

Workers Compensation and Injury Management Act 2023

Implementation proposals for regulations and administrative instruments

Implementation Consultation Paper 20: Noise Induced Hearing Loss

November 2023

Public comment on the implementation proposals
should be submitted to:

consultation@workcover.wa.gov.au by **12 January 2024**

All submissions will be publicly accessible unless confidentiality is requested.

For further details on making a submission see:

<https://www.workcover.wa.gov.au/resources/modernising-was-workers-compensation-laws/>

*****Draft proposals only*****

The proposals in this consultation paper are in draft form to facilitate public comment and do not represent the final position of WorkCover WA, the Minister or Government.

Implementation Consultation – Noise Induced Hearing Loss

Scope

This document outlines proposed regulations and implementation requirements associated with:

- the practice and procedure for the testing of hearing loss and assessment of occupational noise induced hearing loss (NIHL) in workers
- the NIHL claims process
- shared liability for NIHL and apportionment where exposure to noise occurs in the employment of more than one employer
- the WorkCover WA NIHL registry and information disclosure arrangements

Background and Intent

Workers in Western Australia who establish work related noise induced hearing loss (NIHL) of 10% or more between a baseline and subsequent hearing test are currently entitled to receive a lump sum payment. Subsequent claims may be made for each further 5% of noise induced hearing loss.

Neither the *Workers Compensation and Injury Management Act 2023 (WCIMA23)* nor the proposed regulations affect the compensation payable to workers or the percentages of noise induced hearing loss required to substantiate a claim compared to the 1981 Act (10% for initial loss, 5% for subsequent loss).

The process in the 1981 Act for assessing NIHL is based on audiometric testing undertaken by workers employed in a 'prescribed workplace'. In these workplaces an initial or baseline hearing test is required to be undertaken within 12 months of the commencement of employment. A worker in a prescribed workplace may make a written request to their current employer every 12 months to have subsequent hearing tests.

The proposed regulations provide for a more efficient and effective process for testing hearing loss in workers and determining the percentage of occupational noise induced hearing loss. The proposed regulations also streamline and formalise other aspects of the NIHL regime including the claim process, methods for apportionment of liability, and a central WorkCover WA NIHL registry.

The proposed regulations make two substantive changes compared to current arrangements:

- 1) Discontinuation of preliminary testing by approved audiometric officers
- 2) Discontinuation of mandatory hearing tests of workers paid for by employers

The proposed regulations address the inefficiency and cost of audiometric testing by audiometric officers under the 1981 Act. This first stage of testing under the 1981 Act generates many false positives which are then followed by a more comprehensive hearing test by an audiologist, followed by an assessment of the percentage of noise induced hearing loss by an otorhinolaryngologist (ENT).

The proposed regulations discontinue mandatory testing of workers by employers and provide for a two-step process for obtaining a noise induced hearing loss assessment:

- Step 1: Audiological test by an approved audiologist.
- Step 2: NIHL assessment by an ENT

This is intended to replace the current 3-step process by discontinuing audiometric testing by approved audiometric officers as a preliminary step to audiological testing. As a result audiometric officers will no longer be authorised to undertake testing of hearing loss in the workers compensation scheme. Employers in noisy workplaces will also no longer be required to undertake compulsory testing of hearing loss in workers. Instead, certain employers will be required to pay for audiological tests and NIHL assessments once every two years if requested by a worker.

WCIMA23 key provisions

Part 2 Division 8 (ss 107 – 114).

Regulations

The proposed regulations and approved procedures will address each of the following stages of the NIHL assessment and claims process, and oversight of the NIHL regime:

1. Pre-claim hearing test and NIHL assessment
2. The NIHL claim process
3. Shared NIHL liability & apportionment
4. WorkCover WA NIHL registry and disclosure of information

1. Pre-claim hearing test & NIHL assessment

It is intended regulations will provide for a two-step process for workers to obtain an assessment of noise induced hearing loss:

- Step 1: Audiological test by an approved audiologist
- Step 2: NIHL assessment by an ENT

It is proposed that regulations will require that a NIHL assessment can only be carried out if the worker has undertaken a compliant audiological test by an authorised audiologist which indicates 10% or more initial hearing loss or 5% for further loss. A compliant audiological test is a necessary precondition to obtaining a NIHL assessment.

Hearing loss and NIHL are distinct concepts in the *WCIMA23*.

This streamlined process removes the need for baseline and subsequent testing, a feature of the current NIHL scheme. A consequence of this is that audiometric officers, currently engaged to conduct baseline and subsequent testing will no longer be required.

Rationale for streamlining testing of hearing loss and assessment of NIHL

The current baseline and subsequent audiometric testing regime is unique to Western Australia. Most other jurisdictions treat NIHL similar to any other workplace injury and simply require the worker to prove their hearing loss was a result of the nature of their employment.

The current baseline hearing regime suffers from some notable inefficiencies. Research undertaken by WorkCover WA indicates a significant number of workers who trigger a potential claim through the baseline and subsequent testing regime are found, upon assessment by an audiologist, not to have met the 10% threshold required to receive compensation. These 'false positives' under the current regime cause unnecessary expense to employers and stress and confusion to workers.

