

Introduction to the Personal Injury Commission

Legal Seminar, Motor Accidents

February 2021

Agenda

- Overview of the Personal Injury Commission
- What's staying the same
- What's different from 1 March
- Technology changes
- What you need to do
- Where to find more information
- Questions

Overview of the Personal Injury Commission

The background of the slide features a gradient of blue and grey tones. Overlaid on this background are several thin, white, wavy lines that flow from the left side towards the right, creating a sense of movement and design.

About the Personal Injury Commission

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- The Personal Injury Commission (PIC) will be established in NSW on 1 March 2021
- The commission is a single, independent tribunal for injured people claiming against the workers compensation and compulsory third party (CTP) insurance schemes
- The Commission will replace the existing Workers Compensation Commission and SIRA's Dispute Resolution Services that currently manage disputes involving injured workers and road users

Why the Commission was created

- In 2018 the Legislative Council Standing Committee on Law and Justice found that it can be confusing for people navigating disputes in these schemes
- The Committee recommended consolidating the workers compensation and CTP dispute resolution systems into a single personal injury tribunal by expanding the jurisdiction of the Workers Compensation Commission but retaining two streams of expertise
- The NSW Government passed legislation to establish the Personal Injury Commission on 11 August 2020

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Objects of the Commission

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- (a) to establish an **independent** tribunal to deal with workers compensation and motor accidents disputes and provide a central registry for that purpose
- (b) to ensure the Commission:
 - (i) is **accessible**, professional and responsive to the needs of all of its users
 - (ii) is **open** and **transparent** about its processes
 - (iii) encourages **early dispute resolution**
- (c) to resolve the **real issues** in proceedings **justly, quickly, cost effectively** and with as **little formality** as possible

Objects of the Commission

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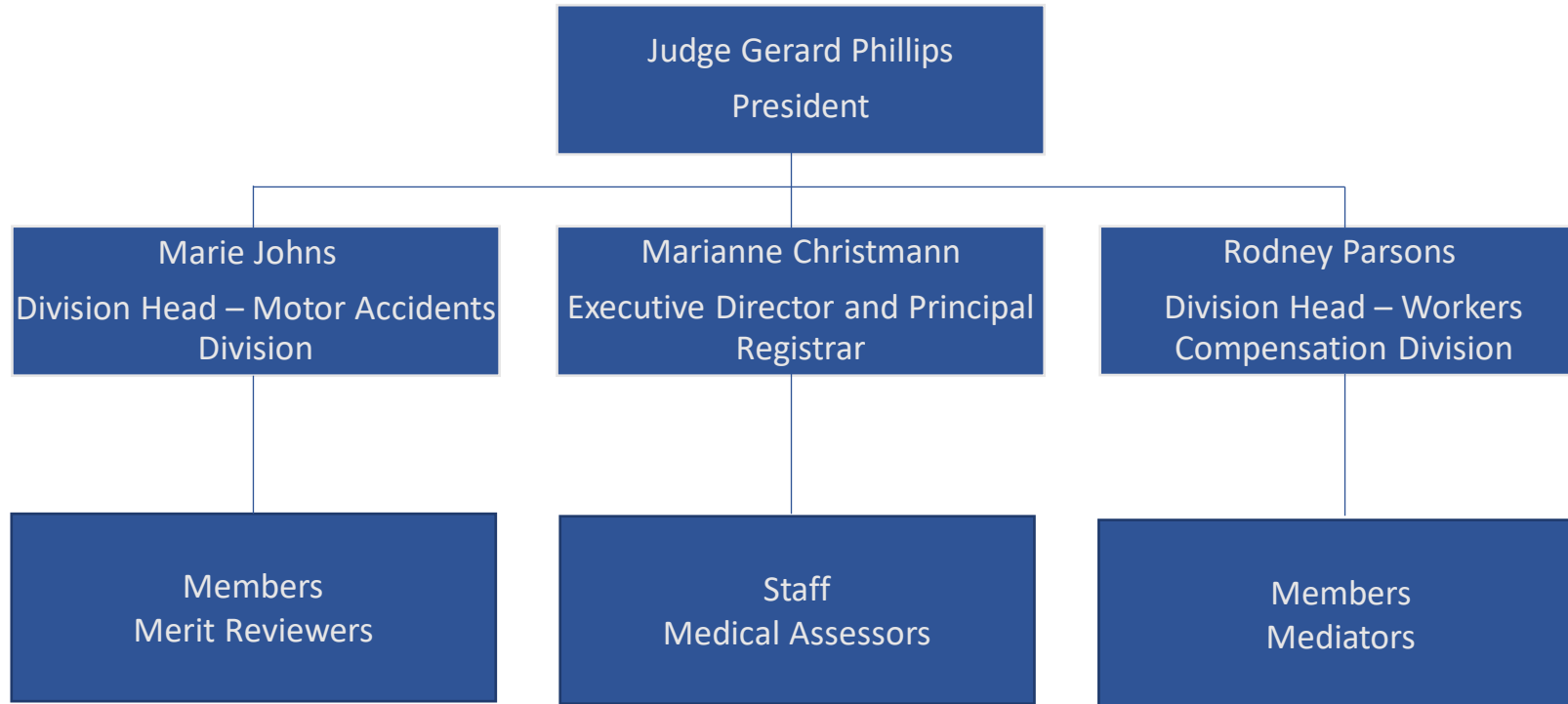
- (d) to ensure that the decisions are **timely, fair, consistent** and of a **high quality**
- (e) to promote **public confidence** in decision-making and in the conduct of members
- (f) to ensure that the Commission:
 - (i) publicises and disseminates information concerning its processes, and
 - (ii) establishes effective liaison and communication with interested parties concerning its processes and the role of the Commission
- (g) to make appropriate use of the knowledge and experience of members and other decision-makers

