

ASIEQ General Members Meeting

Date:	Wednesday 19 August 2020
Time:	9.30am – 10.43am
Location:	Zoom online meeting
Attendees:	Appendix 1
Apologies:	Ann-marie Saini (Westpac), Cass Wild (EML), John Hastie (ACES), Lee Quinn (Glencore)

Welcome

Louisa Hackenberg welcomed members to the August 2020 ASIEQ meeting.

Review of the previous Minutes

The previous minutes were circulated.

Louisa Hackenberg moved a motion to accept the minutes of the meeting on 20 May 2020 as a true and correct record. Seconded by Michelle Ware. None Opposed. Motion Passed.

Correspondence

Louisa noted the correspondence below. No questions were raised.

Date	In	Out	Method	Sender/ Recipient	Subject
18/08/2020		✓	Email	OIR - Louise Robinson	Confirmation of receipt of the NIIS RIG submission
17/08/2020	✓		Email	Danielle Bolton	Email to Treasury re the NIIS RIG submission
17/07/2020		✓	Email	Danielle Bolton	Email re RRTWP and Accredited RTW guideline comments

6/07/2020	✓	Email	OIR - Alicia Cross	Consultation request for RRTWP and Accredited RTW guidelines
3/07/2020	✓	Email	OIR - Steven Campbell	Response to Self-Insurer Audit Framework and Performance Standards and New Rehabilitation Guidance Documents request
28/06/2020	✓	Email	Bill Nevin	Update request re Self-Insurer Audit Framework and Performance Standards and New Rehabilitation Guidance Documents
20/06/2020	✓	Email	OIR - Charleen Lovell	Changes to RRTWC training options
3/06/2020	✓	Email	Danielle Bolton	Advising C McCowen will be the QSITL representative
29/05/2020	✓	Email	OIR - Leigh Dwyer	Request for nomination for QSITL
26/05/2020	✓	Email	OIR - Craig Allen	Response to licence extension letter
12/05/2020	✓	Email	OIR - Steven Campbell	Submission on the second draft of the Audit framework

Treasurers Report

Victoria Barham gave the Treasurer's report.

Closing Balance as at 31 July 2020	\$143 822
------------------------------------	-----------

Victoria advised that we are very close to being on budget for the year which is an excellent result considering we could not have the additional income generating event that we had hoped for.

We are currently working on the ASIEQ budget for the next financial year which will commence on 1 October 2020.

Membership renewals will be sent out in September.

Victoria Barham moved a motion to accept the Treasurers Report as a true and correct record. Seconded by Clodagh McCowen. None Opposed. Motion Passed.

Presidents Update

Bill gave the President's report.

Annual General meeting

Bill noted that this is the last ASIEQ General Meeting before the AGM in October. He encouraged members to consider nominating themselves or someone within their company. The current executive members are available to discuss positions and their experience of being on the committee if members wish to discuss this. Bill referred members to [By-law 2](#) and [By-law 3](#) on the ASIEQ website which outline the positions on the committee and the responsibilities.

National Injury Insurance Scheme (NIIS)

Bill discussed the National Injury Insurance Scheme and outlined that if a worker sues to cover for their treatment care and support packages into the future, there is discussion around whether the Worker can re-enter the scheme down the track if their life expectancy is longer than what was originally calculated for. There was a Regulatory Impact Statement (RIS) released for comment. This was released by Treasury as the majority of these cases fall under motor vehicle injuries which are covered under Treasury. Sadly, OIR gave Treasury the incorrect details and we did not see the original call for submissions and were only notified by a member towards the deadline. ASIEQ did respond to the two items the RIS was seeking comment on. These were:

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'

Pre-conditions of re-entry of the Lifetime Schemes

ASIEQ recommended Option 2 – re-entry at the discretion of the Agency or Insurer, having regards to a regulated list of consideration when determining re-entry.

We also noted that when it comes to contribution to the funding of cases that re-enter the lifetime scheme, there is currently no process for seeking contribution if a persons re-enters the lifetime scheme. The concern here is that there is no mapped out timeframes.

Long standing issues with OIR

Bill has been working with OIR in an attempt to get resolutions to issues that have been ongoing for a significant period of time.

In regards to the Queensland Self-Insurer Audit Framework and Performance Standards, ASIEQ requested the release of the document with an implementation period. There has been a further draft released awaiting further consultation with stakeholders. We are uncertain as to when the final document will be released.

In regards to data Specifications Re Corvid and Payment Codes for Psychology pre acceptance, we received advice that there may be further information by the end of the month however this is not looking promising.

Rehabilitation and Return to Work plan (RRTWP) guidelines and Accredited Return to Work Program

OIR sent some draft documents to the ASIEQ Executive for initial consultation (which were not permitted for circulation) on the rehabilitation and return to work plan guidelines. We all have a different view as to when a RRTWP should be developed. ASIEQ recommended that if you make some form of assessment, there is no plan required for minor injuries.