In 2021/22¹ there were 27,503 baseline and subsequent hearing tests conducted by audiometric officers, audiologists and audiometrists, with only 967 workers identified as meeting the threshold to have their claim assessed. Of that number 253 attended an ENT to determine noise induced hearing loss and just 146 made a successful claim for NIHL.

To highlight the inefficiencies in the scheme, 0.5% of audiometric tests result in a successful NIHL claim and only around 26% of workers who chose to progress a claim after meeting the threshold to claim from audiometric testing made a successful NIHL claim. Further, over 27,000 audiometric tests resulted in only 967 potential claims (approximately 4%), the majority of which either chose not to claim or were found by an audiologist or ENT not to meet the threshold requirements.

The costs to employers under the current scheme are significant. The cost of testing (excluding ENT costs) for employers was over \$2m in 2021/22 alone. In light of the known inefficiencies in the regime this figure is hard to justify.

A complicated supporting regulatory and administrative framework has been developed over many years to assist in the operation of the scheme. For instance, the audiological and audiometric testing aspects of the scheme require considerable regulatory oversight.

Abolishing the baseline and subsequent testing regime produces significant benefits to both employers and workers, through greater certainty in testing results and a decreased regulatory burden and costs on employers.

Step 1: Audiological Test

Under the proposals, the first step to obtaining a NIHL assessment and claiming compensation is for the worker to obtain an audiological test undertaken by an authorised audiologist, using the approved form (a list of audiologists will be provided on the WorkCover WA website).

It is proposed the regulations will provide that where a worker requests an audiological test a worker's current employer is obligated to pay for an audiological test by an authorised audiologist and the reasonable expenses of the worker if:

- 1) The worker is frequently required by the employer to use personal protective equipment to protect the worker from risk of hearing loss associated with exposure to noise that exceeds the exposure standard set in the WHS Regulations; or
- 2) WorkCover WA has issued a determination about the obligation for an employer to test.

The exposure standards in WHS Regulations are 85 dB(A) averaged over an eight-hour period, or a peak noise level of 140 dB(C).

If the current employer is not required to pay for an audiological test, a worker may request the employer who last employed the worker in employment to the nature of which the NIHL is or was due (the "last employer") to pay for the test but the last employer is only obligated to pay for the test if not more than 3 months has elapsed since the worker ceased employment with that employer.

¹ All statistics are from financial year 2021/22. Statistics from 2022/23 are not yet complete and up to date and may not be accurate.

An employer will only be required to pay for a worker's audiological test, any additional subsequent NIHL assessment and reasonable expenses once every two years. This is consistent with obligations under WHS Regulations.

If a worker is not exposed to noise and not required to use personal hearing protection in employment with their current employer no obligation to pay for a hearing test arises. In these circumstances, a worker may arrange and pay for an audiological test.

Currently, an audiologist appointment costs approximately \$220-\$260 in the metropolitan area (more in the regions). It is likely that this cost would remain unchanged in the proposed scheme as audiologists will essentially carry out the same role as they currently do. As such, the cost of obtaining an audiologist's report is relatively low.

Where there is ambiguity or disagreement between a worker and employer about whether an employer is obliged to pay for an audiological test, a worker may request WorkCover WA to issue an audiological test determination.

WorkCover WA's determination may be made with respect to a particular employer, or class or industry of an employer. WorkCover WA can make its own inquiries based on workplaces with similar characteristics, or information submitted by a worker or employer.

If a worker has paid for a hearing loss test and the worker subsequently makes a successful claim for NIHL compensation, the employer on whom the claim is made will be required to reimburse the worker for the audiological test and NIHL assessment.

Upon completing an audiological test, an audiologist will be required to give the worker the results in the approved form indicating the assessed hearing loss, if any, and whether the worker qualifies for a NIHL assessment (more than 10% initial hearing loss or 5% for subsequent loss). If hearing loss is lower than the relevant threshold, a NIHL assessment cannot be made. The audiologist must provide the audiological test results to the worker, current or last employer, and WorkCover WA.

The testing audiologist will provide the worker with information to assist in scheduling a NIHL assessment where the worker qualifies for one. This information will direct the worker to the WorkCover WA website where the relevant forms and further information about progressing a claim can be found. WorkCover WA can also be contacted by a worker for further assistance. The process will be worker driven and whilst still available to assist workers and employers, WorkCover WA will no longer play an active role in informing workers of the right to make a claim or schedule appointments.

Test report approved form and Audiologist testing standards

It is intended the audiological test be completed in the form of [Attachment 1 – Audiologist test report](#). An audiologist will be required to use this form when conducting an audiological test. Written reports, without reference to the approved form, will no longer be accepted. WorkCover WA will require the audiologist to input the results of the audiological test into WorkCover WA's online system.

The requirements of the audiological test report are the same in substance as the current requirements for audiologists conducting full audiological testing in the current scheme. Audiologists will be required to assess the worker according to [Attachment 2 – Audiologist testing standards](#) which is based on the current requirements.

