



Rule Committee of the Personal Injury Commission

RESOLUTION #8 of 2025

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

On 10 December 2025, the Rule Committee of the Personal Injury Commission of New South Wales (Committee) resolved unanimously by 13 members voting out-of-session as follows:

1. To approve the latest Parliamentary Counsel Office draft (d03a) of amendments to the Personal Injury Commission Rules 2021 (Rules) to be amended due to the passage of the amendments made to the Uniform Civil Procedure Rules 2005 (UCPR) to address the use of Generative Artificial Intelligence (AI) in legal proceedings and to make the rules as drafted without amendment for commencement on 1 January 2026.

The President voted for the resolution set out above.

Annexure:

- A. Draft Personal Injury Commission (Amendment No 4) Rule 2025

Dated 10 December 2025

BY THE RULE COMMITTEE



New South Wales

Personal Injury Commission (Amendment No 4) Rule 2025

under the

Personal Injury Commission Act 2020

The Personal Injury Commission Rule Committee has made the following rule of court under the *Personal Injury Commission Act 2020*.

JANET WAGSTAFF

Secretary of the Rule Committee

Explanatory note

The object of this rule is to amend the *Personal Injury Commission Rules 2021* as follows—

- (a) to facilitate the operation of the Police Officer Support Scheme Division established by the *Police Amendment (Police Officer Support Scheme) Act 2024*,
- (b) to deal with the use of artificial intelligence in certain documents and in applicable proceedings,
- (c) to specify appropriate decision-makers in relation to the commencement of different applicable proceedings,
- (d) to amend the circumstances in which a decision-maker may extend the time within which certain applications may be made,
- (e) to make other minor amendments.

Personal Injury Commission (Amendment No 4) Rule 2025

under the

Personal Injury Commission Act 2020

1 Name of rule

This rule is the *Personal Injury Commission (Amendment No 4) Rule 2025*.

2 Commencement

This rule commences on 1 January 2026.

Schedule 1 Amendment of Personal Injury Commission Rules 2021

[1] Rules 19(4), 33(3) and (4)(b), 34(1) and (3)(a), 68(3) and 100(3)

Omit “Part 7, Division 2” wherever occurring. Insert instead “Division 7.2”.

[2] Rule 24 Lodgment of documents by ECM system

Omit “1998 Act.” from rule 24(2)(b). Insert instead—

1998 Act, and

- (c) for appeals allocated to the Police Officer Support Scheme Division to which the *Police Act 1990*, section 199I applies—to have been duly certified for the purposes of the *Police Act 1990*, section 199I(17), and
- (d) for appeals allocated to the Police Officer Support Scheme Division to which the *Police Regulation 2015*, clause 135ZB applies—to have been duly certified for the purposes of the *Police Regulation 2015*, clause 135ZB(9).

[3] Rules 33A and 33B

Insert after rule 33—

33A Use of generative artificial intelligence in written statements

- (1) Generative artificial intelligence must not be used to generate the content of a written statement, including by altering, embellishing, strengthening, diluting or rephrasing a person’s evidence.
- (2) Each written statement must include a statement that generative artificial intelligence was not used to generate the content of the written statement.
- (3) Generative artificial intelligence must not be used to generate the content of an annexure or exhibit to a written statement unless the annexure or exhibit includes a statement that generative artificial intelligence was used.
- (4) In this rule—
written statement means a written statement of evidence on which a party to applicable proceedings proposes to rely, but does not include an expert’s report to which rule 33B applies.

33B Use of generative artificial intelligence in certain expert’s reports

- (1) This rule applies to an expert’s report for applicable proceedings, including an expert’s report attached to a pre-filing statement for applicable proceedings.
- (2) Generative artificial intelligence must not be used to generate the content of the expert’s report unless—
 - (a) the report includes a statement that—
 - (i) generative artificial intelligence was used to generate the content of the report, and
 - (ii) the use of generative artificial intelligence complied with any procedural direction about the use of generative artificial intelligence, and
 - (b) the report identifies the following—
 - (i) the part of the report generated using generative artificial intelligence,

- (ii) the name and version of the generative artificial intelligence program used,
- (iii) the date of the use, and
- (c) an attachment to the report identifies the prompts, script or data provided to the generative artificial intelligence program.

(3) If generative artificial intelligence was not used to generate the content of the expert's report, the report must include a statement that generative artificial intelligence was not used to generate the content of the report.

