



Personal Injury Commission

Procedural Direction PIC 12 – 500 Page Limit and Additional Documents

This procedural direction applies to:	Workers Compensation Division Motor Accidents Division (TBC)
Date of commencement:	
Note:	Ensure that you are using the latest version of this Procedural Direction. The most up-to-date version of all Procedural Directions are available at www.pi.nsw.gov.au . Other Procedural Directions may apply.

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Introduction

1. This Procedural Direction concerns Div 2 of Pt 7 of the Personal Injury Commission Rules 2021, in particular the 500 page limit and the lodgment of additional documents in the Commission.

Documents

2. The Commission requires the early exchange of information between parties before the commencement of proceedings, in accordance with the legislation.
3. A party must lodge and serve each document on which they propose to rely if it relates to the resolution of the real issues in the proceedings and has not already been lodged. The supporting documents must be lodged as a single document bundle in an application or a reply.
4. The document bundle must not contain more than 500 pages, unless rule 67B(2) provides that this rule does not apply to the particular proceedings.

5. If a party seeks to rely on additional documents, in excess of 500 pages or in addition to the document bundle already lodged, that party will need to lodge and serve an Application for Additional Documents.

Applications for Additional Documents

6. An Application for Additional Documents may be lodged and served on one occasion only (rule 67C(1)):
 - (a) for medical assessment proceedings – no later than 14 days before the medical assessment, and
 - (b) for all other applicable proceedings – no later than 3 working days before the conference or hearing.
7. Additional documents must be served on each party to the proceedings as soon as practicable.
8. If a party seeks to lodge additional documents that party must lodge an Application for Additional Documents, with submissions in support addressing rule 67C. Pro forma paragraphs quoting the Commission's power to admit additional documents should not be used as the only basis to support the Application.

Medical assessment proceedings

9. In medical assessment proceedings, additional documents under rule 67C(2) will be automatically introduced if the documents are lodged and served:
 - (a) in the approved form (by lodging an Application for Additional Documents);
 - (b) no later than 14 days before the medical assessment;
 - (c) with the written consent to the introduction of the document from each other party to the proceedings, and
 - (d) the Application and supporting document otherwise complies with rule 67.
10. Where a party is unable to automatically introduce additional documents under rule 67C(2), an additional document may be introduced under rule 67C(3).
11. An additional document must not be introduced for the purpose of a medical assessment, after the medical assessment has taken place.

Other proceedings

12. An additional document may be introduced into applicable proceedings, by lodging an Application for Additional Documents and an appropriate decision-maker gives leave (see rule 67C(3) and (4)).
13. The appropriate decision-maker will determine the application for leave during the relevant next event, namely the standard conference or hearing. If the other party objects to the introduction of the additional documents, that party will be given an opportunity to provide submissions during the conference or hearing.
14. If a party seeks leave to introduce a document before a medical assessment proceeding and the additional documents could not be "automatically introduced" under rule 67C(2), the matter will be referred to an appropriate decision-maker for

determination. The appropriate decision-maker may hold a short conference with the parties, if the matter cannot be resolved 'on the papers'.

15. If a party seeks leave to introduce a document during a conference or hearing, admission of the document will be determined by the decision-maker with conduct of the matter.
16. The appropriate decision-maker may give leave if satisfied the introduction of the document is necessary to facilitate the just, quick and cost effective resolution of the real issues in the proceedings (rule 67C(4); guiding principles under section 42 of the *Personal Injury Commission Act 2020*).

His Hon Judge Gerard Phillips
President

(Date - TBC)