

Certificates of Capacity

The Bill clarifies arrangements for the issuing of certificates of capacity which are integral to claim assessment, medical management of a worker's injury and return to work planning.

Key Points

Bill ref: cl. 25, 160, 163, 169

- The Bill provides for a claim to be effectively made when a completed claim form is given to an employer with a certificate of capacity for the claim.
- The certificate of capacity will be in an approved form and issued by the worker's treating medical practitioner.
- The requirement in the Bill for the certificate of capacity to be in an approved form provides flexibility to modernise the certificate, including the possibility of adopting a nationally consistent certificate, in the future.
- The certificate of capacity will continue to include all relevant information to assist insurers with liability decisions, to guide medical and health treatment of the worker's injury, and to inform return to work programs and injury management. It will continue to certify:
 - the nature of the injury
 - whether there is incapacity for work and the extent of any incapacity for work (partial or total)
 - the nature of duties the worker can perform and the nature of any restrictions on the worker's capacity for work
 - an estimation of the period of any incapacity for work
 - a medical and injury management plan.

Key Points

- After a claim is made, the Bill provides that a worker is required to provide any 'progress' certificate of capacity to their employer / insurer within 7 days. This is to ensure the relevant insurer is informed of any changes to the status of the worker's injury, capacity for work, medical and health treatment, or return to work options.
- The Bill also provides for regulations to authorise a health practitioner (other than the worker's treating medical practitioner) to issue a certificate of capacity in specific circumstances.

Questions & Answers

Q. In what circumstances would health practitioners (other than the worker's treating medical practitioner) be permitted to issue a certificate of capacity?

A. It may be necessary to permit nurse practitioners or certain other health practitioners to certify minor or short duration lost time claims, or to prescribe initial treatment for workers in remote or regional areas where a worker does not have immediate access to their treating medical practitioner. Any future regulation would be subject to industry consultation.