



**Personal Injury
Commission**

Information Kit 2024

Deputy President

Presidential Unit

October 2024

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Background

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

The Commission is seeking to appoint a full-time Deputy President who is suitably qualified and experienced to join our Presidential Unit and hear and determine appeals against decisions made by non-presidential members in the Commission's Workers Compensation and Police Officer Support Scheme Divisions, for alleged errors of fact, law, or discretion, pursuant to s 352 of the *Workplace Injury Management and Workers Compensation Act 1998* (the 1998 Act) or s 199I of the *Police Act 1990*. Decisions of Presidential Members may only be appealed to the Court of Appeal on questions of law only, provided by s 353 of the 1998 Act or s 199J of the *Police Act 1990*.

In determining appeals, Presidential Members are not only responsible for ultimately deciding an individual's case, but they set the important jurisprudence of the Workers Compensation Scheme and the newly legislated Police Officer Support Scheme. Presidential Members are leaders in these areas of the law and are expected to reflect this in the conduct of their matters, legal technical knowledge, decision-making and writing skills. Presidential Members also lead the standard for non-Presidential Members, in terms of first instance decision-making, statutory interpretation, and behaviours.

To be considered for the role of Deputy President, an individual must be or have been a judicial officer, or, an Australian lawyer of 7 years' standing and have special/superior legal knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction. The term of appointment commences on 23 October 2025, being the date the current Deputy President's office becomes vacant, for a term of appointment of up to seven years with eligibility for re-appointment, as required by legislation.

Remuneration in respect of work done as a Deputy President 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 Deputy President, the Commission, and the appointment process.

Expectations of the role of the Deputy President

A Deputy President is the most senior decision-making role in the Commission after the President. It requires a senior practitioner with superior legal skills. Additionally, the role requires the capacity to act as President in the President's absence.

Deputy Presidents are, in the exercise of their functions, subject to the general control and direction of the President. They are required to implement and follow directions as outlined in the Workers Compensation legislation, Police legislation, Commission Rules, Procedural Directions and in accordance with the Member Code of Conduct.

The Attorney General is responsible for the administration and appointment of Deputy Presidents of the Commission. The Minister for Customer Service and Digital Government has joint responsibility with the Attorney General of the *Personal Injury Commission Act 2020* (Act).

For information about the Commission see page 7.

Selection process

Application

Your 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, 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
- be submitted online through www.iworkfornsw.gov.au
- include a cover letter (maximum 2 pages) and CV (maximum 4 pages) including telephone and email contact details, qualifications, and relevant experience.
- 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:

- is or has been a judicial officer or an Australian lawyer of 7 years' standing and has special/superior knowledge, skill or expertise in workers compensation law, including an understanding of the jurisdiction, legislation, practice, procedures, and subject matter dealt with by the Commission
- ability to lead the standard for non-Presidential Members, in terms of first instance decision-making, statutory interpretation, and behaviors
- ability to effectively communicate with parties and Commission staff
- demonstrate integrity and independence, and
- ability to operate within the Commission's electronic environment, including basic proficiency in Microsoft Word and Outlook, and ability to learn the Commission's electronic case management system.

Appointment as a Deputy President

Duration

Deputy Presidents are appointed by the Attorney General on a full-time basis. The Deputy President role will commence on 23 October 2025 for a duration of up to seven years with the possibility of reappointment.

Remuneration

Full-time Deputy Presidents are remunerated in accordance with the *Statutory and Other Offices Remuneration Act 1975* and remuneration is set by the annual SOORT determination. The current SOORT determination for a Deputy President is available [here](#).

Code of Conduct

Deputy Presidents are subject to the Member Code of Conduct, available [here](#).

Candidates must read and understand the Member Code of Conduct prior to applying for appointment as a Deputy President.

Conflict of Interest

A Deputy President is bound by the Conflict of Interest policy set out in the [Member Code of Conduct at \[17\]](#) during their appointment.

Indemnity

Members have, in the performance of functions performed as a Member, the same protections and immunities as a Judge of the Supreme Court of NSW in accordance the provisions of Schedule 2, Clause (4) of the *Personal Injury Commission Act 2020* (the 2020 Act).

Termination

Presidential Members should promptly notify and fully disclose to the Commission in writing an event or occurrence, actual or threatened, which would materially affect the ability to perform any of his or her obligations. The Minister may remove a Member from office in accordance with the provisions of Schedule 2, Clause 6(2) of the 2020 Act on recommendation from the President.

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, motor accident injury claims and claims involving police officers who die or become permanently or temporarily incapacitated for work.

The Commission was established under the *Personal Injury Commission Act 2020* and commenced operations on 1 March 2021 initially under two Divisions - the Workers Compensation Division and Motor Accidents Division, however as of 1 October 2024, a third division was established, the Police Officer Support Scheme 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*
- Workers Compensation Regulation 2016
- *Police Act 1990*, and
- Police Officer Support Scheme Regulation 2024.

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 of members, which is the responsibility of the Hon Michael Daley MP, Attorney General. The Hon Yasmin Catley MP, Minister for Police and Counter-Terrorism, is the Minister responsible for the administration of police legislation.

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, motor accidents legislation and legislation providing for the police officer support scheme 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, motor accident claims and police officer support scheme 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 and Police Officer Support Scheme Divisions, 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
- three 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 and Police Officer Support Scheme 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, the Workers Compensation Acts and the Police Officer Support Scheme 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, Motor Accidents Division or Police Officer Support Scheme 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 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.

