

**Association of Self Insured Employers of Queensland Inc.  
Minutes of the General Meeting 9 November 2016**

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

**Date:** Wednesday 9 February 2017

**Time:** 8:30am – 10:00am

Attendees -

Name	Organization
Andrew Murrell	BHPBilliton
Bill Nevin	Glencore
Carol Barlow	Wesfarmers
Charlene Lovell	Office of Industrial Relations –
Christine Litzow	Qantas
Christine Richards	Medilaw
Darryn Midson	Medilaw
David Gomulka	JBS Australia
David MacInnes	MedConsultants
Dean Campbell	JLT
Deborah Allen	Toll
Deborah Duncan	Toll
Julie Ashwell	Sundale
Lindsay Whittaker	Medilaw
Lisa Steel	Wilmar

Name	Organization
Louise Cook	Gold Coast City Council
Louise Riches	Gold Coast City Council
Luke Shaw	Red Health
Mark Seebeck	Gallagher Bassett
Mayha Hogan	Myer
Melanie Kerlake	Red Health
Michael Taylor	One Steel (tentative)
Natasha Bree	Glencore
Saija Saunders	Brisbane City Council
Sharyn Barlem	Westpac
Stephanie Naidoo	Aurizon
Sue Richardson	Myer
Susan Atme	Woolworths
Tamlyn Faulkner	IPAR
Tricia Tester	ACES – Tricare
Trish Bassett	ACES – RSL Care

**Apologies:**

Justin Crowley - Toll	<del>Tina Tania</del> Perina – CSR Limited
Mark Hopsick – Rio Tinto	John Dacey – Teys Australia
Christine Judge – Townsville City Council	Michelle Ware – Wills Towers Watson
Debra McCosker - Leximed	Alasdair Grant – Recovery Partners
Tina O’Reilly – Townsville City Council	Victoria Barham – Star Entertainment Group
Troy Greenwood – Townsville City Council	Rod Knights – University of Queensland
Luke Bowman – BHPBilliton	

Correspondence report –

*Secretary: Saija Saunders*

Refer to Attachment.

## Previous Minutes

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*Secretary: Saija Saunders*

Moved to approve. Seconded by Louise Cook.

Review of Actions:

- Nil responses to be involved in sponsors & supporters working party received
- RIG – Louise attended meeting – finding out about issues impacting rehab and CTP claims. To be added as item to forum for future
- NIIS Working group feedback – covered in meeting
- NCSI – Rod Knights Treasurer, absent at meeting so no feedback
- Secretariat services update – last chance to provide names of organisations interested in quoting
- Work capacity certificate feedback – n/a
- Data evaluation/scheme update – meeting was cancelled. OIR requested in future to disperse invitation more broadly

## Treasurer's Report

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*Treasurer: Deborah Allan*

• Account Balance as at 01/11/2016:	\$115,472.72
• Total Deposits:	\$37,834.83
• Total Outgoings:	\$11,553.44
• Account Balance as at 31/01/2017:	\$141,754.11

Motion to accept by Treasurer: Deborah Allan  
Seconded Tricia Tester – passed

## President's report

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*President: David Gomulka*

### **Banking arrangements:**

- Reminder of issue – difficulty having 2 people sign off on payments
- Advice from MinterEllison obtained. Indicated we should have 2 people sign off.
- Best way would have 2 people have to sign off on net banking however this option is not available.
- Process is 2 people have separate tokens (President and Treasurer). One enters the payment and enters code, contacts the other and obtains their code to authorise payment. Both have access to net facilities and 2<sup>nd</sup> person can confirm transaction processed as described. Protocol to be developed.

### **ASIEQ Calendar**

Rod Knights put together. Thanked for efforts. Availability of calendars for members for collection at meeting. Still some available for members.

### **Workshops**

BT Lawyers - great supporter, running workshops again. Issue arose where they requested membership list, declined. If members want to be on distribution list please advise BT Lawyers direct.

Last workshop was excellent on preparing for a trial, good tips on what is good evidence etc. If don't prepare well lots can go wrong.

Barry Nilsson Lawyers - approach by Mark Weimers. Keen to support ASIEQ though support firm. Is proposing instead of master class, lunchtime seminars, the 1st on 8th March, 2017 review of critical decisions.

Fits with constitutional aims of training for members and willing to do all work. Only concern is if treading on toes of BT Lawyers. If these go ahead need to establish point of differentiation. Thoughts/comments - any of floor requested:

- Christine Litzow - good idea for lunchtime ones provides good opportunity for those who have longer travel
- Dean Campbell - just frequency - maybe too many for year.
- DG Any suggestions for topics? BT next one on fatigue management - case MVA on way home, employer sued. Opens up can of worms.