[4] Rule 35 Expert witnesses

Omit "the report of" from rule 35(1). Insert instead "any expert's report prepared by".

[5] Rule 35(3)

Omit the subrule.

[6] Rule 37

Omit the rule. Insert instead—

37 Purpose of division

This division sets out requirements for information exchange between parties—

- (a) for the purposes of the 1998 Act, section 290 in relation to workers compensation proceedings referred to the Commission, and
- (b) for the purposes of the *Police Regulation 2015*, clause 135T in relation to police officer support scheme proceedings referred to the Commission.

[7] Rule 38 Definitions

Insert in alphabetical order in rule 38(1)—

proceedings means—

- (a) workers compensation proceedings referred to the Commission under the 1998 Act, section 288, and
- (b) police officer support scheme proceedings referred to the Commission under the *Police Regulation 2015*, clause 135R.

[8] Rule 38(2)(a)

Omit "or insurer". Insert instead ", insurer, police officer or the Commissioner of Police".

[9] Rule 47 Direction for production

Omit rule 47(2). Insert instead—

(2) If the party requesting a direction for production of documents is entitled to the documents, or copies of the documents, under one of the following obligations or authorities, a non-presidential member must not issue the direction unless the member is satisfied there has been a failure to give the documents under the obligation or authority—

- (a) in workers compensation proceedings—
 - (i) an obligation imposed on a worker, employer or insurer in relation to a claim, whether on request or otherwise, under the workers compensation legislation, or

- (ii) an obligation under the 1987 Act, Part 7, or a regulation, guideline, contract or arrangement made under the part, if the documents are in the possession or control of the Nominal Insurer or an agent of the Nominal Insurer, or
- (iii) an authority a worker has provided to the employer or insurer to obtain the documents from a third party,

- (b) in motor accident proceedings—an obligation imposed on a claimant or insurer in relation to a claim under the MAI Act, section 6.3,
- (c) in police officer support scheme proceedings—an obligation under the *Police Regulation 2015*, clause 135L, 135T or 135ZL.

[10] Part 7 Commencement of applicable proceedings

Renumber Divisions 1, 2 and 3 as Divisions 7.1, 7.2 and 7.3, respectively.

[11] Rule 65 Exercise of functions under Part

Omit rule 65(b). Insert instead—

- (b) for mediation proceedings—either the mediator or the President, or
- (c) for medical assessment proceedings—either the medical assessor or the President, or
- (d) for merit review proceedings—either the merit reviewer or the President, or
- (e) for panel review proceedings—either the panel conducting the proceedings or the President.

[12] Rule 77 Dismissal of proceedings

Omit “application.” from rule 77(b)(vi). Insert instead—

application,

- (c) for proceedings by an application made in relation to the police officer support scheme—the applicant has failed to prosecute the proceedings with due despatch.

[13] Rule 80 Application to resolve dispute other than for expedited assessment

Omit rule 80(6). Insert instead—

- (6) If the respondent does not lodge a reply in accordance with subrule (4) and the applicant has not lodged a certificate of service for the application—
 - (a) the proceedings against the respondent are taken to be struck out, and
 - (b) no further steps may be taken in the proceedings unless the proceedings are restored.
- (7) In this rule—
certificate of service, for an application, means a certificate certifying the application has been served on the respondent in accordance with subrule (3).

[14] Part 12A

Insert after Part 12—

Part 12A Police officer support scheme proceedings

118A Referral under Police Regulation 2015

- (1) A referral, under the *Police Regulation 2015*, clause 135R, of a dispute to the President for determination by the Commission must be made by an application to the President.
- (2) The President must not accept the application unless—
 - (a) the application is accompanied by a certificate signed by the applicant, or the applicant's Australian legal practitioner or agent, stating the dispute is not prevented from being referred for determination by the Commission by the operation of the *Police Regulation 2015*, clause 135S, and
 - (b) the President is satisfied the dispute is not prevented from being referred.
- (3) The applicant must, within 7 days of registration of the application, serve a sealed copy of the application on the respondent and the other parties.
- (4) The respondent must, within 21 days of registration of the application, lodge a reply to the application and serve a sealed copy of the reply on the applicant and the other parties.
- (5) If the respondent does not lodge a reply in accordance with subrule (4) and the applicant has not lodged a certificate of service for the application—
 - (a) the proceedings against the respondent are taken to be struck out, and
 - (b) no further steps may be taken in the proceedings unless the proceedings are restored.
- (6) In this rule—
certificate of service, for an application, means a certificate certifying the application has been served on the respondent in accordance with subrule (3).

