

Understanding the 500-page limit

The Personal Injury Commission has introduced a 500-page limit on supporting documents filed with certain initiating applications and replies. This fact sheet will help you understand the changes.

The Personal Injury Commission resolves disputes between people injured in motor accidents and workplaces in NSW, insurers and employers. Our aim is to resolve disputes justly and efficiently in the shortest timeframe possible, working collaboratively with all parties.

To help achieve this, the Commission has made rule amendments to introduce a 500-page limit on supporting documents accompanying initiating applications and replies in certain dispute types in the Motor Accidents, Workers Compensation and Police Officer Support Scheme Divisions.

Why is a 500-page limit needed?

It is needed to help meet the Commission's statutory mandate to deal with the real issues in proceedings justly, quickly, cost effectively and with as little formality as possible.

It will focus the parties' attention on the matters that are truly in dispute and assist the Commission and the parties to deal with those issues more efficiently. This will directly benefit injured claimants and workers by reducing process trauma.

We also know from experience that in some cases, many hundreds or sometimes thousands of pages of often highly personal information are filed with applications and replies, with very little of it referred to in proceedings. That's in addition to duplicates of documents and reports.

The rule amendments will streamline the resolution of dispute proceedings by reducing the volume of unnecessary documents by requiring parties to only lodge documents where they facilitate the resolution of the real issues in proceedings. They will also reduce the amount of personal information being held by the Commission, an important aspect of the Commission's approach to cyber security.

When did the 500-page limit commence?

The rule amendments were passed by the Personal Injury Commission Rule Committee in April 2024, and commenced on 25 November 2024. On and from this date, the rule and procedural directions that support the limit were enacted and the Pathway platform was enhanced to administer the 500-page limit.

How does the 500-page limit work?

The 500-page limit applies to supporting documents accompanying initiating applications and replies for certain dispute types. Material must be lodged as a single, indexed and paginated bundle sorted by document category. If an initial application or reply is lodged with more than 500 pages of supporting documents, it will be rejected by the Commission's Registry.

What if I need to lodge more than 500 pages of supporting documents?

Where a party intends to rely on material over the 500 pages, they can make an Application to Lodge Additional Documents. In making the Application to Lodge Additional Documents, the party must satisfy the requirements under rule 67C.

Does it apply to medical assessments?

The rule amendments facilitate and streamline the introduction of additional documents during applicable medical assessment proceedings by allowing them to be automatically introduced on one occasion when certain criteria are met, including agreement by both parties.

How do I make an Application to Lodge Additional Documents?

Pathway offers an option to submit an Application to Lodge Additional Documents with the originating application or reply if the documents exceed 500 pages, or the application can be made at a later time. Applications can only be made once, unless leave is granted, and must be made no later than 14 days before a medical assessment, or no later than three working days before any conference or hearing for other dispute types.

Who will decide if additional documents can be admitted?

Where leave is sought to lodge additional documents, a decision to allow the additional material will be made by an appropriate decision-maker as designated under the Personal Injury Commission Act 2020. They will assess the information provided, provide the other party with an opportunity to respond, and decide whether to allow the documents, either 'on the papers' or during a short online hearing.

How many times can I make a request to lodge additional documents?

Parties can make only one application to lodge additional documents throughout the course of proceedings, unless leave is granted by the decision-maker. This means additional material may be allowed if satisfied the introduction of the document is necessary to facilitate the just, quick and cost effective resolution of the real issues in proceedings.

What if I need to refer to the material the other party has included in their documents?

If a document appears in one party's bundle, it does not need to be included in the other party's bundle. This is provided for under the new rule 67(1)(b) and rule 67A(1)(a).

Are there any dispute types excluded from the 500-page limit?

Yes. Under rule 67B(2), the 500-page limit does not apply to medical review panels, merit review panels, merit review proceedings and settlement approvals in motor accident proceedings. In workers compensation proceedings, expedited assessments, medical appeal panels, presidential appeal proceedings, and work injury damages and related proceedings (such as applications to strike out or cure defective pre-filing statements), are excluded from the 500-page limit.

Where can I read the rule?

A copy of the rule and the procedural directions supporting its operation are available on our website at <https://www.pi.nsw.gov.au/resources/rules2/the-rule-committee>

Will there be a transition period?

No. The rule amendments commenced operation from 25 November 2024. There will be no grace period, and they will not operate retrospectively.

How does this assist with cyber security?

Part of our approach to cyber security is to only hold the information that we need to hold; that is only the information that relates to the real matters that are in dispute. The rule amendments will help ensure we do not hold personal and often highly sensitive medical information that is not relevant to the dispute.

What consultation has taken place?

We commenced consultation with key stakeholders in 2022 and their feedback was put before the Rule Committee when they deliberated the new rule in 2023. Since then, we have continued to discuss the changes with stakeholders and published papers. Pleasingly, the rule has received broad support.

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