

Assessing hearing loss claims for permanent impairment

Claim management

- ✓ Claim reviews

- ✓ Medical treatment and other support

- ✓ Rehabilitation and return to work

- ✓ Incapacity calculation and payment

- ✓ Reimbursement and other payments

- ✓ Overpayments and recoveries

- ✓ Work related death

- ✓ New or changed conditions

- ✓ Permanent impairment

- ✓ Miscellaneous

Jump to:

Introduction

Employees with an accepted claim for hearing loss may claim a lump sum payment under the SRC Act if the hearing loss has resulted in permanent impairment (PI).

The calculation of the PI payment will be made with reference to the relevant Act was in place **when the employee's condition became permanent**. This includes cases where the employee is making a subsequent PI claim due to a worsening of the condition.

Relevant sections of SRC Act

The following sections of the SRC Act are relevant to claims for permanent impairment:

- section 24 – Compensation for injuries resulting in permanent impairment
- section 25 – Interim payment of compensation
- section 26 – Payment of compensation
- section 27 – Compensation for non-economic loss
- section 28 – Approved Guide

How is hearing loss assessed?

Hearing loss is assessed by an audiogram test that is performed by an audiologist. The result of the audiogram test is then compared to the international hearing loss standards to determine the degree of hearing loss.

If an employee only suffers from monaural hearing loss (hearing loss in one ear), the hearing test needs to be performed on both ears. This is necessary to be able to determine the percentage of binaural hearing loss (hearing loss in both ears).

Once the binaural hearing loss has been calculated, the degree of PI can be established. This is done by dividing the percentage of binaural hearing loss by 2 (as per Table 7.1 of the [Guide to the Assessment of the Degree of PI Edition 3.0](#)).

Employees with compensable and non-compensable hearing loss

Some employees may submit a PI claim for hearing loss which may include compensable, non-compensable and pre-existing factors contributing to the hearing loss. You can only determine liability for PI for the hearing loss where liability has first been accepted under section 14 (compensable factors).

Where the employee has compensable, non compensable and pre existing factors contributing to their PI, you will need to review the current medical evidence to establish whether it is possible to isolate the degree of PI attributable only to the compensable hearing loss.

You may need to request additional medical evidence to confirm whether isolating the effects is possible. This could include:

- pre-employment medical assessments
- audiology reports.

Where the degree of PI attributable to the compensable hearing loss can be isolated through medical evidence:

- you must only use the percentage of binaural hearing loss attributed to the compensable injury.

Example: An employee claims compensation for hearing loss due to exposure in their workplace. Before the injury, the employee already had some hearing impairment (due to previous non-compensable employment) and there is medical evidence as to the level of hearing loss before the injury. Using this evidence, the independent medical examiner (IME) only assigns an impairment value to the employee's hearing loss which is attributable to the new injury in Commonwealth employment.

The IME does not assess a total impairment value for the hearing loss and divide it up according to contribution by compensable and non-compensable noise exposure. They only consider the impairment value caused by the claimed workplace injury.

Where the degree of PI cannot be isolated from the compensable, non-compensable or pre-existing hearing loss:

- the degree of PI should be considered as entirely attributable to the compensable injury.

[Return to top of page](#) | [Return to top of section](#)

How to assess when hearing loss became permanent

The date the employee's hearing loss became permanent is important because it determines whether the calculation of permanent impairment (PI) is made with reference to:

- the *Compensation (Commonwealth Government Employees) Act 1971* (1971 Act) or
- the SRC Act.

The date of permanency can be determined using the following guide.

Still employed by Commonwealth

In cases where the employee is **still employed** by the Commonwealth:

- if noise exposure has **ceased** - the date of permanency will be taken to be the last day the employee was exposed to the noisy employment. For example, if the employee began wearing ear protection to reduce the effects of the noise, then the date will be the day before the employee first began using the ear protection. Or, if the employee has moved from noisy employment to a non-noisy environment, then the last date of exposure in the noisy employment can be used.
- if noise exposure is **continuing** - the date of permanency will be taken to be the date of the PI hearing test, unless there is medical evidence that permanency occurred earlier.
- for non-noise-induced hearing loss (i.e. otitis media or middle ear infection), the date of permanency will be decided based on medical evidence.

