



New South Wales

**Personal Injury
Commission**

Information Kit

General Member

Workers Compensation Division

Motor Accidents Division

March 2024

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Background

The Personal Injury Commission (the Commission) is an independent statutory tribunal in NSW that resolves personal injury disputes in its Workers Compensation Division and Motor Accident Division.

The Commission is seeking to appoint appropriately qualified and experienced individuals as General Members either in the Workers Compensation Division or Motor Accidents Division, or to both if they have the requisite experience across both jurisdictions. A person is eligible to be appointed as a General Member only if the person:

- (a) is a qualified legal practitioner of at least 5 years' standing, or
- (b) has, in the opinion of the Minister, special knowledge, skill or expertise in relation to any class of matter in respect of which the Commission has jurisdiction.¹

General Members demonstrate a high level of technical expertise in workers compensation or motor accidents law, and passion for resolving legal questions to determine outcomes in disputes between injured persons and employers or insurers. All activities within the Commission are approached in accordance with the [Member Code of Conduct](#).

Applicants should have sound, current knowledge of either workers compensation or motor accidents law and practice, and demonstrate alternative dispute resolution and facilitation skills and experience.

The Commission conducts in-person and virtual (audio-visual) hearings, or a hybrid combination of both. Full-time General Members are based in Sydney and will be provided with chambers to conduct their work and virtual hearings. While the majority of in-person hearings take place in Sydney, there may be a requirement to hear matters in other locations in New South Wales.

Remuneration for full-time General Members is determined by the Statutory and Other Offices Remuneration Tribunal (SOORT).²

¹ Section 10(4) of the *Personal Injury Commission Act 2020*.

² See <https://www.remtribunals.nsw.gov.au/statutory-and-other-offices/current-soort-determinations>

Appointments will be made for terms of up to five years, with eligibility for reappointment.

This information kit is intended to provide a comprehensive overview of the role of the General Member, the Commission and the appointment process. Should you have further questions, contact the Commission by email on membersupport@pi.nsw.gov.au

Expectations of the role of the General Member

General Members are, in the course of their functions, subject to the management of the Division Head, under delegation from the President. General Members must comply with any procedural directions given by the President and the Division Head of the Commission Division to which the member is assigned. They are required to implement and follow directions outlined in the *Personal Injury Commission Act 2020*, *Personal Injury Commission Rules 2021*, either the *Workers Compensation or Motor Accidents Legislation* depending on the Division they work in, and in accordance with the Member Code of Conduct. General Members are required to participate in performance assessments and learning and development programs.

The General Member's role includes decision-making, either written or oral, which requires the General Member to be well-researched, organised and articulate to support durable determinations.

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

For information about the Commission see "About the Commission" in this information kit.

Workers Compensation Division

The General Members of the Workers Compensation Division resolve workers compensation disputes through conciliation and arbitration. General Members may also partake in Medical Appeal Panels.

General Members in the Workers Compensation Division are responsible for resolution of disputes under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*, having

regard to relevant rules, regulations, guidelines and procedural directions. The Commission will provide training in the requirements of the role.

Motor Accidents Division

General Members in the Motor Accidents Division are responsible for resolution of disputes under the *Motor Accident Injuries Act 2017* and the *Motor Accidents Compensation Act 1999*, having regard to relevant rules, regulations, guidelines and procedural directions.

The General Members of the Motor Accidents Division resolve disputes through preliminary conferences and damages assessments. General Members may also partake in Medical Review Panels.

Selection Process

Application

Your application should demonstrate how your skills, capabilities, experience and qualifications meet the assessment criteria outlined in this kit on pages 8 to 10. At a minimum, a cover letter and CV should be provided.

Any costs incurred in preparing and submitting the application, 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 assessment criteria by an Assessment Panel.

A panel interview administrator may also be present to support the panel interview and collate feedback.

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 and assessment

Shortlisted candidates will be required to complete an online test which may include both psychometric and aptitude testing. A written assessment task will also be provided for completion.

Interview

Candidates selected for an Assessment Panel interview will be contacted prior to the scheduled interview and advised of any documentation and information they are required to bring to the interview.

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

References

Candidates are to provide contact details of at least two referees who are able to comment on their requisite skills and experience, and suitability to the role of a General Member. References will be considered by the Assessment Panel following interview as part of the assessment process.

Appointment

The President will recommend candidates for appointment to the Attorney General, following interview and consideration of online testing, assessment, and reference checks by the Assessment Panel. Appointments are made by the NSW Attorney-General and are subject to final approval by the NSW Cabinet in accordance with s 9 of the *Personal Injury Commission Act 2020*. At the conclusion of the approval process, all candidates will be notified of the outcome of their application.

Prior to any appointment, recommended candidates will need to consent to probity checks, 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

Applications are to:

- be submitted by the nominated closing date and time
- be submitted online through www.iworkfor.nsw.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 assessment criteria outlined in this kit, 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.

Assessment criteria

Applicants are required to demonstrate how they meet the following criteria:

Competency	Behavioural Indicators
Knowledge and Values	<ul style="list-style-type: none">• Interprets and determines complex questions of law• Maintains current knowledge of legislation and relevant case law• Ability to quickly build an understanding of complex facts and issues• Takes on constructive feedback and uses it to improve personal performance• Acknowledges and promotes the Commission's values as set out in the Member Code of Conduct