[15] Rule 123 Application for workers compensation dispute appeal

Omit rule 123(1)(b)(iii), note. Insert instead—

Note— Rule 133A provides for an extension of the period of time during which an appeal under the 1998 Act, section 352 may be made.

[16] Rule 123(1)(b)(iv)

Omit “party lodging the application”. Insert instead “appellant”.

[17] Rule 123(1)(b)(v) and (2)

Omit “applicant” wherever occurring. Insert instead “appellant”.

[18] Rule 123(1)(b)(vi)

Omit “it”. Insert instead “the chronology”.

[19] Rule 124 Notice of opposition

Omit “A notice” from rule 124(2). Insert instead “The notice”.

[20] Rule 125, heading

Omit “and reply”.

[21] Rule 125(1)(a)

Omit “a workers”. Insert instead “the workers”.

[22] Rule 125(1)(a)

Omit “those”. Insert instead “the grounds”.

[23] Rule 125(3)

Omit the subrule.

[24] Rule 125A

Insert after rule 125—

125A Reply to notice of opposition or notice of contention

Within 14 days of service of a notice of opposition or a notice of contention, the appellant may—

- (a) lodge submissions in reply to the notice, and
- (b) serve a sealed copy of the submissions on the other parties.

[25] Part 13, Division 13.2A

Insert after Division 13.2—

Division 13.2A Police officer support scheme dispute appeals to Commission

126A Application of division

- (1) This division applies in relation to a police officer support scheme dispute appeal.
- (2) For the *Police Act 1990*, section 199I(8), a decision is made about a dispute when the Commission issues a certificate under the *Police Regulation 2015*, clause 135U.

126B Application for police officer support scheme dispute appeal

- (1) An application for a police officer support scheme dispute appeal must—
 - (a) attach a copy of the certificate as to the determination of the dispute, given by the Commission to the appellant under *Police Regulation 2015*, clause 135U, and
 - (b) include or attach full details of—
 - (i) the grounds for and the arguments in support of the grounds for the appeal and, if necessary, arguments in support of leave to appeal an interlocutory decision, and
 - (ii) the amount of compensation alleged to be at issue on the appeal, and
 - (iii) whether the appeal has been made within the time provided by the *Police Act 1990*, section 199I(8), and
- Note**— Rule 133A provides for an extension of the period of time during which an appeal under the *Police Act 1990*, section 199I may be made.
- (iv) new evidence in relation to which leave is to be sought, by the appellant, in accordance with the *Police Act 1990*, section 199I(13), and

- (v) if the appellant wishes to object to the appeal being decided solely on the basis of the written application and written notice of opposition lodged—the reasons for the objection, and
- (vi) an objective chronology of the key events leading up to the commencement of the proceedings, which is not limited to matters that assist the party preparing the chronology.

(2) The appellant must, within 7 days of registration of the application, serve a sealed copy of the application, including attachments, on the other parties to the proceedings.

126C Notice of opposition

- (1) A party who seeks to oppose an application for a police officer support scheme dispute appeal must, within 28 days of being served with the application, lodge a notice of opposition.
- (2) The notice of opposition must include or attach full details of—
 - (a) the grounds for and arguments in support of opposing the appeal and, if necessary, arguments in opposition to the granting of leave to appeal an interlocutory decision, and
 - (b) the amount of compensation alleged to be at issue in the appeal, and
 - (c) new evidence in relation to which leave is to be sought, by the party lodging the notice of opposition, in accordance with the *Police Act 1990*, section 199I(13), and
 - (d) if the party lodging the notice wishes to object to the appeal being decided solely on the basis of the written application and any written notice of opposition lodged—the reasons for the objection.
- (3) The party opposing the application must serve a sealed copy of the notice of opposition on the other parties.
- (4) The party opposing the application may lodge an alternative or supplementary chronology of key events to the chronology filed by the appellant.