In the audiologist test report, audiologists are required to provide a percentage hearing loss, making use of the National Acoustic Laboratory Improved Procedure for Determining Percentage Loss of Hearing NAL Report No 118, including the application of the presbycusis table in that report.

The outcome of the audiologist report will determine if a worker is able to seek a NIHL assessment (where the hearing loss is determined to be less than the threshold for a successful claim, the worker is unable to schedule an appointment with an ENT for a NIHL assessment).

Authorised audiologists & professional standards

To be an authorised audiologist it is intended the regulations will require a person must:

- hold a degree or post graduate diploma in audiology; and
- the degree or post graduate diploma must satisfy the requirements of Audiology Australia or an equivalent body; and
- the degree or post graduate diploma must have required the person to complete at least 200 hours of undergraduate clinical practicum; and
- the person must also have completed one full year of post graduate supervised clinical practicum.

An audiologist approved under the 1981 Act to do audiometric testing will be taken to be authorised to test hearing loss under the *WCIMA23*.

Audiologists seeking authorisation will be required to complete WorkCover WA training to be authorised to test for and assess hearing loss in workers (mostly use of the WorkCover WA online test results recording system). This requirement will not be onerous and will be easily completed by an audiologist. Once training is completed the audiologist's details will be included on the WorkCover WA website.

Use of Australian Standards

Audiologists will be required to use equipment (audiometers, earphone cushions, enclosures) and meet certain other requirements that are approved by the WorkCover WA CEO as set out in [Attachment 3 – Approved Equipment Standards](#).

Audiologists must ensure and certify equipment used to conduct audiological tests is appropriately calibrated and background noise levels during testing do not exceed those contained in standards approved by the CEO. WorkCover WA will no longer register audiological testing equipment or regulate audiologists with respect to approved standards.

It is intended to retain the various standards required currently by the scheme (the Australian Standards set out in Attachment 3). Industry feedback is sought on whether the current standards are fit for purpose, or if changes should be considered (for example, whether the latest Australian Standards should be considered for use).

Step 2: NIHL Assessment

The second step in the process after an audiological test involves an NIHL assessment.

The term 'NIHL assessment' means an assessment made by an ENT in accordance with the regulations of the hearing loss suffered by a worker during a period and of whether, and to what extent, that hearing loss is noise-induced hearing loss.

The assessed NIHL is expressed as a percentage and is sufficient evidence of NIHL for the purpose of the worker claiming compensation.

Prior to the assessment the worker must complete the approved form at [Attachment 4 - Worker noise exposure and employment history](#) and provide it directly to the ENT.

An ENT will be empowered to request any hearing test or other records held by the worker, employer or insurer, or WorkCover WA. This may include hearing tests carried out by an audiologist in the possession of any of the parties as well as the results of any previous NIHL assessments.

An employer required to pay for an audiological test is also obligated to pay for the NIHL assessment, any additional testing requested by the ENT (e.g. MRI scans), and the reasonable expenses of the worker (e.g. travel expenses), where the NIHL assessment is triggered by the audiological test.

The cost of attending an ENT is currently between \$400-\$800.

NIHL assessment approved form and ENT testing standards

It is intended the NIHL assessment be completed in the form of [Attachment 5 – NIHL Assessment](#) which is based on the current approved form for this purpose. An ENT will be required to use this form when conducting a NIHL Assessment. Written reports, without reference to the approved form, will no longer be accepted.

The requirements of the NIHL Assessment are the same in substance as the current requirements for ENTs assessing NIHL in the current scheme. ENTs will be required to assess the worker according to [Attachment 6 – ENT testing standards](#) which is based on the current requirements.

A worker will be required to cooperate with the ENT and answer all questions during the NIHL assessment to the best of their ability.

The NIHL assessment report is to be given to the worker, employer and WorkCover WA (the NIHL assessment will assist WorkCover WA apportion liability if the worker proceeds with the claim). WorkCover WA will require the ENT to input the results of the NIHL assessment into WorkCover WA's online system.

ENT professional standards

Only an otorhinolaryngologist, being a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession who is registered under that law in the speciality of otolaryngology will be authorised to conduct NIHL assessments.

An ENT approved under the 1981 Act to determine the percentage of noise induced hearing loss will be taken to be authorised to do NIHL assessments under the *WCIMA23*.

An ENT, or a competent staff member, will be required to upload test results to WorkCover WA online. This requirement will not be onerous and will be easily completed.

Contact information for authorised ENTs will be included on the WorkCover WA website to facilitate workers obtaining a NIHL assessment.

2. NIHL claim process

Making a NIHL claim

It is intended the regulations will provide that where a worker has a compliant NIHL assessment indicating an assessed initial NIHL of more than 10% or more than 5% subsequent loss since a previous NIHL claim, the worker may make a claim on the employer who last employed the worker in the employment to the nature of which the NIHL is or was due.

A NIHL claim is made on the employer who last employed the worker in employment to the nature of which the NIHL is or was due, even if there is a question as to which two or more employers are liable to compensate the worker or how liability is to be apportioned.

The employer on whom to claim will be apparent from the NIHL assessment as the worker's complete employment history and noise exposure are considered by the ENT in assessing NIHL.

