

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

Meeting Location:

Brisbane Convention and Exhibition Centre
Skyfloor, 130 Grey St, South Brisbane QLD 4101

Date: Wednesday 09 August 2017

Time: 10:00am – 11:00am

Attendees -

Name	Organization	Name	Organization
Luke Chapman	ACES RSL Care	Sam Peek	Injury Treatment
Gwyneth Evans	ACES RSL Care	Ranja Matika	Injury Treatment
Carla Forbes	ACES RSL Care	Tony Cacciola	IPAR Rehabilitation
Malou Tavita	ACES Tricare	Nadine Hamilton	IPAR Rehabilitation
Tricia Testa	ACES Tricare	Karen Wade	IPAR Rehabilitation
Trinity McKenzie	Arnott's Biscuits	Mathew Wade	IPAR Rehabilitation
Sharron Smith	Arnott's Biscuits	Jennifer Faulkner	JBS Australia
Stephanie Naidoo	Aurizon	Richard Fellows	JBS Australia
Amanda Greaves	Back on Track	David Gomulka	JBS Australia
Darren Mickan	Back on Track	Megan White	JBS Australia
Debbie Flessner	Brisbane City Council	Rebecka Hicks	LexiMed
Kelly Tucker	Brisbane City Council	Tracy Wilson	LexiMed
Saija Sanders	Brisbane City Council	Don Eltherington	Local Government Workcare
Joey Carmichael	City Cover, City of Gold Coast	Doug Furness	Local Government Workcare
Louise Cook	City Cover, City of Gold Coast	Lisa Hannigan	Local Government Workcare
Mark Dank	City Cover, City of Gold Coast	Michelle Jones	Local Government Workcare
Deanne Norris	City Cover, City of Gold Coast	Josh Mountford	Local Government Workcare
Lou Riches	City Cover, City of Gold Coast	Trish Vandberg	Local Government Workcare
Tania Perina	CSR Limited	Linda McCullough	Medconsultants
Scott Lewis	CSR Limited	Pieter de Groot	Medico Legal
Karen Apikotoa	Gallagher Bassett	Georgia Gowen	MediLaw
Nadine Tumataoa	Gallagher Bassett	Darryn Midson	MediLaw
Jackie White	Gallagher Bassett	Vanessa Daniel	mlcoa
Jessica Setefano	Injury Treatment		
Lara Strohfeild	Injury Treatment		

Name	Organization	Name	Organization
Feranda Corazza	mlcoa	Victoria Barham	The Star Entertainment Group
Sue Richardson	Myer	Adam Lucas	The Star Entertainment Group
Janine Beesley	Qantas	Darryl Curnow	The University of Queensland
Victoria Edwards	Qantas	Rod Knights	The University of Queensland
Christine Litzow	Qantas	Deborah Allen	Toll Group
Corina-Anne Rose	Qantas	Justin Crowley	Toll Group
Alicia Barnes	QBE	Christine Judge	Townsville City Council
Gkynis Nayler	QBE	Carol Barlow	Wesfarmers
Wayne Cooke	Queensland Rail	Lesley Dame	Wesfarmers
Kylie Howard	Queensland Rail	Briannca Grant	Wesfarmers
June Watson	Queensland Rail	Suzanna Kitanovic	Wesfarmers
Nathan Clarke	Recovery Partners	Kym Speer	Wesfarmers
Vanessa Hermann	RedHealth	Ann-Marie Saini	Wesfarmers
Melanie Kerslake	RedHealth	Patina Pitkin	Wilmar Sugar
Georgia McKean	RedHealth	David Zeller	Wilmar Sugar
Trent Rickard	Teys Australia		

Apologies:

