

24 September 2018

NAT 20/18

SUMMARY:

This Compliance Advice provides important information about:

- New laws, effective 1 October 2018, that will affect every organisation that sends or receives goods in heavy vehicles.
- Workers' Compensation arrangements in NSW, including:
 - what's happening with the icare scheme;
 - a reminder that businesses whose employees do work in or about a coal mine must apply for a policy with CMI before 1 October 2018; and
 - information about legislation that is before parliament to make amendments to workers' compensation laws, with a major focus on dispute resolution.
- Safe Work Month – October 2018; including information about the national competition run by Safe Work Australia which provides opportunities to receive funding for work health and safety projects, ranging from \$2,000 to \$20,000.

SENDING AND RECEIVING GOODS IN HEAVY VEHICLES – NEW LAWS

Members have previously been advised of changes to Chain of Responsibility (CoR) laws that will impact on any business that sends or receives goods in a heavy vehicle (one that is over 4.5 tonnes gross vehicle mass).

Detailed information about the obligations and changes were provided in [Compliance Advice NAT 001/18](#), dated 18 January 2018.

The effective date of these new laws is 1 October 2018. If your organisation has not considered the impact of the changes, it is important to do so now.

In brief, each party in the chain of responsibility must, so far as is reasonably practicable:

- Eliminate or minimise public risks and, to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
- Ensure the party's conduct does not directly or indirectly cause or encourage:
 - the driver of a heavy vehicle to contravene this law; or
 - the driver of a heavy vehicle to exceed a speed limit applying to the driver; or
 - another person, including another party in the chain of responsibility to contravene this law.

Executive Directors will be required to exercise reasonable due diligence to ensure the organisation does not engage in conduct constituting an offence.

From 1 October 2018, maximum penalties under the *Heavy Vehicle National Law (Queensland) Act 2012* (Qld) will be \$3m for corporations; and up to \$300,000 and 5 years' imprisonment for individuals.

The National Heavy Vehicle Regulator has provided a range of [resources](#) on their website to assist businesses to understand their obligations. They have also developed a [self assessment tool](#) to help organisations identify gaps in their systems that may expose them to breaches of the laws.

Since February 2018 Ai Group has run several workshops to help employers understand the impact of the changes, and achieve compliance. One more workshop is currently scheduled in Sydney on 12 October; to register [click here](#). If you are interested in attending a workshop in another location please email training@aigroup.com.au. If we receive sufficient interest additional workshops will be scheduled; we can also offer onsite training.

If you would like assistance and advice from Ai Group's Safety and Workers' Compensation consulting team, email [Trinette Jaeschke](mailto:Trinette.Jaeschke), or call 0400 282 477.

WORKERS' COMPENSATION IN NSW

What's happening in the icare scheme

Ai Group receives regular feedback from icare about their evolving approach to premium and claims management. Recent updates are summarised below.

Premiums

There have been some delays in processing renewals for 2018/19. icare have advised that this is mostly resolved and "auto-renewing" of policies has now commenced.

Auto-renewal means that icare will not be asking employers to estimate their wages for 2018/19; instead they will use the most recent 2017/18 estimate as the basis for renewing the premium in 2018/19.

Employers can seek an adjustment to the renewal premium if the wage base is significantly different to the one used in the auto-renewal.

Hindsight premiums for 2016/17 are still progressing through icare processes. Employers who are eligible for a performance discount will have their 2016/17 premiums adjusted once the scheme evaluation is finalised in October.

Claims

It is intended that Allianz will be fully disengaged from their claims management role by the end of 2018.

Claims previously managed by Allianz are being transferred as follows:

- Workers with complex injuries were transferred to EML with effect from 1 September 2018
- All other claims are transferring to GIO:
 - claims with small and medium-sized businesses transferred on 1 September
 - claims for several large employers will transfer on 1 October.

icare have a dedicated claims transition team to assist with any queries or difficulties. They can be contacted on 02 8378 0508.

Ai Group would also like to receive feedback about your experiences to assist us to provide general feedback to icare about how their support mechanisms are working.

Employers providing services to NSW Coal Mines

Businesses whose employees work in or about a NSW coal mine must apply for a policy with CMI before 1 October 2018.

