



LAW
INSTITUTE
VICTORIA

Transport Accident Act

Joint Medical Examination Protocol

30 March 2026

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1. PROCESS MAP

- 1.1 By agreeing to this Protocol, a client's lawyer agrees to follow the JME protocol process map as published on the [TAC's website](#). The process map has been jointly developed and agreed to by the TAC, ALA, and LIV, and will not be modified except by agreement between these parties.

2. OPERATION

- 2.1 This protocol applies to Joint Medical Examinations (JMEs) conducted for the purpose of determining benefits, disputes or common law entitlements under Parts 3, 6 and 10 of the [Transport Accident Act 1986 \(Vic\)](#) (TAA).
- 2.2 In recognition of [section 60 \(2F\)](#) of the TAA this protocol describes the requirements to determine whether a report for medico-legal purposes is requested and obtained jointly by the TAC and the injured person.
- 2.3 This protocol should be read in conjunction with the [Protocols Framework Agreement](#), which outlines the overarching principles and terms governing the operation of all protocols between the parties.
- 2.4 In accordance with Chapter 5 of the [Protocols Framework Agreement](#) the parties aim to ensure that JMEs are used judiciously.
- 2.5 This protocol applies to all JME requests, as detailed in Chapter 3, lodged on or after 30 March 2026.
- 2.6 Any JME request lodged before 30 March 2026 will be determined in accordance with the [JME Protocols 2016](#).

3. LODGEMENT

- 3.1 All JME requests must be submitted using the [JME request form](#) available on the TAC's website. The form must list each individual injury requiring assessment. Each request must be accompanied by supporting documentation specified in the [JME protocol process map](#) under Clause 1.1, unless previously exchanged.
- 3.2 A JME request is not intended to meet the level of detail required for a full application for compensation or dispute resolution; rather, it is designed as a focused information-gathering step to ensure report quality and enable timely decision-making.
- 3.3 Upon receiving a JME request, the TAC will endeavour to assess the most appropriate compensation pathway and, where possible, enable the early delivery of entitlements.
- 3.4 If a client's lawyer has arranged or proposes to arrange medical examinations, they must notify the TAC by submitting a JME request form at least 28 days before the scheduled examination date.
- 3.5 The TAC must respond within 21 days of receiving the JME request form to advise whether it agrees to the examination proceeding jointly.
- 3.6 If the TAC fails to respond within 21 days, it is deemed to have agreed to the examination/s proceeding jointly for the purpose of [section 60\(2F\)](#) of the TAA.
- 3.7 If the proposed examination is scheduled within 28 days, the client's lawyer must still submit the JME request form in accordance with Clause 3.1 and contact the TAC directly using the method described in Chapter 8 of the [Protocols Framework Agreement](#) to explain the reason/s for the late request.
 - 3.7.1 The TAC will take a practical and flexible approach to requests made under Clause 3.7, aiming to prioritise the earliest possible outcome for clients and minimise disruption to examiners, while ensuring the quality and usefulness of the examination is not compromised.

3.8 Upon receipt of the JME request form, the TAC will issue a written confirmation acknowledging lodgement. This confirmation will include the date and time the JME request application was received by the TAC.

4. EXCHANGE AND ASSESSMENT OF INFORMATION

4.1 There is a presumption that a request for a JME made by a client's lawyer will be approved by the TAC if it is required to deliver entitlements to clients or to resolve disputes under the TAC Protocols. This presumption does not limit the TAC's ability to deny approval based upon the reasons outlined in Clauses 4.6 to 4.8.

4.2 There is an expectation that a single set of JMEs will be sufficient to assess all compensation entitlements and damages. Any subsequent requests for additional exams will need to clearly demonstrate why the initial examination/s did not provide the necessary information to enable delivery of entitlements.

4.3 The parties agree that a Joint Medical Examiner must meet the following criteria:

- 4.3.1 be a registered health practitioner within the meaning of the Health Practitioner Regulation National Law; and
- 4.3.2 hold current AHPRA registration with no conditions, undertakings, reprimands, limitations, or restrictions and not be subject to supervisory requirements; and
- 4.3.3 have relevant clinical experience and meet recency of practice requirements in accordance with the [JME Guidelines](#); and
- 4.3.4 agree to operate within the TAC's JME Protocols, including adherence to the [JME Guidelines](#) and the TAC's [JME Fee Schedule](#).

