

Rule Committee of the Personal Injury Commission
RESOLUTION #10 of 2026
Pursuant to section 19(7) of the Personal Injury Commission Act 2020

On 1 October 2026, the Rule Committee of the Personal Injury Commission of New South Wales (**Committee**) resolved unanimously by a majority of 11 members voting out-of-session (2 members absent) in favour as follows:

1. To approve the latest the Parliamentary Counsel's Office draft (d08) to make the following amendments to the Personal Injury Commission Rules 2021 to support recent amendments to the *Workers Compensation Act 1987* (**1987 Act**) and the *Workplace Injury Management and Workers Compensation Act 1998* (**1998 Act**):
 - a. To amend rule 79(2) so that a category of proceedings to be commenced lodging an application for interim payment direction to include a decision made by an insurer regarding Pre-Injury Average Weekly Earnings (**PIAWE**), following amendments to sections 43 and 44BA of the 1987 Act and section 289(1) of the 1998 Act, which provide that decisions about PIAWE made on or after 1 July 2026 are separate and distinct from decisions regarding work capacity, and are to be dealt with by way of Expedited Assessment;
 - b. To make a new rule, pursuant to section 195 of the 1987 Act, requiring an insurer who is a party to proceedings commenced on or after 1 July 2026, to lodge with the Personal Injury Commission, a certificate from their legal representative upon the filing of any application or reply, including an appeal, which certifies that:
 - a) The insurer's case has reasonable prospects of success based on provable facts and a reasonably arguable view of the law, and
 - b) The cost of the insurer's action in commencing or defending proceedings is proportionate to the claim and the significance of the issues in dispute.
 - c. To make a new rule requiring parties to a death benefit dispute who wish to settle the amount of lump sum death benefit payable for deaths occurring on or after 1 July 2026 under Division 1A of the 1987 Act, to lodge any proposed settlement agreement:
 - i. in a form which is prescribed by the Personal Injury Commission, and
 - ii. which is executed by all parties to the proposed agreement, and
 - iii. in accordance with the Procedural Directions.

The President voted for the resolution set out above.

Dated 1 October 2026
BY THE RULE COMMITTEE