Benefits the Commission will deliver

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- A **single contact point** for dispute resolution services - the Personal Injury Commission will be a '**one-stop-shop**' for injured people
- **Less confusion** regarding where injured people need to go to access dispute resolution services
- Fewer forms, **less complexity**, a **harmonised process** and **better access** to dispute resolution across all schemes
- Sound foundation to **grow** and **respond** to future changes and demands
- **Operational benefits** for NSW Government by combining and streamlining the services currently provided by different agencies
- Improved customer insights from **better data collection and reporting** that enable the tribunal to deliver more efficient and focused services

Commission Structure



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What governs the Commission's operations

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- Personal Injury Commission Act 2020 No 18
- Regulations:
 - Personal Injury Commission Regulation 2020
 - provides that existing provisions of any Act, statutory rules or other law continue to apply to pending proceedings (i.e. proceedings commenced before 1 March 2021 that have not been finally determined before that date)
 - Motor Accidents and Workers Compensation Legislation Amendment Regulation 2020

What governs the Commission's operations

- Rules

- Personal Injury Commission Rules 2021 commence on 1 March 2021 and will apply to all proceedings commenced in the Personal Injury Commission on or after 1 March 2021
- The Personal Injury Commission Rule Committee was responsible for making the Personal Injury Commission Rules
- Personal Injury Commission Rules 2021 were published on 8 February 2021 – available at <https://legislation.nsw.gov.au/>

- Procedural Directions

- The President of the Commission will make a number of Procedural Directions for commencement of the Commission on 1 March 2021
- These will complement the Personal Injury Commission Act and Rule framework, and be consistent with the Personal Injury Commission Act and enabling legislation

What's staying the same

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No Changes to Entitlements and Benefits

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- **Entitlements** and **benefits** under the workers compensation and compulsory third-party insurance schemes are **not impacted** by these changes
- **No change** to substantive law concerning legal tests
- The NSW Government adopted this model after considering feedback from stakeholders who strongly advocated for a **minimalist approach**
- This also means there is no change to **court access** under the schemes

No impact on Existing Proceedings

- Pending proceedings in Dispute Resolution Services and the Workers Compensation Commission as at 28 February 2021 will not be impacted
- Pending proceedings will transfer to the Personal Injury Commission but will be heard and determined in accordance with the legislative framework that applied before the establishment of the Personal Injury Commission
- A party who immediately before establishment of the Personal Injury Commission has unexercised rights, including rights to appeal, will have those rights preserved

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Case management technology remains

- The existing Dispute Resolution Services and Workers Compensation Commission case management systems will remain in place
- The Claimant, Insurer and Legal Portals continue for motor accident applications
- The Online Portal continues for workers compensation applications
- There will be a review of these systems with a view to moving to a single technology platform in 2022

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Expertise is retained

- Staff from the existing Dispute Resolution Services and Workers Compensation Commission organisations are being transitioned into the Personal Injury Commission
- Case managers will remain managing their current portfolios in most instances to ensure a seamless transition for existing claimants and litigants
- Decision makers are also transitioning into the Commission, bringing their professional experience in their jurisdictions to the new organisation

The logo for the Personal Injury Commission is a grey shield-like shape with a downward-pointing arrow at the bottom. The text "Personal Injury Commission" is written in a dark blue, sans-serif font, centered within the shield.