Our comments on the Accredited Return to Work Program was there is a lot of unnecessary information which should be condensed. There has been no further information as to when an updated document will be released for circulation to members.

Workers Compensation and Rehabilitation and Other Legislation Amendment Bill 2020

We attended a meeting on the 6th of August with OIR advising that a working group was looking at the first responders amendment bill which is primarily being driven by the Queensland Police Service. We were advised on 6 August, the information was received late on Friday 7 August, the response was due by 10am on Monday 10 August and the Bill was tabled on 12 August. As the process was so quick, we did not have a chance to respond to this Bill. This will be passed on 8-10 September. The information largely applies to First Responders such as Police, Ambulance etc however it is being extended to positions such as nurses and prison officers and can be extended to individuals. We were advised it won't be relevant to our members in any depth however we strongly encourage members to have a close look to determine if it is applicable to your workplace.

Feedback on sections 109, 133 and 133A

Some members have been contacted by their advisers regarding reporting incidence in relation to section 109, 133 and 133A. Some people have been using safety systems to report which are often used as a once off event. Incidents are recorded on the first run of the safety process and then if it later becomes more serious, the safety system isn't capturing this. Some members have provided reports to OIR in regards to the cost to the Self Insurance units for reviewing their safety systems which also doesn't cover the payment of medical costs. OIR are starting to understand that what they first thought was easy to report on, is going to be far more costly than initially considered. OIR are starting to waiver on their stance for this type of reporting. Members are encouraged to give feedback to their Advisors if this is an issue for your organisation.

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 Return to Work 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

OIR will be following this closely and will be looking to measure in a similar way.

OIR Meeting

Louisa discussed the minutes from the AIEQ meeting with OIR on 30 July 2020. The minutes were circulated as part of the meeting papers.

Louisa highlighted that there has been a change of name from OIR (from Janene Hillhouse down) to "Worker's Compensation Regulatory Services" (WCRS).

She also highlighted that Licenses for Self Insurers will be for 2 years unless a company is declared as high performing which will then mean a 4 year license.

Licencing and Legislation

Cyber Security Review

As part of a recent cyber-security review of the Office of Industrial Relations' (OIR) Online Services (OLS) user accounts, a number of dormant user accounts have been identified and will be disabled. In the future, the team at Self-Insurer Licencing and Performance will be monitoring user access on a monthly basis. Any user account that has not been used (logged on) in the last 60 days will be disabled.

Audit framework and performance standards

Clodagh advised that we are waiting for the final framework and performance standards which we thought would have been received by now and we are uncertain as to when it will come into effect as mandatory. The reason we may not see the draft framework is because there remains uncertainty until the RRTWP documentation is released.

There is a significant shift to previous audit requirements as its spread across claim and rehabilitation activities – There is an emphasis on the way we manage files and on policy and procedures.

A key area that is a major focus is the Rehabilitation and Return to Work Program and the Accredited return to work plan. We received two documents from OIR for an initial draft but this was not for wider circulation. OIR have said there will be a forum to discuss with members when the next version is released. We have raised points in relation to the Return to Work plan in that it's not specific in what types of claims it refers to which could make it very onerous for Insurers. OIR are implying that it will be one document that draws everything together.

An example of what it might look like – the plan includes items such as:

- details and diagnosis
- appraised start and finish dates of suitable duties plans
- who the support person is
- job task restrictions
- modifications needed at home
- who and when will review the plan
- space for the injured worker
- treating medication practitioner, rehab and return to work co-ordinator, supervisors
- insurer to sign and to date it.

It is quite an extensive document that will be very onerous to complete on every claim and we have given this feedback to OIR.

A number of standards are not legislative requirements but are considered to be "best practice". The following needs to be evidenced and documented on a claim where an auditor can distinguish dates. The Insurer needs to advise the worker how they will access their medical information and what this information will be used for. They also need to be advised that they can revoke their authority at any time. If a decision isn't made within 20 business days, they worker is advised of their review rights under section 540 and that they have a right to have a copy of their claim file. Claim decisions need to be made by a person who is registered with OIR and in the case of an adverse decision, the more senior officer did not at any stage undertake the role of the Claims Manager.

Copies of all medical reports are provided to:

- The Worker
- The GP
- All treating specialists

Unless the report will cause harm by being shared (ie Psychological report). This would need to be documented.

When you are sending Worker's to a medical specialists, you need to fully explain to the Worker why they are going and why this report is being requested. You need to put down points about what the IME specialists qualifications are. There needs to be a lot of information given to the worker.

There is a lot of emphasis on RRTWP covering a much broader scope than just a suitable duties plan and there needs to be evidence of this consultation. At this point, we don't know how regular these plans need to be done and for what level of claim.

