

## What to expect from a medical appeal panel

This fact sheet will help you understand the role and function of the Personal Injury Commission's medical appeal panels for workers compensation matters and what you can expect if one of these is convened as part of the resolution of your dispute.

The Personal Injury Commission resolves disputes related to personal injury claims for workers compensation and motor accidents in NSW.

Medical disputes before the Commission are assessed by a medical assessor, an independent medical specialist who will assess the injury and related information before making a decision about the dispute.

In cases where an injured person, insurer or employer believes the assessment by the medical assessor for a workers compensation matter has a demonstrable error, they may seek an appeal.

### How can I apply for a medical appeal?

If you think there is an error with the decision by the medical assessor, you can lodge an application to appeal the original medical assessor's decision via your case owner. An insurer or employer can also lodge an appeal application.

There must be sound reasons for making the appeal, which are generally alleged errors in the assessment or the medical assessment certificate.

A delegate of the President of the Commission will consider the application and any reply and must be satisfied that, on the face of the application and any submissions, at least one of the grounds for appeal is capable of being made out.

If the appeal application is allowed to proceed, a medical appeal panel will be appointed to make a fresh assessment.

### Who are the panel members?

The panel will include two experienced medical practitioners with expertise relevant to the dispute, as well as one legal member with expertise in appeal matters. These professionals are selected for their impartiality and expertise and would not have been involved in the original assessment.

### What is the medical appeal panel's role?

The medical appeal panel provides an independent, unbiased assessment by qualified medical or allied health professionals supported by a suitably qualified legal practitioner who is a member of the Commission.

The medical appeal panel will review the appeal application and all the information provided by the parties, as well as the original medical assessment and all the information provided to the medical assessor who had completed the assessment.

You may need to be re-examined by one of the medical assessors on the panel. The panel may also conduct a formal hearing.

The medical appeal panel will then provide a final medical report. This may confirm the original assessment and medical assessment certificate or, where a different decision is reached, issue a new medical assessment certificate to replace the original certificate.

The medical appeal panel's decision helps ensure the fairness and accuracy of medical assessments in personal injury claims, giving parties a chance to challenge and appeal the initial findings.

### What is the purpose of the medical appeal panel?

The outcome of the medical appeal panel serves as important evidence during the dispute resolution process. The decision can lead to settlements, negotiations, or further legal proceedings if necessary.

The Commission's medical appeal panel processes are designed to ensure that injured people receive fair and just outcomes in their personal injury claims, especially when medical issues are in dispute.

### Can I seek further review?

If you believe the Commission's decision was incorrect, you can seek judicial review via the Supreme Court of NSW.

### Will the decision be published?

The Commission is required under the *Personal Injury Commission Act 2020* to publish certain decisions online to ensure openness and transparency about its processes and that decisions are of consistently high quality.

Decisions by panels are publishable, however parties can make an application seeking that material be redacted or de-identified prior to publishing.

More information on our decision publication policy is available on our website.

### Where can I find more information?

For more information on the Personal Injury Commission's work in resolving personal injury disputes, including a range of fact sheets, visit our website at [www.pi.nsw.gov.au](http://www.pi.nsw.gov.au)



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