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What's different from 1 March

The background of the slide features a blue-to-white gradient. Three thin, white, wavy lines flow horizontally across the lower half of the slide, starting from the left edge and ending near the right edge of the main content area.

Changes to Case Management Process

- All new applications lodged with the Personal Injury Commission from 1 March 2021 will be managed under the Personal Injury Commission Act (2020) and the new Personal Injury Commission Rules and Procedural Directions
- These apply to both 1999 Scheme and 2017 Scheme applications
- Please familiarise yourself with the full set of Rules and Procedural Directions when published

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Changes to Reply Timeframes:

Medical Assessment Applications

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21 Calendar Days

(1999 & 2017 Schemes)

- Medical assessment matters (apart from non-binding medical opinions)

14 Calendar Days

(2017 Scheme)

- Non-binding medical opinion matters

Changes to Reply Timeframes:

Claims Assessment Applications

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14 Calendar Days
(1999 & 2017 Schemes)

- **Mandatory exemptions**

21 Calendar Days
(1999 & 2017 Schemes)

- **Matters unsuitable for assessment**

21 Calendar Days
(1999 & 2017 Schemes)

- **Damages claims assessment**

21 Calendar Days
(1999 & 2017 Schemes)

- **Further claims assessment**

Changes to Reply Timeframes: Miscellaneous Claims & Special Assessment Applications

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**14 Calendar
Days**
(2017 Scheme)

- Miscellaneous claims assessment matters (statutory benefits payments)

**21 Calendar
Days**
(2017 Scheme)

- Miscellaneous claims assessment matters (apart from statutory benefits payments)

**14 Calendar
Days**
(1999 Scheme)

- Special assessment – interim payments for financial hardship

**21 Calendar
Days**
(1999 Scheme)

- Special assessment (apart from interim payments for financial hardship)

Changes to Reply Timeframes:

Merit Review Applications

**14
Calendar
Days**

(2017 Scheme)

- **All merit review matters**

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Key changes

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Stood Over List

- The Commission may direct motor accident damages matters not ready to proceed to assessment to be placed in a "stood over" list on application of the parties or at the discretion of the Commission
- Further directions may be issued concerning the review of motor accident proceedings that have been stood over
- Unless the Commission orders differently, matters not restored within 6 months are taken to be discontinued

Key changes

Lodgment and Amendment of Documents

- The Commission may give leave to amend any document lodged, if it considers the amendment to be necessary to avoid an injustice
- The Commission will not give leave to amend a document if the amendment would have the effect of substantially altering the parties to the proceedings unless the Commission considers the amendment to be necessary in the interests of justice

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Key changes

Late Additional Documents

- Late additional material can be lodged, using a form approved by the Commission, at any time in motor accidents proceedings if:
 - lodged by consent
 - lodged at the direction of the Commission, or
 - it is in the interests of justice for them to be lodged

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Key changes

Schedule of Earnings

(1999 & 2017 Schemes)

- To be included in a new approved form in any matter where weekly benefits are in dispute
- If the schedule of earnings is disputed the respondent must provide a schedule of earnings in response

Schedule of Damages

(1999 & 2017 Schemes)

- To be included in claims for damages – previously required by the application form, now elevated to Rules as mandatory
- If the schedule of damages is disputed the respondent must provide a schedule of damages in response

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Key Changes

Dismissal of Proceedings

- Failure by an applicant to prosecute the proceedings with due despatch is a ground of dismissal in all Personal Injury Commission proceedings
- The Rules also provide a number of grounds of dismissal in motor accidents proceedings that reflect the current Motor Accident Guidelines

