



Minutes

Meeting: ASIEQ Forum Meeting

Meeting Location:

Minter Ellison
Waterfront Place, 1 Eagle St, Brisbane

Date: Wed 26 November 2014

Time: 8:15am

Attendees:

Attendees:

- | | | | |
|------------------|--------------------------------|-------------------------|-----------------------------------|
| Tricia Testa | - ACES: Tricare | Russell Schott | - Teys |
| Damien Silvester | - Advance Therapy Solutions | Justin Crowley | - Toll Group |
| Melanie Whitelaw | - Advanced Personnel Managem | Allan Wilson | - Uniting Care |
| Trinity McKenzie | - Arnott's | Kathy Wilson | - Verifact |
| Thanh Tran | - Aurizon | Sherryl Cournane | - WCD |
| Andrew Murrell | - BHP Billiton | Kristine Gatt | - WCD |
| Veronica O'Neill | - BCC | Karen Wilson | - WCD |
| Peter Irving | - Brisbane City Council | Richard McLoughlin | - Wesfarmers |
| Saija Saunders | - Brisbane City Council | Lesley Dame | - Wesfarmers |
| Louise Cook | - City of Gold Coast | Sue Richardson | - Westpac |
| Naomi Wyatt | - City of Gold Coast | Tony Cacciola | - Willis |
| Mairin Longmore | - Community Business Australia | John Kinnane | - WorkCover Queensland |
| Tania Perina | - CSR Limited | Janine Reid | - WorkCover Queensland |
| Cassandra Wild | - Employers Mutual | Angela Chapman | - Workers' Compensation Regulator |
| Natasha Jacobsen | - Inghams | Rachel Hawkins | - Workers' Compensation Regulator |
| Tania Lindsay | - Inghams | Charlene Lovell | - Workers' Compensation Regulator |
| Suzi D'Andrea | - Injury Treatment | John McDiarmid | - Workers' Compensation Regulator |
| Laura Eyles | - Injury Treatment | Melissa Alatup | - Workers' Compensation Regulator |
| David Gomulka | - JBSSA | Elizabeth Seymour-Smith | - Workers' Compensation Regulator |
| Dean Campbell | - JLT | Louise Martin | - Workers' Compensation Regulator |
| Georgia Gowen | - Medilaw | Sacha O'Neill | - Workers' Compensation Regulator |
| Lauren Wright | - Medilaw | Paul Goldsbrough | - Workers' Compensation Regulator |
| Rhianna Muir | - MLCOA | Dr Matthew Hope | - Medilaw |
| Samantha Norton | - MLCOA | Lucas Ford | - Bond University |
| James Wruck | - MLRSA | Dr David Norris | - Allied Law |
| Michelle Berris | - Myer | Julie Fox | - IPAR |
| Denise McNamara | - Myer | Tamlyn Faulkner | - IPAR |
| Natalie Poulsen | - Primary Health | Sven Roehrs | - Focus Rehab |
| Michelle Jones | - Queensland Rail | Katerina Glasnock | - BCC |
| Vanessa Herrmann | - Red Health | | |
| Alistair Brown | - Reel Image | | |



Apologies:

- Bill Nevin - Glencore
- Natasha Bree - Glencore
- Margaret Ryan - Myer
- John Dacey - Teys
- Ashlyn Dyer - Advanced Personnel Management
- Peter Davis - Redland City Council
- David Swan - Local Government Association of Queensland
- Jacqueline Milson - Recovre
- Scott Lewis - CSR Limited
- Cindy Pouloudis - Aurizon
- Tina James - Townsville City Council
- Christine Peters - Townsville City Council
- Amanda Raines - Aurizon

Apologies:

- Alleyne Collin - Queensland Rail
- Victoria Barham - Echo Entertainment
- Stephen Woolger - City of Gold Coast
- Trish Bassett - RSL Care
- Christine Litzow - Qantas
- Jock Cifuentes - Verifact
- John Hastie - ACES
- Rod Knights - University of Queensland
- Michael Doyle - JBSSA
- Mark Hopsick - Rio Tinto
- Mary Finucane - Brisbane City Council
- Patina Pitkin - Wilmar Sugar

Minutes Secretary: Mairin Longmore (CBA)