It is intended a claim for NIHL compensation be made in the approved form at [Attachment 7 – NIHL Claim Form](#), which must be accompanied by the audiological test report by the authorised audiologist and NIHL assessment by the ENT.

An employer who receives a NIHL claim will be required to give the NIHL Claim Form and accompanying documents to their insurer, and the insurer will be required to give a copy to WorkCover WA. Where an employer fails to provide a NIHL claim to their insurer the worker may give the claim to the insurer directly.

Responding to a NIHL claim

It is intended an insurer or self-insurer will be required by the regulations to deal with the NIHL claim in accordance with the standard claim timeframes providing for a liability decision notice to be issued within 14 days after the claim is given unless more time is required (see below).

The *WCIMA23* provides that a [NIHL Assessment \(Attachment 5\)](#) is sufficient evidence for the purposes of a NIHL claim that the worker's loss of hearing is due to employment during the assessment period. Unless a specific reason exists (e.g. the individual is not a worker) insurers and self-insurers are expected to accept claims that meet the relevant threshold, unless there is evidence to the contrary.

The liability decision notices required to be used by insurers and self-insurers to respond to general claims is not intended to be used for NIHL claims. Instead, liability decision notices for NIHL claims will be approved by WorkCover WA as set out at [Attachment 8 - Liability Decision Notice – NIHL Claim Accepted](#) and [Attachment 9 - Liability Decision Notice – NIHL Claim Not Accepted](#).

In some cases insurers and self-insurers may issue a [Deferred Decision Notice – NIHL Claim Attachment 10](#) in order to investigate the claim and contact WorkCover WA to confirm the existence of any prior claims or NIHL assessments of the worker so that an accurate claim decision can be made.

The obligation to make provisional payments, that otherwise applies to general claims, does not apply to NIHL claims if a decision is not made within the 28-day period, as the form of compensation for NIHL is limited to a lump sum. However, if a liability decision notice on the claim is not given by the deemed liability acceptance date, liability will be taken to have been accepted and noise induced hearing loss compensation will be payable.

Where an insurer or self-insurer accept a claim, the assessed NIHL percentage specified in the NIHL Assessment will be used to calculate NIHL compensation payable with reference to the maximum compensation amount set out in the *WCIMA23* (75% of the general limit).

The assessed NIHL percentage is multiplied by the maximum NIHL compensation at the time of the assessment to determine NIHL compensation payable. The [Liability Decision Notice – NIHL Claim Accepted Attachment 8](#) will set out the amount of compensation payable and will be registered with WorkCover WA as the record of compensation paid (in place of the claim/ election form that is registered under the 1981 Act).

Where the insurer or self-insurer accepts the claim, compensation specified in the liability decision notice is to be paid to the worker within 14 days. If the claim is not accepted, the worker may make an application for dispute resolution.

Section 113 of the *WCIMA23* precludes proceedings for the determination of a dispute on ‘hearing loss matters’ unless the employer/ insurer has evidence on the matter provided by a NIHL assessment (i.e. an ENT NIHL assessment arranged for and paid by the employer).

3. Shared NIHL liability and apportionment

Where a worker has been exposed to noise in more than one workplace and a NIHL assessment indicates noise induced hearing loss was partly due to employment with more than one employer, it is intended the regulations will require the last employer to deal with the claim and pay compensation to the worker as if the last employer were wholly liable.

WorkCover WA will be empowered by the regulations to issue a NIHL liability apportionment determination for the claim if liability is to be apportioned between two or more employers (based on the NIHL assessment). The last insurer on risk may then use that determination to recoup contributions from other employers and other insurers.

The regulations will therefore essentially formalise WorkCover WA’s role in apportionment which is currently performed on NIHL claims under the 1981 Act.

An insurer or self-insurer may request a NIHL liability apportionment determination from WorkCover WA if more than one employer contributed to the NIHL. This will be evident from the NIHL Assessment which will set out which employers the ENT accepts as contributing to NIHL.

The regulations will provide that liability cannot be declined by the insurer or self-insurer on the basis that some other employer is or may be partly liable. In this regard a NIHL claim has the same status as a dust disease claim under section 35 of the *WCIMA23*. The NIHL liability apportionment determination simply assists with recoveries.

The amount of any contribution to be made by each of those employers must be determined by WorkCover WA and not by agreement between the employers. The insurer of the employer on whom the claim is made may then use that determination to obtain reimbursement from other employers and insurers.

The regulations will provide that if a NIHL assessment indicates the loss was attributed to employment with more than one employer, it is to be assumed that the NIHL occurs on an equally cumulative basis over the total period of noise exposure unless the NIHL assessment specifies otherwise. This means that liability for compensation is to be apportioned between the employers relative to the period employed.

The apportionment process is to take place independently of the worker receiving compensation. That is, determining apportionment cannot delay the payment of compensation to the worker. Apportionment is a matter for employers and their insurers and should not prejudice a worker's access to compensation.

4. WorkCover WA NIHL registry and disclosure of information

WorkCover WA currently maintains records of hearing tests, NIHL assessments, claims and NIHL compensation paid to workers over many years, including historical information since 1991.

This information is important to the operation of the NIHL scheme.