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Key changes

Lodgment of Documents

- The Personal Injury Commission will only accept lodgment through the online portal, unless President (or delegate) allows otherwise
- Documents not lodged by portal can only be served on the Personal Injury Commission via email and post (removing the existing service rules for DX and fax)

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Key changes

Medical Review Panels

- Medical review panels will be constituted by 3 persons:
 - 2 medical assessors
 - 1 member of the Commission who is a member assigned to the Motor Accidents Division of the Commission

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Key Changes

Combined Medical Certificates

- The enabling legislation sets out the requirements of medical certificates. For MA WPI matters, the Workers Compensation Commission procedure for issuing a final combined certificate has been adopted
- A "lead assessor" will be nominated to issue the final Certificate once all assessments are complete

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Key changes

Publications of Decision

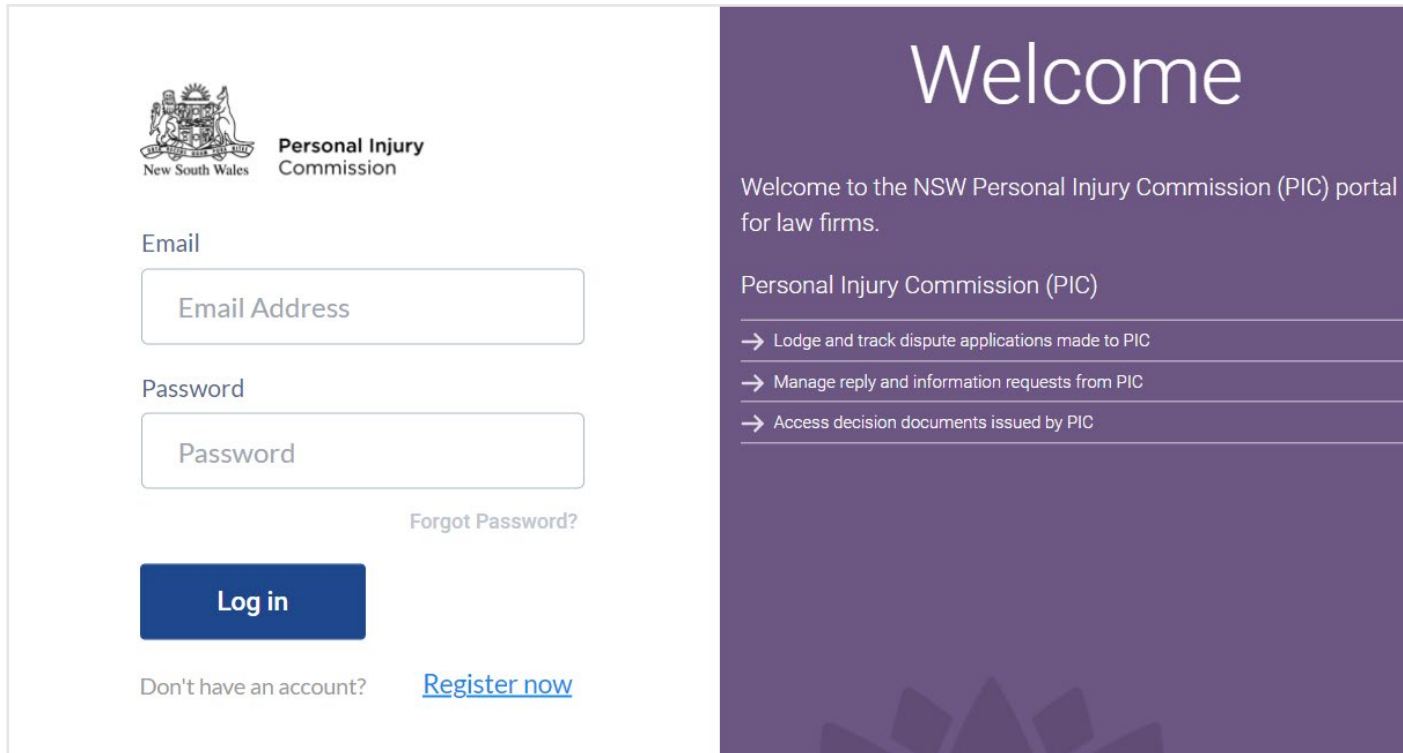
- A broader range of decisions must be published including medical review panel decisions for the Motor Accidents division
- There is provision for the de-identification or redaction of publishable decisions, however there is no power to withhold a decision from publication

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Technology changes

The background of the slide is composed of two main rectangular panels. The left panel is a deep blue with a subtle gradient and features three thin, white, wavy lines that flow from the left edge towards the right. The right panel is a lighter, greyish-blue, also with a gradient, and features a few similar white wavy lines near the bottom edge. The overall aesthetic is clean and modern.

