

## AN OVERVIEW FOR EMPLOYEES ABOUT REHABILITATION ASSESSMENTS

### What is a rehabilitation assessment?

Under section 36 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act), a rehabilitation case manager may arrange for an assessment of your capability to undertake a rehabilitation program.

A rehabilitation assessment is to help your rehabilitation case manager understand your injury and provide recommendations to support a safe, timely and durable return to work. It is conducted by an assessor or panel of assessors and could be a desktop review of the available information about your case or may involve you attending an examination.

When they make decisions about rehabilitation assessments, rehabilitation case managers must follow the [Guide for Arranging Rehabilitation Assessments and Requiring Examinations 2024](#) (the Guide). The Guide supports ethical, transparent and accountable decision-making and requires your rehabilitation case manager to consider your personal circumstances.

### What must the rehabilitation case manager consider before arranging a rehabilitation assessment?

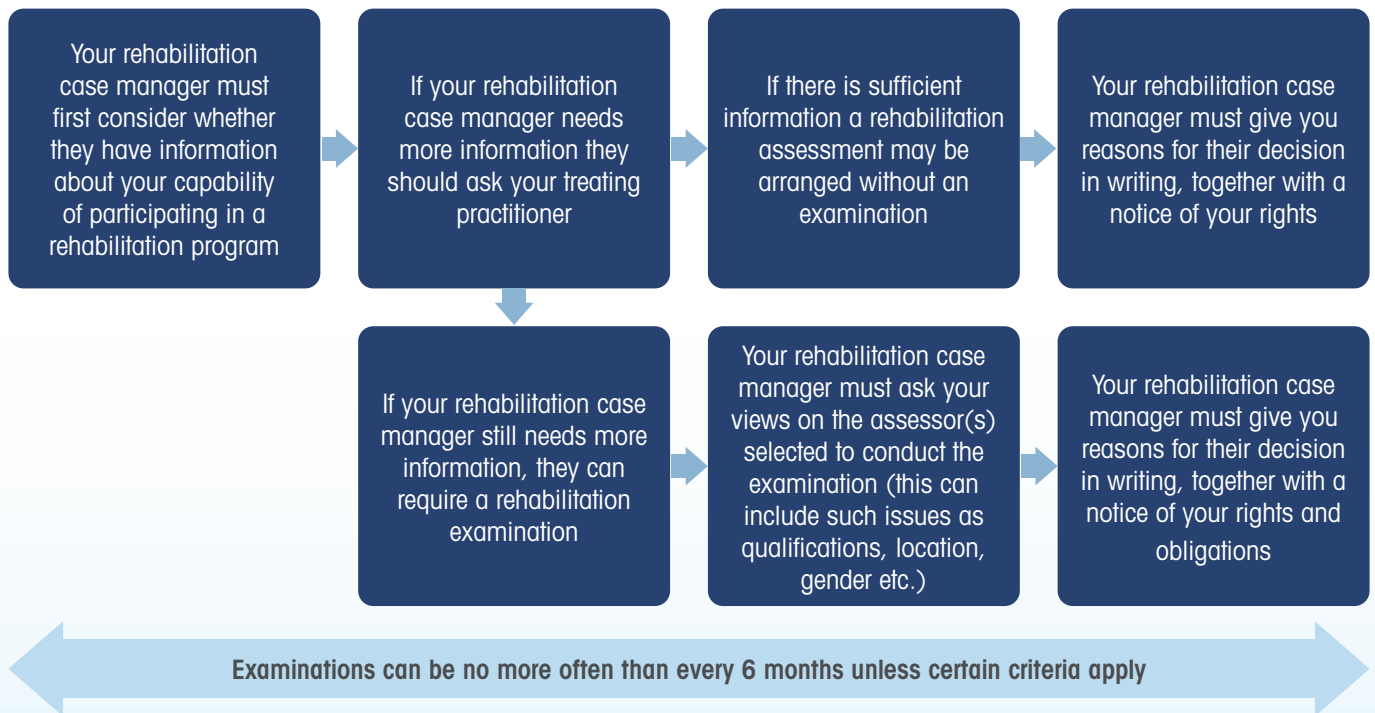


Figure 1 – Overview of the Guide process

## How often can you be sent to a rehabilitation examination?

If you are required to attend a rehabilitation examination as part of your assessment, you will not have to go to a further examination for 6 months, unless certain circumstances apply.

## What are your rights in relation to a rehabilitation assessment?

Your rehabilitation case manager must notify you in writing and include the terms and reasons for the decision to require a rehabilitation assessment, including whether the assessment will require an examination. This is called a section 36 rehabilitation assessment determination. If an examination with a medical practitioner (including as part of a panel) is required, your rehabilitation case manager must give you at least 14 calendar days notice prior to the examination (unless you and your rehabilitation case manager agree to an earlier examination). As soon as practicable after the determination, they must also give you a notice of rights and obligations, if any, relating to the assessment.

### Your rights

- > If you disagree with the rehabilitation case manager's determination, you can request a reconsideration of the determination. If you disagree with the reconsideration of the determination, you can apply for review at the Administrative Appeals Tribunal (soon to be the Administrative Review Tribunal).
- > If an examination is required, you may have a support person accompany you during part or all of the examination. Please advise your rehabilitation case manager if you wish to have a support person accompany you, so the rehabilitation case manager can confirm with the assessor (or panel of assessors) that they are able to accommodate your request.
- > If an examination is required, your rehabilitation case manager must give you a copy of the assessor's or panel's report of the examination.

### Your obligations

- > If an examination is required, you must attend and not obstruct it in any way.
- > If an examination is required and you do not attend the examination without 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 in respect of rehabilitation assessments please contact Comcare's Provider Frameworks and Return to Work team at [providerframeworksandrtw@comcare.gov.au](mailto:providerframeworksandrtw@comcare.gov.au).

Other relevant guidance:

- > [Guidelines for Rehabilitation Authorities 2019](#)
- > [Rehabilitation case manager handbook](#)
- > [Engaging a legally qualified medical practitioner to undertake an independent medical or rehabilitation examination under the SRC Act](#)
- > [Suspension of compensation under the rehabilitation provisions of the SRC Act 1988](#)
- > [Medical evidence](#)