WorkCover WA will continue to register hearing tests, NIHL assessments and NIHL claims, along with liability acceptance notices specifying the amount of compensation paid under the *WCIMA23* and regulations.

It is intended the regulations will require WorkCover WA to keep and maintain in a register:

- 1) Audiological test reports – submitted by audiologists using the WorkCover WA online system
- 2) NIHL assessments – submitted by ENTs using the WorkCover WA online system
- 3) Claims for NIHL compensation – submitted by insurers
- 4) Liability decision notices for NIHL compensation claims – sent by insurers and self-insurers (in accordance with WorkCover WA directions issued under s. 500 of the *WCIMA23*)
- 5) Initial and subsequent NIHL compensation paid to workers – sent by insurers and self-insurers (in accordance with WorkCover WA directions issued under s. 500 of the *WCIMA23*)
- 6) WorkCover WA NIHL liability apportionment determinations
- 7) WorkCover WA determinations on employers or classes or industry of employers required to pay for audiological hearing assessments in workers and NIHL assessments (if triggered).

It is intended regulations will authorise WorkCover WA to disclose the following:

- Any of the above to a conciliator or arbitrator for the purpose of resolving a dispute on a hearing loss matter brought under s. 113 of the *WCIMA23*
- Items (1) to (4) of the above to a worker who has been tested or assessed by an authorised audiologist or ENT or claimed NIHL compensation (initial NIHL or further NIHL)
- Items (1) to (4) to an authorised audiologist or ENT to assist with any subsequent audiological hearing loss assessment or subsequent NIHL assessment
- Items (1) to (6) – to a licensed insurer or self-insurer to assist in responding to a claim and making a liability decision
- Items (1) and (2) – to an employer who has paid for an audiological hearing loss assessment or NIHL assessment but not received or retained a copy

- Item (7) – to any employer who is, or might be, required to pay for audiological hearing assessments of workers (or any worker of an employer).

Disclosure of the relevant information assists audiologists and ENTs make correct assessments based on any prior tests registered, employers to have central source for tests that are done when a worker is in their employment, for insurers to make liability decisions on claims for initial and further NIHL and pay the correct amount of compensation, WorkCover WA to determine apportionment between employers, and CAS to determine disputes.

It is intended savings and transitional provisions in regulations will preserve historical records of hearing tests, NIHL assessments, claims and compensation paid.

Process overview

The proposed streamlined NIHL scheme may be summarised as follows:

- A worker obtains an audiological test by an authorised audiologist in accordance with testing and other standards set by WorkCover WA (as set out in this document at Attachment 2). An audiological test report indicates total measured hearing loss without regard to whether or to what extent the hearing loss is NIHL.
- The worker's employer may be required to pay for an audiological test and subsequent NIHL assessment (once every two years if requested) subject to criteria based on the WHS regulations on noise exposure levels and hearing protection requirements. WorkCover WA may also issue a determination on an employer's obligation to pay.
- If an audiological test indicates more than 10% hearing loss, or more than 5% subsequent loss since a previous NIHL claim, the worker may seek a NIHL assessment from an authorised ENT.
- The NIHL assessment report determines the percentage of NIHL (as distinct from hearing loss) over the assessment period.
- If assessed NIHL is more than 10% or more than 5% subsequent loss since a previous NIHL claim, a worker may lodge a claim on the last employer in whose employment the nature of which the NIHL is or was due.
- The employer on whom the claim is made must deal with the claim and forward to their insurer for a liability decision.
- An insurer or self-insurer may contact WorkCover WA for information on prior NIHL assessments or claims, and seek a liability apportionment determination if more than one employer is, or may be, liable.
- An insurer or self-insurer must make a timely liability decision and issue a liability decision notice in an approved form.
- If liability is accepted compensation is payable within 14 days.
- No other form of compensation for NIHL is payable.

WorkCover WA expectations

WorkCover WA expects insurers and self-insurers, and service providers to work with the Agency to ensure a smooth transition to the streamlined NIHL scheme.

WorkCover WA expects employers who are funding baseline and subsequent audiometric testing under the 1981 Act to pay for audiological tests for their employees under the new NIHL scheme.

WorkCover WA expects to continue to provide ready access to training for audiologists and ENTs to be authorised to undertake audiological tests and NIHL assessments under the streamlined NIHL scheme.

Transition

It is intended the following transitional arrangements will be provided for in the regulations:

- The NIHL scheme does not apply to NIHL incurred before 1 March 1991 (when the original NIHL scheme commenced).
- An audiologist approved under the 1981 Act to do audiometric testing will be taken to be authorised to test hearing loss under the *WCIMA23*.
- An ENT approved under the 1981 Act to determine the percentage of noise induced hearing loss will be taken to be authorised to do NIHL assessments under the *WCIMA23*.
- Any historical baseline and subsequent audiometric hearing tests under the 1981 Act (whether by an audiometric officer, audiologist, ENT or other authorised person) will be taken into account in any audiological test by an authorised audiologist under the *WCIMA23*.
- Any historical records relating to audiometric tests stored by WorkCover WA under the 1981 Act can be retained in the NIHL register and disclosed to specified stakeholders.
- Historical records relating to ENT assessments of the percentage of NIHL stored by WorkCover WA under the 1981 Act will be retained in the register and disclosed to specified stakeholders.
- Any historical assessment of an ENT on the percentage of NIHL under the 1981 Act is to be taken into account in any NIHL assessment under the *WCIMA23*.