126D Notice of contention

- (1) The respondent must file a notice of contention if the respondent—
 - (a) wishes to contend that the decision to which the police officer support scheme dispute appeal relates should be affirmed on grounds other than the grounds relied on by the non-presidential member, and
 - (b) does not seek a discharge or variation of part of the decision.
- (2) The notice of contention must—
 - (a) be lodged and a sealed copy served on the other parties to the proceedings at the same time as the notice of opposition in the proceedings is lodged and served, and
 - (b) state, briefly but specifically, the grounds relied on and submissions in support of the contention.

126E Reply to notice of opposition or notice of contention

Within 14 days of service of a notice of opposition or a notice of contention, the appellant may—

- (a) lodge submissions in reply to the notice of opposition or the notice of contention, and

(b) serve a sealed copy of the submissions on the other parties.

126F Non-compliance with procedural requirements

- (1) The President may, as an alternative to refusing to accept, seal, issue or register a document for use in a police officer support scheme dispute appeal, give a direction to a party to rectify non-compliance with procedural requirements for the appeal.
- (2) The appeal must not proceed further until the President is satisfied the appeal is procedurally compliant.

[26] Rule 129 Applications for appeals and reviews

Omit “Act.” from rule 129(1)(d). Insert instead—

Act,

(e) an appeal against a medical assessment under the *Police Regulation 2015*, clause 135ZB.

[27] Rule 129(4)(a)

Omit “(b) or (d)”. Insert instead “(b), (d) or (e)”.

[28] Rule 133 Certificate as to amount ordered to be paid

Omit rule 133(2)(j). Insert instead—

(j) whether the dispute is the subject of appeal under—
(i) the 1998 Act, section 352 or 353, or
(ii) the *Police Act 1990*, section 199I or 199J.

[29] Rule 133A Extension of time for making certain applications

Omit “7.26.” from rule 133A(1)(d). Insert instead—

7.26,

(e) a police officer support scheme dispute appeal.

[30] Rule 133A(3)(d)

Insert “, 126B” after “123”.

[31] Rule 133A(4)(a)

Insert “or a police officer support scheme dispute appeal” after “352”.

[32] Rule 133A(5)

Omit the subrule. Insert instead—

(5) The decision-maker must not make an order in relation to the following extension applications unless—
(a) for a relevant application made under the 1998 Act or the *Police Act 1990*—the decision-maker is satisfied, in exceptional circumstances, that to lose the right to make the relevant application would work demonstrable and substantial injustice, and
(b) for a relevant application made under the MAC Act or the MAI Act—the decision-maker is satisfied special circumstances exist to justify an increase in the statutory period to make the relevant application.

[33] Rule 133A(6), definition of “statutory period”, paragraph (d)

Omit “7.26(10)(a).” from paragraph (c). Insert instead—

7.26(10)(a), and

(d) for the *Police Act 1990*—the period specified in section 199I(8)(a).

[34] Rules 133B and 133C

Insert after rule 133A—

133B Artificial intelligence use in proceedings

(1) A party must not—

- (a) join artificial intelligence technology to applicable proceedings, or
- (b) otherwise use artificial intelligence technology during the proceedings.

(2) In this rule—

artificial intelligence technology means an artificial intelligence tool, application or program.

133C Written submissions

If generative artificial intelligence is used to generate the content of written submissions of a party to applicable proceedings, the submissions must state that all citations, legal authorities and case law referred to in the submissions exist and are accurate and relevant to the proceedings.

[35] Dictionary

Insert in alphabetical order—

expert, in relation to an issue, means a person who has such knowledge or experience in connection with the issue, or issues of a similar character, that the person’s opinion on the issue would be acceptable as evidence.

expert witness means an expert engaged or appointed to—

- (a) provide an expert’s report for use as evidence in applicable proceedings or proposed applicable proceedings, or
- (b) give opinion evidence in applicable proceedings or proposed applicable proceedings.

expert’s report means a written statement by an expert, whether or not an expert witness in the proceedings concerned, that sets out the expert’s opinion and the facts, and assumptions of fact, on which the opinion is based.

generative artificial intelligence means an artificial intelligence tool capable of creating text, images, sound or other content based on patterns and data obtained from a body of material and includes large language models, but does not include technology that does not generate substantive content and merely corrects spelling or grammar, provides transcription or translation or assists with formatting.

police officer support scheme dispute appeal means an appeal under the *Police Act 1990*, section 199I against a decision of a non-presidential member.

police officer support scheme proceedings means Commission proceedings allocated to the Police Officer Support Scheme Division.