



New South Wales

**Personal Injury
Commission**

Information Kit 2024

Mediator

Workers Compensation Division

September 2024

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Background

The Personal Injury Commission is an independent statutory tribunal within the Department of Customer Service that resolves personal injury disputes in its Workers Compensation Division and Motor Accidents Division.

The Commission is seeking to appoint suitably qualified and experienced individuals to provide mediation services in the Workers Compensation Division, as required by legislation.

Applications are sought from dispute resolution practitioners or persons with skills, qualifications, and experience relevant to the resolution of work injury damages disputes. Applicants should have sound, current knowledge of workers compensation law and practice, and demonstrated alternative dispute resolution and facilitation skills and experience.

The Commission seeks applications from practitioners who are interested in being offered a sessional appointment for up to three years, with eligibility for re-appointment. While most mediations take place in Sydney, there is regular work in other locations in New South Wales.

Remuneration in respect of work done as a Mediator, including travelling and sustenance allowances, is as determined by the Minister from time to time (see page 6).

This information kit is intended to provide a comprehensive overview of the role of the Mediator, the Commission, and the appointment process.

Expectations of the role of the Mediator

Mediators are, in the exercise of their functions, subject to the general control and direction of the Division Head, Workers Compensation Division, under delegation from the President. They are required to implement and follow directions as outlined in the Workers Compensation legislation, Commission Rules, Procedural Directions and in accordance with the Mediator Code of Conduct. Mediators are required to participate in performance assessments and learning and development programs.

Mediators are required to use their best endeavors to bring the parties to agreement on work injury damages claims. Failing agreement, the mediator is to issue a certificate certifying the final offers of settlement made by the parties in the mediation. The Personal Injury Commission will provide training in the requirements of the Commission.

Mediators are appointed by the President of the Commission under section 39 of the *Personal Injury Commission Act 2020* to be Mediators for the purposes of the *Workplace Injury Management and Workers Compensation Act 1998*. The legislative provisions as they relate to Mediators are provided in sections 318A to 318H of the *Workplace Injury Management and Workers Compensation Act 1998*.

The Commission has determined that it is not appropriate for persons who are appointed as Mediators to also appear as advocates in any workers compensation or motor accident proceedings before the Commission.

For information about the Commission see page 7.

Selection process

EOI application

Your EOI application should demonstrate how your skills, experience and qualifications meet the selection criteria for the position identified in this information kit. Please provide a cover letter and your CV.

Any costs incurred in preparing and submitting applications, and any subsequent aspect of the selection process, will be the responsibility of the applicant.

Evaluation of the applications

Candidates will be evaluated in accordance with the selection criteria by an Assessment Panel.

Shortlisting

Candidates will be shortlisted on the basis of relative merit between all applicants in relation to skills, knowledge, capabilities, and experience demonstrated within the application.

Online testing

Shortlisted candidates will be required to complete an online test which may include both psychometric and aptitude testing.

Interview

Candidates selected for a panel interview will be contacted prior to the scheduled interview and advised of any documentation and information required to bring to the interview. A panel interview administrator may also be present during the interview to support the panel.

The Commission encourages applications from members of EEO groups and will provide for applicants upon request, a reasonable adjustment to the interview format. Applicants should advise the Commission of any requirements at the time of being invited to interview so that appropriate adjustments can be made.

Appointment

Following the consideration of the applications and subsequent approval by the President, all applicants will be notified of the outcome of their application.

Prior to any appointment, recommended candidates will be probity checked, including a qualifications and national criminal background check.

Should any unexpected delays occur in the assessment and appointment process, candidates will be advised accordingly of the revised anticipated completion date.

How to apply

Your application is to:

- be submitted by the nominated closing date and time
- contain a cover letter (maximum 2 pages) and CV (maximum 4 pages) including telephone and email contact details, qualifications, and relevant experience and be submitted by email to membersupport@pi.nsw.gov.au
- include a statement outlining preferred location/s (Sydney, Wollongong, Newcastle, or other regional locations)
- include the names and contact details of at least 2 referees (preferably current or past supervisors) that can be contacted during the appointment process.

Note: Referees can be provided at interview.

Consideration for appointment

In addition to the selection criteria, candidates may be asked to provide supplementary information. Such information may be sought through a telephone request, interview or through a formal presentation. Applicants will not be permitted to revise or vary their responses.