Members have previously been advised of changes to the NSW Coal Industry Act that have resulted in a broader range of employers being required to hold a workers' compensation policy with Coal Mines Insurance (CMI), possibly in addition to their general icare workers' compensation policy.

The change means that any business that employs workers who *work in or about a NSW coal mine* must take out a policy with CMI to cover workers for the time that they are undertaking that type of work.

The changes were effective on 1 July 2018, with a transition period through to 30 September 2018.

See Compliance Advices [NAT 010/18](#), May 2018 and [NAT 015/18](#), July 2018 for further information.

Ai Group has been receiving very useful feedback and input from members about impacts and concerns associated with the changes. This has enabled us to have detailed discussions with the Minister's office and all relevant government organisations that are involved in implementation of this change.

We continue to engage directly with any members that have identified an interest in this issue. If you think this may have an impact on your business and you have not yet engaged with Ai Group, please email [Tracey Browne](mailto:Tracey.Browne@aicgroup.com.au), and we will ensure that you are added to our communication processes.

Amending Bill introduced into Parliament

Legislation was introduced into parliament on 19 September 2018 to amend workers' compensation and motor vehicle compensation legislation.

The main focus of the legislative amendments is to streamline the workers' compensation dispute resolution system.

The legislation will also amend the definition of pre-injury average weekly earnings to address areas of confusion. Amongst other changes, overtime and shift penalties will be included in the calculation for the duration of the claim. These are currently excluded after 52 weeks of compensation.

Other changes are of a more technical nature, with a summary available on pages 2 to 6 of [The Workers' Compensation Legislation Amendment Bill 2018](#)

SAFE WORK MONTH – OCTOBER 2018

October is Safe Work Month across Australia. This year's theme is "A moment is all it takes", encouraging everyone in the workplace to take time to talk about work health and safety and what improvements can be made in the workplace.

[Safe Work Australia](#) has established a central hub of information to support the theme. The hub includes a link to [free activities and events, competitions and funding opportunities](#) being run by state/territory regulators.

Ai Group encourages you to take advantage of these resources and potential financial assistance and to use October to enhance your work health and safety efforts.

National competition to receive funding for work health and safety projects.

Safe Work Australia has announced a change to their National Safe Work Month competition.

Individuals and workplaces can bid for between \$2,000 and \$20,00 to help fund great work health and safety projects, with a further \$5,000 available in a People's Choice Award.

To be eligible, projects must:

- Support one or more priority areas identified in the [Australian Work Health and Safety Strategy 2012–2022](#).
- Demonstrate WHS best practice, focus on [high-order risk controls](#), and represent 'good work design'.
- Represent a long term commitment to WHS, share safety knowledge throughout your organisation, and empower staff at all levels to make good safety choices.
- Be available to share with the wider community (e.g. an initiative that couldn't be shared with other workplaces is not eligible).
- Be fully funded by the Safe Work Australia People's Choice Award funding. Projects or initiatives that receive, or will receive, funding from another external source (such as another Commonwealth funding program) are not eligible.

We encourage employers to consider entering this competition.

Further information is available [here](#).

WEBINARS AND TRAINING COURSES

Over the course of the year, Ai Group runs a range of free webinars. Two health and safety related webinars are scheduled for the remainder of 2018:

- 9 October: Workplace Wellbeing – maximising employee health and productivity
- 13 November: WHS Special Focus

To register your interest in the above events, and to access the full list of currently scheduled webinars, please [click here](#).

If face to face training is of interest, Ai Group runs a range of health and safety and workers' compensation training, as public courses or on your site, tailored to the specific needs of your business.

Access the [2018 Training Calendar](#) to see what is available for the rest of the year, or to get ideas for next year's training.

If you have an interest in training that does not appear on the calendar, please email training@aigroup.com.au to see if we have other courses that might suit your needs.

DO YOU REQUIRE FURTHER ASSISTANCE?

For further information or assistance, please contact Ai Group's Workplace Advice Line on 1300 55 66 77.

For information about our safety and workers' compensation consulting and training services, contact:

Consulting Services:

[Trinette Jaeschke](#) – 0400 282 477

Training Services:

[David Tiller](#) – 0499 193 307



Tracey Browne

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