

Certificates of Capacity

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* sets out the requirements 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

Act ref: ss. 25, 160, 163, 169 Reg ref: regs 84, 85

- The *WCIMA23* 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 must be in the approved form and be issued by the worker's treating medical practitioner.
- The approved form of the certificate of capacity is published on the WorkCover WA website as *CC1 First Certificate of Capacity*. The progress and final certificates of capacity can also be found on the WorkCover WA website.
- The certificate of capacity includes 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 certifies:
 - 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 *WCIMA23* provides that a worker is required to provide any 'progress' certificate of capacity to their employer / insurer within 7 days (unless given directly by the treating medical practitioner). 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.

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 where the worker is in a regional or remote area or has been admitted to hospital a medical practitioner who has provided initial treatment to the worker can issue a certificate of capacity in accordance with the *Workers Compensation and Injury Management Regulations 2024*.