



Blueprint for Noise Induced Hearing Loss

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Blueprint for Noise Induced Hearing Loss

This blueprint has been developed to provide information to assist stakeholders involved in noise induced hearing loss (NIHL) claims under the *Workers Compensation and Injury Management Act 2023* (the Act) and the *Workers Compensation and Injury Management Regulations 2024* (the regulations). It is primarily aimed at audiologists, ENT specialists, insurers and self-insurers making claim decisions, and employers who may be required to pay for testing.

The blueprint sets out:

- key requirements
- 'noisy employment' and WorkCover WA determinations
- pre-claim hearing tests and NIHL assessments
- the claim process and liability decisions
- apportionment
- the NIHL register
- transitional arrangements
- WorkCover WA expectations.

Key points

The new Act replicates as closely as possible the 1981 Act with respect to NIHL, whilst removing the baseline and subsequent audiometric testing process. This means the role of Audiometric Officers is abolished from 1 July 2024.

Work health and safety law, which came into operation in late March 2024, takes over the role of mandatory testing of workers' hearing and hearing conservation in noisy workplaces.

NIHL claims are made as a 'two-step' process. After obtaining an audiological test, a worker may be entitled to obtain an NIHL assessment and then make a claim for NIHL compensation.

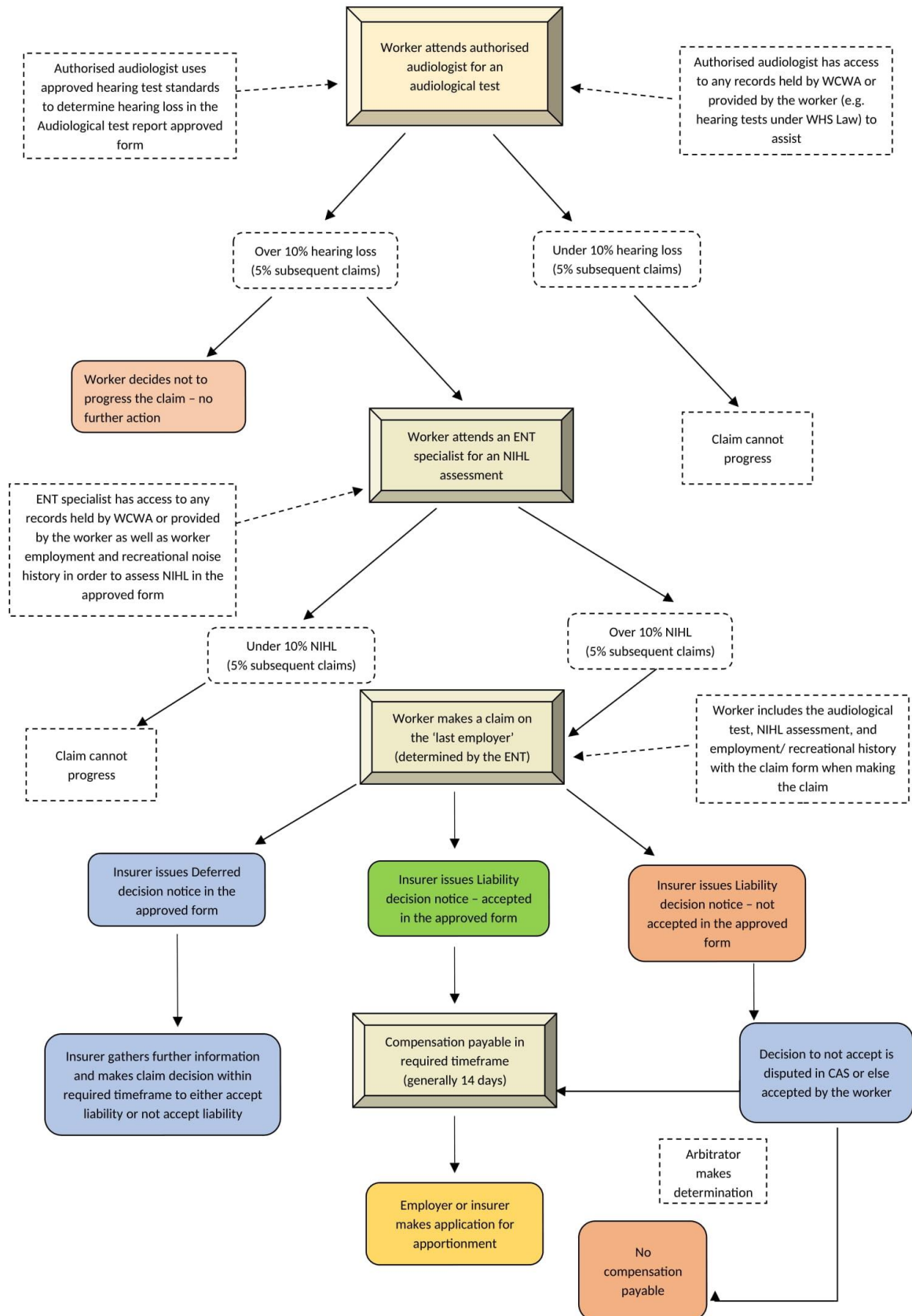
A 'noisy employer' must pay for a worker's audiological test (and NIHL assessment where required) once every two years. Where there is disagreement, WorkCover WA may make a binding determination on who is a noisy employer and therefore required to pay for testing.

Claims are made on the employer where exposure to NIHL last occurred (the last employer) who must deal with the claim as if they are wholly liable for the claim. Once compensation is paid, the employer or insurer may apply to WorkCover WA for apportionment of the costs of the claim between other liable employers or insurers.

WorkCover WA maintains a NIHL register and may disclose certain documents held in the register for the purposes of a hearing test, NIHL assessment or liability decision making.

Transitional arrangements apply with respect to claims made under the 1981 Act when the new Act comes into operation on 1 July 2024.

NIHL claims process flowchart



Key changes

The new NIHL scheme to come into operation on 1 July 2024 replaces the scheme found in the 1981 Act. WorkCover WA has provided detailed justification for replacing the 1981 Act scheme in Implementation Consultation Paper 20 which can be found on the WorkCover WA website.

This blueprint does not go into detail re-examining the reason for change, suffice to say the 1981 Act scheme is inefficient and costly with a highly prescriptive and difficult to understand legislative and regulatory framework. Further, key aspects of the scheme are not supported in legislation and occur as 'accepted industry practice'. This position could not be sustained long term.

The new NIHL scheme makes two substantive changes compared to current arrangements:

- discontinuation of preliminary testing by approved audiometric officers.
- discontinuation of mandatory hearing tests of workers by employers.

Beyond that, the new NIHL scheme is designed to reflect the 1981 Act as closely as possible. The aim is to ensure authorised audiologists and ENT specialists continue to perform the roles they currently perform in the scheme with minimal disruption.

Mandatory hearing under WHS law

From 31 March 2024, under work health and safety law, mandatory testing of workers hearing in 'noisy employment' must occur within three months of commencing work and at least every two years.