Communication	<ul style="list-style-type: none"> • Facilitates legal hearings and disputes effectively • Writes decisions and documentation relating to proceedings with accuracy and clarity • Proficient in the use of relevant writing and word processing software and tools • Able to work across different communication mediums
Conduct of cases	<ul style="list-style-type: none"> • Reports on findings in a timely and effective manner • Strong stakeholder management skills and an ability for effective conciliation • Understands the needs and interests of all parties involved in cases • Considers the impact of the dispute on parties in how cases are conducted to minimise adverse impact on parties
Evidence	<ul style="list-style-type: none"> • Ability to understand complex case evidence and information • Leverages evidence in making appropriate determinations
Decision making	<ul style="list-style-type: none"> • Demonstrated ability to resolve and determine disputes • Undertakes an objective and critical analysis to draw accurate conclusions that recognise and manage contextual issues • Sound judgement • Takes a structured approach to decision making • Has a strong track record of making quality and durable decisions
Facilitation, case management and administrative procedures	<ul style="list-style-type: none"> • Ability to manage caseloads and work in an organised and effective manner • Ability to manage competing priorities, high volume workloads and meet strict deadlines • Uses IT systems efficiently and effectively

Act with integrity	<ul style="list-style-type: none"> • Models the highest standards of ethical behaviour and reinforce this in others • Represents the Commission as an honest, objective and professional organisation • Ensures that they have a clear understanding of the legislation and policy framework in which they operate
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Candidate feedback

Applicants who are unsuccessful will receive notification in writing after the selection process has been finalised. They will be provided with appropriate contact details should they seek feedback.

Terms of Appointment

Professional development

The Commission provides professional development opportunities for all Members, including comprehensive induction upon commencement.

Induction

All new appointees will be required to attend an induction program at the Commission's office in Sydney and/or by AVL.

Code of conduct

Members of the Commission are bound by the Personal Injury Commission [Member Code of Conduct](#), issued by the President of the Commission, and updated from time to time.

Performance evaluation

General Members are required to participate in an annual performance evaluation process. The following measures are among those considered:

- percentage of matters resolved, compared with percentage of matters determined
- percentage of determinations subject to an appeal application

- percentage of determinations revoked or part revoked on appeal
- timeliness of resolution of disputes
- quality of determinations
- adherence to dispute resolution model
- number of complaints substantiated

The Commission reserves the right to canvass parties on General Member performance.

Remuneration

The rates of remuneration are as follows, at the present time in accordance with the [2023 SOORT Determination for the Public Office Holders Group](#):

General Member:

- \$249,675 p/a - legally qualified.
- \$216,760 p/a - not legally qualified.

Duration of appointment

Members will be appointed for terms of up to five years, with eligibility for re-appointment.

Travel

General Members may be required to undertake intrastate travel from time to time in accordance with the Commission's travel policy.

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 written publication without prior written consent from the President of the Commission.

The President of the Commission has no objection to the applicant copying this document for the purpose of preparing their application.

No economic opportunity

By lodgment of this application with the Commission, the applicant 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.

If the applicant 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*, the applicant shall be disqualified, or any appointed member referred to the President which may result in referral to the Attorney General for removal from office. All appointed members are subject to the Commission's [Public Interest Disclosure Policy](#).

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.

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.

A General Member shall promptly notify and fully disclose to the Commission in writing an event or occurrence, actual or threatened, which would materially affect the General Member's ability to perform any of his or her obligations or that would breach the Member Code of Conduct.

Termination

The Attorney General may remove a Member from office in accordance with the provisions of Schedule 2, Clause 6(2) of the *Personal Injury Commission Act 2020*, at recommendation of the President (see s 16(f) of the *Personal Injury Commission Act 2020*).

Electronic operating environment

The Commission operates in an environment that provides for electronic lodgement and electronic document storage and retrieval. General Members will be required to update matters through the Commission's electronic case

management system, conduct proceedings in-person or by audio-visual link on site or remotely, use the Commission's intranet, extranet and other technological developments implemented by the Commission, and to provide documentation (including Certificates of Determination and Statements of Reasons) electronically.

General Members will be provided with chambers that can be used as a virtual hearing room and support services when in attendance at the Commission's premises.

All General Members will be expected to have the ability to undertake their own typing, undertake research using computer-based technology, and conduct their own in person, audio-visual and audio hearings.

No partnership, agency, or employer relationship

Members of the Commission are appointed as independent decision makers by the Attorney General. Appointment as a General Member does not constitute the General Member as an agent, partner or employee of the Commission. Members are however subject to the management of their Division Head or the President, and are to comply with directions as to the practice and procedure of the Commission as determined by the President.

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*
- Workers Compensation Regulation 2016

The Hon Anoulak Chanthivong, MP, Minister for Better Regulation and Fair Trading, is the Minister responsible for the administration of the *Personal Injury Commission Act 2020*, and the workers compensation and motor accidents legislation, except for the appointment 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
- three Acting Deputy Presidents
- two Division Heads

- two full-time Principal Members
- three full-time Senior Members
- 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 direction of the Commission, gives directions as to the practice and procedure to be followed in the Commission, and recommends the appointment, re-appointment or removal of members to the Attorney General. The President is ultimately responsible for the management of the Deputy Presidents, Division Heads, Principal, Senior and General Members. The President is also responsible for the appointment, direction and control of Mediators, Merit Reviewers and Medical Assessors.

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. Division Heads have been delegated the President's function of managing members in their respective Divisions.

Principal Registrar

The Principal Registrar's function is to assist the President in managing the business and affairs of the Commission. The Principal Registrar provides 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 staff, and management of the Directorates of the Commission.

Principal Members

Principal Members are responsible for the resolution of disputes under both 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 are responsible for the resolution of disputes in either the Workers Compensation Division or Motor Accidents Division. 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. Unresolved disputes proceed to a formal determination or assessment.

Decision Makers and Mediators

Medical Assessors

Medical Assessors are highly experienced, medical practitioners from a variety of specialities who are appointed across both Divisions of the Commission. 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 at the Commission's premises, in regional locations 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 answer any questions you may have about the position, contact the Commission on membersupport@pi.nsw.gov.au

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

