



Personal Injury Commission

Rule Committee of the Personal Injury Commission

RESOLUTION #1 of 2021

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

On 2 September 2021, the Rule Committee of the Personal Injury Commission of New South Wales (**Committee**) resolved unanimously as follows:

1. To repeal Rule 67(5) from the Personal Injury Commission Rules 2021 (**Rules**); and
2. To amend Rule 67(3) and (4) so that they read as follows:
 - (3) If a party to applicable proceedings wishes to rely on a document not lodged and served in compliance with subrule (1), the party must—
 - (a) as soon as practicable after becoming aware of the document or obtaining possession of the document, serve a copy on all other parties, and
 - (b) not later than 3 working days before a medical assessment or teleconference, on one occasion only and by the approved form, lodge all documents not previously lodged, and
 - (c) not later than 3 working days before a hearing, on one occasion only and by the approved form, lodge all documents not previously lodged.
 - (4) The appropriate decision-maker for the applicable proceedings may, if it is satisfied that it is necessary to do so in the interests of justice, allow a party to introduce evidence that the party would be prevented from introducing because of the operation of subrule (2) if—
 - (a) the party complies with subrule (3), or
 - (b) the appropriate decision-maker gives the party leave to lodge additional documents; or
 - (c) all parties to the proceedings consent to the lodgment and the appropriate decision maker gives the party leave to lodge the additional documents.
3. The changes set out in paragraphs 1 and 2 above, will commence operation on the commencement date agreed for the changes that are implemented because of the forthcoming Initial Review of the Rules.

The President voted for the resolution set out above.

Dated 2 September 2021

BY THE RULE COMMITTEE