Selection criteria

All applicants are required to demonstrate (within the CV or cover letter) how they meet all the following selection criteria:

- demonstrated dispute resolution and facilitation skills
- sound knowledge and experience in workers compensation law, including an understanding of the jurisdiction, legislation, practice, procedures, and subject matter dealt with by the Commission
- ability to effectively communicate with parties and Commission staff
- demonstrated integrity and independence
- national accreditation as a Mediator, and
- ability to operate within the Commission's electronic environment, including basic proficiency in Word and Microsoft Outlook.

Terms of Appointment

All appointed Mediators are subject to the Terms of Appointment for Mediators of the Personal Injury Commission (Applicable for Mediators with Terms commencing on or after 1 March 2022), (the Terms). (See Appendix A)

Mediators are also subject to the Mediator Code of Conduct, available [here](#).

Candidates must read and understand the Terms and the Mediator Code of Conduct prior to applying for appointment as a Mediator. Mediators must accept the Terms upon appointment.

Mediators may be appointed by the President on a sessional basis, for a duration of up to three years.

Remuneration

As outlined in the Terms, section 39(5) of the *Personal Injury Commission Act 2020* provides Mediators are entitled to be remunerated in respect of the work done as a Mediator as the Minister may from time to time determine. The Mediator Fee Schedule (Effective 1 July 2022) is at Appendix B.

Disclosure of information

No potential applicant shall disclose any information relating to this application process or the required services via any media release or any other publication without the prior written consent of the President of the Commission.

The President of the Commission has no objection to an applicant copying this document for internal working purposes in preparing their application.

Ownership

All information submitted by an applicant shall become the property of the Commission. All ownership in such documentation shall vest entirely in the President of the Commission.

Disclaimer

While the information contained in this document has been formulated with all due care, the Commission does not warrant or represent that the information is free from errors or omissions. The information is made available on the understanding that the Commission and its employees and members shall have no liability (including liability by reason of negligence) for any loss, damage, cost, or expense incurred or arising by reason of any person using or relying on the information and whether caused by reason of any error, omission, or misrepresentation in the information or otherwise.

Furthermore, the Commission takes no responsibility for the accuracy, currency, reliability, and correctness of any information included in this document, in particular any information provided by third parties.

About the Commission

Our role

The Commission is an independent statutory tribunal within the Department of Customer Service. Our role, as part of a broader statutory scheme, is to resolve disputes about workers compensation and motor accident injury claims.

The Commission was established under the *Personal Injury Commission Act 2020* and commenced operations on 1 March 2021 under two Divisions - the Workers Compensation Division and Motor Accidents Division.

Legislation relevant to the Commission's jurisdiction includes the:

- *Personal Injury Commission Act 2020*
- Personal Injury Commission Rules 2021
- *Motor Accidents Compensation Act 1999*
- *Motor Accident Injuries Act 2017*
- Motor Accidents Compensation Regulation 2020
- Motor Accident Injuries Regulation 2017
- *Workers Compensation Act 1987*
- *Workplace Injury Management and Workers Compensation Act 1998*, and
- Workers Compensation Regulation 2016.

The Hon Jihab Dib MP, Minister for Customer Service and Digital Government, is the Minister responsible for the administration of workers compensation legislation, except for the appointment and remuneration of members, which is the responsibility of the Hon Michael Daley MP, Attorney General.

Our objectives

The objectives of the Commission, set out in s 3 of the *Personal Injury Commission Act 2020*, are to:

- establish an independent Personal Injury Commission of New South Wales to deal with certain matters under the workers compensation legislation and motor accidents legislation and provide a central registry for that purpose,
- ensure the Commission—

- is accessible, professional, and responsive to the needs of all its users, and
- is open and transparent about its processes, and
- encourages early dispute resolution,
- enable the Commission to resolve the real issues in proceedings justly, quickly, cost effectively and with as little formality as possible,
- ensure that the decisions of the Commission are timely, fair, consistent and of a high quality,
- promote public confidence in the decision-making of the Commission and in the conduct of its members,
- ensure that the Commission—
 - publicises and disseminates information concerning its processes, and
 - establishes effective liaison and communication with interested parties concerning its processes and the role of the Commission,
- make appropriate use of the knowledge and experience of members and other decision-makers.

