

# ASIEQ President's Report August General Meeting

Bill Nevin

19<sup>th</sup> August 2020

# Succession Planning 2021 Executive

- ▶ This is the last Forum prior to the fast approaching October AGM
- ▶ All Members need to consider:
  - ▶ Self Nomination;
  - ▶ Nominating potential candidates from within your Company; or
  - ▶ Nominating other members
- ▶ Current executive members are available for discussion if you want any feedback on the role and responsibilities.
- ▶ Check out the Website - Refer By-Laws 2 & 3

# Consultation Regulatory Impact Statement submissions required by 17<sup>th</sup> August

Regulating re-entry to the National Injury Insurance Scheme (NIIS) in Queensland after accepting treatment, care and support damages.

- ▶ Coordinated by Treasury with support from OIR
- ▶ Preclusion Period for re-entering the Lifetime Schemes

ASIEQ recommends **Option 2** with a minimum preclusion period of 10 Years. (It is important to ensure the participants carefully consider the decision to elect to leave the lifetime scheme in favour of a TCS damages award)

- ▶ Pre-conditions of re-entry to the Lifetime Schemes

ASIEQ recommends **Option 2** - re-entry at the discretion of the Agency or Insurer, having regards to a regulated list of considerations when determining re-entry.

## Other Considerations

*Contribution to the funding of cases that re-enter the lifetime scheme. Currently where claims resolve with contribution there is no process for seeking contribution if a persons renters the lifetime scheme*

# Resolving Long Standing Issues with OIR

Endeavors have been made to resolve longstanding issues with OIR to bring finality and certainty.

1. In regards to the *Queensland Self-Insurer Audit Framework and Performance Standards requested the release of the Document with an implementation period. There has been a further draft released awaiting further consultation with stakeholders .*
2. *In regards to data Specifications Re Corvid and Payment Codes for Psych pre acceptance we received another guaranteed promise. May be by the end of the month.*

## *Strange Consultation in regards to New Issues*

- ▶ Accredited return to work program guideline for insurers
  - ▶ The aim of this guideline is to outline the expectations of what an insurer's accredited return to work program is to include in order to achieve accreditation.
- ▶ Rehabilitation and return to work plans guideline for insurers
  - ▶ The aim of this guideline is to support insurers to understand and fulfil their obligations relating to rehabilitation and return to work plans for workers.

There is no certainty as to when these will be revisited

# Around the Grounds

- ▶ Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020
  - ▶ On 12<sup>th</sup> August Grace Grace Introduces new Presumptive Worker's Compensation Laws for First Responders and other eligible employees with PTSD
  - ▶ Will be past in the next sittings of Parliament on the 8<sup>th</sup>, 9<sup>th</sup> 10<sup>th</sup> September
  - ▶ Members need to consider application to their workforce
  - ▶ Important - Advised 6<sup>th</sup>, Received 7<sup>th</sup> Response 10<sup>th</sup> Tabled 12<sup>th</sup>.
- ▶ Feedback Section 109, 133 and 133A - Make sure you are keeping your Advisor in OIR aware of difficulties. The resolve is wavering a little.

# Stay tuned to Safe Work Australia

In July SafeWork Australia published the National Return to Work Strategy measurement framework documents. These will be used to measure the success of the National RTW Strategy 2020 to 2030

Three national strategic outcomes support the vision, and outline the change expected from the Strategy's success:

**Strategic Outcome 1:** Increase in workers staying in or returning to good work following a work-related injury or illness

**Strategic Outcome 2:** Increase in positive return to work experiences for workers with a work-related injury or illness

**Strategic Outcome 3:** Increase in employers preparing for, effectively responding to and managing work-related injury and illness in the workplace

# General Business - Issue 1

For Discussion and Feedback.

## Tradie sues over \$562k legal costs

**GLEN NORRIS**

A FORMER stonemason suffering from deadly silicosis disease is suing Shine Lawyers for allegedly taking more than half his near \$1 million workers compensation payout in legal fees and costs.

Karl Bartosek received \$975,000 in compensation in 2018 after contracting silicosis while working as a stonemason for 14 years from his early 20s.

In Queensland alone, there have been 164 workers compensation claims for silicosis from stonemasons, including 22 advancing to progressive massive fibrosis and requiring lung transplant surgery for survival.

According to a claim lodged in the Supreme Court in Brisbane by Mr Bartosek, 42, the disease left him reliant on medications for the rest of his life, an inability to father a child and reduced capacity for manual work.

motto is "We are Here for You", was not fair and reasonable.

In his court claim, Mr Bartosek said Shine Lawyers' solicitors on the Gold Coast initially told him he had a "good case and somebody should answer for it".

But Mr Bartosek alleges he was not given an opportunity to read or consider a conditional costs agreement detailing the law firm's range of fees and costs dependent on the success of the case.

He claims he was allegedly told by the firm's solicitors that everyone had to sign a costs agreement but was not told he had a right to negotiate a cost agreement with the law firm, obtain independent legal advice about the agreement or request an itemised bill.

But in a statement to *The Courier-Mail*, Shine Lawyers said the allegations about Shine's treatment of the client at the initial conference, and throughout



# Proposed Letter to Major Insurers

- ▶ Dear XXXX
- ▶
- ▶ As President of the Association of Self Insured Employers of Queensland (ASIEQ), I am writing to you in relation to the attached article that was on the front page of the Courier Mail on xxxxx.
- ▶
- ▶ I would like to invite you to a meeting to explore how we, as insurers, can assist both your customers and injured workers obtain a fairer system of legal fees in Queensland.
- ▶
- ▶ If you are amenable to a meeting, please contact me on ....
- ▶
- ▶ Kind regard,
- ▶



# General Business Issue 2 -Potential Training Resource

For Discussion - Need Feedback

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Thank You

Any Questions ?