

Question	Answer
If both parties agree on the name of a medico-legal specialist, does the insurer have to serve the report or can it rely on legal privilege?	If both parties have agreed on a medico-legal specialist, the insurer must serve the report. The party who writes the letter of instruction (insurers or claimant legal representative) is expected to include advice to the medico-legal assessor that this is a joint medico-legal assessment and as such the completed report should be sent to both parties, and that the insurer will be meeting the cost of the assessment.
If the insurer has previously used a specialist for medico-legal assessment and wishes to get an updated report, does the insurer have to provide the names of three specialists?	If the claimant has previously seen a medico-legal assessor (either insurer assessor or their own assessor or both) SIRA would not expect the claimant to be seen by any new assessor for an updated assessment. However this is for both parties to decide on a case by case basis. Our objective here is not to inconvenience the claimant and a brand new (potentially third assessor if both sides have already obtained reports) assessor would have to start again with history and assessment. The sharing expectations would apply as above.
What happens if the insurer and claimant legal representative are unable to agree on the questions to be asked of the medico-legal assessor?	If the questions are unable to be agreed upon, then SIRA deems this as not being able to agree on a joint assessor and both parties would revert to arranging their own. SIRA will be monitoring compliance with this requirements closely through its audit program. Agreement on questions should not unreasonably delay this process.
Can the insurer or legal representative ask for a supplementary report following the assessment and not share it with the other party?	No. In the initial letter of instruction to the assessor (written by either the insurer or the claimant's legal representative) we expect an additional paragraph clarifying that this is a joint medico-legal assessment and any requests in the future for supplementary reports must have responses sent to both parties.
When is a Practice Note going to be available for Clause 10.5?	SIRA has made this a priority for practice notes. In the interim we will release Q&A's as further questions arise.