Our vision

To lead the way in delivering quality, timely, innovative, and cost-effective justice for personal injury disputes.

Our mission

To deliver just, quick, cost-effective outcomes for injured people, employers, and insurers, in a way that is responsive, timely, fair, consistent and of the highest quality, with as little formality as possible.

Our purpose

To make the path to quality justice, clear, accessible, timely and cost-effective.

Our values

We take seriously our commitment to act ethically, with integrity and in the public interest, and embrace the NSW Government core values of **Integrity, Trust, Service and Accountability**.

Our own values adhere to those values and define the essential behaviours we uphold at the Personal Injury Commission.

People: We support our people, so we can deliver service excellence in personal injury disputes.

Independence: We maintain our independence, gaining the trust and respect needed from all parties to deliver excellence in personal injury disputes.

Continuous Improvement: We are committed to improving the path to justice through innovation and professional development.

What we do

The Commission's non-adversarial process ensures that parties are directly involved in resolving disputes relating to workers compensation claims and motor accident claims.

How we do it

The process for resolving a dispute depends on the type of claim that is in dispute. Parties are encouraged to settle their dispute at any time during the process. The Commission also deals with appeals against decisions of Members in the Workers Compensation Division, appeals and reviews of medical assessments by Medical Assessors and reviews of merit review decisions by Merit Reviewers.

Members

The Commission consists of the following members:

- President
- two Deputy Presidents
- four Acting Deputy Presidents
- two Division Heads
- full-time Principal Members
- full-time Senior Members, and
- full-time and sessional General Members.

President and Deputy Presidents

The President is the head of jurisdiction and works closely with the Division Heads and Principal Registrar in the overall leadership of the Commission. The President is responsible for the general control and direction of the Deputy Presidents and Division Heads in the exercise of their functions. The President is also ultimately responsible for the general control and direction of Principal, Senior and General Members, Mediators and Medical Assessors in the exercise of their functions.

Presidential Members hear and determine appeals from decisions of non-Presidential Members of the Workers Compensation Division for error of fact, law, or discretion. The decisions of Presidential Members may be appealed to the NSW Court of Appeal on questions of law only.

The President also has the responsibility of determining 'novel or complex' questions of law referred by Workers Compensation Division Members or parties in workers compensation

disputes. In relation to work injury damages matters, the President has exclusive jurisdiction to determine applications by defendants to strike out pre-filing statements.

Division Heads

Division Heads are Principal Members of the Commission and are also responsible for the direction and control of the business in their respective Division.

Principal Registrar

The Principal Registrar is directly responsible for providing high-level, executive leadership and strategic advice to the President on the resources of the Commission, including human resources, finance, asset management, facilities, resources, and case management strategies. The Principal Registrar is also responsible for the control and direction of staff, and management of the Directorates of the Commission.

Principal Members

Principal Members are responsible for the resolution of disputes under the Motor Accident Acts and the Workers Compensation Acts. They also assist the Commission in professional development, case management, and the development of practice and procedure.

Senior Members

Senior Members are responsible for the resolution of disputes in either the Workers Compensation Division or Motor Accidents Division of the Commission. They also assist the Commission in professional development, case management, and the development of practice and procedure.

General Members

Members work with the parties to explore settlement options and, where possible, reach an agreed resolution of the dispute. They work with the parties to explore settlement options and, where possible, reach an agreed resolution of the dispute. Members manage disputes through to finalisation, utilising a series of conferences, including teleconferences. Unresolved disputes proceed to a formal determination or assessment.

Service partners

Medical Assessors

Medical Assessors are highly experienced, medical practitioners from a variety of specialities. To be appointed to assess permanent impairment, they must have completed the necessary training in the workers compensation or motor accident guidelines to assess medical disputes, and their application must have undergone a rigorous assessment for impartiality. Medical Assessors appointed for the assessment of general medical disputes must also be in clinical practice or teaching.

Mediators

Mediators have extensive experience in alternative dispute resolution, as well as knowledge of workers compensation law, being appointed to conduct mediations in Work Injury Damages claims.