As such, the mandatory testing of certain workers' hearing, for the purposes of hearing conservation, continues in Western Australia. However, this is appropriately catered for under work health safety legislation.

Noisy employment

The concept of 'noisy employment' is a significant one. Whilst any worker may attempt to make a claim for NIHL compensation, only workers in noisy employment have their audiological test and NIHL assessment paid for by their employer.

What is noisy employment?

Employment is noisy employment if, in the course of the employment, a worker is or was frequently required to wear personal protective equipment to reduce the risk of hearing loss associated with noise exposure that exceeds —

- (a) an LAeq,8h of 85dB(A); or
- (b) an LC,peak of 140dB(C).

This is a clear, common-sense test which replaces the concept of a 'prescribed noisy workplace' in the 1981 Act. The noise exposure thresholds are consistent with work health and safety law. This also means where the workplace is required to conduct audiometric testing under work health and safety law, the employer is required to pay for audiological testing and NIHL assessments under workers compensation arrangements.

WorkCover WA determinations

The regulations give WorkCover WA the power to make a determination that an employer is a noisy employer where the worker and employer fail to agree the worker is in noisy employment. WorkCover WA may also determine a particular class of employment is noisy employment (for example mining or foundry work may be a class of employment determined to be noisy employment and thus an employer in that class is liable to pay for testing).

If a worker and their employer do not agree the employer is required to pay for testing, the worker may apply to WorkCover WA for a determination. The determination does two things:

- 1) determines whether the employer is (or was) a noisy employer of the worker
- 2) identifies the employer liable to pay for the audiological test (if any).

The determination may be in respect of a specific employer, or a class of employer, and is final and binding.

A copy of the determination will be provided to the worker and the employer within seven days of being made.

Where the determination is made with respect to a class of employer, the determination must be published on the WorkCover WA website.

Pre-claim hearing tests and NIHL assessments

A claim for NIHL compensation can only be made if the worker has received:

- 1) an audiological test report performed by an authorised audiologist showing hearing loss of more than 10% (5% for a subsequent claim); and
- 2) an NIHL assessment performed by an ENT specialist showing noise induced hearing loss of more than 10% (5% for a subsequent claim)

1. Audiological tests

An audiological test conducted under the new Act resembles, as closely as possible, the full audiological assessment conducted under the 1981 Act. See [Attachment 1](#) for a table comparing the current and future requirements.

Who may conduct an audiological test?

Only an authorised audiologist may conduct an audiological test. An authorised audiologist is any audiologist with current accreditation from Audiology Australia.

The regulations provide for the WorkCover WA CEO to recognise a similar or equivalent body to Audiology Australia. In keeping with the 1981 Act, no other body is to be accredited at this time. WorkCover WA is open to other bodies making the case for being authorised at a later date if they can show they meet the same accreditation standards as Audiology Australia.

Those audiologists already operating in the scheme, can have their business details published on the WorkCover WA website to assist workers when scheduling an audiological test.

In future, authorised audiologists may be required to undergo administrative training for the purposes of using WorkCover WA Online or other requirements. Any training will be minimal and simple to complete and is likely to be conducted via an online training session.

An authorised audiologist who does not complete administrative training as required by WorkCover WA will be unable to perform audiological tests for workers compensation purposes.

Who pays for an audiological test?

The worker's current employer is required to pay for the audiological test once every two years where that employer is a noisy employer as defined above (or the last noisy employer within three months of the worker ceasing employment).

In practice, when a worker schedules an audiological test for workers compensation purposes the authorised audiologist should ascertain who is paying for the test. WorkCover WA has developed a form the worker and employer may complete to give to the authorised audiologist noting the details of the employer to pay for the testing. This form serves to assist authorised audiologists in their role but is not required to be used (due to the varying circumstances where a worker requests a test).

If the above does not apply and the worker is not employed in noisy employment or ceased noisy employment by more than three months, the worker can pay for their own audiological test, the costs of which will be reimbursed if the worker makes a successful claim for NIHL compensation.

Performing audiological tests

Audiological tests can only be performed by an authorised audiologist who must prepare a report in the form of [Attachment 2 - Audiological Test Report](#). The approved form must be used by an authorised audiologist. No other type of report will be accepted. Further details on the approved form are provided below.

Standards for measuring hearing loss

The regulations provide hearing loss is to be measured according to standards approved and published by the WorkCover WA CEO.

The approved standards are published on the WorkCover WA website and are provided at [Attachment 3 – Approved Standards for Performing Audiological Tests](#). To summarise, WorkCover WA requires authorised audiologists to conduct an air conduction test and where appropriate a bone conduction test in order to calculate hearing loss in accordance with the hearing loss tables RB and EB published in Appendices 3 and 7 of Report No. 118 of the National Acoustic Laboratories (the Report).

The presbycusis correction table in Appendix 5 of the Report is to be applied when calculating hearing loss.

Use of this standard ensures uniformity in results from authorised audiologists. The standards reflect the requirements of the full audiological assessment audiologists currently conduct in their role under the 1981 Act.

Standards for use of equipment and background noise levels

The regulations provide for WorkCover WA to specify standards, including for the equipment used for measuring hearing loss (audiometers, earphone combinations, hearing booths, etc) and standards for background noise levels.

Under the 1981 Act, WorkCover WA has been highly prescriptive in its standards for the use of equipment, and background noise levels. This is because ‘Audiometric Officers’, created under workers compensation legislation, conduct baseline and subsequent hearing tests but do not necessarily hold any qualifications or accreditation to conduct that testing (beyond mandatory WorkCover WA training). As such, WorkCover WA needed to enforce a strict regulatory regime to ensure minimum standards were met.

The new Act relies solely on highly qualified and skilled professionals. As such, WorkCover WA will not be prescribing any standards around the use of equipment or background noise levels with respect to measuring hearing loss. There is an expectation authorised audiologists will meet the standards required of them by their profession when conducting audiological tests.

Should WorkCover WA become aware of widespread or repeated deficiencies in testing at any point in the future, WorkCover WA will use its regulatory power to set or approve minimum standards.

Completing the Audiological Test Report approved form

This part of the blueprint provides details for an authorised audiologist on completing [Attachment 2 - Audiological Test Report](#) and should be read alongside [Attachment 3 – Approved Standards for Performing Audiological Tests](#).

The purpose of the Audiological Test Report is to determine if the worker has requisite hearing loss to progress to a NIHL assessment, and to assist an ENT specialist in making an NIHL assessment.

Authorised audiologists are free to make any clinical findings in their report they may wish in order to support the worker’s hearing health. However, the primary aim of the authorised

audiologist's report is to facilitate referral to an ENT specialist when the hearing loss threshold is satisfied.

Note: the approved form contains text boxes which expand to input content.

Worker and employer information

An authorised audiologist should input the personal details of the worker and employer in the approved form, along with ascertaining if the employer is paying for the test. WorkCover WA has developed a form for use between the employer and worker to assist in this process. However, not every employer and worker will necessarily use this form.

The authorised audiologist should input their professional information, including their Audiology Australia membership number and the examination date and location.

