



## Welcome

Welcome to the second edition of Personal Injury Commission News, my regular publication that has replaced Towards the PIC.

The Commission has now been open for five weeks and I'm pleased to report that our operations are bedding down well. I have appreciated your enthusiasm, patience and feedback across the weeks since we commenced.

This edition provides updates on extension of time discretion for reviews and appeals, evaluation of permanent impairment guidelines, a new reference group, links to the workers compensation On Appeal publication, plus reminders about how to access the Commission's ceremonial sitting video and transcript and our legal instruments information on our website.

I will be in touch with another edition of Personal Injury Commission News next month.

Sincerely  
Judge Gerard Phillips

## Extension of Time Discretion

I refer you to [Edition 10](#) of "Towards the PIC". In that newsletter, I previously advised that with the commencement of the Personal Injury Commission Act 2020 on 1 March 2021:

- An **application for review of a medical assessment under the motor accidents Acts (1999 and 2017)**, must be made within 28 days after the parties to the medical dispute were issued with the original certificate as to the medical assessor's decision.
- An **application for review of merit review under the Motor Accidents Injuries Act 2017** must be made within 28 days after the parties to the merit review were issued with the certificate as to the merit reviewer's decision.
- An **appeal to a Presidential Member of the Personal Injury Commission under section 352 of the Workplace Injury Management and Workers Compensation Act 1998**, can only be made within 28 days after the making of the decision appealed against.

These amendments will apply where the first instance decision is made on or after 1 March 2021.

There is no provision in the Personal Injury Commission's procedural framework, including the Personal Injury Commission Rules 2021, to extend the time to make such applications for review or appeal. In marked contrast to previous practice, there is no capacity to exercise any discretion to accept a late appeal or application for review, that is, an application that is filed after the prescribed timeframe for lodgement.

It was intended to retain the ability for an extension of time with respect to such applications for appeal and review and this matter is currently being reviewed by the NSW Government.

**However, until such time as any legislative amendment may be made to rectify these matters, the Commission intends to deal with the issue as follows:**

1. Any appeal or review application lodged within time in the Commission will be accepted and a direction will be issued if further documents or information are required.
2. An appeal or review application with respect to a decision made on or after 1 March 2021, will be subject to the 28-day time limit to make an appeal or review application against the decision. There is no provision in the Personal Injury Commission Rules 2021 to extend the time to make an appeal or review application.

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## Updated NSW Workers Compensation Guidelines for Evaluation of Permanent Impairment

Please note that the fourth Edition of the NSW Workers Compensation Guidelines for Evaluation of Permanent Impairment was reissued on 1 March 2021.

The changes are minor, mainly to reflect the terminology in the Personal Injury Commission Act 2020.

[Access the NSW Workers Compensation Guidelines for Evaluation of Permanent Impairment here.](#)

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## CTP Insurer Reference Group Commences this Month

Following the success of the Commission's existing reference groups for stakeholders, mediators and medical assessors, I will convene a new reference group specifically for CTP insurer delegates later this month. The group will be chaired by Motor Accidents Division Head, Marie Johns, and will be an opportunity for the CTP insurers to hear updates about the Commission and discuss practice and procedure related to motor accidents disputes. Thank you to the insurer organisations who have nominated delegates to attend.

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## **Final Editions of the Workers Compensation ‘On Appeal’ Publication now on the Commission’s Website**

The final editions of the Workers Compensation Commission’s ‘On Appeal’ publication are available on the Personal Injury Commission website [here](#). These publications include case summaries for Presidential and Court of Appeal decisions in the workers compensation jurisdiction from December 2020-February 2021.

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## **Ceremonial Sitting Video and Transcript**

The recording of our Ceremonial Sitting has proved popular since we published it and has been viewed over 1100 times to date. If you have not had an opportunity to view it yet, I encourage you to do so, as the speeches provide excellent context on why the Commission was established and what it aims to achieve. You can view the [video here](#) or [access a transcript of the sitting here](#).

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## **Reminder: The Commission’s Legal Instruments Published on the Website**

The legal instruments that govern the Commission’s operations are now live on the Personal Injury Commission website [here](#). This includes the Legislation, Rules, Procedural Directions, Policies and Delegations. Please familiarise yourself with these materials as they clearly set out how new applications lodged with the Commission after 1 March 2021 will be managed.

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## **Have a question about the Personal Injury Commission?**

If you have a question you would like to ask about the Commission, please email us at [communications@pi.nsw.gov.au](mailto:communications@pi.nsw.gov.au)

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