Tentative dates for Barry Nilsson workshops:

- Tentative :
  - 8 March 2017
  - 19/4/17
  - 21/6/17
  - 30/8/17
  - 25/10/17

**Action: Members to note dates if of interest. Members if have any topics of interest to raise with executive.**

### **Secretariat:**

Scope of services going out in next couple of days, 5 firms identified. Research done by working party. If anyone has idea of other firms - last chance to notify. Closing date 27/2/17 for expressions, names to Saija.

### **NIIS insurer group:**

Insurers CTP, SI, WCQ have been pulled together 3 times over different issues.

Legislation in place since June, however there are still outstanding issues to be addressed:

- Dual insurance situation. OIR have been avoiding issue. ASIEQ- stance: motor vehicle insurer should pay as 1st cab off the rank.
- After 5 years worker can request reassessment if lifetime care included in damages settlement. If not included lifetime care continues. Issues surrounding this yet to be sorted out.

OIR appear more worried about process - flow chart to be forwarded to members (refer to attachments). Actuary estimates put about 10 claims for WCQ and 1 for all SI per year. Probability of getting a NIIS case is low, however if get one they are high risk as total cost can be up to \$10M.

WCQ have not had an NIIS claim yet, have 2 that they are monitoring that could fall into category. Hospitals have been educated on this as well. If hospital doing job well NIISQ may hear about claim before insurer.

Each SI will be asked to sign a provider agreement with NIISQ. Initial draft Contract had some areas in too much details, some too little. Now rescoped as a contract + Service Level Agreement (SLA). OIR have asked what should be included SLA. Issue is we are dealing with hypotheticals in developing these. Need to consider what level of information you would like from NIISQ when they are managing claim on behalf of an insurer. NIISQ intend to bill quarterly in arrears so it would make sense that reporting is in line with that.

1st 2 years of a claim is critical as review at that point whether lifetime or limited care, insurers may want more information during that period.

Information required may include things such estimate on each claim NIISQ will be calculating. If have any thoughts on what would want included email David.

No comments from the floor.

OIR does not want agreement to go out as yet; future draft will be going out to all members

- Sue R: should ASIEQ be getting advice on SLA as to implications if NIISQ are not adhering it. ? Could we review WCQ SLA? – DG said SI negotiations may be separate. May want flexibility in frequency. DEB D: needs sunset claims - 5 year review.

### **New Members**

- Welcome to 2 new associate members: IPAR, Recovery Members
- Noted on OIR list known South32 Cannington on list, not member. Breakaway from BHP. David Gomulka will be making touch with them re membership. QBE is their claims manager. DG is working with Glyns from QBE to be put in touch.

### **Coal Workers Pneumococcosis (CWP)**

Bill Nevin attending meeting today as ASIEQ representative... Association invite to be on stakeholder reference group (SRG).

It has been in the media recently about an outbreak; it had been thought to be eradicated.

Parliament formed a parliamentary subcommittee performing examination of issues including Workers' comp. Report is due to hand down 14 April.

Stakeholder ref group formed to review Workers' comp issues and possible legislative changes by Grace Grace (Minister). Bill Nevin is the representative on this reference group. Issues affect primarily 3 members BHP, Glencore, Rio Tinto. Bill sent email on 02/02/2017 with issues, please refer to that. SRG to report by end of March. Bill Nevin reminds us that dust related disease could that start to overlap into other areas. It could be that other stakeholders start raising other injuries for special attention in a similar fashion. DG said this could this be thin edge of wedge Members need to be conscious of the issues.

- Bill Nevin: Qld resource council also stakeholder as well. The 3 companies are meeting with them and BN, over supply of information. There will be a meeting on issues that OIR will call to discuss management of Industrial Deafness claims and dust disease claims in long run. Concern Occupation Physicians engaged to look at work environment to argue out of claims as exposure not sufficient. Looking at if last employer and *any* exposure means can't transfer to any other insurer. OIR will explain at meeting further. There is the potential for this to occur in other types of injuries.

Bill Nevin keeps asking how they are going to restrict outcomes from SRG to CWP and SRG response is CFMEU are focusing on CWP and not other dust diseases. However Dept. of Mines talking about general dust diseases so there will be an overflow - expect rule changes.

Andrew Murrell: companies talking to govt about what to do at various stages of condition - as soon as identified need to be removed and discussion about rehab issues. In paper yesterday OIR suggests they would prefer to prescribe in the accredited rehab program for insurers what gets done for these workers - seems heavy handed. Appears to be an indication how things creeping in that will have knock on effects.

### **Quarterly OIR meeting.**

Fraud unit move completed, under Peter Matthews, WHS prosecutions area.

- May be some changes to processes on how fraud referrals assessed etc. Crown Law may not be as involved. If low prospects gets referred to director for review. Then email. If low prospect and does not proceed, you can ask for more detail.

Scheme update - certain stakeholders invited for actuarial update.

- Was due 30 Nov, cancelled due to lack of interest. WCQ provide actuary, booked etc. Next is scheduled 23/5/17, actuaries briefing 30/5. OIR queried on invitation list and requested invitation for all SIs to next.
- All should have received scheme report with own trends superimposed.