Preliminary examinations

An authorised audiologist should confirm the worker has not been exposed to noise levels greater than 80dB(A) over 16 hours prior to the audiological test. The worker's confirmation can be taken as accurate unless the authorised audiologist has reason to believe the worker is not being truthful. The audiological test must be rescheduled if this condition is not met.

A brief narrative history of the worker's occupational, medical, and audiological history should be sought to assist the authorised audiologist in summarising their findings at the end of the report.

Finally, a physical and otoscopic examination should be conducted. The worker should be referred to a medical practitioner for treatment should the authorised audiologist determine there is a condition present which may cause temporary hearing loss (e.g. wax build up).

Results of tests undertaken

The Audiological Test Report splits results into three parts:

- 1) air conduction and bone conduction testing
- 2) an audiogram
- 3) additional testing

Authorised audiologists are required to conduct air conduction testing and where appropriate bone conduction testing and input the results into the approved form. This requirement mirrors the requirement in the 1981 Act of audiologists conducting a full audiological assessment. The standards for measuring hearing are as noted in the section above.

Authorised audiologists are required to calculate binaural hearing loss (less presbycusis) and input the result into the relevant section of the approved form. A worker may only advance to a NIHL assessment where their binaural hearing loss is 10% or greater for a first claim, or 5% or greater for a subsequent claim.

Authorised audiologists are required to produce an audiogram of the above tests and input it into the dropdown text box at item 2 in the Audiological Test Report. The audiogram will assist the ENT specialist in making an NIHL assessment.

Finally, authorised audiologists are empowered to conduct any additional testing they may wish to conduct for the purposes of assisting the ENT specialist in making an NIHL assessment. The approved form lists tympanometry including a tympanogram, Otoacoustic emissions testing, and speech audiometry as examples, but an authorised audiologist should use their clinical judgment to determine what, if any, additional testing should be performed and presented in the dropdown text box at item 3. in the Audiological Test Report.

Summary of findings

Authorised audiologists should include a brief summary of their findings, complete the assessed percentage hearing loss statement, and sign the Audiological Test Report.

Who gets a copy of the audiological test?

When the authorised audiologist completes the Audiological Test Report in the approved form, a copy must be given to the worker and the employer who paid for the test within one month of the test being conducted.

If the relevant hearing loss percentage threshold is met, the audiologist must inform the worker of their eligibility for a NIHL assessment from an ENT specialist and direct the worker to the WorkCover WA website for more information. An authorised audiologist will be able to ascertain if this is an initial claim or subsequent claim for compensation (and the relevant threshold to make a claim met) based on information requested from WorkCover WA.

WorkCover WA Online

Authorised audiologists must also upload the results of the Audiological Test Report to WorkCover WA Online. Audiologists currently part of the scheme will continue to have access to WorkCover WA Online on 1 July 2024.

The requirements for using WorkCover WA Online reflect the current use of that online system. An authorised audiologist must search for and identify the worker who had a hearing test (or create a new profile), upload the Audiological Test Report, and input the percentage loss of hearing (less presbycusis) in the relevant field. The requirement to input all the results of the air conduction and bone conduction test has been removed.

What happens after an audiological test?

The WorkCover WA website includes details of ENT specialists who conduct assessments for workers compensation purposes so the worker can schedule an appointment, along with appropriate paperwork to have an NIHL assessment made.

The process ends here if the worker does not have requisite hearing loss for a NIHL assessment.

2. NIHL assessments

There are no significant differences between the requirement of an ENT to conduct an otorhinolaryngological assessment under the 1981 Act and a NIHL assessment under the new Act. The role of the ENT remains the same, and the ENT is required to determine NIHL based on their assessment of the worker.

Who may conduct an NIHL assessment?

Only an ENT specialist is empowered to conduct NIHL assessments, and only where an authorised audiologist shows the worker has the requisite hearing loss to have an NIHL assessment made.

A person is an ENT specialist if the person is a medical practitioner registered under the Health Practitioner Regulation National Law (Western Australia) in the speciality of otolaryngology.

WorkCover WA may require ENT specialists to complete administrative training from time to time. However, WorkCover WA does not intend to require ENT specialists complete any training at this time.

Who pays for the NIHL assessment

The employer who was required to pay for the audiological test leading to the NIHL assessment is required to pay. Where the worker paid for the audiological test, the worker must cover the costs of the NIHL assessment themselves. These costs will be reimbursed if the claim is successful.

The costs of an NIHL assessment extend to any additional tests performed, or requested, by the ENT (e.g. MRI scans or further audiological testing).

In practice, an ENT specialist will see from the Audiological Test Report submitted by the worker if the employer paid for the audiological test, and is therefore paying for the ENT assessment.

Standards for NIHL assessments

The WorkCover WA CEO may set standards that apply for making NIHL assessments. At this stage, WorkCover WA does not intend to set standards for ENT specialists when making NIHL assessments.

As medical professionals, it is WorkCover WA's expectation that ENT specialists conduct NIHL assessments according to the professional and clinical standards appropriate to their specialty.

However, the capacity to set standards remains in regulations should the need arise in the future.

Prior to an NIHL assessment

The worker must complete and provide the ENT specialist with [Attachment 4 - Worker Noise Exposure and Employment History](#) prior to an NIHL assessment. In practice, WorkCover WA will provide the worker with this form to complete prior to the worker scheduling an appointment.

This form is designed to assist the ENT specialist in making a NIHL assessment by providing a comprehensive summary of the worker's noise exposure in the workplace, as well as other exposures such as in relation to explosives or firearms, a personal and family history of hearing loss, and medical history. This replicates the current requirement to complete a Form 401 – NIHL Lifetime Recreational Noise Exposure History. The Worker Noise Exposure and Employment History also requires the worker to provide the ENT specialist with the Audiological Test Report authorising the NIHL assessment.

An ENT specialist may also request any record relating to a worker's hearing, including medical records, audiological tests, and NIHL assessments, in order to assist in making an NIHL assessment.

Records may be requested from:

- the worker
- the worker's current noisy employer and their workers compensation insurer
- any former noisy employers and their workers compensation insurers
- WorkCover WA.

Performing NIHL assessments

The NIHL assessment can only be performed by an ENT specialist who must prepare [Attachment 5 - NIHL Assessment Report](#). The approved form must be used by an ENT specialist. No other type of report will be accepted. Further details on the approved form are provided below.

NIHL Assessment Report

This part of the blueprint provides details for an ENT specialist in completing the NIHL Assessment Report and should be read alongside [Attachment 5 - NIHL Assessment Report](#).

Note: the approved form contains text boxes which expand to input content.

Worker and employer information

The ENT specialist should input the personal details of the worker and employer in the NIHL Assessment Report, along with ascertaining if the employer is paying for the test. This information can be obtained from the Audiological Test Report, submitted by the worker when requesting an NIHL assessment.

The ENT specialist should input their professional information, including their AHPRA registration number and the examination date and location.