There has been a number of timeframes introduced to be best practice about informing workers. If you receive a review decision from the regulator, you need to write to the worker and advise them within two business days, even though the regulator will also be writing to advise them. If you're required to action any instructions following a review, you must do these within 5 days. If you can't do this for whatever reason, then you must write to OIR and advise them why you can't do those steps. If you make a referral to the MAT, you must advise the Worker within 5 business days that this step is required on their claim.

With regards to calculating weekly compensation, the Insurer not only informs the Worker of the applicable rate but you also need to set out your workings for the earning.

At the finalisation of the Claim, the Self Insurer is to clearly document the return to work outcome on the claim.

There may be some gaps on how Members are currently managing Claims, so it's a good time to prepare some check lists on what needs to be done moving forward.

The draft framework has seen an increase in documentation that needs to be maintained. Some of these are:

- Training logs – demonstrating ongoing training for claims management staff
- Register of claims management personnel registered with OIR
- Separate principles for managing common law claims
- Separate principles for managing psychological claims

There needs to be separate guidance sheets accessible to staff for the management of these claims.

As we haven't seen the draft audit tool, it's difficult to self audit.

Once the framework is finalised, there will be a further review in 12 months which will give an opportunity to address any issues.

Caretaker mode likely commences on 5 October, so it's hoped we see something before then.

National certificate of capacity

In March 2018 the Heads of Workers' Compensation Authorities (HWCA) established a working group to develop a nationally aligned and standardised certificate of capacity to consolidate eight statutory forms into a single, nationally consistent and accepted Certificate of Capacity. As the Secretariat of HWCA, Comcare took an action to explore this opportunity in collaboration with jurisdictions. The National Certificate of Capacity (NCC) Concept of Operations committee was formed.

Deloitte ran a series of workshops to collect information and feedback from all workers compensation jurisdictions with the aim to develop a national certificate of capacity (NCC). The position being put forward to HWCA in September from the Concept of Operations committee will be:

- For the Workers Compensation regulatory authorities in each state to store the data locally. The authority would be responsible for sharing the NCC with the various workers compensation insurers/agent in their schemes.

A 4 stage approach will form the recommended strategy for the roll out the NCC.

- Stage 1 involves designing and building key integrations between Certifying Practitioner's Practice Management Systems and a central NCC Solution
- Stage 2 involves implementing the capabilities that would allow electronic NCCs to be shared with Compensation Authorities
- Stage 3 provide capability that allows Third Party Certificate consumers to pull down an injured workers electronic NCC if required
- Stage 4 objective- Determine whether any other solution capabilities need to be implemented and deliver them

Another part of the recommendation is to run a pilot with one or two of the states or territories and one/two large General Practices in those selected jurisdictions. Interested jurisdictions will be asked to express an interest to participate in the pilot.

Approval will be sought to select a Vendor to develop a proof of concept for a national digital solution for the NCC. There has been in principle agreement with the approach from SIRA, TAC, WSV, RTWSA, TAS, ACT, NT and QLD.

Further to the in principle agreement:

- NT and ACT have expressed an desire to progress to stage 1
- Comcare are interested in co-designing and co-funding a pilot and are interested in progressing approach to market for a greater understanding of costs.

- QLD Supports development by HWCA of a public facing document that jurisdictions can use to consult with stakeholders. Data custodian/scheme design impacts and costs, stakeholder views, risk management, privacy and security remain a concern.

Interestingly, WA is the only state that did not participate in the concept of operations project and have maintained a watching brief on the project.

General Business

Worker's compensation Legal Fees

Bill shared an article from the Courier Mail that looks at a worker who received \$975k in a claim but received a bill of \$562k in legal fees.

Kate Thurbon advised that this is an opportunity to engage with stakeholder (ie Unions) and this will show that ASIEQ are being pro active in relation to employment. This is an opportunity to influence change and raise our profile.

The main purpose of this activity from a strategic viewpoint is threefold:

- To engage with other stakeholders. There are now a significant number of stakeholders and ASIEQ will need to engage with stakeholders if it wants to influence any future significant changes to the scheme. There is no doubt that the ASIEQ's ability to influence decision making and effecting change has eroded with the growth of other stakeholders and therefore strategically working with stakeholders on an issue that does not massively impact employers gives the ASIEQ the ability to build relationships regardless of whether any change is effective.
- ASIEQ can actively promote to the Regulator that it is taking an active part in trying to bring about change for the benefit of injured workers and being proactive in looking at how significant legal expenses are in the common law system, as outlined in the 5 year Review.
- If certain stakeholders do not engage with even agreeing on an ideological basis that legal fees should be examined, ASIEQ can demonstrate that stakeholders are not acting in the best interest of the injured worker. I was very heavily involved in bring about the change that restricted lawyers only being able to charge up to 50% (which is still too high). Previously the Queensland Law Society and the then Plaintiff Lawyers Association (now incorporated into the Australian Lawyers Alliance) were not interested in bringing about any change and we were able to show QComp and various State Government Ministers that they were acting in their own interests and not of the injured worker – this gave Woolworths Limited the ability to raise other self-insurance issues with the Government.

