

# Introduction to the Personal Injury Commission

Workers Compensation

February 2021

# Agenda

- Overview of the Personal Injury Commission
- What is and isn't changing
- Legislation, Rules and Practice Directions
- Technology changes
- What you need to do
- Where to find more information
- Questions

# About the Personal Injury Commission

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- The Personal Injury Commission (PIC) will be established in NSW on 1 March 2021
- The Personal Injury Commission is a single, independent tribunal for injured people claiming against the workers compensation and compulsory third party (CTP) insurance schemes
- The Personal Injury Commission will replace the existing Workers Compensation Commission and SIRA's Dispute Resolution Services that currently manage disputes involving injured workers and road users

# Objects of the Commission

The objects are contained in Section 3 of the Personal Injury Commission Act:

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- (a) to establish an **independent** tribunal to deal with workers compensation and motor accidents disputes and provide a central registry for that purpose
- (b) to ensure the Commission:
  - (i) is **accessible**, professional and responsive to the needs of all of its users
  - (ii) is **open** and **transparent** about its processes
  - (iii) encourages **early dispute resolution**
- (c) to resolve the **real issues** in proceedings **justly, quickly, cost effectively** and with as **little formality** as possible

# Objects of the Commission

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- (d) to ensure that the decisions are **timely, fair, consistent** and of a **high quality**
- (e) to promote **public confidence** in decision-making and in the conduct of members
- (f) to ensure that the Commission:
  - (i) publicises and disseminates information concerning its processes, and
  - (ii) establishes effective liaison and communication with interested parties concerning its processes and the role of the Commission
- (g) to make appropriate use of the knowledge and experience of members and other decision-makers

# Benefits the Commission will deliver

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- A **single contact point** for dispute resolution services - the PIC will be a '**one-stop-shop**' for injured people
- **Less confusing** where injured people need to go to access dispute resolution services
- Fewer forms, **less complexity**, a **harmonised processes** and **better access** to dispute resolution across all schemes
- Sound foundation to **grow** and **respond** to future changes and demands
- **Operational benefits** for NSW Government will be achieved by combining and streamlining the services currently provided different agencies
- Improved customer insights from **better data collection and reporting** will enable the tribunal to deliver more efficient and focused services

# No Changes to Entitlements

- **Entitlements** and **benefits** under the workers compensation and compulsory third-party insurance schemes are **not impacted** by these changes
- **No change** to substantive law concerning legal tests
- The NSW Government adopted this model after considering feedback from stakeholders who strongly advocated for a **minimalist approach**
- This also means there is no change to **court access** under the schemes

