



**Personal Injury
Commission**

Rule Committee of the Personal Injury Commission

RESOLUTION #8 of 2026

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

On 20 July 2026, the Rule Committee of the Personal Injury Commission of New South Wales (**Committee**) resolved by a majority of 10 members voting (2 members absent and 1 abstaining) as follows:

1. To instruct the Parliamentary Counsel's Office to amend rule 77 of the Personal Injury Commission Rules 2021 as set out in Annexure A.

The President voted for the resolution set out above.

Dated 20 July 2026

BY THE RULE COMMITTEE

Annexure A

Dismissal powers

1. Rule 77 of the Personal Injury Commission Rules 2021 (**the Rules**) provides additional grounds on which dismissal of proceedings may occur, in accordance with section 54(c) of the *Personal Injury Commission Act 2020* (**the PIC Act**).
2. There are different dismissal rules applicable to each Division of the Commission, creating inconsistency in the exercise of dismissals across the Divisions.
3. In some circumstances, rules applicable to one Division do not adequately address the circumstances in which a dismissal power is to be exercised, notwithstanding such rules being available in another Division.
4. Non-compliance with Procedural Directions also impedes the ability of the Commission and parties to meet its guiding principles to facilitate just, quick and cost effective resolution of the real issues in the proceedings, and in such a way that the cost to the parties and the Commission is proportionate to the importance and complexity of the subject matter of the proceedings (s42(1) and (4) PIC Act).
5. Rule 77 of the Rules will be amended so that:
 - a) Any dismissal rules under that provision are applicable to all Commission Divisions
 - b) The grounds of dismissal currently applicable to proceedings under the motor accident legislation provided under r77(b) will be applied to all Divisions of the Commission for general applicability and consistency across the exercise of the power in all Commission Divisions, subject to the following amendments:
 - i. The power to dismiss proceedings for applications which are not ready for determination as worded under r 77(b)(i) to apply to all proceedings and is to be amended so it is not constrained as it is currently:
 - i. to medical assessments
 - ii. by the words “likely to be” and “within the next 6 months”.
 - c) Clarifying that the Commission’s power to dismiss proceedings as worded under rule 77(b)(ii) applies to non-compliance with Procedural Directions as well as directions from the Commission and President.
 - d) That the exercise of the dismissal power be subject to parties being able to show cause, through the lodgement of submissions in respect of any application made for dismissal or purported exercise of power under rule 77.