Exposure history

The ENT specialist is required to transfer the employment information provided by the worker in the Worker Noise Exposure and Employment History approved form and make a finding, based on the ENT specialist's clinical judgment, whether the worker suffered NIHL in the employment of each employer (or not).

This finding by the ENT specialist is crucial to WorkCover WA for the purposes of apportioning liability between employers and for the worker to serve the claim on the 'last liable employer', that is the last employer where the worker suffered NIHL (which may not necessarily be the employer who paid for the testing and NIHL assessment).

The Act provides the findings of an ENT specialist are sufficient evidence that the worker suffered NIHL for the purposes of making a claim for compensation.

NIHL Assessment

An ENT specialist is required to include a summary of their examination of the worker along with a diagnosis and determination of NIHL. The approved form provides space for the ENT specialist to set out the workers age corrected binaural hearing loss, hearing loss percentage attributed to factors other than occupational noise, and finally a statement of assessed NIHL.

When making an assessment and determining the percentage NIHL an ENT specialist should keep in mind that compensation can only be claimed from employment connected to Western Australia. This means NIHL suffered from employment outside of WA must be discounted when making a NIHL assessment.

Further, compensation is only payable for NIHL suffered after 1 March 1991. Any NIHL assessed by the ENT specialist as occurring before that date must also be discounted.

The ENT specialist should specifically state in the NIHL Assessment Report the amount and reason for any discount on the assessed NIHL. This information should be included in the 'Diagnosis and determination of NIHL%' section of the NIHL Assessment Report.

The ENT specialist must sign and date the NIHL Assessment Report.

Who gets a copy of the ENT assessment?

When the ENT specialist completes the NIHL Assessment Report, a copy must be given to the worker and the employer who paid for the test within one month of the assessment being conducted.

The ENT specialist must provide WorkCover WA with a copy of the NIHL Assessment Report by sending it to WorkCover WA via email.

What happens after an NIHL assessment?

WorkCover WA will make contact with the worker where the NIHL assessment indicates NIHL at the requisite percentage to obtain NIHL compensation (10% for initial claims and 5% for subsequent claims).

WorkCover WA will provide the worker with a claim form and assist them to identify the last employer on whom the claim must be served.

The process ends here if the worker does not have requisite NIHL to obtain compensation.

Claim process and liability decisions

Making a claim

A claim for noise induced hearing loss (NIHL) may only be made by a worker who has:

- An audiological test performed by an authorised audiologist; and
- An NIHL assessment performed by an ENT specialist.

Compensation is in the form of a lump sum and is only payable where the assessed NIHL in the ENT assessment report is at least 10% for an initial claim, or at least 5% for a subsequent claim.

The worker is required to indicate on the NIHL compensation claim form if they have made a previous successful claim for NIHL. WorkCover WA is also able to assist with enquiries about a worker's previous successful claims.

A worker makes a claim by completing [Attachment 6 – NIHL Compensation Claim Form](#) and attaching the Audiological Test Report, NIHL Assessment Report and the Worker Noise Exposure and Employment History approved form and serving the claim on the 'last employer'. Insurers should be aware this is a different form to the standard workers compensation claim form.

The last employer is the last employer who employed the worker in work where NIHL occurred. The ENT specialist will indicate in the NIHL Assessment Report which employer that is. WorkCover WA will also assist the worker to identify the last employer when informing the worker of the right to claim compensation.

Where a worker works for two or more noisy employers concurrently, the claim must be served on the employer the worker has worked for the longest.

Regardless of how many employers may be partially liable for the claim, the last employer must deal with the claim and pay compensation as if the last employer were wholly liable. Costs of the claim may be apportioned to other noisy employers after compensation has been paid (see Apportionment section below).

An employer must give the completed claim form to their insurer within seven days of the worker making the claim. The insurer then has 14 days to:

- Make a NIHL liability decision, or issue a NIHL deferred decision notice; and
- Give a copy of the claim to WorkCover WA.

Liability decision making

An NIHL assessment by an ENT specialist is sufficient evidence for a claim that the assessed NIHL is due to employment during the assessment period. This means a NIHL claim should be treated as a 'presumptive' claim. As such, there are limited reasons an insurer may not accept or dispute a claim.

When making a liability decision, the insurer must provide notice accepting or disputing the claim (or issuing a deferred decision notice) in:

- [Attachment 7: NIHL Liability Decision Notice – Accepted](#)
- [Attachment 8: NIHL Deferred Decision Notice](#)
- [Attachment 9: NIHL Liability Decision Notice – Not Accepted](#)

Note: these liability decision notices are different approved forms to the standard liability decision notices and provide the limited circumstances an insurer may decline or defer a NIHL claim.

The insurer must provide a copy of liability decision notices to:

- the worker
- the insured last employer
- WorkCover WA.

Failure to provide a liability decision notice or a deferred decision notice within 14 days means the insurer is taken to accept liability and must pay compensation.

NIHL claim accepted

Compensation for NIHL is in the form of a lump sum determined as a proportion of the amount of 75% of the general maximum amount (GMA) applicable on the date of the NIHL Assessment. Compensation is payable by multiplying the assessed NIHL percentage by the maximum NIHL compensation at the time of the assessment.

For example, where assessed NIHL is 10% and the maximum NIHL compensation at the time of the assessment is \$182,993 (75% of the GMA), NIHL compensation payable to the worker is \$18,299.30 (see table below which is specified in the NIHL Liability Decision Notice - Accepted form).

Assessed NIHL%	Maximum NIHL compensation at time of assessment	NIHL compensation payable to you
10%	\$182,993	\$18,299.30

The Liability Decision Notice – Accepted serves as a notice of the amount of compensation payable (similar to the current NIHL election form). No formal agreement or settlement is required with respect to NIHL claims.

Costs paid by the worker related to the claim (such as any audiological test reports or NIHL assessments paid for by the worker) and the reasonable incurred expenses of the worker are also required to be paid (if not already paid).

An accepted claim notice must be provided in [Attachment 7: NIHL Liability Decision Notice – Accepted](#). Payment of compensation must be made within 14 days of liability being accepted (or the determination of an arbitrator) or within seven days if another law prevents payment within 14 days (e.g. due to Centrelink or Medicare reimbursements, etc.).

As multiple claims for NIHL compensation can be made over many years, WorkCover WA may assist insurers to ensure the worker has not reached the maximum compensation available to them for NIHL.

NIHL Claim decision deferred

Where a deferred decision notice is given, the insurer has 120 days, beginning on the day the insurer receives the claim to issue a liability decision notice. Failure to do so means the insurer is taken to accept liability and must pay compensation.

A decision may only be deferred for the following reasons:

- further information about hearing loss matters required
- further investigations required
- other information being required.

The reasons for deferring a decision on the claim must be provided in [Attachment 8: NIHL Deferred Decision Notice](#).

NIHL claim not accepted

There are limited reasons an insurer may not accept a claim. These are:

- the individual is not a worker
- NIHL percentage is below the threshold for a claim
- the insured employer is not the 'last employer' liable for the claim
- a hearing loss matter is disputed.