Item No	Agenda Item	Action																
1.	Attendance/Apologies	Apologies noted																
2.	Previous executive minutes and actions Minutes moved by Justin Crowley seconded by Laura Eyles from Injury Treatment	Carried																
3.	Correspondence Log Any queries or copies needed please contact ASIEQ Secretariat																	
4.	<p>Financial Report</p> <p>Financial Report presented by Treasurer Rod Knights. Moved by Rod Knights. Seconded Justin Crowley</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Account Balance as at 31 October 2014</td> <td style="text-align: right;">\$ 94,520.06</td> </tr> <tr> <td>Total Deposits:</td> <td style="text-align: right;">\$ 57,454.39</td> </tr> <tr> <td><u>Total Outgoings:</u></td> <td style="text-align: right;"><u>\$ 30,060.73</u></td> </tr> <tr> <td>Account Balance as at 31 July 2014:</td> <td style="text-align: right;">\$121,913.72</td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td>Conference Income</td> <td style="text-align: right;">\$ 68,049.00</td> </tr> <tr> <td>Conference Expenses</td> <td style="text-align: right;">\$ 25,043.00</td> </tr> <tr> <td>Conference Net Income</td> <td style="text-align: right;">\$ 43,006.00</td> </tr> </table>	Account Balance as at 31 October 2014	\$ 94,520.06	Total Deposits:	\$ 57,454.39	<u>Total Outgoings:</u>	<u>\$ 30,060.73</u>	Account Balance as at 31 July 2014:	\$121,913.72			Conference Income	\$ 68,049.00	Conference Expenses	\$ 25,043.00	Conference Net Income	\$ 43,006.00	Carried
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5.	<p>Chairs Report</p> <p>AGM</p> <p>Held on Wednesday 22 October 2014</p> <p>Executive – Unchanged</p> <ul style="list-style-type: none">• Chair – Justin Crowley – Toll• Deputy Chair – Than Tran – Aurizon• Secretary – Saija Saunders – BCC• Treasurer – Rod Knights – UQ <p>New Members</p> <ul style="list-style-type: none">• Executive – Mark Hopsick – Rio Tinto – Elected Secretary to National Council• Executive – Trinity McKenzie – Campbells Arnotts• Executive – Sue Richardson - Westpac <p>Thanks to new members and to those who renominated and were reelected</p> <p>Membership</p> <p>New Associate Members</p> <ul style="list-style-type: none">– Willis Australia Limited– Medconsultants– The Recovre Group Pty Ltd <p>Declined Associate Membership</p> <p>A law firm was declined associate membership as the constitution doesn't permit law firms as members.</p> <p>Will consider a corporate partnership</p>	
6.	<p>Regulator</p> <ul style="list-style-type: none">• Fraud Referral and Prosecution Forum – Wed 29.10.2014 Was a worthwhile meeting. Likely referrals that will be successful prosecutions will be given priority.• Actuarial Scheme update is on tomorrow, Thursday 27 November 2014• Actuarial Meeting – Wed 3.12.2014 at Finity in Sydney <p>Correspondence received from the Executive re: Meeting in Sydney. About 5 or 6 Self Insurance Actuaries have agreed to attend the meeting. Feedback will be provided hopefully before February next year</p> <ul style="list-style-type: none">• ASIEQ 2015 Conference – Regulator has kindly agreed to sponsor and advertise the conference	



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	<ul style="list-style-type: none"> <li data-bbox="268 331 1281 495"> <p>• Reviews and Appeals progressing with addition of e-lodgement of files at online services. John McDiarmid from review appeals is coming this morning to present on some of the appeals recently as well as the progress with the addition of e-lodgement of files. This will hopefully go live fairly soon</p> <li data-bbox="268 510 1302 831"> <p>• ‘Q-COMP’ Annual Report We were told there would be a Q-Comp annual report for 2013/2014 but at a later meeting we were advised that the financials of Q-Comp were absorbed into the Departments financial records. The Workers Comp statistical report was released but it did not include the financials for the Regulator. ie levy rates were difficult to find. It is concerning that the transparency has possibly been lost in terms of the financials we used to get straight from Q-Comp now not being in the departments financials. We will get back to members on this issue.</p> <li data-bbox="268 846 1297 1137"> <p>• Reinsurance – unlimited coverage v not covering SI Risks We have to have re-insurance in our self insurance. Re-insurance doesn't cover all of our risks e.g. workers going overseas to war torn countries. There is an issue in terms of coverage and on top of that whether we are going to have double insurance when the NIIS starts and whether our re-insurance is going to be duplicating those same claims? We will get back to members on this issue. NIIS – 1 July 2016</p> <li data-bbox="268 1153 1318 1574"> <p>• Byrne v People Resourcing (Qld) Pty Ltd & Ors [2014] QSC Janine Reid from WorkCover will give us a rundown on the machinations of this decision – quite complex and does have some implications. Currently no right of contribution from third parties, so in our threshold claims for those injuries under 5% there is no right to sue the employer, therefore public liability insurers can't claim off us. This decision has in effect said that if there is liability for the employer through breach of contract then WorkCover has to indemnify the employer. WorkCover potentiall going to challenge this: Appeal to the high court. Janine will give an update on this If you have any further questions please come back to us</p> <li data-bbox="268 1590 1238 1704"> <p>• Dr Mary Wyatt Review of R&RTW Model Arrangements Insurers met with Dr Wyatt. Report due end of January 2015 in terms of R&RTW Model arrangements</p> <li data-bbox="268 1720 1246 1834"> <p>• National Audit Tool Version 2.0 to 3.0 from 1 July 2015. Victoria have changed their version already</p> <li data-bbox="268 1850 1299 2000"> <p>• NTH QLD RTW Conference for the Regulator Will be held Friday 24 April 2015. Request to have a high achieving SI Employer Case Study. Will send out a request to see if anyone is interested in providing one of their employees as a case study for the Regulator</p> <li data-bbox="268 2016 1294 2087"> <p>• IP & RTW Conference Will be held Thursday 22 October 2015. It will be combined with Safe Work</p> 	<p>Update on Q-Comp financials</p> <p>Update on Reinsurance</p> <p>Request for case study volunteers</p>