Julie Ashwell	ACES Sundale
Heidi Beswarick	Arnott's Biscuits
Annette Green	Arnott's Biscuits
Stephanie Lowden	City Cover, City of Gold Coast
Bill Nevin	Glencore
Glenn Bailey	Injury Treatment
Deborah McCosker	LexiMed
Alison Hicks	Myer
Patricia Bougourd	Onesteel
Michael Taylor	Onesteel
Carolyn Dautel	Qantas
Jodie Beesley	Qantas
Cathy Fielder	Queensland Rail
Natasha Jacobsen	Queensland Rail
Fran Robertson	Queensland Rail
Mark Hopsick	Rio Tinto
Karen McLoughlin	The Star Entertainment Group
Melissa Watson	The Star Entertainment Group
Deb Paton	The University of Queensland
Rachel Howard	Toll Group
Karen Wilson	Toll Group
Richard McLoughlin	Wesfarmers

President (David Gomulka) declared the August General Meeting open and invited the Secretary to the podium. Secretary (Saija Sanders) announced the formal apologies, 3 apologies were taken from the floor. Full apologies list above.

Correspondence Report

Secretary: Saija Saunders

The Secretary referred to the correspondence log provided to Members and outlined the correspondence of note:

- Coal Workers Pneumoconiosis - Bill Nevin has been attending the reference group and emails have been sent to keep Members informed.
- NIIS – Discussions with the OIR
- Legislative Amendments – ASIEQ has input a submission
- Response to Safe Work Australia regarding a proposed framework for physiological injury claims

Secretary called for any question. No questions were raised. Secretary handed over to the Treasurer for the Treasurer's Report.

Treasurer's Report

Treasurer: Deborah Allan

- Account Balance as at 01/05/2017: \$138,066.32
- Total Deposits: \$5,167.70
- Total Outgoings: \$15,229.93
- Account Balance as at 30/07/2017: \$128,004.09

Summary of incoming funds

- Bank Interest
- Membership fees from new members
- Tickets for today's event (09/08/2017)
- Sponsorship for today's event (09/08/2017)

Summary of Outgoing funds

- Merchant fees for credit cards
- Safe work month Silver Sponsorship
- Legal advice for Secretariat Contract
- Expenses for today's event (09/08/2017)

Deborah moved motion to pass these as a true and correct record of ASIEQ's Finances, Seconded by Rod Knights – Motion Passed

President: David Gomulka

The President summed up the events that have occurred since the previous General Meeting, noting that some topics will be discussed in General Business.

Educational Activities

Barry Nilsson has been conducting lunch time seminars, with the last one held on the 7th June where Richard Douglas gave a presentation on managing common law claims and getting ready for trial. These workshops have been booked out and well attended every time. The next seminar will be held on the 22nd August with invitations already circulated.

BTLawyers have continued their breakfast workshops with the last one held on 3rd August. Dr Paul Licina gave a presentation on spinal injuries. BTLawyers have said this as the most attended workshops they've had. This workshop was hosted at the Treasury Hotel. BTLawyers are renovating to have a larger space at their office to host their workshops. The next workshop they are hosting will be on the 5th October with invitations to be sent out shortly.

Secretariat

It was announced that as of the 01/08/2017 Smart Assist has taken over as the ASIEQ Secretariat.

- Meetings have been conducted with the Executive for handover
- Still further handovers to be conducted
- Smart Assist's task is to monitor the asieq@asieq.com.au emails which will be noted in the correspondence log.
- Smart Assist has updated the website Supporters and Sponsors Section to display current organisation's providing support to the Association.
- There will be more updates in regards this area in the coming months.

Marketing Education Subcommittee

David announced that a Marketing and Education Subcommittee has been formed. There was a lot of interest to be a part of this committee, however initially the Executive have decided to form a preliminary group of only Full Members on the committee at this stage. The Committee is made up of 4 Members and their first meeting is to commence after the ASIEQ Event today. There are a number of activities the Committee will be looking at such as how ASIEQ should be marketed and how to manage the image of the Association as well as educational opportunities for ASIEQ's Members.