4.4 The parties agree that new procedures may be developed to ensure diversity in the selection of Joint Medical Examiners.

4.5 A JME request will not be considered by the TAC in the following circumstances:

- 4.5.1 It has not been submitted on the published JME request form on the TAC's website.

4.6 A JME request will not be approved by the TAC in the following circumstances:

- 4.6.1 For the purpose of proceedings at the VCAT or the Courts, unless a new issue is articulated; or
- 4.6.2 Where the client does not have an accepted TAC claim; or
- 4.6.3 For impairment, if a client is excluded from impairment in accordance with Sections 39 and 40 of the TAA; or
- 4.6.4 Where the examination request is for purposes other than medico-legal assessment, such as treatment planning; or
- 4.6.5 For transport accidents that have occurred in the course of employment (where there is no entitlement to Section 60 of the TAA).

4.7 A JME request may not be approved by the TAC including, but not limited to, in the following circumstances, unless there are extenuating circumstances:

- 4.7.1 Where no actual decision of the TAC pursuant to Parts 3, 6 or 10 of the TAA is required; or
- 4.7.2 Where, for the purpose of an impairment assessment, the TAC considers that the client is unlikely to reach a degree of impairment more than 10%; or
- 4.7.3 Where, for the purpose of an impairment assessment, the TAC considers a client is not stable, or not expected to be stable at the time of the proposed examination date; or
- 4.7.4 A psychiatry assessment within the first 12 months post-accident; or
- 4.7.5 Where there is a duplication of assessments within the same or similar discipline (and for impairment matters, the same chapter of the AMA Guides to the Evaluation of Permanent Impairment), for example:

- orthopaedics and plastic surgeon but orthopaedics accredited to assess scarring;
- orthopaedics and rheumatology for the same condition;
- orthopaedic surgeon and a neurosurgeon in the absence of nerve involvement;

4.7.6 Where an examination by a practitioner from the same discipline has already been conducted within the previous 12 month period; or

4.7.7 Where the TAC identifies reasonable grounds for real or perceived examiner conflict of interest; or

4.7.8 Where the examiner does not meet the agreed criteria and requirements as outlined in clause 4.3; or

4.7.9 Where JME requests for Serious Injury or Common Law assessments follow a previous Impairment JME that was not initially designated for dual purpose assessment, and where the TAC does not require additional JME/s to make its serious injury or common law decision; or

4.7.10 Where the requested examiner is located in a different state from where the client resides, and there are other accredited (for impairment purposes) or suitably qualified examiners available in the client's state.

4.8 Where a JME request is made by a client's lawyer in situations involving interstate common law claims the TAC:

- 4.8.1 may authorise the JME request if it is for the purpose of assessing a client's no fault benefit entitlements.
- 4.8.2 will not authorise a JME request for the purpose of common law.

5. RESCHEDULING A JME

5.1 A client's lawyer must submit a completed [JME reschedule form](#) on the TAC's website when:

- 5.1.1 rescheduling the date of an approved JME; or
- 5.1.2 varying the examiner who is performing the approved JME where the new examiner is of the same JME approved specialty.

5.2 Where a client's lawyer needs to alter an approved JME appointment fewer than 28 days from the rescheduled or varied examination date, the client's lawyer must submit a JME reschedule form in accordance with Clause 5.1 and immediately notify the TAC using the method described in Chapter 8 of the [Protocols Framework Agreement](#).

- 5.2.1 Expedited scheduling may be considered subject to the TAC's discretion and in accordance with Clause 3.7.1.
- 5.2.2 The client's lawyer is responsible for notifying the examiner as soon as possible and, where practicable, no later than three days before the appointment to avoid late cancellation fees.

5.3 A client's lawyer must submit a new [JME request form](#) and follow the process outlined in Chapter 3 for the following changes to a previously approved JME request:

- 5.3.1 swapping an approved JME to a different client (eg. if the original client cannot attend or their matter has resolved); or
- 5.3.2 varying the examiner who is performing the approved JME where the new examiner is not of the same JME specialty; or
- 5.3.3 changing the purpose of the examination stipulated in the JME request form (eg. from Impairment only to Dual Purpose IMP/SI).

