



**Personal Injury
Commission**

Rule 67 amendments Frequently Asked Questions

Where can I read the rule 67 amendments?

Amendments to rule 67 can be read on the [Personal Injury Commission website](#).

When will the amendments commence?

On Monday 25 November 2024, the amendments to rule 67 of the Personal Injury Commission Rules 2021 and Procedural Direction PIC 3, a new Procedural Direction PIC 12 and consequential amendments to other Procedural Directions will be enacted.

Why are amendments being made to rule 67?

The rule amendments are being made to help the Commission meet its statutory mandate to resolve the real issues in proceedings justly, quickly, cost effectively and with as little formality as possible.

What is required under the new rule 67?

Rule 67 outlines the approach to lodging documents with the Commission and replaces the existing rule 67.

The new rule 67(1) requires that all documents lodged with the Commission must be paginated, indexed and sorted by document category, and must not contain duplicates. This means that documents must not include a document or part of a document that has been previously lodged in the applicable proceedings or is included more than once in the document bundle.

Under rule 67(2), parties cannot introduce evidence unless it has been lodged and served, or provided to another party, as required by the Rules and enabling legislation.

What is required under rule 67A?

Rule 67A relates to the documents lodged with an application (e.g., an Application to Resolve a Dispute) to commence proceedings, or a reply. Rule 67A provides that parties must lodge and serve supporting documents to an application or reply only if they relate to the “resolution of real issues in the proceedings” and have not already been lodged. The documents lodged must comply with the relevant forms, Rules, and Procedural Directions, and be served as soon as practicable.

What is changing under rule 67B?

Rule 67B states that a party must not lodge supporting documents to an application or a reply (under rule 67A) which exceeds 500 pages. An application

or reply containing more than 500 pages will be rejected by the Commission. Where parties require more than 500 pages of documents to support their application or reply, they must lodge an Application to Lodge Additional Documents. This Application to Lodge Additional Documents can only be made on one occasion during the course of proceedings, unless leave is granted by an appropriate decision-maker under rule 67C.

Are any dispute types excluded from rule 67B?

Yes. Under rule 67B(2), the 500-page limit does not apply to medical review panels, merit review panels, merit review proceedings and settlement approvals in motor accident proceedings. In workers compensation proceedings, expedited assessments, medical appeal panels, presidential appeal proceedings, and work injury damages and related proceedings (such as applications to strike out or cure defective pre-filing statements), are excluded from the 500-page limit.

Will the rule 67 amendments apply to disputes lodged before 25 November 2024?

Yes, the rule 67 amendments, (with the exception of the 500-page limit (rule 67B)), will apply to all existing matters from 25 November 2024. However, if a reply still needs to be lodged in an existing matter, this reply will be subject to the new rule 500-page limit rule 67B(1) for certain dispute types (rule 67B(2)). If you need to lodge additional documents in an existing matter, this will also be subject to the rule 67 amendments from 25 November 2024 (see rule 67 and rule 67C).

What if I need to refer to more than 500 pages of material?

Where a party intends to rely on material over the 500 pages, they can make an Application to Lodge Additional Documents. In making the Application to Lodge Additional Documents, the party must satisfy the requirements under rule 67C.

What is changing under rule 67C?

Rule 67C provides the requirements for an Application to Lodge Additional Documents.

Rule 67C (1) states that a party who wishes to introduce an additional document must serve the document on each other party to the proceedings as soon as practicable, lodge the document no later than 14 days before a medical assessment or three working days before the conference or hearing and lodge additional documents on one occasion only.

Additional documents may be allowed if a party applies for leave to an appropriate decision-maker under rule 67C(3) and can show how the additional documents are “necessary to facilitate the just, quick and cost effective resolution of the real issues in the proceedings”, as contemplated by the Commission’s

guiding principle, s 42 of the *Personal Injury Commission Act 2020*. Under this rule, there will be no limit on the documents, provided the appropriate decision maker is satisfied that this has been established.