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	<p>Awards on the same day.</p> <ul style="list-style-type: none"> • Angela Chapman informed us that the award categories are to be changed. Current Award categories are: <ul style="list-style-type: none"> – Injured Worker Achievement Award – Return to work (this will incorporate the old New Career category as well) – Injured Worker Achievement Award – Serious Injury – Employer Achievement Award – Large – Employer Achievement Award – Small to medium – RRTWC Achievement Award <p>No longer Case Management and Health Provider categories from past years</p> <p>Application of Section 186</p> <ul style="list-style-type: none"> • All received a copy of the Workers’ Compensation Policy/Fact Sheet from the Regulator. • Executive hasn’t made any representations to the regulator as yet. Have sent out the Policy document to members for feedback. Thank you to members for feedback. Executive will add all feedback to the submission to the Regulator • <u>Comments from Policy document:</u> <ul style="list-style-type: none"> - Prior to the release of the policy document the executive met with the regulator (the day before the release) and there was an ‘off the cuff’ mention about the reassessment of the guidelines. Then received a finalised document the next day. Executive will take it up with the Regulator in terms of consultation - It is titled Workers’ Compensation Policy - subject line says it is a fact sheet. For workers to have a second chance at a DPI assessment to reduce referrals to the MAT - Reasonable efforts to agree on an alternative assessor – between insurer and the worker - Cost of the examination is not a reason to decline a request. Australian Lawyers Alliance – reassessment is for the precise reason to get a higher assessment or to get above the 5% - The requirement for the reasons for decision for declining further assessment - Advise the workers of their rights of appeal to the Industrial Magistrate • Consultation: <ul style="list-style-type: none"> - Wasn’t an agenda item at meeting with regulator and were then emailed a copy of the policy the next day - Worded as a policy but emailed as a fact sheet – what does this mean? Meant to be guidance but then doesn’t hold much legislative weight in terms of if the legislation doesn’t require us to provide reasons for a 	



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	<p>decision then why are we going to provide reasons for a decision?</p> <ul style="list-style-type: none"> - MAT – current referrals had already reduced by half 550 – 269. Expectation that there would be an increase in the MATs but if the policy directive is short circuited by insurers doing the reassessing then there won't be so many claims going to the MAT - Appointment of a new tribunal in anticipation of the increase in referrals. <p>Comments from members</p> <p>David Gomulka:</p> <ul style="list-style-type: none"> • Goes far beyond legislations intentions • They've put in a lot more red tape and bureaucracy into the whole thing and all they're doing is giving the worker more and more chances • We have to seek an agreement with the worker as to who that second doctor is going to be • If we don't give a second assessment have to give reasons. • This legislative amendment was not in the original bill – it was introduced on the day of the debate – it was introduced to offset some of the concerns of the lawyer profession. It came from a discussion with the bar association – it was never intended to go to this extent. <p>ASIEQ will draft a submission to the Regulator. Suggest members send their own submissions as well</p> <p>In practice what the ultimate question is what is the enforceability of the fact sheet/policy</p> <p>Example from members: Had an example where the original assessment was 3% and the second assessment was 0 – It's gone backwards.</p> <p>David Gomulka: The crunch is going to come when we send one to the MAT when there hasn't been a second assessment and the Regulator says we haven't followed this policy and send it back to us – this is where the enforceability of this policy is going to be tested</p> <p>Cass Wild: She asked the question of the Regulator if it was a policy or a fact sheet and they responded that it was a best practice guidance. (Cassie will forward this response to the executive if needed)</p> <p>This implied to Cassie that it was a best practice and you could choose not to follow it.</p> <p>DG: If we don't go with the second assessment and we send it straight to the MAT – do you think they have a right to refuse that</p>	<p>Send submission to Regulator</p>