Nth Qld conference, 25% of tickets sold in 1st week. Flyer available.

OIR internal audit of insurer services - processes and governance. Some members may be requested to participate in meeting. Apart from that watch this space for any changes

Accredited RTW program - is draft of next version coming out soon.

Review decision timeframes raised again by ASIEQ.

- OIR Admitted not high volume issue, staff turnover issue.
- Johnathon Shields indicates letters have been updated recently,
- If doesn't improve ASIEQ need to escalate raised with OIR. Appreciate feedback if see any improvement.

CWP - meetings between WCQ and OIR, SIs not included.

- Queried this as ASIEQ not at the table (SI 30% of coal miners).

Stay applications –

- JBS and Toll have appeals in relation to these. Raised with OIR why opposing if general policy in opposing, they said no general policy. Unable to discuss issues due to pending hearings.

ID claims.

- Issue is that ID contracted over multiple employers - which insurer is liable? Carpentaria Gold and Golden Circle precedents, last employer who contributed is liable. General principle, review of issue. SI will be involved in discussion.

### **WCQ meeting prior to OIR**

- WCQ have been analysing outcome of MAT decisions - since 2nd PI assessment brought in. If variance >1% was reviewed by OIR, however OIR now only reviewing if variance >2% from 2<sup>nd</sup> assessment. WCQ are noting PI increasing between 1st 2nd and 3rd review. WCQ querying why OIR not checking variance against initial assessment.
- GEPI 2, list. General understanding some doctors excluded – GPS. Check regulator list for accredited doctors.
- Claim trends. Statutory claims have increased. In scheme trends report noted industry trends report increase due to hospital funding change over last 2 years as WCQ moved from grant to fee for service.
- WCQ having frustrations with fraud review by OIR. Interested in meeting with some SI to discuss issues. Aim to work together over issues. If interested in being involved, let DG know. Julie Ashwell highlighted interest in attending this.
- WCQ have requested OIR for clear guidelines on last chain for ID claims
- WCQ 20 years 1/2/1997 - had birthday event. DG was rep for ASIEQ – mainly health and legal reps were there.
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### **ARPA**

- CEO of ARPA, Nathan Clark, met with David. Just wanted to introduce and discuss attitude of ASIEQ to ARPA, wants to speak at meeting after development of ARPA strategic plan
- ARPA Qld - running awards night 10/3/2017. ASIEQ providing some sponsorship.

### **WCQ Anniversary Event**

- David attended celebration as ASIEQ representative. Many past WCQ senior representatives, Board members attended.

### **Presentation - Health Benefits of Good Work**

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*President: David Gomulka*

Royal Australian College of Physicians have issued with Sue Richardson with a Certificate of Appreciation. David highlighted Sue's excellent work and effort which lifted ASIEQ's profile as well as Sue's. These included development of the Health Benefits of Good Work Business plan and coordination of the last forum in Adelaide. David presented the certificate to Sue. Congratulations to Sue.

### **General Business**

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Bill Nevin – reinstating Q-COMP name. Bill noted various names for Regulator/ OIR is causing people confusion. Emails can have multiple entities identified on them causing confusion to recipients. Has raised this with OIR and has suggested they return to being known as Q-COMP as this matches email addresses etc. OIR have indicated that situation re email addresses will be addressed soon.

Justin Crowley (absent – David Gomulka addressed in his absence) had raised frustrations with fraud unit. David Gomulka noted that with restructure at OIR may get some improvements. Justin was seeking to get some discussion on issues. ASIEQ cannot get involved in merits of individual cases but can have involvement in process. Discussion of issues insurers have come across occurred. Issues highlighted concerns with:

- Lack of communication
- Timeframes
- Not undertaking any further investigations/double guessing response without testing
- Difficulty in forwarding referral – no online portal and limited ability to send large files electronically (e.g. surveillance).

David Gomulka – Stay application developments. In both JBS and Toll matters OIRs submissions almost identical. OIR have appealed stay application decisions to Full Bench. JBS original appeal was heard end of Jan and Toll's hearing is today. Despite no policy position, OIR are treating the matters as issues affecting the scheme by the level of their objections in matter. OIR have applied to have outcome of decision appeals (on disputed claims) be put into abeyance until a full bench appeal is heard into stay applications.

Dean Campbell – querying if any action following on from Gillow decision. They have matter where OIR is going to concede an appeal and that means no avenue for appeal. Suggestion legislative amendment required and could be included at time any changes for CWP are

introduced. Issue of raising any amendments previously identified with current government identified also by David Gomulka.

**Actions:** If members are aware of potential legislative changes that should be raised with the government to bring to ASIEQ executive attention for consideration in any future discussions.

General Meeting Closed 10 AM

#### Next Meeting

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Wednesday 10 May 2017 – 8.00 a.m. to 12.00