For you honours awareness,

I apologise for the lateness of this communication.

I received the **attached** email containing the well-overdue answers to my questions from the Deloittes, last Friday afternoon.

Your honour will see from that communication, the Administors contend that:

> "...if the Bain DOCA is approved VAA **should** continue to operate with no anticipated change to the company's structure and will continue to comply with the self-insurance requirements. On this basis, ongoing entitlements of employees will continue to be paid as usual."

I respectfully contend that **"should"**, does not read as **"will"**, and I question whether this has been discussed with any prospective buyer.

Further, the Administrators further contend that:

> "The Administrators have ensured that the Voluntary Administration process **has not had an impact on workers compensation claims. The Administrators have continued to provide funding so that claims can continue to be managed in accordance with the self-insurance requirements.** This includes continuing to hold the bank guarantee to cover ongoing claim liabilities in accordance with SRC Act requirements."

I contend that in the shining light of reality, it can be demonstrated that entitlements are not being afforded in accordance with the requirements of the *Safety, Rehabilitation and Compensation Act (1988).* There have been problems with accessing entitlements in particular since Virgin posted hundreds of millions in losses and announced massive job losses last year, pre-covid-19, and this became worse upon the company sliding into Voluntary Administration.
This can be evidenced by a recent AAT decision, provided to your honour last week, and further evidenced in isolation by the AAT decision not being actioned. Under the Administrators' watch, unsustainable, baseless, inaccurate workers' compensation decisions issued for and on behalf of Virgin by EML, continue to

require escalation to the Administrative Appeals Tribunal, with no logical purpose or prospect of success other than stalling claims, and extending the pain and suffering of injured workers'. Beyond the 20 plus AAT matter the Administrator has disclosed to his honour previously. As to the question of why, in my humble opinion, your honest relevant stated the correct answer during the hearing of 31 July 2020:

> "All right. **I wondered if that was the issue**, **because we're talking about money here.**"

All of these problems, and some faced by your honour today, come down to something clearly evident to onlookers. A focus on saving money to the detriment of someone else, and the fact that the only entities likely to benefit from these matters is the administrators and an abundance of delightful lawyers. Your honour may have seen the recent ABC Four Corners report titled "Immoral and Unethical", with respect to claim management, your honour may have also read the Victorian Ombudsman's repeated and detailed reports about the same state based issues. These issues and more are experienced by injured workers exposed to the National Scheme, particularly by those looking to save costs via Comcare's self-insured version thereof. https://www.abc.net.au/4corners/the-financial-scandal-and-human-cost-of/12496682
It is important to highlight that EML is not Virgin's insurer, and that Virgin's Workers' Compensation payments are therefore unfortunately self-funded, as a self-insurer under the Comcare Scheme.
The Ombudsman's reports can, in fact, be read like a playbook in the management of the claim of one injured worker'
Should the Administrators oppose this view, having ensured as they say that "**the Voluntary Administration process has not had an impact on workers compensation claims**", should it please the court I can speak to evidence of the following, with respect to increased liability limiting impacting access to entitlement afforded by the SRC Act, like:

- Instances of lawfully accepted injuries, unlawfully disappearing from claims to limit liability and not being remedied;
- Inaccurate and unsustainable decisions being elevated to the AAT to stall claims, limiting liability;
- 4 out of 5 such decisions (related to the Applicant I am representing) currently subject to an urgent Directions Hearing request in the AAT, the first in the series was earlier confirmed as non-compliant with the SRC Act (By Deputy President McDermott);

- Cherry-Picking and exclusion of highly-relevant clinical information and IME reports, limiting liability;

- Refusals to enable new and highly relevant clinical information to be added to claims to enable accurate decision making, limiting liability;

- Refusals to provide determinations in relation to secondary injuries (Jurisdictional matter currently before the AAT);

- The exploitation of technicalities to deny and limit liability;

- Claim management practices and actions resulting in an accepted complaint to the Australian Human Rights Commission;

- A suicidal injured worker being forced to deal, ongoing, with the perpetrator central to the accepted complaint;

- Pseudonyms being used by EML employees, which I view as act to inhibit personal accountability for their actions, and to appear independent in decision making processes;

- Requests for pain management being refused, without clinic basis and reference to the SRC Act;

- Denial of liability being provided to medical practices, without the injured worker being notified of such decisions as required by the SRC Act;

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Calls for medical treatment being ignored;

You honour, the list goes on, and I possess first hand experience in my representation of an injured worker, and can speak to this during today's hearing, should that please the court. **In conclusion**
The Administrator should be very clear with respect to its intent to carry on with the self-insurance license of not, and its advice to creditors (employee group) with respect to the intend of a prospective buyer. This significantly impacts all employees, and any current and future injured workers. With respect to the former, this potentially impact their right to seek and recover legal costs in AAt matters, for example. **Can your honour confirm whether any awarded legal costs, with respect to AAT matters, can be covered directly from the Administrators, as this will enable currently stalled matters to proceed - minimising the continued suffering of injured workers'. And may perhaps result in better oversight and design making. If legal costs cannot be recovered for actions presently continuing, those actions for injured workers are entitled to know this. Separately, with respect to mixed messages and alleged quotes from Administrators to the media: Could your honour please also clarify.** The Administrators have allegedly advised media they cannot accept, report on, or recommend to creditors a DOCA from anyone (other than Bain), including Bondholders. There are also media reports suggesting Bondholders should be ignored etc. In my humble opinion such statements and references are harmful to these once valued investors, who are clearly looking to best address their positions with very little help from help in doing so, again based upon what i've seen in court documents and media reports. The secret deals with Bain, secret deals with the Queensland Government, and secrets generally, combined with opposing media reports are creating an enormous amount of confusion. I hope your honour can provide some clarity, in particular with respect to a DOCA from Bondholder's being proposed, how creditors can learn of its detail if the Administrators are refusing to deal with it, and if they did how they could deal with it without bias based on their reported claims, and what would occur should creditors vote in that DOCA from Bondholders. Are the Administrators contending that they will ignore that? And continue with the so-called binding Bain deal irrespective? Yours faithfully,
Terry Turner