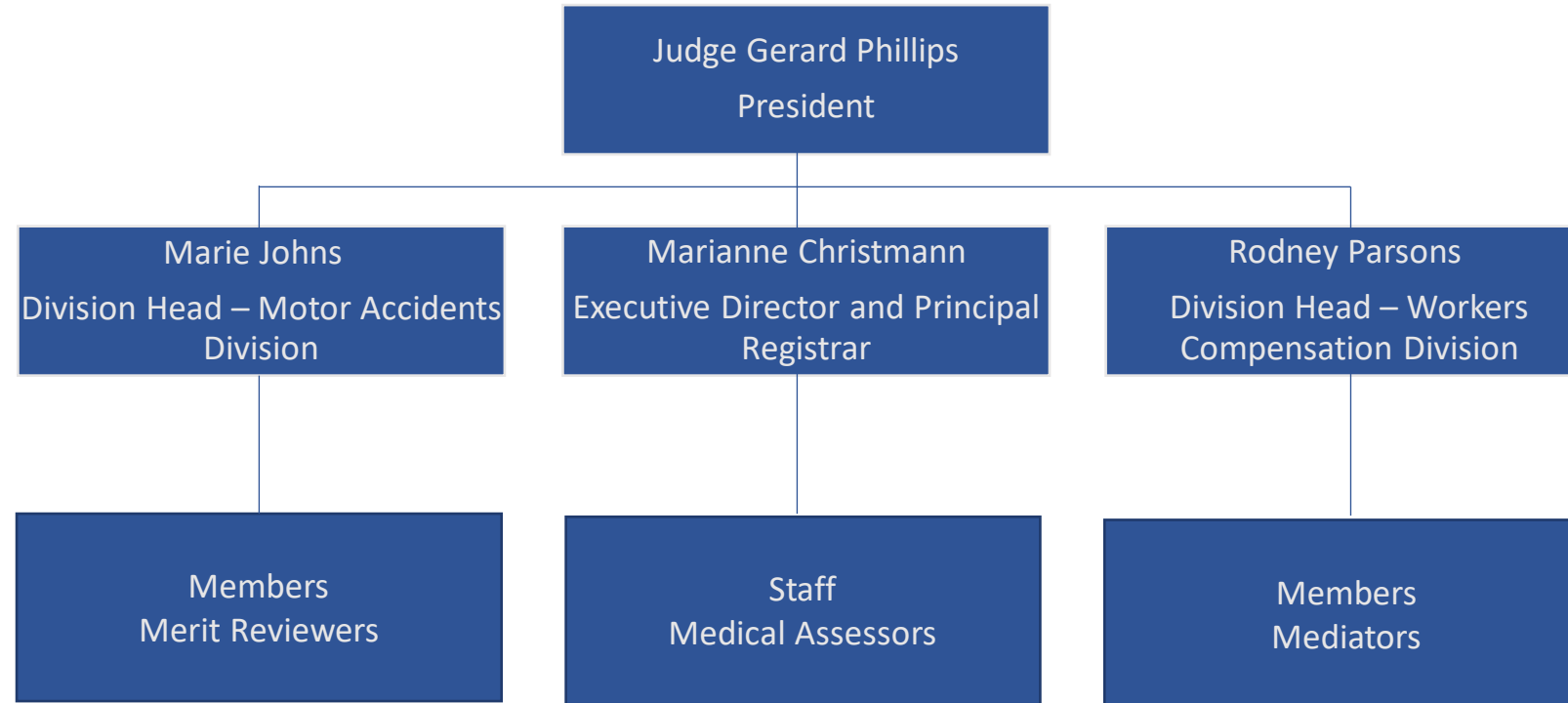
# Impact on Existing Proceedings

- Pending proceedings in the WCC or DRS as at 28 February 2021 will not be impacted
- Pending proceedings will transfer to the Personal Injury Commission but will be heard and determined in accordance with the legislative framework that applied before the establishment of the Commission
- A party who immediately before establishment of the Personal Injury Commission has unexercised rights, including rights to appeal, will have those rights preserved

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# Structure



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# Functions

- **President** directs business of the Commission, manages members, appoints medical assessors, merit reviewers and mediators, and directs practice and procedure
- **Division Heads** direct business of the Commission in respective Division
- **Principal Registrar** assists the President in managing the business and affairs of the Commission and other administrative functions

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# Delegations

- **President** may delegate any of his functions to a Division Head, Principal Registrar, member or member of staff
- **Division Heads** may delegate any of their functions to a member or member of staff
- **Delegates** can subdelegate a function of the President or Division Head if authorised to do so

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# Establishing the Commission

A body of operational implementation work is underway to establish the Commission and transition the dispute resolution functions, currently undertaken by WCC and DRS, into it.

Build the new website

Get operations and staff ready

Arrange new email addresses, telephone numbers, members and staff

Transition current ECM systems

New Regulations, Rules and Procedural Directions

Recruit in-house and sessional members

Develop policies, codes of conduct, style guides

Transition existing dispute proceedings

Get the financial requirements in place

Communications and training activities

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# PIC Rules Framework

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- **Rule Committee** established – 11 members
- **Personal Injury Commission Rules 2021** commence on 1 March 2021 and will apply to all proceedings commenced in the Commission on or after 1 March 2021
- President may give **procedural directions** relating to practice and procedure
- Personal Injury Commission Regulation 2020 provides that **existing provisions** of any Act, statutory rules or other law continue to apply continues to apply to **pending proceedings** (i.e. proceedings commenced before 1 March 2021 that have not been finally determined before that date)

# Rules - What are the key changes?

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- The Personal Injury Commission Rules were drafted closely based on the existing Workers Compensation Commission Rules
- Whilst the structure and language may look different, the practical changes for the purposes of workers compensation practitioners are minimal
- Where possible, the rules have been harmonised to apply to both the Workers Compensation Division and Motor Accident Division

# Key changes

## Production of Documents

- The President (or delegate) may direct that a person does not need to comply with an aspect of a direction for production if complying would pose a risk to the safety, health or well-being of a party to proceedings or a person affected by the proceedings