WorkCover WA will provide continued access to WorkCover WA Online for audiometric officers to enable the data entry of results of audiometric tests conducted prior to the implementation date.

Evaluation and monitoring

As part of its audit program WorkCover WA will undertake audits and investigations to ensure compliance with the NIHL regulations.

Attachments

1. Audiologist Test Report
2. Audiologist Testing Standards
3. Approved Equipment Standards
4. Worker noise exposure and employment history
5. NIHL Assessment
6. ENT testing standards
7. NIHL Claim Form

8. Liability Decision Notice - NIHL Claim Accepted
9. Liability Decision Notice - NIHL Claim Not Accepted
10. Deferred Decision Notice – NIHL Claim

Attachment 1: AUDIOLOGIST TEST REPORT

Personal details of worker

First Name(s)	Unit No. No. Street Name
.....
Surname	Suburb
.....
Date of Birth	State & Postcode
.....
Occupation	Phone No
.....
Length of time in noisy workplace	Email address
.....

Details of employer

Employer name	Employer address
.....
Employer's predominant industry	ASIC/ABN
.....
Is the employer paying for this audiological test?	Yes/ No

Details of Audiologist

Audiologist name and business name	Registration number
.....
Date of test	Signature
.....

Assessment

Confirm the worker has not been exposed to noise levels above 80dB(A) over 16 hours prior to this test

Yes/ No

Clinical history:

Audiologist to succinctly detail workers employment, length of time in noisy workplaces, workers reported hearing difficulties (e.g. tinnitus, one ear hearing loss, etc), brief medical history, family history and any previous claims by the worker (this impacts capacity to have a NIHL assessment with an ENT, 10% for first claim 5% for subsequent claims)

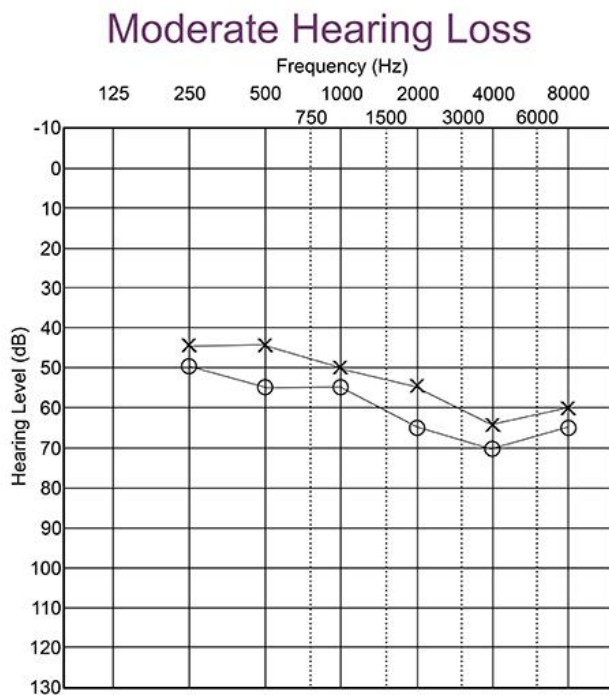
Air conduction test and bone conduction test

Hearing test results Hertz (Hz)		500	1000	1500	2000	3000	4000	6000	8000	Percentage hearing loss
Air conduction	RT Ear									
	RT Ear Masked									
	LT Ear									
	LT Ear Masked									
Bone conduction	RT Ear									
	RT Ear Masked									
	LT Ear									
	LT Ear Masked									

Calculated binaural hearing loss (less discount for presbycusis)	%
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Audiogram table showing softest level of hearing of different pure tones

(e.g.)



Assessment results

Otoscopy:

Tympanometry

Acoustic reflexes:

Reflex growth:

Pure tone audiometry results:

Assessed % hearing loss

The assessed percentage loss of hearing for [insert name of worker] is	%
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Note: The assessed percentage loss of hearing must be at least 10% for initial hearing loss or at least 5% for any subsequent hearing loss in order for a noise induced hearing loss assessment to be undertaken by an ENT and a claim to be made.