Mediators are required to use their best endeavours to bring the parties in disputed work injury damages claims to a negotiated settlement. They conduct mediation conferences in the Commission's Oxford Street premises, in regional locations when required, or by AVL.

Merit Reviewers

Merit Reviewers are required to determine all merit review matters under Schedule 2 of the *Motor Accident Injuries Act 2017*. All of the Commission's Motor Accidents Members are also appointed as Merit Reviewers.

Staff

The Commission's staff are located at 1 Oxford Street, Darlinghurst and provide registry, case management, administrative and clerical support to the Commission's operations, as well as to members and decision makers.

Need more information?

For more information on the position, or to get answers to any questions you may have about the position, contact our Member Support team by email membersupport@pi.nsw.gov.au

Personal Injury Commission website: www.pi.nsw.gov.au

TERMS OF APPOINTMENT FOR

MEDIATORS

OF THE

PERSONAL INJURY COMMISSION

APPLICABLE FOR MEDIATORS WITH TERMS
COMMENCING ON OR AFTER 1 MARCH 2022



**Personal Injury
Commission**

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Introduction

These Terms of Appointment (**Terms**) are used by the Personal Injury Commission (**the Commission**) to apply to all Mediators appointed under section 39 of the *Personal Injury Commission Act 2020* to be Mediators for the purposes of the *Workplace Injury Management and Workers Compensation Act 1998*

All appointed Mediators are subject to the following terms and conditions.

1. Term of Appointment

- 1.1 The appointment commences on the date set out in the Instrument of Appointment (**Instrument**) and continues until the date specified in the Instrument unless terminated earlier in accordance with these Terms.
- 1.2 The appointment is governed by and construed in accordance with the laws of the State of New South Wales.
- 1.3 These Terms do not stand alone but form part of the accountability framework within which both the Commission and the Mediators operate. It is complementary to the Commission's procedures and policies, including the Mediator Code of Conduct, Mediator professional development framework and the Commission's complaints process.

2. General Control and Direction of Mediators

- 2.1 Mediators are, in the exercise of their functions, subject to the general control and direction of the President, and by delegation, the Division Head of the Workers Compensation Division, pursuant to section 39(3) of the *Personal Injury Commission Act 2020*.

3. Performance of Services as a Mediator

- 3.1 Mediators of the Commission are bound by the Commission's Mediator Code of Conduct, issued by the President of the Commission, and updated from time to time. Mediators must comply with the Mediator Code of Conduct, which sets out principles of conduct and professional behaviour to guide Mediators in the performance of their statutory functions. A copy of the Mediator Code of Conduct can be accessed [here](#).
- 3.2 Mediators must exercise their duties consistently with the objects of the *Personal Injury Commission Act 2020 Act* in section 3; Part 6, Division 4 of the *Workplace Injury Management and Workers Compensation Act 1998* and conform to the requirements in the relevant legislation, regulations, guidelines, rules, procedural directions, and any other directions from the Commission including but not limited to:
 - a) [Personal Injury Commission Act 2020](#)
 - b) [Personal Injury Commission Rules 2021](#)
 - c) [Personal Injury Commission Procedural Directions](#)

- d) [Workplace Injury Management and Workers Compensation Act 1998](#)
- e) [Workers Compensation Act 1987](#)
- f) [Workers Compensation Regulation 2016](#)
- g) [Personal Injury Commission Regulation 2020](#)

4. Professional development and training

- 4.1 The Commission provides professional development opportunities for Mediators, including an induction process on commencement.
- 4.2 Training will be provided by the Commission in the requirements of the role.
- 4.3 Where attendance at training sessions is mandatory, payment will be made to the Mediator. No payment will be made for attendance at non-mandatory training sessions. Each Mediator is expected to undertake his or her own ongoing professional development and, in particular, to keep up to date with developments in workers compensation law.

