

Publication of Personal Injury Commission decisions

This fact sheet will help you understand why the Personal Injury Commission publishes its decisions and how to apply for the redaction or de-identification of a decision.

The Personal Injury Commission resolves disputes between people injured in motor accidents and workplaces in NSW and their insurers or employers.

We routinely publish our decisions online as required by the *Personal Injury Commission Act 2020*.

This ensures we are open and transparent about our processes and that decisions are consistent and of high quality while informing and educating the Commission's users.

What types of decisions are published?

Section 58 of the *Personal Injury Commission Act 2020* requires details of the following decisions to be published:

- decisions of the Commission (this includes matters in which a member, including the President or Presidential members, has decided the outcome of your dispute)
- decisions of merit reviewers
- decisions of review panels for merit reviewers
- decisions of appeal panels for medical assessments
- decisions of review panels for medical assessments
- any other decisions as prescribed by the Commission's rules.

The Commission does not publish decisions by medical assessors following a medical assessment, however, these may be referred to a medical review panel or medical appeal panel, of which the decision will be published.

What if I don't want to be identified or have aspects of my decision published?

We understand that in some cases, people involved in a dispute, whether as a claimant or a respondent, do not want their identity or all aspects of their decision to be published.

Under rule 132 of the Personal Injury Commission Rules, an application can be made to the Commission for all or part of a decision to be de-identified or redacted.

If the application is granted, identifying details of a person involved in the proceedings will be replaced with a pseudonym, or parts of the decision will be removed.

Who can make an application?

An application for de-identification or redaction can be made by a party to the proceedings, a person named in the publishable decision, or another person found to have a sufficient interest to make the application.

How do I apply?

You or your legal representative can apply for the de-identification or redaction of your matter in one of three ways:

- by submitting a message via the Commission's online Pathway portal for motor accident matters, or by sending an email to your case owner for workers compensation matters
- by raising it with the decision maker during formal Commission proceedings, for example during a conference or hearing
- within seven days of a decision being issued by making a formal request.

What information should I include in the application?

Your application should outline the reasons why you would like the decision to be de-identified or which parts redacted, considering the following:

- the objects of the legislation, including that the Commission be open and transparent about its processes
- the prevention of prejudice to the proper administration of justice
- the safety, health and wellbeing of a person affected or named by the publishable decision
- the views of any other party to the proceedings
- whether it is in the public interest.

What will happen to my application?

The Commission will consider the reasons you provided in your application and seek the views of the other party. We will then provide a written decision either approving or declining the request.

Where are decisions published?

Our decisions are published on the following external legal databases:

- [AustLII](#)
- [Barnet Jade](#)
- [LexisNexis](#)

Summaries of decisions are also published in the weekly Personal Injury Commission Legal Bulletin, with summaries of some notable decisions published in the Personal Injury Commission Annual Review. These publications are available on our website at www.pi.nsw.gov.au

Where can I find more information?

More information about our decision publication policy is available on our website at www.pi.nsw.gov.au



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