



# REHABILITATION ASSESSMENT EXAMINATION

Under section 36 of the *Safety, Rehabilitation and Compensation Act 1988*

## DETERMINATION

Determination under sub-section 36(1) of the SRC Act

As you

an employee, have suffered an injury on  /  /

resulting in an incapacity for work or an impairment, I (holding a delegation under section 41A of the SRC Act) have arranged an assessment of your capability to undertake a rehabilitation program. I have determined under subsection 36(3) of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) that you are required to attend an examination for the purposes of that assessment.

The assessment will be carried out by (name of provider organisation)

The reasons for this determination are

If you are not satisfied with this determination, you may request a reconsideration by Comcare. Please refer to the section in the *Notice of rights and responsibilities* below titled 'What if I don't agree with a determination made by the delegate'

Signature of delegate

Date  /  /

Name

Organisation

Position

## INFORMATION FOR EMPLOYEES

### About the assessment

The rehabilitation assessment takes place with your involvement and usually in consultation with your treating medical practitioner and supervisor. It may include a review of your workplace to identify any reasonable adjustments that need to be made, or work practices which need to be altered to help you to get back to work quickly and safely.

### What happens after the assessment?

After the assessment, a rehabilitation program (commonly known as a return to work plan) may be required. If a rehabilitation program is required it will outline the actions you will be required to undertake to assist your return to suitable employment. It will also state who is responsible for the various steps in the program and include a timetable for completion.

If a rehabilitation program is required under section 37 of the SRC Act your case manager should develop this program in consultation with you, and this may involve discussion with your treating medical practitioner and supervisor. Where required by the Guidelines for Rehabilitation Authorities 2012, an approved Workplace Rehabilitation Provider (WRP) may be involved in developing and monitoring your program.

## Privacy

In collecting, using and distributing the information on this form, your rights are safeguarded by the *Privacy Act 1988* which prevents the use of this information other than for compensation, rehabilitation and work health and safety purposes.

### What if I want copies of documents held on my files?

You can write to Comcare requesting the documents you need held by Comcare.

Requests for information held by your employer or WRP should be directed to them.

## NOTICE OF RIGHTS AND RESPONSIBILITIES

### What is a determination?

A determination is a decision. In this case, it is a decision made under section 36 of the SRC Act, that you attend an examination as part of your assessment for rehabilitation.

### What if I don't agree with a determination made by the delegate?

If you do not agree with the determination made by the delegate (usually the case manager) you may ask Comcare to reconsider the determination that you undertake a rehabilitation assessment examination.

### To request a reconsideration of your referral for rehabilitation assessment examination

You must provide the following information to Comcare within 30 days of receiving the determination:

- > a copy of the Rehabilitation assessment examination determination and referral form
- > a written request for a reconsideration explaining why you don't agree with the determination
- > any new information that supports your request, such as medical reports that have not previously been considered.

Send the information to:

Policy and Engagement Group (Reviews)  
Comcare  
GPO Box 9905  
Canberra ACT 2601

### 30 day time limit

If you are unable to put your request to Comcare within 30 days, you may apply for an extension of time.

### What happens next?

Your employer will receive a copy of your request for reconsideration and may provide a response to Comcare. Comcare will consider the available information and will decide to affirm, revoke or vary the determination.

### What if I do not undergo the assessment examination?

If you refuse or fail, without reasonable excuse, to undergo an assessment examination, your rights to compensation entitlements under the SRC Act (excluding medical treatment costs), and your right to institute or continue any proceedings under the SRC Act will be suspended until the assessment examination takes place. This means you cannot claim compensation entitlements (excluding medical treatment costs) for the period of that suspension. Your compensation entitlements for this period will not be reimbursed even if the suspension is lifted and your rights to full compensation entitlements are reinstated (see section 36(4) of the SRC Act).

### Legal costs

If you decide to engage a solicitor to assist you with this process, any legal costs will be your responsibility regardless of the outcome of Comcare's decision.

### More information

If you need any further information about your rights or other specific issues, please contact Comcare on 1300 366 979. You can also make an online enquiry or access resources via the Comcare website [www.comcare.gov.au](http://www.comcare.gov.au)



# REHABILITATION ASSESSMENT EXAMINATION REFERRAL

Under section 36 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act)

## REFERRAL INFORMATION

**Assessor**—Name of organisation and address

\_\_\_\_\_  
\_\_\_\_\_  
State \_\_\_\_\_ Postcode \_\_\_\_\_

**Assessor's name**

\_\_\_\_\_

Phone number ( ) \_\_\_\_\_

Fax number ( ) \_\_\_\_\_

- Legally Qualified Medical Practitioner  
 Suitably Qualified Person (as described in the section 41 Guidelines for Rehabilitation Authorities 2012)  
 Panel (as described in the section 41 Guidelines)

**Injured employee**—Name and address

\_\_\_\_\_  
\_\_\_\_\_  
State \_\_\_\_\_ Postcode \_\_\_\_\_

Date of birth \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Sex  
 Male  Female

Home contact ( ) \_\_\_\_\_

Work contact ( ) \_\_\_\_\_

Interpreter required? Language \_\_\_\_\_  
 No  Yes  ▶

**Doctor**—Name and address

\_\_\_\_\_  
\_\_\_\_\_  
State \_\_\_\_\_ Postcode \_\_\_\_\_

**Employer**—Name of organisation/agency and address

\_\_\_\_\_  
\_\_\_\_\_  
State \_\_\_\_\_ Postcode \_\_\_\_\_

**Supervisor**—Name

\_\_\_\_\_

Phone number ( ) \_\_\_\_\_

Injured employee's current employment status with this employer

- Ongoing  Full-time  Casual (irregular/intermittent)   
 Non-ongoing  Part-time  Not employed   
 Is the employee currently at work? No  Yes

Employee's current job title

\_\_\_\_\_

**Case manager**—Name

\_\_\_\_\_

Phone number ( ) \_\_\_\_\_

Fax number ( ) \_\_\_\_\_

**Comcare claim details**

Claim number \_\_\_\_\_

Liability for compensation determined? No  Yes

(Please read 'Costs' below.)

Nature of injury

\_\_\_\_\_  
\_\_\_\_\_  
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Assessment services requested

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\_\_\_\_\_

## COSTS

Comcare will pay the cost of an assessment where liability for a claim is accepted. When liability for a claim is denied by Comcare under section 14 of the SRC Act, compensation is not payable for any rehabilitation costs incurred by the employer from the date that determination is made. If the employer has undertaken rehabilitation under the provision of the SRC Act, prior to a determination of liability being issued, then rehabilitation costs incurred up to the date liability has been denied will be reimbursed by Comcare.

Authorised assessment costs \$ \_\_\_\_\_

- ATTACHMENTS  Medical release authority attached  Existing medical information attached  Not available  Notice of rights attached  
 DISTRIBUTION  Employee  Case manager  Provider  Supervisor  Comcare  Doctor