Proposed Legislative Amendments

There is currently a Bill before parliament in relation to Workers' Compensation with the most prominent issues being:

Coal Workers Pneumoconiosis – black lung disease

Proposed amendments in the bill:

- Medical examination for former Coal workers which requires an application which an insurer can consider and accept based on certain criteria. This includes WorkCover
- An Additional Lump Sum for pneumoconiosis which is a lump sum compensation specifically for one type of injury which would be a fairly new concept for the Workers' Compensation legislation aside from previous mining provisions in the past.

- Ability to top up the lump sum and the PI%, workers will be able to apply for a top up compensation if their disease deteriorates.

David raised concerns as to whether this could be a tipping point for having further additional compensation for other injuries in the future. It is hoped that this is restricted to this area of workers compensation and this injury as there are only a few insurers who will have to worry about that. Having stated this, it is a new concept, as we all know in our scheme permanent impairment usually meant maximum medical improvement and end of the claim or common law meant end of the claim. Despite both common law and lump sum people with pneumoconiosis can continue to come back to claim more as their condition deteriorates. The President does sympathies with these people but does worry precedent this could be setting for the future.

Stay

The ability to apply for a stay which is the situation where a decision to reject a claim has been overturned by the review unit and you are appealing that decision, you can apply for a stay of that decisions until appeal is heard. There have been two cases of this happening in the last 12 months, one by JBS the other by Toll and in both cases the employer won the appeal and in both cases, they were successful in obtaining a stay meaning they did not have to pay compensation. As most of you will know our licences requires us to pay compensation immediately even if you are appealing. The government have moved through the legislation to prevent these stays from happening in the workers compensation environment. ASIEQ has put through a rigorous submission in regard to the Stays. David indicated that some of the things being said that Self-Insurers are seeking an advantage over other employers by using the Stay process. They have also insinuated there is a two-tiered system in place where Self Insurers are different to WorkCover employers, David argues that WorkCover employers also have the right to bring a Stay application but they do not need to.

These legislative amendments are going through parliament process. Currently:

- The amendments have been referred to the parliamentary comity.
- The closing date for written submissions was the 14th July. ASIEQ made a written submission.
- A public hearing was held on the 31st July, David Gomulka appeared on behalf of ASIEQ for 11 minutes
- A further submission was made by ASIEQ on the 7th August after concerns on what was said at the public hearing and by information provided by the OIR in relation to Self-Insurers.
- Parliamentary comity is due to report back to parliament on 11/08/2017 where the Bill should be debated and voted on by parliament.

ASIEQ views have been put on recorded along with other parties, David indicated that the Association will need to await to see if the Bill is passed as it currently stands.

NIIS Insurer Group

From the 1st July 2016, there is lifetime care in the legislation in relation to serious or catastrophic injuries which lines up with the NEIS. Members of ASIEQ have been meeting regularly with the insurer, NIIS Queensland and the Regulator over various issue in regards to this. The first major issue was the contract which every Self-Insurer was required to sign, however this process is now completed and they have moved on to the next issue in regard to dual insurance.

David has been asked to get the ASIEQ Members opinions on this topic. To assist the Members David briefly outlined the dual insurance issue and advised that the discussion paper had been circulated yesterday afternoon for their reference. It is requested members read the document as soon as possible. David outlined that while these cases will be very rare they will be expensive and may include Reinsurers.

An example of when dual insurance may occur is when a bus or truck driver at work gets into an accident.

- Under NIIS legislation every registered owner of a vehicle is now paying a levy which is shown on registration
- ASIEQ's view that this is where the responsibility belongs with the Motor Vehicle insurer
- NIIS is looking for an agreement between the parties
- In a fault situation where there is another party at fault they're suggesting that payment follow the common law liability.
- However, in a no-fault situation, they are suggesting a 50/50 sharing between NIIS and the Workers Compensation Insurer.

David has been asked to provide an agreement from ASIEQ Members. David and the Executive as the Members representative have found it difficult to consider making an agreement on behalf of all Self-Insurers and their Reinsurers. Ultimately it may end up in a legal battle to decide what cost are allocated to which legislation.