5.4 Failure to notify the TAC of changes may result in the TAC declining liability for the associated medical examination invoice/s.

6. CONVERTING A TAC ARRANGED EXAM TO A JME

- 6.1 Where the TAC has arranged Independent Medical Examinations (IMEs) prior to the client's lawyer notifying that they represent the client, the TAC will provide the examination details to the client's lawyer within 21 days of the notification. When doing so, the TAC will invite the lawyer to convert the examinations to JMEs and submit any additional information or questions for the examiners.
- 6.2 The client's lawyer may within 14 days of being notified of the examinations arranged by the TAC, advise whether or not they agree to proceeding with the examinations as JMEs.
- 6.3 Where a lawyer disagrees with the examinations arranged by the TAC, they may propose alternative examinations to be undertaken and provide reasons. If no notification is received or adequate reasons provided, the TAC will proceed with the arranged examinations and the examinations will not be JMEs.
- 6.4 In circumstances where a client's lawyer provides an alternative proposal for examinations, the TAC must respond to the proposal within 21 days. Indicative examples for proposing alternative examinations include:
 - 6.4.1 the client's injuries indicate examination by a differently qualified examiner; or
 - 6.4.2 the examinations arranged by the TAC do not provide a full assessment of the client's clinically indicated injury caused by the transport accident.

7. JMEs AND OTHER TAC PROTOCOLS

- 7.1 Where the TAC identifies a client who appears to be, or is likely to be, entitled to an impairment benefit and/or common law damages, the TAC will write to the client and their lawyer to advise of the TAC's intended course of action.
- 7.2 Where a client's lawyer has arranged, or proposes to arrange, examinations for an Impairment, Serious Injury Application or a Common Law conference in accordance with these Protocols, the client's lawyer will notify the TAC by submitting a JME request form in accordance with Chapter 3 of the JME protocol.
- 7.3 An examiner report (including a supplementary report) that was not an approved JME can be claimed as a disbursement pursuant to Clause 10.2.1 of the [Impairment Protocol 2026](#), Clause 19.20 of the [Common Law Protocol 2026](#) and Clause 8.4.5 of the [No Fault Dispute Resolution Protocol 2026](#).
- 7.4 Where a client's lawyer requests a JME in the Dispute Resolution Application pursuant to the [No Fault Dispute Resolution Protocol 2026](#), the TAC will respond to the request within 28 days in accordance with Chapter 4 of that Protocol. In this instance, a JME request form is not required to be submitted. In all other instances, a JME request form is required to be submitted in accordance with Chapter 3 of the JME Protocol.

8. USE OF A JME IN COURT OR VCAT PROCEEDINGS

- 8.1 Either party may rely upon or call a JME in support of their case in any proceedings before a Court or the Victorian Civil and Administrative Tribunal (VCAT).
- 8.2 The parties agree that no adverse inference or ruling can be requested from a Court or VCAT for not relying upon a JME, regardless of the purpose for which the JME was obtained.
- 8.3 The adverse inference agreement in Clause 8.2 does not apply where a report is initially obtained on a joint basis and either party subsequently obtains an updated or supplementary report (not on a joint basis) for the purpose of proceedings at Court or VCAT.
- 8.4 The initiating party of the JME has the first opportunity to engage the examiner for a subsequent independent examination and updated opinion or report for the purpose of proceedings at Court or VCAT.

8.5 If the non-initiating party wishes to arrange a subsequent independent examination with the examiner, they must first contact the initiating party of the JME to clarify whether they intend to engage the examiner on an independent basis.

9. INFORMATION ABOUT EXAMINATIONS

9.1 Referrals:

- 9.1.1 Submitted letters of instruction must use the [specified templates](#) (as jointly developed and approved by the TAC, ALA, and LIV).
- 9.1.2 The non-initiating party of the JME will consider the initiating party's letters of instruction and attached supporting documentation in accordance with the agreed JME protocol process map (Clause 1.1). The non-initiating party will send the initiating party any additional questions and material they would like the examiner to answer/review.
- 9.1.3 The initiating party will provide the finalised joint letter of instruction and supporting documentation—including any additional questions or material submitted by the non-initiating party—to the examiner no later than 14 days before the scheduled examination date.
- 9.1.4 The TAC and client's lawyer agree to take all reasonable steps to avoid sending unnecessary duplicate or irrelevant material to the examiner. The [TAC Medical Examination Documentation Guide](#) provides guidance on what should be sent to the examiner.

