



Rule Committee of the Personal Injury Commission

RESOLUTION #2 of 2022

Pursuant to section 19(7) of the Personal Injury Commission Act 2020

On 7 December 2022, the Rule Committee of the Personal Injury Commission of New South Wales (**Committee**) resolved as follows:

1. **Additional Document Issue**

The Rule Committee has voted in principle to examine a rule change that will reduce the number of interlocutory procedural decisions required to determine if additional documents will be accepted for a medical assessment.

The Committee is considering how best to address this issue including amending rule 67 of the Personal Injury Commission Rules 2021 (**PIC Rules**) to omit rule 67(3)(d) and provide for the following two new pathways:

Pathway 1

A party may lodge an additional document application and the additional document/s will be automatically admitted into proceedings, if all of the following requirements are fulfilled:

- a. 14 days before the medical assessment;
- b. on one occasion only;
- c. in the approved form;
- d. a succinct written statement of the “real issues” in dispute and how each of the additional documents address the real issues in dispute, and
- e. the written consent of the other parties to the proceedings.

The criteria above at (a)-(e) is referred to as the **Additional Document Criteria**. The Commission’s Registry will reject additional document applications under Pathway 1 if the Additional Document Criteria is not met.

Pathway 2

Where the Additional Document Criteria is not satisfied, a party may lodge an additional document application and the additional document/s will only be admitted into proceedings where:

- a. the party provides submissions:
 - i. addressing the “interests of justice” test, and in support
 - ii. a succinct written statement of the “real issues” in dispute and how each of the additional documents address the real issues in dispute, and
- b. the appropriate decision-maker is satisfied that it is necessary to do so in the “interests of justice”.

The Commission’s Registry will reject additional document applications under Pathway 2, if they are not accompanied by submissions addressing a(i-ii) above.

The Rule Committee resolved to call for submissions which provide comment on the above proposal and/or identify issues that the Committee should take into account when considering this matter.

2. Document Limitation Issue

The Rule Committee has voted in principle to examine a rule change that will eliminate the filing of irrelevant and duplicated material in Applications and Replies. The Committee is considering how best to implement this proposal and will be calling for submissions which flag or identify issues that the Committee should take into account when considering this matter.

The Committee notes that it will be considering whether it ought, in the Rules, mandate indexation and pagination of Applications and Replies as well as imposing a page limit.

3. Consequential changes arising from the *Motor Accident Injuries Amendment Act 2022*

The Rule Committee unanimously resolved to:

- a. Omit note at rule 94(1) of the PIC Rules to address amendments to section 7.33 of the *Motor Accident Injuries Act 2017 (2017 Act)*,
- b. Omit rule 95(2) of the PIC Rules to address amendments to section 6.23 of the 2017 Act, and
- c. Amend rule 105 of the PIC Rules to address amendments to section 7.19(2A) of the 2017 Act.

The secretariat of the Committee will write to the Parliamentary Counsel's Office regarding the changes set out in paragraphs [3(a)-(c)] above.

The President voted for the resolution set out above.

Dated 7 December 2022

BY THE RULE COMMITTEE