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# Key changes

## Lodgment of Documents

- The Personal Injury Commission will only accept lodgment through the online portal, unless President (or delegate) allows otherwise
- Documents not lodged by portal can only be served on the Personal Injury Commission via email and post (removing the existing service rules for DX and fax)

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# Key changes

## Unrepresented Workers

- If a worker is unrepresented, leave is required for an insurer to have legal representation before the Personal Injury Commission
- There are provisions around circumstances where leave is not required (the preparing and lodging of documents, the telephone/conciliation conference, and corresponding with Personal Injury Commission and other parties)

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# Key changes

## Medical Assessment Support Persons

- Right of a support person to be present during an examination, where the person being assessed is under legal incapacity
- The existing prohibition on a legal or union representative acting as a support person is maintained and extended to a treating or health practitioner that has treated the worker

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# Key changes

## **Surveillance Material before Medical Assessors**

- Surveillance material will not be referred to a medical assessor unless in exceptional circumstances as ordered by the Commission
- However, there will be an additional right to allow a claimant to file a response addressing the surveillance recording, within 7 days of service of the surveillance recording

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# Key changes

## **Panel Review Proceedings**

- The panel determines its own procedure, and may determine the matter on the papers

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# Key changes

## Publication of Decisions

- Publication of decisions of the Personal Injury Commission mandatory
- There is provision for the de-identification or redaction of publishable decisions, however there is no power to withhold a decision from publication

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# Online Lodgment Portal

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- URL has changed to: [www.online.pi.nsw.gov.au](http://www.online.pi.nsw.gov.au)
- Please update your bookmarks
- Your login details remain the same
- You can access the Portal via the Personal Injury Commission website from 1 March 2021
- The functionality remains the same
- There are cosmetic changes to reflect the new Personal Injury Commission brand and terminology

# Online Portal Support from 1 March

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**New  
Support  
Email  
Address**

**wcsupport@pi.nsw.gov.au**

**Support  
Phone  
Number**

**02 8281 6328**

# New matter number format

- Existing applications retain existing matter numbers
- New matter number format for workers compensation applications from 1 March:

**CCC-Wnnnnn/yy**

(e.g. '**W**1234/21' or 'A1-**W**12345/21')

**W** = Workers Compensation Division  
**CCC** = appeal code and count (conditional)  
**nnnnnnnn** = progressive count reset to “1” at 1 March 2021 and then 1 January each year after that  
**yy** = year registered



# Personal Injury Commission Website

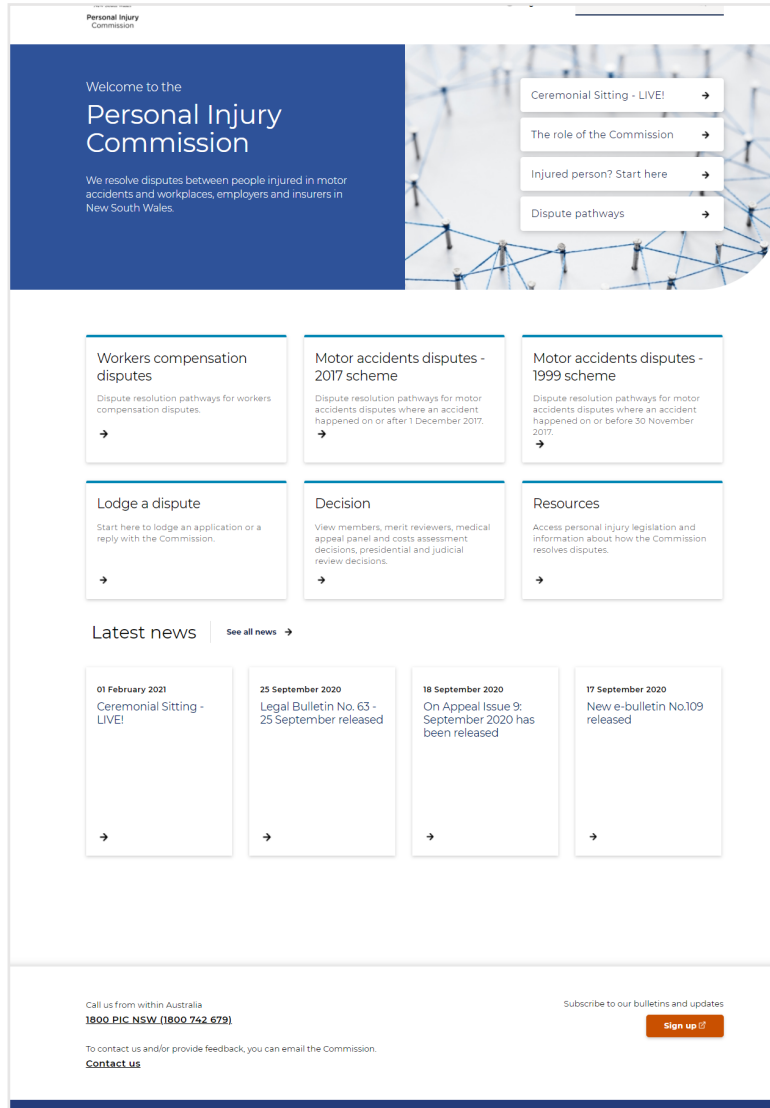
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Launches 1 March 2021