David asked the floor for their views in relation to ASIEQ making a 50/50 agreement on behalf of the Member with NIIS or if the Members would prefer to deal directly with the NIIS on a case by case basis when the situation arises.

- Victoria Barham believed it was a bit too much for ASIEQ to represent everyone and their Reinsurer in an agreement.
- Mark Dank wanted clarification on why the levy on the registration wouldn't be utilized.
- David notified that they do not see that as the insurance of first resort. Just because we are paying a levy. Saija Sanders agreed
- David indicates that a legal opinion from a prominent barrister may be something the Association will consider to ensure the Association isn't missing something that may determine that one legislation may precede the other.
- Mark Dank believed if the fund is being funded by motor vehicle registration contributions, then motor vehicle contributions is where the money should come from.
- David Gomulka agreed with Mark however this argument did not lead anywhere in the meeting with the NIIS.
- David advised another suggestion put forward was that if you've got a person sitting there in hospital with a catastrophic injury, you can encourage them or their family to make a claim with NIIS directly.

David asks for agreement that ASIEQ will not enter into any agreement and it will be up to each insurer to deal with this once it arises.

All in agreement.

Quarterly OIR Meeting

David briefly summarizes topics of the meeting:

- Ongoing issue of review decisions times
 - OIR provided stats to show improvement in this field
 - All new reviews will be allocated within 2 days
 - OIR admits that legislative timeframes are still not being met
 - 79% of decisions are being made in 90 days

- Levy increase
 - Notification of levy rate increase sent out
 - Issue raised that when OIR and Q-Comp merged in 2013 possible levy decrease
 - OIR raised that it has stayed the same for all those years despite increase in wages and increase in tribunal hearings
 - AISEQ's position is on record
- Price Waterhouse Coppers Review
 - PWC Review has received feedback
 - Will be changes in insurer services and the way they regulate our performance
 - Possibility of more targeted audits
 - Better use of technology
 - Forum by OIR to be organized within the next few months
 - Unsure of the full changes at this time
- Duration of licence
 - Feedback from a member that upon renewal of their 4-year licence it was decreased to a 3-year licence.
 - No warning or feedback from OIR that performance wasn't acceptable
 - Concern of lack of procedural fairness raised at meeting
 - OIR acknowledged that their lack of communication to the self-insurer wasn't good enough. But does provide data on performance
 - Issue of what data is important to the OIR was raised by David
 - OIR provide document on what it takes to have a 4-year vs a 3-year licence or a 1-year licence
 - Licence document has been circulated to members
 - Topic to be discussed more in general business
- NIIS Contract Process
 - Number of self-insurers contact David about how contract was distributed and timeframe to sign.
 - OIR acknowledge this as an issue
 - Extension was provided as a result
 - New codes in some fields to be entered into self-insures systems as a result of NIIS
 - OIR working towards better reporting methods

WorkCover Meeting

- The Executive hold regular meetings with WorkCover. David wanted to thank members of WorkCover for their communication with ASIEQ and maintaining their relationship with ASIEQ.
- Function on 08/08/17, The Leading Well initiative was a joint venture between WorkCover Queensland the Office of Industrial Relations and Super Friends. This event was about mental health and getting leaders of organisation to think about what they can do to better manage mental health in their workforce.
- Matt Barron from WorkCover advised of a musculoskeletal symposium that he attended recently. Matt has also run a workshop around musculoskeletal injuries and has offered to run this at one of our next forums. David will liaise with the Marketing and Education Subcommittee about this.
- WorkCover is continuing to provide feedback to the OIR about Medical Certificate and ASIEQ has also raised concerns with the OIR sometime ago. David urges members to give feedback to the OIR with any difficulties regarding the medical certificate.
- WorkCover is embarking on some research projects, one with Monash University regarding how to better manage high risk claims and another on why claimant's lodge common law claims.