9.2 Interpreters:

- 9.2.1 The initiating party of the JME will arrange for a qualified interpreter to attend the examination, if required, unless otherwise agreed between the parties.
- 9.2.2 The TAC will pay the reasonable costs of an interpreter for the purpose of JMEs in accordance with its [Interpreting Services Fee Schedule](#) and obligations under the TAA. Invoices and/or receipts must be submitted to the TAC for payment after the JME.

9.3 Travel and Accommodation Costs:

- 9.3.1 A client's lawyer must use the JME request form as the primary method to liaise with the TAC in respect to arranging travel, accommodation, and equipment needs for clients attending JMEs. The TAC is liable for the reasonable travel, accommodation, and equipment costs associated with the client attending an approved JME.
- 9.3.2 Where circumstances change after the JME request form has been submitted, the client's lawyer must contact the TAC as soon as possible using the method described in Chapter 8 of the [Protocols Framework Agreement](#).
- 9.3.3 Lawyers must provide a minimum of 14 days' notice to the TAC regarding changes to their client's travel, accommodation and equipment requirements for attending a JME.
- 9.3.4 Where changes are required fewer than 14 days before the JME appointment, the responsibility for arranging and paying for such changes lies with the client's lawyer. These costs may be claimed for reimbursement, subject to the TAC's approval that the costs are reasonable and necessary.
- 9.3.5 Where the examiner must travel to the client to conduct the examination and where the TAC has provided pre-approval, the TAC will only pay the reasonable cost of travel and accommodation for the examiner. Invoices and/or receipts should be submitted to the TAC following the JME.

9.4 Telehealth Examinations:

- 9.4.1 The TAC will only approve telehealth JMEs in accordance with the [TAC Telehealth Policy](#). Approval will be subject to the policy's criteria, including suitability for the client's condition and assessment requirements.

9.5 Surveillance:

- 9.5.1 The TAC will not use scheduling of a JME for the purpose of conducting surveillance of the claimant.

9.6 Non-Attendance and Late Cancellation:

- 9.6.1 Non-attendance is described as failure to attend the scheduled appointment on the day of the examination. Late cancellation comprises cancellation or rescheduling of the appointment within two business days of the scheduled examination date.
- 9.6.2 The initiating party will take all appropriate steps and make reasonable endeavours to ensure the client attends the JME arranged with the examiner at the scheduled time.
- 9.6.3 The client's lawyer will advise the TAC and examiner in writing as soon as practicable, and no later than 48 hours after becoming aware of any non-attendance, cancellation, or rescheduling of an appointment (also refer to Chapter 5).

9.7 Reports:

- 9.7.1 Examiners are required to send identical copies of the report to the TAC and the client's lawyer. All communications pertaining to the examination must be included in the report. There must be no separate communications (including written or verbal) with either party.
- 9.7.2 The initiating party that schedules the JME appointment is responsible for following up on the completion and submission of the JME report.
- 9.7.3 The initiating party must adhere to the following timeframes for report follow-up:
 - a) Contact the examiner 21 days after the examination date if the report has not yet been received.
 - b) If the report remains outstanding, follow up again at 7 days post initial contact.
 - c) If the report is still not received 7 days after the second follow-up, the matter must be escalated using the method described in Chapter 8 of the [Protocols Framework Agreement](#). The TAC will issue a formal letter to the examiner requesting the report within 7 days post escalation.
- 9.7.4 Addendum reports contain a correction to the original report to address any errors or omissions.
- 9.7.5 TAC must be included in any correspondence relating to addendum requests. Pre-authorisation by the TAC is not required.
- 9.7.6 The TAC does not provide additional payment for addendum reports as these are considered part of the original medical examination report.