No longer employed by Commonwealth

In cases where the employee has **left** Commonwealth employment, one of the following scenarios applies:

- It can be established that exposure to noisy Commonwealth employment **ceased on a particular date** before leaving Commonwealth employment. The date that exposure ceased can be used as the date of permanence and date of injury.
- The employee was working in noisy Commonwealth employment **up until their cessation** from Commonwealth employment. The date of cessation from Commonwealth employment can be used as the date of permanence and date of injury.

Hearing loss assessed between 1 December 1988 and 1 October 2001

The SRC Act commenced on 1 December 1988. From that time, employees with hearing loss were required to have at least 20% binaural hearing loss to be eligible for a permanent impairment (PI) payment. Before that time, under the 1971 Act, hearing loss had to be greater than zero (any loss) for the employee to claim compensation for PI.

Comcare introduced the following policy. Employees who:

- had accrued some of their hearing loss in their Commonwealth employment prior to 1 December 1988 and
- did not qualify under the SRC Act provision (i.e. meeting 20% binaural hearing loss)

could be given the option to receive a payment of an amount calculated by reference to the rates applicable under the 1971 Act. The assessment and payment would be based on the rates and the employee's level of hearing loss that existed at 30 November 1988. **In the unlikely event that a new claim arises in this category**, contact Decision Support (refer to archived Operational Advice 79), for assistance in performing the calculations.

Note: This policy only applied to employees who were assessed after 1 December 1988 as having a noise induced hearing loss of less than 20%, and who were also exposed to that noise in Commonwealth employment after that date (meaning their date of injury/date of permanency was after 1 December 1988).

From 1 October 2001 the SRC Act was amended so that the minimum binaural hearing loss percentage required for PI is 5%.

[Return to top of page](#) | [Return to top of section](#)

Tinnitus

Some individuals experience *tinnitus*. This is a sensation of noise when no external sound is actually present, such as ringing in the ears or another noise pattern.

A permanent impairment (PI) assessment can be undertaken to assess impairment arising as a result of tinnitus in the presence of hearing loss (refer Table 7.2 of the [Guide to the Assessment of the Degree of Permanent Impairment](#)). An impairment arising as a result of tinnitus is not a separate injury. There must be the presence of employment-related hearing loss for a tinnitus assessment under Table 7.2 to be considered. Any impairment rating found for tinnitus should be combined with the percentage of hearing loss impairment under Table 7.1 using the combined values chart. Further information can be found in the Claims Manual under [Employees with multiple compensable impairments](#).

Note: Tinnitus was not a condition for which PI was payable under the compensation legislation before 1 December 1988. Therefore, PI cannot be awarded for any claims of tinnitus where the injury, loss or damage was suffered before 1 December 1988.

[Return to top of page](#) | [Return to top of section](#)

What Act is relevant?

The following table details which Act should be used to calculate an employee's hearing loss PI payment including non-economic loss (NEL).

Date of injury	Date injury became permanent	Binaural hearing loss percentage	Relevant Act	Subsequent deterioration applications
pre 1 September 1971	pre 1 September 1971	more than 0%	1930 Act	1930 Act (no NEL payment)
pre 1 December	pre 1 December	more than 0%	1971 Act	1971 Act (no NEL payment)

1988	1988			
post 1 December 1988	between 30 November 1988 to 30 September 2001	less than 20%	SRC Act (using 1971 Act rates for hearing loss accrued up to 30 November 1988) – no NEL	SRC Act
post 1 December 1988	pre 1 October 2001	20% or more	SRC Act	SRC Act
post 1 December 1988	post 1 October 2001	5% or more	SRC Act	SRC Act

[Return to top of page](#) | [Return to top of section](#)