

ASIEQ General Members Meeting

Date:	Wednesday 17 February 2021
Time:	9.30am – 10.20am
Location:	MinterEllison, Level 22, Waterfront Place, 1 Eagle Street, Brisbane and via Zoom online
Attendees:	Appendix 1
Apologies:	John Hastie (ACES); Sheree Mackaway (ANZ); Mark Findlay (Back2Work), Helen Creagh (EML), Shelly Hird and Shelly Holt (Redland City Council), Victoria Barham (Star)

Acknowledgement to Country

Louisa began by acknowledging the traditional custodians of the land on which we met. We were based in Brisbane which is a contested space, so she paid respects to both the Jagera people and the Turrbul people and their Elders, past, present and emerging. She asked everyone to take a minute to think about the traditional owners of the land on which they stand.

Welcome

Louisa Hackenberg welcomed members to the February 2021 ASIEQ meeting. She noted that this was our first hybrid meeting with members being at the office of MinterEllison and also being online via zoom. She encouraged any comments on how the meetings are run to be sent through to the Secretariat.

Louisa thanked Danielle Bolton for her work during the past 12 months in running the forums and transferring them to online. She also thanked MinterEllison for having us back at their office.

Review of the previous Minutes

The minutes from the previous General Meeting on 18 November 2020 were circulated after that meeting.

Michelle Ware moved a motion to accept the minutes of the meeting as a true and correct record. Seconded by Cara Williams. None Opposed. Motion Passed.

Correspondence

Louisa noted the correspondence below. No questions were raised.

Date	In	Out	Method	Sender/ Recipient	Subject
12/01/2021	✓		Email	WorkCover - Tanya Cambey	Response and clarification to email below on Private Hospital ToC
11/01/2021		✓	Email	Cara Williams	Response to Private Hospital ToC survey
15/12/2020	✓		Email	Myer	Email advising they are cancelling their Qld Licence
15/12/2020		✓	Email	Clodagh McCowen	Email response to below advising Cara Williams will attend
15/12/2020	✓		Email	Sharon Stratford, WorkCover	Request for nominee for Private Hospital Fee meeting
11/12/2020		✓	Email	Clodagh McCowen	Response to Mark Wiemers email from 4.11

Treasurers Report

Victoria Barham gave the Treasurer's report.

- Bank Balance as of 31 January 2021 - \$178 462
- All membership have been fully paid
- Currently running to budget

Presidents Update

Clodagh gave the President's update. She welcomed the new Associate Member, Back2Work Solutions who were in attendance.

She advised that Myer have handed back their Self Insurer's licence and returned to the scheme as of 31 December 2020.

Clodagh highlighted an article from the ASIEQ newsletter to members noting that on the 26 November 2020, Minister Grace Grace re-introduced the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020 (the Bill) into Parliament after it lapsed due to the election in October 2020. This Bill introduces presumptive workers' compensation laws for first responders and eligible employees who have been diagnosed with PTSD by a Psychiatrist. The Minister referred the Bill to the Education, Employment and Training Parliamentary Committee (the Committee) for further consideration. Following its detailed inquiry into the Bill, the Committee has now released its report. The Committee's report is available at [Queensland Parliament](#). We will continue to update members as more information is forthcoming on this matter.

Clodagh thanked everyone who attended the Christmas networking late last year and we hope to run this again towards the end of this year.

At the end of 2020, Vice President Trent Rickard reviewed the contract with the Secretariat as it was due for renewal. We are pleased to announce that a new contract was agreed and signed for 2021 for Association Solutions and Danielle Bolton to continue on as the organisations Secretariat. Clodagh thanked Trent for his work on the review.

The ASIEQ Executive committee have made a request with WCRS asking if Danielle Bolton can attend our quarterly meetings to take formal minutes to improve our corporate governance. We have not had a response to our request at this stage. We will continue to take notes and share them with our members until we hear back. Clodagh encouraged all members to forward any issues to our Secretariat to be raised at these meetings with WCRS.

Clodagh advised that the Executive committee met at the beginning of the month at the offices of BarryNilsson Lawyers to further our planning for the year.

At the end of last year, WorkCover Queensland reached out to advise the ToC for Private Hospital Fees was on their agenda. Cara Williams from the ASIEQ Executive has been attending meetings with WorkCover and will be giving an update later in the meeting.

On 4 March, we are having a webinar with BRM Risk Management to discuss the audit tools and looking at an Auditor's perspective. This is open to all Members and Associate Members.

On 11 March, we are holding the second annual Licence Manager's Luncheon in the Brisbane room at town hall. We will be having presentations by Bruce Watson from WorkCover Queensland and Barrister-at-law, Gerard O'Driscoll. We hope that all members will be able to attend. Invitations have been sent to all licence managers.