9.8 Supplementary Reports:

- 9.8.1 A supplementary report is a report requested when new information is provided to the examiner for review and comment, or when further commentary is required on matters not included in the initial referral, or when clarification is required.
- 9.8.2 Examiners are not permitted to initiate supplementary reports.
- 9.8.3 A JME supplementary report can be requested by either party. Prior to arranging an IME or undertaking any further steps, the parties should first request a supplementary report from the relevant examiner.
- 9.8.4 In order for TAC to pay for a JME supplementary report, agreement must be reached by the parties to obtain a JME supplementary report. If agreement cannot be reached, either party can obtain a supplementary report at their own expense. This may be claimed as disbursements, if applicable.
- 9.8.5 Where a party wishes to obtain a supplementary report, they will notify the other party in writing. This notification must include a copy of the proposed letter and material to be sent to the JME.
- 9.8.6 The non-initiating party must advise within 14 days of receipt if they wish to provide further questions and/or material or if they do not agree with the request.
- 9.8.7 Where the client's lawyer is requesting the supplementary report, they must submit a [TAC Supplementary request form](#), available on the TAC website.
- 9.8.8 Where the non-initiating party fails to respond to a supplementary report request within 14 days of receipt, the request is deemed to have been approved for the purpose of Section

60(2F) of the TAA. In extenuating or urgent circumstances, this timeline can be varied by agreement.

9.8.9 The non-initiating party of the supplementary report request will consider the initiating party's request and attached documentation. The non-initiating party will send any additional questions and or material to the initiating party in accordance with the timeframes in Clause 9.8.6.

9.8.10 The initiating party will compile the questions and or material and send to the examiner, advising that the supplementary report is being obtained on a joint basis and directing the examiner to invoice the TAC directly.

9.9 Fees:

9.9.1 An examiner should invoice the TAC directly for the JME reports or JME supplementary reports.

9.9.2 The TAC will pay the reasonable costs of all reports that have been agreed or deemed agreed to be undertaken as JMEs, in accordance with the TAC's [JME Fee Schedule](#), within 14 days of receiving both the report and a valid tax invoice from the examiner.

9.9.3 Pre-payment of reports will not be considered.

9.9.4 The TAC will pay for supplementary reports in accordance with the TAC's [JME Fee Schedule](#).

9.9.5 The TAC agrees to pay for a maximum of one non-attendance or late cancellation per approved JME specialty in line with the TAC's JME Fee Schedule.

9.9.6 After one non-attendance or late cancellation per approved JME specialty, the TAC will not reimburse any further costs related to non-attendance or late cancellations.

9.9.7 The PWG will index the JME Fee Schedule annually to ensure fees remain generally current. In addition, the PWG will review the JME Fee Schedule at intervals not exceeding five years, or earlier if there is a material change in relevant forces likely to affect the reasonableness of JME fees.

10. DISPUTE PROCESS FOR DENIAL OF JME REQUEST

10.1 Where a client's lawyer disagrees with the TAC's decision to deny a JME request they must submit a [Notice of Intention to Lodge a Dispute form](#) prior to lodging a DR application under the [No Fault Dispute Resolution Protocols 2026](#).

10.2 This form must be submitted within 90 days of the TAC's decision to deny the JME.

10.3 In order to allow the TAC to effectively review the decision to deny the JME request, a client's lawyer will endeavour to fully complete the Notice of Intention to Dispute form and where relevant include the following:

10.3.1 Reasons as to why the examination is required and why it should be approved as a JME; and

10.3.2 Reasons as to why the TAC denial is unreasonable.

10.4 Where the TAC has requested information to make a JME decision and that information is obtained, a client's lawyer must submit the information using the process described at Chapter 3 of this Protocol rather than lodge a Notice of Intention to Dispute form.

10.5 The TAC will write to the client's lawyer within 30 working days of receipt of the Notice of Intention to Dispute form to advise whether the decision to deny the JME is overturned or affirmed. The TAC may contact the client's lawyer to discuss the matter prior to making the decision.

10.6 Where lodgement of the Notice of Intention to Dispute form results in the TAC overturning its decision to deny the JME the TAC will pay legal costs in accordance with the [Protocol Legal Costs](#) schedule and reasonable disbursements to the client's lawyer for the application.

10.7 Where the TAC affirms the decision to deny the JME then a client's lawyer may proceed to lodge a [DR Application](#) under the [No Fault Dispute Resolution Protocols 2026](#).