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	<p>referral?</p> <p>CW: I don't know, so far what we've experienced is that when we've sent it in without a second assessment that the MAT has asked us to explain whether we have or haven't considered a second assessment or why we haven't gone with it but once we've explained that we have/haven't considered it then they are happy to accept the referral.</p> <p>I don't know whether that will change but to date they've been happy with just an email to say yes we've considered it and no we didn't consent for these reasons and we'd be advised to proceed for that referral.</p> <p>DG: Not the MAT's business is it?</p> <p>CW: Have had a case where the tribunal refused to accept it and said we had to do it but once we pointed out that we didn't have to they accepted it.</p> <p>Justin Crowley: MAT cant reject or send back a referral it would have to be the regulator but the other issue is if the worker specifically said no they don't want a reassessment of they want it assessed by MAT then I couldn't see that there would be a requirement there to have it reassessed. It's a workers election.</p> <p>DG: If it's a workers election then 'no' its fine, but if we've refused it then according to this policy we've got to go through reasons for our decision and we've got to give them a right to appeal to the Industrial Magistrate – that to me is not on the legislation</p> <p>SS: The right to appeal is</p> <p>DG: Why is that?</p> <p>SS: Because it's a non reviewable decision and a non reviewable decision automatically gets the right of appeal</p> <p>DG: To a Magistrate?</p> <p>SS: Yes</p> <p>JC: The requirement for the reasons for a decision is not there but if the ??? has made a decision they can appeal directly to the Industrial Magistrate</p> <p>DG: What factors could a Magistrate consider?</p> <p>JC: Presumably, why did they consider that the primary assessment was not correct or requirements for a second assessment</p> <p>DG: A related/unrelated matter:</p> <p>We have had people with a physical impairment and we've referred them to the MAT. We haven't bothered with a doctor assessment as the case is complex or there is going to be some</p>	



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	<p>controversy so we've sent it straight to the MAT. This is a practice we have done for years in certain cases. We have had two cases knocked back this year by the MAT's saying that we haven't gone through a doctor first. You can't just send it to the MAT. This is a change of practice, is it not?</p> <p>SS: There is nothing in the legislation to say you have to have it assessed first.</p> <p>JC: David to email executive about this matter</p>	
7.	<p>WorkCover Queensland</p> <p>Janine is going to talk about Byrne v People Resourcing (Qld) Pty Ltd & Ors [2014] QSC</p> <ul style="list-style-type: none"> • GEPI re-assessments >5% • Some cases rescinded if the original assessment not properly assessed • Audit of GEPI assessments <p>DG: Under 5% they can take it to the MAT, over 5% and we can't take it to the MAT</p>	
8.	<p>Australian Lawyers Alliance (ALA)</p> <p>Met with Michelle James of ALA on the 5th November 2014</p> <ul style="list-style-type: none"> • DPI re-assessments to get over 5% • Made a comment that there is some incorrect correspondence from Insurers about re-assessments and irrevocable elections – ASIEQ won't be doing anything about this, it's up to the Regulator to audit and provide guidance. • Limitation period and DPI assessments –Plaintiff Lawyers to include in their correspondence to us. Easier for plaintiff lawyers to agree on what is to be assessed upfront. • How to deal to with unassessed injuries (s.132A) • Accredited RTW Programs – recognised the offers will be there • Injuries accepted – list of injuries to be assessed. Need to advise us • We can provide feedback to ALA 	
9.	<p>Health Benefits of Work Signatories Steering Group (HBOW SSG)</p> <p>Invitation from the Australasian Faculty of Occupational and Environmental Medicine (AFOEM) of the Royal Australian College of Physicians on the Health Benefits of Work (HBOW) initiative: Establishment of the HBOW Signatory</p>	



