



Personal Injury Commission

Procedural Direction PIC3 – Documents

This procedural direction applies to:

Date of commencement:

Note:

Workers Compensation Division

Motor Accidents Division

(TBC)

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 the preparation and lodgment of material in the Commission.

Preliminary

2. This Procedural Direction is made by the President under section 21 of the *Personal Injury Commission Act 2020* (the PIC Act).
3. The President or a member before whom a matter is listed may excuse a party from complying with any aspect of this Procedural Direction before or after the time for compliance with any action required.
4. Nothing in this Procedural Direction prevents the President or a member directing a party to take any appropriate step in proceedings.
5. This Procedural Direction is to be read with and subject to any provision of the PIC Act, the enabling legislation, and the Personal Injury Commission Rules 2021 (the PIC Rules).

Applicable legislation and rules

6. Parties should be familiar with the following provisions:
 - (a) sections 3 and 42 of the PIC Act;
 - (b) section 290 of the *Workplace Injury Management and Workers Compensation Act 1998*;
 - (c) sections 6.3, 6.24 of the *Motor Accidents Injuries Act 2017*; section 85 of the *Motor Accidents Compensation Act 1999*;
 - (d) rules 17, 18, 33, 66, and 67/Div 2 of Pt 7 of the PIC Rules.

Documents

7. The Commission requires the early exchange of information between parties before the commencement of proceedings, in accordance with the legislation.
8. 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, under cover of an application or reply.
9. In the workers compensation division, the following documents must be lodged and served:
 - (a) where proceedings are commenced by a worker, a signed statement of the worker;
 - (b) where oral evidence is required from a witness, a signed statement from that witness, and
 - (c) where the dispute concerns weekly payments of compensation, a schedule of earnings, in the prescribed form, must be provided by the employer or their representative. See Procedural Direction PIC5 – Schedule of earnings for further information on the preparation of a schedule.
10. In the motor accidents division, the following documents must be lodged and served:
 - (a) in a claim for damages, a schedule of damages in support of the application and in reply where the accuracy of the schedule of damages lodged is disputed (rule 100 of the PIC Rules), and
 - (b) in a statutory benefits dispute, a schedule of earnings in the prescribed form in support of the application and in reply where the accuracy of the scheduled lodged is disputed (rule 68 of the PIC Rules).
11. An application or reply will be registered if the President is satisfied that it complies with the relevant procedural requirements. A copy of the registered application or reply will be returned to the filing party, through the electronic case management system, with the seal of the Commission, together with a Direction outlining the timetable for proceedings.

Document Bundle

12. The supporting documents must be lodged as a single document bundle and:

- (a) indexed;
- (b) sorted by document category;
- (c) paginated, with consecutively numbered pages, and
- (d) not contain any duplicate material.

13. The following style of index is recommended:

Document	Author	Date of Document	Page No.
Witness Statements			
Statement	Applicant	1 January 2024	1
Dispute Notices			
Section [xx] Dispute Notice	iCare	5 November 2023	8
Medical Reports			
Independent Medical Expert Report	Dr A Jones	11 November 2023	12
Treating Surgeon Report	Dr J Smith	8 December 2023	25
Clinical Notes			
Clinical Notes	Dr B Young	11 March 2023-14 October 2023	42
Certificate of Capacity	Various	Various	74

14. The following document order is recommended:

- (a) witness statements of the claimant and any other witnesses;
- (b) claim forms;
- (c) dispute notices;
- (d) schedule of damages;
- (e) schedule of earnings;
- (f) relevant correspondence;
- (g) list of payments;
- (h) factual investigation reports;
- (i) medical reports;
- (j) medical investigation reports;

- (k) clinical notes;
- (l) financial records;
 - i. wage records;
 - ii. pay slips;
 - iii. bank statements;
 - iv. tax returns, and
 - v. award information.

15. Documents within each of the above categories should be arranged in chronological order, with the first in time placed first. The single document bundle should be appropriately paginated.
16. A party should not lodge duplicate material. If a party seeks to rely on material previously lodged in the proceedings, that party should note reference to the location of the document in its index. For example:

Document	Author	Date of Document	Page No.
Dispute Notices			
Section [xx] Dispute Notice	GIO	5 November 2023	ARD 8
Section [xx] Dispute Notice	GIO	12 November 2023	1
Medical Reports			
Independent Medical Expert Report	Dr N Winter	21 December 2023	8

17. Parties should ensure that copies of documents lodged in proceedings are clear, sharp and legible.
18. A document in a language other than English must be accompanied by an English translation and a declaration in the approved form by the translator that the translation is an accurate translation.

Form of statements

19. Statements must contain all appropriate and relevant facts. Any statement relied on by a claimant should include, but not be limited to:
- (a) work history;
 - (b) the circumstances of the injury;
 - (c) information regarding medical treatment received in respect of the injury, and
 - (d) a summary of any ongoing effect/s of the injury.

20. Where a party proposes to rely on a statement of a third party, that statement should be relevant to the resolution of the real issues in the proceedings.

His Hon Judge Gerard Phillips
President

(Date – TBC)