[www.pi.nsw.gov.au](http://www.pi.nsw.gov.au)

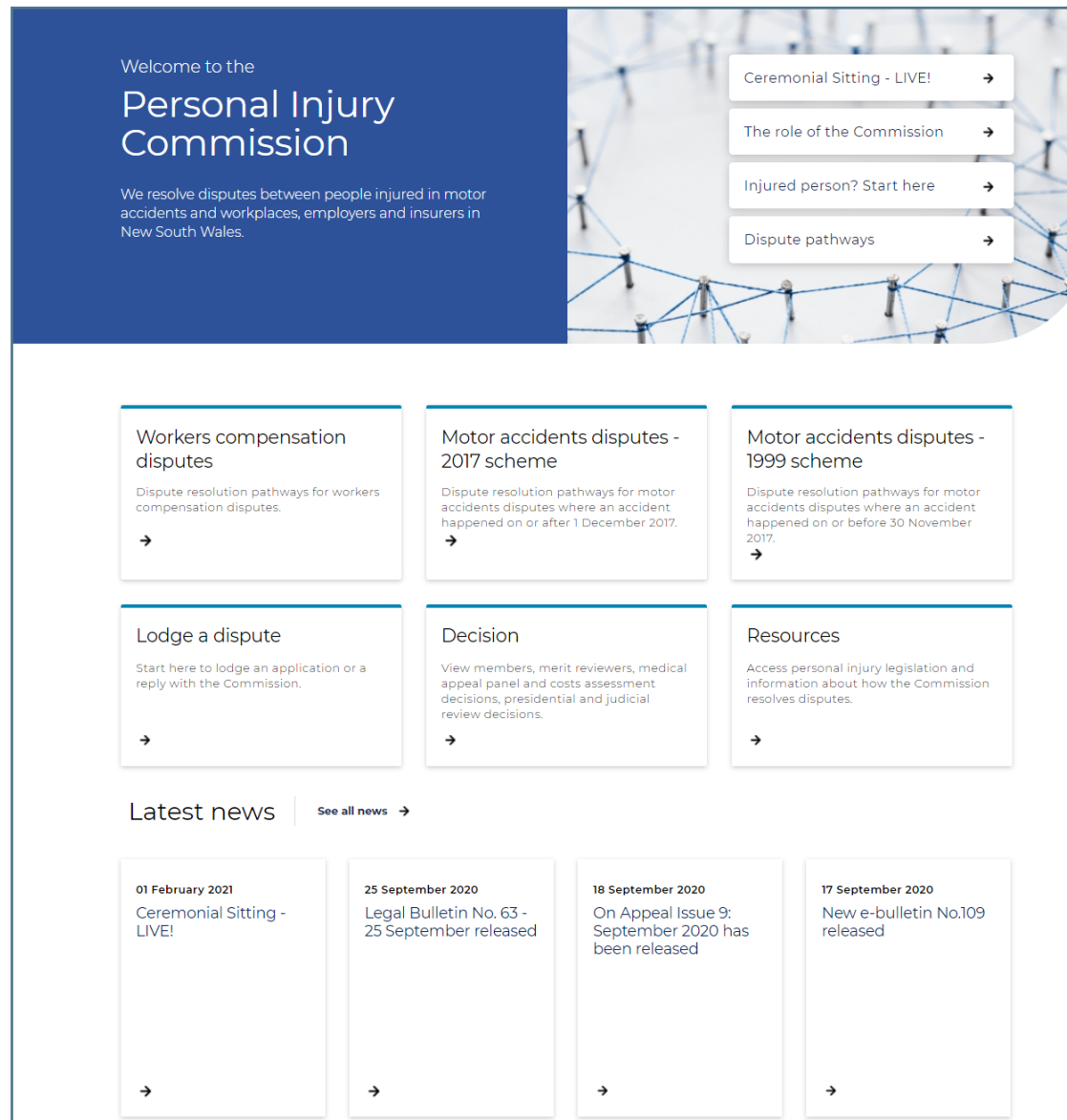
Replaces:

