

Steps in the dispute resolution process for motor accidents matters

This fact sheet will help you understand the steps involved in resolving your motor accidents dispute.

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

Our aim is to resolve disputes justly and efficiently in the shortest timeframe possible, working collaboratively with all parties to achieve this.

The first step to having your motor accidents dispute resolved by the Commission is to lodge an application using our online portal. Please make sure you include all information relevant to your dispute in an indexed and paginated bundle, as you may not be able to add it later.

Dispute pathways

Your application will be reviewed and registered with the Commission, then assigned to a case owner who will allocate it to the most relevant dispute pathway within the Motor Accidents Division.

If your matter relates to a medical dispute, you will most likely require a medical assessment with one of the Commission's independent medical assessors. The medical assessor will review all information provided, examine you and make a decision about your dispute.

For most other disputes, including a claims for damages assessment, damages settlement approval, merit reviews, a miscellaneous claims assessment or a special assessment, your matter will be listed with a member or merit reviewer who will review all material lodged.

What is an 'on the papers' decision?

Sometimes a member or merit reviewer may make a decision about your dispute based on the documentation provided only, and without meeting with the parties. This is called an 'on-the-papers' decision and the matter will be finalised.

What is a preliminary conference?

In most other matters, you will be invited to take part in a preliminary conference as a first step to trying to resolve your dispute. This is a quick and simple way to bring parties together via video and participants can often join from home or from their lawyer's office.

The member will conduct the conference, using their skills to help all parties identify the issues in dispute and possible ways to resolve it.

If you need to speak with your legal representative privately, you will be placed into a private conference call to allow this to occur.

A high proportion of disputes are successfully resolved in the preliminary conference. However, if the parties cannot reach an agreement, the matter may progress to further preliminary conference or the member may make a decision based on the information on hand, in which case the matter will be finalised.

Some matters such as a damages assessment may progress to another dispute resolution event like an assessment conference.

What is an assessment conference?

An assessment conference is a meeting conducted by a member, who will work together with the parties in an attempt to bring them to agreement. It may be conducted in person, virtually or as a hybrid event.

The conference is attended by all parties and their legal representatives, as well as relevant witnesses if permitted.

If the parties are unable to reach an agreement, the member will make a decision based on the information and proceedings to date.

Can I use an interpreter?

When requested, the Commission can arrange interpreters at no cost to assist you in dispute resolution proceedings and medical assessments.

How long will my dispute take to resolve?

The time taken to resolve a dispute depends on:

- the issues in dispute
- the standard of preparation by the parties
- the willingness of parties to genuinely attempt resolution
- whether a decision is appealed.

The Commission aims to resolve disputes as quickly as possible and will encourage the parties to resolve their dispute at the earliest opportunity.

How do I receive updates as my matter progresses through the Commission?

Your case owner will update your legal representative throughout the dispute resolution process, including any steps you need to take.

Case owners may also engage with you directly if you are self-represented or in relation to some Commission events, such as a medical assessment.

What if I am unhappy with the outcome of my dispute?

If you are unhappy with the outcome of your dispute, there are several appeal and review options available. More information is available on our website.

Publication of Personal Injury Commission decisions

The Commission publishes many of its decisions online, as required by the *Personal Injury Commission Act 2020* to ensure our decisions are transparent and robust.

Decisions that are published online include a decision by a member or decisions of medical review panels and medical appeal panels.

If you have concerns about aspects of your decision being published, you can apply for it to be de-identified or redacted.

Where can I find more information?

You can find information about dispute pathways, dispute resolution events and the publication of decisions on our website, including a range of easy-to-read fact sheets. Visit www.pi.nsw.gov.au



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