In January, Clodagh, Victoria Barham and representatives from Woolworths and Brisbane City Council attended a meeting with the policy team at WCRS to talk about the [consultation regulatory impact statement](#) (RIS) relating to the National Injury Insurance Scheme, Queensland (NIISQ). The scheme has been in place since 2016 and we have a couple of self insurer's that have claims being managed in this space. NIISQ provides for lifetime treatment, care and support needs of people who have sustained serious personal injury in particular circumstances involving motor vehicle and workplace accidents. Participants in the lifetime schemes whose injuries were due to the fault (or negligence) of another party may be entitled to seek common law damages for their injury. These participants have a choice to either:

- stay in the lifetime schemes for their lifetime treatment, care and support but pursue other heads of damages via a common law claim; or
- elect to opt out of the lifetime schemes and take a lump sum damages payment for their lifetime treatment, care and support needs (TCS damages).

In Queensland, the primary legislation for the lifetime schemes states that participants who have opted out of the lifetime schemes can apply for re-entry to the lifetime scheme at a later date.

ASIEQ provided a response to the RIS saying that we believe the total finality of common law claims should happen upon settlement and there shouldn't be the ability to re-enter. However if there was to be re-entry, the preclusion period should be 10 years rather than 5 years. We also stated that the pre-conditions of re-entry should be at the discretion of the Agency or Insurer, having regards to a regulated list of considerations.

The regulation specifying the preclusion periods and pre conditions were not made at the commencement of the lifetime scheme. This was done deliberately to allow the development of

the scheme experience. Therefore, no one has exited the scheme as yet. As its maturing, people need to decide if they stay in the scheme or take the TCS damages. Appropriate regulations will need to be made to give participants certainty.

The idea is that both motor vehicle and Workers Compensation are similar requirements and therefore re-entry criteria will be the same as this will provide equity in consistent decision making. A large focus is that the TCS damages that were paid were sufficient in the first place.

Some of the items brainstormed at the meeting were:

- Evidence – How would a Self Insurer quantify the claim? The Regulator was keen to understand if a Self Insurer would go to NISQ to get a list of payment summaries, what treatment had they provided and what was the cost of that. If this person has a 10 year life expectancy, would this be replicated for 10 years? You would also get expert reports on life expectancy and high care needs.
- We have one Self Insurer that had a claim settled in this space. The TCS damages (also referred to as special damages) were quantified in the release at the conclusion of the settlement. This way there could be no ambiguity about how much funds were set aside for treatment, care and support down the track as we don't know what the preclusion period will be.
- Quite often solicitor's fees come out of the damages which may mean the worker no longer has sufficient funds for treatment and would this mean someone can come back into the scheme on this basis.
- If there is a third party involved, such as a building site, they will not be involved if the claim gets re-entered into the scheme.
- What would be the pain-points for re-entry?
- We confirmed Self Insurer's would want to be involved in the decision and wouldn't wish NISQ to perform the decision making function.
- We asked how often someone may be able to re-enter the scheme?
- At what time would someone come to you for re-entry (ie when they suffer financial hardship)?

The meeting was a good, thought provoking discussion with WCRS. We will need to keep a close eye on this into the future as it could impact discussions on estimates with your Actuaries. We hope that NISQ will be at a future forum to give a presentation to members.

WCRS Meeting

Louisa discussed the minutes from the ASIEQ meeting with WCRS on 18 January 2021. The minutes were circulated as part of the meeting papers.

Louisa highlighted that Janene Hillhouse noted WCRS have a busy agenda and they are commencing work on a business plan and will consult with Self Insurer's regarding this.

Rachel Hawkins advised the Accredited Return to Work Guidelines will be seeking further feedback in the next month. There will be education and stakeholder engagement program commenced when they're released.

The Claims and Audit framework will be split into 3 documents. Steve Campbell advised the draft has been used for the audits however the feedback based on the draft will just be feedback.

ASIEQ asked what would happen once the audit framework is finalised and a file spans across the pre finalisation and post finalisation – what would happen if something was done before the audit was final (ie letter templates) but audited afterwards? WCRS said as long as the Self Insurer could show that the process had been updated to be compliant since the original letter was done, it would be acceptable.

Louisa encouraged all members to send through any issues that they would like raised at these meetings with WCRS.