5. Performance evaluation and monitoring

- 5.1 Mediator performance is monitored in accordance with the Code of Conduct and other matters, including:
 - a) **Accessibility and Availability** – ability to accept and undertake work from the Commission
 - b) **Timeliness** – ability to comply with any timeframes set by the Acts, the Regulations, and the Guidelines
 - c) **Training** – attendance, participation and learning outcomes achieved at any training sessions arranged by the Commission and required by the President
 - d) **Complaints** – the nature, volume and outcome of any complaints made to the Commission regarding your decision making or conduct
 - e) **Quality** – the nature, volume, and outcome of any mediations
 - f) **Code of Conduct** – the nature, volume and severity of any breaches of the Code
 - g) **Terms** – the nature, volume and severity of any breaches of these Terms
 - h) **Professional Development** – confirmation of maintenance of any required ongoing professional development
 - i) **Quality Assurance (QA) Programs** – participation and outcomes of any QA programs delivered by the Commission including peer-review, self-review, mentoring, or meeting minimum quality benchmarks

- j) **Remediation Action Plans (RAP)** – participation and compliance with any RAP required by the Commission to address any performance issues

5.2 Mediators are required to participate in a performance evaluation process at twelve monthly intervals or such other intervals as the Division Head determines is appropriate. The following measures are among those evaluated:

- percentage of matters settled
- average cost of mediations
- timeliness of mediations, and
- number of complaints substantiated

5.3 The Commission reserves the rights to canvass parties on Mediator performance.

5.4 Past performance data as a Mediator will be a consideration in any application for appointment for any future term.

5.5 The Commission will notify Mediators of any concerns that arise regarding their performance in order to provide the opportunity to address those concerns.

6. Facilities

6.1 The Commission's premises at 1 Oxford St, Darlinghurst, NSW, may be used to undertake mediations. Access and use of the rooms and related administrative support is done in compliance with the Commission's policies and procedures and may only be used for the purpose of conducting Commission business.

6.2 Mediators will be provided with a workstation and support services when in attendance at the Commission's premises.

6.3 Arrangements may be made by the Commission from time to time for the use of other, nominated premises for the conduct of mediations including premises in regional and remote areas.

6.4 Mediators may hold conferences at their own premises. Mediators are to ensure their own premises are a safe working environment and meet all work health and safety standards.

7. Electronic Operating Environment and Security

7.1 The Commission operates in an environment that provides for electronic lodgment and electronic document storage and retrieval. Mediators will be required to update matters through the Commission's electronic case management system, conduct mediations in person and by audio-visual or audio link, use the Commission's extranet and other technological

developments implemented by the Commission, and to provide documentation (including mediation outcome documents) electronically.

- 7.2 Mediators must have access to an electronic device with internet access and Google Chrome which has regularly updated software and hardware to open Word files, PDF files, Box files, sound wave files, virtual and other files as required to enable you to receive and view electronically.
- 7.3 All Mediators will be expected to have the ability to undertake their own typing and administrative requirements and conduct research using computer-based technology.
- 7.4 Mediators are expected to comply with the Commission's cyber security and data privacy requirements. This includes implementing and maintaining measures to protect electronic and physical records which may contain data shared by the Commission. Appropriate security controls should also be applied on the computer and other electronic devices being used to access the Commission's systems.

8. Record keeping, Confidentiality, and Disclosure of information

- 8.1 All information provided by the Commission in relation to a Mediation is confidential and remains the property of the Commission. Mediators must take all reasonable steps to ensure any records are stored in a secure place.
- 8.2 Mediators are to take all reasonable steps to ensure they do not disclose, copy, reproduce, or supply the contents of, or information relating to, any document or material which has been provided by the Commission to the Mediator to any person or organisation other than the Commission, except as required to do so by law.
- 8.3 Mediators are to take all reasonable steps to ensure this information is used solely for the purposes of the service being provided to the Commission and is protected against unauthorised use and access.
- 8.4 Where a Mediator is required to disclose this information to employees to allow them to carry out their duties, the Mediator must ensure that the employee is aware of the confidential nature of the information provided and the requirements in handling this information.
- 8.5 Mediators must have a high level of protection of electronic records that have been prepared or obtained by the Mediator in relation to the Commission proceedings. This protection includes robust firewalls, up to date anti-virus software, secure passwords and a secure computer drive with up to date software security.
- 8.6 All hard copy documents prepared by a Mediator in relation to Commission proceedings must be securely destroyed at the conclusion of a mediation.

9. Remuneration

- 9.1 Mediators are entitled to be remunerated in respect of the work done as a Mediator in accordance with the schedule of fees, based on a rate

determined by the Minister, as provided by section 39(5) of the *Personal Injury Commission Act 2020*.