In the vast majority of claims, these issues will not arise as it is unlikely a worker would have made it all the way through the pre-claim process without being aware of the requirements to make a successful claim for NIHL compensation.

A claim may be disputed for a 'hearing loss matter' (i.e. the results of the assessment, the extent of hearing loss suffered, and whether the hearing loss suffered is NIHL) but only on the evidence of an NIHL assessment. To dispute a claim on this basis, the insurer would need to submit the worker for a second NIHL assessment with an ENT specialist.

The reasons for declining the claim must be provided in [Attachment 9: NIHL Liability Decision Notice – Not Accepted](#).

Dealing with disputes

There are two processes when disputing a NIHL claim.

Hearing loss matters

Where the insurer indicates in the NIHL Liability Decision Notice – Not Accepted approved form the claim is disputed for a hearing loss matter (as specified above), it is the insurer's obligation to make an application for dispute resolution in the Conciliation and Arbitration Services (CAS) accompanied by an NIHL Assessment Report supporting the application.

An arbitrator may make a determination on the dispute and make appropriate orders. An arbitrator may not apportion liability to pay compensation between liable employers, only WorkCover WA may fulfil this function.

Other disputes

Where an insurer does not accept the claim for another reason as specified in the NIHL Liability Decision Notice – Not Accepted approved form, and the worker disagrees with the decision, the worker may make an application to CAS for resolution of the dispute.

An arbitrator may make a determination on the dispute and make appropriate orders, including determining who the last liable employer is but may not apportion liability to pay compensation between liable employers.

Apportionment

Even where other employers contributed to NIHL, claims for NIHL are paid as a lump sum by the 'last employer'. Therefore if an employer or insurer is seeking recovery or apportionment, they must seek a determination by WorkCover WA, where liability for the claim will be apportioned if more than one employer contributed to the worker's hearing loss.

What is apportionment for NIHL claims?

Workers compensation claims for noise induced hearing loss are made against the worker's 'last liable employer'. Successful NIHL claims are paid as a lump sum payment and the last employer must deal with the claim and pay compensation as if they were wholly liable for the claim.

The last employer is the most recent employer where the worker suffered work related NIHL as indicated by the ENT specialist when making the NIHL assessment as identified in the NIHL Assessment Report.

If a NIHL assessment conducted by an ENT specialist finds more than one employer has contributed to the worker's hearing loss, the last employer or their insurer can seek a contribution to the amount that is paid to the worker from the other liable employers.

How does the last employer or insurer seek an apportionment determination?

The last employer or their insurer may apply to WorkCover WA for an apportionment determination. WorkCover WA will then make a determination on either or both of the following:

- the amount of the liability to pay noise induced hearing loss compensation between each other liable employer
- if an employer is insured by more than one insurer during the period of liability, the amount of the liability to indemnify the employer between each insurer.

An application for an apportionment determination must be made in writing to WorkCover WA.

How is apportionment calculated?

Workcover WA will make the apportionment determination on the basis that NIHL occurs on an equally culminative basis over the period of noise exposure between each liable employer.

The amount of liability apportioned to each employer is relative to the worker's period of employment. For example, an employer who employed the worker for 50% of the exposure period would be liable for 50% of the costs of the claim.

WorkCover WA will provide a copy of the apportionment determination to the last employer (or their insurer) within 7 days of the determination being made.

An employer identified as being liable to reimburse the last employer is indemnified for that payment by their workers compensation insurer.

An apportionment determination is final and binding on each employer and each insurer who is apportioned an amount of the liability.

There is no access to dispute resolution as to a dispute between liable employers or insurers with respect to the amount apportioned as determined by WorkCover WA.

The NIHL register

WorkCover WA must keep a NIHL register containing information pertaining to NIHL matters generally, audiological tests, NIHL assessments, and NIHL claims. The NIHL register is a complete repository of all documentation from NIHL claims and serves to assist workers, insurers, employers as well as authorised audiologists and ENT specialists in their respective roles.

The NIHL register also includes audiometric tests produced and stored under the 1981 Act which may be of use to assist authorised audiologists and ENT specialists, as well as previous claims.

Disclosure of information under the NIHL register

Information held in the NIHL register may be released under specific circumstances.

The regulations provide information held in the NIHL register may be released:

- to a dispute resolution body (CAS) in the case of a dispute
- to an insurer or self-insurer to assist in liability decision making
- to the employer where the document is an Audiological Test Report or NIHL Assessment Report the employer paid for
- to a worker, employer or employer's insurer, audiologist, or ENT where the document is a determination about a noisy employer.

An insurer or self-insurer may seek information to ensure a correct claim decision is made. For instance, to ensure the worker has not reached the cap on compensation available for NIHL claims.

A worker, authorised audiologist, or ENT specialist may request:

- copies of Audiological Test Reports
- copies of NIHL Assessment Reports
- claims for NIHL compensation
- NIHL liability decision notices
- audiometric test results stored from the 1981 Act.

An authorised audiologist or ENT specialist is able to request these documents from WorkCover WA to assist in a hearing test report or NIHL assessment respectively. These documents are to be treated as strictly confidential for clinical use and are not to be shared with third parties. A worker may request copies of these documents to assist in making a subsequent claim for NIHL compensation (for example, when providing details of previous claims in the NIHL compensation claim form).

Transitional arrangements

The regulations provide for a range of transitional matters to ensure the smooth transition to the new scheme on 1 July 2024.

As the entitlement to compensation, testing standards, and the thresholds for making a successful claim have not changed from the 1981 Act to the new Act, there should be little difficulty in dealing with the small number of transitional cases that will arise.

NIHL prior to 1 March 1991

NIHL compensation cannot be claimed for NIHL suffered prior to 1 March 1991. This is consistent with the 1981 Act and prevents claims retrospectively applying prior to the original NIHL scheme coming into operation. In practice, an ENT specialist would be required to discount any NIHL suffered by the worker prior to this date from their NIHL assessment.

NIHL prior to 1 July 2024

The baseline and subsequent testing process found in the 1981 Act is to continue up to and including 30 June 2024. Audiometric Officers and those audiologists who conduct baseline and subsequent testing should continue to do so, and appropriately record those results. The testing standards, standards for equipment, background noise level standards, and calibration requirements mandated by the 1981 Act must continue to be met.

WorkCover WA will provide a three-month period after 1 July 2024 for Audiometric Officers to input the results of baseline and subsequent hearing tests into the system for tests conducted prior to 1 July 2024.

Audiologists conducting full audiological assessments and ENTs conducting full otorhinolaryngological assessments up to 30 June 2024, should continue to follow legislative and approved procedures required when conducting those assessments and provide notice of results in the usual way.

Application of new NIHL scheme requirements to pending 1981 Act claims

The regulations provide for transitional arrangements for NIHL claims. Put simply, a claim for compensation for NIHL made under the 1981 Act that has not been decided by 1 July 2024 must be dealt with as if that claim was made under the new NIHL scheme.

