what you are able to contribute at the time.

Next Members Forum Meeting: Wednesday 11 November 2015

Meeting Close: 9.30 am

Organise tickets for ME Minister's Lunch

Nominations in before AGM