Legal Portal



The screenshot shows the login interface for the NSW Personal Injury Commission (PIC) portal. On the left, there is a white box containing the NSW coat of arms and the text 'Personal Injury Commission New South Wales'. Below this are input fields for 'Email' (with a placeholder 'Email Address') and 'Password' (with a placeholder 'Password'). A 'Log in' button is positioned below the password field, and a 'Forgot Password?' link is to its right. At the bottom left of the box is the text 'Don't have an account?' followed by a 'Register now' link. The right side of the page has a purple background with the word 'Welcome' in large white text. Below it, a message reads: 'Welcome to the NSW Personal Injury Commission (PIC) portal for law firms.' A section titled 'Personal Injury Commission (PIC)' lists three features with right-pointing arrows: 'Lodge and track dispute applications made to PIC', 'Manage reply and information requests from PIC', and 'Access decision documents issued by PIC'.

 **Personal Injury Commission**
New South Wales

Email

Email Address

Password

Password

[Forgot Password?](#)

Log in

Don't have an account? [Register now](#)

Welcome

Welcome to the NSW Personal Injury Commission (PIC) portal for law firms.

Personal Injury Commission (PIC)

- Lodge and track dispute applications made to PIC
- Manage reply and information requests from PIC
- Access decision documents issued by PIC

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New version of Legal Portal from 1 March

New URL is:
<https://legal.pi.nsw.gov.au/>

Legal Portal

Legal Portal

- Your login details remain the same
- Update your bookmarks and pop-up blockers
- You can access the Portal via the Personal Injury Commission website from 1 March
- Functionality remains the same, cosmetic changes to reflect Personal Injury Commission language
- Documents will be sealed upon lodgment
- Note that SIRA Legal Portal remains for claim cost disclosure

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Portal Support from 1 March

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**New
Support
Email
Address**

masupport@pi.nsw.gov.au

New matter number format

- Existing applications retain existing matter numbers
- New matter number format for applications from 1 March:

CCC-Mnnnnnnnnnn/yy

(e.g. 'M12345678/21' or 'R-M12345678/21')

M = Motor Accident's Division
CCC = code for medical and merit review panels,
further medical and claims assessments
nnnnnnnn = progressive count, the numbering will never be
reset and will continue from the last sequential
number in the system
yy = year registered

Personal Injury Commission Website

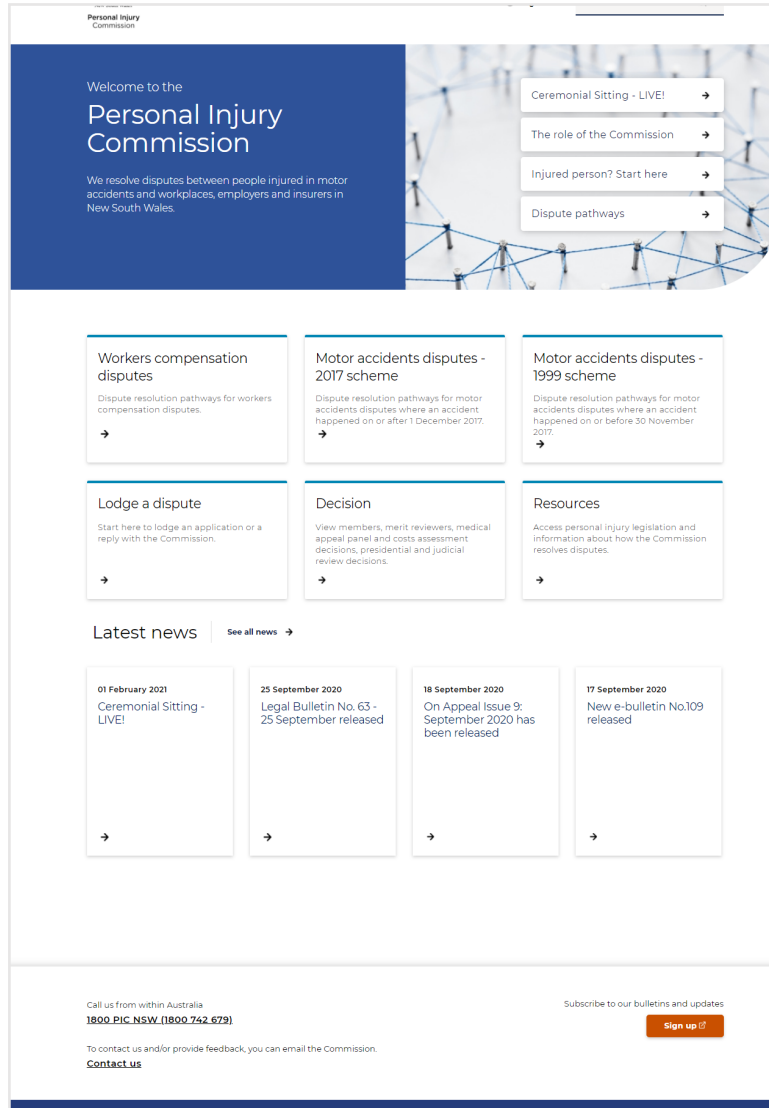
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Launches 1 March 2021