Attachment 2: AUDIOLOGIST TESTING STANDARDS

1. A hearing test conducted by an audiologist is to involve the following process:
 - a) a comprehensive audiological history (which should include reference to any recreational and /or military noise exposure together with any personal or social consequences of the hearing loss expressed by the worker and medication history).
 - b) Ensure the worker has not been exposed to noise levels above 80dB(A) over 16 hours prior to the test taking place. If this has not been achieved, the test must be rescheduled to a later date.
 - c) an otoscopic examination for the purpose of testing abnormalities.
 - d) air conduction testing bilaterally at the frequencies 500, 1000, 1500, 2000, 3000, 4000, 6000, 8000 Hz making use of the National Acoustic Laboratory Improved Procedure for Determining Percentage Loss of Hearing NAL Report No 118, including the application of the presbycusis table in that report.
 - e) bone conduction testing to be conducted bilaterally at the frequencies 500, 1000, 1500, 2000, 3000, 4000 Hz, making use of the National Acoustic Laboratory Improved Procedure for Determining Percentage Loss of Hearing NAL Report No 118, including the application of the presbycusis table in that report (unless there is a 10dB or less gap between the air conduction thresholds and none of the criteria for 1(d) have been met).
 - f) An audiogram setting out the results of the air conduction or bone conduction test as appropriate.
 - g) Masking, employing narrow band noise to be applied where:
 - i. there is a 40dB or greater difference between either the air conduction thresholds or the air conduction threshold and the unmasked bone conduction threshold in the opposite ear at any frequency, and/or
 - ii. where bone conduction thresholds show a 15dB or greater difference between the air conduction and bone conduction thresholds in the same ear
 - h) Tympanometry.
2. Other testing procedures to be performed after the audiological assessment such as impedance audiometry comprising acoustic reflex threshold determination with ipsi- and contralateral stimulation at one or more frequencies, with acoustic reflex decay at one or more frequencies as appropriate. Tone decay at threshold and evoked response testing to be used where appropriate at the discretion of the audiologist.
3. The results are to be completed in the approved form, provided to the worker and forwarded to WorkCover WA, including:
 - a) Completed report detailing items 1(a) to (h), assessments used at item 2, including any conclusions reached and a percentage hearing loss determined by the audiologist based on the approved method
 - b) results of all assessments on the approved form or as indicated by the Chief Executive Officer
 - c) Any other procedure deemed appropriate by the Chief Executive Officer.
4. Audiologists must fully complete all approved forms to provide to the worker and forward to WorkCover WA Online within one month of completion.

Attachment 3: APPROVED STANDARDS FOR HEARING TESTS

Standard	Applicable matter
AS/NZS 1269.4: 2014	Booth Assessments - background noise levels of booth cannot exceed maximum permissible ambient noise levels (MPANL) of earphone combination connected to audiometer.
	Earphone combinations connected to audiometer - calculation of MPANL
AS 2586-1983	Audiometers must meet or exceed the requirements of relevant clauses.
AS 1591.1 - 1995	Audiometer - bone conduction
AS 1591.2	Audiometer - zero reference for calibration of pure tone audiometers
AS IEC 60645 - 2002	Electroacoustics - audiological equipment
AS/NZS 1269.1: 1989	Representative working day
AS 1259.1: 1990	Applicable standard for instruments equipped for measuring peak values.

Attachment 4: WORKER NOISE EXPOSURE AND EMPLOYMENT HISTORY

TO BE COMPLETED PRIOR TO ATTENDING AN ENT FOR A NIHL ASSESSMENT

Worker noise exposure

Worker to complete prior to ENT assessment

Lifetime recreational noise exposure history:

Lifetime firearm/ explosives exposure history:

Information about medication the worker uses or may have previously used:

Personal and family history of hearing loss:

Attach any prior hearing tests, assessments and NIHL assessments you have here:

.....

Attach your audiological test report authorising this NIHL assessment here:

.....

Worker employment history

Lifetime employment history				
Occupation	Employer name	Industry	Period of employment	State employment located in

Note: employment history must be complete and accurate, including dates of employment. Employment periods may be found by contacting the ATO Failure to accurately complete this form may result in delays in the assessment and claim process.

Worker Signature

Worker signature:

.....

Date:

.....

Attachment 5: NIHL ASSESSMENT

Personal details of worker

Title (Dr/Mr/Mrs/etc)	Postal address
.....
First Name(s)	Unit No. No. Street Name
.....
Surname	Suburb
.....
Date of Birth	State & Postcode
.....
Occupation	Phone No
.....
Length of time in noisy workplace	Email address
.....

Details of employer

Employer name	Employer address
.....
Employers' predominant industry	ASIC/ABN
.....
Is the employer paying for this NIHL assessment?	Yes/ No

Details of ENT

ENT name and business name	Registration number
.....
Date of test	Signature
.....

Exposure history

Lifetime employment history					
Occupation	Employer name	Industry	Period of employment	State employment located in	ENT to complete – noise exposure/ no exposure

Assessment

Examination of worker:

Examination and consideration of worker declaration re: noise exposure and employment history.

Diagnosis and determination of NIHL %:

Using the current Australian Society of Otolaryngology Head and Neck Surgery General Guidelines for Occupational Noise Induced Hearing Loss.

Age corrected hearing loss %:

Binaural hearing loss attributed to factors other than occupational noise %:

Assessed % noise induced hearing loss

The assessed noise induced hearing loss for [insert name of worker] is	%
--	---

Note: The assessed noise induced hearing loss must be at least 10% for initial noise induced hearing loss or at least 5% for any subsequent noise induced hearing loss in order for a claim to be made.