A claim is taken to be decided if:

- liability was accepted for the claim under the 1981 Act by the employer's insurer
- an arbitrator made a determination the worker was entitled to compensation
- an election to obtain compensation under the 1981 Act has been made
- compensation has already been paid to a worker.

A disputed claim before 1 July 2024 must be dealt with under the new Act if any of the following matters were disputed before 1 July 2024:

- the amount of compensation the worker is entitled to
- liability of an employer to pay compensation
- the results of a full audiometric assessment
- the NIHL percentage determined by an otorhinolaryngological assessment.

Full audiological tests carried out before 1 July 2024

A worker who shows 10% hearing loss between their baseline and subsequent hearing test (5% for subsequent claims) and thus triggers a full audiological assessment under the 1981 Act but has yet to be assessed on 1 July 2024, is to be provided with an audiological test under the new Act.

ENT specialists making NIHL assessments

Where a worker has hearing loss confirmed by a full audiological assessment under the 1981 Act but has yet to have a full otorhinolaryngological assessment, that worker should be provided with a NIHL assessment under the new Act and the full audiological assessment treated as if it was an audiological test under the new Act.

Otorhinolaryngological assessments

An otorhinolaryngological assessment carried out before 1 July 2024 is to be treated as if it was an NIHL assessment conducted by an ENT specialist for the purposes of making a claim or making a liability decision after 1 July 2024.

WorkCover WA expectations

WorkCover WA has the following expectations with respect to NIHL scheme participants.

Authorised audiologists will:

- fully engage in the new scheme to ensure its success and long-term viability
- comply with and make themselves available for any administrative training required by WorkCover WA
- conduct audiological tests according to standards published by the WorkCover WA CEO
- use equipment appropriate to testing (audiometers, earphone cushions, hearing booths) and ensure background noise levels appropriate for producing accurate audiological tests
- ensure equipment used is properly calibrated according to standards specified by the manufacturer of the equipment
- only produce results in the Audiological Test Report and properly complete the approved form as required
- ensure results of audiological tests are provided to workers, employers, and WorkCover WA within the required timeframes
- treat as confidential any documents obtained from the NIHL register for the purposes of conducting an audiological test.

ENT specialists will:

- fully engage in the new scheme to ensure its success and long-term viability
- comply with and make themselves available for any administrative training required by WorkCover WA
- conduct NIHL assessments according to standards of practice and using clinical guidelines appropriate to medical professionals determining NIHL
- only produce results in the NIHL Assessment Report and properly complete the approved form as required
- ensure results of NIHL assessments are provided to workers, employers, and WorkCover WA within the required timeframes
- treat as confidential any documents obtained from the NIHL register for the purposes of conducting an NIHL assessment.

Insurers and self-insurers will:

- meet all required claims decision timeframes when making decisions on NIHL claims and ensure compensation is paid promptly
- assist workers where paperwork is missing or incomplete
- treat NIHL claims as presumptive claims and only defer or not accept a claim where there are appropriate reasons to do so as identified in the relevant liability decision notice
- ensure notices do not contain any extraneous, deleted, strikethrough or irrelevant content
- promptly make an application to CAS where a claim is declined for a hearing loss matter
- ensure any application for apportionment occurs after compensation has been paid to the worker.

Attachment 1

Audiological Testing in 1981 Act v new Act

Matter	1981 Act requirement	1981 Act/ regulation/ approved procedure	New Act requirement	2023 Act/ regulation/ approved standards
Persons authorised to conduct audiological tests	<p>Eligibility for full membership of the Audiological Society of Australia or an approved equivalent.</p> <p>An approved equivalent would require: Satisfactory completion of a Degree or Post Graduate Diploma in Audiology, (the contents of the must satisfy the Audiological Society of Australia and the degree or post graduate diploma must have required the person to complete 200 hours of undergraduate clinical practicum).</p> <p>Plus: The person must also have completed two full years of post-graduate supervised clinical practicum.</p>	r.19B(1) and expanded upon in the	A person is an authorised audiologist if the person is an audiologist accredited by — (a) Audiology Australia Ltd; or (b) an equivalent or similar body approved by the CEO (none considered at this point).	r. 42(1)
	Successfully completed the one-day training session covering noise induced hearing loss legislation and the audiometric officers online training course.	Approved procedures	Completed administrative training with WorkCover WA. (Not proposed at this stage for audiologists currently in the scheme)	r.42(3)

Equipment to be used	Use an audiometer which meets standards specified by the CEO and in an approved hearing booth or other approved testing environment (Meeting the standards set out in AS 2586:1983)	r.19C(1) and expanded upon in approved procedures	WorkCover WA does not intend to regulate or set standards with respect to equipment or background noise levels. Audiologists, as hearing health professionals are expected to adhere to the professional standards expected of audiologists.	r.45(2)(b) standards approved by the CEO
	Must use one of the earphone/ cushions or earphone/ enclosure combinations listed in Table G1 AS/NZS 1269.4:2014	r.19C(1)(b) and expanded upon in approved procedures	WorkCover WA does not intend to regulate or set standards with respect to equipment or background noise levels. Audiologists, as hearing health professionals are expected to adhere to the professional standards expected of audiologists.	r.45(2)(b) standards approved by the CEO
Background noise levels	Calculation of background (environmental) noise levels and maximum permissible background noise levels in testing environments as set out in AS/NZS 1269.4: 2014.	r.19C(3) and expanded upon in approved procedures	WorkCover WA does not intend to regulate or set standards with respect to equipment or background noise levels. Audiologists, as hearing health professionals are expected to adhere to the professional standards expected of audiologists.	r.45(2)(d) standards approved by the CEO
	Calculation of maximum permissible ambient noise level for the type of earphone/cushion or earphone enclosure combination using the standards in AS/NZS 1269.4: 2014.	r.19C(3) and expanded upon in approved procedures	WorkCover WA does not intend to regulate or set standards with respect to equipment or background noise levels. Audiologists, as hearing health professionals are expected to adhere to the professional standards expected of audiologists.	r.45(2)(d) standards approved by the CEO
Testing and measurement standards	16 hours of quiet prior to audiological testing. If this hasn't occurred, the test must be delayed	Approved procedures and Form 18	16 hours of quiet prior to audiological testing still required by testing standards.	r.45(2)(a) standards approved by the CEO
	Calibration of equipment – audiometers must be calibrated annually by an approved calibration laboratory. A copy of the calibration certificate must be maintained for one year and forwarded to WorkCover WA for approval.	r.19C(2) and expanded upon in approved procedures	Calibration is expected to be carried out according to standards specified by the manufacturer of that equipment, in order to ensure equipment used produces accurate results. However, WorkCover WA will not be requiring confirmation or verification of calibration or setting further standards.	r.45(2)(c)

