

Important notes

This form is for the use of claimant's lawyers to request a review of the TAC's decision to refuse to convert a medical examination arranged by a claimant's lawyer into a Joint Medical Examination (JME).

Completion of this form satisfies acceptance of the JME dispute process agreed between the TAC, The Law Institute of Victoria and the Australian Lawyers Alliance. The parties acknowledge that it is desirable to have an informal review process of the TAC's decision to refuse to convert a medical examination into a JME for the purpose of section 60(2F) of the *Transport Accident Act 1986* (the Act).

It is important that this form is fully completed and all relevant statements are attached.

Supporting documentation should include:

- detailed reasons as to why the medico-legal examination is required and why it should be approved as a JME, and
- specific arguments as to why the TAC denial to participate in a JME is unreasonable.

The decision of the TAC whether to enter into a JME is based upon all relevant information at the time of the request. Additional information, or a change in a claimant's circumstances, will affect the TAC's decision.

The grounds for refusing a JME are outlined in the 'Joint Medical Examination (JME) Assessment Criteria' available on our website.

If you obtain additional information, you should consider making a new JME request, rather than lodging a Notice of Dispute. Additional information includes:

- treating doctor reports explaining the relationship of the injury to the accident, or any other relevant information
- a statement from the claimant explaining the injuries and their relationship to the accident
- any additional information that would have been relevant to the TAC when considering the initial JME request.

A Notice of Dispute must be lodged within 90 Days of the TAC's decision to refuse to approve a request for a JME.

If you choose not to lodge a *Notice of Intention to Lodge a Dispute* within 90 days of the TAC's decision to refuse a request for a JME, you may at any time, if circumstances change, (including within the 90 days), lodge a further request for a JME for that claimant.

An initial decision of the TAC not to approve a request for a JME is not a decision for the purposes of section 77 of the Act. The 12-months to lodge a dispute under the TAC and ALA/LIV Dispute Resolution Protocols 2004 (as amended from time to time) or to lodge an application for review at VCAT does not commence until:

- the decision has been affirmed by the Review Manager after considering a *Notice of Intention to Lodge a Dispute*.

What happens next?

The TAC will write to you within 30 working days of receiving your *Notice of Intention to Lodge a Dispute* advising that the refusal of a Joint Medical Examination has been overturned or affirmed. The TAC may call you prior to making this decision.

If the application is overturned, the TAC agrees to pay an amount of \$500 in costs, together with any reasonable disbursements, e.g. a treating practitioner report or notes to the claimant's lawyer for providing the information required in the form and participating in the review process.

If we affirm the refusal to approve a JME, you may lodge a dispute under the TAC, LIV and ALA No Fault Dispute Resolution Protocols.

Your claimant's privacy

The TAC respects your claimant's privacy. The TAC will retain the information provided and may use or disclose it to make further inquiries or assist in the ongoing management of the claim or any claim for common law damages. The TAC may also be required by law to disclose this information.

Without this information, the TAC may be unable to determine entitlements or assess whether treatment is reasonable and may not be able to approve further benefits and treatment.

If you require further information about our privacy policy, please call the TAC on 1300 654 329 or visit our website at www.tac.vic.gov.au

Where do I send my Notice of Intention to Lodge a Dispute?

Correspondence to:

Review Manager
GPO Box 2751
MELBOURNE VIC 3001

Or by email to: Review@tac.vic.gov.au



JOINT MEDICAL EXAMINATION PROCESS: NOTICE OF INTENTION TO LODGE A DISPUTE

Claimant details

Claimant name

Claim number

Claimant address

Date of birth

Date of accident

Claimant's lawyer details

Firm

Name of lawyer

Phone number

Name of examiner and/or discipline that was refused by the TAC

	Discipline	Date of service (if known)	Examiner details (if known)
1		<input type="text" value="/"/> <input type="text" value="/"/> <input type="text"/>	
2		<input type="text" value="/"/> <input type="text" value="/"/> <input type="text"/>	
3		<input type="text" value="/"/> <input type="text" value="/"/> <input type="text"/>	
4		<input type="text" value="/"/> <input type="text" value="/"/> <input type="text"/>	
5		<input type="text" value="/"/> <input type="text" value="/"/> <input type="text"/>	

Primary reason for examination as per original JME request submission:

- ☐ Impairment assessment
- ☐ Serious injury assessment
- ☐ Common law
- ☐ No fault (excluding impairment)
- ☐ No fault dispute (existing dispute)
- ☐ Other

Primary purpose of JME(s)





JOINT MEDICAL EXAMINATION PROCESS: NOTICE OF INTENTION TO LODGE A DISPUTE

Reasons that the TAC's denial of a JME is in error

Please provide information to demonstrate error on the part of the TAC. Examples of information that may assist include: treating medical practitioner reports, statements from the claimant or any additional radiology or pathology not currently available to the TAC.

List additional attached documentation

- 1
- 2
- 3
- 4
- 5

Other comments (optional)

Name of claimant's lawyer

I confirm that the information provided in this application is true and correct.

Date

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By submitting this form you are agreeing to comply with the Joint Medical Examination Process 1 July 2014 and any other processes published by the TAC in relation to JMEs. Acceptance of the JME request and any subsequent change requests are on the condition that you continue to comply with the JME Process 1 July and any process that replaces or modifies it and any other processes published by the TAC in relation to JMEs. Failure to comply may result in the medical examination not qualifying for reimbursement under section 60(2F) of the *Transport Accident Act 1986* (Vic).