Attachment 6: ENT TESTING STANDARDS

1. All hearing tests used to calculate the percentage of occupational noise induced hearing loss must be conducted by an approved person in the approved manner.
2. Determining the percentage of occupational noise induced hearing loss shall be by binaural calculation using the hearing loss tables RB and EB publish in Appendices 3 and 7 of report no. 118 of the National Acoustic Laboratories.
3. Occupational noise induced hearing loss is calculated as being that hearing loss which has occurred since, in the ENTs opinion, the first occasion that the worker commenced work in a noisy workplace, but not before 1 March 1991 (or from the last successful NIHL claim for a subsequent claim).
4. Occupational noise induced hearing loss is calculated as that hearing loss which can be attributed to noise in the workplace.
5. Determination of occupational noise induced hearing loss is to be made by using the current Australian Society of Otolaryngology Head and Neck Surgery General Guidelines for Occupational Noise Induced Hearing Loss.
6. ENTs may use any test which will allow the determination of the percentage of occupational noise induced hearing loss to be made as long as all audiometric assessments are conducted in accordance with the approved procedures.
7. ENTs must fully complete all approved forms to provide to the worker and forward to WorkCover WA via WorkCover Online within one month of determining the worker's noise induced percentage loss of hearing.

Attachment 7: NIHL CLAIM FORM

Personal details of worker

First Name(s)

Unit No. No. Street
Name

Surname

Suburb

Date of Birth

State & Postcode

Occupation

Phone No

Email address

Work status
(employee,
contractor etc)

Work hours (full
time, part time,
etc)

Details of employer upon whom claim is made (& complete attached employment history table)

Employer name

Employer address

Employers'
predominant
industry

ASIC/ABN

Details of insurer (to be completed by insurer)

Insurer name

Claim number

ANZIC code

Policy number

WorkCover
number

Provide details of previous NIHL accepted claims

Date of claim	Compensation amount
01/01/2017	\$5,000
01/01/2021	\$2,000

Test results and NIHL assessment

Assessed NIHL _____ X%

Worker is required to **attach** a copy of the Audiologist test report

Worker is required to **attach** a copy of the NIHL declaration and NIHL assessment indicating Assessed NIHL %.

Worker Signature

Worker signature: _____

Date: _____

Worker employment history

Lifetime employment history				
Occupation	Employer name	Industry	Period of employment	State employment located in

Note: employment history must be complete and accurate, including dates of employment. Employment periods may be found by contacting the ATO. Failure to accurately complete this form may result in delays in the claim process.

Attachment 8: LIABILITY DECISION NOTICE – NIHL CLAIM ACCEPTED

Worker: _____
 Employer: _____
 Insurer: _____
 Claim Number: _____
 Date of NIHL Assessment: _____
 Date Claim Received by insurer: _____
 Date of notice: _____

Assessed NIHL %	Maximum NIHL compensation at time of assessment	NIHL compensation payable
26%	\$189,543 (75% of general limit)	26% x \$189,543= \$49,281

Liability Decision

In relation to the above claim we **accept** the employer is liable to compensate you for noise induced hearing loss. Compensation must be paid within 14 days.

Compensation to be paid

Compensation in addition to the NIHL compensation payable above may include:

- Any hearing tests or NIHL assessments you have paid for in relation to this claim and reasonable expenses incurred (e.g. accommodation and/or travel costs). Please provide details of these expenses to the insurer for these expenses to be paid.

Information (TBD)

- Insurer contact information
- Standard text on access to internal review of this decision
- WorkCover WA website
- How to dispute this decision

Notice Details

Insurer issuing officer name and contacts

Attachment 9: LIABILITY DECISION NOTICE – NIHL CLAIM NOT ACCEPTED

Worker: _____

Employer _____

Insurer _____

Claim Number: _____

Date of NIHL Assessment: _____

Date Claim Received by insurer: _____

Date of notice: _____

Liability Decision

In relation to the above claim we **do not accept** the employer is liable to compensate you for noise induced hearing loss.

Reason(s): [only relevant response to be included – provide details]

Not a worker: _____

NIHL % below threshold: _____

Other reason: _____

Costs incurred

Any hearing tests or NIHL assessments you have paid for in relation to this claim and other expenses (e.g. accommodation and/or travel costs) will not be reimbursed.

Information (TBD)

- Insurer contact information
- Insurer internal review process
- How to dispute this decision.
- Opportunity to obtain information from:
 - WorkCover WA advisory service (1300 XXX XXX) or website
 - Trade union
 - Legal practitioner

Notice Details

- Insurer issuing officer name and contacts

Attachment 10: DEFERRED DECISION NOTICE – NIHL CLAIM

Worker: _____
Employer _____
Insurer _____
Claim Number: _____
Date of Injury: _____
Date Claim Received by insurer: _____
Date of notice: _____

Deferred decision

In relation to the above claim for noise induced hearing loss we are informing you that a decision on whether liability is to be accepted for this claim is not able to be made within the time allowed and has been **deferred**.

Reason(s): *[only relevant response to be included- provide details]*

Further medical information required: _____
Further investigations required: _____
Other information required: _____

Information (TBD)

- Insurer issuing officer name and contacts
- Opportunity to obtain information from:
 - WorkCover WA advisory service (1300 XXX XXX) or website
 - Trade union
 - Legal practitioner
- WorkCover WA website