- Workers Compensation Commission website
- Dispute Resolution Services content of SIRA website



# Personal Injury Commission Website

## Personal Injury Commission



Includes information about:

- Role of the Commission and how it resolves disputes
- Dispute resolution pathways
- Decisions
- Personal injury legislation
- Rules and Procedural Directions
- News and publications

Includes links to:

- Portals
- Registry
- Support

# Personal Injury Commission Website

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- Access the Portal from the 'Lodge a dispute' section on the homepage

## Workers compensation disputes

Dispute resolution pathways for workers compensation disputes.



## Motor accidents disputes - 2017 scheme

Dispute resolution pathways for motor accidents disputes where an accident happened on or after 1 December 2017.



## Motor accidents disputes - 1999 scheme

Dispute resolution pathways for motor accidents disputes where an accident happened on or before 30 November 2017.



## Lodge a dispute

Start here to lodge an application or a reply with the Commission.



## Decision

View members, merit reviewers, medical appeal panel and costs assessment decisions, presidential and judicial review decisions.



## Resources

Access personal injury legislation and information about how the Commission resolves disputes.



# Personal Injury Commission Website

- Click 'Apply now'

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## How to lodge a dispute

The first step towards resolving your dispute is to complete and lodge the appropriate application through the Commission's online portal. If you need assistance with lodging an application, please **contact us** [↗](#). We cannot provide legal advice, but will be able to assist with the procedural aspects of your application. If you are legally represented, your lawyer will lodge the application on your behalf.

[Open all](#)

The process

Details +

All information must be lodged with the application and reply

Details +

Apply now

# Personal Injury Commission Website

- Click 'Portal login'

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## Workers Compensation Disputes Application

The **Online lodgment portal user guide** [↗](#) applies to all workers compensation disputes lodged with Workers Compensation Division.

For assistance contact the Workers Compensation Division at [wcsupport@pi.nsw.gov.au](mailto:wcsupport@pi.nsw.gov.au) or contact the Commission's Registry **here**.

[Portal login](#)

Access to the workers compensation dispute portal

## Motor Accidents Disputes Application

The **online user protocol** [↗](#) applies to all CTP disputes lodged with Motor Accident Division.

For assistance contact the Motor Accidents Division at [masupport@pi.nsw.gov.au](mailto:masupport@pi.nsw.gov.au) or contact the Commission's Registry **here**.

To apply online, please select one of the following link based on the lodging party type:

# Personal Injury Commission Website

- You can also email the Support team from this page

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**Portal login**

Access to the workers compensation dispute portal

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# Personal Injury Commission Contact Details from 1 March 2021

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One Website: [www.pi.nsw.gov.au](http://www.pi.nsw.gov.au)



One Telephone: 1800 PIC NSW (1800 742 679)



One Email: [help@pi.nsw.gov.au](mailto:help@pi.nsw.gov.au)

# What you need to do

- Remember there are no changes to existing proceedings
- Be aware of the changes to the case management processes for applications lodged on or after 1 March 2021
- Update your bookmarks for Portal access to the new URL from 1 March 2021
- Note the new matter number format for applications lodged from 1 March 2021
- Take note of the Commission's new contact details that commence on 1 March 2021
- Update any references to the former organisations in your internal materials or websites to reflect the Commission's new name and contact details



# More information

- *Towards the PIC* newsletter – regular email updates
- Direct email communication
- WCC website information and resources on the ‘Towards the PIC’ section
- Send feedback or questions to:  
[PICstakeholder@wcc.nsw.gov.au](mailto:PICstakeholder@wcc.nsw.gov.au)

# Questions?

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**Submit your  
questions via the  
Chat box**