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	<p>Steering Group</p> <ul style="list-style-type: none"> Executive agreed to submit an expression of interest to participate in the Signatory Steering Group. Expression of Interest closes Friday 28 November 2014 References from Workers' Compensation Regulator and still need one other WCQ invited to participate If we do get onto the Signature Steering Group, Thanh has nominated to participate on behalf of ASIEQ 	<p>Submit expression of interest</p>
<p>10.</p>	<p>National Council of Self Insurers</p> <p>Justin Crowley: thanked Bill Nevin for input and volunteering to work on position in relation to the NCSI and potential commencement of a working party. Correspondence from Bill notes in Correspondence log.</p> <p>Report to ASIEQ General Meeting 26 November 2014 prepared by Mark Hopsick</p> <p>Background</p> <ul style="list-style-type: none"> ASIEQ executive and members voted to re-join as a member of the National Council of Self Insurers in September 2014 Qld attended NCSI AGM on 5 September 2014, with mark Hopsick as the nominated representative of the ASIEQ membership. Mark Hopsick nominated and was elected secretary of the NCSI at the AGM and subsequently Executive Officer on the ASIEQ. <p>Current Membership</p> <p>Current associations that are financial members of the NCSI –</p> <ul style="list-style-type: none"> Queensland South Australia NSW Victoria Tasmania Comcare ACC (NZ) – Observer WA are expected to re-join after their AGM in the new year ACT & NT do not have any formal associations. <p>Recent Meetings</p> <p>AGM in Melbourne on 5 September 2014 (minutes attached).</p> <ul style="list-style-type: none"> Executive elected - 	



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	<ul style="list-style-type: none">○ Denise Fishlock stepped down as Chair.○ Chair – John Kirwan (Tasmania)○ Deputy Chair – Robin Shaw (South Australia)○ Secretary – Mark Hopsick (Queensland)○ Treasurer – Glenn Mitchem (Victoria) <p>General meeting in Brisbane on 7 November 2014.</p> <ul style="list-style-type: none">● ASIEQ executive members of ASIEQ and NCSI met on the evening before the general meeting for dinner and to be introduced and discuss issues.● NCSI conference on the agenda for potentially November 2015 at Twin Waters.<ul style="list-style-type: none">○ Feasibility to be done;○ Each member to be tasked with sourcing themes / topics / presenters.○ Do not want to clash with any other conferences being held by members. More information to come.● NCSI representation on the Permanent Impairment TAG.● Review of Constitution & Conflict of Interest Policy● National PI Guides are being developed by SWA, which NCSI have concerns with as they don't align to the guides used in many states including Qld.● National RTW statistics and report discussed.● Minutes to be sent to associations once finalised and Qld executive consulted on PI Guides.● The March conference will be promoted to the other member associations – Rod Knights to provide.. <p>Activity</p> <ul style="list-style-type: none">● The main areas of activity have focussed on finalising the recommendations from the DLD review and report. The outstanding items were –<ul style="list-style-type: none">○ Constitution and Rules (including the Conflict of Interest Policy);○ Strategic Direction. <p><u>Constitution and Rules</u> - have been finalised and are in the process of final sign off. These will be circulated to all member associations for an out of session agreement for sign off by the associations.</p> <p>Action - MH to provide a copy to executive at next executive meeting for review and endorsement upon approval.</p> <p><u>Strategic Direction</u> – Currently being developed and input will be sort from the ASIEQ executive in 2015.</p> <p>Action – MH to discuss with ASIEQ executive.</p>	



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	<p>Upcoming Meetings</p> <ul style="list-style-type: none"> • 20 February 2015 – Hobart (MH to phone in). • 1 May 2015 – Sydney <p>Marks Take on It</p> <ul style="list-style-type: none"> • Re-joining the NCSI will be beneficial to Queensland members due to the connection to other states and jurisdictional updates and legislative changes, which will benefit many members. Better to be in the tent. • It provides another perspective to issues, submissions reports etc., that the member associations can utilise; • The NCSI is committed to reinventing its purpose, direction and connection with the members and to ensure it remains relevant into the future. • The purpose has been re-defined in the preamble of the Constitution to read– <i>The Association is made up of such Federal, State and Territory self insurer associations as may be members from time to time. The purpose of the Association is to be the peak body representing self insurance in matters that bear on the strategic interests of self insurance at a national level.</i> • The Objects of the Association are – <ul style="list-style-type: none"> ○ <i>To represent and express the views of self insurance at a national level;</i> ○ <i>Advocate for and promote the role of self insurance in Australia;</i> ○ <i>To provide a forum for the discussion of matters related to self insurance at a national level;</i> ○ <i>To inform its member associations of strategic national matters relevant to self insurance;</i> ○ <i>To provide, where appropriate, support to its members in developing submissions or representations on self insurance;</i> ○ <i>To make submissions or representations on behalf of its members on any issue affecting self insurance.</i> <p>Note – the above are yet to be approved by the members</p>	
11.	<p>ASIEQ No General Business</p>	
	<p>Next Members Forum Meeting: 11 February 2015</p>	