

13 May 2026

Our ref: HS/ACTL

Consultation Team
Workers' Compensation Regulatory Services
Office of Industrial Relations
Department of State Development, Infrastructure and Planning

By email: [REDACTED]

Dear Consultation Team

Updates to the Work Capacity Certificate

Thank you for the opportunity to provide feedback on proposed changes to the Work Capacity Certificate (**WCC**) under the *Workers' Compensation and Rehabilitation Act 2003*. The Queensland Law Society (**QLS**) appreciates being consulted on this draft update.

This response has been compiled by the QLS Accident Compensation and Tort Law Committee, whose members have substantial expertise in this area.

QLS supports the intent of the proposal and agrees that there is value in having a mechanism to reinforce to workers their obligations to disclose paid and unpaid work. QLS does not consider including the declaration in the WCC to be the appropriate mechanism.

We suggest that the aims of the proposed changes could be better achieved by improving education around what constitutes 'work' and, potentially, through a separate declaration of work/income at regular intervals during the life of the statutory claim. In the Society's view, a separate form, properly adapted to remind injured workers of their obligations and providing suitable space for them to explain the context of any work (for example work completed in the course of a graduated return to work program), would overcome the concerns expressed below.

Is the placement of the declaration within the WCC appropriate?

and

Are there any unintended impacts on workers, treating practitioners, or scheme participants?

QLS considers that the WCC is not the appropriate place for the declaration because:

- a) Inserting the declaration confuses the purpose of the WCC, which is to gather medical and rehabilitation information, rather than act as a compliance tool. Adding another purpose to the form will create an added complication when there is already confusion about completion of WCC and reluctance among some health professionals to do so.

Updates to the Work Capacity Certificate

- b) The declaration will require the worker to spend additional time with the health practitioner, increasing demands on health practitioners and potentially increasing expense.
- c) We anticipate that adding the declaration to the WCC will increase disputes and technical challenges to the validity of WCC where declarations are incomplete, misunderstood or inconsistently filled out. This will delay treatment and benefits, create administrative burdens and add to the cost of claims without necessarily improving compliance.
- d) The declaration in its current form may discourage injured workers from engaging in activities that are beneficial to their recovery, such as volunteering, informal activities or gradual re-engagement in tasks. They may avoid such activities for fear that declaring them will impact adversely on their claim.

Does the proposed worker declaration clearly communicate the obligation to disclose paid and unpaid work?

and

Are the declaration wording and acknowledgements clear, proportionate and easy to understand?

The proposed declaration does not take into account varying understandings of what it means to 'work'. For example, some culturally and linguistically diverse injured workers may not consider that helping in a family business in accordance with cultural norms is considered 'work'. Injured workers with cognitive impairments or low literacy may also have difficulties with the declaration.

Materials intended to convey information about injured workers' obligations and the consequences of failing to comply must be available in formats that are accessible to injured workers with diverse communication needs and cultural/linguistic backgrounds.

Are there improvements or clarifications that could enhance compliance, understanding, or usability?

What education or guidance material is required to support a successful implementation?

What matters should be considered for implementation or transitioning to the new WCC?

QLS would prefer increased education around the requirement to disclose work and the impact of work on claims rather than a declaration in the WCC. A separate mechanism for disclosing work could also be developed taking into account the issues identified above.

We have no further specific comments in relation to the implementation of the proposal as it currently stands.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED]

Yours faithfully

[REDACTED]
Peter Jolly
President