

OIR Meeting 8 November 2019

1. Welcomes and Apologies

a. OIR Attendees:

- Janene Hillhouse
- Sebastian Bielen
- Steve Campbell
- Ben Christiansen - Policy
- Rachel Hawkins
- Alicia Dunn
- Louise Robinson

b. ASIEQ Attendees:

- Bill Nevin – President
- Clodagh McCowen – Vice President
- Louisa Hackenberg – Secretary
- Victoria Barham – Treasurer
- Ann-Marie Saini – Committee
- Michelle Ware - Committee

Apologies – Cass Wild - Committee

2. Agenda Items

2.1 Legislative Amendments (OIR information products) (JH)

- Overview documents was sent out to all self insurers and ASIEQ to provide more information and interpretation of the amendments
- Next step is for OIR to present at the forum
- Welcoming of any questions for feedback that could assist in meeting needs of self-insurers who will be attending
- FAQs have also been added to the OIR website, these will be added to over time
- Fact sheets are also under development around some of the amendments
- Will send email with a link to the FAQ and fact sheets once released so that ASIEQ can let members know
- Guidance material will continue to be developed
- RRTWC change – course requirements are being developed which will identify clear competencies that a RRTWC should have to be considered appropriately qualified.
- There will be no one way enforced to be compliant in this regard, it will continue to be flexible for different employers to use their own in-house training or other training to meet the need
- Allied health qualifications would be considered sufficient to meet the requirements of appropriately qualified. It was confirmed that annual training was not required.
- Kinnect will be providing a course (Bill advised)

- The OIR will be creating a network of RRTWC when they have all the contacts across the state (not just Sis) this will also enable continuing development through their communications.
- The notification of injuries amendment (s133) – Sebastian confirmed that further consultation process will be undertaken with Self Insurers and providers to facilitate this amendment ahead of 1/7/2020. This will commence soon. It is expected that this information under s133 will be provided as apart of the normal monthly data submission process.
- Some code changes are to be rolled out in next few days to cover off on treatment for psychiatric injuries before claim determination and post claim rehabilitation costs.

2.2 Forum held on 1/11/19 – claims auditing and OHS framework

- Email went out earlier this week with the documents from the presentation including the draft audit tool, draft audit framework, draft audit report template, WHS assessment framework.
- Feedback is to be provided from Sis to Daniel Rothnie directly
- The next draft of the documents will include any auditing requirements for the amendments which have been passed.
- Bill advised that Clodagh McCowen will be heading up ASIEQ's collective response in relation to the Audit and OHS Framework, however that individual self insurers will likely also give feedback regarding issues or concerns that they have on matters that impact their business.
- Consultation also has occurred with other stakeholder groups including Workcover, ALA, medical representatives, unions etc
- JH advised that many other stakeholders in the community are interested in how self insurance is regulated and that this has increased over the past few years, there is a community expectation that the OIR perform education and guidance balanced with compliance and enforcement. Advised this has increased since dreamworld tragedy and is more so in the WHS space but also in the workers' compensation space.

2.3 Conference update (OIR North Qld 2020 conference) (RH)

- Will be held in Townsville
- 1½ days long 30th of April to 1st May
- Will feature master classes similar to the SEQ conference
- Speakers will focus on return to work, safety, leadership, mental health and musculoskeletal disorders

2.4 Support Services for Psychological Injured Queensland Workers (RH)

- Service commenced March 2019
- Not a treatment service, aims to link injured workers in with community-based supports, many services provided in relation to financial hardship, assistance with accessing Centrelink, crisis accommodation and mental health care plans.

2.5 Bill – Update on ASIEQ Activities

- All SI's now represented by ASIEQ
- Extension of the exec to include claims agents representing self-insurers (Cass Wild and Michelle Ware)
- Subcommittees including Licensing and Legislation (Clodagh McCowen), Forums (Louisa Hackenberg), Website and events