	WorkCover WA keeps a record of calibration and has prescriptive requirements for approval of calibration			
	Hearing booths - hearing testing must occur in a hearing booth or other approved testing environment. Current approved procedures are highly prescriptive requiring approval of environments and recording of sound levels in certain circumstances.	r.19C(1)(b) and expanded upon in approved procedures	WorkCover WA does not intend to regulate or set standards with respect to equipment or background noise levels. Audiologists, as hearing health professionals are expected to adhere to the professional standards expected of audiologists.	n/a
	Full audiological assessment as set out in the approved procedures including air conduction testing, bone conduction testing, and other testing as required or recommended by the testing audiologist.	r.19C and expanded upon in approved procedures	The new requirements for an audiological test mirror the full audiological assessment of the old regime. An audiologist should carry out air conduction testing, where necessary bone conduction testing, and any additional testing which will facilitate an ENT's NIHL assessment.	r.45(2)(a) standards approved by the CEO, Audiological Test approved form
	Hearing loss calculated in accordance with the hearing loss tables RB and EB published in Appendices 3 and 7 of Report No. 118 of the National Acoustic Laboratories as annexed in Appendix III of regulations.	r.19E	WorkCover WA still requires hearing loss to be calculated in accordance with the procedure found in Report No. 118 of the National Acoustic Laboratories. WorkCover WA also requires audiologists to calculate hearing loss percentage which acts as a gateway to a worker having a NIHL assessment.	r.45(2)(a) standards approved by the CEO
Reports of tests	Results are prepared and delivered to WorkCover WA and the worker in the form of Form 19A or Form 19B in Appendix I of the regulations, as the case requires. In practice, audiologists often provide a cover letter containing the bulk of the full audiological assessment.	r.19F	An audiologist is required to prepare an audiological test report in the approved form and give it to the worker, employer (where they paid for the test) and WorkCover WA (via WorkCover WA online).	r.45(6), (7)

Attachment 2

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS —
AUDIOLOGICAL TEST REPORT**

Worker

Name: _____
Address: _____
Date of birth: _____
Phone number: _____
Email address: _____

Male Female Unspecified

Employer

Name: _____
Address: _____
ABN: _____
Contact person: _____
Phone number: _____
Email address: _____

Payment of test

Is the employer paying for this audiological test? Yes No

Audiologist

Name: _____
Business name: _____
Membership number: _____

Examination

Date: _____
Location: _____

Preliminary examinations

Confirm the worker has not been exposed to noise levels greater than 80dB(A) over 16 hours prior to this test: Yes No

Narrative history:

(As provided by the worker on occupational history, past medical and audiological history)

Physical examination / otoscopic examination:

Results of tests undertaken

1. Air conduction and bone conduction test

Hertz (Hz)		500	1000	1500	2000	3000	4000	6000	8000	Percentage 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 presbycusis)

%

2. Audiogram

(Audiogram to be added in the below text field)

3. Additional testing

(At the discretion of the audiologist. Any additional testing conducted is to be included in the text field below. For example, tympanometry including a tympanogram, Otoacoustic emissions testing, or speech audiometry.)

Summary of findings

ASSESSED PERCENTAGE HEARING LOSS

Having performed an audiological test in accordance with the *Workers Compensation and Injury Regulations Act 2024*, the assessed percentage hearing loss is _____ %

Signed: **Date:**

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 for a claim to be made.

Attachment 3

Workers Compensation and Injury Management Act 2023

NOISE INDUCED HEARING LOSS APPROVED STANDARDS FOR PERFORMING AN AUDIOLOGICAL TEST

The standards below are approved by the WorkCover WA CEO under regulation 45 of the *Workers Compensation and Injury Management Regulations 2024* and apply to an authorised audiologist performing an audiological test.

An authorised audiologist performing an audiological test on a worker must ensure that hearing loss is measured according to the approved standard corresponding with the relevant part of the test specified in Table 1 [r. 45(2)(a)].

TABLE 1 TESTING/MEASUREMENT STANDARDS TO PERFORM AN AUDIOLOGICAL TEST (r.45(2)(a))	
Part of the test	Approved Standard
Period of quiet prior to an audiological test	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.
Preliminary examination	A physical and otoscopic examination for the purpose of testing abnormalities may be performed. Should the authorised audiologist determine there is a condition present which may cause temporary hearing loss (e.g. occlusion of the ear canal by wax), the worker must be referred to a medical practitioner for treatment before the audiological test may be performed.
Air conduction test	An air conduction test must be performed. An air conduction test is to be conducted bilaterally at the frequencies 500, 1000, 1500, 2000, 3000, 4000, 6000, 8000 Hz in accordance with the hearing loss table EB published in Appendix 7 of Report No. 118 of the National Acoustic Laboratories.

Bone conduction test	<p>A bone conduction test may be performed.</p> <p>A bone conduction test is to be conducted bilaterally at the frequencies 500, 1000, 1500, 2000, 3000, 4000 Hz, in accordance with the hearing loss table RB published in Appendix 3 of Report No. 118 of the National Acoustic Laboratories (the Report) unless there is a 10dB or less gap between the air conduction thresholds and none of the criteria for clinical masking set out below have been met.</p>
Clinical masking	<p>Clinical masking, employing narrow band noise must be applied where:</p> <ul style="list-style-type: none"> • 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 • where bone conduction thresholds show a 15dB or greater difference between the air conduction and bone conduction thresholds in the same ear.
Audiogram	<p>An audiogram setting out the results of the air conduction/ bone conduction test is to be produced and included in the Audiological Test Report.</p>
Calculation of hearing loss	<p>Hearing loss is to be calculated in accordance with the hearing loss tables RB and EB published in Appendices 3 and 7 of Report No. 118 of the National Acoustic Laboratories (the Report).</p> <p>The presbycusis correction table in Appendix 5 of the Report is to be applied when calculating hearing loss.</p>

Attachment 4

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS
WORKER NOISE EXPOSURE AND EMPLOYMENT HISTORY**

Worker

Name: _____

Address: _____

Date of birth: _____

Phone number: _____

Email address: _____

Male Female Unspecified

Worker lifetime noise exposure

Lifetime recreational noise exposure history:

Lifetime firearm/ explosives exposure history:

Medication currently or historically used:

Personal and family history of hearing loss:

Attach prior hearing tests and NIHL assessments to this form and list here:

Worker employment history

Note: The 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.

Occupation	Employer and address	Industry	Period of employment	State/ territory of employment

I have **attached** my Audiological test report to this form, authorising this NIHL assessment: Yes No

Note: your NIHL assessment cannot proceed without including your Audiological Test Report confirming hearing loss.

Worker's declaration

I declare that each and every answer above and the particulars contained herein or annexed hereto relating to myself are true both in substance and in fact to the best of my knowledge and belief.

Signed: **Date:**

Attachment 5

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS
NIHL ASSESSMENT REPORT**

Worker

Name: _____
Address: _____
Date of birth: _____
Phone number: _____
Email address: _____

Male Female Unspecified

Employer

Name: _____
Address: _____
ABN: _____
Contact person: _____
Phone number: _____
Email address: _____

ENT specialist

Name: _____
Business name: _____
Registration number: _____

Payment of test

Is the employer paying for this NIHL assessment? Yes No

Examination

Date: _____
Location: _____

Exposure history

Note: the ENT specialist is required to indicate whether the worker suffered NIHL at each employer listed in the Worker Noise Exposure and Employment History approved form, completed by the worker. This information is used by the worker to serve their claim on the last liable employer, and for apportionment of costs of the claim by WorkCover WA.

