

## Understanding the new 500-page limit

The Personal Injury Commission is introducing 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 will make rule amendments to introduce a 500-page limit on supporting documents accompanying initiating applications and replies in certain dispute types.

### Why is a 500-page rule 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 will the 500-page limit commence?

The rule amendments were passed by the Personal Injury Commission Rule Committee in April 2024, and will commence operations on 25 November 2024. At that date, the rule and procedural directions that support the limit will be enacted and the enhancements to the Pathway platform needed to administer it will be in place.

### How will the 500-page limit work?

The 500-page limit will apply 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 material, it will be rejected by the Commission's Registry.

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

There will be no limit on material over 500 pages provided it relates to the real issues in dispute. Parties can make an application to lodge additional documents and must show how the additional material relates to the "real issues in the proceedings" as contemplated in the Guiding Principle, s 42 of the *Personal Injury Commission Act 2020*.

### Does it apply to medical assessments?

The rule amendments will 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 for additional documents?

Pathway will offer an option to submit an application to lodge additional document with the originating application or reply if the documents exceed 500 pages, or the application can be made at a later time. Applications 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?

A decision to allow the additional material to be filed 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 additional documents, either 'on the papers' or during a short online hearing.

### How many times can I make a request to submit 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 to dispense with the requirement to follow the rules. This means additional material may be allowed if satisfied it is appropriate to do so if the documents relate to the real issues in dispute.

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

The rules of evidence do not apply to our proceedings. If a document appears in one party's bundle, it does not need to be included in the other party's bundle.

### Are there any disputes excluded from the 500-page limit?

Yes, dispute types excluded from the 500-page limit include medical reviews and appeals, merit reviews and merit review panels, settlement approvals, Presidential appeals, expedited assessments and certain work injury damages disputes.

### 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>

Please note that while the rule has been made by the Rule Committee and published, it will not commence until 25 November 2024.

### Will there be a transition period once the amendments are introduced?

No. The rule amendments will operate from the date of commencement. 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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