Licencing and Legislation

ToC Review

Cara Williams has been liaising with WorkCover Queensland (WCQ) in relation to the Table of Costs (ToC) review and gave the following update. The biggest part of the review relates to Private Hospitals as WCQ currently have multiple agreements with individual hospitals throughout Queensland. They are keen to establish a Table of Costs that will cover all private hospitals in Queensland. WCQ have given ASIEQ the opportunity to be involved in the initial scoping of this review. Members were sent a survey for feedback in early January and Cara thank those who responded. The feedback has now gone to WCQ and was consistent across Members. Feedback included:

- Inconsistency of charges across different hospitals and regions
- Costs being higher in Queensland than other jurisdictions (particularly prosthetic costs)
- High consumable fees on top of bed fees
- Some hospitals demanding for up front fees before they'll admit the worker and how is this dealt with if final amount is different.
- Regional Fees
- Having a table of costs that included psychiatric hospitalisation and allowing for multi disciplinary rehab.

Much of the above issues aligned with WCQ however the final dot point wasn't part of their scope but they said if it is raised enough in the open for comment space, they will look at it. The opportunity to comment will be open soon.

WCQ have agreed to pay some regional fees with hospitals and it was highlighted that this can have flow on effects to Self Insurer's.

Cara noted an additional resource for members is the WorkCover QLD [Mental Injury Treatment Guidelines v01 \(worksafe.qld.gov.au\)](https://www.worksafe.qld.gov.au/mental-injury-treatment-guidelines)

Cara encouraged members with any feedback to get in touch.

General Business

2022 ASIEQ Conference

Trent Rickard advised that the ASIEQ executive committee met on 1 February and part of the discussion focused on the postponed 2021 ASIEQ Conference. It was discussed that it would be a good opportunity for ASIEQ and members to bring industry together for a conference. There were three decisions made at the meeting which were:

- To hold an ASIEQ Conference in March 2022
- To contract Association Solutions (Danielle Bolton) as the Event Manager for the Conference
- To establish a sub committee of members to develop the Conference.

Nominations were called for and the following members agreed to be on the sub committee:

- Clodagh McCowen (Coles)
- Helen Creagh (EML)
- Tania Perina (CSR Ltd)
- Julie Wilson (CityCover)
- Cara Williams (Bolton Clarke)

Any suggestions for topics or speakers can go through to the Secretariat.

Next Meeting

The next General meeting and forum will be held on Wednesday 19 May 2021 at 9am and will again be a hybrid meeting.

Members are also invited to attend the online professional development on 4 March at 9.30am with Mark McTaggart,

Clodagh McCowen
President
19 May 2021

Appendix 1 – Meeting Attendees

Danielle	Bolton	ASIEQ	Attended in person
Stephanie	Naidoo	Aurizon	Attended in person
Glenn	Bailey	Back2Work Solutions	Attended in person
Mark	Findlay	Back2Work Solutions	Attended in person
Cara	Williams	BoltonClarke	Attended in person
Andrew	Murrell	Brisbane City Council	Attended in person
Veronica	O'Neill	Brisbane City Council	Attended in person
Kelly	Tucker	Brisbane City Council	Attended in person
Jamie-Lee	Crawford	Coles Group	Attended in person
Clodagh	McCowen	Coles Group	Attended in person
Tania	Perina	CSR Limited	Attended in person
Helen	Creagh	Employers Mutual	Attended in person
Rosemary	Neal	GFG Alliance	Attended in person
Thanh	Tran	GFG Alliance	Attended in person
Katherine	Lawson	Glencore	Attended in person
Lee	Quinn	Glencore	Attended in person
Julie	Wilson	Gold Coast City Cover	Attended in person
Dean	Campbell	Jardin Lloyd Thompson	Attended in person
Susan	Lloyd	JBS	Attended in person
Rachael	Lindsay	LGAO	Attended in person
Tony	Cacciola	Marsh	Attended in person
Paul	Bush	Qantas	Attended in person
Wayne	Cook	Queensland Rail	Attended in person
Carlie	Faint	Queensland Rail	Attended in person
Louisa	Hackenberg	Queensland Rail	Attended in person
Anita	Roach	Queensland Rail	Attended in person
Victoria	Barham	Star Entertainment	Attended in person
Sarah	Reynolds	Teys Australia Meat Group	Attended in person
Trent	Rickard	Teys Australia Meat Group	Attended in person
Justin	Crowley	Toll	Attended in person
Deb	Allen	UQ	Attended in person
Jim	Carmichael	UQ	Attended in person
Kate	Thurbon	UQ	Attended in person
Patina	Pitkin	Wilmar Sugar	Attended in person
David	Zeller	Wilmar Sugar	Attended in person
Michelle	Ware	Allianz	Attended via zoom
Karen	Wilson	Inghams	Attended via zoom
Katerina	Glassock	Brisbane City Council	Attended via zoom
June	Watson	Queensland Rail Limited	Attended via zoom
Louise	Grant	Townsville City Council	Attended via zoom
Christine	Judge	Townsville City Council	Attended via zoom
Kristine	Scott	Woolworths	Attended via zoom