Occupation	Employer and address	Industry	Period of employment	State/ territory of employment	Contributed to NIHL
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No

Assessment

Examination of worker:

Diagnosis and determination of NIHL%

Age corrected hearing loss: _____ %

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

Assessed percentage noise induced hearing loss

Having assessed the above worker in accordance with the *Workers Compensation and Injury Management Act 2023*, the assessed noise induced hearing loss due to the nature of employment is _____ %

Signed: _____ **Date:** _____

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

Attachment 6

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS —
COMPENSATION CLAIM FORM**

Worker

Name: _____

Address: _____

Date of birth: _____

Phone number: _____

Email address: _____

Male Female Unspecified

Employer

Name: _____

Address: _____

ABN: _____

Contact person: _____

Phone number: _____

Email address: _____

Insurer (completed by the insurer)

Name: _____

Insurer claim number: _____

Previous accepted NIHL claims

Date of claim	Compensation paid

Note: WorkCover WA will be able to assist if you are unsure about previous NIHL claims

Test results and NIHL Assessment

My NIHL as assessed by an ENT specialist is: %

I have **attached** my Audiological Test Report authorising my NIHL assessment to this claim form: Yes No

I have **attached** my NIHL Assessment Report to this claim form: Yes No

I have **attached** my Worker Noise Exposure, Employment History to this claim form: Yes No

Note: your NIHL claim **cannot proceed** without including your Audiological Test Report, Worker Noise Exposure and Employment History, and NIHL Assessment Report confirming NIHL.

Worker's declaration

I declare that each and every answer above and the particulars contained herein or annexed hereto relating to myself are true both in substance and in fact to the best of my knowledge and belief.

Signed:

Date:

Consent authority (to be signed at the option of the worker)

I authorise any authorised audiologists who performed an audiological test or any authorised ENT specialist who performed a noise induced hearing loss assessment to discuss the results of that test or assessment, in relation to my claim for workers compensation, with my employer and with their insurer.

I consent to my employer's insurer and its appointed service providers collecting personal information, inclusive of sensitive information such as medical information about me and using it for the purpose of assessing and managing my workers compensation claim, including determining liability and whether my claim is true. This consent extends to my employer's insurer disclosing my personal information, inclusive of sensitive information, to other insurers, medical practitioners, investigators, and legal practitioners and other experts or consultants for the purpose of assessing and managing my claim. My personal information, inclusive of sensitive information, may also be disclosed as required or permitted by law. I also consent to my employer's insurer disclosing my personal details to WorkCover WA which is authorised to use this information to fulfil its functions and obligations under the *Workers Compensation and Injury Management Act 2023*. I have read all the information on this form regarding the consent authority, and I consent to the Insurer dealing with my personal information in the manner described.

Signed:

Date:

IMPORTANT: FAILURE TO PROVIDE YOUR SIGNATURE ON EITHER THE CLAIM FORM OR THE CONSENT AUTHORITY MAY DELAY A DECISION BY THE INSURER ON YOUR CLAIM

Attachment 7

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS
LIABILITY DECISION NOTICE – ACCEPTED**

Worker

Name: _____
Address: _____
Date of birth: _____
Phone number: _____
Email address: _____

Employer

Name: _____
Address: _____
ABN: _____

Claim

Insurer: _____
Insurer claim number: _____
Date of NIHL Assessment: _____
Date claim given to insurer: _____

Date of notice: _____

LIABILITY DECISION

In relation to the above claim we accept the employer is wholly or partially liable for your noise induced hearing loss as the last employer and is liable to pay you the amount of noise induced hearing loss compensation specified in the Table below.

Table - Noise induced hearing loss compensation payable

Assessed NIHL%	Maximum NIHL compensation at time of assessment	NIHL compensation payable to you
	\$	\$

Compensation

Compensation includes:

- **Noise induced hearing loss compensation** specified in the Table above.
- **If you paid for the cost of an audiological test**, reimbursement of the cost of the audiological test and any expenses reasonably incurred by you in connection with the audiological test
- **If you paid for the noise induced hearing loss assessment**, reimbursement of the cost of the noise induced hearing loss assessment, and any expenses reasonably incurred by you in connection with the noise induced hearing loss assessment.

Noise induced hearing loss compensation and any costs payable in connection with an audiological test or noise induced hearing loss assessment will be paid within 14 days after this notice is given, or if another law applies to prevent payment (for example where Department of Health, Centrelink or Medicare charges apply) within 7 days after payment is permitted.

Further Information

Advice or assistance on workers compensation claims and disputes can be provided by WorkCover WA Advisory Services on 1300 794 744 or <https://www.workcover.wa.gov.au/>, trade unions, or legal practitioners.

Notice Details

Notice issued by:

.....

Email address:

.....

Phone number:

.....

Web:

.....

Attachment 8

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS —
DEFERRED DECISION NOTICE**

Worker

Name: _____
Address: _____
Date of birth: _____
Phone number: _____
Email address: _____

Employer

Name: _____
Address: _____
ABN: _____

Claim

Insurer: _____
Insurer claim number: _____
Date of NIHL assessment: _____
Date claim given to insurer: _____

Date of notice: _____

DEFERRED DECISION

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

Reason(s) and details:

- Further information about hearing loss matters required: _____
- Further investigations required: _____
- Other information required: _____

Further Information

Advice or assistance on workers compensation claims and disputes can be provided by WorkCover WA Advisory Services on 1300 794 744 or <https://www.workcover.wa.gov.au/>, trade unions, or legal practitioners.

Notice Details

Notice issued by: _____

Email address: _____

Phone number: _____

Web: _____

Attachment 9

Workers Compensation and Injury Management Act 2023

**NOISE INDUCED HEARING LOSS
LIABILITY DECISION NOTICE — NOT ACCEPTED**

Worker

Name: _____
Address: _____
Date of birth: _____
Phone number: _____
Email address: _____

Employer

Name: _____
Address: _____
ABN: _____

Claim

Insurer: _____
Insurer claim number: _____
Date of NIHL Assessment: _____
Date claim given to 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) and details:

- Not a worker: _____
- NIHL % below threshold: _____
- Employer is not last employer liable for claim: _____
- One or more hearing loss matters are disputed: _____

Further Information

If you wish to dispute an aspect of this decision, the matter can be reconsidered under our internal dispute resolution process. Information on this process is available by contacting the person below.

The decision can also be disputed through WorkCover WA’s Conciliation and Arbitration Services. If we have indicated above that one or more hearing loss matters are disputed we are required to apply under the Act for determination of the dispute.

Advice or assistance on workers compensation claims and disputes can be provided by WorkCover WA Advisory Services on 1300 794 744 or <https://www.workcover.wa.gov.au/>, trade unions, or legal practitioners.

Notice Details

- Notice issued by: _____
- Email address: _____
- Phone number: _____
- Web: _____