

# Noise Induced Hearing Loss claims – Insurer and Self-insurer obligations

Under the *Workers Compensation and Injury Management Regulations 2024* (the Regulations), there are specific obligations for insurers and self-insurers in relation to Noise Induced Hearing Loss (NIHL) claims.

## NIHL claims must be given to WorkCover WA

- Within 14 days after a NIHL claim is received, the insurer or self-insurer must give a copy of the claim to WorkCover WA.

## Liability decision notices and deferred decision notices

- Within 14 days after a NIHL claim is received, the insurer or self-insurer must issue a NIHL liability decision notice to the worker, the last liable employer and WorkCover WA.
- If a liability decision notice cannot be issued, the insurer or self-insurer must issue a NIHL deferred decision notice to the worker, the last liable employer and WorkCover WA within 14 days after the NIHL claim is received.
- Failure to issue a NIHL liability decision notice or a NIHL deferred decision notice within the required period means the insurer or self-insurer is taken to have accepted the claim and compensation is payable. This failure is also an offence, with a penalty of a \$5,000 fine.
- If the insurer or self-insurer has issued a NIHL deferred decision notice for a worker's claim, a NIHL decision notice must be issued to the worker, the last liable employer and WorkCover WA as soon as practicable, but at least before 120 days from the day the insurer or self-insurer received the claim. Failure to comply with this requirement is also an offence, with a penalty of a \$5,000 fine.
- If a NIHL liability decision notice is not issued within the required time period following a NIHL deferred decision notice, the insurer or self-insurer is taken to have accepted the claim and the last liable employer is liable to pay the worker's NIHL compensation.



Completed NIHL claim forms, NIHL liability decision notices, NIHL deferred decision notices and requests for apportionment determinations should be sent to WorkCover WA's NIHL team via email, at [noise@workcover.wa.gov.au](mailto:noise@workcover.wa.gov.au)

## Determining Disputes

- If a NIHL liability decision notice states that liability is not accepted on the basis that one or more hearing loss matters are disputed, as per section 113 of the *Workers Compensation and Injury Management Act 2023* (the Act), the insurer or self-insurer must apply to WorkCover WA for dispute resolution.
- Section 113 of the Act defines a hearing loss matter as:
  - a) the results of a NIHL assessment of a worker
  - b) the extent of hearing loss suffered by the worker
  - c) whether and to what extent hearing loss suffered by the worker is NIHL.
- A hearing loss matter cannot be disputed, except on the basis of evidence provided by an NIHL assessment.
- Where an insurer or self-insurer disputes a claim for another reason (e.g. the person making the claim is not a worker) it is the responsibility of that person to apply to WorkCover WA for dispute resolution where they disagree with the decision.
- Apportionment of liability is determined by WorkCover WA and is final and binding.

## Need further assistance?



Call WorkCover WA's Advice and Assistance Service on  
**1300 794 744** (8:30am to 4:30pm, Monday to Friday)



Visit [workcover.wa.gov.au](http://workcover.wa.gov.au)

