

## What to expect at an assessment conference

Your motor accidents matter may proceed to an assessment conference if informal dispute resolution techniques have been unable to resolve the dispute by agreement between the parties. This fact sheet will help you understand what to expect at an assessment conference.

### What is an assessment conference?

If your motor accidents personal injury dispute was unable to be resolved during one or more preliminary conferences, the next step is an assessment conference. This is where a member of the Commission will decide your dispute.

An assessment conference is often conducted by the same member who will continue to try to bring the parties to agreement. The member will make a final determination where agreement cannot be reached.

### What happens before the assessment conference?

The member has a statutory obligation to assist the parties to resolve the dispute. Prior to the assessment conference taking place, the member will explain the process, assist the parties to identify the issues in dispute and may attempt to bring the parties to an agreement about some, or all, of the issues in dispute.

The parties may also be provided time to discuss the issues between themselves.

If the dispute is unable to be resolved by agreement of the parties, the member will proceed with the assessment of the claim.

### What happens during the assessment conference?

The member will decide how the assessment conference will be conducted and will hear evidence from the claimant and any witnesses. The member and representatives from both parties may ask the claimant and any witnesses questions about the motor accident and injuries.

The member will also review the information and documentation provided by the parties and discuss the issues about the claim or the dispute.

### Who should attend the assessment conference?

All parties to the dispute or their representatives must attend the assessment conference. If a witness is giving evidence, they must also attend.

Attending the conference helps the parties understand the issues in dispute, hear any evidence and the other side's views, and provides an opportunity to resolve the dispute.

If a party does not attend, the conference will be adjourned.

Members of the public are not permitted to attend the assessment conference, and witnesses may only attend to give evidence.

### How can I attend the assessment conference?

The member will determine the format of the conference, which may be:

- in person at our hearing rooms or in a regional venue
- by video conference
- as a hybrid conference.

We will let you know how and when to attend.

Sometimes disputes are determined without a formal hearing based only on the documents and written submissions received from each party. This is known as a decision 'on the papers' and we will discuss this with you beforehand. When this occurs, no one is required to attend a hearing.

### What should I do when arriving for an assessment conference in person?

You should check in at our reception area at least 15 minutes before the scheduled hearing time. Please ensure you allow enough time for travel and/or parking so you arrive on time.

### Can I bring someone with me?

You can bring a support person, but they will not be allowed to interpret or speak for you.

If you need an interpreter, please let us know beforehand and we will arrange a professional interpreter to attend the hearing.

Interpreter services are provided at no charge.

### What happens after the assessment conference?

The member will consider all the material which was referred to by the parties, including the oral evidence given at the assessment conference hearing.

In most cases, the member will reserve their decision, and the certificate and reasons will subsequently be issued to the parties. This will usually be sent within three weeks of the assessment conference taking place.

### Is the member's decision binding?

Assessments by the member about the amount of damages to be paid in relation to a claim are binding on the insurer if it accepts liability and the claimant accepts the amount of damages assessed.

The claimant or their legal representative must decide whether to accept or reject the member's assessment of damages and advise the insurer in writing within 21 calendar days of the certificate being issued. Otherwise, the claimant will be taken to have rejected the assessment and the insurer will have no obligation to pay the amount assessed of damages.

If the claimant rejects the assessment of damages, they will need to commence proceedings in court if they want to pursue their claim.

### What does the Commission expect of people who attend a conference?

All parties attending must honestly represent the party to the proceedings. That is, not knowingly put forward any information that is untrue, or assist or encourage a party to do anything which is dishonest or misrepresents known facts.

You should have knowledge of and comply with the relevant enabling legislation, our rules, procedural directions, and guidelines, and the usual practices and procedures of the Commission.

You should behave courteously and respectfully to the other party and their representatives, to any witnesses called during the proceedings, to the decision maker and to Commission staff.

You must not engage in behaviour that could reasonably be perceived to be inappropriate, unprofessional, or an abuse of process, nor engage in direct or indirect discriminatory conduct towards or in relation to any other person, including parties or representatives.

### What is the role of the decision maker and Commission staff?

At all times, representatives of the Commission must comply with the law in relation to the conduct of proceedings, the determination of matters and interactions with other members, Commission staff and Commission users, ensuring that all decisions and determinations are legally well founded.

The member must make an unbiased, impartial decision and give all parties the opportunity to put forward their case. They are required to be independent and apply the law equally, and act impartially in the performance of their decision-making functions, so that their actions do not give rise to a reasonable apprehension of bias or amount to actual bias, and maintain their independence in the discharge of their duties.

## Contact us

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