- 9.2 All payments made for services provided as a Mediator shall be subject to PAYG withholding in accordance with ATO tax advice.
- 9.3 Superannuation contributions will apply to payments made to you for services provided as a Mediator. Mediators are to provide the Commission with the name and details of their approved superannuation fund.
- 9.4 GST is not payable on any service provided in the performance of the requirements of a Mediator, as it is not considered to be a taxable supply.
- 9.5 Reimbursement of expenses, which will not attract PAYG withholding, shall be accompanied by the relevant claim form and invoice, and may include GST as appropriate to the claim.

10. Payment

- 10.1 Mediators will be required to render an account for work done for the Commission on completion of each mediation.
- 10.2 Completion of mediation occurs at the time the Mediator notifies the Commission that the parties have agreed on the claim, or the issue of a certificate certifying as to the final offers of settlement made by the parties in the mediation.
- 10.3 The account is to be rendered in the format specified by the Division Head and will be paid within 30 days of the date of receipt of the invoice, subject to the documentation provided being complete and accurate in every detail, and subject to all of the requirements of the Commission being met.
- 10.4 If, after an account has been paid, it is found to have been incorrectly rendered, or subject to any fee increase, any underpayment or overpayment shall be recoverable by or from a Mediator, as the case may be and without limiting recourse to other available means and may be offset against any amount subsequently due to the Mediator.

11. Mediator's On-Costs

- 11.1 The Commission shall not be liable for any of a Mediator's "on-costs" including all facilities and equipment necessary to undertake work for the Commission.

12. Standards and Accounting Requirements

- 12.1 Each Mediator is required to maintain adequate and accurate accounting practices and records in his or her dealings with the Commission.

13. Travel

- 13.1 Mediators may be requested to undertake intra-state travel from time to time.

13.2 Where there is a requirement for a Mediator to travel on Commission business, reimbursement for travel expenses must be negotiated and approved in advance with the Division Head.

14. No Guarantee of Work

14.1 The Commission makes no guarantee or representation regarding the allocation of work to any Mediator. The services of a Mediator will be utilised as required. This may not necessarily result in regular work or any work. Mediators are required to provide details as to their availability for work, as and when requested by the Commission.

15. Conflict of Interest

15.1 Each Mediator shall ensure that no conflict of interest exists in the performance of his or her functions. A Mediator must address any real, potential, or perceived conflict of interest in accordance with the Mediator Code of Conduct (16-18).

15.2 If a Mediator has any cause to suspect there may be a perceived or potential conflict of interest, they must immediately advise the Division Head.

15.3 If a real conflict of interest or risk of conflict arises, a Mediator shall immediately notify the Division Head in writing and return the file forthwith.

15.4 Should a Mediator inform the Division Head of any actual or potential conflict of interest referred to above or the Division Head otherwise becomes aware of such an actual or potential conflict of interest, the Division Head will withdraw the matter allocated to the Mediator, that gives rise to the conflict of interest or potential conflict of interest.

16. Insurance

16.1 The Mediator warrants that he or she has validly effected and will maintain with a reputable insurance company for the term of their appointment the following insurances, if required:

- a) public liability policy of insurance as per the law society requirements (should they conduct mediations at their own premises), and
- b) workers compensation insurance as required by all relevant laws of Australia relating to workers compensation (for example, in the event they employ any employees).

16.2 The Mediator shall, on request from time to time by the Division Head, Workers Compensation Division, produce satisfactory evidence of required insurance.

16.3 The Commission does not provide income protection or workers compensation insurance for Mediators.

17. Protection of Mediators

- 17.1 Section 40 of the *Personal Injury Commission Act 2020* provides for the protection of Mediators.
- 17.2 A Mediator shall promptly notify and fully disclose in writing to the Division Head any occurrence, actual or potential, that could materially affect the Mediator's ability to perform any of his or her obligations.

18. No partnership, agency, or employer relationship

- 18.1 Appointment as a Mediator does not constitute the Mediator as an agent, partner, or employee of the Commission.

