

c2020-103A  
CDP--Christian Democratic Party (Fred Nile Group)

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**LEGISLATIVE COUNCIL**

**Personal Injury Commission Bill 2020**

**First print**

**Proposed amendments**

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No. 1 **Principal Medical Officer**

Page 3, clause 5(1). Insert after line 35—

*Principal Medical Officer* means the Principal Medical Officer appointed by the Minister under this Act.

No. 2 **Membership of Rule Committee (medical practitioners)**

Page 10, clause 19(3). Insert after line 20—

- (e1) 2 persons appointed by the President from persons nominated from time to time by each of the following—
- (i) the Royal Australasian College of Physicians,
  - (ii) the Royal Australasian College of Surgeons,
  - (iii) the Royal Australian and New Zealand College of Psychiatrists,

No. 3 **Principal Medical Officer**

Page 20. Insert after line 16—

**Division 4.3 Principal Medical Officer**

**40A Principal Medical Officer**

- (1) The Minister is to appoint a person who is a medical practitioner as Principal Medical Officer.
- (2) The functions of the Principal Medical Officer are as follows—
  - (a) to advise the President about the appointment, reappointment and removal of medical assessors and assist in the process of recruitment at the President's direction,
  - (b) to advise or report on any other matter as the President may direct concerning medical assessors, or the carrying out of medical assessments or reviews of medical assessments, for the purposes of enabling legislation,
  - (c) any other functions that are conferred or imposed on the Principal Medical Officer by or under this Act or any other legislation.

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- (3) Without limiting subsection (2), the Principal Medical Officer has and may exercise all the functions of a medical assessor under this Act or any enabling legislation.
  - (4) The Principal Medical Officer is, in the exercise of the Officer's functions, subject to the general direction and control of the President.

**40B Term of office**

- (1) The Principal Medical Officer holds office for the period, not exceeding 7 years, specified in his or her instrument of appointment.
- (2) A person is eligible for re-appointment as Principal Medical Officer.

**40C Remuneration and allowances**

The Principal Medical Officer is entitled to be paid—

- (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
- (b) any travelling and subsistence allowances as the Minister may from time to time determine.

**40D Acting Principal Medical Officer**

- (1) The Minister may, from time to time, appoint a person to act in the office of the Principal Medical Officer during the illness or absence of the Principal Medical Officer (or during a vacancy in the office of Principal Medical Officer) and a person, while so acting, has all the functions of the Principal Medical Officer.
- (2) The Minister may, at any time, remove a person from the office of acting Principal Medical Officer.
- (3) The acting Principal Medical Officer is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.

**40E Vacancy in office**

- (1) The office of Principal Medical Officer becomes vacant if the person—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Minister under this section or by the Governor under Part 6 of the *Government Sector Employment Act 2013*, or
  - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable, or
  - (h) engages in any paid employment outside the duties of the office of Principal Medical Officer, except with the consent of the Minister.
- (2) The Minister may remove a person from the office of Principal Medical Officer at any time.

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**40F Filling of vacancy in office**

If the office of Principal Medical Officer becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

**40G Leave**

- (1) The entitlement of the Principal Medical Officer to annual and other leave is to be as stated in the Principal Medical Officer's instrument of appointment.
- (2) The Principal Medical Officer may be granted leave by the chief executive of the Authority.

**40H Effect of certain other Acts**

The office of Principal Medical Officer is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

No. 4 **Composition of medical assessment review panels**

Page 53, Schedule 5.5[56], lines 24–28. Omit all words on those lines. Insert instead—

- (5A) The review panel is to be constituted by 3 medical assessors chosen by the President.

No. 5 **Composition of medical assessment review panels**

Page 58, Schedule 5.6[17], lines 30–34. Omit all words on those lines. Insert instead—

- (5A) The review panel is to be constituted by 3 medical assessors chosen by the President.

No. 6 **Principal Medical Officer**

Page 63, Schedule 5.8[2]. Insert after line 23—

Insert at the end of the Part—

Principal Medical Officer under the *Personal Injury Commission Act 2020*