www.pi.nsw.gov.au

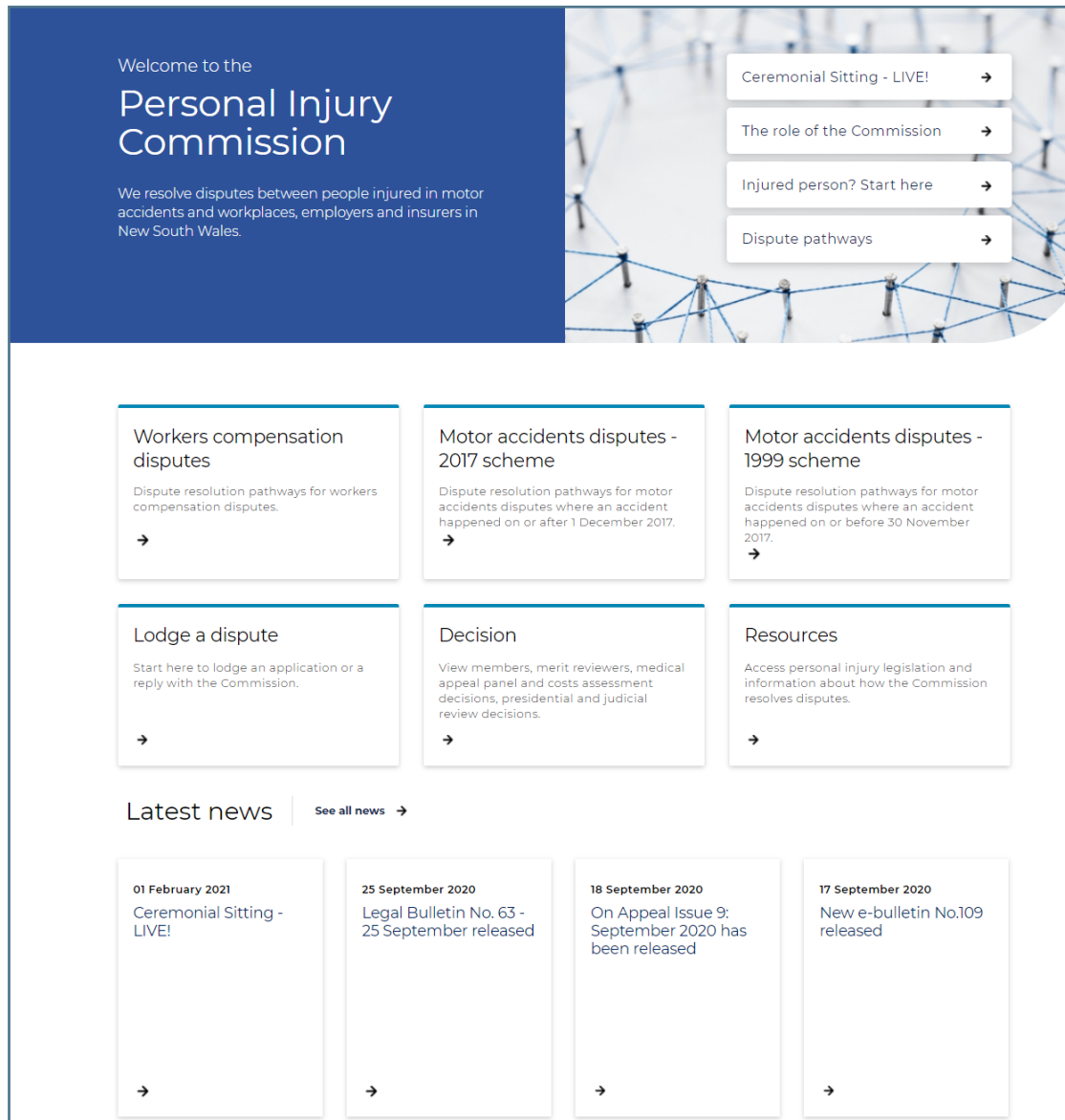
Replaces:

