

AN OVERVIEW FOR EMPLOYEES ABOUT INDEPENDENT MEDICAL EXAMINATIONS

What is an independent medical examination?

Under section 57 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act), a claims manager may require you to have an independent medical examination to help them manage your compensation claim.

An independent medical examination can assist in understanding your diagnosis, prognosis, capacity for work and required medical treatment.

Claims managers must follow the [Guide for Arranging Rehabilitation Assessments and Requiring Examinations 2024](#) (the Guide) when they make decisions about independent medical examinations. The Guide supports ethical, transparent and accountable decision-making and requires your claims manager to consider your personal circumstances.

What must the claims manager consider before sending you to a medical examination?

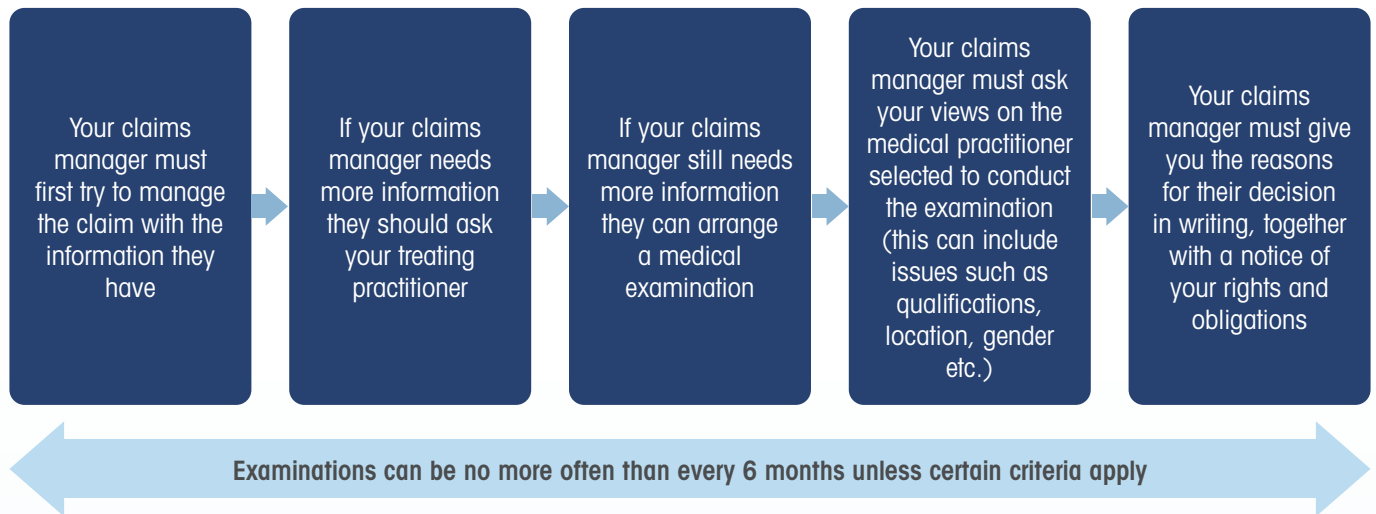


Figure 1 – Overview of the Guide process for an independent medical examination

How often can you be sent to an independent medical examination?

If you are required to attend an independent medical examination, you will not have to go to a further medical examination for 6 months, unless certain circumstances apply.

What are your rights in relation to an independent medical examination?

If your claims manager decides to send you to an independent medical examination, they must notify you in writing and include the terms and reasons for the decision. This is called a section 57 medical examination determination. They must give you at least 14 calendar days notice before the examination (unless you and your claims manager agree to an earlier examination). As soon as practicable after the determination, they must also give you a notice of rights and obligations relating to the examination, with the information below:

Your rights

- > You may have a support person accompany you during part or all of the examination. Please advise your claims manager if you wish to have a support person accompany you, so the claims manager can confirm with the independent medical examiner that they are able to accommodate your request.
- > Your claims manager must provide you with a copy of the medical practitioner's report of the examination.
- > If you disagree with your claims manager's determination, you can request a reconsideration of the determination. If you disagree with the reconsideration of the determination, you can apply for a review at the Administrative Appeals Tribunal (soon to be the Administrative Review Tribunal).

Your obligations

- > You must attend the examination and not obstruct it in any way.
- > If you do not attend the examination and do not have a reasonable excuse, or if you obstruct the examination, your compensation entitlements may be suspended. Your right to start or continue proceedings under the SRC Act may be affected until the examination takes place.

Further information

For more information about the operation of the Guide please contact your claims manager or Comcare's Scheme Policy and Design team at scheme.policy_helpdesk@comcare.gov.au.

Other relevant guidance:

- > [Section 57 power to require a medical examination under the SRC Act](#)
- > [Engaging a legally qualified medical practitioner to undertake an independent medical or rehabilitation examination under the SRC Act](#)
- > [Medical evidence](#)