



**Personal Injury
Commission**

Rule Committee of the Personal Injury Commission

RESOLUTION #2 of 2023

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

On 15 March 2023, the Rule Committee of the Personal Injury Commission of New South Wales (**Committee**) convened and entered a unanimous resolution on the Additional Document Issue and Document Limitation Issue.

There was a validly constituted quorum for the meeting pursuant to section 19(7)(c) of the *Personal Injury Commission Act 2020* (**PIC Act**).

1. Additional Document Issue

The Committee voted to amend rule 67 of the Personal Injury Commission Rules (**PIC Rules**) to reduce the number of interlocutory procedural decisions required to determine if additional documents will be accepted for a medical assessment.

The Committee resolved to omit rule 67(3)(d) of the PIC Rules 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 relevant medical assessment;
- b. on one occasion only;
- c. in the approved form, and
- d. the written consent of the other parties to the proceedings.

Pathway 2

In alternative to Pathway 1, a party may lodge an additional document application and the additional document/s will only be admitted into proceedings where:

- a. rule 67(4) of the PIC Rules is satisfied.

The Committee also resolved to amend rule 67(4) of the PIC Rules and provide:

- a. the lodging party to provide submissions addressing the new test, namely to “facilitate the just, quick and cost-effective resolution of the real issues in the proceedings” as set out under s 42 of the PIC Act, and
- b. that the appropriate decision-maker may admit the additional documents into the proceedings if it is satisfied that it is necessary to do so to “facilitate the just, quick and cost-effective resolution of the real issues in the proceedings” as set out under s 42 of the PIC Act.

2. Document Limitation Issue

The Committee voted to amend rule 67 of the PIC Rules or create a new rule to reduce the volume of irrelevant and duplicated documents lodged by parties to proceedings in the Motor Accidents Division and Workers Compensation Division to ensure that only documents relevant to the dispute are in evidence, consistent with the objects and guiding principles in ss 3 and 42 of the PIC Act.

The Committee resolved to amend rule 67 of the PIC Rules or create a new rule that:

- a. mandates that each party lodge one indexed and paginated bundle of documents, under cover of each application or reply. The index is to be separated into categories of documents.
- b. governs the limitation of evidence lodged to 500 pages per party per proceeding, in initiating applications and replies.
- c. provides that decision-makers may issue directions to require parties to provide oral or written submissions on what evidence is relevant and how it relates to the “real issues” in dispute. Where a document is not specifically referred to in the submissions, the decision-maker is not required to have regard to that material.
- d. mandates that there are to be no duplicate documents to be lodged (including that a Respondent is not to lodge any material already lodged by the Applicant) and provides that decision-makers may issue directions to require parties to remove duplicates.

The President voted for the resolution set above.

Dated 15 March 2023
BY THE RULE COMMITTEE