- Bill advised he is going to have a license holders' luncheon or event next year
- Invited the regulator to be more involved in forums moving forward to connect with members
- Advised ASIEQ is a signatory to the mental health charter and doing positive things in the community
- Raised that regional rehab services are scarce especially with services being taken up by NDIS, NIS etc
- JH agreed it is difficult in regional areas and that GP education is a challenge in regional areas also
- JH commented that she thought it was positive that ASIEQ had representation on the exec from claims agents representing self-insured employers and that the OIR is working with these claims agents also and involving them in their events (e.g. invited to the audit forum recently).
- Bill raised the recent 572a case that was distributed were an employer who was self insured was prosecuted for breach of 572a for inappropriately using a medical certificate and a suitable duties plan.
- Rachel advised that 572a is an interesting area and advised that the OIR has been contacted by many Sis with concerns, she suggested it may be a future area that a forum could focus on with the OIR happy to assist in this regard with content.
- Bill provided dates of the ASIEQ general meetings and forums for 2020 and requested meetings be arranged with OIR and ASIEQ 3 weeks prior to the forums.
- It was agreed that other meetings could occur on an adhoc basis and that the secretariat would be contacted should a meeting be required outside the regular schedule to make arrangements.

2.6 Issues arising out of legislative amendments (Louisa)

- Louisa advised that ASIEQ had undertaken a survey of members regarding issues and concerns relating to the implementation or interpretation of the legislative amendments and that this survey had been distributed with the Overview document from the regulator
- Louisa advised that a deidentified summary of the survey results would be provided to Steven Campbell to distribute so that the presentation for 20/11/19 can address ASIEQ members concerns
- It was noted that the OIR are continuing to develop products (FAQ, guidelines) and that knowing where SI's were with the amendments and what further needs they had in terms of support could help the OIR to be more targeted in this regard also.
- Louisa advised that generally the different SI's would like guidance notes on the amendments to be provided by OIR.
- Louisa advised that many had requested advice on coding and claim statuses that would be applied to the claims impacted by the amendments (e.g. predetermination psychiatric claims and post claim ceasing rehabilitation claims).
- An in-depth discussion was had about the amendments to s133 and s109 as some insurers had raised concerns in the survey that their early intervention programs may be in breach of this amendment if the amendment relates to payment of treatment without a claim not just wages. The definition of an injury for which compensation may be payable was also discussed broadly with JH stating that despite the overview stating someone requiring treatment, it was still

an injury assessed by a doctor. The advice for any SI's concerned about potential breach of this section was to contact Steven Campbell to have the employer's specific early intervention program reviewed and seek clarification.

- The support that employers are obligated to provide under the amendments was raised without any answers provided in the meeting
- The Return to work plan was raised as an example of concerns with some insurers having requested guidance or an example or template. Rachel responded that this is not a new requirement and that all claims are required to have this document as it is in the rehab standards. Steven Campbell advised there were no lack of these identified in any audits, so it was interesting to them that insurers were asking for examples of what already should exist on files. They were of the view that these were being done already but may not be being communicated to the worker or to the doctor which is specified change in the overview.
- There was no further time to discuss the many other concerns and questions of the self insurers, Louisa committed to provide a summary (deidentified) of the survey results so that the regulator could better undertake their responsibility of providing guidance and education around the amendments.

2.7 Theme OIR presentation to ASIEQ members on 20/11/19

- OIR focus at presentation is requested to be on the amendments
- The survey summary will be provided to give OIR insight into the needs of SI's in implementing the changes required by the amendments
- Rachel confirmed she will attend, it was unclear who else would be presenting from OIR, this will depend on what would be covered following review of the survey summary.

2.8 Review of Work Capacity Certificate (RH)

- National workers' compensation medical certificate has been developed
- At this stage Queensland will support in principle but not endorse
- There is plan to review and consult on the Queensland certificate next year
- ASIEQ will be invited to participate.

2.9 PTSD project update (RH)

- This project continues
- Review of workcover files of first responders with PTSD by phoenix Australia
- A report has been produced (not public)
- A stakeholder reference group will meet to implement the recommendations
- ASIEQ will not be involved as it only involves government employees who are not self insured (Fire, police, ambulance)
- It is felt that the findings once released would be relevant to all psychological injury claims, not just PTSD and not just first responders.

2.10 CWP and silicosis forum

- Occurred yesterday
- Bill attended
- A doctor spoke regarding how to return these workers to work

2.11 Risk ratings review process (RH)

- Description of the process to be reviewed
- Some SI's have advised 'risk rating' causes alarm, should alert the self insurer but not alarm

- More of a 'health check' of the SI at a point in time
- Early flag for insurer to respond to any concerns
- There will be more communication from the OIR regarding expectations and descriptors / triggers for change in risk rating over coming months as they work through this process