19. No economic opportunity

- 19.1 By applying for an appointment with the Commission, the Mediator affirms that he or she has not given, offered to give, nor intends to give at any time thereafter, any inducement or reward including any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favour or service to any public servant or member of the Commission in connection with the submitted application.
- 19.2 If any Mediator is found to have offered any inducement or reward in accordance with the preceding paragraph or is found to have committed corrupt conduct in accordance with the provisions of the *Independent Commission Against Corruption Act 1988*, their appointment may be terminated and any resulting arrangements for mediation services void.

20. Indemnity

- 20.1 A matter or thing done or omitted to be done by a Mediator in the exercise of the Mediator's functions does not, if the matter or thing was done or omitted in good faith, subject the Mediator personally to any action, liability, claim or demand.
- 20.2 A Mediator is, in any legal proceedings, competent but not compellable to give evidence or produce documents in respect of any matter in which he or she was involved in the course of the exercise of his or her functions as a Mediator.
- 20.3 The Mediator shall promptly notify and fully disclose to the Commission in writing any event or occurrence, actual or threatened, which would materially affect the Mediator's ability to perform any of his or her obligations.

21. Termination

- 21.1 A mediator is taken to vacate office in the circumstances set out in section 39(6) of the *Personal Injury Commission Act 2020*.

- 21.2 The President of the Commission may at any time remove a Mediator from office. The reasons the President may remove a mediator from office can include, but are not limited to, circumstances where the Mediator:
- a) breaches the Mediator Code of Conduct
 - b) breaches these Terms of Appointment
 - c) experiences a relevant change in their professional qualification status
 - d) becomes bankrupt, or commences proceedings for bankruptcy, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compound with creditors or make an assignment of remuneration for their benefit
 - e) is convicted of a criminal offence
 - f) fails to satisfy the minimum quality benchmarks set by the Commission
 - g) is the source of multiple complaints about conduct and/or performance
 - h) succumbs to a physical or mental injury/illness that affects, or is likely to affect, their capacity to make decisions
 - i) breaches any of the security, privacy and/or confidentiality terms
 - j) is involved in any other matter that adversely impacts the Commission or their appointment as a Mediator

21.3 Mediators may terminate their appointment by giving notice in writing to the President.

21.4 Once a Mediator ceases to provide services to the Commission all materials relating to any assessment or other business must be returned promptly to the Commission.

22. Complaints Received at the Commission

22.1 Any complaint received at the Commission about a Mediator may be investigated by the Division Head.

22.2 Mediators are required to respond to requests by the Division Head related to the investigation of a complaint.

22.3 The Division Head may suspend allocations to a Mediator during the course of an investigation of a complaint.

23. Disputes

23.1 In the event of any dispute arising from these Terms, the Code of Conduct or any other matter, the Mediator must contact the Division Head as soon as practicable and endeavour to resolve the dispute in good faith.

23.2 If the matter cannot be resolved, the matter will be referred to the President of the Commission for determination.

24. General

24.1 These Terms may be reviewed and varied from time to time by the Commission.

24.2 The Commission reserves the right to amend these Terms at any time, particularly in relation to changes in legislation, the Commission's electronic operating environment and/or the mode of remuneration. Mediators will be informed of any changes.

For further information on these Terms of Appointment please contact the Division Head of the Workers Compensation Division.



Appendix B

Personal Injury
Commission

Mediator Fee Schedule (Effective 1 July 2022)

Activity	Description	Min	Hours	Max	Hours
Miscellaneous work and additional hours	<p>The actual time spent undertaking other activities on files may be claimed with the prior written approval of the Registrar or the Registrar's authorised delegate.</p> <p>Where a Mediator submits a claim for such work, specific details of each application worked on must be recorded on the claim form including the amount of time claimed and a description of the work completed.</p>	\$143.00	0.5	As advised in each matter	
Preparation for a Mediation	Up to 1.5 hours of preparation time including arrangements with parties and reading the file may be claimed for a Mediation conference	\$143.00	0.5	\$429.00	1.5
Mediation Conference	Up to 4 hours of mediation conference time	\$572.00	2	\$1,144.00	4.0
Cancellation - between 2 and 5 working days	Cancellation notified by the Commission between 2 and 5 working days (1.5 hours)	\$429.00		Fixed fee	
Cancellation - 2 working days or less	Cancellation notified by the Commission with 2 working days or less (2.5 hours)	\$715.00		Fixed fee	
	Daily Cap	\$2,516.76			8.80