Rule 67C(2) states that an additional document will be automatically introduced in medical assessment proceedings, provided that the party obtains written consent to introduce the document from each other party, if the document is served and lodged and if it complies with rule 67(1).

How do I submit an Application to Lodge Additional Documents?

From 25 November 2024, you can submit an Application to Lodge Additional Documents – Form P01 in the Pathway Portal by following these steps.

When lodging an Application to Lodge Additional Documents with an application to commence proceedings or reply:

1. Complete the initiating application or reply form
2. Upload a supporting document bundle of no more than 500 pages – this must be a single, indexed and paginated bundle sorted by document category
3. Complete a Form P01 - Application to Lodge Additional Documents
4. Upload the documents in excess of the 500-page limit as a single, indexed and paginated bundle sorted by document category.

When lodging an Application to Lodge Additional Documents throughout the course of proceedings:

1. Complete a Form P01 Application to Lodge Additional Documents
2. Upload the documents as a single, indexed and paginated bundle sorted by document category.

What information do I need to provide in my Application to Lodge Additional Documents?

When lodging your application, you will be required to provide reasons in support of your application. This is your opportunity to demonstrate whether the procedural requirements of rule 67 have been met and to explain why the introduction of the documents is necessary to facilitate the just, quick and cost-effective resolution of the real issues in the proceedings.

When can I submit an Application to Lodge Additional Documents?

An Application to Lodge Additional Documents can be submitted during the initiating application or reply, or at a later time in the proceedings provided it is no later than 14 days before a medical assessment or three working days before a conference or hearing. Under rule 67C, a party may only lodge additional documents on one occasion, unless leave is granted because the decision-maker

is satisfied that the additional documents facilitate the just, quick and cost effective resolution of the real issues in the proceedings.

Does the Application to Lodge Additional Documents replace the Application to Admit Late Documents?

Yes, the Application to Lodge Additional Documents replaces the Application to Admit Late Documents.

Who will decide if additional documents can be admitted?

Where leave is sought to lodge additional documents, a decision to allow the additional material will be made by an appropriate decision-maker as designated under the *Personal Injury Commission Act 2020*. They will assess the information provided, provide the other party with an opportunity to respond, and decide whether to allow the documents, either 'on the papers' or during a short online hearing.

If my Application to Lodge Additional Documents is accepted with an application to commence proceedings or a reply, does this mean there will be two separate document bundles?

Yes, there will be the initial document bundle of up to 500 pages supporting the application or reply, and an additional document bundle for accepted material exceeding the first 500 pages. Both document bundles must comply with rule 67.

Is the index counted within the 500-page limit of the initial document bundle?

Yes, while the index does not need to be numbered, it is included in the page count for the purposes of rule 67B (500-page rule).

In workers compensation proceedings we currently have the option to lodge an Application to Admit Late Documents before a Teams Conference and also before a conciliation/arbitration. Is this changing?

Yes, you will only be able to submit an Application to Lodge Additional Documents once. However, under rule 67C(3) and rule 67C(4), the appropriate decision-maker can grant leave to lodge additional documents if they are satisfied that the additional documents facilitate the just, quick, and cost effective resolution of the real issues in the proceedings.

What is changing under rule 67D?

Rule 67D (1) states that the appropriate decision-maker in proceedings may direct a party to make oral or written submissions on whether a document facilitates the just, quick and cost-effective resolution of the real issues in the proceedings and remove a document or part of a document that has previously been lodged in the applicable proceedings, or is included more than once in the documents (duplicates).

Significantly, rule 67D(2) provides that the appropriate decision-maker for proceedings is not required to have regard to a document not specifically referred to in submissions made by a party to the proceedings.

Is the draft timeframe for Form 5A Direction for Production longer than the existing timeframe, noting that external parties must be contacted to sign the document prior to uploading?

No, the Form 5A should be executed by the parties prior to lodgement with the Commission.