Authorised Health Practitioner

Section 7.52(1)(b) Motor Accident Injuries Act 2017

Terms of Appointment

State Insurance Regulatory Authority
Application and Purpose

1. These Terms of Appointment (Terms) are issued by State Insurance Regulatory Authority (SIRA), to apply to all authorised health practitioners appointed by SIRA under Division 7.7 and section 7.52(1) of the Motor Accident Injuries Act 2017 (the Act) ‘Restriction on health practitioners who may give evidence in court and other dispute resolution proceedings’.

2. These Terms apply to all authorised health practitioners appointed by SIRA under the Act.

Appointment

3. You have been appointed by SIRA as a health practitioner authorised to provide medico-legal reports and give evidence in proceedings before the Dispute Resolution Service (DRS) and the Court.

4. Your appointment is subject to your agreement to be bound by these Terms of Appointment.

5. Your appointment is subject to your agreement to be bound by and comply with the requirements of the Expert Witness Code of Conduct (Schedule 7 to the Uniform Civil Procedure Rules 2005) when providing medico-legal reports and giving evidence in proceedings before the Dispute Resolution Service (DRS) and the Court, and in particular the requirement of Clause 2 ‘General duties to the court’ that:

   “An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the court impartially on matters relevant to the area of expertise of the witness.”

Requirements

6. Qualifications & Registration

   You must be an experienced, qualified medical practitioner, dentist or allied health practitioner who is registered to practice in Australia.

7. Permanent Impairment Assessment

   Only practitioners who have successfully completed the approved SIRA training course in the assessment of permanent impairment in accordance with the relevant Guidelines and the American Medical Association Guides to the Evaluation of Permanent Impairment (4th Ed) in the core module and one or more additional modules, are authorised to give evidence in relation to a medical matter about “the degree of permanent impairment of an injured person that has resulted from an injury caused by a motor accident”. Only practitioners who have successfully completed that training in relation to a specific permanent impairment assessment module are authorised to give evidence in relation to that specific permanent impairment assessment module.
8. **Regulated Fees**

Any fees you recover in relation to work undertaken as an appointed authorised health practitioner must not exceed the maximum fees recoverable by a medical practitioner as set out in Division 3 ‘Medico-legal fees and expert witnesses’, and Schedule 2 ‘Maximum fees for medico-legal services’ of the *Motor Accident Injuries Regulation 2017*.

9. **Revocation of appointment**

SIRA may revoke an authorised health practitioner’s appointment at any time.

10. **Resignation of appointment**

You may cease your appointment by resignation by providing two weeks written notice to the Executive Director, Dispute Resolution Services, SIRA.

11. **Notification**

You are to notify SIRA immediately if:

a) there is any change to your professional registration status such as practice conditions, suspensions, and/or deregistration

b) you are the subject of a complaint to any State Law Society, any State Bar Association, the Health Care Complaints Commission, or any registration or professional body

c) you are under investigation for, or convicted of, an offence in NSW or elsewhere, or

d) there is any other reason or occurrence that could affect your ability to provide evidence.

**Acceptance**

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