This project would be measured in relation to how well ASIEQ engages with Stakeholders and relationship building as any changes to legal fees would realistically take years.

The next stage is to identify which stakeholders are interested in taking this forward. This will be an opportunity to influence change with Ministers in a long term strategy and bring ASIEQ to the table for future opportunities.

A draft letter was tended.

Bill asked the members if there were any objections to proceeding with the project. An email will go to members asking if there are any objections. A working group will be developed to forward this.

Trent Rickards suggested looking at the SA module, the Insurer pays 80% of the legal fees to a maximum of 25 or 28%. If the Queensland Government took that stance, it could be detrimental.

Self Insurer's are required to disclose their fees, perhaps this could be extended to lawyers. Data could be important as this was how the 50/50 ruling was established.

Training Resources

There are ways we can assist our members with training resources. Bill tabled a suggested document that he is happy to share with the organisation to be packaged as an ASIEQ training resource. The document pulls out each section of the Act in a simple manner for quick reference. Rather than having to resource and look through many sections of the Act, this document will pull all the relevant pages into one simple location. This will help when members need to reference their documents.

It was agreed by the committee that this would be a useful tool. Bill will work with Danielle to get this on the members website and it will include the changes that came into effect on 1 July 2020.

ASIEQ Annual General Meeting

This is the last meeting for the current ASIEQ Executive committee as the next time we meet will be the Annual General Meeting on 30 October 2020. Louisa advised that we will be calling for nominations of the new ASIEQ committee from 1 October. If all positions are filled by the deadline for nominations, there will be no nominations received at the AGM. The AGM will be held via zoom.

The details for the committee will be circulated if members would like to discuss positions and experiences.

Louisa reminded members to register for the professional development session next Wednesday 26 August with Mark Wiemers discussing Workers Compensation and COVID-19. Members can register with the Secretariat for zoom details.

Next Meeting

The next General Meeting will be held on Wednesday 18 November 2020. The time and location will be confirmed closer to the date depending on the Covid-19 restrictions.

I hereby certify that these minutes are a true and accurate record of the meeting.

Clodagh McCowen
President
18 November 2020

Appendix 1 – Meeting Attendees

Firstname	Surname	Company
Debbie	Cook	Adept IME
Michelle	Ware	Allianz
Rebecca	Sanderson	Allianz
Sherree	Mackaway	ANZ
Trinity	McKenzie	Arnotts
Danielle	Bolton	ASIEQ
Stephanie	Naidoo	Aurizon
Cara	Williams	Bolton Clarke
Andrew	Murrell	Brisbane City Council
Kylie	Howard	Brisbane City Council
Saija	Saunders	Brisbane City Council
Katerina	Glassock	Brisbane City Council
Julie	Wilson	CityCover Gold Coast
Jamie-Lee	Crawford	Coles
Clodagh	McCowen	Coles Group
Tania	Perina	CSR Sugar
Helen	Creagh	Employers Mutual
Karen	Apikotoa	Gallagher Bassett
Briannca	Grant	Gallagher Bassett
Rosemary	Neal	GFG Alliance
Thanh	Tran	GFG Alliance (Liberty OneSteel)
Bill	Nevin	Glencore
Natasha	Iselin	Glencore
Karen	Wade	Ipar
Drew	Schultz	Ipar
Dean	Campbell	Jardine Lloyd Thompson (JLT)
Tony	Cacciola	Jardine Lloyd Thompson (JLT)
David	Gomulka	JBS Australia
Rachael	Lindsay	LGAQ
Denise	McNamara	Myer Holdings Limited
Karly	Gillett	Myer Holdings Limited
Jodie	Singarella	Qantas Airways Limited
Louisa	Hackenberg	Queensland Rail Limited
Rehan	Lowmass	Red Health Independent Medical Assessments
Amanda	Raines	Redland City Council
Victoria	Barham	Star Entertainment
Trent	Rickard	Teys Australia Meat Group Pty Ltd
Christine	Judge	Townsville City Council
Louise	Grant	Townsville City Council
Malou	Tavita	TriCare
Deborah	Allen	University of Queensland
Jim	Carmichael	University of Queensland
Kate	Thurbon	University of Queensland
Richard	McLoughlin	Wesfarmers Group WorkCover
Fiona	Steventon	Westpac
Kristine	Scott	Woolworths
Jan	Harwick	Woolworths
Tim	Elvery	Work Rehab
Amber	Procter	Work Rehab