- Workers Compensation Commission website
- Dispute Resolution Services content on SIRA website



Personal Injury Commission Website

Personal Injury Commission



Includes information about:

- Role of the Commission and how it resolves disputes
- Dispute resolution pathways
- Decisions
- Personal injury legislation
- Rules and Procedural Directions
- News and publications

Includes links to:

- Portals
- Registry
- Support

Personal Injury Commission Website

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- Access the Portal from the 'Lodge a dispute' section on the homepage

Workers compensation disputes

Dispute resolution pathways for workers compensation disputes.



Motor accidents disputes - 2017 scheme

Dispute resolution pathways for motor accidents disputes where an accident happened on or after 1 December 2017.



Motor accidents disputes - 1999 scheme

Dispute resolution pathways for motor accidents disputes where an accident happened on or before 30 November 2017.



Lodge a dispute

Start here to lodge an application or a reply with the Commission.



Decision

View members, merit reviewers, medical appeal panel and costs assessment decisions, presidential and judicial review decisions.



Resources

Access personal injury legislation and information about how the Commission resolves disputes.



Personal Injury Commission Website

- Click 'Apply now'

How to lodge a dispute

The first step towards resolving your dispute is to complete and lodge the appropriate application through the Commission's online portal. If you need assistance with lodging an application, please **contact us** [↗](#). We cannot provide legal advice, but will be able to assist with the procedural aspects of your application. If you are legally represented, your lawyer will lodge the application on your behalf.

[Open all](#)

The process

Details +

All information must be lodged with the application and reply

Details +

Apply now

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Personal Injury Commission Website

- Click to access your Portal

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Motor Accidents Disputes Application

The **online user protocol** [↗](#) applies to all CTP disputes lodged with Motor Accident Division.

For assistance contact the Motor Accidents Division at masupport@pi.nsw.gov.au or contact the Commission's Registry **here**.

To apply online, please select one of the following link based on the lodging party type:

Injured person

Access to the motor accident dispute portal for injured person

Insurer

Access to the motor accident dispute portal for Insurers

Legal

Access to the motor accident dispute portal for Legal Representatives

Personal Injury Commission Website

- You can also email the Support team from this page

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Motor Accidents Disputes Application

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Injured person

Access to the motor accident dispute portal for injured person

Insurer

Access to the motor accident dispute portal for Insurers

Legal

Access to the motor accident dispute portal for Legal Representatives

Personal Injury Commission Contact Details from 1 March 2021

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One Website: www.pi.nsw.gov.au



One Telephone: 1800 PIC NSW (1800 742 679)



One Email: help@pi.nsw.gov.au

What you need to do

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What you need to do

- Remember there are no changes to existing proceedings
- Be aware of the changes to the case management processes for applications lodged after 1 March 2021
- Update your bookmarks for Portal access to the new URL from 1 March
- Note the new matter number format for applications lodged from 1 March 2021
- Take note of the Commission's new contact details that commence on 1 March
- Update any references to the former organisations in your internal materials or websites to reflect the Commission's new name and contact details

More information

- Towards the PIC Newsletter – regular email updates
- Direct email communication
- Information and resources on the ‘Towards the PIC’ section on the Workers Compensation Commission website
- Send feedback or questions to:
PICstakeholder@wcc.nsw.gov.au

Questions?

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**Submit your
questions via the
Chat box**