PEIF Membership

- ASIEQ has renewed its membership with PIEF (Personal Injury Education Foundation) and members should take advantage of the personal injury education that PIEF provides.
- PIEF membership will be an item for the Marketing and Education subcommittee to investigate if ASIEQ is getting benefit from the membership.

Injury Prevention and Return to Work Conferences

ASIEQ is a silver sponsor of the Injury Prevention and Return to Work Conferences in October. David urges members to register for the conference.

President opens to the floor for Questions

No questions for the floor

End of Presidents Report.

General Business

President welcomes new Associate Members

- NB&A Group
- Ocphys
- Recovery Partners
- Back on Track

5 Year review of the Scheme is due next year.

- President asks for “Wishlist” of changes to the legislation for ASIEQ to submit to the government
- President is considering creating a Legislation & Licensing Subcommittee.

Licensing Periods

- Main points covered in President’s Report.
- Lack of feedback from OIR is main concern
- Members to inform the Executive if licence period changes without notice occurs.

Use of ASIEQ Logo

- It has come to the Executives attention that an Associate Member has used the ASIEQ Logo on their documents without permission from the Association.
- Discussion was had amongst the Executive and a decision was made that ASIEQ logo can only be used by ASIEQ or for ASIEQ sponsored events.
- It is not acceptable to use the ASIEQ logo however, members may use a blurb to inform people they are a member of ASIEQ if they so wish.

Annual General Meeting

- Reminder to Members that AGM is on the 20th October.
- Members to consider nominating for an Executive position as it would be good to see new faces amongst the Executive.
- Becoming a Member of the Executive is a great Opportunity for all not only the Managers
- President thanked the Managers of self-insurance units that have allowed their staff to be on the Executive.

Membership Invoices

- Reminder to Members that invoice will be sent on 30th September and a discount will be applied if it is paid before 30th November.
- No plan to increase the membership fee.

President opens General Business to the floor

Victoria Barham refers to the document about the self-insurance licence asking if it comes from the PWC looking at the regulator.

David didn’t get that impression from the OIR as it seemed they have been working from for a while.

Victoria Barham references a part of document (“*Moderate level of performer, Licence duration 2-3 years, Special licence conditions would be necessary to all the Regulator to adequately monitor the performance*”) wanting to know what it entails.

David Gomulka gave an example as to what it would entail stating it would be to address whatever performance issues the self-insurer had and would be particular to each self-insurer.

David advise for those who haven't seen the document, it is narrative as opposed to quantitative. Victoria Barham agrees.

David gave examples from the document

David raised the issue of 4-year licences being capped to a certain number which the OIR states is incorrect and there is not a limit on the 4-year licences.

Justin Crowley raised the issue that we need to be careful what we wish for in terms of asking them to put thresholds in the requirements. But did note that having something on how they change those ratings would be of assistance.

David agreed that we don't want strict stat requirements in place and reiterates that we should be getting told in advance of the licence renewal.

Justin Crowley advised sent through to the Executive the NSW scheme changes for their reference.

David called on Rod Knights to share any feedback in respect to NSW scheme and longer licence they offer.

Rod Knight gives a brief overview of what NSW is trying to achieve with a more closely monitored system.

Louise Cook notified David that the OIR have made mention of the NSW changes and that they would be looking at the auditing process. Deborah Allen confirmed this.

Victoria Barham confirmed that the document circulated regarding the licence renewal is like the NSW tiered system. Victoria Barham Advised she was having a Meeting with the NSW Regulator in regards to how NSW change and will update the Executive next week as to the outcomes of this meeting.

Scott Lewis from CSR met with the NSW Regulator yesterday and advised that he had informed the NSW Regulator that the way that risks are assessed and the way self-insurers are able to consult with the Regulator works really well in Queensland.

Secretariat raised issue the Minutes of the previous General Meeting need to be passed.

Secretary moved a motion that the Minutes of the last meeting be passed, Seconded by Tricia Testa – Passed

President declares the General Meeting Closed 11:00am

[Next Meeting](#)

AGM 20th October 2017